

Drug Related Crimes

Thesis – Natálie Váchová – abstract

Drug trade spreads throughout every country in the world and thus constitutes one of our society's global problems. As a result, countries try to fight the trade and usage of drugs on the national as well as international levels. Drugs affect various aspects of drug addicts' life – whether this be their health or their social and financial well-being. There are also many crimes that are connected to drugs – illicit production, distribution or possession of drugs (the so called “drug-related crimes“), crimes committed in order to raise funds for the purchase of drugs (i.e. criminal act of theft) or crimes committed under the influence of drugs. The topic of crimes related to substance abuse is very diverse, which is why this thesis will only be focused on the so called “drug-related crimes“.

The main aim of this thesis is to define “drug-related crimes“ in more detail, closely analyse the different interpretations of the term “quantity larger than small“ in the case of narcotic and psychotropic substances invoked over time and finally to compare the Czech regulation with the German one.

The First Chapter introduces the reader to the issues surrounding drugs by describing the history of usage of drugs and the process of national and international law-making as a reaction to the expansion of illicit dealings with drugs.

The Second Chapter deals with classifying “drug-related crimes“ according to the Czech Penal Code (Act No. 40/2009 Coll.) and outlines the national drug policy regarding the control and regulation of drug dangers, including examples of international cooperation.

The Third Chapter contains definitions of the legal terms “narcotic drugs“, “narcotic and psychotropic substances“, “drug precursors” and “poisons”.

The Fourth Chapter scrutinises the current Czech regulation on drug-related crimes. The Penal Code distinguishes between five different criminal acts – *Unauthorised Production and other Handling of Narcotic and Psychotropic Substances and Poisons* (Par. 283), *Possession of Narcotic and Psychotropic Substances and Poisons* (Par. 284), *Unauthorised Cultivation of Plants Containing Narcotic or Psychotropic Substances* (Par. 285), *Production and Possession of Articles for the Illegal Production of Narcotic and Psychotropic Substances and Poisons* (Par. 286), *Distribution of Drug Addiction* (Par. 287).

The Fifth Chapter summarises how the interpretation of the term “quantity larger than small“ in the case of narcotic and psychotropic substances has evolved over time. Varying definitions of this term have caused many problems in practice and led to heterogeneous interpretations being applied by the police, the public prosecutor’s office and the courts. Further attention is subsequently paid to the three main decisions in this field – Government Regulation No. 467/2009 Coll., decision of the Constitutional Court No. 126/2013 Sb.n.u.US and the Statement of the Criminal Law Chamber of the Supreme Court No. 15/2014 Sb.NS.

The Sixth Chapter compares the Czech regulation to German law. Conclusions are then drawn in the final part of this thesis, including a summary and comments on the different interpretations of the term “quantity larger than small“ over time, as well as a suggested solution to this problem in the future.

Key words: Penal Law, Drug Related Crimes, “quantity larger than small“