

Abstract

The diploma thesis The crime of rape according to section 185 of the Criminal Code is divided into five parts, which are further divided into sub-chapters.

In the first part of the thesis, I focus on the historical development of the institution of rape, from the first mention of rape, which dates back to ancient times, through medieval regulation, regulation in the modern age, in the first and second half of the 20th century, up to the current regulation in Act no. 40/2009 Coll., Criminal Code. Specifically, the crime of rape can be found in section 185 of the Criminal Code, which falls under the third special part, Crimes against human dignity in the sexual area.

This is followed by the second chapter, which analyses in detail the concept of a crime and its individual features. Here I described in detail the factual nature of the crime, i.e., the object, the objective side, the subject, and the subjective side, both from the general point of view, which we apply to all crimes, and specifically to the crime of rape. In this passage, I also focused on the single-act concurrences of the criminal act of rape and on the qualified facts found in the second to fourth paragraphs of the given provision.

I also try to describe the topic of moral criminality, which includes rape, in the chapter number three. In the sub-chapters, I will provide a closer look at the perpetrators of rape and their subsequent conviction, the time and place of the crime, and the victims of the crime. Regarding rape victims, I pay attention to the so-called myths about rape, pre-victim factors, the course of rape and its consequences.

The next chapter is dedicated to comparing the facts of the crime of rape in countries where the absence of consent is defined. The provisions of the criminal codes in Germany, Sweden, and Denmark, which may be a model for Czech legislators in the future, are discussed in more detail here.

At the very end, I bring a closer attention to current cases of rape in the Czech Republic, which were and are highly publicized. The cases of kickboxing coach Martin Zavoral and the famous Jaroslav Dobeš alias guru Jára.