

Criminal and Criminological Aspects of the Rape Crime

Abstract

This master thesis deals with the crime of rape within the meaning of Section 185 Act No. 40/2009 Coll., the Criminal Code. The thesis analyses the criminal as well as criminological aspects of this crime and is therefore divided into two parts. The aim of the author of this master thesis was not to give a complete and all-inclusive interpretation of the crime of rape, but rather to give the reader a comprehensive understanding of the problem of this crime in a way that would as well as an informed reader allow so people without a deeper knowledge of this area of criminal law.

The first part of the thesis is devoted to the criminal aspects of the crime of rape and deals with the historical development of this crime from the very beginning of civilized society and its influence on the contemporary legislation. The chapter dealing with the current regulation of the crime of rape then discusses its basic features, the aggravating circumstances and the developmental stages. Subsequently, the thesis deals with the issue of the crime of sexual coercion and the crime of sexual abuse and their similarities to the crime of rape, as well as significant differences between them.

The second part of the thesis is devoted to the criminological aspects of the crime of rape and deals first with the introduction to the moral crime itself, of which the crime of rape is a part. Furthermore, the offenders, victims and their characteristics are discussed, according to which the reader can form an opinion on the typical offender as well as the typical victim of this crime. The chapter on victims also deals with the issue of primary and secondary victimization.

The last chapter of the criminological part is devoted to the Istanbul Convention and related issues. After a brief introduction, the events related to the Convention are discussed and the arguments for and against its acceptance along with the persons behind them are analysed. At the end of the chapter, there are also proposals *de lege ferenda*, as well as the author's view on this issue, which, after extensive analysis of its possible impacts, is accompanied by considerable doubts about the issue of ratification of the Convention.

Keywords: rape, criminal law, criminology