

Concurrence of criminal offences

Abstract

This thesis deals with concurrence of criminal offences and subsequently with the application of the principles of concurrence of criminal offences to Crime of Obstruction of Execution of an Official Decision and of an Expulsion under § 337 of the Criminal Code. Since the concurrence of criminal offences is a vast and complex topic, the thesis does not deal with the entire content of concurrence of criminal offences, but only with the basic principles. Therefore, the thesis does not contain a discussion on the punishment of concurrence of criminal offences. At the beginning of the thesis the emphasis is on defining the concept of the act and the concept of unity of the act, while the thesis works with the definition of the act coming from the works of Antonín Růžek. Furthermore, the thesis distinguishes concurrence of criminal offences from other types of multiplicity of criminal offences – from recidivism and non-recidivism. The thesis does not forget the different types of concurrence of criminal offences – single-acting, multi-acting, homogeneous and heterogeneous concurrence, as well as their mutual combinations. The emphasis in the thesis is on the apparent concurrence of criminal offences, or on the reasons excluding concurrence of criminal offences. In particular, it discusses the relation of specialty, the relation of subsidiarity and the relation of consumptions (both factual and statutory). It also deals with the question whether the continued criminal offence, the collective criminal offence, the impending criminal offence and the Crime of Insobriety under § 360 of the Criminal Code are also to be regarded as grounds precluding the concurrence of criminal offences. The final part of the thesis deals with the application of the principles of concurrence of criminal offences to cases of concurrence of Crime of Obstruction of Execution of an Official Decision and of an Expulsion under § 337 of the Criminal Code with other criminal offences. The thesis focuses in particular on cases when these criminal offences can be committed in a single-acting concurrence and when, on the contrary, single-acting concurrence is excluded. The thesis also deals with cases when the Crime of Obstruction of Execution of an Official Decision under § 337 of the Criminal Code, so to speak, covers two or more other offences and thus forms a unity of the offence.

Key words: concurrence of criminal offences, act in criminal law, crime of obstruction of execution of an official decision