

Abstract

The title of the thesis: Crime of murder and manslaughter under section 140, 141 of the criminal code

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This thesis focuses on the offences of murder and manslaughter under sections 140 and 141 of Act No. 40/2009 Coll., The Criminal Code. The crimes of murder and manslaughter are classified among the most serious crimes against life and both of these crimes can be subsumed under the broader term of intentional killings. The aim of this thesis is to provide a comprehensive analysis of the crimes of murder and manslaughter, with particular emphasis on demonstrating the fundamental differences between these offences and also what makes the offence of manslaughter a privileged offence over the offence of murder. The aim of this thesis is also, among the other things a brief excursion and comparison of the differences between the domestic legislation of these offences and the English legislation.

The first part of the thesis deals with the development of the legal framework of intentional killings in the Czech Republic from the time of Great Moravia until the adoption of the current Criminal Code. Increased attention is then paid to the most important legal regulations, whether of later or more recent date.

The second part of the thesis deals with the general characteristics of the individual features of the offences of murder and manslaughter, which are common to both crimes, and focuses on the definition of the object, thus human life.

The third part of the thesis focuses on the crime of murder, in particular on the distinction of the crime of murder into simple and premeditated murder, as well as the circumstances conditioning the application of a higher criminal rate.

The fourth part of the thesis deals with the offence of manslaughter, which is a privileged offence in relation to the offence of murder. It deals in particular with two privileged circumstances in which this offence can be committed. Specifically, these are excusable state of mind and the victim's prior reprehensible conduct.

The fifth part of the thesis introduces the legal framework of intentional homicide in English law, whereby the English legal system is generally built on completely different foundations

than the continental legal system, that dominates the domestic legal system. For that reason, the legal framework thus shows considerable differences.

The sixth part of the thesis is briefly devoted to the definition of other crimes falling into the category of crimes against life and their difference just from the crimes of murder and manslaughter.

The last part of the thesis is practically oriented, it deals with selected cases that I found interesting, both in terms of the actual facts and the punishment given to the perpetrator. For these cases I had complete legal files, so the analysis of these cases is more in - depth and supplemented by case law.

Key words: murder, manslaughter, crime