

Summary

The main aim of my thesis is to present an analysis of the effective legislation of the victim and the victim of the crime, its evaluation, finding weaknesses and outline plans de lege ferenda aspects.

The doctoral thesis is divided into four compact sections. In the first section my focus is on the procedural status of the victims as parties to the criminal proceedings, next is presented the brief historical development of its rules, definitions and certain rights (the right to be informed, the right to protection and the right to be a party to criminal proceedings). The analysis of the procedural status is discussed in relation with the new legislation on crime victims. This amendment brought quite large changes of the Criminal Procedure Code as well. The focus here is also on the rights of the victims who are entitled to compensation. Then I comprehensively describe the possible ways how the victims of the criminal proceedings may claim the indemnity. In the last chapter of this section I did not forget to outline some of the shortcomings of the current legislation and some proposals of the de lege ferenda aspects.

The second section of the thesis deals with the difference between the damaged party and the victim. It summarizes the most important milestones in the history of the legislation on the victims of crime and particularly focuses on the international law concerning the victims. I also point out the different nuances of the concept of the victims and present the legal definition of the three categories of the victims from the perspective of the now abolished the law on the provision of financial assistance to crime victims, this from the perspective of the law on the crime victims and from the victimological perspective as well. With regard to the efforts of the reader to understand the differences between three presented categories, in the last chapter of this section I present this field of study – the victimology.

The third section focuses on the analysis of the new legislation on the victims of the crime. The central theme of the work in this chapter is to familiarize the readers with the new definition of the victim that is brought by the law on the victims of the crime and the catalog of the rights of the victims under this new legislation. A more detailed analysis of the concept of the victims of the crime is provided next. This concept is significantly closer to the definition of the victim under the Criminal Procedure Code and the rights of victims of crimes, which have significant implications for the criminal proceedings (right to the information, the right to the protection from the secondary injury, the right to the financial

assistance). The content of this section is also the new legislation in the area that concerns the relationship between the victim of the crime, the state and other entities. A separate chapter discusses the restorative programs and summarizes the basic objectives and principles of restorative justice. In the final part of this section I point out some shortcomings in the current legislation and introduce the proposals de lege ferenda aspects.

The final section is devoted to the procedural status of the victims compared to the Slovak legislation from which can the Czech lawmakers draw the inspiration for the future editing.