

Selected crimes related to addictive substances

Abstract

The thesis deals with selected offenses related to addictive substances, namely three crimes, illegal production and other handling of narcotic and psychotropic substances and poisons according to § 283 of the Criminal Code, the possession of the narcotic and psychotropic substance and the poison according to § 284 of the Criminal Code and the endangerment under the influence of addictive substance according to § 274 of the Criminal Code. Selected crimes are detailed in terms of the aspects of actus reus and mens rea, complicity and participation, the developmental stages of the crime and of qualified actus reus. In the case of individual crimes, the object is first analyzed, the need for protection of such object and its definition in the literature is examined. Next is investigated the actus reus which is defined by the examples illustrated by the different types of conduct by which the crime can be committed or by other aspects of the actus reus of the crime. For each of the crimes, the subject and the subjective aspect are defined. In the case of complicity and participation, the different types of complicity are analysed and also how the theory distinguishes them, then there are analyzed examples illustrating the kind of complicity in the investigated crimes. The same procedure is for participation where examples of possible forms of participation, organization, instructions and help are illustrated. In the development stages of crimes, in the case of a criminal offense, according to § 283 of the Criminal Code, the preparation and attempt are investigated and for the other two offenses only an attempt is investigated. In addition, possible examples of ineligible attempts, attempts of unauthorized object of attack, and attempted inadmissible means are described. Finally, all offenses are individually identified with qualified actus reus where individual examples or possible problems are mentioned. The thesis is in fact a detailed commentary on the crimes under investigation.