

The crime of theft according to Section 205 of the Czech Criminal Code

Abstract

The aim of this thesis is to analyze the crime of theft under Section 205 of the Czech Criminal Code, with a particular focus on describing and evaluating the existing legislation and identifying how the elements of the crime are interpreted in judicial decisions. Additionally, the thesis aims to address certain problematic aspects of the crime of theft, including recent discussions and relevant case law, and to propose potential legislative amendments.

The first chapter examines the historical development of the crime of theft in the territory of what is now the Czech Republic, from the 13th century to 2009. It provides an overview of the evolution of theft as a criminal offense and the circumstances under which more severe penalties were applied.

The second chapter analyzes the current legal regulation of the crime of theft in Section 205 of the Czech Criminal Code. It focuses on the specific elements of the crime and the interpretation of key terms, such as *appropriation*, *seizure*, and *such an act*. The chapter also discusses the circumstances that warrant more severe penalties. The analysis is supported by current legal literature and judicial decisions.

The third chapter addresses the issue of special recidivism in the context of theft. It examines both the reasons for its introduction into the Czech legal system and the interpretative challenges posed by the wording of Section 205(2) of the Czech Criminal Code. The chapter summarizes current discussions on special recidivism, not only in the case of theft but also in relation to other crimes, and outlines proposed legislative changes. It concludes with the future law proposals.

The fourth chapter focuses on the concurrence of the offences of theft with unauthorized measures, forgery, and alteration of means of payment. It also explores the issue of indirect intent and the circumstances under which more severe penalties are applied, particularly when the crime is committed by members of an organized group. Furthermore, the chapter briefly discusses the legal classification of the subsequent use of an unauthorized payment card. The chapter concludes with recommendations for legislative changes.

The fifth chapter places the offence of theft in the context of other crimes that share similar characteristics. It highlights the distinctions between these crimes and theft, and provides borderline examples, including relevant case law.

Keywords: theft, recidivism, theft of a credit card