

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

Abstract

This diploma thesis deals with the crime of theft according to section 205 of Czech Criminal Code. The aim of this report is to analyse the crime of theft and to describe its features, in order to provide its comprehensive knowledge.

The work is divided into six chapters, which are then divided into individual subchapters. The first chapter deals with property criminality, whose phenomenon is theft. It is pointed out to the high frequency of theft in property criminality and also for some types of theft to the relatively low level of clarity.

The second chapters deal with historical view the historical view of theft in Czech lands. The description begins in the oldest period and ends in year 1989. More space is devoted to the period after year 1945, where it is pointed out to the existence of two types of thefts, which were introduced after year 1945.

The third chapter provides a view on the institution of property, which is closely related to theft. The space is mainly dedicated to the protection of property, which takes place on several levels. It is pointed out here to the international, European, and national protection of this institute.

The fourth chapter could be considered crucial. The introduction to this chapter explains the concept of offence and its features. This is followed by an analysis of the individual characters. Firstly, the object is analyzed, followed by the subject of the attack, the actus rea, the perpetrator and the mens rea. The largest space is devoted to the subject of the attack and the actus rea. The decisions of the court, in which many questionable problems could be found, are used for this description.

The penultimate chapter compares theft with other offences. The emphasis is focused especially on individual differences between the offences. The case law is mainly used for the comparison. At the end of each subchapter, there is a graph which contains a comparison of the overall case records and clarity.

The last six chapter is devoted to the legislation of the state of Texas. There is analyzed the theft from the point of view of Texas law and there is also the comparison with Czech legislation.

Key word: theft, penal law, comparison.