Abstract

Crime relating to the abuse of addictive substances

The abuse of addictive substances is an issue of the whole society, which in current globalized world, considering continuous development of drug scene, still remains topical. The abuse of addictive substances, as a significant criminogenic need, relates to all kinds of different criminal offences, both those committed by addicts and those committed against them. This includes for example property crimes, crimes against life, person and health, or endangerment. Because of such wide scope of crimes related to the abuse of addictive substances, the focus of my work is on substantive regulation of so-called drug offences, which is stated in the articles 283 – 287 of the Criminal Code.

The purpose of this thesis is to analyse constituent elements of the particular drug offences, coherent case-law, as well as some questionable issues related with this kind of criminal offences. It is for instance, the issue of determining the term "greater than the small amount" and regulation of making cannabis accessible for medical use. Higher consideration is given to the questions of so called growshops and the issues of the distribution of drug addiction.

The thesis is divided into general part and special part. In the general part, there is a definition of some of the basic terms, which are characteristic for the subject matter, and which specification is essential for good understanding and orientation in the whole text. There are also in broad terms introduced crimes relating to the abuse of addictive substances, as well as brief characteristic of the most common drugs, available on the illegal markets. The last chapter under the general part in detail describes the history of legal regulation of narcotic and psychotropic substances abuse, both on the territory of the current Czech Republic and internationally. This chapter highlights the impact of historical regulations on the current drug legislation. Five chapters within the special part contain the merit of my thesis which are the individual elements of the drug offences, as well as their interrelations. Legal literature, commentaries on the Penal Code and jurisprudence was used to analyse this problem.

The end of my thesis is dedicated to the issue of growshops and the change of attitude of the police, the public prosecutor's office and the courts towards the growshop's operators, as a result of The Supreme Court's decision from 31st October 2012, under the reference number 8 Tdo 1206/2012.