

Summary

Crimes related to substance abuse

Criminal offences related to substance abuse are still a highly topical issue having serious social, health-related, financial and security impacts on the whole society. Since the subject is very broad, I decided to focus on substantive law of so-called drug-related crimes.

The thesis is divided into eight sections. In the first one I define the basic terms that are frequently used in the thesis and whose definition is crucial for understanding the text as a whole. Second section contains historical background of the current legal form of drug-related crimes in the Czech Republic, while also some international legal rules are included as they influenced local legal development as well as many legal obligations result from them for the Czech Republic until the present. Third section covers current legislation; it contains a common introduction for individual elements of the drug-related offences as well as a broader context within the Penal Code, and it also mentions certain non-penal legislation that is closely connected to this topic.

Substance of this thesis is in sections 4 – 8 describing individual elements of the drug offences. In each section there is also some part devoted to analyzing current issues. In the fourth section I deal with an act of cannabis cultivation in connection with its production that is contained in § 283, on whose correct legal classification there is a huge diversity of opinions. I also handle contradictory case law about the term “major, substantial and large scope”. In the end of the section I mention the issue of new psychoactive substances, where I also propose a legislative draft dealing with legal uncertainty induced by a Constitutional Court finding No. Pl. ÚS 13/12 and by which I intend to strengthen flexible reaction of the government when new psychoactive substances occur. In section five I pay attention to problems connected to the correct definition of the term “greater than small amount” as well as to the already mentioned court finding that cancelled the possibility of specifying this amount by a government regulation, and I also further propose some current possible solutions. Sixth section deals with legalization of cannabis for medical purposes, imperfections of the related legislation and possible amendments (corrections). Attention is paid especially to efficient use of legalized medical cannabis. Eighth section is connected to the case of so-called growshops that is known through the media, particularly it deals with correct legal

classification of act of running a growshop and questions the necessity of executing the police raid. When writing this thesis, commentaries on the Penal Code, research papers and broad case law were used predominantly.