

Abstract

This diploma thesis deals with the categorization of criminal offenses in the Czech Criminal Code, it is a fundamental issue related to criminal liability.

The recodification of the Criminal Code in 2009 brought with it several changes, one of the most discussed areas was the new categorization of crimes, which moved from a monopartite to a bipartite of crimes (misdemeanour and crime). However, the "new" categorization of criminal offenses was not the only change brought about by the Czech Criminal Code. Among others is the issue of the concept of crime, respectively. its change from material-formal to formal conception. However, in today's Criminal Code, thanks to the principle of subsidiarity of criminal repression, we do not have a formal concept in its pure form, but rather a materialized formal concept. In Czech criminal law, we have two correctives - the principle of subsidiarity of criminal repression, as a substantive corrective and the principle of opportunity, as a corrective of procedural law. The need for two correctives is debatable and opinions differ widely. For this reason, I described them in my thesis and I allowed myself to present my opinion on this issue.

In order to describe the topic of the diploma thesis as comprehensively and in mutual context, I divided the work into three parts, which follow each other. Each of the individual parts is divided into subchapters, which are related to the given part, and which came to me as the most important for the given area.

In the first part I explain individual terms and concepts related to crime. I also analyze the key institutes and essential principles related to this issue.

The second part deals with the key issues of classification and categorization of criminal offenses in the Criminal Code, ranging from general concepts and differences to the regulation itself in the Czech Criminal Code. In the last subchapter of this section, I deal with the distinction between crime and administrative offense.

In the third part I deal with the historical development of the Criminal Code, where the first subchapters deal with the first schools influencing criminal law, through the Middle Ages, the modern age to the present. The last subchapter of this part returns to the second part, dealing with the issue of categorization of criminal offenses in the Czech Criminal Code.

The final part of the thesis presents the findings and opens up problematic areas related to this topic. I also summarize the conclusions of my work together.