

Abstract

The crime of theft according to section 205 of Czech Criminal Code

This diploma thesis focuses on crime of theft according to section 205 of the Act No. 40/2009 Coll. Criminal code. Crime of theft is the most committed crime out of them all. It is therefore possible to think that one of the causes of such a high frequency may be its inadequate regulation in the Criminal Code. For this reason, the aim of thesis was to describe and evaluate its development and propose possible changes. Thesis also includes a comparison with the foreign regulation and extensive work with the judicial case law, which significantly contributed to the completion of the individual qualified crime elements

Thesis is divided into five chapters and many subchapters. The introductory chapter is devoted to the inclusion of theft into the system of property crimes. In the following section are mentioned earlier opinions on the protection of property as such and how ownership is protected today.

The second chapter describes, evaluates and compares the historical development of the legal regulation of the theft with the current regulation, especially in the Czech territory. This chapter discusses how different the perception of the property protection was and over the period has been. Also, next part in this chapter is devoted to the problem, which the application practice had to face with the introduction of theft recurrence into a separate second paragraph in section 205 of the Act No. 40/2009 Coll. Criminal code.

The third major part deals with the *de lege lata* legal regulation of theft in the Czech Criminal Code and points to its shortcomings. The emphasis is mainly on the qualified elements of the theft, which are the object, the objective side, the subject and the subjective side. This is also related to the analysis of many Supreme Court decisions, which had to complete the interpretation of these main elements.

The penultimate fourth chapter contains a comparison of theft with English legislation. The author focuses on the explanation of the individual qualified theft elements. Furthermore, the consideration of the problematic part in imposing punishments across the courts is also mentioned.

The fifth and last chapter summarizes all the shortcomings identified in the legislation. In particular, the author includes the limit amount of damage, the absence of interpretative provisions of appropriation and empowerment, the overlapping qualified facts of theft, the lower limit of the penalty rate for recurrent offenders and the inconsistency in penalties across the courts. The author pointed out all these problems and critically suggested possible solutions.

Key words

Theft, Criminal Code, appropriation, recurrence, history