

The issue of legal regulation of drug related crimes in Czech criminal code

Abstract

The thesis deals with the alcohol and drug-related substantive crimes and aims to provide the reader with the detailed analysis of the basic substituent elements of a crime with the analysis of the basic terms of the problematic and application of the existing case law. The analysis of some vague terms which are the subject of unending discussion of both the legal community and the general public is also provided in the thesis.

I processed the thesis with the focus on the substantive law with emphasis on the drug-related crimes regulated in legislative provisions § 284 to § 287 of the Criminal Code and further on the chosen crimes from the area of secondary drug-related criminal activity, especially on the crime of endangerment under the influence of drugs or alcohol according to provision § 274 of the Criminal Code and the crime of drunkenness according to provision § 360 of the Criminal Code.

The thesis is divided into eleven chapters. The first chapter is dedicated to the problematic of addictive substances in terms of their characteristics, division into groups according to their properties and effects and within them are listed the most known addictive substances. Furthermore, it focuses on the individual risks connected with their use for easier orientation of the reader in the following text of the thesis.

The second chapter is focused on the development of legislation on the international level with the emphasis on the lawmaking process of UN and the European Union.

In the third chapter the attention is dedicated to the drug policy of the Czech Republic with the focus on the current strategy and action plans.

The fourth chapter contains an overview of the development of the legislation on drug crimes on the territory of the Czech Republic, from the Austro-Hungarian monarchy era to the present.

Chapters five to ten are focused to detailed analysis of the individual facts of drug crimes regulated in regulations § 283 to 284 of the Criminal Code with the current application of settled case law and attention is also given to vague legal terms. Within these chapters the current legislation is compared with the previous ones.

The last, eleventh chapter is focused on the chosen crimes from the area of secondary drug-related criminal activity, specifically the crime endangerment under the influence of drugs or alcohol according to regulation § 274 of the Criminal Code and the crime of drunkenness according to regulation § 360 of the Criminal Code.