

## **Abstract**

This diploma thesis focuses on the matter of the concept of a criminal offence in the Czech Criminal Code, as one of the major issues within criminal liability.

The year 2009 brought the new Czech Criminal Code and with it also a few changes. One of the most discussed ones was the transition from material or material-formal concept of a criminal offence to a formal concept of a criminal offence. Thanks to the simultaneous introduction of the principle of subsidiarity of criminal repression, as a substantive correction of criminal lawlessness, this formalized concept has become a more of a materialized formal concept. So suddenly, there are two corrections of criminal lawlessness, the substantive one, as mentioned, and also a procedural correction based on the facultative option of the prosecutor to terminate the prosecution for reasons of ineffectiveness.

The opinions on the matter of the necessity of both of the corrections in Czech criminal law differs among criminal law experts. That is also why I presented them in contrast and evaluate them at the end of the thesis.

This thesis strives to describe and summarize the problem of the concept of crime to be as comprehensive as possible, so it is divided into four main parts, which are logically connected to each other and each of them is divided into chapters and individual points.

The first part explains the key concepts, the institutes and the fundamental principles related to this issue and the general definition of the forms of the concept of crime. The second part is devoted to the construction of a crime and its definition, the categorization of criminal offenses in the Criminal Code and its developmental stages. The third part describes the historical development of the Criminal Code, from the first schools that influenced our criminal law through the Middle Ages, the Modern Age to the present, and the current settled understanding of the concept of crime in our country. In the final part of my thesis I focus on the valid Criminal Code (Act No. 40/2009 Coll.), the concept of a crime in its proposals and amendments, as well as on possible suggestions of the concept of a criminal offense from the point of view of *de lege ferenda*.

The outcome of this thesis is summarized in the conclusion.