

Abstract – Crime of murder and killing under Section 140, Section 141 of the Czech Criminal Code

The target of my thesis is primarily a closer analysis of the legal characteristics of subject matters of crimes of murder and killing under § 140 and 141 of the Criminal Code, based on the grounds of the available literature and case law.

The first chapter outlines the history and conception of intentional killing on the Czech territory, including their punishment, since the primitive culture society until the adoption of the Law no. 40/2009 Coll. (Criminal Code).

The second chapter is devoted to a brief definition of a new system of the problematics of crimes against life and health in the new Criminal Code, including various forms of intentional killing, and is designed as a general introduction for further explanation.

In the next chapter, we discuss human life as an object of crime, with a focus on clarifying the issue of its beginning and end, because it is necessary to define the period in which human life is protected by the criminal law.

In order to make the text more synoptic, the main explanation for the offence of murder is divided into two chapters. The first one is there for introduction to the basics of the subject matters of this crime. In the sub-chapter devoted to the subjective aspect I discuss the issue of the killing of pity in terms of criminal law, from the point of view both *de lege lata* and *de lege ferenda*. In the following chapter, I analyze in detail the different types of murders by their division into so-called simple murder, murder committed with forethought or consideration, and murder committed under especially aggravating circumstances. I have also included their legal comparison.

The sixth chapter is devoted to a detailed analysis of the crime of killing as news that was brought by the Criminal Code no. 40/2009 Coll. The explanation of the characteristics of the subject matter is focused mostly at the privileged circumstances of the subjective aspects of this crime.

The last chapter is an excursion into the legal forms of intentional killing under the German criminal law. Its content is a brief explanation of the particular various subject matters contained in the German Criminal Code with reference to some fundamental differences against the Czech legislation.