

## Abstract

This diploma thesis deals with one of the key principles of criminal law - the principle of subsidiarity of criminal repression. This principle, now expressly formulated in Section 12 Subsection 2 of the Criminal Code, is the subject of interest of both legal theory and application practice.

The research tries to answer the questions whether the current enshrinement of the principle of subsidiarity of criminal repression in the Criminal Code is necessary, whether the wording used is appropriate and whether this principle of application practice is handled appropriately.

The thesis is divided into two parts: The first one deals with the theoretical definition of the examined principle and the concepts related to it. In the second part, specific practical cases are presented, which affect the principle of subsidiarity of criminal repression, and the methods of solving these cases are then compared with the conclusions made in the theoretical part.

In the theoretical part, we first proceeded to an analysis of the professional literature that deals with this topic. This analysis first focuses on the legal regulation, where the concepts and conceptions of the crime are examined according to the current regulation and according to the previous regulation. Attention is also paid to distinguishing between the terms social harmfulness and danger. The principle of subsidiarity of criminal repression itself is examined from the point of view of its meaning and application and the conditions of its application, in particular the scope of the circumstances under consideration. To illustrate the theoretical grasp of this principle, the opinions of the High Public Prosecutor's Office and the Supreme Court of the Czech Republic, which deal with this issue, are also analyzed.

The conclusions made on the basis of this theoretical analysis are then compared with the current real case law in the practical part. The areas of squatting, robbery and illegal self-help are examined and the application of the principle of subsidiarity of criminal repression in these areas is evaluated

The thesis also includes a view of the current development of crime, where a wider application of the examined principle is proposed in the case of internet crime, which is now gaining in importance.

At the end of the thesis, the research questions are answered in such a way that the explicit modification is necessary, it is carried out appropriately and the practical application of the principle is mostly correct.

## **Keywords**

Principle of subsidiarity of criminal repression, cumulation of conditions, internet crime