

Abstract

The Question of Self-induced Insanity

The aim of this thesis is to cover the question of self-induced insanity in its complexity. The thesis is divided into eleven chapters, in which this part of criminal law is analysed. The topic of criminal liability of insane offenders (even those insane due to their own conduct) represents an interesting part of criminal law. One of the main reasons is the fact that the solution to the problem of criminal liability of insane offenders can lead to the breach of one of the main principles of criminal law - the principle of culpability - on one hand, or to the failure of one of the main functions of the criminal law - the protection of society and its interest and values against the most dangerous conduct prohibited by the law - on the other. The text is concerned mainly with the current legal arrangement of self-induced insanity in the Czech Republic.

The legal arrangement in effect adopted the theoretical concept of a special criminal offense and a full criminal liability for the *actio libera in causa* construction. These provisions deal with situations, where the offender through the voluntary application of addictive substances caused his own insanity and in this state committed an act which would constitute a crime were it not for the absence of the offender's legal capacity. Going by the offender's mental state, we can differentiate between the crime of intoxication in section 360 par. 1 of the Criminal Code/Penal Code and the cases of *actio libera in causa*, where the offender demonstrated a culpable mental state to the crime committed in the state of insanity.

The text introduces a general outline of the legal concepts of insanity, mental illnesses, addictive substances and culpability in order to thoroughly familiarize the reader with the problems in question. The next part outlines the positive and negative aspects of several theoretical constructions dealing with the question of self-induced insanity. The third chapter introduces the evolution of the legal concept of insanity from the 16th century until passing of the current legislation. Subsequently, the construction of the offense of intoxication and the *actio libera in causa* construction are analysed. Chapters six and seven examine their substantive law connotations while chapter eight deals with the procedural aspects of these concepts. A thorough examination of the criminal practice and case law from 1995 to 2016 and analysis of several decisions of Prague courts from 2017 is present as well. Our current legal arrangement was compared with that of Germany, Austria, Slovakia, Russia and Spain. Finally, the findings of this thesis are summarized and a few considerations *de lege ferenda* are offered.