Abstract

This rigorous thesis presents an undesirable social phenomenon - domestic violence, which can be considered one of the most widespread and most severe form of violence in our society. The aim of the rigorous thesis is, as the name itself suggests, to present as much comprehensive picture as possible of the issue of domestic violence in terms of its criminological and criminal law aspects, i.e. to summarize the current valid and effective criminal law regulation of this phenomenon, to point out its shortcomings and to suggest possible improvements according to conclusions.

In addition to the introduction and conclusion, the rigorous thesis is divided into five chapters; the first one is dedicated to the definition of some basic terms that are directly related to the topic. In particular, the term of domestic violence, its characteristics, the causes, why this sociopathological phenomenon occurs, the forms and appearances in which it occurs, and the phases are described. There is also an explanation of terms of a violent and threatened person, an intervention center or interdisciplinary cooperation.

The following chapter, which is one of the key sections, deals with criminological aspects of domestic violence. The aim of this part of the thesis is to define the profile of the offender and victim of domestic violence, including their typologies. Victimology, as a science dealing with crime victims, and related terms, such as victimity and victimization, are mentioned as well. It also deals with individual groups of victims, specifically women, men, children and the elderly, including the findings of conducted violence researches in the Czech Republic. The conclusion of this chapter focuses on the undesirable consequences of domestic violence, namely the battered person syndrome, the Stockholm syndrome, and the child abuse and neglect syndrome.

The third chapter deals with legislation in the Czech Republic, which is regulated by the law for protection against domestic violence, especially its three interconnected pillars, where in individual subchapters the institute of police reporting of the violent person, intervention centers as a follow-up social service for persons threatened by domestic violence and on the precautionary measures to protect against domestic violence, as laid down in the Act No. 292/2013 Coll., On special court proceedings, are dealt with in detail.
The main part of the rigorous thesis is the fourth chapter dealing with criminal aspects of domestic violence. Its aim is a detailed analysis of valid and effective criminal law. Within the substantive criminal law the crucial criminal acts, such as crime of battering a person living in the same dwelling (§ 199 of the Criminal Code), and the crime of battering the person in guardianship (§ 198 of the Criminal Code) are analyzed. As for the procedural criminal law, the thesis is focused on the role of the bodies involved in criminal proceedings, on possibilities offered by the criminal law to the person in danger and, last but not least, on possibilities, which can limit the perpetrator's actions, specifically on preliminary injunctions within the Criminal Procedure Code.

The last chapter was dedicated to an excursion into the Austrian legal regulation, in order to compare how much is the legislation in this area identical or different. At the end of the rigorous thesis, besides the summary, there is also an evaluation of the current legal regulation, including pointing out some shortcomings and proposing possible improvements.