

Abstract

This thesis deals with an offence of Theft under s. 205 of the Act No. 140/2008 Coll. Criminal Code.

The purpose of this thesis is to analyse the offence of Theft as the most often offence in the Czech Republic common the current legislation *de lege lata*. It also outlines the proposal for possible amendments *de lege ferenda* and draws attention to problematic provisions of effective legislation.

This study is divided into five main chapters; each of them consists of separate subchapters.

The introductory part defines the basic legal institutes related to the Theft and the institutes of other law-related fields dealing with property protection.

Chapter two is the main part of this thesis which includes the analysis of the current legislation firstly in general terms and then specifically only in relation to the crime of Theft. There are obligatory and facultative the characteristics of the merits of a criminal offence, ie the object, *actus rea*, the subject and the *mens rea*. Further the chapter deals with the second paragraph of the crime of Theft which establishes the second merits of a Theft, namely the punishment of the recidivism. The conclusion of this section deals with particularly aggravating circumstances.

The following chapter illustrates similar criminal offences that have several common elements as a Theft and for this reason they can be identify incorrectly. The subchapter deals with the online Theft namely with identity Theft where the mystification of the Theft is pointed out.

The fourth part of this work deals with the penalty, which is an essential part of every criminal law. The thesis deals especially with alternative punishments and draws attention to the specialities of criminal proceedings in punishing the offender who committed the Theft. It especially illustrates a summary preliminary hearing and the so-called deflection institute.

In the final chapter, the author points out the critical points of the current legislation and at the same time she mentions the proposals which, if adopted them, would legislature remove the problematic parts of current legislation.

The conclusion of the thesis deals with the results and the summary of the research and also illustrates some criminological issues. Graphs are also a part of the work, describing the development and structure of crimes against property with the emphasis on Theft.