

Criminal liability of physician for a *non lege artis* medical procedure

Abstract

This diploma thesis is focused on the issue of the criminal liability of physician for a *non lege artis* medical procedure. The main objective of submitted thesis is to define all the requirements and elements of criminal liability of the physician, therefore, to find an answer to under what conditions and in what situations the physician will be criminally responsible, and in what situation he will not be criminally responsible. Another objective of the thesis is to provide a definition of what can be considered as a *lege artis* procedure, what will be considered as a *non lege artis* procedure, who will assess such a procedure and what will be the consequences for the assessment of the criminal liability of a physician. In this thesis it was used mostly the method of description, analysis, deduction and a partial comparison.

Thesis is divided into four main chapters, which are further divided into relevant subchapters. The first chapter is focused on the definition of all prerequisites for the criminal liability of a physician and also deals with the question of possible criminal liability of a legal person who is authorized to provide health services. The second chapter defines individual circumstances excluding illegality. The third chapter provides a detailed definition of the *lege artis* procedure from the perspective of both Czech and Slovak legislation. In the third chapter, attention is also paid to the question of alternative medicine, namely healers, in connection with the *lege artis* procedure and in terms of its anchoring in the current legislation. The fourth chapter lists selected criminal offenses that physicians can commit in connection with the exercise of their profession, namely the crime of a killing by negligence, the crime of a grievous bodily harm out of negligence and the crime of bodily harm through negligence and their interconnection.

The conclusion of the thesis is devoted to the evaluation of all the relevant findings leading to clarify the objectives of the thesis and also to the author's attitude to these aspects.