

Criminal liability in healthcare with focus on an analysis of Czech and Slovak court rulings

Abstract

This master's thesis deals with the issue of criminal liability of healthcare workers. The aim of this thesis is to create a comprehensive overview of the Czech legislation of the relevant part of criminal law and individual institutes of medical law and to present related case law. Slovak legislation is used for comparison.

The thesis consists of six parts, the first chapter is focused on the legal regulation of medical law and its international and national sources. It also deals with types of legal liability of healthcare professionals such as civil, labour, administrative and disciplinary liability.

The second and one of the most extensive chapters approaches criminal liability and its necessary conditions. It describes the current concept of crime in more detail as well as the analysis of the necessity of the principle of subsidiarity of criminal repression. It also includes legal regulation of criminal liability of legal entities.

The third chapter is dedicated to a cardinal concept – *lex artis* as an appropriate level of expertise, which contains a number of obligations that every healthcare worker must comply with. The process of proving criminal liability of medical workers in criminal proceedings especially through surveying is presented as a related issue.

The fourth chapter interprets individual circumstances excluding illegality that are regulated both in the Criminal Code and the Health Services Act and which exclude the punishability of healthcare workers from the very beginning.

The main part of this thesis is the fifth chapter describing crimes against life and health integrated in the special part of the Criminal Code. Emphasis is placed on an analysis of court decisions and an interpretation of their contribution to court practice.

The sixth chapter presents the legal regulation of criminal liability and crimes against life and health in Slovakia, a comparison with the Czech legislation and the case law of the Slovak courts.

Klíčová slova

Criminal liability, healthcare worker, *lege artis*, case law