

Drug Offences – Comparison of the Czech and Spanish Legislation

Abstract

This diploma thesis deals with the comparison of the current substantive law regulation of so-called drug offences in the criminal law environment of the Czech Republic and the Kingdom of Spain. Its key task is to provide its readers with a comprehensive picture of the current legal regulation in both countries by comparing their legal provisions, their case-law and opinions of the criminal law science. The thesis consists of four parts systematically divided into fifteen chapters. In the introductory part, it deals with international and European regulation. In its respective chapters, it briefly presents three fundamental international conventions of the United Nations and the current EU legislation in the framework of the primary and secondary law, forming a common basis for both national legislations. In the second part of the thesis, it presents a national Czech regulation of so-called drug offences, where the individual chapters successively analyse the drug offences term as such in the sense of criminal law science, the form and motives of the current legal definition of prohibited narcotic substances and their individual bodies of the crime according to their order in the Criminal Code of the Czech Republic. Analogically, part three deals with the regulation in the Kingdom of Spain. In both of these parts, the work emphasizes the use of the settled case law of both Supreme Courts. In part four, both regulations are compared with regard to their most striking differences, with an emphasis on individual legally protected interests, ways of defining banned addictive substances, and comparing punishability in both basic and qualified bodies of the crimes. In this comparison, the work also focuses on the limits of criminal responsibility for these crimes in both countries and tries to find the *de lege ferenda* grounds that would be applicable in the law of the Czech Republic. In this part, the author also gives his views on the individual aspects of both regulations. At the end of the thesis, the author critically evaluates both compared regulations and possibilities of future modifications of the Czech national legislation in the field of so-called drug offences.

Klíčová slova: drug offences, Czech Republic, Spain