

TURAY, LUKÁŠ – TURAYOVÁ, YVETTA: PRAKTICKÁ UČEBNICA TRESTNÉHO PRÁVA HMOTNÉHO [PRACTICAL TEXTBOOK OF SUBSTANTIVE CRIMINAL LAW]. C. H. BECK, 2025

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1. INTRODUCTION

A practical textbook of substantive criminal law by the author duo JUDr. Lukáš Turay, PhD. and doc. Yvetta Turayová, CSc. represents an exemplary breakthrough in the methodology of university teaching of legal branches in Slovakia and goes beyond the boundaries of ordinary textbook literature. This publication, published by the renowned author's publishing house C. H. Beck in 2025 as an output of the VEGA 1/0722/24 project focused on the Principles of the Rule of Law in Criminal Law, achieves an exceptional space within the Slovak legal literature with its innovative pedagogical model, detailed interpretation and practical-theoretical anchoring.

The publication is primarily intended for students of law faculties, for whom it is an ideal tool for mastering the subject of substantive criminal law. However, its content will also be appreciated by novice lawyers from the ranks of lawyers, judges or police officers.

The entire textbook is prepared in accordance with the legal status as of March 1, 2025. This is particularly important in criminal law, where legislation is regularly evolving and legal interpretations may change. The textbook thus provides very up-to-date information, regardless of whether it is a matter of changes to the Criminal Code No. 300/2005 Coll. itself or changes in application practice. The model cases are original and set in the present, which makes them significantly different from traditional examples in other classrooms. Case studies reflect the real problems of the time. For example, the case of "*Gastro and COVID*" reflects the problems with economic crimes in the context of the pandemic. Or the case of the "*Newspaper Article*", which may reflect the problem of disinformation or misinterpretation in the media space in relation to changes in criminal law.

At the time of writing the contribution entitled *Quo Vadis Criminal Policy* (2023), the authors found that Act No. 300/2005 Coll., the Criminal Code, as amended, had already been affected by fifty interventions into the basic codex of criminal policy, in the form of direct or indirect amendments as well as decisions of the Constitutional Court. By comparison, the preceding Act No. 140/1961 Coll., the Criminal Code, as amended, was amended only forty-five times during its period of effectiveness (Kurilovská and Turay, 2023, p. 27). This practical textbook also responds to these amendments and provides a clear and comprehensible current interpretation, even in a period of legislative turbulence.

The publication was subjected to a thorough editorial process with editors JUDr. Jana Amorová and Mgr. Ľuba Nitrová from the C. H. Beck publishing house. The publication also underwent a professional review process by two leading Slovak experts in criminal law, namely a reviewer from the academic environment doc. Martin Štrkolec, PhD. (Faculty of Law, UPJŠ) and the reviewer from the application environment JUDr. Matúš Kováč, PhD. (Regional Prosecutor's Office in Bratislava), which once again underlines the combination of theory and application practice.

2. AUTHOR'S EXPERIENCE AND QUALIFICATION OF THE AUTHORS' TEAM

The creation of this publication is directly based on generational academic experience and deep scientific foundations. Assoc. Prof. Yvetta Turayová, CSc., as the author of this textbook, was a significant figure in Slovak legal science and pedagogy. During her work at the Institute of Law of the Ministry of Justice of the Slovak Republic and later at the Department of Criminal Law at the Faculty of Law of Comenius University, she deeply dealt with the issue of the causes and conditions of crime from the perspective of criminological and legal research. Her works were oriented towards an interdisciplinary approach to criminal law problems, thus bringing a perspective to Slovak criminal law theory that integrates criminological knowledge with legal regulation. The undeniable significance of the scientific conclusions of Assoc. Prof. Turayová lies in the fact that they have fundamentally influenced several areas of knowledge, whether in criminology or criminal law, including, for example, the field of causes and conditions (Mihálik and Vincent, 2024, p. 111).

Dr. Lukáš Turay presents a dynamic generation of Slovak criminal law doctrine. As Vice-Dean of the Faculty of Law of Comenius University and since 2025 Director of the Institute of Restorative Justice and Criminology, he symbolises the interconnection of traditional legal science with modern trends such as restorative justice and applied criminology. His research activities are focused on criminal policy, substantive criminal law and the phenomenon of white-collar crime, bringing to the textbook a contemporary and innovative perspective on the challenges faced by modern criminal law.

It is the combination of the experience of the older generation and the innovative approach of the new generation that becomes the fundamental character feature of this publication. What cannot be overlooked, and what truly makes this work exceptional, are the co-authors themselves – representatives of two generations of distinguished legal scholars, in this case, a mother and son.

3. PEDAGOGICAL PHILOSOPHY, INNOVATIVE AND TRADITIONAL MODELS OF HIGHER EDUCATION TEACHING

The authors decided on a progressive change in the pedagogical model, which is reflected in the conceptual change that their textbook represents. The basic philosophical

principle that permeates all chapters is the principle that "*great practice must be based on excellent theory*". However, this maxim is applied with attention to the fact that a theory without practical application remains abstract and inaccessible.

The most significant and valuable innovation of the textbook is the case-based *learning approach*. Each chapter follows a uniform, symmetrical, well-defined format that allows the student to quickly orient themselves and create a system while reviewing the material.

Each chapter begins with a case study that is set in the current context and reflects real legal problems in application practice. Examples are varied:

1. Chapter 1 entitled "*The Flawed Legislator*". This is the case of a young MP Milan, who decides to change laws and makes mistakes that expose the shortcomings of Slovak criminal law. Specifically, Milan wants to introduce the crime of "*non-payment of an invoice*", but he does not localise it correctly in the legal system – he wants to place it in the Commercial Code instead of the Criminal Code. At the same time, the case illustrates the problem when a deputy decides on the basis of statistics on the number of crimes regarding the issue of deleting the facts of premeditation and murder from the Criminal Code, which would lead to a violation of several basic principles of substantive criminal law.
2. Chapter 2 entitled "*Ambush*". This is a case on the Main Square in Bratislava, where Peter S. assaults Irena M. with a gun, specifically a knife and with the intention of getting her money. The case is deliberately constructed in such a way that the victim does not suffer any material damage, which raises complex legal questions about how the proceedings qualify if there has been no successful theft and what all the elements of the facts are or are not met.
3. Chapter 3 entitled "*Newspaper article*". The case of Pavel, who reads that "*stealing up to 700 euros is unpunished*" and decides to repeatedly steal things, each individual worth less than 700 euros. The case exemplarily illustrates the problem of continuing crimes. Pavol thinks that if he steals individual items worth less than 700 euros, none of them will represent minor damage and therefore will not be a criminal offense. In this chapter, the authors pay attention to the problem of how individual partial attacks are counted in the case of continuing crimes and the determination of small damage.

These case studies have several basic pedagogical advantages that set them apart from traditional textbooks:

1. Reality and relevance – case studies are not abstract scenarios, but reflect real legal problems and dilemmas faced by modern legal practice and criminal justice.
2. Narrative structure – case studies have a natural, logical structure with a clear beginning and end, indicated problem and questions, which resonates better with human observation and memory.
3. Generating critical questions – Case studies naturally lead to the formulation of questions that students ask themselves, which stimulates their critical thinking, deeper understanding, and ideas for discussion.

The case study is followed by systematically ranked questions in two categories, namely theoretical and practical questions. Theoretical questions are oriented towards definitional and conceptual understanding. Examples are questions such as: "*Define the concept of the offence*" and "*Specify the types of offences*" or "*What are the basic principles of substantive criminal law?*". These questions are formulated in such a way that the

student first understands fundamental theoretical concepts and principles before attempting to apply them to a specific case.

Practical issues require the application of theory to a specific case. For example, these are questions such as: *"Try to qualify the actions of Peter S"*. These questions guide the student step by step to the practical application of their theoretical knowledge to a specific scenario from a case study.

This dual structure of questions greatly facilitates progressive learning, from general theoretical concepts to specific applications to specific cases.

The key and most valuable element of the teaching methodology of this textbook is the comprehensive and detailed solutions to each individual question. These are not short answers in the format *"the correct answer is A"*, but they are extensive interpretations of the answer, with the authors directly quoting relevant parts of the legislation when addressing legal issues. The authors' approach is also very valuable, which does not use case-law as a peripheral footnote, but as a central element of legal reasoning. In this context, we appreciate the so-called box-like excerpts from case law, which are immediately in front of the reader's eyes. At the same time, in many cases, the authors do not end up with a single *"correct"* answer to a legal issue, but commendably discuss various possible interpretations and justifications.

One of the most valuable features of the textbook is the rich graphic elements and diagrams, which are also created through ChatGPT and the authors of the textbook. In an academic context and in an educational environment, this represents a pragmatic, innovative and effective approach to teaching. For example, Figure 1 entitled *"Sub-principles of the principle of legality"* clearly illustrates the relationships between the four sub-principles of legality. Or Diagram No. 2 entitled *"Functions of Criminal Law"* illustrates the five basic functions of substantive criminal law. These schemes have a major pedagogical impact. In an academic environment where students often get lost in swarms of plain text, these visual aids are extremely valuable. The visual representation of complex concepts makes it much easier to understand and remember the material.

Furthermore, for example, the author also correctly incorporated the principle of *ne bis in idem* into this textbook as a principle of substantive criminal law, having previously noted that it is typically associated primarily with procedural criminal law. However, if we examine university textbooks on substantive criminal law, we find that the principle of *ne bis in idem* is not included among its fundamental principles, even though its significance is confirmed by everyday practical application (Dražová, Mihálik and Turay, 2022, p. 26).

The criticism that can be made of the textbook relates to the failure to cover all the problems of substantive criminal law, especially those arising from a special part of the Criminal Code. However, this lack of content is ultimately more of a challenge and an incentive to write a second updated and supplemented edition of this successful and innovative textbook.

In the reviewed work, it may be pointed out, that despite all its erudition and methodological innovativeness, it remains in a certain respect incomplete in its presentation of the system of criminal-law responses to an offence, particularly as regards sanctions in substantive criminal law. Even though the authors very inspiringly develop the theoretical foundations of criminal liability, the principles of criminal law and a detailed analysis of the constituent elements of offences, the specific issue of the types of sanctions, their purposes, the criteria for their imposition and their mutual relationships (for example, the relationship between punishments and protective measures) remains an underdeveloped part of the textbook. Given that this is a *"practical"* textbook intended primarily for students and novice legal practitioners, it would be extremely beneficial if a

separate chapter or subchapter were devoted specifically to a practical grasp of the system of sanctions – from the general principles of the individualisation of sanctions, through an overview of the individual types of punishments, up to their illustration on concrete case studies. Such an addition would naturally build on the existing casuistic and case-law-oriented approach adopted by the authors, without disturbing the textbook's current structure. At the same time, the incorporation of a section on sanctions could also reflect the most recent major amendment (Act No. 40/2024 Coll. – part of sanctions) prepared under Minister of Justice Susko, which, *inter alia*, has expanded judicial individualisation in sentencing (Kiko, 2024, p. 295). It may therefore be framed more as a constructive suggestion than a fundamental objection that any future edition of this successful textbook should elaborate in greater detail a systematic exposition of sanctions in substantive criminal law, including their application dilemmas in judicial decision-making practice.

4. CONCLUSION

The Practical Textbook of Substantive Criminal Law is a publication that goes far beyond the boundaries of a regular university textbook. Its case-oriented model, meticulous and precise interpretation of basic institutes, consistent work with case law, original and contemporary model cases, rich graphic elements and an explicit goal to encourage critical thinking make this publication one of the best study aids available in the Slovak legal market.

Through this textbook, the authors implement their idea that "great practice must be based on excellent theory". Working with cases, rich case law and its anchoring in modern criminological and legal discourses make this textbook a work that deserves a place in the libraries of every lawyer, in the study materials of every law school.

The publication is contribution that moves higher legal education to a qualitatively higher level. At a time when legal practice places increasing demands on graduates of law faculties in terms of practical skills and the ability to quickly orient themselves in complex legal problems, this publication represents an underrated tool not only for students, but also for novice representatives of legal practice.

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