

Crime of murder and manslaughter under section 140, 141 of the Criminal Code

Abstract

This thesis is focused on crimes of murder and manslaughter under Act No. 40/2009 Coll., Criminal Code. The aim of the thesis is to deliver a complex analysis of crimes of murder and manslaughter under section 140, 141 of the Criminal Code and evaluate them *de lege ferenda*.

The thesis is divided into five chapters. The first chapter is dedicated to the historical development of intentional killings regulation in the premises of today's Czech Republic. In particular, the attention is brought to the Austrian Penal Act from 1852 all the way up to the adaptation of the present Criminal Code of the Czech Republic.

The second chapter is focused on *actus reus* of the crime of murder and manslaughter. Both of these crimes are of special significant object – the human life. This chapter's focus is also dedicated to the beginning and the end of human life from the perspective of criminal law.

The third chapter focuses on the analysis of the crime of murder and its systematization under the present Criminal Code. Within this chapter, the simple murder and premeditative murder are outlined from which is murder with forethought and murder after prior consideration further defined. The significant part of this chapter is the description of murder under circumstances that condition application of a more severe sentence. Furthermore, the preparation of murder and attempted murder are presented.

The fourth chapter is focused on the crime of manslaughter. The privileging circumstances of the crime of manslaughter are strong derangement caused excusable mental motion or, alternatively, previous condemnable conduct of the aggrieved person. Furthermore, the focus is brought to the exceeding the limits of self-defence and killings from suffering, where were found shortcomings in the current regulation and presented solutions *de lege ferenda*.

The fifth chapter describes the intentional killings system in the State of Israel, which is different from our regulation as the crime of manslaughter represents the basic category of intentional killings there. In the frame of the chapter, there is a concise comparison with our systematics.