

Abstract

Culpability in Criminal Law

The subject of this diploma thesis is culpability in criminal law. One of fundamental principles of criminal law is the principle of *nullum crimen sine dolus vel culpa*. According to this principle, criminal liability for a criminal offence arises only if it was committed culpably. Culpability is an obligatory element of the subjective aspect of a criminal offence and can be described as a person's internal psychological relationship to the circumstances that give rise to the offence.

The thesis itself is divided into seven chapters. In the first chapter, I focus generally on the conditions of criminal liability. In this chapter I also look at the subjective aspect of a criminal offence and its facultative elements, which include motive and purpose. In the second chapter I present the difference between fault and culpability, which is a broader term. The third chapter is aimed at the evolution of criminal law in the Czech Republic, with regard to the regulation of culpability. The chapter is divided into individual time periods, according to the adoption of individual penal codes. The fourth chapter focuses on the general concept of culpability. First, I look more closely at the principle of liability for fault. The remainder of the chapter is devoted to the individual elements of culpability, i.e. the volitional and consciousness components. Furthermore, I deal with the defects of these components or lack thereof. In this chapter I also discuss the construction of aspect of a criminal offence in terms of culpability and analyse the issue of the intensity of culpability and its extent. In the fifth chapter on the current Criminal Code's regulation of culpability, I discuss and examine in more detail the various forms of culpability – intent and negligence and their subforms – direct and indirect intent and conscious and unconscious negligence. In this chapter, I also discuss the dividing criteria between the different forms, as well as the issue of indifference, including deliberation and previous consideration. The sixth chapter discusses the regulation of culpability within the scope of criminal liability of legal persons, and in particular the concept of imputability addressing the issue of the subjective aspect of legal persons. Furthermore, this chapter contains an analysis of the possibility of exemption from criminal liability of a legal person. The last chapter deals with the issue of culpability in sport. In this chapter I examine the forms of culpability most commonly associated with sporting activities and the evolution of case law in this regard.

Key words:

culpability, intention, negligence