

The Concept of a criminal offence in the Czech Criminal Code

Abstract

The diploma thesis examines the concept of a criminal offence in Act No. 40/2009 Coll., the Criminal Code. With the enactment of the new Criminal Code, a transition from a formal-material concept of a criminal offence to a formal concept has been made. With the enactment of Act No. 40/2009 Coll., the Criminal Code, the recodification work, which had lasted almost twenty years, was completed. The most discussed topic at the time of the preparation of the Criminal Code was precisely the concept of a criminal offence.

The first chapter of the thesis introduces the general regulation of the concept and conception of a crime in separate and combined form and the most important terms related to the criminal offence.

The second chapter presents the development of criminal law in the Czech lands from the 19th century beginning with the Code of Crimes and Serious Police Offences, through the preparation of the outlines of the Criminal Code in 1926 and 1937 up to the Criminal Act No. 140/1961 Coll.

The third chapter presents the situation after 1989 on the way to the new penal code. It describes the substantive intention of the Criminal Code, with regard to possible alternatives to the concept of a criminal offences, which was approved by the government and subsequently submitted to the Chamber of Deputies. Subsequently, the bill was rejected by the Senate and the Chamber of Deputies did not outvote the Senate. The chapter concludes with the successful adoption and promulgation of the Criminal Code with its characteristics.

The fourth chapter focuses on the features and categorization of the crime. Concepts such as unlawfulness, general and type features of crime are introduced, and the chapter also examines the division of crimes into felonies and misdemeanors and the subcategory of particularly serious crimes.

The fifth chapter describes the concept of a criminal offence, discusses correctives in criminal law with respect to substantive and procedural correctives, and introduces the social harmfulness and influence of substantive correctives on the concept of a criminal offence.

In the conclusion of the thesis, I summarize the findings on the concept of a criminal offence in the Criminal Code and propose a possible *de lege ferenda* adjustment.

Key words: Criminal law, Crime, Concept of a criminal offence