

INSANITY AND INTOXICATION IN THE CRIMINAL LAW OF THE UNITED STATES
OF AMERICA – SIMILARITIES AND DIFFERENCES IN RELATION TO THE
SERBIAN CRIMINAL LAW

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Summary: The author explains the basic elements of the general concept of crime in the United States: 1) objective – actus, reus and 2) subjective – mens rea. The article also summarily explains those legal bases or standings of the exclusion of the criminal act or criminal liability in the US criminal law. The paper particularly explains insanity and intoxication in the USA criminal law and analyzes similarities and differences regarding insanity and intoxication in the Serbian criminal law. The author concludes that there are significant similarities, but also big differences between these criminal law institutions and mechanisms in the USA and Serbia. The basic difference results from the essential criminal procedure law rules which in the USA are related to the burden of proof of defenses in substantial criminal law point of view.

Keywords: the general notion of criminal offense, insanity, intoxication, criminal law, comparative law, the United States of America, Serbia.

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