

Culpability in criminal law

Abstract

The culpability is fundamental institute of the Czech criminal law, because it is mandatory attribute of the subjective aspect of the criminal offence. The culpability is necessary to fulfill any of the facts of the criminal offence as the fundamental principle of liability for fault, which implies that there is not a criminal offence without fault.

This thesis deals with the culpability in criminal law and is divided into six chapters, including introduction and conclusion. The introduction is followed by the chapter about general introduction, namely the placement of the culpability in the facts of the criminal offence. In this section the differences between the fault and culpability are explained, and it deals in detail with the content of the culpability, which means the extent of the facts included by culpability. This chapter is also concerned with the intensity and degree of individual form of culpability known as degree of culpability. In addition to the above, this chapter includes also a section dedicated to the matter of proving the culpability in the criminal law.

The next chapter summarizes the historical development of culpability. Starting with the Act on Crimes, Offences and Misdemeanors (1852), the Criminal Code of 1950, the Criminal Code of 1961 and the Penal Code of 2009, which entered into force on January 1st, 2010.

The chapter titled “Culpability in effective law” explains first of all the principle of liability for fault, which is one of the fundamental principles of criminal law. Then the criminal liability of legal entities is outlined. Within this chapter are further analyzed the construction of culpability, the form of culpability of offenders, complicity and participation.

The subject of the last chapter is individual forms of culpability. This chapter focuses on intentional culpability, namely direct intention (*dolus directus*) and indirect intention (*dolus indirectus*). There is also a part that occupies with borderline forms of indirect intention and indifferent relationship to result of the offender. Subsequently the forms of negligence (conscious negligence and unconscious negligence) are explained. At the end of this chapter I took a look into the issue of negligent offences in transport.