

# **Comparison of the murder and manslaughter in the legal system of the Czech Republic, the legal system of the United States of America and the legal system of the Kingdom of Spain**

## **Abstract**

This thesis focuses on the comparison of the crime of murder and the crime of manslaughter in the legal system of the Czech Republic, the United States of America and the Kingdom of Spain. The main objective of this thesis is to make a comparison of three legal systems that at first glance may seem quite different, however, upon closer examination, it can be found that there are significant similarities between them.

The thesis is generally divided into nine chapters. The first chapter is devoted to the general definition of crime in Czech, American and Spanish criminal law. This chapter is followed by chapter two, which presents the conceptual features of crime; a distinction is made between the individual object of the crime, the subject of the crime, the objective aspect of the crime and the subjective aspect of the crime from the perspective of Czech law. This is followed by an explanation of the concept of Actus reus, Mens rea, the concurrence of Actus reus and Mens rea and causation from the perspective of American criminal law. The chapter concludes with an explanation of the conceptual features of the crime in Spanish criminal law, which are elemento objetivo, elemento subjetivo, objeto and sujeto. This chapter also includes the age of criminal responsibility that is established in these countries.

The third chapter includes the division of crimes into categories; for U.S. criminal law, these are the common law division, the U.S. Code division, and the Model Penal Code division. The fourth chapter describes the developmental stages of crime, i.e., preparation, attempt, and completed crime, and their criminality. This is followed by an explanation of the concept of homicide from the perspective of U.S. criminal law in chapter five and the concept of homicidio from the perspective of Spanish criminal law in chapter six.

These chapters are followed by chapter seven, which deals with the crime of homicide and its categorization from the perspective of Czech, American and Spanish criminal law. Chapter eight then focuses on the definition of the crime of manslaughter and its division into different types. The last chapter contains a final comparison of the identical features and differences between the offence of manslaughter and the offence of murder between the Czech Republic, the United States of America and the Kingdom of Spain. The entire thesis is supplemented by selected case law.

**Keywords:** murder, manslaughter, comparative studies