

## **Abstract**

The purpose of this thesis is to provide a detailed analysis of a relatively narrow issue belonging to the criminal law, namely the criminal offence of poaching. The key part of this work examines the merits of § 304 of the Act no. 40/2009, The Criminal Code, and focuses also on its systematic inclusion in the head VIII, called Crimes against the Environment, constituting a part of the special section of the aforementioned code. I attempt to gather the existing conclusions of the doctrine as well as the jurisprudence and to present them in an organized way. I also endeavour to critically assess a number of selected passages and to add my own reflections. In addition, several practical examples are briefly highlighted in order to enrich this work.

This thesis will be divided into four main chapters – the Introduction, the Poaching legislation de lege lata, the Poaching legislation de lege ferenda and the Conclusion.

Regarding the introduction, the reasons which led me to choose and critically analyse this socially negative phenomenon are shortly outlined. Furthermore, I explain my view of poaching as a long-lasting problem in our society.

With respect to the chapter dealing with the poaching legislation de lege lata, it forms the main part of this thesis. Firstly, I aim to consistently categorize the criminal offence in question according to the new scheme of the Criminal Code of 2009. However, the previous incorporation of poaching in the formerly effective Criminal Code is also discussed. Secondly, I point out the theoretical determination of poaching as a crime and its place in the general classification of crimes is briefly stressed. Thirdly, I analyse the merits of § 304 of the current Criminal Code in detail. Particularly, the various elements of the body of the crime are explained. Moreover, I attempt to support these theoretical conclusions by providing several examples from the practical application. I also deal with the particular aggravating circumstances that have been enshrined in the legislation. Fourthly, the possibility of concurrence with other crimes is indicated. Finally, I consider the administrative liability in the cases of poaching.

In the next chapter and in the conclusion, I use the findings which I have obtained as a result of the analysis of the legislative regulation in order to discuss the possible changes de lege ferenda. Mainly, I deem it necessary to extend the criminal liability for the criminal offence of poaching to the legal persons for the so-called poachers shareholders.