

Crimes related to the abuse of addictive substances

Abstract

In my opinion, crimes related to the abuse of addictive substances will always be a hot topic for the area of illicit/unregulated substances is dynamic and adaptive, whether it is the way the market operates (shifting supply to online platforms, payments with cryptocurrency) or the production and distribution of new, unregulated substances. Regarding addictive substances, the public debate is currently focused on new substances hitherto in the so-called 'grey zone' and their regulation possibilities, the matter of loosening the legislation governing soft drugs is also on the table.

Given the extent of the topic, the main focus of the thesis is on drug offences regulated under Chapter VII of the Special Part of the Criminal Code, sections 283 to 287, their selected aspects and interpretative problems, while taking into consideration recent case law and trends concerning addictive substances; and on the upcoming amendment to the Addictive Substances Act, which introduces a new category of so-called psychomodulatory substances into the Czech legal system, with a closer look at two of them: kratom and hexahydrocannabinol (HHC for short).

This thesis is divided into four parts. The first chapter is dedicated to the interpretation of key concepts for grasping the issue of drug crime, followed by the second chapter outlining the current legislation on addictive substances, specifically the UN International Drug Control Conventions and key national legislation, in particular the Criminal Code and the Addictive Substances Act (including its intended amendment – the so-called Act on Psychomodulatory Substances).

The third chapter's main focus is the drug offences themselves: initially their characterisation, followed by a detailed analysis of the distinctive term 'quantity greater than small' and an analysis of the individual offences and their potential application problems.

The fourth and final chapter is dedicated to two substances which shall be regulated in the foreseeable future under the Act on Psychomodulatory substances: after their basic introduction, i.e. method of consumption, usual dosage and effects, I illustrate the consequences of their present

regulation (no regulation for kratom as of yet, total ban on HHC) and in case of kratom I furthermore deal with regulation possibilities including their respective consequences.

The aim of this thesis is to analyse the current legislation on drug offences, to evaluate it, and to criticize the present legislative efforts and intentions concerning the so-called psychomodulatory substances by way of analysing two particular substances and synthesizing the consequences of their current regulation and to propose suitable legislative changes. This thesis employs especially the methods of description, analysis and synthesis.

Key words: substance abuse, drug offences, psychomodulatory substances