

Abstract

Poaching from the point of view of criminal and misdemeanor law

The subject of this work is the delict of poaching, which, with some simplification, can be characterised in other words as illegal hunting of game or fish. However, this illegality can take different forms and can be affected in different ways, and for this reason poaching is an illegal act that is qualified as a crime or a misdemeanor depending on the circumstances. The analysis and mutual comparison of poaching as a crime and as a misdemeanor is the core of this work.

The diploma thesis is divided into 6 chapters. In the introductory chapter, the goals of this work are defined and the relevance of this topic is explained.

The second chapter is dedicated to the basics of legal regulation of hunting and fishing, as these legal branches establish the conditions under which hunting is authorised. Other legal regulations related to poaching are also presented.

Poaching is a crime whose legal regulation dates back to the early Middle Ages, and it should come as no surprise that this crime has evolved greatly. For this reason, the third chapter is devoted to the historical development of poaching.

The fourth and fifth chapters form the core of this work. Chapter four deals with the analysis of poaching as a crime. This chapter begins with the definition of the crime, followed by a detailed analysis of the facts of the crime under applicable law. The conclusion of this chapter contains reflections on the sufficiency of the criminal law regulation of poaching and considerations *de lege ferenda*.

The fifth chapter is devoted to the analysis of poaching as a crime. Similar to chapter four, this chapter begins with the definition of a misdemeanor, then this chapter compares the theoretical differences between a crime and a misdemeanor. After that, an analysis of hunting and fishing offences is carried out, and which may have a poaching nature, and space in the exposition is also devoted to disciplinary offences.

In the final chapter, the findings of this work are evaluated and the biggest differences between poaching as a crime and poaching as a misdemeanor are compared.

Key words: poaching, crime, misdemeanor