

The Criminal Aspects of the Drug Crime

Resume

The rigorous work is concerning legal aspects of issues of criminal activity connected to production and distribution of narcotic drugs and psychotropic substances and related problems.

The introduction outlines general theoretic solutions of the topical issue focusing on social, medical, and criminological aspects. There are presented basic information on narcotic drugs and psychotropic substances addiction, and outlined mutual consequences of the topical issue concerning drug use and organized crime. The definition of the concept of drugs and its effects in human body is the next. The part two covers issues of substantive law amendments in relation to drug criminal activity. There is firstly defined the basic terminology related to the topic, made a brief historical insight and analysis of international conventions that are aimed to combat drug criminal activity, namely Single Convention on Narcotic Drugs, Convention on Psychotropic Substances, and United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Community dimension of the topic is also briefly outlined. When regarding the subject-matter, chapter III and IV are the fundamental sections of the work. Third part includes relatively large analysis of substantive law amendments, specifically facts in issue of s. 283 - 287 of the Criminal Code. The analysis explains very often highly specific legal terms, and details the principles of quantitative descriptions of individual qualification characters, emphasizing the description of relatively significant amendments, related particularly to enlargement and specification of quantitative definitions determining qualified fact in issue, that were amended in connection with the adoption of the new Criminal Code. The author outlines correlations with previous legal amendments represented by penal law and also analyses into very details the genesis of case law related to the mentioned provisions. There is also some information on specific and currently still legally ambiguous problems related to criminal liability of pharmacists who sell pharmaceuticals to drug offenders who manufacture drugs of these subsequently, in particular menthamphetamine.

The third part is concerning selected procedural institutes, which are largely used in the detection of crimes connected to narcotic drugs and psychotropic substances. There is gradually carried out the analysis of provisions related to telephone tapping and recording, house search, other premises and land search, analysis of operatively investigating means as a pretended transfer, spying on people and things, and the use of an agent. There are also mentioned questions of mostly procedural nature that are often closely linked to drug criminal activity, it is, institute of secret witness and police provocations. When assessing the concept of the work, it should be mentioned that while in above mentioned facts of the case of the Criminal Code the author aimed to carry out detailed analysis, the detailed analysis of defined procedural means was not possible to complete because of limited capacity and therefore there were described only their specificities in relation to the selected topic.

A brief summary is at the end of the rigorous work in which the author presents mainly general considerations concerning the topic, carried out in relation to previous legal analysis. It is followed by the resume in Czech and foreign languages and list of used literature and case law.