

The Crime of Money Laundering under Section 216 of the Czech Criminal Code

Abstract

The diploma thesis aims to examine the crime of legalization of proceeds of criminal activities in its narrower sense, i.e. the crime under S. 216 (2) of the Czech Criminal Code. This crime is referred to as “the crime of money laundering” throughout the thesis, as opposed to the crime of possession of stolen goods under S. 2016 (1) of the Czech Criminal Code. The opening chapter reviews the terminology used by Czech law. Then the thesis briefly addresses the phenomenon of money laundering in a broader context; this chapter also provides with statistics of criminal prosecutions for the named crime in the Czech Republic. In a separate chapter, the thesis names some of the most essential international documents adopted in the area of combating money laundering so far. The thesis then describes and evaluates the evolution of the crime of money laundering under Czech criminal law, namely regarding the respective amendments of the law. The following chapter then analyses the most significant elements of the crime of money laundering, and as such, it represents the centrepiece of the thesis. From this analysis, several important and disputed questions arise and are examined further. The thesis emphasizes e.g. the issue of classification of the crime of money laundering in the Czech Criminal Code with regard to the objects of the crime (i.e. values protected by criminal law), the form of expression of the act, which gives rise to liability for the crime of money laundering, criminalization of preparatory acts, and the fundamental issue of parallel criminal liability for the predicate criminal offence and the crime of money laundering (cases of so-called self-money laundering). The thesis then examines the particularly aggravating circumstances of the crime of money laundering and types and rates of punishment for the named crime. Suggestions *de lege ferenda* are presented as needed throughout the thesis and summarized in the closing chapter.