

CURRENT STATE OF DRUG CRIME CONTROL IN UKRAINE

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Abstract

One of the most dangerous types of crime is the illicit trafficking of narcotic drugs, psychotropic substances, their analogues and precursors, which has a tendency to increase. The article considers the issues of combating drug crime in Ukraine. Some normative-legal acts on counteraction to drug crime in Ukraine are analyzed and it is concluded that one of the special subjects on counteraction to this type of crime is the Department of counteraction to drug crime of the National Police of Ukraine. Prevention has a leading place in the legal means of combating crimes in the field of drug trafficking, along with the detection, detection, investigation, appointment and serving of punishment for their commission. A detailed analysis of the state of drug crime in Ukraine was conducted. The level, structure and dynamics of drug crimes, as well as the geography and category of persons convicted of these crimes are considered. Ways to improve the fight against drug crime are proposed. The paper identifies that the current state of drug policy in Ukraine still does not comply with the provisions of the State Drug Policy Strategy, makes it impossible to effectively and timely combat drug crime and implement an effective system to minimize harm from drug use in health and public safety.

Keywords: *drugs*¹; *psychotropic substances*²; *precursors*³; *analogues*⁴; *drug crimes*⁵; *counteraction*⁶; *crime*⁷

Introduction

According to Art. 3 of the Constitution of Ukraine, health man belongs to the highest social values. In recent years, the problem of increasing crime in the field of drug trafficking has been steadily exacerbated in Ukraine.

Of particular concern is the fact that these socially negative phenomena, due to their prevalence and negative consequences, are among the factors that threaten the national security of the country, namely the health and gene pool of the nation and social stability in society. The most dangerous group of illegal acts that affect the health of the population are crimes in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors. According to the Prosecutor General's Office of Ukraine, 2,590 criminal offenses related to illicit trafficking in narcotic drugs, psychotropic substances, their analogues or precursors have been registered in the Unified Register of Pre-trial Investigations. Factors that determine the special urgency of the problem of combating drug crime in relation to living conditions in modern Ukraine are the judicial and legal reform in the country, which has intensified in recent years; administrative reform, one of the results of which was the reform of law enforcement agencies involved in the fight against drug crime, optimization of their activities at all levels; multi-subjectivity of the sphere of counteraction to drug crime and multidisciplinary tasks.

To know the multifaceted socially dangerous phenomenon - drug crime is possible only if you study all the properties, manifestations, characteristics, development trends, negative consequences [1-2].

The problem of combating drug addiction and drug trafficking is relevant and global for the world community, because now drug trafficking is the most profitable area of criminal business, which goes beyond national borders and is transnational in nature. Thus, we have every reason to state that the study of drug crime is an urgent task, because our knowledge of its nature and genesis through the prism of a scientific approach, trends in its development and transformation, signs and nature of threats to the formation process [3-4].

Theoretical conclusions are based on the works of domestic and foreign scientists in the field of criminology and criminal law: Yu.M. Antonian, M.M. Babayeva, Yu.V. Baulin, A.O. Gabiani, V.O. Glushkova, I.M. Danshina, O.M. Dzhuzhi, I.O. Dobroreza, A.I. Dolgova, O.G. Kalman, O.V. Kozachenko, O.M. Kostenko, I.P. Lanovenka, O.M. Litvak, A.A. Musicians, D.J. Nikifordchuk, V.G. Pshenichny, A.V. Savchenko, V.Ya. Tatsia, V.P. Tykhoho, M.I. Havronyuk and other scientists.

Despite the fact that today Ukraine has developed a "Strategy for State Drug Policy until 2020", at the same time its effective implementation in the direction of drug prevention does not exist. In view of the above, there is a need for a comprehensive criminological study on the problem of combating drug addiction, which is based on the adoption, systematization, generalization of organizational and legal and criminological tools and scientific reasonable measures to combat drug addiction in Ukraine, taking into account the experience of combating drug addiction.

Methods

With the advent of drugs, society was almost simultaneously faced with the task of limiting their use. In ancient times, society tried to limit the use of these substances only for religious or therapeutic purposes, entrusting them to the clergy or healers and doctors. A historical digression into the past of the phenomenon allowed us to trace the reasons for its transformation at different stages of civilization, to more clearly outline the new features and characteristics it acquired, to clarify the dynamics of this evil both in time and geographically.

It is noted that the experience of many years of combating drug addiction has shown that discriminatory police or medical methods do not give the desired result [5].

Since drug addiction is primarily a social problem, like other social diseases, it can be cured in terms of political and economic prosperity, a healthy spiritual and moral atmosphere of society [6-8]. So far so perfect conditions have not been created in Ukraine. Therefore it is necessary to look for other, really possible ways of eradication of this phenomenon.

Ukraine is a party to the United Nations Single Convention on Narcotic Drugs.

1961, the UN Convention on Psychotropic Substances of 1971 and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. In accordance with the requirements of these Conventions, Ukraine has adopted relevant national legislation, in particular: Laws of Ukraine "On Narcotic Drugs, psychotropic substances and precursors", "On the circulation in Ukraine of narcotic drugs, psychotropic substances, their analogues and precursors", "On measures to combat illicit trafficking in narcotic drugs, psychotropic substances, precursors and their abuse", etc. This testifies to the significant attention of our state to the issue of combating drug crime.

However, despite this, the problem of combating drug crime in Ukraine is one of the most acute social and legal problems. If we talk about the situation, our country ranks first in Europe and Central Asia in the rate of HIV spread, is among the countries with a threatening level of non-medical drug use. Only 2% of drug addicts are cured, the rest die. On average, 329 drug addicts die in the country per day, and this number reaches 120,000 a year. According to the latest research on this problem, according to research by the Ukrainian Medical and Monitoring Center for Alcohol and Drugs of the Ministry of Health of Ukraine, drugs are used by 324 thousand to 424.7 thousand people. Over the past ten years, the number of deaths among drug addicts has more than tripled, including overdoses by almost fourfold. The prevalence of mental and behavioral disorders due to drug use (174.7 per 100 thousand population), as well as mental illness (11.5 per 100 thousand population) has become threatening [9].

Thus, we can conclude that the problem of drug crime is one of the most acute social and legal problems in Ukraine.

The methodological basis of the study in accordance with the purpose and objectives is the materialist theory of cognition, the leading approach was dialectical. Using the historical method, the issue of the origin and distribution of drugs in the world and in Ukraine has been traced.

The legal (dogmatic) method was used to analyze the current legislation in the field of trafficking in narcotic drugs, psychotropic substances, their

analogues and precursors. Regarding the implementation of such general social prevention of drugs, psychotropic substances, their analogues or precursors, we offer the following measures: economic measures (improving the welfare of the population; stabilizing the economic development of the state, preventing Ukraine from becoming a market for narcotic drugs, psychotropic substances and counterfeit drugs and etc.); social measures (restoration of the role of the family as the basis of society; eradication of such socially negative phenomena as begging, prostitution, child neglect and homelessness, increasing the role of sports and physical activity in the life of each person, etc.); measures of normative (legal) nature (taking into account the experience of the advanced world legislation in the field of combating illicit trafficking in narcotic drugs and psychotropic substances during the preparation of relevant regulations, conducting educational institutions with pupils and students, labor collectives of enterprises, institutions, organizations) explanatory nature of the liability provided by the legislation of Ukraine for actions related to illicit trafficking in narcotic drugs, psychotropic substances, their analogues or precursors, etc.); educational and cultural activities (creation and demonstration of educational films, exhibitions on the spread of drug addiction and AIDS; dissemination in public places, educational institutions, enterprises, institutions, organizations of informational and educational materials on the inadmissibility of drug and psychotropic drugs) substances and the need to lead a healthy lifestyle, etc.); informational measures (introduction of an effective anti-drug campaign in the media, informing the population through the media and the possibilities of the World Wide Web about the consequences of drug use; the results of law enforcement in the fight against drug trafficking and drug falsification).

Examining the state of the fight against drug crime, it should be noted that some scientists divide all drug-related crimes into two groups according to their motive and manner of commission. The first are crimes committed in the field of drug trafficking - criminal drug trafficking, which should be understood as the actions of individuals and legal entities engaged in the procurement of raw materials, manufacture, storage, transportation,

sale of drugs, plants or drug-containing drugs, or drugs themselves. Purely related to their illicit trafficking. The second group consists of crimes committed in a generally criminal manner - theft, robbery, burglary, murder, etc. for the purpose of seizing drugs for their use, distribution or possession of money for their acquisition or other criminal acts under the direct influence of narcotic or toxic intoxication [10]. We will analyze the first group of crimes, the responsibility for which is provided by Art. 305–320 of the Criminal Code of Ukraine.

There is also a point of view that in criminology the problem of drug addiction is considered in two aspects:

- 1) as a "background" phenomenon, an element of an additional subject of criminology;
- 2) as an element of the Special part of criminology, which highlights the main criminological parameters of crime directly related to this socially negative phenomenon.

This is explained by the fact that, on the one hand, the use of drugs, their analogues or narcotics are not under criminal prohibition (except for public or committed by a group of persons illegal drug use - Article 316 of the Criminal Code), but carries the risk of causing such changes in a person's personality that endanger the legitimate interests and benefits of others and the state [11].

A. Zakalyuk believes that the main features of the current criminological situation in the field of drug trafficking should include the expansion of its illegal environment, strengthening the organization and professionalism of the latter [12]. I. Meditsky, analyzing drug crime and measures to prevent it, believes that the drug situation in Ukraine is extremely difficult, deteriorating every year and, ultimately, poses a real threat to the nation's gene pool, law and order, national security [13].

Another indicator that characterizes crime is its dynamics. This indicator reflects the movement of crime over time. This is achieved by establishing the level and structure of current crime to its levels and structure for previous periods. Analysis of the dynamics of crime makes it possible to establish trends in the development of criminal manifestations in society [14-18]. The structure of crime reveals its composition, prevalence, the relationship between the constituent types of

criminal acts, their commission in specific conditions of space (territory) and time for certain signs of criminal acts and perpetrators. Indicators of the structure give a quantitative and qualitative description of the social danger of crime, its features, essential for the organization of its prevention.

Results

According to some researchers of drug crime prevention, the analysis of law enforcement practice shows that persons sentenced to imprisonment, including those who first committed crimes in the field of drug trafficking, usually do not take the path of correction, do not get rid of drug addiction. In addition, after passing the relevant "school" and gaining "experience", they are involved in criminal activities on an even larger scale due to the connections gained in places of imprisonment, and those who are first convicted for possession of drugs without the purpose of sale - in their production, manufacture, sales and distribution [19].

Thus, the increase in the number of convicted drug offenders worsens the criminogenic situation in penitentiaries. In addition, the analysis of judicial statistics shows that this system does not lead to the correction of convicts and reduce the level of drug addiction and drug crime, but it is a place of increased risk of convicts acquiring dangerous infectious diseases [20-22].

Discussion

Summing up, we can say that the results of a study that showed that drug abuse is one of the most important problems today. Recently, the number of people who use drugs illegally has increased sharply, and the number of crimes committed on the basis of drug addiction has increased in proportion to this. The presence of official statistics, which show a decrease in the level of drug crime, does not reflect the actual state of commission of crimes in this group and shows only the latency of the relevant encroachments.

Measures to control drugs and combat criminal narcotics in Ukraine should be carried out on the basis of a unified state policy, the main goal of

which in the coming years should be to prevent the spread of illicit drug use and trafficking, and further - to reduce their number. It is necessary to create a Program of a unified state policy in this area, which will include: ensuring a balance of measures aimed at preventing and stopping the illegal supply of drugs and reducing demand for them; improving the procedure for regulating the legal circulation of narcotic drugs and combating their illicit trafficking; prevention of illegal consumption of these funds; treatment and social rehabilitation of drug addicts; organization of effective customs and border control, cessation of import into Ukraine and transit through its territory of drugs.

Currently, the priority areas for combating criminal narcotics in Ukraine are the following: drug prevention; strengthening legislative regulation and improving the regulatory framework for anti-drug activities; development of the scientific basis and introduction of the newest technologies in the course of counteraction to drug addiction and activity of drug business; effective use of opportunities for international cooperation.

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