

Summary

The institution of an organised criminal group in conjunction with the Penal Code and case law

The submitted diploma thesis concerns the institution of an organised criminal group in terms of effective legal regulation, and suggests legal solutions for the future. To meet the objectives of this thesis, it was necessary to study available legal regulations, case law, specialised literature and documents of international law.

At the beginning of this thesis, it was necessary to distinguish the term of an organised criminal group from other two similar terms included in this thesis, namely the term of organised crime and the term of an organised group. This distinction was essential because all of these terms were further used in the thesis.

The second chapter is dedicated to historical context of legislation regarding the organised criminal group. It was especially documents of two international organisations, the UN and the EU, which had considerable influence on the legislation in the Czech Republic. One subchapter also deals with the development in the Czech Republic itself.

In the third chapter, there is a research of the institution of an organised criminal group in terms of effective legal regulation. The research was aimed at following terms: a) organised criminal group according to section 129 of the Penal Code, b) an offender of a criminal offence committed in favour of an organised criminal group according to section 107 of the Penal Code, c) the criminal offence of participation in an organised criminal group according to section 361 of the Penal Code. Other subchapters deal with some application aspects of the institution of an organised criminal group and with the comparison between Czech legal regulation and documents of international law.

Chapter four includes legal regulation of the institution of an organised criminal group in Slovakia, Spain and Italy. Regulation of those countries could serve as inspiration for future legislation in the Czech Republic.

The fifth chapter is dedicated to possible legal regulation. This chapter is aimed at some of the problematic aspects, especially the definition of the term of an organised criminal group according to section 129 of the Penal Code. In this chapter, regulations of other countries presented in previous chapter were also mentioned.

The last chapter contains the summary of the thesis with reference to existing development of legal regulation of the institution of an organised criminal group and effective legal regulation.