

Constitutional law questions of weapons ownership with a focus on the Czech Republic

Abstract

This diploma thesis deals with the issue of ownership and disposal of weapons by civilians in the context of constitutional law with the aim of presenting the reader with a complex basis for understanding the individual institutes related to this topic. The primary focus of this thesis is the area of firearms disposal as a central point of the social debate on this issue.

The thesis is divided into seven chapters, each of which is devoted to a different systematic unit. The first chapter is devoted to the definition of the term "weapon" by comparing the concept of this term across different branches of law and making a division of different types of weapons based on their partial characteristics.

The second chapter will take the reader through the history of the legal regulation of weapons in our territory, which has been reflected in the current legal concept of weapons in the Czech Republic. Following this, the third chapter describes the current legal regulation of the handling of weapons by civilians in the Czech Republic, especially considering the events of the last two decades. In a separate subchapter, attention is paid to the recent incorporation of weapons into the constitutional order of the Czech Republic.

In the fourth chapter, a comparison is made of foreign legislation in the field of weapons management, namely the United States of America and Japan, including a description of the historical development in this area, related institutions and statistical data related to it.

The fifth chapter explains the institute of ownership, its content, scope and limitations, and subsequently applies these aspects to the ownership of weapons, including an introduction to the possibilities of limiting the disposal of weapons within the framework of ordinary laws.

A similar approach is taken in chapter six, which clarifies the framework for authorizing the use of arms in exceptional situations that allow the use of violence with impunity, including the new institution of specified advances by the state. A particular type of these situations, the exercise of the right to resist, is the subject of the final chapter seven.

Keywords: weapon, firearm, ownership, constitutional law