

Research Article

Legal Regulation of the Activities of Law Enforcement Officers in Preventing Drug Offenses: Ethical and Professional Standards, Foreign Experience

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Abstract

Aim: This article examines the legal tenets, moral benchmarks, and professional ethical standards of peace officers conducting operations in the domain of countering drug trafficking offenses.

Methods: In the frame of studying the legal bases, moral, and professional standards for police officers in combating drug offenses, the empirical technique is employed. It concentrates on gathering, structuring, and examining factual evidence that defines the current condition of this sector. This method enables the establishment of patterns in the operation of legal bodies, contrasting regulatory mandates with the actual conduct and professional pursuits of staff, also pinpointing present difficulties and charting future directions for ethical and legal guidelines.

Results: The undertaken study enabled us to ascertain several core theoretical and practical elements that illuminate the present condition and directions of legal governance regarding law enforcement personnel's actions in drug offense deterrence, and also to pinpoint avenues for its enhancement, considering ethical and professional benchmarks.

Conclusion: The specifics of global methods for governing police conduct and establishing the bounds of allowable infringement on human rights while executing anti-drug policy are unveiled. The international practice of the United States, the United Kingdom, Germany, and Poland is examined. Recommendations are drafted for advancing Ukrainian statutes in light of international norms for police professionalism.

Keywords: Drug crime; Prevention; Ethical standards; International experience; Law; Law enforcement agencies; Police activities; Professional ethics

Abbreviations: DEA: Drug Enforcement Administration; EMCDDA: European Monitoring Center for Drugs and Drug Addiction; EUROPOL: European Union Agency for Law Enforcement Cooperation

Introduction

The problem of preventing drug-related offenses is one of the key ones in ensuring the national security of Ukraine. Given the globalization processes, the growth of illicit drug

trafficking and the transnational nature of drug-related crime, law enforcement agencies need to improve not only legal, but also ethical and professional standards of activity.

The problem of preventing drug-related offenses occupies a special place in the system of ensuring national security and public order. The spread of illicit trafficking in narcotic drugs, psychotropic substances and precursors creates not only a criminal, but also a socio-moral threat to society, affecting the level of crime, public health and economic stability of the state.

Within Ukraine, combating illegal drug activity is governed by several legislative statutes, notably the laws, alongside international agreements ratified by the nation. Nevertheless, despite this established regulatory structure, practice indicates challenges exist in guaranteeing suitable moral conduct by law enforcement personnel during operations against narcotics. In particular, these include the risks of abuse of power, human rights violations, the use of excessive coercive measures, and the lack of professional training in the field of police ethics.

Per Article 1 of the law of Ukraine “on the national police,” the police constitute a component of the executive authorities, whose operations are directed toward safeguarding individual rights and liberties, combating criminal activity, and preserving civic security and decorum [1]. In the realm of opposing narcotics offenses, this work needs to proceed from the tenets of lawfulness, proportionality, and esteem for human worth.

Present tendencies in the evolution of global law, suggestions from the UN, the council of Europe, and the European Union underscore that combating illicit drug activity ought to rely not solely upon penal measures, but also upon the ethical tenets of compassion, lawfulness, fairness, and regard for human worth. In this setting, establishing professional and moral behavioral norms for police personnel, centered on aiding the public and honouring human entitlements, holds special significance.

At the same time, in Ukraine, the ethical component of law enforcement activities remains insufficiently researched in the context of drug crime prevention. Existing scientific works mainly consider the issues of service discipline and moral culture of law enforcement officers in general, while the issues of integrating international ethical standards into the sphere of anti-drug policy have not yet received comprehensive coverage [2-4].

The significance of this research stems from the necessity to tailor Ukrainian statutes and police methods to international moral guidelines established by the European code of police ethics (2001) [5], the code of conduct for law enforcement officials (UN, 1979) [6], and the benchmarks set by the DEA (USA) and the college of policing (Great Britain) [7]. The aim of this investigation is a thorough examination of legal governance, and the moral and occupational norms for police personnel in deterring drug crimes, alongside pinpointing avenues for applying international expertise within Ukraine [8(3)].

Methods

The methodical foundation of the research is a systemic, interdisciplinary, and comparative legal perspective, which facilitates a thorough revelation of the legal, ethical, and professional elements of law enforcement personnel's actions in countering drug offenses.

The following methods of scientific knowledge were applied within the framework of the study: The dialectical method-used to identify the relationship between ethical principles, legal norms and professional standards of police activity; to analyze the evolution of anti-drug policy from a repressive to a preventive model.

Observation and generalization of practical experience

Direct or participant observation of the activities of units involved in drug-related crime suppression operations allows us to assess the compliance of officers with established moral and professional standards.

Statistical analysis

The empirical base includes an analysis of statistical data from the ministry of internal affairs, the national police, and the state judicial administration, reflecting the dynamics of drug-related crime, the level of disciplinary action against officers for violations of professional ethics, and indicators of public trust in law enforcement agencies.

The use of the empirical method allows us to establish the relationship between legal regulation, moral principles, and the actual activities of law enforcement officers, identify gaps in legislation, as well as discrepancies between formal norms and practical behavior.

The data obtained serve as the basis for developing proposals for improving professional and ethical standards and legal mechanisms for combating drug-related crime, ensuring a high level of public trust in the law enforcement system.

The methodological foundation is likewise grounded in the concept of the rule of law, formulated in the writings of G. Hart, R. Alexi, P. Rabinovich; the doctrine of professional ethics for public service [1], alongside the stipulations of the European code of police ethics (2001) and the code of conduct for law enforcement officers (UN, 1979) [5,6], which delineate the moral boundaries of governmental intrusion into an individual's private affairs. Consequently, the research approach facilitates a thorough examination of the legal, moral, and professional facets of police functions concerning drug offense deterrence, enabling the formulation of evidence-based recommendations for advancing the domestic framework of legal governance.

Results and Discussion

Governing and statutory guidelines for deterring drug offenses. The administrative and legal precepts of policing efforts in preventing drug crime.

In Ukraine, the legislative regulation of the fight against drug offenses is based on the provisions of the constitution of Ukraine, the criminal code of Ukraine, the code of Ukraine on administrative offenses, the law of Ukraine "on narcotic drugs, psychotropic substances and precursors" dated February 15, 1995 No. 60/95-VR [9], as well as a number of subordinate regulatory legal acts of the cabinet of ministers of Ukraine and the ministry of internal affairs.

The regulatory structure establishes the legal tenets of government policy concerning the oversight of narcotic substance traffic and resisting their illicit movement, governs the process for law enforcement agency operations, and the mandates and responsibilities of personnel. The principal aim of the legislation is to assure the safeguarding of societal well-being, public security, and Ukraine's adherence to its international commitments regarding combating drug offenses.

According to Articles 305-320 of the criminal code of Ukraine, criminal liability is established for smuggling, production, storage, sale of narcotic drugs, as well as for illegal cultivation of hypnotic poppy or cannabis. In turn, administrative liability for illegal storage of small portions of narcotic substances without the intention of sale is enshrined in Article 44 of the code of Ukraine on administrative offenses.

An exceptional position is occupied by the law of Ukraine “on narcotic drugs, psychotropic substances and precursors” [9], which outlines the main definitions, principles of state control, the procedure for licensing activities related to the circulation of narcotic drugs, as well as the powers of central executive authorities in this area.”

The following international legal instruments carry considerable weight: The single convention on narcotic drugs of 1961, the UN convention on psychotropic substances of 1971, and the UN convention against illicit traffic in narcotic drugs and psychotropic substances of 1988 [10]. These mandate states to adopt a balanced approach between punitive and preventative measures.

Ukrainian statutes mainly focus on the punitive aspect, while current trends in global policy necessitate strengthening prevention, resocialization, and the humanizing of enforcement methods.

Ethical and professional standards for police duties

The moral principles of police service are set forth by the code of ethics and professional conduct of police, approved by order of the ministry of internal affairs of Ukraine dated 09.11.2016 No. 1179 [7]. The central tenets of this code comprise: Fidelity to law, compassion, and respect for human rights, political neutrality, integrity, impartiality, and honesty.

As per global agreements-the code of conduct for law enforcement officials (UN, 1979) and the European code of police ethics (council of Europe, 2001)-a police officer must operate within enacted law, safeguard human dignity, and use force only when strictly necessary [5,6].

Ethical and professional standards for police staff form a fundamental element of the legal structure guiding their official conduct, as they establish the limits of allowable encroachment upon individual rights, the principles of integrity and proficiency, and also maintain public trust in law enforcement agencies.

As per Article 11 of the law of Ukraine “on the national police” dated 02.07.2015 No. 580-VIII [11], a police officer must operate solely on the grounds, within the scope of their authority, and in the manner stipulated by the constitution and other statutes of Ukraine, observing the tenets of legality, reverence for individual rights and liberties, proportionality, and neutrality. Furthermore, these tenets are elaborated in the code of ethics and professional conduct for police officers, endorsed by the order of the ministry of internal affairs of Ukraine dated 09.11.2016 No. 1179, which sets forth the moral and ethical directives and standards of behavior for police personnel [12].

The chief ethical foundations of the Ukrainian police involve: Legality and the supremacy of law-executing official responsibilities strictly in conformity with legislation; valuing human dignity-guaranteeing humane regard for every individual, irrespective of their standing;

probity and uprightness-forbidding any manifestations of graft, misuse of official capacity; competence and answerability-continuous enhancement of specialized abilities and readiness to accept liability for one's own conduct.

Foreign experience demonstrates different models of the formation of police ethics. In the UK, the code of ethics (college of policing, 2014) establishes 9 basic principles-honesty, objectivity, respect, leadership, transparency, justice, etc., which are part of the personnel training system [7]. In the USA, the DEA ethics handbook (2020) stipulates strict accountability for breaches of ethical standards and required instruction in professional probity [13]. In Germany, the precepts of the guidelines for police conduct (2008) set benchmarks for dignity and balance when employing force [14].

It merits stressing that ethical criteria for the police are closely tied to adherence to human rights as stipulated in global documents, particularly in the code of conduct for law enforcement officials, adopted by the UN General Assembly in 1979, and in the European code of police ethics (Recommendation Rec(2001)10 of the Council of Europe) [15]. These instruments establish a unified ethical structure: Constraint on force application, ban on torture, appropriateness of actions, and fairness [16].

In the Ukrainian setting, formalizing ethical oversight remains a crucial objective, meaning the establishment of autonomous systems for judging the professional conduct of police personnel (ethics panels, oversight groups). It is likewise sensible to adopt a pattern of required ethics instruction, similar to that used in EU nations.

Hence, cultivating elevated ethical and professional benchmarks for police operations is an essential prerequisite for successful crime deterrence, especially narcotics offenses, since the moral standard of law enforcement agents dictates the degree of public confidence in the government and its bodies [17].

Ethical guidelines in the actions of law enforcement personnel when deterring drug offenses are of special significance, as such endeavors frequently involve the peril of infringing upon personal privacy, employing sensitive data, executing covert operations, and so forth [18].

International precedents for governing ethical norms in the sphere of anti-drug efforts. In the USA, the conduct of police officers in the domain of drug fighting is governed by the controlled substances act (1970) and the internal codes of conduct of the Drug Enforcement Administration (DEA), which stipulate benchmarks for probity, openness, and the impermissibility of any bias [19,20].

The framework for ethical oversight of law enforcement operations focused on combating illicit drug trade in the United States is among the most meticulously planned and organized globally. It relies on combining national

statutes, internal policies, professional codes, and control procedures within the agency.

The foundation of legal governance for anti-drug efforts is the Controlled Substances Act (CSA) from 1970, which established the groundwork for the Drug Enforcement Administration's (DEA) operations [19]. The moral dimension of this legislation is upheld by numerous benchmarks for professional behavior detailed in the DEA ethics handbook (2020) and the ethics regulations of the Department of Justice [13].

Ethical guidelines for DEA personnel are governed by several principal documents: The standards of ethical conduct for executive branch employees (5 CFR Part 2635), which set forth tenets of fairness, truthfulness, avoidance of conflicts of interest, and forbidding misuse of position; the DEA's internal ethics manual, which contains detailed guidance on interacting with sources, fieldwork, employing undercover operatives, and managing evidence and sensitive information; the Department of Justice's rules of conduct for employees, mandating the prevention of bias, force, or duress, alongside reverence for individual liberties during anti-drug missions [21].

Key ethical stipulations for DEA staff include: Candor and openness-the duty to proceed honorably and refrain from improper dealings with offenders; deference to human rights-a ban on humiliating treatment, even toward those suspected of drug offenses; responsibility-where every action is subject to scrutiny by the Office of Professional Responsibility (OPR); and guaranteeing integrity-mandates-a firm prohibition against accepting any material gain or gratuities from external parties [22].

Procedures for observing adherence to ethical criteria:

The DEA framework possesses distinct organizational oversight systems that guarantee not just punitive accountability, but also proactive oversight: The Office of Professional Responsibility (OPR) carries out impartial reviews of breaches of ethical guidelines, including looking into public grievances; the ethics officials group-specially educated personnel in every DEA subdivision who counsel staff on moral quandaries; the yearly ethics education curriculum-an annual required course for all personnel addressing matters of occupational morality, conflicts of interest, civil liberties, and adherence to regulations throughout enforcement operations [23].

Real-world value of the American approach: The DEA moral blueprint is thorough, integrating legal, psychological, and societal aspects of governing the conduct of law enforcement personnel. This facilitates parity between the potency of enforcement actions and the safeguarding of individual freedoms. American practice substantiates that ethical norms are not merely a moral, but also a statutory classification that directly influences the standard of fulfilling official responsibilities and the public's confidence in the constabulary.

In Ukraine, it is sensible to adopt such features of the American method as: Establishing a structure of ethics advisors within the units of the national police; consistent ethical instruction; implementing an impartial interior ethical assessment, akin to the OPR [24].

The ethical governance framework in the DEA demonstrates that deterring drug-related crime is unfeasible without a mature ethos of occupational probity. A superior degree of ethical self-control not only lessens the hazards of graft and misuse but also boosts the efficiency of policing efforts. This is why the American example is exceptionally useful for enhancing the moral benchmarks of Ukrainian police work [25].

In the UK, the code of conduct (college of policing, 2014) is operative, which is binding on all constables. It stipulates the tenets of sincerity, equity, accountability, and openness in tackling narcotics offenses [26].

In Germany, police officers operate in accordance with the Gesetz über den unmittelbaren Zwang bei Ausübung öffentlicher Gewalt durch Vollzugsbeamte des Bundes (UZwG) [16], which regulates in detail the limits of the use of force, as well as the guidelines for police conduct (2008) [14], which contain provisions on the observance of human rights during operational actions [27].

The system of legal and ethical regulation of the activities of the German police in the field of combating illegal drug trafficking combines a high level of regulatory detail and a developed culture of professional responsibility. Ethical standards of police officers in Germany are formed on the basis of the principles of humanism, the rule of law, proportionality and integrity, which are key to the German legal tradition [28].

The foundation for regulating police actions includes: The federal police act (Bundespolizeigesetz, BPolG) of October 19, 1994-specifies the authorities, operational principles, the process for employing force, and police officers' duties to respect human rights and liberties; the Act on Direct Coercion (Gesetz über den unmittelbaren Zwang bei Ausübung öffentlicher Gewalt durch Vollzugsbeamte des Bundes-UZwG)-sets the boundaries and suitability of force deployment, which carries ethical weight in anti-drug missions; guidelines for police conduct (richtlinien für das Verhalten der Polizei) (2008)-internal ethical directives that establish standards for officer behavior, encompassing tenets of service morality, fairness, non-bias, and professional honor [29].

The German police training system is based on the Leitbild der Polizei (Professional Mission of the Police), which defines key moral and ethical principles for serving society, including serving the law, respect for human dignity, a sense of justice and responsibility towards citizens [30].

Ethical standards in the fight against drug crime include humanity and proportionality when using coercive

measures such as searches, detentions or operational actions. Important aspects are the presumption of innocence, respect for human dignity even in interactions with drug addicts, anti-corruption behavior, professional integrity, which is monitored by internal audit units, as well as professional competence. The latter is achieved through continuous training, ethical training and the development of psychological resilience [31].

Special attention is paid to work with socially vulnerable categories of the population, including people suffering from drug addiction or who have fallen into the sphere of drug crimes due to difficult life circumstances. In such cases, police officers must combine law enforcement activities with social support, cooperating with medical institutions and rehabilitation centers [32].

Control over compliance with ethical standards in the German police is implemented through several mechanisms. In particular, this is an internal audit to check service discipline and ethical standards, the activities of an independent ombudsman who deals with complaints from citizens about violations of ethical norms, as well as mandatory training in professional ethics in state police academies, which all new recruits undergo [33].

The German police actively cooperate with international organizations such as EUROPOL and the European Monitoring Center for Drugs and Drug Addiction (EMCDDA) [12], which allows for the harmonization of ethical approaches in the fight against drug crime.

This model combines strict adherence to legal norms with high ethical standards for police officers, contributing to public trust and the effectiveness of anti-drug measures. Systematic ethical training from initial training to continuous professional development forms the foundation of this practice [29].

Ethical standards of the German police are formed as a comprehensive system of values, norms and control mechanisms aimed at ensuring the rule of law and public trust. In the field of anti-drug activities, such standards have not only normative, but also humanistic significance, since

they combine the law enforcement function with respect for human dignity and social reintegration of persons under the influence of drugs [34].

In Poland, the emphasis is on combining police prevention with social rehabilitation of drug addicts, which is reflected in the Narodowy program Przeciwdziałania Narkomanii (2022-2030) [30].

Prospects for improving the Ukrainian model: Taking into account foreign experience, in Ukraine it is advisable to: Expand the content of police ethics by including norms on ensuring gender sensitivity, anti-corruption behavior and personal data protection during anti-drug operations [35].

Introduce mandatory psychological support programs for employees involved in the fight against drugs. To develop international cooperation in order to exchange information on methods of drug crime prevention. To strengthen legal guarantees of observance of human rights during operational and investigative activities [36].

The conducted research allowed to establish a number of key theoretical and practical provisions that reveal the current state and trends of legal regulation of the activities of law enforcement officers in the field of drug crime prevention, as well as to identify areas for its improvement taking into account ethical and professional standards [37]. An imbalance between punitive and preventive approaches in the national anti-drug policy was revealed [10].

An analysis of the current legislation of Ukraine showed that the criminal-repressive model of combating drug crime prevails, while the ethical aspect of professional behavior of police officers, aimed at prevention and resocialization of individuals, remains insufficiently regulated [13].

Deficiencies in the regulatory provision of ethical standards in police activities were identified. Although the code of ethics and professional conduct for police officers (2016) enshrines basic moral and legal principles [27], it is declarative in nature and does not provide clear mechanisms for monitoring, evaluating, and holding accountable for violations of ethical norms [38] (Table 1).

Table 1: Some legal aspects of law enforcement activities in preventing drug crimes (ethical and professional standards, foreign experience)..

Country/Organization	Regulatory framework	Key ethical principles	Features of professional conduct	Elements for implementation in Ukraine
Ukraine	Act on the national police (2015); code of Ethics (2016) [11,31]	Legitimacy, humanism, regard for human rights, truthfulness	No control system; stated standards	Formation of ethics committees; probity evaluation
USA (DEA)	Controlled substances act (1970); DEA Ethics Handbook (2020) [13,19]	Openness, integrity, anti-graft, esteem for dignity	Moral review; required instruction	Institute of moral review
United Kingdom	Code of ethics (college of policing, 2014) [7]	Responsibility, fairness, equity, expertise	Code as a component of learning; accountability for discipline	Incorporation of moral standards into coursework

Germany	Guidelines for police conduct (2008); UZwG [14,16]	Humaneness, balance, esteem for human dignity	Defined boundaries for employing force; observation of conduct	Setting up of ethical oversight metrics
Poland	Narodowy program przeciwdziałania narkomanii (2022-2030) [30]	Collaboration, societal duty, deterrence	Partnership with localities; restorative method	Law enforcement-public collaborations

A comparative examination of foreign practice was performed. The research determined that: In the USA, the focus rests on adherence to the tenets of openness, responsibility, and anti-graft conduct (*via* the internal DEA ethics bodies); in the UK, police morals are incorporated into vocational schooling, and the ethics charter (2014) functions as both a governing and instructive text; in Germany, the moral conduct of law enforcement stems from a legal tradition prioritizing respect for human worth, established in the fundamental law (Grundgesetz, art. 1) and mirrored in the guidelines for police conduct; in Poland, the strategy for countering drug offenses centers on collaboration linking the police with civic groups, educational avoidance programs, and societal aid for substance abusers [39].

The foundations for updating Ukrainian ethical norms in police operations are outlined. Considering global methods, the necessity of adopting these tenets is substantiated: Balance-preserving equilibrium between guaranteeing safety and honoring individual liberties; responsibility and probity-periodic disclosure regarding counter-narcotics actions to the populace and oversight bodies; a focus on prevention-stressing avoidance, beyond just probing drug offenses; mental preparedness and resilience-establishing a structure for mental aid for personnel involved in anti-drug efforts [40].

The theoretical definition of the concept of "ethical standards of police activity" has been improved. It is proposed to understand them as a set of moral and legal requirements for the behavior of police officers that ensure legality, humanity and impartiality in the performance of official duties and contribute to increasing public trust in law enforcement agencies.

Actionable suggestions have been formulated to enhance Ukrainian statutes. It is prudent to augment the law of Ukraine "on the national police" with stipulations concerning accountability for breaches of police conduct [40].

To establish within the framework of the ministry of internal affairs of Ukraine the concept of ethical committees possessing the authority to autonomously evaluate the conduct of police personnel. To devise a standard curriculum for instructing police officers on moral standards of operation in addressing drug offenses. Incorporate a segment on policing ethics and individual liberties in narcotics control within police training institutions.

The link between the moral ethos of police officers and the success in fighting drug crime has been demonstrated. Grounded in the review of practical studies (specifically, UNODC documents, 2022-2024), it was found that the degree of faith in law enforcement bodies directly influences the readiness of the public to partner with the police in uncovering drug offenses [41].

Conclusion

The information gathered suggests that effective opposition to drug offenses is achievable solely through the balanced merging of legal and moral-ethical frameworks guiding law enforcement bodies. The experience of other nations shows: The greater the standard of ethical accountability among police personnel, the lesser the likelihood of misuse, rights breaches, and instances of graft in policing functions.

Statutory governance concerning drug crime prevention by police must rest upon the convergence of legal, ethical, and occupational tenets. Adopting global police ethics guidelines aids in boosting public faith in the police and amplifying the impact of governmental anti-drug strategy. The track record from various nations also implies that triumph in combating narcotics offenses relies less on harsh punitive steps, and more on their appropriateness coupled with preventative, societal, and instructional initiatives.

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Conflict of Interest

Authors have no conflict of interest to declare.

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