

A victim of domestic violence and the possibilities of the victim's protection under criminal law.

Abstract:

For my thesis, I have chosen the topic of Victim of domestic violence and the possibility of criminal protection after finishing an elective course "Domestic violence" mainly because I have found this issue very intriguing. I do not deal with the whole issue of domestic violence in my thesis. In the first part, I summarize theoretical knowledge about domestic violence and in the second part, concerned with legal regulations, I address especially the summarization of present legal regulations and the identification of their shortcomings.

The thesis is divided into nine chapters, where the first one is the introduction and the last one is the conclusion. Thematically oriented chapters follow the first one.

The first chapter is devoted to the notion of violence itself, specifically domestic violence. Types and forms of domestic violence follow and even myths about domestic violence are not omitted.

Since my thesis is titled "Victim of domestic violence...", I cannot but to mention in the next chapter victimology, discipline dealing with the victims of the crime and related phenomena (victimhood, victimization, etc.).

Next, specifically third, chapter deals with the phenomenon of stalking. I address the concept of "stalking" itself as well as types of stalking, culprits of this crime, and of course I also outline new legal regulations in the Czech Republic and their advantages and disadvantages for our society.

In the next chapter I briefly address the institute of eviction under the new law on Police of the Czech Republic. Even though that this regulation belongs to the administrative law, it should not be omitted in cases of domestic violence.

I also discuss domestic violence and its prosecution in the form of an offence, if an act of a culprit does not reach an intensity of a crime.

The following key chapters deal with the criminal law from the perspective of a victim of domestic violence. First, I analyze substantive criminal law and legal regulation of domestic violence not only from the point of view of the factual basis of the crime of "ill-treating a person living in common habitation", but I also hope from

the wider perspective. I consider in a greater detail for example the factual basis of the new crime of manslaughter, for which there are two different opinions on its interpretation in the Czech jurisprudence.

The chapter dealing with the law of criminal procession is also included, especially with respect to the station and options of the aggrieved party during a criminal suit in comparison with the accused party. I also summarize the options of the aggrieved party with respect to the reparations for the damage caused by the crime and to the financial help granted to the victims of the crime by the state.

In the next chapter, I also mention the legal institute of private bill, or subsidiary bill, which at the moment is not included in the Czech system of law, but the future brings changes and maybe also in this matter, although this institute is not very suitable for the victims of domestic violence.

The last chapter serves as concluding words which should summarize the previous text, while evaluating pros and cons of our legal system in the area of domestic violence.

In the very end I present, for illustration, some statistical data of occurrence, forms and solutions of domestic violence in the Czech Republic in 2008.