

DIRECTIONS OF THE PREVENTION OF OFFENSES IN THE SPHERE OF ILLEGAL DRUG TRAFFICKING IN UKRAINE TAKING INTO ACCOUNT FOREIGN EXPERIENCE

НАПРЯМКИ ПРОТИДІЇ ПРАВОПОРУШЕННЯМ У СФЕРІ НЕЗАКОННОГО ОБІГУ НАРКОТИКІВ В УКРАЇНІ З УРАХУВАННЯМ ЗАРУБІЖНОГО ДОСВІДУ

Chaus A.O., Assistant Professor at the Department of Administrative Law, Process and Administrative Activity

Dnipropetrovsk State University of Internal Affairs

The scientific article is aimed at determining the directions of crime prevention in the field of illegal drug trafficking in Ukraine, taking into account foreign experience.

The work analyzes static data on committed crimes in the field of illegal trafficking of narcotic drugs, psychotropic substances and precursors; the number of people who take narcotic drugs, psychotropic substances and precursors on the territory of Ukraine, as well as Ukraine's place in the ranking of countries by the level of drug-related mortality.

The relevance of the study and implementation of acceptable international experience in the legislative regulation of combating drug crime, the long-term practice of foreign police services in this area of combating crime has been proven.

The directions of the strategy to combat the spread of drug addiction have been determined: simultaneous implementation at the state and local levels; simultaneous impact on the entire chain of illicit drug trafficking: demand – production – supply – distribution.

Proposed priority measures against the spread of drugs, which can be initiated by the Ministry of Internal Affairs of Ukraine. Attention is focused on the need to develop and strengthen various forms of international cooperation and interaction of law enforcement agencies of Ukraine with the relevant police services of foreign countries in the field of combating drug crime. The author proposed the creation in the post-war period within the Ministry of Internal Affairs of Ukraine of anti-narcotics units in the border zones with the Russian Federation. It is proposed to create permanently active regional working groups to combat the spread of drugs, subordinate to the National Police. It is proposed to create witness protection units in the National Police, similar to those operating in the USA and Germany. The need to reformat the public's attitude towards drug addicts as patients, and not as criminals, following the example of the world community, is emphasized.

A conclusion was made about two approaches that contribute to the fight against drug addiction: comprehensive state measures of a preventive nature and the introduction of drug addiction prevention mechanisms at all stages of the disease's development.

Key words: narcotic drugs, psychotropic substances, precursors, drug crime, the Ministry of Internal Affairs of Ukraine, the National Police, prevention.

Наукова стаття спрямована на визначення напрямків профілактики правопорушень у сфері незаконного обігу наркотиків в Україні з урахуванням зарубіжного досвіду.

В роботі проаналізовані статичні дані щодо вчинених злочинів у сфері незаконного обігу наркотичних засобів, психотропних речовин та прекурсорів; кількості осіб, які приймають наркотичні засоби, психотропні речовини та прекурсори, на території України, а також місце України у рейтингу держав рівнем смертності від наркотиків.

Доведено актуальність вивчення та запровадження прийнятного міжнародного досвіду законодавчого регулювання боротьби з наркозлочинністю, багаторічної практики закордонних поліцейських служб у цій сфері боротьби зі злочинністю.

Визначені напрямки стратегії боротьби з поширенням наркоманії: одночасне запровадження на державному та місцевому рівнях; одночасний вплив на весь ланцюг, за яким відбувається незаконний обіг наркотиків: попит – виробництво – пропозиція – поширення.

Запропоновані першочергові заходи протидії поширенню наркотиків, ініціатором яких може виступити МВС України. Акцентована увага на необхідності розвитку і зміцненні різних форм міжнародного співробітництва та взаємодії правоохоронних органів України з відповідними поліцейськими службами зарубіжних держав у сфері боротьби з наркозлочинністю. Автором запропоновано створення у післявоєнний період у складі МВС України підрозділів антинаркотичного спрямування на прикордонних зонах з російською федерацією. Запропоновано створення постійно діючих регіональних робочих груп боротьби з поширенням наркотиків, що підпорядковуються Національній поліції. Запропоновано створення в Національній поліції підрозділів із захисту свідків на кшталт тих, які функціонують у США та Німеччині. Наголошено на необхідності реформатування ставлення громадськості до наркозалежних осіб, як до хворих, а не як до злочинців за прикладом світового співтовариства.

Зроблений висновок про два підходи, які сприяють протидії наркоманії: комплексні державні заходи запобіжного характеру та запроваджені механізми профілактики наркоманії на всіх стадіях розвитку захворювання.

Ключові слова: наркотичні засоби, психотропні речовини, прекурсори, наркозлочинність, МВС України, Національна поліція, профілактика.

Actuality of theme. The current historical stage of Ukraine's development is characterized by the growth of crime, especially the emergence of new types of crimes and the qualitative change of previously known crimes that were widespread in the past. The latter include crimes related to illegal drug trafficking. It cannot be claimed that in the past drug-related offenses were not paid attention to by legislative and law-enforcement bodies, however, in modern conditions, such offenses in Ukraine are taking on new forms and scales. Accordingly, the improvement of the activity of bodies and units in the fight against drug crimes remains an urgent issue for research by domestic scientists. At the same time, it is expedient to take into account the existing experience of the practical units of the National Police and the practice of countering such offenses on the part of foreign states.

Formulation of the problem. The task of combating the spread of drug addiction and crimes related to this phe-

nomenon in Ukraine in modern conditions, when the borders of the state are not fully protected, and the internal and external migration of the population has increased over the last year, is becoming especially urgent.

According to law enforcement experts, the lack of protected borders from the Russian Federation, the geographical location of Ukraine, attract the attention of the international drug business as a sales market and a route for illegal drug transit. Forecasting the situation remains disappointing, because the preservation of the existing trend for Ukraine may provoke an increase in the degree of narcotization of the population, especially young people, in the future.

Statistics already show an increase in the number of drug-related crimes registered in recent years. Thus, in 2020, 27,437 drug crimes were documented, and already in 2021, 28,852, which is 5% more than the previous indicator. At the same time, the rate of documented serious and especially

serious crimes in this area increased by 27% [1]. According to the results of various sociological studies, the number of people who take narcotic drugs, psychotropic substances and precursors in Ukraine ranges from 1.5 to 2 million people, while injection drugs are used by approximately 350,000 people [2]. According to the world ranking, in 2018 Ukraine ranked 65th in the list of 93 countries in terms of drug-related deaths [3]. The analysis of statistical data, operational materials, the general situation, and the results of research by domestic scientists indicates further aggravation of the problem of illegal drug trafficking in Ukraine.

State of problem research. The problems of drug addiction and illegal drug trafficking have attracted the attention of domestic researchers and specialists. It should be noted that scientific developments in the fight against drug crime were also carried out in the field of criminology, criminal law, and administrative law. All these aspects are considered in the works of O. Bandurka, I. Bogatiryov, M. Verbenskiy, V. Golina, O. Hurov, O. Dzhuzha, A. Zakaluk, M. Kornienko, O. Kostenko, O. Litvak, O. Litvynov, A. Muziki, S. Slinka, O. Yarmysha, H. Yarmaki and many others.

Among the foreign scientists and specialists who worked in the direction of defining the theoretical concepts of combating drug addiction and drug crime, the following researchers can be singled out: M. Chatterton, H. Gibson, M. Gilman, M. Douglas, P. Scotney, R. Lawrence; H. Meyer, H.-Kh. Kerner, E. Dach; S. Eisman, D.W. Johnson, R. Dembo, F.S. Tennant, J.E. Bruno, H.A. Khavari, J.A. Wingard, C.L. Cheng, G.J. Hube, M. Kleiman, A. Barnett, H. Feinstone; G. Wardlo and others.

Based on the above, the main goal of this work is determined – to determine the directions of crime prevention in the field of illegal drug trafficking in Ukraine, taking into account foreign experience.

Presenting main material. Analyzing statistical information, research by sociologists, legislation and the practice of its application, it can be asserted that the drug danger threatens Ukraine and stands in the way of the formation of a safe environment in the state. In the light of what has been said, it becomes urgent to study and master the acceptable international experience of legislative regulation of combating drug crime, the long-term practice of foreign police services in this area of combating crime. On the other hand, Ukraine is a transit country for drug smuggling, and for fruitful cooperation with foreign countries, the national legislation of Ukraine and the practice of law enforcement agencies of foreign countries need to be harmonized.

The results of the study and analysis of this mass of information allow us to draw a conclusion about the significance of the experience accumulated abroad in the fight against drug crime. It is worth noting that the activities of law enforcement agencies of foreign countries in the field of combating illegal drug trafficking are regulated by both general criminal laws and specialized direct anti-narcotics laws and laws regulating the spheres of financial, economic and medical activities. We believe that the experience of legislative forms of combating illegal drug trafficking (with an appropriate critical approach) can be used in Ukraine to improve legislation, administrative and judicial practice.

For many years, national and international drug control policies have been based primarily on the premise that illicit drug use can be eliminated by eliminating the cultivation, production and illicit distribution of narcotic substances. In addition to the fact that the implementation of this task rested almost exclusively on the shoulders of law enforcement agencies, in most countries none of these measures, taken separately, gave the proper effect. A comprehensive approach was needed, which involved the participation in the fight against the drug business of a wide range of government departments and public organizations capable of implementing a large set of anti-narcotics measures.

Abroad, the opinion that the most effective way to fight illegal drug trafficking is to reduce the demand for them is becoming more and more common. An important place in this work is given to the prevention of drug use.

In a broad sense, preventive measures include both deterrent and motivational elements. Specifically, preventive work is carried out in three main directions: preventing the involvement of those who do not consume drugs; preventing occasional drug users from becoming chronic drug addicts; treatment and rehabilitation of drug addicts. An important factor in the successful operation of the police at the national level is the interaction of all law enforcement agencies, customs services and financial institutions, as well as health care, social protection and public organizations, and the involvement of the population in anti-narcotics work.

Practically all the states that are part of the UN recognize the most important role of international cooperation in the fight against illegal drug trafficking. A special role in this sense is assigned to the establishment of bilateral and multilateral cooperation of law enforcement agencies of different states.

One cannot fail to say that a significant part of foreign scientists and practitioners consider the results of the fight against illegal drug trafficking in connection with numerous factors of a social, economic, political, historical, religious, psychological and other nature.

The analysis of the state of the drug situation in different countries of the world shows that the dynamics of illegal drug trafficking, its trends and the prospects of the activities of law enforcement agencies in the field of combating crime depend primarily on the general state strategy for combating drug crime, its legislative support and the organization of anti-narcotics activities of state institutions and public organizations and activity in this work of the population itself.

Today, we can say that the main approaches to the problem of drug abuse in the vast majority of states are a restrictive approach (reduction of illegal drug trafficking), accompanied by mandatory treatment and re-education of drug addicts, and punitive, i.e. increasing penalties for violations of anti-narcotics legislation.

In our opinion, the general strategy for combating the spread of drug addiction should include activities in two main directions. First, it must be developed and implemented simultaneously at two levels: upper (state policy and legislative regulation) and lower (regular proposal for legislation and legislative initiative of departments, institutions and organizations, primarily the Ministry of Internal Affairs of Ukraine; planning of specific anti-narcotics measures), including the search for organizational and tactical forms of work in this area of law enforcement activity). Secondly, it should have an appropriate impact on the entire chain of illegal drug trafficking: demand – production – supply – distribution.

According to foreign experts, only simultaneous influence on both components (demand and supply) will allow to break the false chain. Moreover, some foreign experts believe that the priority object of influence should be demand.

Taking into account the conditions in which Ukraine currently finds itself, it is necessary to take targeted steps that would affect the situation with drugs in two main directions: stopping the channels of their illegal circulation (ie, reducing the supply); and reducing the number of drug users (ie, reducing their demand). In order to achieve these goals in the current conditions, in our opinion, it is necessary to work out the issue of the possibility of the following priority measures to combat the spread of drugs, which can be initiated by the Ministry of Internal Affairs of Ukraine:

1. Strengthen at the legislative level the sanctions of articles of the Criminal Code of Ukraine for serious or particularly serious drug crimes, as well as simultaneous activities to increase the intensity of the use of educational and educational measures in order to educate the population of Ukraine about the harm of drugs.

2. Initiate in Ukraine at the legislative level to consider the possibility of maintaining the position of the UN regarding the legalization of marijuana. Thus, in 2020, the UN Commission on Narcotic Drugs supported the recommendation of the World Health Organization to exclude cannabis from the list of particularly dangerous drugs, and to leave it on the list of drugs prohibited for non-medical use [4].

3. Practical implementation of the institute of remorse declared in the legislation in the field of illegal circulation of narcotic drugs, psychotropic substances and precursors [6; 7], as well as its development according to the models of European states and the USA.

An initiative to create a coordinating interdepartmental body with a clear regulation of its functions and the mechanism of control over the implementation of the decisions made.

Modernization of forms of preventive work in the direction of combating drug addiction and offenses related to this phenomenon. This work is a diverse and multifaceted form of activity. It should be carried out within the framework of the national anti-narcotics program, through the maximum intensification of anti-narcotics propaganda.

In this work, the Ministry of Internal Affairs of Ukraine should take the initiative and be the coordinator of the creation together with other departments of film and television films, videos, special booklets, posters, banners, exhibitions, informational messages on the Internet about the harmful effects of drugs, primarily aimed at young people. These materials should vividly and convincingly show the truth about the state of health of drug addicts, the tragic nature of their fate, as well as the work of the police in the fight against drug addiction and its legal and moral consequences for a person. This will allow the problem to be drawn to the attention of broad sections of the state's population.

4. Also, an important form of crime prevention in the field of illegal drug trafficking can be: permanent sections of anti-narcotics programs with the participation of police officers on television and radio; publication of short reference and educational manuals for parents, teachers, schoolchildren and students with explanations, recommendations and advice of an anti-narcotics nature at the initiative and with the participation of police officers; inclusion of classes on the prevention of drug addiction in the children's environment in the course of the "School Police Officer" program. That is, along with conducting anti-narcotics campaigns in mass media, attention should be paid to preventive anti-narcotics education.

5. To develop and strengthen various forms of international cooperation and interaction of law enforcement agencies of Ukraine with relevant police services of foreign countries in the field of fighting crime. Such cooperation should include interaction with Interpol, Europol, and the Council of Europe. When concluding bilateral international agreements with foreign states related to the fight against the illegal drug business, they should include issues of verification, freezing and confiscation of income received from criminal activities; transfer of relevant documents contributing to the investigation of crimes; obtaining statements of witnesses, material evidence, documents and other materials; establishing the location and identity of suspects and witnesses; execution of requests for searches and arrests.

Active participation in activities within the framework of the Partial Agreement on the establishment of a Group on cooperation in the fight against drug abuse [8], tak-

ing into account the fact that such forms of cooperation as the exchange of information are practiced within the framework of the activities of these groups; organization of joint developments of police equipment; creation of working groups to prepare joint programs to combat international crime, in particular in the field of drug trafficking; exchange of highly qualified experts in the fight against international crime; joint use of police liaison officers in third countries; organization of a joint search for criminals with the involvement of the public; joint use of technical means.

Creation in the post-war period within the Ministry of Internal Affairs of Ukraine of anti-narcotics units in the border zones with the Russian Federation. These bodies should act in close contact with all bodies of the Ministry of Internal Affairs of Ukraine, including the National Police.

The creation of independent enlarged specialized units in the structure of the Department of Combating Narcotic Crime of the National Police and its subordinate units: for the detection of crimes related to the theft of drugs from enterprises and institutions; in the fight against the illegal circulation of the most dangerous types of drugs; regarding the confiscation of income received as a result of the commission of drug-related crimes.

Creation of permanent regional working groups to combat the spread of drugs subordinated to the National Police. In countries such as Germany, France, Sweden, Belgium, the Netherlands, Denmark, Luxembourg, the legal basis for the activity of such working groups is not only international treaties, but also regulatory documents of the relevant police authorities. Within the framework of the activities of domestic working groups, it is advisable to practice the following forms of cooperation: holding working meetings, joint analysis of the operational situation, development of plans, preparation and conduct of joint operations, exchange of technical means, joint training and exercises on various subjects, concerning, for example, modern methods fight against drug smuggling, illegal drug trade, illegal cultivation of narcotic substances, use of drug crime prevention measures and other directions.

Creation of witness protection units in the National Police, similar to those operating in the USA and Germany [5].

Reformatting of the public's attitude towards drug addicts as patients and not as criminals following the example of the world community. Accordingly, the maximum application is not of punitive measures, but of measures of resocialization of such persons.

Conclusions. The history of the spread of drug addiction and the problems associated with this phenomenon shows that only two approaches allow more or less successful resistance to the constant spread of drug addiction. The first consists in complex state measures of a preventive nature – strict control at the borders, careful monitoring of the circulation of legal medicinal products, immediate response to the slightest signs of a change in drug consumption trends by means of appropriate adjustment of educational and preventive work. The second is the prevention of drug addiction in the announcement, as a background phenomenon of many types of crimes; application of treatment and resocialization measures to such persons.

Both that and the other approach require large financial costs. And yet, today, as confirmed by foreign experience, this is the only effective tool that allows you to curb the spread of drug addiction in society.

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