

Abstract

This thesis, bearing the name „The crime of drunkenness according to § 360 of Act No. 40/2009Coll., Criminal Code” aims to analyse and understand deeper the crime of drunkenness in all its aspects. Initially, it deals with the historical context of this crime and the development of its conception through history to this day. The thesis also describes terms of diminished sanity and insanity as well as other terms related to the crime including the institute *actio libera in causa* in both of its forms. This crime is indeed an atypical one, whilst being one of the methods of dealing with illegal deeds committed by inflicted insanity. Such crime lies in the fact that the offender of an act otherwise criminal (one lacking an important sign of a crime) had, prior to such act, induced himself to a state of insanity by culpable consuming or applying an addictive substance. Insanity as itself exclude criminal culpability of the offender, however not in cases when offender self-inducing it by consuming or applying an addictive substance, which makes the crime of drunkenness unique. No less interesting is that, in a way, the crime of drunkenness overcomes the principle *nullum crimen sine culpa*, or no crime without culpability, since it is composed of two separate actions, while culpability reverts only to the self-inducing of insanity, whereas not to the quasi-delict subsequently committed in such state. This thesis tends to analyse in detail this singular crime from a special part of the Criminal Code and to inspect it from all points of view and theoretical planes possible.

Key words

Crime of drunkenness, diminished sanity, voluntary insanity, insanity, addictive substance, *actio libera in causa*, blame, quasi delict, penalty rate, protective treatment