

Abstract

The presented diploma thesis deals with the criminal law institute of circumstances excluding illegality, specifically the thesis is devoted to necessity and self defense. In the introductory chapters of the thesis, the traditional institute of criminal law, included among the foundations of criminal responsibility, is introduced and placed in the context of the formal concept of crime in the Czech legal regulation of criminal law. Furthermore, the very concept of circumstances excluding illegality is introduced, of which necessity and self defense are then examined. Individual conditions that trigger a state of necessity are thoroughly examined and assessed, respectively, as well as self defense, and subsequently the very limits of action in these states.

After determining the limits of necessity and self defense, the thesis moves on to the next part, where cases of deviating from the limits of both of these instruments are pointed out, namely *largo sensu*, i.e. exceeding in the sense of acting outside these states, and further exceeding the limits of given actions, also referred to as exceeding the limits of necessity and self defense *stricto sensu*.

In the following passages, the thesis focuses on the definition of the specific legal consequences of deviating from the limits of pre-prescribed actions, which are the criminal law institutes of mitigating circumstances, extraordinary reduction of punishment, waiver of punishment, or privileged crimes. The final parts of the thesis focus on the evaluation of the applicable legal regulation, the author also considers the legal regulation *de lege ferenda*.

The main source of written law in the preparation of this diploma thesis is the Criminal Code, Act No. 40/2009 Coll., Criminal Code, currently in force. Individual provisions of secondary regulations of substantive criminal law (e.g. Act No. 218/2003 Coll.) or procedural (mainly Act No. 141/1961 Coll.) are also used as support. Where appropriate, the thesis also focuses on the relevant jurisprudence of the courts of the Czech Republic, as well as the Slovak Republic.

When preparing the thesis, the author relied on the legal status valid as of September 30, 2023.