

Abstract

Culpability in Criminal Law

The diploma thesis deals with the topic of culpability in criminal law, which is an obligatory attribute of the subjective aspect of the criminal offence. It characterizes the offender's psyche in relation to the criminal offence. In Czech criminal law, the principle of liability for fault (*nullum crimen sine culpa*), according to which there is no crime without fault, applies. The diploma thesis is divided into five chapters. The first chapter is focused on the general introduction; in which the crime and its merits are discussed. The largest part is left to the interpretation of the subjective aspect of the criminal offence and its obligatory and facultative characteristics. The chapter concludes with a treatise on the concept of guilt in criminal law. The second chapter deals with the historical development of the institute of culpability in the criminal codes, which used to be applicable in our territory, from the period defined by the applicability of the Act on Crimes, Offences and Misdemeanours to the Criminal Code of 1961, which was replaced in 2010 by the current Criminal Code. The third chapter deals with the current regulation of culpability in criminal law, the most part is left to the general characteristics of the regulation of culpability in the applicable Criminal Code, whether explaining the principles on which the regulation is based or the analysis of the provisions related to the described issue. However, the chapter is not limited only to the Criminal Code, but for the sake of completeness, a part is reserved for the Juvenile Justice Act and the Act on Criminal Liability of Legal Persons and Procedure against them. The fourth chapter describes the various forms of culpability that are regulated by the Criminal Code. It describes in detail the direct and indirect intent, as well as the conscious and unconscious negligence. The chapter also addresses the legislative novelty in the form of gross negligence. The last part focuses on the issue of determining the borderline between intention and negligence. The final chapter contains a comparison with a foreign legislation on culpability, specifically with France. A part of the chapter is also left to the comparison of the criminal liability of legal persons, which in France is regulated together with the criminal liability of natural persons in the same act.