

Legal regulation of firearms

Abstract in english:

The thesis sets up three main objectives. Firstly to enrich the public debate by verifying numerous historical arguments, which objectivity and relevancy is unclear. Three chapters of the thesis delve in to these matters, presenting cultural, historical and scientific context for evaluating legal regulation in Europe at large. For substantial demography the right to own and carry a weapon is a symbol of their freedom, while the restrictions represent authoritarian breach of their rights. To an extend this thesis verifies this notion based on historical analysis of past czech and czechoslovakian legal regulation. On the other hand presented outcome of sociological research brings up the fact that weapon at the societal level private possession of firearms does not increase the safety of individual citizens. Sociology also offers enlightenment on the reasons why we seek to own and carry weapon and why we fear them. Often these reasons are similarly questionable.

The second objective was to provide deeper analysis of tangible outcomes of the debate itself. At the level of European union such an outcome is the Directive 2017/853 of the European Parliament and Council of May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons. The thesis covers initial state, legislative measuers, substantiation and impacts for the citizens of the Czech Republic. The amendment can offer little to the Czech Republic in reggards of internal security as possessions of firearms does not present a security threat in the Czech Republic. Yet to fight terrorism collective measures are proving irreplaceable and the amending directive can not be seen as illegitimate or nonsensical. Unluckily primary European law, the Treaties, does not lay legislative foundation for the directive as it is.

The other outcome of public debate was an amendment of the constitutional law 110/1998 Sb., of the security of the Czech Republic. The required constitutional

majority formed in lower chamber of Parliament which was remarkable. The higher chamber decided not to read the proposal before end of the election period thus rendering it inconsequential. The thesis values the project again as not fully illegitimate and irrational, but very reactive. Also the idea of encapsulating some rights at constitutional level to prevent the European legislator from changing them might prove unproductive. Czech legislator expressed high esteem of right to carry weapon and connected it interpretatively with right to stay in defense of one's life and health. The right to resistance was not further elaborated on.

The third objective was to provide the thesis with prolonged usefulness and utility to the public. Thesis contains extensive exposition of many unclear provisions of our gun law. Practice of the courts, and numerous jurisprudential commentaries and literature were used as resources. To illustrate the applications several administrative decisions and documents were attached to the thesis.

Another unexpected goal came up during writing of the thesis. The legal regulation of firearms stands to almost any demands of late sociological research conducted on this matter. Even though the requirements on the applicant begin to gentrify, the legislation stays generally very liberal. Thanks to the welfare, absence of serious social conflicts and racial or class hatred in our society, we can afford this type of liberal approach while keeping the damages and harms at very, and acceptable level. The author strongly advocates current state.

Keywords:

Gun, Gun license, Legal regulation of firearms, private defense with gun, concealed carry.