

Criminal liability in health care (abstract in English)

The purpose of this rigorous thesis is to point out the criminal liability of health services providers, particular for doctors as individuals as well as for hospitals as legal entities. This thesis is divided into four chapters and, moreover, the integral part of it is also one attachment.

The first chapter defines the basic legal terms in health care, such as informed consent, informed disagreement, the *lege artis* procedure, medical documentation and confidentiality. These institutions appear in health care mostly and their detailed definition will help the reader to better understand the goal of this work. Due to the fact that this thesis is aimed to criminal liability, the particular legal terms are defined especially in criminal matters too.

The second chapter entitled as Criminal offences in health care hides in itself the individual crimes that a doctor may commit during the performance of his profession, both intentionally and negligently. In this chapter, not all crimes are defined, but especially those that occur to be most frequently in health care, eventually those which appear to be the most interesting in relation with the health care. Due to the fact that there is also the relevant case law in connection with some of the crimes, for the better understanding of the issue, individual court decisions are further deliberated, because, on the base of the particular cases that have already been dealt with in the past, it is the best way to explain the topic.

The third chapter deals with the three circumstances that exclude illegality and which are applicable in the health care. Particularly it is necessity, the victim's consent and an admissible risk. The main purpose of this chapter is to point out that if, in certain situations, the circumstances envisaged by the law are fulfilled, the actor's conduct which although formally fulfill the merit of a crime offence, taking into account the object circumstances, will not be possible to prosecute.

The fourth chapter deals with the criminal liability of legal entities. Nowadays, it is really debated issue, because it is the institute that works in legislation relatively short and the last amendment has had the significant impact on this area. Due the fact that, thanks to the amendment, it is possible to prosecute legal entities for crimes against life and health that appear to be most common among doctors, it was appropriate deals with this issue at least in one chapter of this work.

The part of this thesis is also one attachment which contains the graphically processed questionnaire consisting of ten factual questions and the particular answers are incorporated into the text of this work. For the questionnaire answered 140 respondents consisting of 99 females and the male sex was representative by 41 persons. The respondents were mostly university educated with an age between 26 to 30 years.

This thesis was not written only for doctors who are supposed to have at least the basic legal knowledge of subject matter, but also for common people who do not participate in the legal or medial sphere. In the effort to get the best understanding of the issue for everyone, this thesis is written in a way to be understandable also for layman.