

Abstract

The crime of theft according to section 205 of Czech criminal code

Topic of this diploma thesis is the legislation of the crime of theft according to section 205 of the Czech Criminal Code. The aim of this diploma thesis is to conduct an analysis of the currently effective Czech legislation of the crime of theft in the Czech Criminal Code and at the same time subject legislation in fitting cases to critical evaluation or else propose its modification. Simultaneously the aim of this thesis is to conduct analysis of the judicial practice in time of the state of emergency during COVID-19 pandemic using selected relevant judgements and alternatively subject it to criticism. Final aim of this thesis is to compare the Czech legislation of the crime of theft in the Czech Criminal Code to legislation of the crime of theft in the German Criminal Code with the aim to identify their main differences.

Diploma thesis is divided into four separate chapters where individual chapters are further divided into subchapters except the first chapter. The first chapter forms introduction into social problems of the theft phenomenon. This chapter briefly defines importance and status of the crime of theft in a society considering its historical genesis.

Second chapter forms the main part of the thesis consisting of the analysis of the currently effective legislation of the crime of theft in the Czech Republic. It particularly focuses on the analysis of the crime of theft from the perspective of its individual elements which are then analysed in detail, alternatively subjected to criticism. Second chapter also contains the subchapter which is dedicated to overlap of the constitutional and international law in connection with the crime of theft.

Third chapter follows the contents of the second chapter and analyses more thoroughly issues related to thefts committed in connection with the states of emergency and crisis events. The main content of this chapter is the description and following analysis of the relevant judgements which relates to legal proceedings with the perpetrators of the crime of theft in time of the COVID-19 pandemic. Lastly author presents its critical perspective and evaluates subjected judgments.

Fourth chapter compares Czech legislation of the crime of theft to legislation of the German Criminal Code. At first the chapter contains analysis of the German conception of the elements of a crime which is followed by analysis and comparison of the legislation of the crime

of theft in section 205 of the Czech Criminal Code to the legislation of sections 249-256 of the German Criminal Code. In the end author summarizes individual differences between the legislation of these legal codes.

Key words: theft, Criminal Code, state of emergency, StGB