

The crime Infringement of rights of another under section 181 of the Criminal Code

ABSTRACT

This thesis deals with the crime Infringement of rights of another. Descriptive, analytical, and comparative methods were used for its elaboration. The thesis is divided into four chapters. First, the first chapter describes the historical development of the crime Infringement of rights of another from 1852 to the present. The aim of the first chapter is to present how the offence of criminal damage to the rights of others has been gradually changed and supplemented.

The second chapter provides a characterisation of the current wording of the crime Infringement of rights of another. First, the basic facts and their object, objective aspect, subject, and subjective aspect are described. In the following part, the qualified facts are discussed.

The third chapter compares the crime Infringement of rights of another with related crimes. First, it compares the crime Infringement of rights of another with other offences which, together with the crime Infringement of rights of another, form part of Title Two and Part Two of the Criminal Code. It examines their similarities and addresses the question of whether they can be committed in unison with the offence of criminal damage to the rights of others. The next section compares the offence of rape with the crime Infringement of rights of another. Decisions are presented which show that in some cases the case law has difficulty in distinguishing between these offences. The distinction between these offences is particularly problematic when the victim is in a state of partial defencelessness.

The last part of the third chapter compares the crime of fraud with the crime Infringement of rights of another. To distinguish between these crimes, it is necessary to correctly identify the object of the crime, since the crime of damage to the rights of others provides protection for non-property rights and the crime of fraud protects property rights. The judicial decisions dealing with the relationship between these offences are discussed.

The fourth chapter first introduces the phenomenon of non-consensual pornography and then deals with the question of whether such acts can be punished through the crime Infringement of rights of another and whether this protection is sufficient. To date, the Czech Republic has not introduced specialised criminal legislation to punish such conduct. The criminal legislation of the Slovak Republic, England, and Wales, which have already adopted special criminal legislation, is discussed. The fifth chapter contains *de lege ferenda*

considerations on the appropriateness of criminalizing non-consensual pornography and regulating the crime Infringement of rights of another.