

# **Current aspects of the fraud crime under section 209 criminal code of the Czech republic**

## **Abstract**

The author deals with theoretical and practical issues related to the fraud crime, which is one of the enriching property crimes. After the theft and damage to a thing of another, fraud has been the third most frequently committed property crime in the Czech Republic. Except of its topicality, the reason for choosing the topic of the Master's thesis is mainly the considerable variability of this crime. Law enforcement authorities encounter different modes of committing (modus operandi) this crime in practice.

The presented work describes the historic developmental tendencies of codification of fraud and then looks into the individual changes (amendments) of criminal code in the Czech Republic related to fraud crime.

Furthermore, there is a detailed analysis of fraud crime under section 209 of the Criminal Code and the interpretation of selected legal features. For this purpose it was mainly drawn from current precedens (case law) that significant influences the practice of law enforcement authorities.

The author of the thesis subsequently presents a **concept of obvious carelessness that could easily avoid by the injured person**. The concept is applicable in legal qualification of the act. In addition the mentioned concept was complemented by a theoretical model in a **strong-minded moment** form, that has the effect the criminal offense no longer continues because the injured person was aware or should have been aware (depends on circumstances of the case) that he/she is no longer acting in the error caused by the offender.

The work also responds to the fact that the fraud crime is a typical representative of the distance offense. This type of crime is briefly described and also the procedure of determining the territorial jurisdiction of law enforcement authority.

The final part of the work is based on the author's current practice and is made by using the generalization of information gained from the analysis of several dozen selected criminal records. The result is a detailed description of selected specific types of fraud, which the author classified into three groups - fraud in social networks, Man in the Middle (Mitm) and advance fee fraud (419 scam).

**Klíčová slova: fraud, crime, modus operandi**