

Distinguishing between grievous bodily harm causing death and intentional homicide in the Royal Court of Appeal of Szeged (1891-1900)

On the basis of the above, the focus of my research is on the deaths regulated in the Csemegi Code of the crimes of grievous bodily harm and intentional homicide in the jurisprudence of the Royal Court of Appeal of Szeged in the period between 1891 and 1900.

In terms of the methodology of my research, each chapter of the thesis is divided into three parts. First, the literature before the entry into force of Article V of Law 1878 (1880) and then the case-law of the Court of Appeal and the Royal Hungarian Curia between 1891 and 1900. and the literature of the period. I then refer several times to the period under consideration sources published after the period under review, because after the publication of the Csemegi Codex the dogmatic tenets of the Code were referred to decades after its publication.

The primary sources of my research are the criminal cases of the Royal Court of Appeal of Szeged, the decisions of the Hungarian Royal Curia and the explanatory memorandum of Law V of 1878. The selected secondary sources are the works of the great criminal lawyers of the period, such as Tivadar Pauler, Tóbiás Lőw, Károly Edvi Illés, Ferenc Finkey and Pál Angyal.

In my thesis, I will focus on the criminal cases of the decade under review, focusing on the 47 criminal cases in which the two offences in the case study are expressed I mean the question of the distinction between intent to kill and intent to assault.

In the thesis I will present the Szeged jurisprudence, which has not been examined so far, in addition of the exploration of the material and the subjective factors.

I have examined the material aspects of the offence in terms of the instrument used to commit the offence and then the force exerted by the offender at the time of the assault, the use of blows, stabs, and the direction of the shot, the repeated assault. I then took into account the injury, the location and nature of the injury, as well as the perpetrator's statements and the behaviour of the offender.

I have studied the subjective side of the perpetrator's consciousness personal characteristics of the perpetrator and the triggers that triggered the act in the perpetrator. I explored the events leading to the commission of the act, which is closely linked to the victim.

The demarcation criteria developed in the period under review, from the Szeged jurisprudence cases from the Szeged case law contribute to the understanding of the historical foundations of the legal development in force, in particular with regard to the Criminal Court Decision 3/2013, which distinguishes between assault and battery, and the distinction between assault and intent to murder.