

Culpability in criminal law

Abstract

The topic of this diploma thesis is culpability in criminal law. Culpability is a traditional institute of substantive criminal law and is an obligatory feature of the subjective aspect of a criminal offense. It expresses the internal psychological relationship of the perpetrator to the facts constituting the crime. Criminal liability in the legal system of the Czech Republic is based on the principle of liability for fault. If actual facts relevant from the point of view of criminal law are not covered by the culpability of the perpetrator, his criminal liability cannot be inferred. The thesis is divided into an introduction, 6 chapters and a conclusion.

In order to understand the position of culpability within the structure of criminal offense, the first chapter defines the concept of a crime as a whole and its individual features.

A general characteristic of the institute of culpability is offered in chapter two. It discusses the principle of liability for fault and the definitional features of culpability, including its individual components, i.e. the consciousness and volitional components, as well as the content of culpability, its degree, and procedural aspects, including the proving of culpability in criminal law.

The central chapter of this diploma thesis is chapter three, which deals with the regulation of culpability in the effective legal system of the Czech Republic. It provides a detailed explanation of the individual forms of culpability, i.e. direct and indirect intention and conscious and unconscious negligence. This chapter also focuses on the determination of both the same and different features of each form and discusses in detail the issue of indifference and acquiescence to a criminally relevant consequence. Attention is also paid to gross negligence. The issue of culpability in relation to the basic and qualified elements of the offense is not omitted.

The area of plurality of persons involved in criminal activity is the subject of Chapter Four. The individual cases of criminal participation are first defined in general terms, followed by an explanation of culpability regarding individual forms. Thus, the psychological relationship of the perpetrator to the criminally relevant facts is outlined for organizing, instigating, aiding and abetting. The chapter concludes with an explanation of indirect perpetration.

Even ten years after the entry into force of Act No. 418/2011 Coll., the issue of criminal liability of legal persons has not lost its relevance. It is the subject of the interpretation in Chapter 5, with an emphasis on the institute of imputability.

The final sixth chapter discusses specific cases of culpability. The first part deals with culpability in relation to crimes committed in insanity caused by the application of addictive substances. The second part provides insight into culpability in relation to injuries caused while performing the sporting activity, with particular emphasis on the nature of sporting rules and their impact on the criminal liability of athletes.