

Abstract

The title of the thesis: Crimes of bodily harm under section § 145 and § 146 of the Criminal Code

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This rigorous thesis focuses on the offences of bodily harm under sections 145 and 146 of Act No. 40/2009 Coll., The Criminal Code. The crimes of bodily harm and grievous bodily harm are classified among the most serious crimes against human health. The aim of this rigorous thesis is a comprehensive analysis of the offences of bodily harm and grievous bodily harm, with particular emphasis on demonstrating the fundamental differences between these offences. This rigorous thesis also deals with the offence of bodily harm for justifiable motive, which is a crime privileged over the offences of bodily harm and grievous bodily harm. The aim of this rigorous thesis is also, among the other things a brief excursion and delineation of the differences between the domestic legislation of the above-mentioned offences and the English and Slovak legislation.

The first part of the rigorous thesis deals with the development of the legal framework of intentional bodily harm 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 rigorous thesis deals with the general characteristics of the individual features of the offences of bodily harm and grievous bodily harm. The only and essential difference between these crimes can be seen in the objective aspect, namely in the severity of the caused consequence.

The third part of the rigorous thesis focuses on the crime of bodily harm, in particular on the basic characteristics of this offence and also on the circumstances conditioning the application of a higher criminal rate.

The fourth part of the rigorous thesis deals with the crime of grievous bodily harm, which is the most serious crime against health in terms of the consequences caused. It also deals with the circumstances conditioning the application of a higher criminal rate.

The fifth part of the rigorous thesis deals with the crime of bodily harm for justifiable motive, which constitutes a privileged offence in relation to the crime of bodily harm, but also grievous

bodily harm. It deals in particular with two privileged circumstances in which this offence may be committed. Namely, the excusable state of mind and the prior reprehensible conduct of the victim.

The sixth part of the rigorous 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.

The last part of the rigorous thesis introduces the legal framework of intentional bodily harm in English and Slovak law, whereby the English legal system is generally built on completely different foundations than the continental legal system, on the other hand, the Slovak legislation is based on similar values as the domestic one, but some differences can be found here as well.

Key words: bodily harm, intent, crime