

Indirect perpetration

Abstract

This thesis deals with the institute of indirect perpetration, its historical development, the current legislation that regulates this institute, and individual cases where indirect perpetration can occur. At the same time, the author presents his views on partial questions of this issue and assesses the current legislation related to this institute. The institute of indirect perpetration is an important concept in criminal law, the purpose of which is to punish persons who use persons who are not criminally responsible, or who are only partially criminally responsible for their criminal intentions. In view of the importance of such a regulation, it is appropriate to pay sufficient attention to this issue. The thesis is divided into three main parts. The first part deals with the perception of this institution in history, using the opinions of some important authors of Czech legal history. The second part discusses the very essence of indirect perpetration and the grasp of this concept in the law. Some space is also devoted in this part to the principle of accessory liability, with which indirect perpetration is closely linked. Furthermore, the basic features of the person of the indirect perpetrator and the characteristics of the so-called living instrument used by the indirect perpetrator for his criminal activity are described. The author also discusses the relationship between the indirect perpetrator and the living instrument in this section. Finally, the author also deals with the assessment of indirect perpetration in offences where the law requires a special characteristic of the perpetrator in order to fulfil the substance of the offence. In the third part of the thesis, the different categories of criminal irresponsibility of a living instrument, which can be used by an indirect perpetrator to commit a crime, are thoroughly discussed. Examples of these situations are given in each category to give a better idea. Finally, the author summarizes his work and looks back at the findings presented in this thesis.

Keywords: indirect perpetration, live instrument, accessory liability