

The crime of fraud pursuant to Section 209 of the Criminal Code

Abstract

The topic of this Diploma Thesis is the crime of fraud pursuant to Section 209 of the Criminal Code. The crime of fraud is one of the property crimes, a category of offences with a high share in total crime in the Czech republic. The Diploma Thesis provides a comprehensive overview and analysis of the substance of the offence of the crime of fraud and focuses on problems present in today's application practice.

The Thesis is divided into seven logically arranged parts. The first part briefly describes the historical development of the crime of fraud from early feudalism to post-1989 development. The second part of the Thesis addresses current legislation governing the crime of fraud, it opens with a general classification of property crimes and continues with an analysis of the constituent elements of the crime of fraud. From the objective point of view, the issue of determining the amount of damage, the importance of the injured party's ability to avoid mistakes and the possibility, or impossibility, to commit the crime of fraud by luring debt are more discussed. This part also includes a chapter dealing with the continuation of the crime of fraud and a chapter dealing with the principle of subsidiarity of criminal repression, as it is a principle governing all criminal law and it is therefore closely related to the crime of fraud. The third part deals with the developmental stages of the crime of fraud. In the fourth and fifth parts, there is already comparison with specific types of fraud and their mutual relationship and a comparison with other selected, especially other property and economic, crimes. The fifth part deals with the possibility of committing fraud in civil proceedings and related issues, such as whether the court, or the court commissioner or bailiff, may be misled. The last part deals with the comparison with the Polish and Slovak legislation of the crime of fraud. The most important findings, that emerged from this Diploma Thesis, are summarized in the conclusion.

Key words: Fraud, Crime, Misleading