

## **Abstract**

**The title of the thesis:** Crime of murder and manslaughter under section 140, 141 of the Criminal Code

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This master's thesis focuses on the analysis of the crimes of murder and manslaughter under sections 140 and 141 of Act No. 40/2009 Coll., The Criminal Code. The aim of this work is a comprehensive analysis of both of these crimes and their differentiation in judicial practice, utilizing available professional literature and case law.

The thesis is structured into four chapters. The first chapter describes the historical development and gradual changes in the regulation of intentional killings, ranging from the period of the first Czechoslovak Republic to the adoption of the current Criminal Code.

The second chapter is dedicated to the analysis of intentional killings under the current legal framework, specifically the crimes of murder and manslaughter. These crimes are characterized in the thesis by the elements of their factual constitutions, which are thoroughly examined. The chapter distinguishes between simple murder and premeditated murder. Attention is also given to circumstances governing the application of a higher penalty. The preparation of murder is explored, as well as the delineation between mere contemplation or expression of the idea to commit the crime of murder and actual preparation for murder. The second section of the second chapter focuses on the criminal offense of manslaughter, with particular attention to privileged circumstances, namely the derangement caused excusable mental motion or alternatively the previous condemnable conduct of the aggrieved person. This section also addresses the issue of exceeding the limits of self-defence. The last section of this chapter deals with the differentiates between the crimes of murder and manslaughter through specific case examples.

The third chapter focuses on euthanasia and includes a comparison with selected foreign legal regulations. The concluding part of this chapter presents my own reflections *de lege ferenda*.

The fourth and final chapter includes a comparison of the crimes of murder and manslaughter with other crimes against life. These include the murder newborn baby by its mother, negligent homicide, and participation in suicide. The primary contribution of this chapter lies in the comparison of the crime of murder with the crime of murder newborn baby by its mother.

**Key words:** murder, manslaughter, crime