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Kontakt redakcji czasopisma / Contact editorial office:

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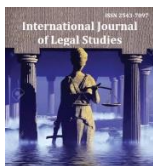
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CRIMINAL-LEGAL ASPECTS OF THE DRUG ABUSE IN SOME COUNTRIES AND IMPOSED APPROACHES AGAINST IT

PRAWNO-KARNE ASPEKTY NADUŻYWANIA NARKOTYKÓW W NIEKTÓRYCH KRAJACH ORAZ STOSOWANE ŚRODKI ZAPOBIEGAWCZE

Nurmukhammad Khamidov

Department of Criminal Procedural Law and Criminalistics
in Tashkent State University of Law, Uzbekistan
* Corresponding author: e-mail: hamidov-2018@list.ru

Abstract:

This article outlines the criminal-legal aspects and some characteristics of the crimes related to narcotics and psychotropic substances, also the nature of the drug trafficking has summarized. The actions of some public bodies and state authorities in the fight against such crimes in the some countries has been compared. Furthermore, it has been presented how drug addicts who are potential criminals, can pose a serious public danger to society (for example, committing a serious and especially serious crime against a person or during the “breaking” period at the time of drug intoxication - against property and against the person).


Keywords: marijuana, hashish, opium, cocaine, drug abuse, drugs, anti-drug legislation

Streszczenie:

Artykuł ten przedstawia aspekty prawno-karne nadużywania i nielegalnego rozprzestrzeniania narkotyków, charakterystykę handlu narkotykami oraz cechy przestępstw związanych z narkotykami i substancjami psychotropowymi. W artykule porównane zostały działania organów publicznych i władz państwowych w walce z przestępstwami narkotykowymi w różnych krajach. Ponadto, zostało omówione w jaki sposób osoby uzależnione od narkotyków, które są potencjalnymi przestępcami, mogą stanowić poważne publiczne zagrożenie dla społeczeństwa

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(na przykład gdy popełnią przestępstwo przeciwko osobom lub ich własności, będąc pod wpływem narkotyków).

Słowa kluczowe: marihuana, haszysz, opium, kokaina, nadużywanie narkotyków, narkotyki, ustawodawstwo antynarkotykowe.

Statement of the problem in general outlook and its connection with important scientific and practical tasks

Drugs have been known to humanity for millennia. But only in the last half a century have they become a real threat to life on Earth. At first, Europe and then America developed worldwide the production, trade and smuggling of tobacco, alcohol, marijuana, hashish, opium, cocaine. China imposed free trade in opium of Victorian England, with the support of France. More than half a century, thousands of tons of drugs have ruined this country. Ignoring the Chinese emperor's bans on the import and use of drugs, England continued to expand their market in China, making huge profits in this business. According to the UN, there are more than fifty million people who regularly use drugs on the planet. But these are only fixed addicts. According to the US Senate, illicit, illegal trafficking in all types of drugs on the planet is estimated at a total of \$ 500 billion annually [Emelyanov T., 2002, p. 60].


Analysis of latest research where the solution of the problem was initiated.

The threat of expanding the drug business prompted about 30 countries of the world to introduce a mortal 321 penalties for drug related offenses. These measures, for example, are used in the laws of the USA, France, Great Britain, Egypt, Vietnam, South Korea, Iran, Turkey, Indonesia and in a number of other countries. In China, death sentences for certain illegal drug operations are being carried out. An exceptional measure of punishment is provided for in the Criminal Code of Tajikistan (part 3 of article 200) - for illegal actions with drugs for the purpose of sale in the presence of particularly aggravating circumstances. The criminal legislation of other CIS countries for illegal drug trafficking does not contain such a strict punishment (Dyachenko A., Chetvertakova E., 2001, p. 14).

Each state seeks to take such prohibitive measures so that they are as effective as possible primarily in the fight against the spread of drug addiction. Therefore, strict penal sanctions are applied to drug traffickers. And those who have made only the first test step on the path to drug addiction are given the chance to change their attitude towards this problem. For example, for illegal possession of drugs in Norway

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there is a prison sentence of 12 to 18 months, in Sweden - 12 months, in Denmark - only 2-3 months of imprisonment. Establish the state and such types of criminal punishment as a fine, confiscation of property. Countries that wish to contain the elements of the spread of narcotic substances most often believe that this is possible only with the help of the harshest forms of punishment. Thus, in 1995, the death penalty was introduced and applied in Pakistan with confiscation of property to traffickers of heroin. The death penalty has also been established under Singapore law for persons who have found large doses of heroin, morphine or cannabis. Introduced the death penalty in Saudi Arabia and the United Arab Emirates. In Thailand, drug dealers are punished with imprisonment of 20 years and more (including life imprisonment or death penalty). In the French Criminal Code of 1992 for crimes related to drugs, life imprisonment and a mandatory fine of 50 million francs were provided. At the same time, quite a few states follow the completely opposite path, considering that the legalization of weak narcotic substances and the exemption of drug addicts for purchasing small doses for personal use, consumption and storage will make it possible to more effectively combat drug addiction. Liberal drug policies are pursued in a number of European countries, for example, in Belgium, Denmark, Portugal, Italy, etc. Since April 1993, there is no criminal liability for the personal possession and use of drugs in Italy. Since April 1994, the punishment for consuming and storing cannabis in small quantities and for personal use in Germany has been abolished. In Belgium, a consumer of an intoxicating potion, detained with a small amount of a drug, is only threatened with an oral warning. A distinctive feature of Dutch legislation can be considered the legalization of "soft" drugs (primarily marijuana). Thus, in Rotterdam, there is a network of united drug dealers who have received semi-official permission to trade in narcotics in special clubs or "basements", which sell not only "light" drugs, but also heroin. Among foreign countries, a rather liberal approach to the analyzed problem is characterized by Spanish criminal law. Thus, according to article 368 of the Criminal Code of Spain cultivating, producing or trading, as well as encouraging, facilitating or facilitating the illicit use of drugs is punishable by a prison sentence of 1 to 3 years. If these acts were committed with substances causing serious bodily harm, the maximum term of imprisonment is from 3 to 9 years, which can hardly be considered an excessively strict punishment (Dyachenko A., Chetvertakova E., 2001, p. 9).

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Aims of paper. Methods

This article is aimed at outlining some signs of the crimes related to narcotics and psychotropic substances and approaches in the fight against crimes related to narcotics which are used by a number of countries throughout the world. By observing such informations there will be some strategies which can be imposed in our country to overcome such problem. Principles such as analysis, synthesis and comparing have been used in writing this article in order to collect and analyze experiences of developed and developing countries were.

Exposition of main material of research with complete substantiation of obtained scientific results. Discussion


Legislation aimed at creating institutions for the prevention of drug addiction and drug crime, as well as other forms of social and legal control over the problem under consideration, is rather poorly developed in our country. At the same time, it is prevention of drug addiction that will save labor from planting, turning them into unearned, parasitic drug addicts.

One of the main links in the organization of activities aimed at curbing the spread of narcotism is the rule of law enforcement system of states on the bodies of law enforcement to carry out a number of tasks to curb illicit drug trafficking and combat drug crime. A special place in the fight against drug crime should be given to criminal law measures to counter the group of crimes related to drug trafficking.

Criminal policy in this area of relations should be focused primarily on countering drug distributors. We must not allow the preparatory actions of drug addicts to take drugs to be on a par with the acts carried out by drug dealers and their collaborators in the distribution of drugs. In order to effectively counter the spread of drug addiction in our country, all criminal legislation aimed at combating this threat should be improved. And here is a remarkable experience of foreign countries. The issues of prevention of drug addiction in places of detention are considered. Separate criminal and legal peculiarities of counteraction of drug addiction and drug crime in our country are investigated. Proposals for taking measures aimed at countering illicit drug trafficking and drug addiction in Russia are made. In foreign countries, there is an extremely large range of penalties for drug criminals: from the death penalty to the complete absence of criminal responsibility for manipulating certain types of drugs. A number of states follow the path of establishing the most stringent criminal law measures: for crimes related to drugs, maximum terms of imprisonment are provided, including life imprisonment and the death penalty.

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Nowadays, such an assumption sounds more and more often: whether legalizing the sale of drugs will help stop the growth of drug addiction? There is no prohibition, no craving for the forbidden fruit. However, in matter of drugs, this law does not seem to apply. There are many examples of this. Legalization of the sale of drugs in China at the end of the 19th century. led to the fact that in ten years, tens of millions of inhabitants of the empire became incurable drug addicts. In 1965–1967 in Sweden, they tried to lift bans on the sale of certain drugs, as a result, the scale of the “black market” increased several times. The authorities of Alaska also abolished in 1980 all bans on smoking hashish. As a result, in 1988, hashish smokers in Alaska became twice as large as the average in other US states. The free sale of “light” drugs in stores increased the number of hashish smokers among Dutch adolescents by a factor of three, and the number of drug-related crimes increased rapidly. A similar experience in Spain has led to an eight-fold increase in drug use (Chepyzhova E., 1998, p. 13). For Russia with its social problems, such experience is, of course, unacceptable. Nowadays, in the domestic legal literature, there is a growing suggestion about the expediency of including in the criminal law regulation the illegal consumption of narcotic drugs or psychotropic substances, for which administrative responsibility has now been established. These proposals are based on the fact that such actions have a pronounced criminogenic orientation and cause an increase in crimes committed on the basis of drug addiction. It is also noted that the establishment of criminal responsibility for the use of drugs will help to restrain the drug use of the population, especially at the early stage of the initiation of narcotic drugs and psychotropic substances, significantly reduce the drug market and give an opportunity to timely detect and treat beginners poisonous potion users.

However, it should not be forgotten that drug addicts, as potential criminals, can pose a serious public danger to society, for example, they can commit a serious crime against a person or during the “breaking” period at the time of drug intoxication. Therefore, drug addicts need to be identified and isolated, but not in correctional facilities, on a par with other criminals, but in specialized institutions, where they will be helped to cope with the disaster.

Interesting is the experience of the United States on the use of compulsory treatment for drug addicts, where a special judicial procedure has been developed to combat drug addiction. Transportation, manufacture, processing of narcotic drugs, psychotropic substances or their analogues in small quantities intended for personal use, which is now the most common. The organization of a wide network of drug treatment clinics and dispensaries is largely hampered by the limited financial resources

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of our state. However, time should not be missed either, until the problem of the spread of drug addiction turned into a national catastrophe. This judicial procedure is applied after arrest for possession of drugs and differs significantly from the traditional one in that drug addicts are started to be treated immediately after they have entered the judicial system, without delaying this process until a later date. The need for compulsory treatment for drug addiction testifies not only to the disease, but also to a certain social degradation of the convicted person, a danger to society. Therefore, in the first stage, according to US lawmakers, treatment should be administered regardless of the will. When the said network of relevant medical institutions is created, in our opinion, the criminal law will need to be supplemented with a provision (for example, in the form of footnote No. 3 to article 228 of the Criminal Code of the Russian Federation), according to which persons found to be drug addicts in the prescribed manner, subject to exemption from criminal liability for the commission of a certain group of crimes in the field of illicit drug trafficking. Compulsory medical treatment and rehabilitation programs should be applied to this category of persons if they do not wish to free themselves from harmful addiction. Summarizing, we must say that it is simply necessary to further search for ways to improve the criminal anti-drug legislation. One should not stop at what has been accomplished - the threat of the spread of drug addiction in Russia is still very great. At the same time, in our country there is an urgent need to create a unified, effective administrative, criminal law and criminological system of measures to prevent and combat drug addiction. Perpetrators are responsible for the success or failure of their treatment. In a traditional criminal court, treatment is usually part of the punishment. Now the short-term detention is used as a means of removing intoxication. After that, those who stumble again get another chance, but with more severe consequences in the event of a new violation of the established regime (*New judicial procedure to fight drug addiction in the United States*, 2000. p. 115).

Conclusions

Summarizing, it must be said that it is simply necessary to further search for ways to improve the criminal anti-drug legislation. One should not stop at what has been achieved - the threat of the spread of drug addiction in Russia is still very great. At the same time, in our country there is an urgent need to create a unified, effective administrative, criminal law and criminological system of measures to prevent and combat drug addiction.

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