

Resumé

The aim of this final thesis is to evaluate stalking – the phenomenon which gained infamy over the last few decades – and its legal definition. Stalking or “dangerous pursuit“ (literal translation name of the Czech criminal offence of stalking) is also a new offence under Czech Criminal Code no. 40/2009 which was entered into force on the 1st of January 2010. The main goal of this newly introduced criminal offence is to cover the psychological and social phenomenon of the same name, stalking, and the main goal of this thesis is to critically assess whether this criminal offence, “dangerous pursuit”, is successful in criminalizing the stalking phenomenon and whether its form is an effective instrument in fighting stalking. The thesis begins with a short overview which aims to unveil the main ratio behind the call for a legal regulation of stalking. Then a psychological and social peek into the depths of this phenomenon follows (encompassing some of the most widely used typologies and even some clinical opinions on punishing and treating stalkers), which allows to critically evaluate the efficiency of that new criminal offence later on. After this explanation of stalking as a psychological and social phenomenon, comparing the various foreign legal definitions of stalking will follow. The Czech legal definition, called “dangerous pursuit” is introduced as the last one and is carefully deconstructed, line by line. The key elements of the Czech legal definition are explained and those explanations are compared to the current expert opinions, using specialized literature, judicature and even the key elements of the stalking phenomenon mentioned in earlier chapters of this thesis. At the end, the practical problems with the law enforcement, judicial application and Czech legal definition of this new criminal offence are assessed while keeping in mind the problematic penalty and the missing useful legal instruments.