

The Role of Criminal Law in Punishing the Disseminators of Intentionally False Statements

Abstract

This thesis focuses on the criminal punishment of spreading alarmist news and deliberately false statements in the Czech legal context, with particular reference to the phenomenon of disinformation. The introductory chapter is devoted to the definition of foreign language terms such as "disinformation," "fake news," "hoax," and "misinformation," with the aim of clarifying their meaning and their interrelationship to the forms of dissemination of intentionally false messages known in Czech criminal law. Within this section, the thesis also briefly addresses issues of criminalization of defamation and the denial of crimes under international law.

The third chapter examines the historical development of legal regulations aimed at protecting society from the spread of alarming messages. The analysis shows that Czech legal regulations have evolved since the mid-19th century in response to changing societal needs and emerging threats. The current form of the criminal offense of spreading alarming messages emphasizes the protection of public order without unduly restricting freedom of expression or public debate.

Furthermore, the application practice of Czech courts is analysed, which, when assessing the seriousness of alarm messages, take into account in particular the context of their dissemination, the recidivism of the perpetrators and the nature of the message. This paper shows that proving the falsity of the message is in some cases challenging, especially where the allegations are not of a well-known nature. Courts therefore place an emphasis on clearly proving the intent of the perpetrator and the impact of the communication on the public. The chapter also includes the author's own categorisation of alarmist messages.

The thesis concludes that the current legal framework is sufficient and that a more effective way to curb misinformation is to promote public debate, education and transparent communication by state institutions. Criminal law should continue to play a supportive role in protecting society from serious threats without restricting the plurality of opinions and the collective pursuit of truth.

Klíčová slova: disinformation, criminal law, alarmist news