

English Abstract

This diploma thesis consists of nine chapters and focuses on the criminal law aspects of the crime – the murder of a newborn baby caused by mother.

The first chapter contains an introduction to the topic, mainly the brief historical excursion and analysis of current legislation.

The next chapter is devoted to the general discussion of the privileged state of facts.

The following passage of my thesis deals with the characteristics of state of facts of newborn's murder crime. The characteristics specifically are: a subject, a subjective aspect, an object and an objective aspect. In the chapter about the subjective aspect (the psychological state of the mother character as a type of crime) I devote more attention to the theme of crime and the problematic term "distress after birth." I'm trying to define the duration of the distress caused by childbirth. In the chapter about the object of the crime, called Newborn's life as the object of a criminal offense, I mainly devote to the material object of an attack. I try to present the different views on the problems of determination of the human's life beginning. The sixth chapter (called Newborn's death as a result of mother's treatment) deals with various ways of murderous treatments, which are supplemented by the casuistry. In this section I also focus on the definition of terms, which may cause difficulties in the interpretation. These terms are "the period before the birth" and "the period immediately after the birth."

The Developmental stages of crime and Participation in a crime under the section 142 in Penal code are the chapters that are at the end of my diploma thesis. The last chapter contains a more detailed explanation of the penalty for the newborn's murder and its pursuance.