

CURRENT PROBLEMS OF PREVENTION OF ILLEGAL TRAFFICKING OF NARCOTIC AND PSYCHOTROPIC SUBSTANCES AMONG ADOLESCENTS AND YOUNG PEOPLE

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The article considers some topical issues of the status and dynamics of illicit trafficking of drug addiction and drugs, psychotropic substances among adolescents and young people. Dissertation works dedicated to the prevention of cases were noted on criminal-legal and criminological aspects of the fight against illicit trafficking of drug addiction, drugs, psychotropic substances, in particular, the prevention of drug addiction among adolescents and young people, causes and conditions of drug addiction and crimes committed on this ground among adolescents and young people, the study of the identity of this category of persons, the prevention of involvement of adolescents in the consumption of drugs and psychotropic substances. The current state of scientific research at the monographic level is analyzed. A set of criminological and criminal-legal issues that are important for scientific research and resolution has been identified and systematized in order to develop a conceptual, criminal-legal, socio-criminological and organizational-methodological framework for the prevention of drug addiction among adolescents and young people as well as the prevention of drug addiction and drug crimes by this category of persons.

Keywords: drugs, psychotropic substances, drug addiction, drug business, youth, drug crimes, prophylaxis measures.

PROBLEME ACTUALE DE PREVENIRE A TRAFICULUI ILEGAL DE SUBSTANȚE NARCOTICE ȘI PSIHOTROPICE PRINTRE ADOLESCENȚI ȘI TINERI

Prezentul articol tratează câteva probleme de actualitate ale prevenirii dependenței de droguri și ale traficului ilicit de stupefiante și substanțe psihotrope în rândul adolescenților și tinerilor. Acesta este dedicat dreptului penal și aspectelor criminologice ale luptei împotriva dependenței de droguri și traficului ilicit de stupefiante și substanțe psihotrope, în special - prevenirea dependenței de droguri în rândul adolescenților și tinerilor; caracteristicile criminologice ale infracțiunilor de droguri săvârșite de aceștia, studiul cauzelor și împrejurărilor care duc la apariția dependenței de droguri în rândul adolescenților și tinerilor și a infracțiunilor comise, studiul personalității acestor categorii de persoane, prevenirea implicării adolescenților în consumul de stupefiante și substanțe psihotrope. Stadiul actual al cercetării științifice, asupra problemei vizate, este analizat la nivel monografic. În vederea dezvoltării unor fundamente conceptuale, de drept penal, socio-criminologice, organizatorice și metodologice pentru prevenirea dependenței de droguri în rândul adolescenților și tinerilor și a infracțiunilor de droguri săvârșite de această categorie de persoane, au fost identificate și sistematizate un șir de probleme de drept penal, soluționarea cărora se atestă a fi una imperativă.

Cuvinte-cheie: stupefiante, substanțe psihotrope, dependență de droguri, trafic de droguri, tineret, criminalitate, măsuri de prevenire.

PROBLÈMES ACTUELS DE PRÉVENTION DU TRAFIC ILLÉGAL DE SUBSTANCES NARCOTIQUES ET PSYCHOTROPES CHEZ LES ADOLESCENTS ET LES JEUNES

Cet article traite de plusieurs questions d'actualité de la prévention de la toxicomanie et du trafic illicite de stupéfiants et de substances psychotropes chez les adolescents et les jeunes. Il est consacré au droit pénal et aux aspects criminologiques de la lutte contre la toxicomanie et le trafic illicite de Stupéfiants et de substances psychotropes, en particulier - prévention de la toxicomanie chez les adolescents et les jeunes, caractéristiques criminologiques des délits liés à la drogue commis par eux, étude des causes et des circonstances conduisant à l'émergence de la toxicomanie chez les adolescents et les jeunes et des crimes commis, étude de la personnalité de ces catégories de personnes, Prévention de l'implication des adolescents dans la consommation de stupéfiants et de substances psychotropes. L'état actuel de la recherche scientifique sur le problème concerné est analysé au niveau monographique. Afin de développer des fondements conceptuels, juridiques pénaux, socio-criminologiques, organisationnels et méthodologiques pour la pré-arrivée de la toxicomanie chez les adolescents et les jeunes et des délits liés à la drogue commis par cette catégorie de personnes, un certain nombre de problèmes de droit pénal ont été identifiés et systématisés, dont la solution est attestée comme impérative.

Mots-clés: *stupéfiants, substances psychotropes, toxicomanie, trafic de drogue, jeunesse, criminalité, mesures de prévention.*

АКТУАЛЬНЫЕ ПРОБЛЕМЫ ПРЕДОТВРАЩЕНИЯ НЕЗАКОННОГО ОБОРОТА НАРКОТИЧЕСКИХ СРЕДСТВ И ПСИХОТРОПНЫХ ВЕЩЕСТВ СРЕДИ ПОДРОСТКОВ И МОЛОДЕЖИ

В данной статье рассмотрены некоторые актуальные вопросы профилактики наркомании и незаконного оборота наркотических средств и психотропных веществ среди подростков и молодежи. Отмечены диссертационные работы, посвященные уголовно-правовым и криминологическим аспектам борьбы с наркоманией и незаконным оборотом наркотических средств и психотропных веществ, в частности, - вопросам профилактики наркотизма среди подростков и молодежи, криминологическим особенностям совершаемых ими наркопреступлений, изучению причин и обстоятельств, приводящих к наркомании среди подростков и молодежи и совершаемых на этой почве преступлений, изучению личности данной категории людей, профилактике вовлечения подростков в потребление наркотических средств и психотропных веществ. Проанализировано современное состояние научных исследований проблемы на монографическом уровне. В целях разработки концептуальных, уголовно-правовых, социально-криминологических и организационно-методических основ предупреждения и профилактики наркомании среди подростков и молодежи и наркопреступлений, совершаемых данной категорией лиц, выявлен и систематизирован комплекс криминологических и уголовно-правовых вопросов, исследование и решение которых представляется необходимым.

Ключевые слова: *наркотические средства, психотропные вещества, наркомания, наркобизнес, молодежь, наркопреступность, меры профилактики.*

Introduction

Among the negative social and legal phenomena that have been rapidly spreading since the end of the 20th century, in the globalizing world, drug addiction and drug trafficking should be especially noted, which are extremely dangerous for the health of the nation, deform public consciousness, in recent years have become dangerous, cause serious damage to the economies of countries,

negatively affect the moral and moral spirit of society, undermine national security [1, p. 3-4].

It is no coincidence that in the «Concept of the National Security of the Republic of Azerbaijan» dated May 23, 2007, among the threats to the national security of the Republic of Azerbaijan, along with attempts on the independence, sovereignty, territorial integrity and constitutional order

of Azerbaijan; actions directed against the performance of state functions in the field of ensuring the rule of law, protecting public order and protecting human rights and freedoms; separatism, ethnic, political and religious extremism, regional conflicts and transnational organized crime, including human trafficking and drug trafficking, were also noted.

The “State Program to Combat Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Their Precursors and Drug Addiction for 2019-2024”, approved by the Decree of the President of the Republic of Azerbaijan dated July 22, 2019, states: “Today, illicit drug trafficking and drug addiction is one of the main problems that concern the whole world. This problem is a factor that deals a big blow to the moral and ethical values of human society, negatively affecting socio-economic development, posing a serious threat to human life and health, leading to an increase in crime.”

Content

Drug addiction, which is a socio-legal and medical pathology, and the illegal circulation of narcotic drugs and psychotropic substances, which is spreading on this soil and acquiring dangerous proportions, has become one of the most negative factors that adversely affect the physical and mental health of the population, the socio-demographic situation, and the economic situation of society. , politics, law and order, social stability and the future of the nation, have become one of the most serious disasters faced by every country and the whole world as a whole.

Narcologist A. Kangerli notes: “Historically, many peoples of the world were subjected to genocide by other peoples ... Today, genocide began, directed not against

any one nation, but against the whole of humanity: the drug mafia, choosing teenagers and youth as a target all over the world, turns them into its victims and destroys them regardless of language, religion, race, gender, place of residence and other characteristics” [2, p. 3].

I. V. Kobzeva notes that the fight against drug addiction, due to its social and political significance, has now come to the fore and, having overcome the borders of individual states, has become a worldwide problem [3, p. 3].

It should be noted that special international organizations have been created and are working to unite efforts in the fight against drug trafficking, and programs aimed at joint activities of states are being adopted and implemented. At the end of the 20th century, the UN General Assembly declared 1991-2000 the Decade of Combating Drug Addiction and invited each state to adopt comprehensive national programs to combat drug addiction and drug addiction [4, p. 3-4].

Adolescents and young people involved in the use of narcotic drugs and psychotropic substances lose positive socially significant ties with society, and in many cases, as a result of drug addiction, they themselves commit criminal acts related to drug trafficking and other crimes of increased public danger [5, p. 4].

Adolescents and young people have overcome the barrier of fear of drugs, some of them already perceive psychostimulants and other drugs as an element of youth subculture, evidence of entry into reference groups [6, p. 3-4].

If earlier this social evil was an attribute of only marginalized sections of the population, today drugs, psychostimulants and their use have even penetrated into schools. Drugs

have become available to anyone who is interested in them. The terrible consequences of drug addiction and the devastating effects of drugs on the human body are often not well understood by teenagers and young people. The widespread and intensive spread of drug addiction, especially among adolescents and young people, is largely due to these circumstances [7, p. 3-5].

Since the end of the 20th and beginning of the 21st centuries, there has been an increase in the use of more dangerous psychoactive substances by adolescents. This, in turn, leads to a higher level of physical and mental dependence of minors on narcotic drugs and psychotropic substances, tendencies to a constant increase in the dose of consumption and, ultimately, to their rapid social and psychophysiological degradation [8, p. 5-7]. As E. G. Gasanov rightly notes, “unlike alcohol, a person who has experienced temporary relief and improvement in well-being when taking drugs has an acute need for repeated drug use. Then there is a habit of taking drugs and a desire to take them in large doses or try drugs with a stronger effect. Gradually, a person finds himself in a state of drug addiction, suffers from the disease of drug addiction, and, as a rule, degrades as a person” [9, p. 10].

The social danger of drug addiction also lies in the fact that people who use drugs for non-medical purposes inevitably become drug addicts, weak-willed and irresponsible people who, being under the influence of drugs or in a state of drug syndrome, can commit a variety of crimes. The need to take drugs, high prices for illegally distributed drugs and lack of funds to purchase them will provoke many drug addicts to commit crimes against property [4, p. 4-5]. Drug addicts who do not have any source of income to overcome the

withdrawal syndrome commit mercenary and mercenary-violent crimes - theft, robbery, robbery, etc. And this is no coincidence. So, according to 2019 data, the retail price of 1 kg of opium on the black market was 10-15 thousand dollars, heroin - 40-50 thousand dollars, marijuana - 8-12 thousand dollars, hashish - 6-8 thousand US dollars. Thus, we can say that there is a close relationship between drug addiction and crime.

Drugs and psychostimulants have become widespread means for turning the younger generation into immoral and weak-willed people, destroying their future [3, p. 3-4]. The undermining of the foundations of the family, the weakening of family ties, the irresponsibility and socio-psychological incompetence of parents, their immoral lifestyle, the growth of domestic violence, etc., affect the still weak psyche of adolescents, in some cases leading to their drug addiction [10, p. five; 16, p. 3].

Practical measures to improve the adolescent environment are often fragmented, covering only some aspects of the socialization of the younger generation, and the implementation of these measures is very difficult due to the unresolved other problems [12, p. four].

In the last decade, the fight against the growing drug addiction of the population has become especially relevant, since ensuring the health of the nation is one of the most important tasks of the state, and the future of each state and society depends on the solution of this task. Accordingly, the negative social and legal changes taking place in society pose the task of developing new and improving traditional forms and methods for the prevention of negative social deviations, primarily drug addiction, before the social and human sciences, including criminology [13, p. 3-4].

At present, when new, more dangerous forms and types of drug addiction among adolescents and young people are increasingly appearing, it seems impossible to strengthen the fight against drug crime and increase the effectiveness of preventive activities in this direction without the use of criminological knowledge and conducting criminological research.

As you know, the main task of criminology as a science is to develop methods and means of preventing crime in general and its individual, especially dangerous types based on the study of the state and dynamics of crime, its structural elements, specific trends and patterns characteristic of this negative socio-legal phenomenon. In a certain section of time and space, the causes and conditions of crime and crimes, the identity of the offender.

E. O. Alaukhanov specifically emphasizes that in the modern era of globalization and regionalization, the solution of urgent problems of combating crime seems impossible without taking into account the results of criminological research and analysis, a deep and comprehensive study of existing trends and patterns in a real criminological situation [14, p. 4.-5].

All this testifies to the exceptional importance of the development and implementation of a complex of criminal-criminological, organizational and methodological measures aimed at preventing illicit trafficking in narcotic drugs and psychotropic substances among adolescents and young people.

It should be noted that, given the exceptional relevance of the fight against drug addiction, this problem has always been given great attention by legal scholars, numerous scientific articles, monographs

have appeared, dissertations devoted to the study of various aspects of the problem have been written and defended.

General theoretical, as well as criminological and criminal law problems of illicit drug trafficking, the essence and content of the concept of «narcotism», legal aspects of the fight against drug crime, the identity of drug users and their typology, issues related to the latency of drug addiction, general social and special criminological aspects and organizational foundations for the prevention of illicit trafficking in narcotic drugs and psychotropic substances were studied by such authors as V. M. Aliev, A. A. Gabiani, A. N. Anisimov, K. E. Igoshev, S. E. Vitsin, V. N. Burlakova, T. A. Bogolyubova, I. I. Karpets, V. N. Kudryavtsev, N. F. Kuznetsova, B. S. Zaidov, E. G. Gasanov, F. M. Dzhavadov, I. M. Ragimov, Sh Samedova, G. M. Minkovsky, V. I. Omigov, L. I. Romanova, Kh. J. Alekberov, N. T. Aliev, S. V. Borodin, Yu. I. Gilinsky, E. G. Gasanov, K. K. Goryainova, A. A. Muzyka, A. V. Naumov, E. F. Pobegailo, L. I. Romanova, M. L. Prokhorova, V. I. Luneev, D. A. Shestakov, V. D. Malkov, V. S. Ovchinsky, Yu. V. Golik, A. I. Dolgova, M. P. Kleymenov, etc. Issues of differentiation of criminal liability for crimes committed by adolescents and youth, problems of lawmaking and improvement of current legislation in this area, criminological aspects, features of prevention and prevention criminal acts committed by this category of persons are considered in special monographic studies, including at the level of doctoral dissertations, carried out by such authors as V. A. Pleshakov (1998), A. I. Osintsev (2000), N. G. Andryukhin (2002), P. S. Myasnikov (2002), N. A. Selezneva (2004), D. B. Dryzhenko (2004), V. V. Sharapova (2004), G. M. Pogorelova (2004), E. V. Kosheleva (2005), Yu. A. Melnikov (2007),

N. A. Telesheva-Kuritskaya (2007), V. V. Popandopulo (2007), V. N. Tkachev (2007), K. A. Dolgopolov (2008), I. V. Chernenko (2008), V. M. Voloshin (2008), A. S. Laushkin (2008), R. A. Kolonichenkov (2009), N. Yu.

Komlev (2009), R. V. Novikov (2010), A. V. Davidenko (2013), N. Yu. Skripchenko (2013), etc.

Among the dissertations devoted directly to the prevention of drug addiction and drug addiction among adolescents and youth, criminal law and criminological aspects of the fight against illicit trafficking in narcotic drugs and psychotropic substances, the criminological features of such crimes, the study of the causes and conditions leading to drug addiction among adolescents and youth and the crimes committed on this basis, the study of the personality of this category of offenders, the prevention of cases involving adolescents in the consumption of narcotic drugs and psychotropic substances, it should be noted the monographic studies conducted by such authors as S. L. Panov (1998), V. A. Zhabsky (1999), A. E. Metsaeva (1999), B. P. Prudnikov (1999), O. P. Rybalkina (2001), V. N. Drannikov (2001), T. M. Sudakova (2002), I. V. Kobzeva (2003), T. G. Gazizova (2003), A. P. Alekseeva (2004), A. A. Kornilov (2004), E. A. Moskina (2006), E. P. Novikova (2006), N. Yu. Zhilina (2009), I. Yu. Samo Khvalov (2009), L. V. Gotchina (2011), R. T. Ismailov (2013), L. S. Kuzina (2020) and others.

It should be noted that the problems of combating drug addiction and drug trafficking in general, and, in particular, the illegal circulation of narcotic drugs and psychotropic substances among adolescents, have been studied in Azerbaijan at the level of dissertations. Thus, the criminological and criminal procedural aspects of this problem

have become the subject of scientific research by such authors as Sh. A. Babaev (Features of the methodology for investigating drug crimes committed by minors, 2010), S. Yu. narcotic drugs and psychotropic substances, 2001), S. S. Mamedov (Manifestations of drug crime in society and the problems of combating them by means of criminal procedure legislation, 2006), and dissertations of such authors are devoted to criminal law and criminological aspects of the problem, as G. G. Aslanov (Criminal-legal and criminological struggle against the cultivation of plants with narcotic properties, 2008), G. G. Aliyev (Social-legal and criminological problems of drug addiction, 2005), A. G. Gasanov (Criminal - legal and criminological problems of combating the smuggling of narcotic drugs and psychotropic substances, 2007), E. G. Gasanov (Criminal legal and criminological problems of combating drug crimes: anti-drugs, doctoral dissertation, 2000), B. S. Zaidov (Actual problems of combating drug addiction and drug trafficking in Azerbaijan, doctoral dissertation, 2005).

At the same time, it should be noted that a comprehensive and systemic, scientifically-theoretically and methodologically verified and perfect concept and strategy for the prevention of illicit trafficking in narcotic drugs and psychotropic substances among adolescents and youth, criminal law, criminological and organizational and methodological foundations for the fight against drug addiction and drug addiction among adolescents and young people is not yet developed to a level adequate to modern threats and challenges [11, p. 7-8].

According to Doctor of Law B. S. Zaidov, “Despite the study of various aspects and manifestations of drug-criminal acts in the science of criminal law and criminology

of the independent Azerbaijan Republic, comprehensive criminal law and forensic studies on international, regional and national aspects have not yet been carried out. problems of drug addiction and drug trafficking in the long, medium and short term, as well as on topical issues of effective combat and prevention of such forms of universal and global criminal manifestations” [15, p. 5].

Against the background of an increase in the level of the spread of drug addiction among adolescents and young people, there is an insufficient level of development of preventive measures and mechanisms for their implementation. The characteristic criminological, socio-demographic and psychological features of this category of persons have not been fully studied, their typology has not been carried out. The complex of factors that determine drug addiction in adolescents and young people, the totality of the causes and conditions that cause it, have not been sufficiently studied at the monographic level. The combination of all these facts necessitates the development of a scientific concept for preventing the spread of drug addiction among adolescents and young people and a new set of preventive measures, optimal and effective mechanisms for their implementation, which should be reflected in this concept and strategies and action plans based on it [11, p. 4-6].

We believe that in order to develop a conceptual, criminal law, socio-criminological, organizational and methodological basis for the prevention and prevention of drug addiction among adolescents and young people and drug crimes committed by this category of persons, it is necessary to provide a scientific solution to the following set of tasks:

- comparative analysis of the state and

dynamics of illicit trafficking in narcotic drugs and psychotropic substances among minors and youth in the Republic of Azerbaijan and abroad;

- identifying the main trends and patterns that determine the modern criminological characteristics of crimes related to drug trafficking and psychotropic substances committed by adolescents and youth, based on a study of the state, structure, dynamics and level of this type of crime at the national and regional levels;

- study of the main stages of the formation and development of the criminal legislation of Azerbaijan and foreign countries, which determines the responsibility for involving adolescents in criminal activities, including illicit trafficking in narcotic drugs and psychotropic substances;

- comparative legal analysis of modern legislation that defines responsibility for crimes committed by minors in Azerbaijan and abroad, including for illegal trafficking in narcotic drugs and psychotropic substances;

- analysis of objective and subjective elements of crimes related to the involvement of adolescents in the consumption of narcotic drugs and psychotropic substances;

- definition of objective and subjective elements of crimes, enshrined in Articles 234-239 of the Criminal Code of the Republic of Azerbaijan, providing for criminal liability for minors;

- development of proposals for improving the provisions of the criminal legislation providing for liability for crimes in the field of illicit trafficking in narcotic drugs and psychotropic substances committed by adolescents and youth;

- creation of criminological and socio-psychological «portraits» of juvenile delinquents involved in drug trafficking, and

adolescents with drug addiction, based on the study of their socio-demographic and moral and psychological characteristics;

- statistical and criminological analysis of drug crime among adolescents and young people and its structural elements, taking into account latency and geographical factors;

- study of a complex of factors contributing to the spread of drug addiction among adolescents and young people, the main causes and conditions of illicit trafficking in narcotic drugs and psychotropic substances in educational institutions;

- determination of the characteristics of crimes committed by adolescents on the basis of drug addiction, as well as victimological characteristics of adolescent and young drug addicts, the causes and conditions for their crimes;

- study of the causes and conditions that determine the criminal behavior of adolescents who use drugs, determining the place of drug addiction and drug intoxication in the system of criminogenic factors;

- analysis of the dynamics of the regional distribution of narcotic drugs and psychotropic substances (marijuana, hashish, opium, heroin, amphetamine, methamphetamine, etc.) among adolescents and young people, distribution of narcotic drugs and psychotropic substances by their types, increase or decrease in different seasons, generalization of results analysis, identification of existing trends, conducting criminological and analytical studies aimed at determining a set of circumstances and factors that contribute to the commission of drug crimes by adolescents and young people, and on this basis, the development of preventive scientific and theoretical provisions and practical recommendations aimed at improving the effectiveness of

measures to combat drug addiction among adolescents and youth;

- carrying out work on the collection, statistical, criminological and analytical research of information about persons and criminal structures involved in drug trafficking, the most common methods of illegal production and packaging of narcotic drugs and psychotropic substances, places of their illegal production (manufacturing), types of newly emerging psychoactive substances etc.;

- development of criminological maps of regions where drug addiction among teenagers and young people is most often registered, and drug crimes committed by them;

- study of the scientific, theoretical and methodological foundations for the creation of criminal law, criminological, socio-psychological, organizational, technical and information support for the fight against drug addiction and drug addiction;

- identification of prerequisites that actualize the renewal and improvement of the system for the prevention of drug addiction and drug crime among adolescents and young people in the modern period;

- analysis of the practice of preventing drug addiction and drug crime among adolescents and youth in foreign countries, studying the effectiveness of this practice, studying the possibility of applying the most effective set of measures in Azerbaijan;

- analysis of the current state of the formation of a system of legal support for the prevention of drug addiction among adolescents and youth at the international and national levels, development of sound proposals for identifying existing problems in this area, improving the existing system of organizational and legal support for the prevention of these problems;

- development of a set of socio-psychological, organizational and legal proposals and recommendations aimed at improving the activities for the prevention of drug addiction among adolescents at the republican and regional levels;

- studying the state, structure and dynamics of crimes related to drug addiction and illicit trafficking in narcotic drugs and psychotropic substances among adolescents and youth in Azerbaijan, making short-term and medium-term forecasts based on identifying existing trends and patterns;

- development of strategies and tactics to combat drug crime among adolescents and young people, special action plans that combine a set of urgent legal, organizational, technical, socio-economic, scientific and methodological measures for the short and medium term.

Findings

The possibilities of conceptualizing the drug prevention system among adolescents and youth should also be explored. In our opinion, it is necessary to develop and implement the «Concept of Comprehensive Prevention of Drug Abuse among Adolescents and Youth», a strategy based on this concept for the prevention of drug trafficking among adolescents and youth, as well as appropriate action plans [13, p. four; 11, p.7-10].

Thus, it should be noted that the measures taken so far to prevent and eliminate the dangerous socio-economic, psychological, criminological, medical and other consequences of drug addiction among adolescents and young people in Azerbaijan have not yet yielded the expected results. Consequently, activities in this area should be reorganized more thoroughly and comprehensively, systematically. A resolute

and uncompromising fight against drug trafficking among adolescents and young people, especially drug addiction, should be a priority, and a set of organized and urgent measures should be developed and implemented in this area.

In the implementation of this set of measures, not only public control, health and education bodies, but also non-governmental organizations, in a word, all structures of society, should take an active part, scientific foundations, methodology and mechanisms for systemic and comprehensive joint efforts should be developed.

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