

Crime reporting and its criminological significance

Abstract

The diploma thesis is divided into ten chapters, the first chapter deals with the reporting actions of natural persons, legal persons, public authorities and the related reporting obligation, the reporting authorization. The second chapter considers the importance of reporting criminal activity for the initiation of criminal proceedings, the basic principles that have an impact on the procedure of the prosecuting authorities after receiving a criminal notification and a criminally relevant complaint. The third chapter deals with the obligation to receive criminally relevant complaints and notifications, the actions of law enforcement authorities following the receipt of a complaint and the initiation of criminal proceedings. The fourth chapter provides the description of the most important legal institutes through which law enforcement authorities learn about facts reasonably indicating that a crime has been committed. The subchapters also include anonymous submissions, abuse of criminal reporting, private and subsidiary action – an institute appearing in some continental criminal Codes and discussed for reintroduction in the older substantive intention of the draft of the new Criminal Procedure Code.

In relation to the reporting of criminal activities, a sub-chapter is allocated for the right to effective investigation, which has a constitutional overlap, as the Constitutional Court has issued a several judgments related to the topic of the thesis. The fifth chapter lists offenses that can be committed in connection with the abuse of the institution of criminal notification and other offenses otherwise related to the topic of notification process. The sixth chapter deals with persons who are most often the reporters of crime and usually have some of the procedural positions (and the rights and obligations arising therefrom) after the initiation of criminal proceedings. The seventh chapter deals with victimological aspects; victimological can explain the victim's behaviour during and after victimisation, the higher latency of certain types of crime, the reason for not reporting crime, and the reduced willingness to report crime.

The eighth chapter deals with crime reporting from a criminological perspective – non-reporting of crime as a cause of latency, psychological causes leading to non-reporting of crime are discussed; the last subchapter is a reflection on the possibility of revising the reporting obligation of natural and legal persons under the regime of § 368 of the Czech Criminal Code. Chapter 9 addresses the issue of mandatory confidentiality with regard to crime reporting. It highlights the controversies surrounding the conflict between the obligation of confidentiality and the reporting of criminal activities outside the scope of the reporting obligation. Chapter 10 compares the Czech and Slovak criminal regulation of crime reporting, in particular with regard to the reporting obligation.

Key words: crime reporting, latent criminality, victimology, failure to report a crime