

SUMMARY

The crimes of fraud, insurance fraud, credit fraud and grant fraud under s. 209, 210, 211 and 212 of the Czech criminal code

This thesis presents the criminal offence of fraud under s. 209 of the Czech criminal code and its special forms – insurance fraud, credit fraud and grant fraud under s. 209, 210, 211 and 212 of the Czech criminal code. In my opinion a fraud in its very essence represents a classic crime against property. After Velvet revolution the relevance of crimes against property has raised considerably and therefore the regulation of these crimes requires particular attention. This applies above all to the insurance fraud and credit fraud. The insurance fraud and credit fraud were brought together with grant fraud into the Czech criminal code through an amendment in 1997.

The aim of this thesis is to provide an presentation of legal regulation of fraud and its special forms and some issues related to it. I would like also to presentate controversies, which were caused by the amendment of the Czech criminal code in 1997.

This thesis consist of three chapters. The first one deals with the crimes against property. The second one deals with the fraud in its general form, the other ones with its special forms. In every chapter I follow the same pattern – which means elements of the fact of a criminal offence – the object of a criminal offence, the objective side of a criminal offence, perpetrator of a criminal offence and the subjective side of a criminal offence.

In the first chapter I try to describe the crimes against property and its relations. I focus on what their common features are. This chapter show the meaning of damages caused by crimes against property and its impact on criminal liability. I also give a presentation of the concept of property as a object of a crime. The explanation of what a thing means for crimes against property is also given.

The second chapter analyzes the regulation of the fraud in its general form under s. 209 of the Czech criminal code. I tried to describe all aspects of the issue, especially I focused on the difference between the criminal offence of fraud and other crimes, which seems to me very important. I profit from rich judicial decisions, which are available to this crime.

The third chapter deals with the criminal offence of insurance fraud, credit fraud and grant fraud. This chapter is divided into three parts according to particular crimes.

The first part presents the insurance fraud. I explain the reasons, why the criminal offence of the insurance fraud was brought into the Czech criminal code in 1997 and some constitutional controversies raised by this regulation.

This part starts with an analysis of some institutions of civil law, like insurance, an insurance contract, which are important for judging the criminal liability of a perpetrator.

The second part is dedicated to the regulation of the criminal offence of credit fraud. This offence is also very connected to the institutions of civil law, therefore I pay attention to the concepts of the credit and the credit contract. I also present my view of recent decisions of the Constitutional Tribunal of the Czech Republic based on the principle of proportionality.

The third part deals with regulation of the criminal offence of grant fraud. I pay attention to the question, what a grant is, what its features are, and who can be granted to.

Every part is closed by a summary of important judicial decisions. At the end the thesis concludes with a brief summary of my thesis and my view of the issue.