

# **Problematic aspects of the legal regulation of the crime of rape and its possible redefinition**

## **Abstract**

The thesis deals with problematic aspects of the crime of rape, especially with regard to the current social pressure to redefine this crime. The introduction of the thesis is devoted to a brief historical development of the legal regulation of the crime of rape and foreign comparative analysis of the Czech legislation with the legislation of Slovakia, Sweden and France. An integral part of this thesis is also an analysis of selected criminological aspects that are important in relation to the issue of the crime of rape, in particular a statistical analysis of reported and clarified cases of rape, the issue of latent criminality and the characteristics of the perpetrator and the victim of rape.

The next part of the thesis is a summary of the most important decisions of the criminal courts in the field of the crime of rape, especially in relation to the interpretation of problematic concepts, which are crucial for assessing the necessity of redefining the crime of rape. Subsequently, the thesis analyses the current legal regulation of the crime of rape in the Czech Republic and assesses the necessity of changing this legal regulation, precisely with regard to the identified shortcomings of the current legal regulation and international standards, especially the Istanbul Convention.

The last part of the thesis is devoted to the government's draft amendment to the Criminal Code. Partial proposed changes are discussed in more detail, including the individual premises that inspired their formulation. It also includes a critical assessment of the government's draft amendment to the Criminal Code.

The result of this thesis is an overall assessment of the current state of the legal regulation of the crime of rape and the necessity of redefining the crime of rape in the Czech legal system, with regard to all the aspects examined, which are dealt with in the individual chapters of the thesis.