

## **Abstract**

The diploma thesis deals with unfit preparation and unfit attempt of a criminal offence. The issue of the criminalization of unfit actions is nothing new in jurisprudence, yet it is still a topical issue. Due to insufficient legal regulation, the low number of cases resolved before the courts and little interest on the part of the professional public, many questions remain unanswered. Act No. 40/2009 Coll., Criminal Code, does not offer a solution. It does not explicitly regulate the criminalization of unfit actions, the institute is mentioned only in a single provision, namely in § 46 paragraph 3 on abandonment of punishment. The legislator therefore left the definition of criminality and the procedure for imposing punishments for unfit actions to theory and practice.

The aim of the thesis is to provide a comprehensive explanation of the unfit preparation and unfit attempt of a criminal offence, to analyze the individual problems associated with this institute and to propose their solutions.

The text of the thesis is divided into a total of nine chapters. The first briefly discusses the developmental stages of the crime, the others are focused purely on unfit preparation and attempt. In the second chapter, this institute is first defined, followed by a discussion of criminality according to current legislation. The third chapter is focused on theories connected with the theories of preparation and attempt, specifically on objective, subjective and mixed theories. The fourth part is focused on individual types of unfit preparation and attempt, i.e. preparation and attempt by unfit means, on an unfit object of attack, by an unfit subject and so-called superstitious or naive preparation (attempt). The fifth chapter deals with the punishment of unfit preparation and attempt. In the sixth chapter, selected court decisions of the Supreme Court, high courts and regional courts are processed. This is followed by a chapter on the historical development of unfit preparation and attempt. The eighth chapter offers an international comparison of the legal regulation and approach to the criminalization of unfit actions. Finally, the last chapter contains *de lege ferenda* considerations on the possible form of legal regulation in the Criminal Code.