Krakowskie Studia z Historii Państwa i Prawa
2022; 15 (2), s. 179–201
doi:10.4467/20844131KS.22.013.15716
www.ejournals.eu/Krakowskie-Studia-z-Historii-Panstwa-i-Prawa

Vilém Knoll
http:/orcid.org/0000-0002-7294-6394
University of West Bohemia

Tomáš Pezl
http:/orcid.org/0000-0003-2840-1714
University of West Bohemia

*Continuity and Discontinuity of Czechoslovak Interwar Law. Basic Introduction of the Topic with an Example of Criminal Law**

Abstract

The paper deals with the development of law in Czechoslovakia from its inception to the existence of the so-called First Republic, focusing in particular on the development of criminal law. The primary question addressed in the paper is whether there is legal continuity with the previous Austro-Hungarian legal system. Given that there were several legal orders in force in the aftermath of the establishment of Czechoslovakia, the next necessary question is how this situation was addressed. The paper presents examples from selected areas of criminal law, such as juvenile justice, national security laws, or military criminal norms, and intends to document the main legislative trends, namely the introduction of completely new legal regulations, the adoption of the original Austrian regulation and its nationwide application, or, last but not least, the adoption of both Austrian and Hungarian regulations with their simultaneous application. The codification attempts in the Criminal Code, which were not completed in the relevant period, have not been overlooked.

Keywords: Czechoslovakia, continuity of law, reception Act, Austrian Criminal Code, Austrian Criminal Procedure Code, protection of the Republic, juvenile justice

* The project 'Continuity and Discontinuity of Pre-war Legal Systems in Post-war Successor States (1918–1939)' is co-financed by the Governments of Czechia, Hungary, Poland and Slovakia through Visegrad Grants from International Visegrad Fund. The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe. Visegrad Grant No. 22030159.

Preface

The article is an output of the project "Continuity and Discontinuity of Pre-War Legal Systems in the Post-War Successor States (1918–1939)", which aims to integrate Czech, Polish, Slovak and Hungarian academics into the legal heritage of the interwar period and to promote joint research on this issue. Given that, most of the works dealing with this topic, whether recent or legal historical, have been published in the national language – i.e. Czech or Slovak. This article, in line with the project's goal, aims to present the basic contours of this topic to a wider scholarly environment. It will focus on outlining the establishment of the Czechoslovak Republic in 1918, which is crucial for addressing continuity and discontinuity with respect to the establishment of the Czechoslovak legal order, and then present this issue using the example of criminal law and its transformations.[1]

The constitutional development of Czechoslovakia in the interwar period is often divided into the periods of the so-called First and the Second Republic, with the Munich Agreement being the turning point between them. The whole chapter ends with the establishment of the Protectorate of Bohemia and Moravia and the Slovak State in March 1939. The adoption of the so-called Enabling Act on 15 December 1938, can be considered the very end of constitutionalism in the Czechoslovakia.[2] This paper deals with issues concerning the so-called First Republic.

Introduction

Czechoslovakia was established on 28 October 1918, as a new state as a result of the breaking-up of Austria-Hungary.[3] The establishment of the State was long sought by the domestic movement, which declared the idea of an independent State in particular in the so-called Epiphany Declaration, adopted on 6 January 1918, at the Assembly of all Czech deputies from Bohemia, Moravia, and Silesia. The movement abroad was then represented mainly by the Czechoslovak National Council, which was subsequently gradually recognised as the government of the new State by the states of Allies/Entente Powers. Although 28 October 1918 was and is considered the moment of the establish-

[1] The issue of private law is dealt with in other articles in the project – e.g. Dostalík, "Actio de in rem verso"; and other articles in this issue. See also e.g. Gábriš, "Obchodné právo"; Gábriš, Šorl, "Občianske právo"; Dvořák, Falada, "Snahy o unifikaci". Comprehensively Malý, Soukup, *Československé právo* 1; Malý, Soukup, *Československé právo* 2.

[2] Constitutional Act No. 330/1938 Sb. z. a n. Hereinafter the English names of regulations are used. The Czechoslovak names can be found in the bibliography.

[3] As to the establishment of Czechoslovakia see e.g. Peroutka, *Budování státu I*, *passim*; Kalvoda, *Genese Československa*; Klimek, *Velké dějiny zemí Koruny české XIII*, *passim*; Kárník, *České země*, in particular 33–48; Vojáček, Schelle, Knoll, *České právní dějiny*, particularly 278–309; Schelle, "Vznik ČSR (1914–1918)", 332–46; Schelle, "Vznik ČSR a Morava", 346–8; Schelle, "Vznik ČSR a Slezsko", 348–53; also, see Vojáček, *První československý zákon*, *passim*. Compare also Klimek, Nováčková, Polišenská, Šťovíček *et al.*, *Dokumenty*.

ment of Czechoslovakia, it should be pointed out that the independence of the State was already declared on 18 October 1918 by the Declaration of Independence issued by the Provisional Government of Czechoslovakia, which resided in Paris, also known as so-called Washington Declaration. The formation of the Government, which took place on 26 September 1918, was officially announced on 14 October. France was the first to recognise it on 15 October, followed by other states. Although the new State was declared a Czechoslovak State from the very beginning, the Slovak political representation did not formally join it until 30 October 1918, when the so-called Martin Declaration of the Slovak National Council on the Slovak acceptance of the common state of Czechs and Slovaks was issued.[4]

The first Czechoslovak law issued in the new State has crucial importance. It was the so-called Reception Act, i.e. Act of the National Committee of Czechoslovakia on the Establishment of an Independent Czechoslovak State, publicly announced on 28 October 1918, which was later published under No. 11/1918 Coll. of Laws and Regulations (hereinafter referred to as Coll.). It was this Act – as far as Czechoslovak law was concerned – that clearly declared the establishment of the new State – "the independent Czechoslovak State came to life".[5]

Although the aforementioned Act No. 11/1918 Coll. on the Establishment of an Independent Czechoslovak State, is sometimes marked as the first constitution of Czechoslovakia,[6] it does not have features of a constitution. Its constitutional significance lies, on the one hand, in the declaration of the establishment of the State and, in particular, in the issue of determination of state power executor in the new state, as it stipulates, "The National Committee on behalf of the Czechoslovak nation as the state sovereignty executor",[7] whereas "all self-governing, state and county bodies, state, provincial, district, and especially municipal bodies are subordinate to the National Committee".[8] As of the establishment of the State, there was a temporarily single power body in its territory accumulating all legislative and executive powers.[9] That situation changed on 13 November 1918, when the Provisional Constitution was adopted by the National Committee.[10] This Constitution establishes the three highest bodies of the new State, namely the National Assembly, the President of the Republic, and the Government.

With regard to the further development of the Czechoslovak legal system, the key role was played by the legislature, which was represented by the National Assembly. It was established as a unicameral body by expanding the existing National Committee; whereby the addition of deputies was left to the decision of political parties represented in the former assemblies by election based on proportion to the representation in the

---

[4] More to this issue see e.g. Pavlíček, "O kontinuitě a diskontinuitě", particularly 41–7; Adamová, Valentová, "Kdy vznikl samostatný československý stát?", 15–8.

[5] The Preamble of Act No. 11/1918 Sb. Z. a n.; in more detail see Vojáček, *První československý zákon*, particularly 53–143.

[6] Weyr, *Soustava československého práva*, 55.

[7] The Preamble of Act No. 11/1918 Sb. Z. a n.

[8] § 3 of Act No. 11/1918 Sb. Z. a n.; in more details see Vojáček, *První československý zákon*, particularly 185–98.

[9] Pavlíček, *Ústavní právo a státověda*, 24.

[10] Act No. 37/1918 Sb. Z. a n. Recently in more details Kuklík, *Příběh československé ústavy 1920 I*; Kuklík, *Příběh československé ústavy 1920 II*.

National Committee.[11] In the National Committee, the parties were represented based on the so-called Švehla calculation according to the results of the elections to the Imperial Council in 1911. In the end, the composition was more the result of compromise and political negotiations between the parties so that also smaller parties, as well as representatives of Slovakia, could participate.[12] In this link to the political parties already active in Austria-Hungary and especially to their representatives, often former members of the Imperial Council or land assemblies, we can see considerable personal continuity with the former monarchy. The National Assembly was a body of legislative power and had the constitutional authority, as well as constitutional and controlling authority over the Government.

For the legal practice played the key role, the judicial power in the new State was adopted by Act No. 11/1918 Coll.,[13] and the Supreme Court was added. It was established in Prague already before the adoption of the Provisional Constitution by Act No. 5/1918 Coll. on Establishment of the Supreme Court. The Constitution thus merely states that judgements and court rulings are pronounced on behalf of the Republic.[14]

The third constitutional document of the new State was Act No. 121/1920 Coll. forming an introduction to the Constitutional Charter of the Czechoslovak Republic and Constitutional Charter itself, which was adopted on 29 February1920. The Constitutional Charter reflected the division of power into legislative and executive power, which was already emphasised in the preamble of the Constitutional Charter.

It was a comprehensive constitutional text, which included both the definition of state power as well as catalog of fundamental rights and freedoms. Ideologically, the Constitution followed the idea of the Czechoslovak nation, i.e. the principle that Czechs and Slovaks form one state-forming nation, while other nationalities living in the State were in the position of national minorities.[15] The Constitution itself established relatively wide powers for national minorities, especially with regard to the use of minority languages.

During the time of the so-called First Republic, Czechoslovakia was a unitary state, which was administratively divided into four countries, namely the Czech country, Moravian-Silesian country, Slovak country, and Carpathian Ruthenia. Therefore, the constitutional order differed from original ideas in relation to Slovakia contained, in particular, in the Pittsburgh Agreement and the Washington Declaration, and in relation to Carpathian Ruthenia arising from the Paris Peace Conference, as well as those provided in the Constitution itself.[16]

In addition to the Supreme Court, the Supreme Administrative Court and the Constitutional Court were added to the court system. The Electoral Court was also established. It comprised members of the Supreme Administrative Court and members elected by the Chamber of Deputies. Czechoslovakia was the first state to establish a specialised

[11] Section 1 of Act No. 37/1918 Sb. z. a n.

[12] As to the National Committee newly briefly Prokš, "Národní výbor (1916)", 124–5; Schelle, "Národní výbory", 125–36; Prokš, "Národní výbor československý (1918)", 136–7; see also Kudrna, "Ustavení parlamentu při vyhlášení samostatného Československa a Polska", 115–27.

[13] Section 3 of Act No. 11/1918 Sb. z. a n.

[14] Section 13 of Act No. 37/1918 Sb. z. a n.

[15] Pavlíček, *Ústavní právo a státověda*, 33.

[16] Hubený, "Podkarpatská Rus v československé ústavě a na Ústavním soudu", 73–87.

constitutionality judicial body into its Constitution.[17] Its foremost authority was to assess whether the Czechoslovak laws and the laws of the Assembly of the Carpathian Ruthenia are not in conflict with the Constitutional Charter and constitutional laws and whether the measures of the Standing Committee of the National Assembly do not violate the ban on amending Constitutional Laws. The activities of the Court were significantly limited by the circle of persons with active legitimacy to initiate proceedings, which was limited to both Chambers of Parliament, the Assembly of the Carpathian Ruthenia, the Supreme Court, the Supreme Administrative Court, and the Electoral Court.[18]

Continuity of State and Law

The newly established State had to react especially to the possibility of chaos after its declaration. Therefore, the first law adopted by the National Committee was the so-called Reception Act, which adopted existing law applicable in the State territory. In order to "maintain the continuity between the existing legal order and the new State, to avoid confusion, and to regulate the smooth transition to a life in a new State", it ordered that "all existing state and imperial laws and regulations remain in force for the time being"[19] and that "all self-governing, state, and county bodies, state, provincial, district, and especially municipal bodies […] shall currently proceed and act in accordance with existing laws and regulations."[20] According to Mr Alois Rašín, the man who wrote this law in the night of 27–28 October, "The purpose of this basic law should have been to prevent the occurrence of lawless situation, to avoid the paralysis of the state administration, so that the work could proceed on 29 October as if no revolution occurred at all. This was greatly achieved and it aroused the admiration of foreigners for the maturity of our nation."[21]

By the above-mentioned Act No. 11/1918 Coll. the legal regulations of Austria-Hungary, with the exception of those that were in conflict with the existence of Czechoslovakia, were transposed (assumed) into the Czechoslovak legal order. Due to the considerable differences in the development of Austrian and Hungarian legal systems and administrative arrangements, so-called legal dualism was thus taken over into the Czechoslovak State. Czechoslovak law thus consisted of two legal systems – Austrian – Cisleithanian, and Hungarian – Transleithanian. After the annexation of the Hlučín

[17] Act No. 121/1920 Sb. z. a n., Article II: The Constitutional Court decides whether the laws of the Czechoslovak Republic and the laws of the Assembly of Carpathian Ruthenia comply with the principle of Article I.

[18] The Constitutional Court operated from 1921 to 1931 and then from 1938 to 1939, issuing a total of only 47 rulings. Osterkamp, "Ústavní soudnictví v meziválečném Československu", 89–108. Also, see Osterkamp, *Verfassungsgerichtsbarkeit*.

[19] § 2 of Act No. 11/1918 Sb. z. a n.; in mode details see Vojáček, *První československý zákon*, particularly 157–84.

[20] § 3 of Act No. 11/1918 Sb. z. a n.; in more details see Vojáček, *První československý zákon*, particularly 185–98.

[21] Rašín, "Převrat z 28. října 1918", 9.

region, the third system – German one – was added for a short time.[22] Thus, three legal orders applied on the territory of the newly created State, and that is why we are talking about "legal trialism". However, it existed only until 1 May 1921, when the Hlučín region was unified with the rest of the territory and Czechoslovak legal trialism changed again to dualism.[23]

This legal pluralism subsequently created application issues for the new State. Act No. 11/1918 Coll. introduced so-called material-legal continuity[24] with Austrian-Hungarian State, nonetheless, from the formal point of view, breach of the legal order, i.e. discontinuity of law occurred. Mr František Weyr states in that regard that the original Austrian, Hungarian, and German laws were enacted by the Reception Act.[25]

Certain interpretation issues arose from the wording of Section 2 of this Act, which explicitly adopts only "country and imperial laws and regulations," but does not mention any customary or other norms. However, this was subsequently remedied by the case-law of the Czechoslovak courts, which interpreted this provision very broadly in such a way that all laws in force on the territory of the State applied. The Act did not address possible conflict of the adopted legal norms with Czechoslovak legal norms, especially its constitutional norms (including the Reception Act itself) in any way and this issue was finally resolved by the 1920 Constitution only. Shortly before the adoption of the 1920 Constitution, the Supreme Administrative Court also dealt with this issue, when it ruled on 13 January 1920 that Section 2 of Act No. 11/1918 Coll. explicitly applies to all legal regulations, but cannot be applied concerning such regulations "which would mean denial of State independence of the Czechoslovak State recently declared, or any reduction of powers of the National Committee established by that Act."[26] The Constitution itself followed up this provisions of this Act, stating that "laws contrary to the Constitutional Charter, its components, and laws amending it are invalid,"[27] whereas as to the date of publication of the Constitution (i.e. 29 February 1920) all provisions

[22] To this recently shortly Vojáček, *První československý zákon*, particularly 158–82; Gábriš, "Vznik ČSR (1918) a právní řád", 353–9. See also Gábriš, "Vznik právneho poriadku".

[23] This happened based on the Government Decree No. 152/1920 Sb. z. a n., which regulates the justice and extends the applicability of laws and regulations in the area of civil law and judicial administration to the territories ceded to the Czechoslovak Republic under Peace Treaties, issued based on the No. 76/1920 Sb. z. a n., on the incorporation of the Hlučín region. However, the reception as established by the Act was not entirely straightforward. It is stated in Section 2 that "Existing laws and regulations in force in the incorporated territory shall remain in force as long as these are in line with the change of sovereignty, and unless they are repealed or amended by the laws and regulations of the Czechoslovak Republic." Following Section 3 specified: "Czechoslovak laws published in the Collection of Laws and Regulations of the Czechoslovak State as of 1 May 1920, also come into force for the incorporated territory, unless they provide otherwise. Laws which were in force in the Czechoslovak Republic before 1 May 1920, or which will be published in the Collection of Laws and Regulations of the Czechoslovak State until then, will enter into force in the incorporated territory gradually as of the moment determined in each individual case by the Government of the Czechoslovak Republic by a decree, published in the Collection of Laws and Regulations". More details to this issue in Starý, "Právní trialismus Československé republiky", 70–81.

[24] Pavlíček, *Ústavní právo a státověda*, 20; more details to this issue in Pavlíček, "O kontinuitě a diskontinuitě", particularly 36–47; brief summary of opinions provided in Horák, Klímová, "Kontinuita, diskontinuita, revoluce", 267–71.

[25] Weyr, *Soustava československého práva*, 55.

[26] Cited based on Starý, "Právní trialismus Československé republiky", 74.

[27] Article I of the Constitutional Act No. 121/1920 Sb. z. a n.

contrary to "the Constitutional Charter and the republican form of the State, as well as all previous constitutional laws, even if their provisions would not be in direct conflict with the constitutional laws of the Czechoslovak Republic"[28] expired.

In addition to legal continuity, i.e. reception of the existing legal system, Act No. 11/1918 Coll. also adopted existing form of public administration as it existed on 28 October 1918 in the territory of the new State. The existing bodies were subordinate to the National Committee with their current staffing.[29] In this we can then see extensive continuity of personnel, which was later limited by the fact that some of the officials and employees did not take the oath to the new republic, or even – especially and often in Slovakia – left the republic. For some of them this was also due to the language legislation introduced later, when Czechoslovak became the official language (although the so-called minority languages were also widely used alongside it).[30]

With legal continuity, the issue of state continuity arises, i.e. the connection of Czechoslovakia to the previous state unit Austria-Hungary. In this sense, there is no question of continuity, as Czechoslovakia as a new State established by secession from the breaking-up monarchy was subsequently declared a republic. As Mr František Weyr reminds us, the establishment of a new state is always a revolution, i.e. radical change of circumstances, and thus also an interruption of the original status, i.e. discontinuity of law occurs here. The establishment of Czechoslovakia represented such a revolutionary change, so we are talking about state discontinuity between Austria-Hungary and Czechoslovakia.[31]

Continuity and Discontinuity on the Example of Criminal Law

Emerging Czechoslovakia thus adopted, amongst others, also former Austrio-Hungarian criminal law. With regard to its former Austrian part, it was based on the Criminal Code No. 117/1852 of the Imperial Code on crimes, offences and misdemeanours (Criminal Code), amended by many different Acts governing individual issues, such as the manufacture of weapons and ammunition, trade with them, their possession and wearing, press offences, faineance and vagrancy, or obstructing execution. Procedural law was regulated by the Criminal Procedure Code published under No. 119/1873 of the Imperial Code (Act introducing a new code for criminal procedure). In the case of initially Hungarian part, it was then Criminal Code, Legal Article No. V of 1878 amended by Legal Article No. XL of 1879 on misdemeanours. Procedural law was regulated by the Legal Article No. XXXIII of 1896. Compared to its Austrian counterpart, Hungarian regulation was more modern, in many cases milder; on the other hand, the penalty rates were often more broadly defined and higher penalties could have been imposed. The general system of criminal courts, public prosecutor's office, and security authorities was also adopted. With regard to the

[28] Article IX of the Constitutional Act No. 121/1920 Sb. z. a n.

[29] See § 3 of Act No. 11/1918 Sb. z. a n.

[30] On the issue of language legislation and its application in practice, most recently Šejvl, "Spor o jazyková práva", 179–208; Šejvl, "Dva zpolitizované jazykové spory", 197–250.

[31] Weyr, *Soustava československého práva*, 57.

absence of supreme judicial bodies, the Supreme Court was established by Act No. 5/1918 Coll. having its seat first in Prague, and subsequently, as of 8 May 1919, in Brno. At this Court, also the office of the Attorney General was established, together with attorneys general.[32]

In addition to the adoption of general criminal law, Act No. 11/1918 Coll., a separate former Austro-Hungarian military criminal law was also adopted. This is regulated in particular by: Act No. 19/1855 of the Imperial Code – the Military Criminal Act on Crimes and Offences, which was, due to the existence of joint army, declared applicable law by the Hungarian Armed Forces by Legal Article No. XL of 1868, Act No. 131/1912 of the Imperial Code on the Military Criminal Procedure Code for the Austrian Territorial Army, and the Act having at least theoretically the same content, namely Legal Article No. XXXIII of 1912 on the Military Criminal Procedure Code for the Hungarian Territorial Army, Act No. 130/1912 on the Military Criminal Procedure Code for the Joint Armed Forces, Legal Article No. XXXII of 1912 on the Military Criminal Procedure Code for the Joint Armed Forces, but also by many other regulations of different legal force and different territorial jurisdiction. Systems of military courts and military prosecution for the Joint Armed Forces and the Territorial Army were also adopted and then merged. Already on 2 November 1918 Act No. 9/1918 Coll. amending the Military Criminal Code and the Military Criminal Procedure Code abolished the difference between these two systems, while all members of the Czechoslovak Armed Forces were subject to the Military Criminal Code and thus to the relevant military authorities. Shortly afterwards, it was decided in the form of implementation instructions issued based on Act No. 89/1918 Coll., which temporarily amended some provisions of the Military Criminal Procedure Code, that from that moment on the Cisleithanian Criminal Procedure Code for the Territorial Army applied in the entire State territory. At the same time, in other laws as well as sometimes in the judicial practice, reference was made to both Criminal Procedure Codes for both Territorial Armies, whereas apart of Act No. 131/1912 of the Imperial Code, also the Legal Article No. XXXIII of 1912.[33] The adopted military court system was amended by the Supreme Military Court, which was based in Prague after the establishment of Czechoslovakia[34] and was subordinate to the Minister of National Defence.[35]

---

[32] Shortly to the development of criminal law in interwar period e.g. Fenyk, Císařová, "Meziválečné trestní právo", 821–2; Schelle, "Právo procesní trestní", 109–12; Vlček, "Právo trestní hmotné", 487–90; see also Horák, "Trestní právo", 76–95. Briefly to the interwar Czechoslovak justice Schelle, "Soudnictví v období meziválečného Československa", 141–6; Skaloš, "Soudnictví na Slovensku v meziválečném Československu", 141–6, in more details also other keywords in the same volume. As to the Public Prosecutor's Office Schelle, "Státní zastupitelství", 372–5; as to security authorities see e.g. Macek, Uhlíř, *Dějiny policie a četnictva II*; see also Dlouhý, "Četnictvo", 940–6; Beneš, "Finanční stráž", 513–7; Slušný, "Policie (do roku 1945)", 504–13.

[33] In more details see e.g. Matulová, "Vojenské trestní právo", 843–74. See also Salák, "Vojenské trestní právo", 181–6; Salák, "Právo trestní vojenské", 523–9. To the Czechoslovak interwar army see e.g. *Vojenské dějiny Československa III*. For citation of both laws, see, e.g., the laws No. 31/1929 Sb. z. a n. and 115/1937 Sb. z. a n. Despite the literature's claims, the case of simultaneous citation of the two statutes could not be found in the Supreme Court's case law. See also Vážný *et al.*, *Rozhodnutí II. – XX*.

[34] Regulation of the Czechoslovak National Committee No. 10/1918 Sb. z. a n.: "Pursuant to Section 61 of the Military Criminal Procedure Code, we hereby establish Prague as the seat of the Supreme Military Court."

[35] Matulová, "Vojenské trestní právo", 860–2.

Probably the most significant change, which logically had to go, at least formally, in a discontinuous direction, was the regulation concerning offences against the State and its representatives. The situation in which it would be necessary to use the norms that protected the monarchist regime from protecting the republican form of the State seemed quite problematic. A certain temporary solution was the adoption of Act No. 449/1919 Coll. on legal protection of the Czechoslovak Republic. Draft of this Act was submitted by the Government in reaction to misunderstandings that arose in Slovakia regarding regulations that are intended to protect the new Czechoslovak Republic. The local situation required "that it be made clear as soon as possible that the legal regulations that previously protected the Hungarian state and the Austro-Hungarian monarchy are now intended to protect interests of the Czechoslovak State." At the very same moment, the Government considered this granted fact.[36] The wording of the short Act stated that

> Act of 28 October 1918, No. 11 Coll., provisions of the country laws and regulations, as well as the laws and regulations of the Austrian, Hungarian, and Austro-Hungarian Empire, still applicable for the territory of Czechoslovak Republic, shall from now on protect the Czechoslovak Republic in those parts of its territory as of 28 October 1918, for which they applied before 28 October 1918. Therefore, the terms 'Austrian', 'Hungarian', and 'Austro-Hungarian' appearing in all those laws and regulations and terms similar to them in the same sense are replaced by respective forms of the words 'Czechoslovak' and 'Czechoslovak Republic'. The provisions apply mutatis mutandis to the terms 'imperial', 'royal', 'imperial-royal', and 'imperial and royal'.[37]

Interesting is undoubtedly also apparent retroactivity of this Act, as it was published on 23 July 1919 and was valid from the date of its publication (7 August 1919); however, it was to be effective for the period from 28 October 1918.[38] However, it is possible to agree with the opinion that the Act was rather proclamatory in this respect, whereas the solution chosen emphasised the validity of adopted regulations.[39]

As Mr Marek Starý recently pointed out, although the Act was originally issued to protect the State, its organisations, and representatives, it was eventually interpreted much more widely and affected the entire legal system due to its ambiguous wording.[40] The decisions of the Supreme Court of the Czechoslovak Republic then prove that not even that Act managed to solve all the difficulties associated with it. In some cases, a distinction between individual levels of state organisation seemed to be an issue. In 1926, in its decision, the Supreme Court concluded that also expression 'kingdoms and countries represented in the Imperial Council', not cited specifically by the Act, shall be replaced by the expression 'Czechoslovak Republic', as (amongst other things) such expression

---

[36] Explanatory memorandum in PS PČR, NS 1918–1920, print 689, see also Deputy, Mr Dr Kubíček, in his report to the Legal Committee on the Government Bill in PS PČR, NS 1918–1920, stenographic protocol 67.

[37] Section 1 of Act No. 449/1919 Sb. z. a n. In more details recently Starý, "Zákon o zákonné ochraně ČSR," 132–8; Starý, "Zákon o zákonné ochraně ČSR (č. 449/1919 Sb.)", 816–8.

[38] Section 2 of Act No. 449/1919 Sb. z. a n. "This Act shall apply as of the date of its publication, for the period from 28 October 1918."

[39] Starý, "Zákon o zákonné ochraně ČSR", 135; Starý, "Zákon o zákonné ochraně ČSR (č. 449/1919 Sb.)", 817.

[40] Starý, "Zákon o zákonné ochraně ČSR", 134–5; Starý, "Zákon o zákonné ochraně ČSR (č. 449/1919 Sb.)", 817.

fully corresponds to the expression 'Austrian' Empire".[41] Based on a little bit later decision, it was decided that "terms 'in the whole territory of the Empire' shall read as 'in the whole territory of the Czechoslovak Republic' […]."[42] However, everything had to be interpreted in the context of the territorial sovereignty of the Czechoslovak State, when, among other things, the extension of the applicability of individual regulations, for now, foreign persons or organisations was not allowed, with regard to the context of the protection of the State. Therefore, the potential execution of legal praxis on the territory of Czechoslovakia by the barrister based in Austrian Salzburg was considered a circumvention of the Act on the Protection of the Czechoslovak Republic. Therefore such a lawyer was considered a foreign lawyer.[43]

In 1920, Act No. 300/1920 Coll., on extraordinary measures aimed at preventing threats to the integrity of the State, its republican form, Constitution, or public peace and order, was passed. It allowed extraordinary measures to be taken for a maximum period of three months, temporarily restricting or abolishing certain freedoms guaranteed by the Constitution, by a Government resolution signed by at least two-thirds of its members, including the Prime Minister or his/her deputy and approved and signed by the President. These restrictions should have been wholly lifted even before the deadline for which they were established, immediately upon becoming obsolete.[44] In particular, this concerned personal freedom, freedom of home, freedom of the press, freedom of assembly and freedom or association, and letter secrecy.[45] In this context, the restrictions under the wording of the Act also affected special constitutional law regulating these freedoms in more details,[46] and other measures related to them. The scope and limits of these restrictions were specified in more detail in provisions of its Sections 5 to 12. This Act also had a direct impact in the area of criminal proceedings as, amongst other things, in proceedings concerning acts against the State, public order and peace, dangerous violence, murder, arson, robbery and war usury, as well as aiding and abetting these crimes,[47] house searches were possible even without a court order.[48] Special merits were also defined as a violation of an order issued based on this Act, if it could not be punished under the stricter provisions of the Criminal Code.[49] Based on this Act (effective as of 6 May 1920), extraordinary measures in the full scope of the Act were introduced on 12 December 1920 by a Government Decree, for a maximum period – not exceeding three months – for eleven political districts in the vicinity of Prague.[50] However, these were abolished already as to 9 January 1921.[51] It was a response to a general strike and

[41] Vážný 6037.
[42] Vážný 7876.
[43] Vážný 1776.
[44] See Sections 1–4 and Section 14 of Act No. 300/1920 Sb. z. a n.
[45] Pursuant to Section 1 of this Act this regarded in particular freedoms guaranteed by Sections 107, 112, 113, and 116 of the Constitutional Charter – compare Constitutional Act No. 121/1920 Sb. z. a n.
[46] Constitutional Act No. 293/1920 Sb. z. a n.
[47] Section 12 of Act No. 300/1920 Sb. z. a n.
[48] Section 6 of Act No. 300/1920 Sb. z. a n.
[49] Pursuant to Section of Act No. 300/1920 Sb. z. a n., it was punishable by a fine of up to CZK 10,000, or imprisonment, or both.
[50] Regulation of the Government of the Czechoslovak Republic No. 636/1920 Sb. z. a n.
[51] Regulation of the Government of the Czechoslovak Republic No. 6/1921 Sb. z. a n.

related violent clashes. At the beginning, there was a political split within the strongest political party in the country – the Czechoslovak Social Democracy. At the beginning of December 1920, its Marxist-Leninist wing occupied the party's headquarters in Prague, and after a successful police intervention, it declared a general strike, which was connected with violence in some places – in particular in Kladno, Most, and Brno districts – and which took place 10–17 December. Using help of security forces, the general strike was gradually suppressed.[52] One of the biggest clashes occurred on 13–14 December in Oslavany in Moravia, which were eventually pacified by strong military assistance.[53] In this context, martial law was declared in Brno and its vicinity on 13 December.[54] The radicals later founded the Communist Party of Czechoslovakia at its founding congress held on 14–16 May 1921.[55]

The need to directly address the criminal law protection of the State and its representatives, which was not much emphasised in pre-war law, with the exception of the monarch,[56] was explicitly addressed as late as by Act No. 50/1923 Coll. on Protection of the Republic, issued despite the opposition of many critics among experts and politicians,[57] shortly after the assassination of one of the founders of the Czechoslovak State, Minister of Finance Mr Alois Rašín. The Austro-Hungarian legislation adopted so far was considered "completely foreign for the new Republican state from the national, legal, and constitutional point of view," amongst other things for the fact that "criminal laws […] due to their roots and spirit, still dwell in the times of the purest absolutism."[58] The Act replaced provisions of the applicable regulations concerning, in particular, the protection of the monarch and the monarchy with provisions protecting the new republican State, its representatives, and its establishment. Its regulation focused primarily on the protection of the independence, unity, and democratic-republican form of the State, the protection of the Republic and its constitutional officials, the State's territory and its sovereignty, including communication with a foreign power, gathering military and auxiliary forces against the State, providing and collecting weapons and military material, threats to the security of the Republic, betrayal of State secrets or military betrayal, attacks on the life and health of constitutional officials, but also insults to the President of the Republic. Furthermore, the Act also focused on protection against threats to peace

[52] More to this issue Bárta, *Prosincová generální stávka roku 1920*; briefly *Vojenské dějiny Československa III*, 129–33; recently Klimek, *Velké dějiny zemí Koruny české XIII*, 218–26. As to the legal framework for military assistance Salák, "Vojenská asistence", 192–204; Salák, *Nejen pro válečný konflikt*, 68–82.

[53] To this issue *Vojenské dějiny Československa III*, 130–2; recently Salák, *Nejen pro válečný konflikt*, 83–86.

[54] The Vice-President of the Regional Administration in Moravia, in agreement with the President of the Supreme Regional Court and the Attorney General, declared martial law pursuant to Section 429 of the Criminal Code for the city of Greater Brno and all municipalities in Brno-venkov, Boskovice, Hodonín, and Třebíč municipalities, due to the crime of rebellion pursuant to Section 73 of the Criminal Code.

[55] In more details Rupnik, *Dějiny Komunistické strany Československa*, *passim*; Nechvátal, *15.5.1921 založení KSČ*, *passim*.

[56] See e.g. summary in Starý, "Zákon o zákonné ochraně ČSR", 135–7; in more details Holub, "Ochrana státu", *passim*.

[57] See also PS PČR, NS 1920–1925, PS, stenographic protocol 194; PS PČR, NS 1920–1925, SE, stenographic protocol 155.

[58] See report of the Senator, Mr Dr Klouda, on the decision of the Chamber of Deputies to the Governmental Bill in PS PČR, NS 1920–1925, SE, stenographic protocol 155.

in the Republic and its military security, including illegal arming or public approval of crimes, spreading false news leading to public concern, but also the return of members of the former royal family or its support, in reaction to restoration attempts in Hungary, illegal intelligence or endangering the public administration by activities of a public authority in violation of constitutional regulations and regulations implementing them. It established new merits, amended some others, increased sentence rates for some of them, and tightened rules for sentencing.[59] At the same time with passing the Act on Protection of the Republic, special court was established by Act No. 51/1923 Coll. on the State Court, subject of the proceedings of which was deciding on guilt and punishment for crimes stipulated by the Act on Protection of the Republic.[60] The State Court was first established at the Supreme Court; however, later state courts were established at the individual High Courts by Act No. 68/1935 Coll. on High Courts as State Courts.[61]

In connection with the deteriorating international political situation, the Act was amended several times in the 1930s.[62] First, the offence of defamation of the National Assembly and its parts was added in 1933, and subsequently, the possibilities of restricting freedom of the press were expanded to include more comprehensive application of punishment of temporary ban on publishing periodicals.[63] This was further developed by Government Decree.[64] A year later, the regulation of the issue of periodicals was further expanded, however also an obligation of publishers of some periodicals to publish speeches by the President of the Republic and the Government was introduced, and, in particular, the criminality of acts against those who are "supporters of the democratic-republican state form or democratic order of the Czechoslovak Republic"[65] was established. Another amendment took place in 1936, when the number of anti-state offences increased due to the sharply deteriorating security situation. The changes introduced here were mainly directed at the area of intelligence activities related to the military environment. They concerned military betrayal, illegal intelligence, or threats to the Republic's defence, while procedural matters were adjusted in order to speed up discussing cases.[66]

---

[59] In more details e.g. Pehr, "Zákon na ochranu republiky", 31–60; see also Holub, "Ochrana státu", *passim*; Hauser, "K dějinám teroristického zákona", 499–512; Soukup, "Zákon na ochranu republiky", 127–40; Kazda, "Úklady o republiku", 35–46; Kazda, "Právní ochrana proti kontrarevoluci", 614–26; Štefanica, "Aplikácia skutkovej podstaty urážky prezidenta", 105–15; Kazda, "Die Intrigen gegen die Republik", 218–23; Kazda, "Procesy podle zákona na ochranu republiky – ohrožení bezpečnosti republiky", 285–7; Kazda, "Procesy podle zákona na ochranu republiky – rušení obecního míru", 287–95; Kazda, "Procesy podle zákona na ochranu republiky – urážka prezidenta republiky", 295–8; Kazda, "Procesy podle zákona na ochranu republiky – vojenská zrada", 298–301; Kazda, "Procesy podle zákona na ochranu republiky – úklady o republiku", 301–7; Petrů, "Trestné činy proti státu", 461–4; Kazda, "Zákon na ochranu republiky", 461–5; Kadlec, "Urážka prezidenta republiky", 73–88.

[60] More recently to this issue Kazda, "Soud státní", 392–5.

[61] To these issues Schelle, "Soudy vrchní", 637–9.

[62] See Kazda, "Změna zákona na ochranu republiky", 105–14; Pehr, "Zákon na ochranu republiky", particularly 44–60.

[63] Act No. 124/1933 Sb. z. a n.

[64] Government Regulation No. 150/1933 Sb. z. a n., which extended the range of criminal offences for which it was possible to declare admissibility of stopping periodicals also for some offences and misdemeanours (Section 1). Due to its limited effectiveness, it was repeatedly extended and further amended by Government Decree No. 163/1934 Sb. z. a n., No. 157/1935 Sb. z. a n., and No. 165/1937 Sb. z. a n.

[65] Act No. 140/1934 Sb. z. a n., cit. Article I.

[66] Act No. 130/1936 Sb. z. a n.

Simultaneously with this amendment, the State Defence Act was adopted, which, in addition to many provisions concerning the organisation of the State's defence under threat, at the time, in particular by Hitler's Germany, also included several related criminal provisions, including both administrative and criminal offences relating to acts against economic or material security of the State's defence, as well as illegal recruitment of troops or penetration into sites important for defence, or the disclosure of production or military secrets.[67] However, this Act also introduced the institute of state-unreliable persons who, e.g., had to (if they held a company important for the State's defence) appoint a suitable business operator to act on their behalf.[68] At the same time, it also made it possible to extend the jurisdiction of military courts to civilians in time of war, by government regulation, for all or part of the state. For selected crimes and situations, however, the jurisdiction of military courts over persons not otherwise subject to it was established directly by statute. These included, e.g., situations where a regional court would not function as a result of wartime events. In this case, however, the military court ruled according to general criminal law.[69] Consequently, it was newly regulated by Act No. 115/1937 Coll. of Law and Regulations, on Military Field Criminal Proceedings, which, in addition to regulating the issue in a new way, also made it possible to establish field courts in certain situations threatening the state and security.[70]

Act No. 48/1931 Coll. on juvenile criminal justice, was a novelty. The Act introduced the term 'juvenile', which meant a person aged 14 to 18 at the time of committing a crime. The crime committed by these persons was called wrongdoing. Unless otherwise provided, juveniles were punished under the Criminal Code. If a juvenile could not recognise the injustice of an act due to considerable backwardness at the time of commitment of the crime or could not manage his/her acts based on right considerations, not even the juvenile had criminal liability. If the court found the juvenile guilty, the court could refrain from punishment, or sentence the juvenile to probation or unconditional sentence. In all cases, however, the court could order protective supervision or protective education. Instead of the death penalty or the sentence at large established by criminal law, a juvenile was sentenced to imprisonment without any option of restriction, called 'lock-up'. The sentence was executed, depending on its length, either separately in court prisons established by the Minister of Justice, in prisons of regional courts, or in a reformatory. In general, the sentences that could be imposed on juveniles (including fines) were lower, halved in many cases. Persons under the age of 14 were identified as minors and were not criminally liable for their actions. However, the court could reprimand the minor, but not physically, or leave his/her punishment to the family or school, order the minor to be placed in another family or be placed in a medical or other appropriate institution, or order protective supervision or education if it appeared to be necessary to prevent imminent abandonment or to remedy the minor. If a minor over the age of 12 committed an act for which a death penalty or life imprisonment could be imposed, the guardianship court had to order protective education in a children's home or sanatorium. In all cases, the court should have chosen, if possible, the solution that was

[67] Act No. 131/1936 Sb. z. a n., Chapter VIII: Criminal provisions (Sections 166–93).
[68] See in particular Section 19 of Act No. 131/1936 Sb. z. a n.
[69] Section 128 of Act No. 131/1936 Sb. z. a n.
[70] See in particular Section 453 of Act No. 115/1937 Sb. z. a n.

considered most effective for the moral development of the juvenile. The court could also impose reprimands on those in charge of the juvenile. Another specific feature of juvenile criminal justice were special judges at district courts and specialised two-member senates at the regional court. In cases regarding crimes that would otherwise pertain to the jury, two more lay associate judges joined in, forming so-called 'juvenile senates'. Judges and associate judges (as well as public prosecutors) should be selected from amongst those who, by their nature and character, were particularly suitable for such office; their professional, especially pedagogical, training, and their previous activities should also be taken into account; moreover, associate judges should be experts in social youth welfare. In the case of proceedings against a juvenile, the court proceedings were regulated mainly to achieve correction and a positive effect on the convicted person.[71] The Government Decree No. 195/1931 Coll. implementing the Juvenile Criminal Justice Act, was issued to implement the Act. This Decree further regulated, amongst other things, the staffing of juvenile courts and the issue of reformatories and separate juvenile wards in prisons. Shortly afterwards, it was amended by the Government Decree No. 164/1935 Coll., regulating organisation and rules of procedure of provincial and local educational boards.

In the interwar period, several other laws were issued, unifying regulation of some specific criminal law institutes, some of which had an extensive impact on practice. These included, e.g., Act No. 562/1919 Coll. on probation and conditional discharge, which introduced these institutes also for the Czech lands, and by amending Hungarian regulations, it unified this rather important area for the entire State. The issue of conflict of law in the execution of a sentence was then addressed by Act No. 284/1920 Coll., which determined the proportion of penalties in the territory of different legal orders. The execution of the sentence was also affected by Act No. 123/1931 Coll. on the State Prison, which granted extensive benefits and concessions to political prisoners while serving their sentences, and Act No. 91/1934 Coll. on imposition of the death penalty and the life sentence, based on which, inter alia, in the case of serious mitigating circumstances under which the death penalty would be disproportionately severe, the death penalty would have been replaced by life imprisonment or imprisonment for 15 to 30 years.

Also related to sentencing was Act No. 111/1928 Coll. on the extinction of convictions, which introduced this institute also for the territory of Slovakia and Subcarpathian Rus, where it had not been regulated in Hungarian criminal law until then, while allowing its application in a wider number of cases than in the previous legislation. It replaced the previous rather strict regulation based on Act No. 108/1918 of the Imperial Code on the Atonement of Convictions, which was amended in 1919 regarding the jurisdiction of Czechoslovak courts to remit or commute sentences passed by former Austro-Hungarian courts located outside the territory of Czechoslovakia.[72]

Act No. 124/1924 Coll. on the change of jurisdiction of criminal courts and responsibility for the content of the deed in cases of false accusation, libel and slander, eliminated the decision of jury courts in cases of offences committed through the periodical and non-periodical press, punishing in particular responsible editors. It was a significant

[71] As to the Act see e.g. Hrušáková ml., "Soudnictví ve věcech mládeže", 259–64; Dudáš, "Trestní právo mladistvých", particularly 583–6. See also Miřička, Scholz, *O trestním soudnictví nad mládeží*.

[72] It was amended by Act No. 208/1919 Sb. z. a n. For more details see Skupin, "Zahlazení odsouzení", 167–72.

interference with the constitutionally guaranteed freedom of the press and was therefore referred to as the so-called muzzle law.[73] It was amended also by Act No. 108/1933 Coll. on Protection of Honor.[74] In connection with it, he brought four classes of offences – libel, slander, defamation and reproach of prosecution or punishment.[75] Under the Act, the individuals concerned could seek protection through private action and through public action enumerated corporate bodies – ranging from legislatures, government, courts, security agencies, statutory corporations and political organisations to periodicals and deceased persons.[76]

Act No. 178/1924 on bribery and against violation of official secrecy also brought an interesting regulation, which supplemented the relevant regulations of the existing penal codes, since it was to be applied in cases where the act could not be punished more severely under them. In addition to the general criminal courts, the military courts also acted in accordance with it.[77] The law applied to both the briber and the bribed, including indirect bribery, except where there was a slight benefit and the public interest was not affected.[78] In particular, the relatively broad definition of a public official was new.[79]

Conclusion

It is clear from the outline above, that discussion of continuity or discontinuity is possible on many levels, starting from a purely theoretical point of view to the practical impact of the existence of a new State on common legal practice. Although wide polemics can occur in the constitutional and theoretical field about the extent of law continuity, i.e. whether such continuity is formal or material, there is no doubt that intention of the Czechoslovak authorities on 28 October 1918 was to prevent chaos and maintain public order, for which aim adoption of existing legal framework seemed to be the best solution. It is also quite understandable that this adoption could not be complete as to its scope, as both the State as well as the state form changed.

This text in its second part focused on the area of criminal law, where an approach accepting continuity with previous law was much more prevalent, as not only most legislation was preserved, but also, to a large extent, system of criminal authorities. There are three possible lines of development we can follow. On the one hand, there is a very quickly unified military criminal law, which, however, represented Cisleithanian legislation. On the other hand, it is possible to follow the development of general criminal law, where the dualism of law applies throughout the whole period of the First Republic, although work on the new legislation was ongoing and even bills of a new criminal code were prepared, which, however, since they have not become the law of the land, are not

[73] See e.g. Soukup, "Zákon o tiskových urážkách".
[74] In more details to this issue Vojáček, *Urážky, pomluvy, nactiutrhání*.
[75] Sections 1–4 of Act No. 108/1933 Sb. z. a n.
[76] Section 5 of Act No. 108/1933 Sb. z. a n.
[77] Section 1 and Section 10 of Act No. 178/1924 Sb. z. a n.
[78] Section 2–3 of Act No. 178/1924 Coll.
[79] Section 6 of Act No. 178/1924 Coll.

given further attention.[80] And the last line is formed by new legal norms, created with nationwide applicability and without connection to the previous legal order, which are, in this article, represented mainly by regulations on the protection of State and regulations on criminal justice in juvenile matters. However, the question of whether there has been a fundamental change in current legal practice or not is likely to be more crucial for the evaluation. In this context, it should be noted here that there was no fundamental change that would cause a practical lack of connection to the original Austro-Hungarian law, especially since in the field of general criminal law there was even no change in the organisation of courts (except for minor adjustments to judicial districts and regions), or change the concept of substantive law. In the field of military criminal law, merely unification of legislation occurred, which was, however, adopted from former Austrian law. Laws on protection of State were not laws having broad social impact, and juvenile justice legislation was enacted later after the establishment of the State. In terms of adaptation of legal practice, problems it caused arose more from the novelty of regulation rather than from any difficulties associated with the establishment of the State and law continuity.

It is also clear that the situation of a mostly dualistic legal system was considered a bigger issue than a question of continuity, as Czechoslovakia was not able to solve this dualism legislatively until the early 1950s.

Bibliography

Archival sources

Poslanecká sněmovna Parlamentu České republiky, Digitální repozitář, Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1918–1920, stenoprotokol 67. schůze, středa 23. července 1919, https://www.psp.cz/eknih/1918ns/ps/stenprot/067schuz/s067008.htm (accessed: 21.01.2022) [PS PČR, NS 1918–1920, stenographic protocol 67].

Poslanecká sněmovna Parlamentu České republiky, Digitální repozitář, Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1918–1920, tisk 689, Vládní návrh zákona o zákonné ochraně československé republiky ze dne 20. března 1919, https://www.psp.cz/eknih/1918ns/ps/tisky/t0689_00.htm (accessed: 21.01.2022) [PS PČR, NS 1918–1920, print 689].

Poslanecká sněmovna Parlamentu České republiky, Digitální repozitář, Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1920–1925, Poslanecká sněmovna, stenoprotokol 194. schůze, úterý 6. března 1923, https://public.psp.cz/eknih/1920ns/ps/stenprot/194schuz/s194001.htm (accessed: 18.03.2022) [PS PČR, NS 1920–1925, PS, stenographic protocol 194].

Poslanecká sněmovna Parlamentu České republiky, Digitální repozitář, Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1920–1925, Poslanecká sněmovna, stenoprotokol 194. schůze, úterý 6. března 1923, https://public.psp.cz/

[80] See briefly e.g. Fenik, Císařová, "Meziválečné trestní právo," 822–30. To the unification in the Czechoslovakia see also Gábriš, "Teoretické a metodologické východiská unifikácie"; Gábriš, "Unifikačné snahy."

eknih/1920ns/ps/stenprot/194schuz/s194001.htm (accessed: 18.03.2022) [PS PČR, NS 1920–1925, PS, stenographic protocol 194].

Poslanecká sněmovna Parlamentu České republiky, Digitální repozitář, Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1920–1925, stenoprotokol 155. schůze, sobota 17. března 1923, https://www.psp.cz/eknih/1920ns/se/stenprot/155schuz/s155001.htm (accessed: 21.01.2022) [PS PČR, NS 1920–1925, SE, stenographic protocol 155].

Printed sources

Klimek, Antonín, Nováčková, Helena, Polišenská, Milada, Šťovíček, Ivan *et al.*, eds. *Dokumenty československé zahraniční politiky. Vznik Československa 1918*. Praha: Ústav mezinárodních vztahů, 1994.

Vážný, František *et al. Rozhodnutí nejvyššího soudu československé republiky ve věcech trestních. Svazek (Ročník) II. – XX*. Praha 1921–1939.

Nejvyšší soud Československé republiky, Rv II 82/22, 11. 7. 1922, Sbírka rozhodnutí NS 1919-1945, IV-a/1922, Beck-online, https://www.beck-online.cz (accessed: 21.01.2022) [Vážný 1776].

Nejvyšší soud Československé republiky, R I 410/26, 18. 5. 1926, Sbírka rozhodnutí NS 1919-1945, VIII-a/1926, Beck-online, https://www.beck-online.cz (accessed: 21.01.2022) [Vážný 6037].

Nejvyšší soud Československé republiky, R I 207/28, 16. 3. 1928, Sbírka rozhodnutí NS 1919-1945, X-a/1928, Beck-online, https://www.beck-online.cz (accessed: 21.01.2022) [Vážný 7876].

Legal acts

Zákon č. 117/1852 ř. z., o zločinech, přečinech a přestupcích (trestní zákoník) (Act on Crimes, Offenses and Misdemeanours [Criminal Code]).

Zákon č. 19/1855 ř. z., vojenský trestní zákon o zločinech a přečinech (The Military Criminal Act on Crimes and Offenses).

Zákonný článek č. XL:1868, branný zákon (Armed Forces Law).

Zákon č. 119/1873 ř. z., jímž se zavádí nový řád soudu trestního (trestní řád) (Act introducing a New Code for Criminal Procedure [Criminal Procedure Code]).

Zákonný článek č. V:1878, trestný zákoník o zločinoch a prečinoch (Criminal Code on Crimes and Offenses).

Zákonný článek č. XL:1879, trestný zákon o priestupkoch (Criminal Act on Misdemeanors).

Zákonný článek č. XXXIII:1896, trestný poriadok (Criminal Procedure Code).

Zákon č. 130/1912, o vojenském trestním řádu pro společnou brannou moc (Act on the Military Criminal Procedure Code for the Joint Armed Forces).

Zákon č. 131/1912 ř. z., o vojenském trestním řádu pro rakouskou zeměbranu (Act on the Military Criminal Procedure Code for the Austrian Territorial Army).

Zákonný článek č. XXXII:1912, o vojenském trestním řádu pro společnou brannou moc (Act on the Military Criminal Procedure Code for the Joint Armed Forces).

Zákonný článek č. XXXIII:1912, o vojenském trestním řádu pro uherskou zeměbranu (Act on the Military Criminal Procedure Code for the Hungarian Territorial Army).

Zákon č. 108/1918 ř. z., o odčinění odsouzení (Act on the Atonement of Convictions).

Zákon č. 5/1918 Sb. z. a n., jímž se zřizuje nejvyšší soud (Act on Establishment of the Supreme Court).

Zákon č. 9/1918 Sb. z. a n., jímž se pozměňuje vojenský trestní zákon a řád (Act Amending the Military Criminal Code and the Military Criminal Procedure Code).
Nařízení Národního výboru československého č. 10/1918 Sb. z. a n., o sídle nejvyššího vojenského soudního dvora (Act on Seat of the Military Supreme Court).
Zákon č. 11/1918 Sb. z. a n., o zřízení samostatného státu československého (Act on the Establishment of an Independent Czechoslovak State).
Zákon č. 37/1918 Sb. z a n., o prozatímní ústavě (Act on Provisional Constitution).
Zákon č. 89/1918 Sb. z. a n., jímž se prozatímně mění některá ustanovení vojenského trestního řádu (Act which temporarily amended some provisions of the Military Criminal Procedure Code).
Zákon č. 208/1919 Sb. z. a n., kterým se mění odstavec 1. § 5 zákona z 21. března 1918, z. ř. č. 108, a doplňuje § 411 tr. ř. (Act on amendment of sub-paragraph 1 of the Section 5 of the Act of 21 March 1918, z.ř.č. 108 and amendment of Section 411 of Criminal Code).
Zákon č. 449/1919 Sb. z. a n., o zákonné ochraně Československé republiky (Act on Legal Protection of the Czechoslovak Republic).
Zákon č. 562/1919 Sb. z. a n., o podmíněném odsouzení a o podmíněném propuštění (Act on Probation and Conditional Discharge).
Zákon č. 76/1920 Sb. z. a n., o inkorporaci kraje Hlučínského (Act on the Incorporation of Hlučín region).
Zákon č. 121/1920 Sb. z. a n., kterým se uvozuje ústavní listina Československé republiky (Act Forming an Introduction to the Constitutional Charter of the Czechoslovak Republic and Constitutional Charter itself).
Nařízení vlády č. 152/1920 Sb. z. a n., jímž se upravuje soudnictví a rozšiřuje působnost zákonů a nařízení z oboru soukromého práva a soudní správy v územích postoupených Československé republice podle mírových smluv (Act which regulates the justice and extends the applicability of laws and regulations in the area of civil law and judicial administration to the territories ceded to the Czechoslovak Republic under Peace Treaties).
Zákon č. 284/1920 Sb. z. a n., jímž se stanoví poměr trestů v území různého práva (Act which determined the proportion of penalties in the territory of different legal orders).
Ústavní zákon č. 293/1920 Sb. z. a n., o ochraně svobody osobní, domovní a tajemství listovního (Act on Protection of Personal Freedom, Freedom of Habitual Areas and Privacy of Correspondence).
Zákon č. 300/1920 Sb. z. a n., o mimořádných opatřeních (Act on Extraordinary Measures).
Nařízení vlády republiky Československé č. 636/1920 Sb. z. a n., kterým se zavádějí mimořádná opatření pro obvody okresních správ politických v Hořovicích, Karlíně, na Kladně, v Kralupech n. Vlt., na Král. Vinohradech, v Lounech, Mělníku, Rakovníku, ve Slaném, na Smíchově a Žižkově (Act on Extraordinary Measures for Districts Administrative Units in Hořovice, Karlín, Kladno, Kralupy n. Vlt., Král. Vinohrady, Louny, Mělník, Rakovník, Slaný, Smíchov, and Žižkov).
Nařízení vlády republiky Československé č. 6/1921 Sb. z. a n., kterým se odvolávají mimořádná opatření, zavedená vládním nařízením ze dne 12. prosince 1920, č. 636 Sb. z. a n., pro odvody okresních správ politických v Hořovicích, Karlíně, na Kladně, v Kralupech n. Vlt., na Král. Vinohradech, v Lounech, Mělníku, Rakovníku, ve Slaném, na Smíchově a Žižkově (Act on Recalling of Extraordinary Measures for Districts Administrative Units in Hořovice, Karlín, Kladno, Kralupy n. Vlt., Král. Vinohrady, Louny, Mělník, Rakovník, Slaný, Smíchov and Žižkov).
Zákon č. 50/1923 Sb. z. a n., na ochranu republiky (Act on Protection of the Republic).
Zákon č. 51/1923 Sb. z. a n., o státním soudu (Act on the State Court).
Zákon č. 124/1924 Sb. z. a n., o změně příslušnosti trestních soudů a odpovědnosti za obsah tiskopisu ve věcech křivého obvinění, utrhání a urážek na cti (Act on the Change of Jurisdiction of Criminal Courts and Responsibility for the Content of the Deed in Cases of False Accusation, Libel and Slander).

Zákon č. 111/1928 Sb. z. a n., o zahlazení odsouzení (Act on the Extinction of Convictions).
Zákon č. 48/1931 Sb. z. a n., o trestním soudnictví nad mládeží (Act on Juvenile Criminal Justice).
Zákon č. 123/1931 Sb., o státním vězení (Act on the State Prison).
Vládní nařízení č. 195/1931 Sb. z. a n., kterým se provádí zákon o trestním soudnictví nad mládeží (Act implementing the Juvenile Criminal Justice Act).
Zákon č. 108/1933 Sb. z. a n., o ochraně cti (Act on Protection of Honor).
Zákon č. 124/1933 Sb. z. a n., kterým se doplňuje zákon na ochranu republiky (Act amending the Act on Protection of the Republic).
Vládní nařízení č. 150/1933 Sb. z. a n., o zastavování periodických tiskopisů (Act on Stopping Publishing of Periodicals).
Zákon č. 91/1934 Sb. z. a n., o způsobu ukládání trestu smrti a doživotním trestu (Act on Imposition of the Death Penalty and the Life Sentence).
Vládní nařízení č. 163/1934 Sb. z. a n., o zastavování periodických tiskopisů (Act on stopping Publishing of Periodicals).
Zákon č. 68/1935 Sb. z. a n., o vrchních soudech jako soudech státních (Act on High Courts as State Courts).
Vládní nařízení č. 157/1935 Sb. z. a n., o zastavování periodických tiskopisů (Act on Stopping Publishing of Periodicals).
Vládní nařízení č. 164/1935 Sb. z. a n., jímž se upravuje organisace a jednací řád zemských a místních výchovných rad (Act Regulating Organisation and Rules of Procedure of Provincial and Local Educational Boards).
Zákon č. 130/1936 Sb. z. a n., jímž se mění a doplňuje zákon na ochranu republiky (Act Amending and Changing the Act on Protection of the Republic).
Zákon č. 131/1936 Sb. z. a n., o obraně státu (Act defense of the State).
Zákon č. 115/1937 Sb. z. a n., o vojenském polním trestním řízení (Act on Military Field Criminal Proceedings).
Vládní nařízení č. 165/1937 Sb. z. a n., o zastavování periodických tiskopisů (Act on Stopping Publishing of Periodicals).
Ústavný zákon č. 330/1938 Sb. z. a n., o zmocnení ku zmenám ústavnej listiny a ústavných zákonov republiky Česko-Slovenskej a o mimoriadnej moci nariaďovacej ze dne 15. 12. 1938 (zmocňovací zákon) (Act on Enabling of Amendments of the Constitution and Constitutional Acts of the Czech-Slovak Republic and on Extraordinary Ordinance Power [Enabling Act]).

Studies

Adamová, Karolína and Valentová, Vendulka. "Kdy vznikl samostatný československý stát? (Dobové diskuse a polemiky)." In *Polemiky a spory v právní vědě*, eds. Kamila Bubelová and Miroslav Frýdek, 15–8. Olomouc: Univerzita Palackého v Olomouci, 2010.
Bárta, Drahomír. *Prosincová generální stávka roku 1920*. Praha: SNPL, 1953.
Beneš, Jaroslav. "Finanční stráž." In *Encyklopedie českých právních dějin, II. svazek D–J*, eds. Karel Schelle and Jaromír Tauchen, 511–21. Plzeň: Aleš Čeněk, 2016.
Broklová, Eva. "Sté výročí vzniku první československé ústavy." *Právník* 159, No. 2 (2020): 89–108.
Dlouhý, Michal. "Četnictvo". In: *Encyklopedie českých právních dějin, I. svazek A–Č*, eds. Karel Schelle and Jaromír Tauchen, 935–51. Plzeň: Aleš Čeněk, 2015.
Dostalík, Petr. "*Actio de in rem verso*. An Unwanted Continuity. The Doctrine of *versio in rem* in the Austrian Civil Code and Interwar Legal Discussion in Czechoslovakia." *Krakowskie Studia z Historii Państwa i Prawa* 15, no.2 (2022): 203–14.

Dudáš, Michal. "Trestní právo mladistvých". In: *Encyklopedie českých právních dějin XVIII. svazek Ta–Ty*, eds. Karel Schelle and Jaromír Tauchen, 574–91. Plzeň: Aleš Čeněk, 2019.

Dvořák, Jan and Falada, David. "Snahy o unifikaci soukromého práva a právní civilistika v meziválečném období." In *Československé právo a právní věda v meziválečném období (1918–1938) a jejich místo ve střední Evropě. Svazek 2*, eds. Karel Malý and Ladislav Soukup, 719–40. Praha: Univerzita Karlova v Praze – Nakladatelství Karolinum, 2010.

Fenyk, Jaroslav, and Císařová, Dagmar. "Meziválečné trestní právo a věda trestního práva v Československu." In *Československé právo a právní věda v meziválečném období (1918–1938) a jejich místo ve střední Evropě*, eds. Karel Malý and Ladislav Soukup, 821–42. Praha: Univerzita Karlova v Praze – Nakladatelství Karolinum, 2010.

Gábriš, Tomáš. "Teoretické a metodologické východiská unifikácie práva v 1. ČSR". In: *Monseho olomoucké právnické dny 2006*, ed. Michal Malacka, 232–52. Olomouc: Univerzita Palackého, Právnická fakulta, 2006.

Gábriš, Tomáš. "Obchodné právo v procese unifikácie práva v rokoch 1918–1938." In *Acta historico-iuridica Pilsnensia 2006*, ed. Vilém Knoll, 215–33. Plzeň: Aleš Čeněk, 2007.

Gábriš, Tomáš. "Vznik právneho poriadku prvej ČSR". *Acta Facultatis Iuridicae Universitatis Comenianae* 25 (2007): 107–19.

Gábriš, Tomáš. "Unifikačné snahy v prvej ČSR a medzivojnovej Európe". *Právněhistorické studie* 39 (2007): 193–208.

Gábriš, Tomáš. "Vznik ČSR (1918) a právní řád." In *Encyklopedie českých právních dějin, XXI. svazek Volby-Zákon o*, eds. Karel Schelle, and Jaromír Tauchen, 353–59. Plzeň: Aleš Čeněk, 2020.

Gábriš, Tomáš, and Šorl, Róbert. "Občianske právo na Slovensku a unifikácia právneho poriadku v období prvej Československej republiky (1918–1938)." In *Československé právo a právní věda v meziválečném období (1918–1938) a jejich místo ve střední Evropě. Svazek 2*, eds. Karel Malý and Ladislav Soukup, 646–718. Praha: Univerzita Karlova v Praze – Nakladatelství Karolinum, 2010.

Hauser, Jaroslav. "K dějinám teroristického zákona na ochranu republiky". *Právník* 92, No. 1–2 (1953): 499–512.

Holub, Mir(oslav). "Ochrana státu za absolutismu, konstitutionalismu a republiky." *Všehrd* 7, No. 1 (1926): 7–17.

Horák, Ondřej. "Trestní právo meziválečného Československa – vybrané otázky." In *Československé trestní právo v proměnách věků (sborník příspěvků)*, eds. Pavel Salák and Jaromír Tauchen, 76–95. Brno: Masarykova univerzita, 2009.

Horák, Ondřej, and Klímová, Alena. "Kontinuita, diskontinuita, revoluce." In *Encyklopedie českých právních dějin III. svazek K–M*, eds. Karel Schelle, and Jaromír Tauchen, 267–71. Plzeň: Aleš Čeněk, 2016.

Hrušáková, Milana, ml. "Soudnictví ve věcech mládeže." In *Encyklopedie českých právních dějin VIII. svazek Procesy (do roku 1949)*, eds. Karel Schelle and Jaromír Tauchen, 258–71. Plzeň: Aleš Čeněk, 2017.

Hubený, David. "Podkarpatská Rus v československé ústavě a na Ústavním soudu". *Právněhistorické studie* 51, No. 2 (2021): 73–87. DOI 10.14712/2464689X.2021.19.

Kadlec, Daniel. "Urážka prezidenta republiky v meziválečném období." In *Protistátní trestné činy včera a dnes: Sborník z konference*, ed. Jaromír Tauchen, 73–88. Brno: Masarykova univerzita, 2021. https://www.law.muni.cz/sborniky/protistatni_ciny/protistatni-trestne-ciny.pdf (accessed: 21.01.2022).

Kalvoda, Josef. *Genese Československa*. Praha: Panevropa, 1998.

Kazda, Jan. "Úklady o republiku a jejich odraz v judikatuře Nejvyššího soudu Československé republiky." In *Sborník ze semináře. Sborníky z doktorandského semináře katedry Dějin státu a práva Právnické fakulty MU č. 3*, eds. Ladislav Vojáček and Jaromír Tauchen, 35–46. Ostrava: Key Publishing, 2012.

Kazda, Jan. "Právní ochrana proti kontrarevoluci za první československé republiky." In *Dny práva 2012 – Days of Law 2012, část III. – Revoluce a právo*, 614–26. Brno: Masarykova univerzita, 2013. https://www.law.muni.cz/sborniky/dny_prava_2012/files/revoluce/revoluce.pdf (accessed: 21.01.2022).

Kazda, Jan. "Změna zákona na ochranu republiky ve 30. letech 20. století jako ochrana před fašizačními tendencemi". In *Odraz německého národního socialismu ve třicátých letech v Československu a ve státech střední Evropy*, eds. Karel Schelle and Jaromír Tauchen, 105–14. Ostrava–Brno: Key Publishing – European Society for History of Law, 2013.

Kazda, Jan. "Die Intrigen gegen die Republik und deren Vorbereitung nach dem Gesetz nr. 50/1923". *JURA. A Pécsi Tudományegyetem Állam- és Jogtudományi Karának tudományos lapja* 21, No. 1 (2015): 218–23.

Kazda, Jan. "Soud státní (1923–1936)". In *Encyklopedie českých právních dějin XIV. svazek Soudnictví*, eds. Karel Schelle and Jaromír Tauchen, 392–5. Plzeň: Aleš Čeněk, 2016.

Kazda, Jan. "Procesy podle zákona na ochranu republiky – ohrožení bezpečnosti republiky." In *Encyklopedie českých právních dějin VIII. svazek Procesy (do roku 1949)*, eds. Karel Schelle and Jaromír Tauchen, 285–7. Plzeň: Aleš Čeněk, 2017.

Kazda, Jan. "Procesy podle zákona na ochranu republiky – rušení obecního míru". In *Encyklopedie českých právních dějin VIII. svazek Procesy (do roku 1949)*, eds. Karel Schelle and Jaromír Tauchen, 287–95. Plzeň: Aleš Čeněk, 2017.

Kazda, Jan. "Procesy podle zákona na ochranu republiky – urážka prezidenta republiky". In *Encyklopedie českých právních dějin VIII. svazek Procesy (do roku 1949)*, eds. Karel Schelle and Jaromír Tauchen, 295–8. Plzeň: Aleš Čeněk, 2017.

Kazda, Jan. "Procesy podle zákona na ochranu republiky – vojenská zrada". In *Encyklopedie českých právních dějin VIII. svazek Procesy (do roku 1949)*, eds. Karel Schelle and Jaromír Tauchen, 298–301. Plzeň: Aleš Čeněk, 2017.

Kazda, Jan. "Procesy podle zákona na ochranu republiky – úklady o republiku". In *Encyklopedie českých právních dějin VIII. svazek Procesy (do roku 1949)*, eds. Karel Schelle and Jaromír Tauchen, 301–7. Plzeň: Aleš Čeněk, 2017.

Kazda, Jan. "Zákon na ochranu republiky (č. 50/1923 Sb.)." In *Encyklopedie českých právních dějin, XXI. svazek Volby-Zákon o*, eds. Karel Schelle and Jaromír Tauchen, 461–5. Plzeň: Aleš Čeněk, 2020.

Kárník, Zdeněk. *České země v éře První republiky (1918–1938). Díl první. Vznik, budování a zlatá léta republiky (1918–1929)*. Praha: Libri, 2003.

Klimek, Antonín. *Velké dějiny zemí Koruny české. Díl XIII. 1918–1929*. Praha–Litomyšl: Paseka, 2000.

Kudrna, Jan. "Ustavení parlamentu při vyhlášení samostatného Československa a Polska: Dvě různé cesty s týmž cílem". *Acta Universitatis Carolinae Iuridica* 64, No. 3 (2018): 115–27. DOI 10.14712/23366478.2018.23.

Kuklík, Jan. *Příběh československé ústavy 1920. I. Příprava a přijetí ústavní listiny*. Praha: Univerzita Karlova, Karolinum, 2020.

Kuklík, Jan. *Příběh československé ústavy 1920. II*. Praha: Univerzita Karlova, Karolinum, to be published.

Macek, Pavel, Uhlíř, Lubomír. *Dějiny policie a četnictva II. Československá republika (1918–1939)*. Praha: Police History, 1999.

Malý, Karel and Soukup, Ladislav, eds. *Československé právo a právní věda v meziválečném období (1918–1938) a jejich místo ve střední Evropě. Svazek 1*. Praha: Univerzita Karlova v Praze – Nakladatelství Karolinum, 2010.

Malý, Karel and Soukup, Ladislav, eds. *Československé právo a právní věda v meziválečném období (1918–1938) a jejich místo ve střední Evropě. Svazek 2*. Praha: Univerzita Karlova v Praze – Nakladatelství Karolinum, 2010.

Matulová, Helena. "Vojenské trestní právo". In *Československé právo a právní věda v meziválečném období (1918–1938) a jejich místo ve střední Evropě*, eds. Karel Malý and Ladislav Soukup, 843–74. Praha: Univerzita Karlova v Praze – Nakladatelství Karolinum, 2010.

Miřička, August and Scholz, Otto. *O trestním soudnictví nad mládeží. Komentované zákony Československé republiky svazek XXXIII*. Praha: Československý Kompas, 1932.

Nechvátal, Martin. *15.5.1921 založení KSČ. Ve službách Komiterny*. Praha: Havran, 2002.

Osterkamp, Jana. "Ústavní soudnictví v meziválečném Československu". *Právník* 146, No. 6 (2007): 89–108.

Osterkamp, Jana. *Verfassungsgerichtsbarkeit in der Tschechoslowakei (1920–1939). Verfassungsidee – Demokratieverständnis – Nationalitätenproblem*. Frankfurt am Main: Vittorio Klostermann, 2009.

Pavlíček, Václav. "O kontinuitě a diskontinuitě". In Václav Pavlíček, *O české státnosti. Úvahy a polemiky. 1. Český stát a Němci*, 36–88. Praha: Univerzita Karlova v Praze i Nakladatelství Karolinum, 2002.

Pavlíček, Václav. *Ústavní právo a státověda*. Praha: Linde, 2001.

Pehr, Michal. "Zákon na ochranu republiky a doprovodné zákony v meziválečné éře". *Časopis Národního muzea, řada historická* 184, No. 3–4 (2015): 31–60.

Peroutka, Ferdinand. *Budování státu I. 1918–1919*. Praha: Lidové Noviny, 1991.

Petrů, Magdalena. "Trestné činy proti státu". In *Encyklopedie českých právních dějin, XVIII. svazek Ta–Ty*, eds. Karel Schelle and Jaromír Tauchen, 452–72. Plzeň: Aleš Čeněk, 2019.

Prokš, Petr. "Národní výbor (1916)". In *Encyklopedie českých právních dějin, IV. svazek N-O*, eds. Karel Schelle, Jaromír Tauchen, 124–5. Plzeň: Aleš Čeněk, 2016.

Prokš, Petr. "Národní výbor československý (1918)". In *Encyklopedie českých právních dějin, IV. svazek N-O*, eds. Karel Schelle and Jaromír Tauchen, 136–7. Plzeň: Aleš Čeněk, 2016.

Rašín, Alois. "Převrat z 28. října 1918". *Národní listy* 59, No. 254 (1919): 9.

Rupnik, Jacques. *Dějiny Komunistické strany Československa. Od počátků do převzetí moci*. Transl. Helena Beguivinová. Praha: Academia, 2002.

Salák, Pavel. "Vojenská asistence v letech 1918–1923". In *Acta historico-iuridica Pilsnensia 2006*, ed. Vilém Knoll, 192–204. Plzeň: Aleš Čeněk, 2007.

Salák, Pavel. "Vojenské trestní právo". In *Československé trestní právo v proměnách věků (sborník příspěvků)*, eds. Pavel Salák and Jaromír Tauchen, 174–93. Brno: Masarykova univerzita, 2009.

Salák, Pavel. *Nejen pro válečný konflikt. Právní regulace nebojové činnosti armády v 18.–20. století*. Brno: Masarykova univerzita, Právnická fakulta, 2013.

Salák, Pavel. "Právo trestní vojenské". In *Encyklopedie českých právních dějin, VII. svazek Právo pra-Prob*, eds. Karel Schelle and Jaromír Tauchen, 523–9. Plzeň: Aleš Čeněk, 2017.

Schelle, Karel. "Národní výbory (1918)". In *Encyklopedie českých právních dějin, IV. svazek N–O*, eds. Karel Schelle and Jaromír Tauchen, 125–36. Plzeň: Aleš Čeněk, 2016.

Schelle, Karel. "Právo procesní trestní (do roku 1990)". In *Encyklopedie českých právních dějin, VII. svazek Právo pra-Prob*, eds. Karel Schelle and Jaromír Tauchen, 99–116. Plzeň: Aleš Čeněk, 2017.

Schelle, Karel. "Státní zastupitelství (1848–1948)". In *Encyklopedie českých právních dějin XVI. svazek Správa veřejná-Suché*, eds. Karel Schelle and Jaromír Tauchen, 363–81. Plzeň: Aleš Čeněk, 2019.

Schelle, Karel. "Soudnictví v období meziválečného Československa (1918–1939)". In *Encyklopedie českých právních dějin XIV. svazek Soudnictví*, eds. Karel Schelle and Jaromír Tauchen, 141–6. Plzeň: Aleš Čeněk, 2016.

Schelle, Karel. "Soudy vrchní (od roku 1918)". In *Encyklopedie českých právních dějin XIV. svazek Soudnictví*, eds. Karel Schelle, Jaromír Tauchen, 637–9. Plzeň: Aleš Čeněk, 2016.

Schelle, Karel. "Vznik ČSR (1914–1918)". In *Encyklopedie českých právních dějin, XXI. svazek Volby-Zákon o*, eds. Karel Schelle and Jaromír Tauchen, 346–8. Plzeň: Aleš Čeněk, 2020.

Schelle, Karel. "Vznik ČSR a Morava (1918)". In *Encyklopedie českých právních dějin, XXI. svazek Volby-Zákon o*, eds. Karel Schelle and Jaromír Tauchen, 346–8. Plzeň: Aleš Čeněk, 2020.

Schelle, Karel. "Vznik ČSR a Slezsko (1918–1919)". In *Encyklopedie českých právních dějin, XXI. svazek Volby-Zákon o*, eds. Karel Schelle and Jaromír Tauchen, 348–53. Plzeň: Aleš Čeněk, 2020.

Skaloš, Martin. "Soudy na Slovensku v období meziválečného Československa (1918–1939)". In *Encyklopedie českých právních dějin XIV. svazek Soudnictví*, eds. Karel Schelle and Jaromír Tauchen, 146–50. Plzeň: Aleš Čeněk, 2016.

Skupin, Zdeněk Jiří. "Zahlazení odsouzení do roku 1928 s důrazem na období let 1852–1928." *Právněhistorické studie* 42, no. 2 (2018): 159–72. DOI 10.14712/2464689X.2018.46.

Slušný, Jaromír. "Policie (do roku 1945)". In *Encyklopedie českých právních dějin, V. svazek Pa-Právni*, eds. Karel Schelle and Jaromír Tauchen, 495–522. Plzeň: Aleš Čeněk, 2016.

Soukup, Ladislav. "Zákon na ochranu republiky a svoboda tisku v ČSR". *Právněhistorické studie* 26 (1984): 127–40.

Soukup, Ladislav. "Zákon o tiskových urážkách z r. 1924". *Právněhistorické studie* 27 (1986): 97–114.

Starý, Marek. "Právní trialismus Československé republiky: K otázce recepce německého práva". In *100 rokov od vzniku ČSR: zborník príspevkov zo IV. ročníka medzinárodnej vedeckej konferencie „Banskobystrická škola právnych dejín", konanej v dňoch 22.–23. marca 2018 na pôde Právnickej fakulty Univerzity Mateja Bela v Banskej Bystrici*, ed. Zuzana Mičková, 70–81. Banská Bystrica: Belianum, 2018.

Starý, Marek. "Zákon o zákonné ochraně ČSR". In *Acta historico-iuridica Pilsnensia 2018. Stát a právo v běhu času*, ed. Vilém Knoll, 132–8. Plzeň: Aleš Čeněk, 2019.

Starý, Marek. "Zákon o zákonné ochraně ČSR (č. 449/1919 Sb.)". In *Encyklopedie českých právních dějin, XXI. svazek Volby-Zákon o*, eds. Karel Schelle and Jaromír Tauchen, 816–8. Plzeň: Aleš Čeněk, 2020.

Šejvl, Michal. "Spor o jazyková práva cizinců před prvorepublikovým Nejvyšším soudem a Nejvyšším správním soudem". In *Acta historico-iuridica Pilsnensia 2019. Stát a právo v běhu času*, ed. Vilém Knoll, 179–208. Plzeň: Aleš Čeněk, 2020.

Šejvl, Michal. "Dva zpolitizované jazykové spory před dvěma prvorepublikovými nejvyššími soudy v r. 1928 – příklad vlivu politiky na soudní rozhodování?". In *Ústavní soud ČR: strážce ústavy nad politikou nebo v politice?*, eds. Jana Ondřejková and Jan Malíř, 197–250. Praha 2020.

Štefanica, Ján. "Aplikácia skutkovej podstaty urážky prezidenta republiky podľa § 11 zákona č. 40/1923 Zb. V I. ČSR". *Acta Iuridica Olomucensia* 18, Supplementum 1 (2013): 105–15.

Vlček, Eduard. "Právo trestní hmotné (do roku 1989)". In *Encyklopedie českých právních dějin VII. svazek Právo pra-Prob*, eds. Karel Schelle and Jaromír Tauchen, 476–98. Plzeň: Aleš Čeněk, 2017.

Vojáček, Ladislav. *Urážky, pomluvy, nactiutrhání. Ochrana cti v československém trestním právu*. Praha: Eurolex Bohemia, 2006.

Vojáček, Ladislav. *První československý zákon. Pokus o opožděný komentář*. Praha: Wolters Kluwer, 2018.

Vojáček, Ladislav, Schelle, Karel and Knoll, Vilém. *České právní dějiny*. Plzeň: Aleš Čeněk, 2016.

Vojenské dějiny Československa III. díl (1918–1939). Praha: Naše vojsko, 1987.

Weyr, František. *Soustava československého práva státního*. Praha: Fr. Borový, 1924.