

ABSTRACT

The Criminal Offence of Murder under Section 140 of the Criminal Code

The topic of the criminal offence of murder and its criminal aspects is very broad, and therefore the author of the thesis set out several main hypotheses, the fulfillment of which brought a comprehensive view of the topic.

The main hypothesis of the thesis is to provide a comprehensive theoretical study on the topic of the criminal offence of murder in the legal system of the Czech Republic, which cannot be conceived separately from the constitutional principles of protection of the right to life. Therefore, the first partial hypothesis is an analysis of the anchoring of the right to life in the legal system of the Czech Republic, which is the subject of the first chapter. This chapter also explains key concepts such as the right to life, the moment of creation and termination of life.

The current legal treatment of the criminal offence of murder in Act no. 40/2009 Sb., the Criminal Code, cannot be understood without the use of the historical and comparative method, which is why fundamental information on the historical development of our territory is the content of the second chapter.

The third chapter uses the comparative method to elaborate the next main hypothesis, which is the current legal regulation of the criminal offence of murder from the point of view of substantive law, where the analytical approach is analyzed in detail in Chapter 3.

The theoretical discussion of the elements of the criminal offence in general in Chapter 3.2 is followed by the elaboration of another partial hypothesis consisting in the analysis of the elements of the criminal offence of murder, which is dealt with in Chapter 3.3. For the sake of completeness, Chapter 3.4 discusses the developmental stages of the criminal offence of murder. Chapter 4 contains a comparison of the criminal offences of simple murder, premeditated murder and qualified murder, Chapter 4.2 of the privileged offence of murder and Chapter 4.3 of other criminal offences against life.

The other main hypothesis is the documentation of crimes that have the effect of causing death is included in their facts, and a comparison of their penal rates is discussed in Chapter 4. As a result of this analysis of the facts of the criminal offences

contained in the special part of the Criminal Code, it is found that the effect in the form of death is regulated by the facts of the offences contained in a total of 10 titles, and the range of imprisonment that can be imposed for such conduct is from 6 months to life imprisonment.

In addition to the theoretical analysis, the author has used her practical experience in Chapter 5.2 to demonstrate examples of controversial legal qualifications in specific case studies. In order to elaborate the topic, she used data from police statistics, which prove the frequency of cases of murder and other violent crimes resulting in death in our territory in recent years, and especially in the Capital City of Prague.

In Chapter 6, devoted to the sentencing of offenders for the criminal offence of murder, the author focused her attention on the sentencing of juvenile offenders.

Chapter 7, containing an excursion into the legislation of the Slovak Republic, with which we have a long common history and in whose current legislation we could be partly inspired, concludes his analysis of the criminal offence of murder.

Keywords

human life, murder, manslaughter, penalty