

Abstract

The subject of this thesis presents the problematics of criminal conduct in the state of intoxication with the main focus on habitual drunkenness under s. 360 of Act. No. 40/2009 Coll., Criminal Code. Subject of the thesis contains multiple theoretic views, historical evolution in the formal Czech lands, Czechoslovakia and Czech Republic. The crime of habitual drunkenness is considered to be an extraordinary crime due to its character and legal construction. This crime does not have an analogy in the respect of a criminal code and in a certain view breaks through the fundamental principle of modern criminal law *nullum crimen sine culpa*, which is the liability for fault. The atypical nature of this crime is represented by its specific legal construction, the requirements of the theoretical principles and demands in which lies the criminal law in modern state of law and last but not least the problem of escalating consumption of addictive substances. All of these attributes are the subject of this thesis.

The thesis is divided into nine chapters. For easier orientation in the text, chapters are divided into multiple sub-sections. First chapter includes the basic terms such as insanity and mental illness, which are crucial to the crime of habitual drunkenness. Second chapter views historical evolution from the first attempts to codify the criminal law until present time. Third chapter describes the body of the crime of habitual drunkenness. It treats the object, objective side, the subject (the offender), subjective side as well as about quasi delict which is referred to as an objective conditions of the law. Fourth chapter discloses the possible theoretical approaches. Fifth chapter pays attention to the sanctions laid down for the crime of habitual drunkenness and quasi delict with the focus on high criminal rate for the offense. Sixth chapter with the case of participation of multiple subjects in the light of crime of habitual drunkenness. Seventh chapter works with the possibility of concurrence of other crimes. Eighth chapter outlines an institute of *actio libera in causa* which allows, due to a specific legal construction, to persecute perpetrators who conduct a criminal activity in the state of insanity. Ninth chapter describes the crime of habitual drunkenness and institute of *actio libera in causa* in legal regulations of Germany, and Slovakia with the comparison with the Czech legislation. Tenth chapter provides a summary of some fundamental weakness that can be found in the Czech legislation. Tenth chapter encloses the thesis with some suggestions *de lege ferenda*.