

# **Insanity: Comparison of Czech and American legal concept**

## **Abstract**

The aim of this thesis is to capture the essence of the institute of insanity from the substantive point of view according to the Czech and American legislation and to deduce any differences from them. First, the continental legal system on which the Czech legal order is based is compared with the Anglo-American legal system from which the American legislation is derived.

Subsequently, the basic pillars of the Czech legal order including the position of criminal law are defined. Attention is also paid to the political system of the United States, because, as a result of federalism, there are two levels of law that have a significant impact on national legislations.

Hereupon, the structure of criminal liability according to Czech law is analyzed. Since the prerequisite of criminal liability is the commission of a criminal offense, this is also defined. For the purposes of comparison, circumstances excluding punishability as well as circumstances excluding liability are outlined. Due to the fact that US law is based on common law, criminal liability is defined both from the perspective of common law and the Model Penal Code, which are of the basic sources of US criminal law.

Next part of the thesis is focused on the institute of insanity in the light of both legal concepts. Czech concept of insanity is characterized by the classification of biological and juristic criteria as well as the importance of the term mental disorder. In the United States, insanity is proven by the insanity tests that represent the core of this chapter. The discussion of these tests is also enriched with their constructive criticism.

The main part of this thesis is the comparison of the institute of insanity based on the information contained in the previous chapters. This section also includes a comparison of the sub-areas that have been addressed: the Continental and Anglo-American legal systems, the concept of crime, the construction of criminal liability and circumstances excluding punishability, respectively circumstances excluding liability.