

SUMMARY (CIZOJAZYČNÉ RESUMÉ) - The crime of habitual drunkenness under s. 201a of the Czech criminal code

This thesis presents the description of legal regulation of the crime of habitual drunkenness under s. 201a of the Czech Criminal Code and its conception. The criminal offence of intoxication according to s. 201a of the criminal code is a specific offence in its essence, and one which fundamentally enlarges the conditions of criminal responsibility. It was brought into the Czech Criminal Code in 1991 through the amendment which substituted the prior full liability of people-perpetrators, who committed their criminal act in the state of temporary insanity.

The motive for my research has a connection with recodification of criminal law. The aim of this thesis is to explain the legal regulation of the crime of habitual drunkenness in the Czech Republic and issues related to it, as well as to identify some inadequacies of the present legislation and to recommend a solution de lege ferenda.

The thesis is composed of four chapters, each of them dealing with different features of the crime of habitual drunkenness under s. 201a of the Criminal Code.

Chapter One deals with basic information about the chosen topic and it consists of four parts. The first part of this chapter is concerned with the historical development of the legal regulation. In its third part this chapter also defines the legal term of addictive substances. Three main concepts of solving voluntary intoxication are explained in its fourth part - the concept of Rauschdelikt, the concept of actio libera in causa and the concept of full responsibility of perpetrators who put themselves into the state of intoxication.

Chapter Two is subdivided into two parts. As the main part of the thesis, it draws attention to the s. 201a of the Czech Criminal Code itself, it focuses on characteristics of the legal regulation and analysis the statutory elements of the crime of habitual drunkenness under s. 201a of the Criminal Code. The second part of this chapter disposes of definitions of the legal terms insanity and diminished sanity and their consequences in criminal law using examples from relevant Czech case law. Concurrently intellectual criterion and volitional criterion are explained.

Chapter Three looks at the new penal code that after the re-codification will come in effect and replace today's penal code in 2010.

Chapter Four analyzes the Slovak legal regulation of the crime of habitual drunkenness (under s. 363 of the Slovak Criminal Code).

At the end the thesis concludes with considerations de lege ferenda.

Keywords: offence of intoxication, penal code, characterization, mandatory regulation, analysis, act, effect, offender, insanity, diminished sanity, addictive substances, forensic psychiatry, punishment, new penal code

Klíčová slova: delikt opojení, trestní zákoník, charakterizace, závazná regulace, rozbor, jednání, následek, pachatel, nepřičetnost, zmenšená přičetnost, návykové látky, forenzní psychiatrie, trest, nový trestní zákoník