

## **A crime of rape (selected issues)**

### **Abstract**

The thesis deals with the concept of the crime of rape. The ambition of the graduate was not to give an all-embiscite interpretation of this crime from the point of view of criminal law and criminology, but to deal with the basic characteristics of rape and to respond to a possible change in the current law definition of rape. The introduction to the thesis first presents the basic historical development of this crime. Historical developments are demonstrated on three fictional stories so that the reader of the thesis can better imagine the main changes that have taken place in the area of basic constituent elements of the crime.

Another part of the thesis consists of an analysis of the basic constituent elements of the of rape in § 185 of the Criminal Code. The interpretation of the basic constituent elements of this offence, complements the interpretation by legal theory and the interpretation of the Supreme Court and Constitutional Court of the Czech Republic.

The following chapter in the thesis deals with the construction of the legal definition of rape as sexual intercourse without expressing voluntary consent. This chapter presents a list of states that legislate the crime of rape as sexual intercourse without consent. The following is an analysis of the reasons which, according to the proponents of the new legislation, are in favour of an amendment to the current rape clause in favour of the above definition. An important part of the work is to consider whether it would be appropriate to be inspired by such a definition of the legal definition of rape in the czech criminal code.

The last chapter is devoted to the international framework of the crime of rape. There are the most important contributions of international institutions and international courts to the definition of the crime of rape. This chapter also briefly discusses the Istanbul Convention, its development and how it is viewed in the Czech Republic.

**Key words:** rape, definition of rape, sexual intercourse without consent