

ACTUAL ISSUES OF COUNTERDRUG ACTIVITIES UNDER THE CURRENT CONDITIONS OF UKRAINE AND WORLD DEVELOPMENT

Olena Kudermina, National Academy of Internal Affairs
Vyacheslav Kazmirenko, Lviv University of Internal Affairs
Sadig Rza Ogly Tagiev, Academy of the State Penitentiary Service
Mykhailo Puzyrov, Academy of the State Penitentiary Service
Oleksandr Samofalov, Academy of the State Penitentiary Service

ABSTRACT

The article is concerned with the study of actual issues of counterdrug activities under the current conditions of Ukraine and world development. It has been found that today the counteraction and fight against drug-related crime is one of the priorities of legislative and law enforcement activity. It is considered the experience of Ukraine in counterdrug activities through the criminalization of acts with drugs. Attention is focused on the compromises of some states (the Netherlands, the Czech Republic, Portugal) on the decriminalization of socially dangerous acts with drugs. It has been established that, despite the potential for decriminalizing drug acts to improve the criminal situation in the state and to save money for law enforcement agencies to prevent socially dangerous drug acts, there are innovation warnings. It has been concluded that, at the level of the European Union, it is necessary to work out a position acceptable to all on the decriminalization of drug offenses for its gradual implementation under the supervision of European institutions in the future.

Keywords: Drugs, Drug-Related Crime, Decriminalization.

INTRODUCTION

In 2016, 63,632 people died from overdose in the US, at the same time the specified number of people in fact is 21% more than the figure in the previous year. In turn, the situation in Ukraine is not much better. According to the official data of the National Police of Ukraine in the year 2017, more than 28,000 cases of illicit drug trafficking were detected, 25% more cases of drug trafficking, and 2.3 times more cases of drug sales than in 2016 were documented. In addition, in 2017, it was found that the numbers of crimes for which individuals were served with charge papers increased by 1.5 times.

The analysis of empirical data indicates an increase in the level of drug use, as well as its creation of a significant threat to human life and health, makes it relevant to study existing approaches to counterdrug use, as well as the commission of socially dangerous drug offenses in the world in order to find the most optimal instruments of state influence on this sphere of public relations.

LITERATURE REVIEW

Koretsky & Steshich, pay attention to the fact that the counterdrug activities have always been given the highest priority both in ideological plan and at legislative and enforcement levels. However, the constant change in the provisions of laws and regulations did not always lead to effective judicial practice and the work of law enforcement agencies to investigate acts related to the tricks. At the same time, the analysis of policies in the field of fight against corruption shows that some of the measures are aimed not at strengthening the counteraction to drug-related crimes, but rather on weakening it, since they create preferential conditions for the most dangerous criminals (Koretsky & Steshich, 2016).

Instead, Sukhodolov & Bychkova, considering the relationship between organizational and legal measures aimed at counteracting illicit drug trafficking and existing economic and criminological theories come to the conclusion about the actual ineffectiveness of the counteraction and fight against drug-related crimes, since the modern economic theory itself is interested in the “*drug economy*” (Sukhodolov & Bychkova, 2016). In confirmation of the above, it is advisable to draw attention to the fact that according to official data, the annual profit from illicit trafficking of drugs, psychotropic substances and precursors ranges from 55 to 400 billion dollars, which is not less than 8% of the world's gross product. Moreover, today advertising services are used effectively to promote allegedly prohibited substances on the domestic and foreign markets (Makedon et al., 2019). So, Burbyka et al. investigate the problems of hidden advertising for counterdrug activities in Ukraine. Scientists analyze the legislation on hidden advertising, in particular, the Law of Ukraine “*On Advertising*” and determine the aspects of the display of hidden advertising, describe the hidden advertising manipulations and accordingly conclude that there is no legislative regulation of issues related to the hidden advertising of drugs in clothes, food (that is, besides TV and radio programs, publications) (Burbyka et al., 2015).

METHODOLOGY

The basis of the study of the counterdrug activities problem under the current conditions of Ukraine and world development was both general scientific and special methods of scientific knowledge. First of all, the peculiarities of drug-related crimes were clarified with the help of the logical-semantic method, and the provisions of the current acts of Ukrainian legislation and international acts, as well as doctrinal sources, were generalized by the method of critical analysis.

FINDINGS AND DISCUSSION

Today, the definition of “*drugs*” is contained not only in the relevant acts of the national legislation of the states, but also at the international level. Thus, according to Article 1 of the Framework Decision, “*drug*” means any substance prescribed by the Single Convention on Narcotic Drugs of 1961 and the Vienna Convention on Psychotropic Substances of 1971 adopted within the framework of the United Nations. The term “*precursor*” is also used to mean any substance specified in such a quality in the legislation of the European Union, which implements the obligations arising from Article 12 of the UN Convention on the fight against the illicit trafficking of narcotic drugs and psychotropic substances of December 20, 1988.

According to the State Policy Strategy for Drugs for the period up to 2020, approved by the Cabinet of Ministers dated August 27, 2013 No. 735-p, it was determined that “the spread of drug addiction and drug-related crimes in Ukraine over the past decade has become one of the most acute social problems, which causes harm to human health, negative impact on the social sphere, and also constitutes a threat to the national security of the state (Dissemination of the Cabinet of Ministers of Ukraine, 2013). The aforementioned strategy also defines the notion of “*drugs*”, “*drug trafficking*”, “*drug addiction*”, “*drug policy*”, that is, there is a clearly formulated and consolidated theoretical and legal basis for counteracting drug-related crimes and its precursors.

Today in Ukraine and most countries of the world one of the most common tools to fight against the use, production and distribution of drugs is the criminalization of such acts. Thus, the Criminal Code of Ukraine of 2001 specifically criminalizes the production, manufacture, acquisition, storage, transportation, transfer of drugs and psychotropic substances, if they were carried out without the purpose of sale (Article 309), as well as for the purpose of marketing (Article 307). However, Ivonaldo notes that this situation in all countries without exception, where these acts are criminalized, is due to the content of the UN treaties on drug control, which were actively concluded between the states in the second half of the twentieth century, with the false hope that the criminalization of use, possession and other drug-related acts will help eliminate them (Ivonaldo, 2018). In particular, in the USA over the past 25 years of the twentieth century, the more stringent implementation of the laws on the prohibition of drug use and production did not reduce the consumption of cocaine and heroin, actually increasing it. Based on the position of the United Nations on counterdrug activities, it cannot but is pointed out that the decriminalization of drug possession is contrary to the provisions of the UN treaties (Mostyn & Gibbon, 2018).

However, there are also states where substantial compromises have been made in the direction of the criminalization of acts related to individual drugs. Thus, in Holland and the Czech Republic, the possession of a small amount of such a drug as cannabis for personal use does not imply criminal prosecution, although in most states it is a criminal offense for which there is provision for appropriate punishment, other than imprisonment. The most interesting is the experience of Portugal, where the principle under consideration was extended to all narcotic substances. This policy of Portugal, as noted by Alex Klein and Blaine Stothard, was justified by the fact that it would prevent the overload of justice and reduce the costs of detecting and disclosing of such minor offenses (Klein & Blaine, 2018). This approach is also supported by Ogrodnik et al. who quite rightly point out that the repressive policies for cannabis, as noted by Ogrodnik et al. is expensive and has a limited impact on the level of its consumption. While the legalization of the consumption of cannabis significantly reduces the cost of enforcement measures and allows for more resources to be allocated to other equally important areas of law enforcement activities, such as educational and preventive activities (Ogrodnik et al., 2015).

In 2017, Sónia and Pedro conducted a study to assess the impact of the drug decriminalization policy in Portugal from 2001 on drug prices and found that the policy of decriminalization did not lead to a reduction in drug prices and consequently increased drug use and drug addiction (Sónia & Pedro, 2017). But scientists point out that a year after the decriminalization of drugs in Portugal, the number of drug-related crimes fell from 14,000 in 2000 to 5,000 in 2001.

Today, separate debates on the criminalization of cannabis are taking place in Sweden. In order to substantiate the feasibility of such legislative changes, many empirical studies were conducted. The results of one of them indicate that the average cost of drug crime detecting in 2017 was SEK 2,512. For the period from 2015 to 2017, 67,491 cases of drug-related crimes were revealed. On average, the prosecutor's office of Sweden spent SEK 169 million a year. Assuming that 20% of them are systemic, the legalization of drugs will allow the public prosecutor's office to save SEK 277 million. Taking into account the results of the analysis of financial costs and benefits, legalization of drugs is more appropriate.

But Jesper Lippe also points out that such an approach, despite its justification, takes into account only the financial interest of the state, while ignoring the moral and health aspects of the population. In the opinion of the scientist, it is very difficult to predict the full spectrum of economic consequences for the legalization of drugs, which in fact does not allow formulating non-false conclusions (Jesper, 2018). The position of Vicknasingam et al. is similar based on which studies reflecting the positive results of the decriminalization of drug acts are exceptional, and the evidence should be more substantiated for a credible conclusion about the positive impact of decriminalization of drugs. In addition, individual Member States should decriminalize drugs only with United Nations support (Vicknasingam et al., 2018).

In addition to the decriminalization of certain types of drugs, the question is how to determine the effective mechanism of state influence on actions with them. According to Pollähne the prohibition of cannabis-related acts must be replaced by a market under state control and regulation (Pollähne, 2016). In 2018, research was conducted to determine the most optimal regulatory regime for alcohol and cannabis, respondents from among such regimes as absolute prohibition, decriminalization, state control and the free market chose the latter (Rogeberg et al., 2018).

It should be noted that the issue of the decriminalization of drug-related acts is a very controversial one, but at the same time, scientists point out that mobile technologies and Internet drug sales are changing and actually expanding the markets for illicit drug trafficking (Berry, M., 2018). Thus, the cryptomarket may partially function as a virtual broker that connects drug wholesalers with retailers (Judith & David, 2016). And this raises the question of the implementation of constant monitoring and control over Internet resources. Accordingly, it should be agreed that law enforcement agencies that seek to reduce drug trafficking may have to make changes to their strategies (Ladegaard, 2019).

RECOMMENDATIONS

Despite existing empirical studies that substantiate the feasibility of decriminalizing certain types of drugs, it is advisable to support those scientists who believe that their number is not enough today to formulate a final conclusion. Therefore, it is expedient for all states to adopt such a radical approach with a caveat, since in each state, due to its socio-economic development and political situation, the consequences of such an innovation cannot be foreseen. Whereas at the level of the European Union, it is necessary to develop and adopt a common position on the decriminalization of offenses against certain types of drugs so that in the future each state will gradually decriminalize such actions under the guidance of European institutions.

CONCLUSION

Today, counterdrug activities are one of the urgent issues, since illicit trafficking and the drug use are not only detrimental to human health, endanger life, but also impinge on the rule of law in the country. At the same time, one way to counteract and combat socially dangerous acts with drugs is to criminalize them. However, in recent years, scientists have increasingly supported the position that the imposition of severe punishment for such acts is already ineffective, and therefore they increasingly pay attention to its decriminalization. Separate empirical studies indicate the positive impact of such an innovation on the crime situation in the country, in addition, the positive experience of decriminalization of drugs takes place in Portugal. In spite of the considerable potential for the decriminalization of socially dangerous drug acts, it is impossible to predict all its consequences, which indicates the need to treat such an innovation with a reservation.

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