

The crime of fraud pursuant to section 209 of the criminal code

Abstract

The thesis focuses on the definition of the crime of fraud pursuant to the provisions of Section 209 of Act No. 40/2009 Coll., the Criminal Code, and provides a comprehensive analysis of the current legislation. The first part of the thesis is devoted to the historical development of fraudulent conduct and its legislative development. Furthermore, the qualified facts of the criminal offence of fraud (object, objective aspect, subject, subjective aspect) are discussed in detail, including selected case law. Special attention is given to the issues of property and property of others, mistake, damage, causal relation between damage and mistake and enrichment of the perpetrator. All the qualified facts of the crime of fraud and the circumstances precluding its illegality are discussed. The theses contains an analysis of participation in the criminal offence and also includes a section on the preparation and attempt of the criminal offence. A significant part of the thesis deals with the offences in relation to the specialty of the offence of fraud, where the author provides a legal analysis of the criminal offence of insurance fraud under the provisions of Section 210 of Act No. 40/2009 Coll., the Criminal Code, credit fraud under the provisions of Section 211 of Act No. 40/2009 Coll., the Criminal Code and subsidy fraud under the provisions of Section 212 of Act No. 40/2009 Coll., the Criminal Code. In the following section, the thesis evaluates the admissibility of the concurrence of the homogeneous offence of fraud with selected offences, namely with the offence of damage to the rights of others (the provisions of Section 181 of Act No.40/2009 Coll., the Criminal Code), the offence of unauthorised access to a computer system (the provisions of Section 230 of Act No.40/2009 Coll., the Criminal Code) and the offence of counterfeiting and forgery of money (the provisions of Section 233(2) of Act No.40/2009 Coll., the Criminal Code). The author also focuses on the comparison of the Czech legislation on the crime of fraud with the legislation of selected neighbouring countries, namely the Slovak Republic and Germany, in which she focuses on the inspiration for the Czech legal system. The thesis finishes with a number of *de lege ferenda* proposals for the improvement of the current Czech legislation, which the author has concluded on the basis of the elaboration of the thesis.

Keywords: Criminal law, criminal offence, fraud