

## Resumé

The goal of this thesis is to analyse *corpora delicti* of the crimes of murder and manslaughter according to sections 140 and 141 of the Criminal Code, evaluate their present application by Czech courts, and to point out possible solutions to some problematic or unclarified questions.

In the beginning, the thesis concerns itself with historical development of intentional homicides in the Czech country with emphasis on great codifications of 18th and 19th century. Subsequently, the interest shifts onto the question of human life as an object of intentional homicides.

The core of the thesis is a thorough analysis of the crimes of murder and manslaughter, their mutual relation, and systematic incorporation in the Criminal Code. After that, there follows a short comparative assessment of the same topic in French law according to *Code pénal*. Then, attention is paid to developmental stages of mentioned crimes.

The chosen topic is methodologically addressed in a way that every subtopic is first examined from the doctrinal theoretical point of view, and then treated in the light of judicial practice. Thus, it is presented how Czech practise of the courts interprets the written law with emphasis on terms and features that have not been used in Czech law so far.

The result of this thesis is mainly the discovery of how the courts apply provisions under section 140 and 141 of the Criminal Code. When the new Criminal Code came into effect in 2009, new typical division of murder has been introduced. Paragraph 2 of section 140 embodies the so called premeditative murder which is expressed by two terms: forethought and previous consideration. Based on the outcomes, it is possible to say that compared to the previous law, there is a significant positive change concerning the distinguishing amongst various types of murders which are generally characterised by high variability of methods of execution, motives or rational control of the perpetrator. With that being said, some doubts can be voiced regarding the application of the term „forethought“ or even regarding the theoretical suitability of premeditation in its respect to the ability to distinguish among typical differences of murders. Regarding the crime of manslaughter, it is possible to say that embodying this privileged *corpus delicti* was a rather positive thing. Based on the analysed practise of the courts, it is apparent that they treat its application very restrictively which is something that must be understood in the light of the extraordinary importance of the object of the crime. With respect to the short period of time in which the

Criminal Code is effective, some aspects of manslaughter are still unclarified, and it is thus a question of time how the courts will approach them in the future.