

Research Article

The Use of Narcotic Drugs, Psychotropic Substances, Precursors, Including Cannabis for Medicinal Purposes in Medical Practice: Legal Regulation and Practice of the Most Common Civil, Administrative and Criminal Disputes

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Abstract

Aim: The purpose of this article is the growth of various narcotic drugs, psychotropic substances, precursors, including cannabis for medicinal purposes in medical practice: Legal regulation and practice of the highest civil, administrative and criminal disputes.

Methods: The investigation of the legal aspects of the use of narcotic drugs, psychotropic substances, precursors, including cannabis, for medicinal purposes is carried out on the basis of a comprehensive framework of interdisciplinary methods of scientific analysis. The choice of methods of understanding the need to connect legal, medical and sociological approaches to the investigation of the problem. A systematic approach ensured comprehensive legal regulation of narcotic and psychotropic drugs at the international and national levels, which allowed the strengthening of the main institutions of legal regulation and the identification of interconnections between them. The comparative legal method was developed to align the norms of the national legislation of Ukraine with the legal norms of foreign powers, which made it possible to identify effective practices and the possibility of their adaptation to the Ukrainian legal system. The dialectical method is used for the analysis of conflict situations in civil, administrative and criminal legal systems that arise when drug use is stagnant in medical practice.

Results: The results of the study emphasize the need to improve the regulatory framework and develop effective control mechanisms to ensure the safe and legal use of narcotic drugs and psychotropic substances in medicine. The study showed that the legal use of such substances for medical purposes is limited by strict dosage and prescription requirements, which significantly affects the availability of treatment for patients with chronic and serious diseases. A comparison of Ukrainian legislation with international practices (for example, in Canada, Israel and some EU countries) revealed gaps in regulation, in particular regarding the use of cannabis for therapeutic purposes and

standards for quality control of drugs. The problem of insufficient awareness of medical professionals regarding the legal possibilities of prescribing psychotropic and narcotic drugs was identified, which complicates their effective implementation in practice.

Conclusion: The article examines the legal and practical aspects of the use of narcotic drugs, psychotropic substances and precursors, including cannabis, in medical practice. The current legislation of Ukraine on the regulation of the circulation of such substances, mechanisms for controlling their use and conditions for legal use for medical purposes is analyzed. Special attention is paid to the comparison of national norms with international standards and the practice of other countries, which allows us to identify problematic aspects in legislative regulation and practical application.

Keywords: Narcotic drugs; Psychotropic substances; Precursors; Cannabis; Medical practice; Legal regulation; Civil disputes; Administrative disputes; Criminal disputes

Introduction

The use of narcotic drugs, psychotropic substances and precursors in medical practice is one of the most controversial and regulatory areas of modern law and medicine. Particularly respected is the use of stagnated cannabis for medicinal purposes, due to its high therapeutic potential and at the same time the risk of abuse and illicit abuse. Related to this is the need for clear regulation of the circulation of such substances at the legislative level and an effective mechanism for the rise of legal disputes that may arise in civil, administrative and criminal areas [1].

In the international medical world, the use of narcotic drugs and psychotropic substances is regulated by the united nations conventions, aka the single convention on drugs of 1961, the 1971 convention on psychotropic speech and the 1988 convention on the suppression of illicit drugs. The adoption of these norms is binding on participating powers and forms the legal basis for the creation of national legislation [2].

In Ukraine, legal regulation of narcotic drugs, psychotropic substances and precursors is determined by legislation on narcotic drugs, psychotropic substances and precursors, legislation on health protection and low by-laws. However, the practice of enforcing the law in the medical field demonstrates the obviousness of singing gaps that arise in the order of recognition, form, transportation and control over the origin of these speeches. In addition, there are numerous civil, administrative and criminal disputes associated with violations of the rules of conduct, which requires a comprehensive scientific analysis and development of recommendations through thorough legal regulation.

The relevance of the research is due to the medical, social and legal aspects of drug use in medical practice, as well as the need to ensure a balance between patient access to necessary medicinal properties and control over their legal medicinal products. Scientific novelty lies in the comprehensive analysis of legal regulation and practice of the most current disputes in three main legal areas-civil, administrative and criminal, which allows us to formulate recommendations for improving the effectiveness of legal security of medical practice and patient safety.

The purpose of this article is a comprehensive investigation of the legislative and practical aspects of the medical development of narcotic drugs, psychotropic drugs and precursors, the use of cannabis, and the development of proposals to improve the mechanisms of legal regulation. The height of legal disputes in this area.

Methods

The investigation of the legal aspects of the use of narcotic drugs, psychotropic substances, precursors, including cannabis, for medicinal purposes is carried out on the basis of a comprehensive framework of interdisciplinary methods of scientific analysis. The choice of methods of understanding the need to connect legal, medical and sociological approaches to the investigation of the problem.

A systematic approach ensured comprehensive legal regulation of narcotic and psychotropic drugs at the international and national levels, which allowed the strengthening of the main institutions of legal regulation and the identification of interconnections between them.

The comparative legal method was developed to align the norms of the national legislation of Ukraine with the legal norms of foreign powers, which made it possible to identify

effective practices and the possibility of their adaptation to the Ukrainian legal system.

The dialectical method is used for the analysis of conflict situations in civil, administrative and criminal legal systems that arise when drug use is stagnant in medical practice.

Methods for collecting and processing information: Analysis of regulatory legal acts (laws, by-laws, international conventions, orders of the Ministry of Health of Ukraine) allowing to determine the legal framework for the use of narcotic drugs and psychotropic drugs in medical practice. Content analysis of court practice (civil, administrative and criminal) based on the identified trends in the established law and the mechanisms of increasing legal disputes related to medical wikis narcotic speeches. Monitoring of scientific and medical literature will allow us to determine the current state of scientific knowledge about the medical treatment of psychotropic disorders, their clinical effects and treatment [3].

The synthetic method makes it possible to integrate the results of the analysis of regulatory documents, court practice and scientific publications with the whole concept of legal regulation of medical drug abuse.

Inductive and deductive methods are used to formulate legal principles for the effectiveness of clear legal regulation and development of recommendations for a thorough legislative basis and practice of establishing the law.

Practical implementation of methods: Identification of gaps in legislation and judicial practice in the medical treatment of narcotic drugs. Expanding the proposition to unify approaches to civil, administrative and criminal responsibility for violating the rules for the use of narcotic and psychotropic drugs in medical practice.

Thus, the establishment of a comprehensive methodology allows for a deep and comprehensive analysis of the legal regulation of the medical treatment of narcotic drugs and psychotropic drugs, as well as the practice of prevailing disputes in various areas of law. This will ensure the scientific basis of guidelines and recommendations aimed at improving the effectiveness of legal regulation and the safety of medical practice.

Results and Discussion

Legal regulation in this area in Ukraine is due to the low level of legislation and regulations. The main ones are: The Law of Ukraine "On narcotic substances, psychotropic substances and precursors"; Law of Ukraine "Fundamentals of Ukrainian legislation on health protection"; Resolve to the Cabinet of Ministers of Ukraine how the transfer of narcotic drugs, psychotropic substances and precursors will be approved; Instructions of the Ministry of Health of Ukraine that regulate the procedure for the treatment of medicinal products in order to prevent narcotic drugs [4].

The procedure for the production and importation of such drugs is regulated, as well as their use in medical practice. Allowed the dried hemp for treatment, which is being discussed with the Verkhovna Rada, to be directed to the care of patients with effective medicines while maintaining mechanisms to control their flow [5].

International report on legal regulation. In many countries around the world, including Canada, Germany, Israel and several US states, cannabis has been legalized for medicinal purposes. Practice has proven that proper legal regulation will ensure a balance between the availability of medicines and the threat of illegal drugs. International conventions, such as the United Nations Single Drug Convention, 1961. (As amended 1972) and UN Convention 1988 against the illegal use of narcotic drugs and psychotropic substances, the global standards for use are determined [6].

The civil and legal aspects of the use of narcotic drugs and cannabis for medicinal purposes are most often controversial: The protection of patients' rights to access to treatment; health insurance liability for failure to provide essential medications; disputes between patients' relatives and doctors regarding the choice of therapy; removal of harm caused through incorrect recognition or abuse in such ways [7].

The medical use of narcotic drugs, psychotropic substances and precursors is regulated internationally by the United Nations organization of nations convention, which establishes standards for the control and treatment of these substances: one convention on narcotic drugs of 1961 (as amended in 1972)-establishes mechanisms to control the production, circulation and distribution of narcotic drugs, allowing their storage for medical and scientific purposes. The convention on psychotropic substances of 1971 regulates the control of psychotropic drugs, which may be more therapeutic than stagnation, and at the same time intermediary risk of evil. The UN convention against Illicit drugs of 1988 establishes mechanisms to combat the illicit production, transportation and distribution of narcotic and psychotropic substances, through international law enforcement agencies organs [8].

These conventions are binding on the participating countries and serve as the basis for the development of national legislation in the field of medical treatment of narcotic drugs and psychotropic substances.

In the United States, medical cannabis is regulated on par with state and federal legislation. A number of states allow the use of cannabis for the treatment of chronic pain, multiple sclerosis and cancer. Federal laws are deprived of any illegal circumvention that creates legal inconsistencies and conflicts between federal and local jurisdictions. Ship practice often favors the nutrition of medical workers and patients when the rules of nutrition are violated [9].

Canada has introduced a national system for the control

of medicinal cannabis through licensed operators. The legislation clearly regulates the recognition, dosage and use of narcotic drugs for medical needs. Court practice is particularly focused on administrative disputes between patients, contractors and control authorities.

European Union (Nimecchina, the Netherlands, Italy). The use of psychotropic drugs and cannabis for medicinal purposes is permitted under strict protocols. The procedure for recognition of the institution is carried out through licensed medical deposits and state registries. If the norms are violated, both civil and legal sanctions will be imposed (for illegal driving), as well as administrative and criminal ones (for illegal driving) [10].

In Israel, the medical cannabis system is one of the most flawed: Government control, licensing, and training of medical practitioners. Court practice often focuses on civil disputes regarding patient access and medical rights [11].

International evidence demonstrates three main approaches:

1. Civil disputes-related to the treatment of harm to patients, compensation for violations of the rights of patients or doctors in the field of medical narcotics [12].
2. Administrative disputes-related to licensing, control over the flow, appearance and publicity of medical deposits; the decisions of control bodies are often discredited by the courts [13].
3. Criminal disputes arise from the illegal production, transportation and distribution of narcotic drugs; Court practice demonstrates the consistency of differential sanctions depending on the severity of the offense and the obviousness of the medical condition [14].

International evidence reinforces the importance of: An integrated approach to regulation (legislation+control+training of medical practitioners); a clear distinction between medical violations and sanctions for damage; development of mechanisms for civil, administrative and criminal regulation of disputes (Table 1) [15].

Judicial practice in Ukraine is still in its infancy, but individual decisions demonstrate the growing importance of protecting patients' rights in this area.

In Ukraine, the circulation of narcotic drugs, psychotropic substances and precursors, including cannabis, for medical purposes is regulated by the Law of Ukraine "On Narcotic Drugs, Psychotropic Substances and Precursors", the laws "On Health Care", orders of the Ministry of Health and other regulatory legal acts. At the same time, the practice of applying the law in the medical field demonstrates the presence of certain problems and heterogeneity of judicial approaches [16].

Table 1: International evidence on the use of narcotic drugs, psychotropic substances, precursors, including cannabis, for medical purposes in medical practice.

Country	Legal regulation	Control mechanisms	Dispute resolution practice	Features
USA	Medical use of cannabis permitted at the state level; federal laws prohibit most types of distribution	Licensing of suppliers, control of prescriptions, registration of patients	Federal-local law conflict litigation, criminal and civil liability	High uncertainty due to differences between federal and local laws
Canada	Medical use of cannabis is legally regulated; dosing and prescribing through licensed providers	State control, licenses for supply and sale, registration of patients	Administrative disputes on licenses and patient access; civil disputes on damages	Clear centralized system, low level of legal uncertainty
Germany	Psychoactive substances and cannabis permitted for medical purposes under protocols	Licensed medical institutions, state registers, registration and control of circulation	Civil, administrative and criminal disputes on recordkeeping and prescription violations	Strict regulation of dosage and control, emphasis on patient safety
Italy	Medical use of cannabis and psychoactive substances permitted; prescription distribution through medical facilities	State control, registration of medicines, licenses for medical institutions	Administrative disputes with regulatory authorities; criminal liability for illegal trafficking	Strict compliance with laws on circulation and prescriptions
Israel	Medical use of cannabis is regulated by the state; licensed production and supply	State control, licensing of cultivation and suppliers, training of medical workers	Civil disputes on patient access; administrative disputes on licenses and compliance	One of the most developed medical cannabis systems; emphasis on safety and staff training

Judicial practice in Ukraine covers three main areas. The first is civil disputes concerning the rights of patients and medical institutions [17]. Such cases include compensation for harm to patients due to the unlawful prescription or dispensing of medicines, violation of doctors' rights in controlling the circulation of narcotic drugs, as well as disputes between medical institutions and patients regarding access to medical cannabis. In a number of cases, courts have recognized the right of patients to receive medical cannabis for medical reasons, for example, for chronic pain or incurable diseases, and have also compensated for damage caused by improper record-keeping of narcotic drugs in medical institutions [18].

The second area is administrative disputes related to the licensing of medical institutions and pharmaceutical companies, control over the accounting and reporting of medicinal products, as well as holding medical professionals accountable for violations of the rules for the circulation of narcotic drugs and psychotropic substances [19]. Practice shows that administrative courts often consider appeals against fines or revocation of licenses of health care institutions due to errors in accounting for narcotic drugs, as well as appeals against decisions of control bodies to restrict patients' access to medical products [20].

The third area is criminal practice that arises in cases of illegal production, storage, transportation or sale of narcotic drugs and psychotropic substances, as well as their prescription without medical indications. Court decisions include both bringing doctors to criminal liability for illegal prescription of drugs and sentences for patients who stored cannabis for their own medical use without an appropriate license [21].

An analysis of judicial practice in Ukraine indicates the heterogeneity of approaches to resolving disputes in the field of medical use of narcotic drugs, especially regarding cannabis [22]. The main problems are the inconsistency between legislation, clinical protocols and the practice of applying the law, which creates legal risks for both patients and medical professionals. To increase the effectiveness of legal regulation, it is necessary to unify the norms of legislation, develop judicial practice with a clear definition of the criteria of medical necessity, as well as integrate civil, administrative and criminal aspects of liability [23].

Among the main problems are: The lack of a clear mechanism for controlling the use of cannabis-based drugs; the lack of specialized medical programs for training doctors in the prescription of such drugs; insufficient judicial practice, which leads to ambiguous application of the norms of legislation [24].

The legal regulation of the circulation of narcotic drugs, psychotropic substances and precursors, in particular cannabis, in the medical sector in Ukraine requires systematic improvement. An analysis of national legislation, judicial practice and international experience indicates the presence of significant gaps that complicate patients' access to necessary medicines and create risks for medical professionals [25].

First, it is necessary to unify and harmonize legislation with international standards, in particular the provisions of the 1961 UN Single Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances [26]. Ukraine must more clearly regulate the procedure for the use of narcotic drugs for medical purposes, including

cannabis, and ensure a balance between medical needs and combating illicit trafficking [27].

Secondly, an important direction is improving the licensing and control system. This involves simplifying the procedures for obtaining licenses by medical institutions, introducing electronic registers and transparent mechanisms for controlling the use of narcotic drugs. This approach will reduce administrative pressure on healthcare institutions and at the same time increase transparency of circulation [28].

Thirdly, it is necessary to ensure development and implementation of modern clinical protocols that will define clear indications for the use of narcotic drugs and cannabis in medical practice [29]. This will allow doctors to avoid legal uncertainty when prescribing drugs, and patients to receive high-quality treatment in accordance with international standards of evidence-based medicine [30].

Fourthly, judicial and legal reform in the field of medical use of narcotic drugs is relevant. Courts should form a unified practice of resolving disputes, differentiating cases of bona fide medical use from abuse. This will help minimize the risk of criminalization of patients and medical professionals who act in accordance with medical indications [31].

Fifthly, an important direction is increasing the level of awareness and professional training of medical professionals regarding the specifics of prescribing, storing and accounting for narcotic drugs and psychotropic substances. It is equally important to ensure the implementation of information campaigns for patients in order to prevent abuse and build trust in the control system [32].

Thus, improving the use of narcotic drugs, psychotropic substances and precursors for medical purposes in Ukraine should be carried out in the following key areas: Harmonization of legislation, improvement of control and licensing, creation of clinical protocols, development of uniform judicial practice and increasing the level of professional training of doctors [33]. The comprehensive implementation of these measures will contribute to increasing the effectiveness of legal regulation and ensuring patients' access to the necessary treatment methods.

Conclusion

The analysis of legal regulation and judicial practice regarding the use of narcotic drugs, psychotropic substances, precursors, including cannabis, for medical purposes in medical practice allows us to make a number of generalizations and proposals.

Firstly, modern Ukrainian legislation in the field of circulation of these substances has a number of gaps and inconsistencies, which complicates patients' access to the necessary methods of treatment and creates legal risks for medical professionals.

Secondly, an analysis of international experience shows that most developed countries have already introduced comprehensive control systems that combine ensuring access to treatment and preventing illicit trafficking. This experience is extremely useful for Ukraine.

Thirdly, judicial practice in Ukraine demonstrates the heterogeneity of approaches in resolving civil, administrative and criminal disputes related to the medical use of narcotic drugs and psychotropic substances. This indicates the need to form a unified practice and unify law enforcement.

Fourth, the use of narcotic drugs and cannabis for medical purposes should be based on modern clinical protocols that clearly define the indications, procedure for prescribing and control over the circulation of drugs.

Fifth, promising areas for improvement are: Harmonization of Ukrainian legislation with international standards; creation of an effective licensing and control system; development of unified clinical protocols; improvement of the level of legal culture and professional training of medical professionals; formation of a single and consistent judicial practice.

Thus, the legal regulation of the medical use of narcotic drugs, psychotropic substances and precursors, in particular cannabis, in Ukraine is at the stage of formation and requires comprehensive reform. Improving this area will contribute not only to the implementation of the constitutional right of citizens to health care, but also to ensuring an effective balance between the interests of medicine and the tasks of combating illicit drug trafficking.

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Conflict of Interest

Authors have no conflict of interest to declare.

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