

The Concept and Legal Consequences of Self-defence and Necessity Limit Excess

Abstract

The diploma thesis deals with the institutions of self-defence and necessity included into the justification. The purpose of both these institutions is to deprive of culpability such an activity that averts a danger threatening the interests protected by the penal code under such circumstances where the state fails to fulfil its task or is unable to fulfil it through its bodies.

The aim of the thesis is to classify the conditions and limits of both institutions and the consequences of their excess, whereas the accent is placed on particular cases from the practice of the courts.

The diploma thesis is divided into four parts.

The first part deals with the concepts of a criminal act and unlawfulness, that are essential for understanding the issue as the whole. This part then summarises concisely all the circumstances of the justification.

The second, most extensive part of the thesis, deals in details with self-defence. It explains the individual concepts and the conditions given by the self-defence provisions, whereas the accent is placed on the excess of their limits. Various excess limits are mentioned, which are probable to happen; for better understanding, they are illustrated by the concrete court decisions.

The third part is devoted to necessity; there was the identical method used as in the previous part. The attention is focused firstly on an analysis of individual conditions, then all kinds of excess are described that might occur during the use of necessity.

The last part deals both with self-defence and necessity and the consequences of overstepping their limits are mentioned.

Key words: Necessity, self-defence, excess