

Summary

The presented thesis deals with mental disorders and their meaning in criminal law in general, not only from the law point of view, but even from the point of view of the psychiatry. It also deals with the insanity emphasized the biological criterion of insanity. It discusses in detail the legislation of the Czech republic and also the legislation in global. The definition of insanity doesn't exist in legislative, but the judicature and law theory work with the concept of two criterions of insanity – the biological and the juristic. The biological criterion of insanity means the mental disorder. Professionals use the International classification of diseases MKN – 10th revision as the correct explanation of the mental disorders. This classification system is necessary for the determination of the right diagnosis. The classification consist of the scale from F0 to F99. There are groups of specific mental disorders like mental, behavioural and mood disorders (affective disorders) etc. The forensic importance of some mental disorders is higher than the others, therefore I mention only the some of them. In the description of the specific mental disorder are also used real cases.

To determine the sanity of the offenders are used the certificated experts. Education, research, preventive treatment and also most prominent – certified experts activities, are the main specialist's activities. The last mentioned activity examines the attributes important to determing the offender's criminal liability, danger, mental health, ability to understand meaning and purpose of the criminal law and finally assign the right punishment. The criminal law cooperate with specialists - psychiatrists and sexuologists which examine the offenders – examination results are important for judge and the whole trial.

There are several form of protective measures as the protective treatment, security detention, prevention of the matter, the prevention of part of the property and the protective education. The thesis deals only with the two of them – the protective treatment and the security detention.. These types of punishment are used as a punish especially for the offenders with mental disorders or paraphilics. The protective measures are divide to obligatory and obtional. The protective treatment is divided to ambulant or institutional care which depends on the offenders health situation. The purpose is to protect the society. The protective treatment as an institutional care take place in specialized mental hospitals or specialized prison departments which are separated of the other departmens and also focused od the narrow group of people.

The security detention deals with highly dangerous offenders. The high dangerous offender means that there are high probability of the relapse. In the security detention are people with mental illnesses or the comorbidity of them, aggressive, inadaptable, drugs and alcohol users

and sexual deviants. The reason was inadaptable patients of mental hospitals, where also weren't the right form of care for them. In the situations of the diminished insanity or insanity where there's no effectivity of the protective treatment the judge can consider to security detention.