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THE ROLE OF MEDICAL EXPERTS IN PROVING THE CRIMINAL OFFENSE OF KILLING A CHILD DURING CHILDBIRTH

Summary

Killing a child during childbirth is an example of a crime in which medical expertise plays a key role in proving. In order to explain why medical expertise is important for proving the criminal offense in question, the author briefly presents the elements of the criminal offense of killing a child during childbirth, for the determination of which it is generally necessary to have professional knowledge in the field of medicine. In the central part of the paper, the author analyzes the means of evidence available to the procedural body when determining facts of a medical nature, focuses especially on medical expert reports, and shows what facts can be obtained with their use, supporting them with examples from current judicial practice. In this sense, the author analyzes two types of medical expertise: expertise based on the physical examination of the defendant, which is carried out to determine the fact of childbirth, and autopsy, which determines the newborn, live birth, and cause of death of the passive subject. In the last part of the paper, the author points out the disputed positions represented in the judicial practice and part of the doctrine, according to which the psychological disorder caused by childbirth represents a legal assumption that should not be determined in the procedure, and gives concluding positions on this issue and the topic in question.

Keywords: *criminal offense of killing a child during childbirth, infanticide, medical expertise, autopsy, physical examination of the defendant, evidence, psychological disorder caused by childbirth, analysis of court practice.*

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