

Negligent Obstruction of Duty of Public Official

Abstract

The thesis deals with the analysis of the facts of the criminal offence of negligent obstruction of duty of public official which is contained in Section 330 of the Criminal Code. The thesis also compares it with Polish and German legislation. The thesis aims to provide a comprehensive interpretation of the offence in question. It is divided into four parts.

The first part deals with the historical development of the crime of negligent obstruction of duty of public official. It covers the development from the period of the First Republic to the legislation until 2009.

The second part contains the analysis of the actual facts of the offence of negligent obstruction of duty of public official. This part is divided into two larger subchapters. The first deals with the interpretation of the basic elements of the offence. Here, one of each feature is subsequently discussed - the object of the offence, the objective aspect of the offence, the subject of the offence and the subjective aspect of the offence. The second subchapter is devoted to the analysis of the circumstances that condition the application of a higher criminal rate.

The following section deals with a comparison with the Polish legislation. It first discusses the Polish criminal law in general terms and, as the equivalent of the offence in question can be found in the Polish Criminal Code, this chapter is also divided into four parts. Each subchapter compares one feature of the offence - the object, the objective aspect, the subject and the subjective aspect.

The last fourth part deals with a comparison with the German legislation. The German legislation does not contain the equivalent of the criminal offence of negligent obstruction of duty of public official, but it does contain a large number of offences of so-called crimes in office. This chapter is divided into only two parts - the first deals with the interpretation of the concept of public official, European public official and special public servant and the second deals with German 'crimes in office'.