

Research Article

Theoretical, Administrative and Criminal Legal Ambushes against Drugs and Alcohol in Everyday Minds: Foreign Evidence and Comparative Analysis

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Abstract

Aim: The purpose of this article is to investigate the theoretical and legal issues in the fight against drugs and alcohol, analyze foreign data on legal regulation in this area and assess the possibilities of its adaptation to Ukrainian ones realities.

Methods: The methodological basis of the study is a complex of general scientific and special legal methods, which allowed a comprehensive analysis of the theoretical, administrative and criminal law principles of combating drugs and alcohol use in modern conditions, as well as a comparative analysis of foreign experience. The dialectical method was used to identify the relationship between the social, legal and criminological aspects of combating drug addiction and alcoholism. The system-structural approach made it possible to consider the mechanism of combating drugs and alcohol as a complex system that includes legal, administrative, criminal law and social and preventive elements.

Results: The main directions for the development of this area are as follows: Legislative improvement and harmonization with international standards. It is necessary to strengthen responsibility for organized drug business and illicit trafficking, while expanding prevention and resocialization mechanisms. It is important to bring national legislation into line with the UN conventions on drugs and the recommendations of the WHO and the Council of Europe; development of prevention programs. The emphasis should be on forming a culture of a healthy lifestyle among young people, implementing educational programs in schools and higher education institutions, conducting information campaigns to reduce the demand for drugs and alcohol; expanding the system of treatment and rehabilitation of addicted persons. It is necessary to create modern treatment and resocialization centers, implement substitution therapy programs, and ensure accessibility of medical care for all segments of the population, in particular for vulnerable groups.

Conclusion: Legal regulation in the field of combating drugs and alcohol use should combine repressive and social measures. Foreign experience proves that only a comprehensive policy-from prevention and restriction of access to rehabilitation and resocialization-can give positive results. For Ukraine, the use of comparative analysis is relevant to form a modern model that will meet international standards and national realities. Counteracting drugs and alcohol abuse in modern conditions requires a comprehensive approach that combines repressive, preventive and medical and social measures. A one-sided focus only on punishment or only on liberalization does not provide effective control over the circulation of prohibited substances and does not reduce the social and medical consequences of addictions.

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

Introduction

In today's world, the problem of addiction to drugs and alcohol has become global in nature. According to the data of the World Health Organization, over 3 million people die from alcohol addiction, and tens of millions suffer from drug addiction. The prevention of these problems requires not only medical, but also comprehensive legal regulation, which includes the promotion of effective mechanisms for control, prevention, social support and criminal legal approaches.

Particularly appreciated is the foreign evidence that allows us to identify the most effective strategies against drugs and alcoholism and adapt them to the national legal system [1].

The problem of addiction to drugs and alcohol will remain until the latest issues of current marriage. It has not only a medical-biological, but also a socio-legal nature, which contributes to the level of malignancy, the state of public health, demographic processes and the economic development of the state. According to data from the World Health Organization, 5 million people are quickly becoming addicted to alcohol and drugs, which poses a global threat to global security [2].

In modern minds, nutrition against these diseases will require a systemic approach that integrates legal, administrative, social and preventive mechanisms. Traditional repressive approaches aimed at criminalizing illicit drug use and controlling alcohol use have proven ineffective without supportive programs of prevention and rehabilitation. In addition, the development of foreign surveillance, the end of decriminalization models, the prevention of confinement and the reduction of access to alcohol are of great relevance.

For Ukraine, it is important to formulate a balanced legal policy in this area, which would simultaneously ensure international standards, national traditions and socio-economic realities. A thorough analysis of foreign legal systems can become the basis for developing an effective strategy against drugs and alcohol in the minds of the country's European integration course.

The purpose of this article is to investigate the theoretical and legal issues in the fight against drugs and alcohol, analyze foreign data on legal regulation in this area and assess the possibilities of its adaptation to Ukrainian ones realities.

Methods

The methodological basis of the study is a complex of general scientific and special legal methods, which allowed a comprehensive analysis of the theoretical, administrative and criminal law principles of combating drugs and alcohol use in modern conditions, as well as a comparative analysis of foreign experience.

The dialectical method was used to identify the relationship between the social, legal and criminological aspects of combating drug addiction and alcoholism.

The system-structural approach made it possible to consider the mechanism of combating drugs and alcohol as a complex system that includes legal, administrative, criminal law and social and preventive elements.

The comparative legal method was used to analyze the legislation of Ukraine and foreign countries, identify common and distinctive features in approaches to legal regulation and counteraction practice.

Formal-legal method made it possible to study the regulatory framework, international treaties and national legislation in the field of control over the circulation of narcotic drugs and alcohol.

Historical-legal method was used to trace the evolution of approaches to combating drug addiction and alcoholism both in Ukraine and in other countries.

Statistical method made it possible to analyze data on the prevalence of drug and alcohol use, the level of crime and the effectiveness of state control measures.

Sociological approach (analysis of survey results, studies by WHO, UNODC, European Monitoring Centre for Drugs and Drug Addiction) was used to assess the impact of state policy on social processes [3].

Thus, the research methodology is based on a combination of general scientific and special legal methods, which ensures the complexity and systematicity of the conclusions obtained and allows for the formulation of practical recommendations for improving Ukrainian legislation taking into account foreign experience.

Results and Discussion

The fight against drugs and alcohol covers several levels: regulatory and legal, which regulates the circulation of narcotic drugs and alcoholic beverages; criminal and legal, aimed at punishing illegal drug trafficking, smuggling and clandestine production of alcohol; administrative and legal, which concerns the regulation of the sale, advertising and consumption of alcohol, as well as prevention among young people; socio-legal, focused on the rehabilitation and resocialization of addicted individuals [4].

From a theoretical and legal point of view, the fight should be based on the principles of balance between repressive and preventive measures, international cooperation, respect for human rights and a preventive orientation [5].

The principle of balance between repressive and preventive measures. Its essence lies in the combination of punitive mechanisms (criminal and administrative liability for illicit drug trafficking, violation of alcohol trade rules, etc.) with preventive and social measures (prevention, educational programs, treatment and rehabilitation of addicted persons) [6]. An exclusively repressive approach, as practice shows, is not effective and can lead to the growth of the shadow market, while preventive and rehabilitation measures are aimed at reducing demand and resocializing addicts [7].

The principle of international cooperation. Combating drug addiction and alcohol abuse is impossible without global interaction, since illicit drug trafficking is transnational in nature. This principle is implemented through participation in international UN conventions, cooperation with INTERPOL, the European Monitoring Center for Drugs and Drug Addiction (EMCDDA), as well as within

the framework of bilateral and regional agreements. International cooperation allows for the coordination of control measures, the exchange of operational information and the implementation of unified standards [8].

The principle of respect for human rights. Any countermeasures must be carried out taking into account the fundamental rights and freedoms of the individual. This means that criminalization or administrative restrictions should not violate the rights to a fair trial, to medical care, to dignity. Forced treatment, excessive punishment or discrimination against people with addictions contradict international standards (in particular, the European Convention on Human Rights and the recommendations of the WHO and UNODC) [9].

The principle of preventive orientation. The essence of this principle is that counteraction to drugs and alcohol should be aimed not only at punishing already committed offenses, but primarily at preventing their occurrence [10]. This includes: Forming a culture of a healthy lifestyle; conducting educational programs in schools and universities; social support for vulnerable groups; medical prevention and early detection of addictions [11].

Thus, balance, international cooperation, respect for human rights, and a preventive focus form the conceptual basis of a modern strategy to combat drug addiction and alcoholism in society, ensuring not only the restriction of illicit trafficking, but also the creation of conditions for reducing demand, treatment, and resocialization of addicted individuals [12].

Foreign experience of legal regulation. In the world, several models of combating drugs and alcohol can be distinguished: Repressive model (USA, Singapore, Saudi Arabia)-severe penalties for illegal drug trafficking, including life imprisonment and the death penalty. At the same time, such a policy is criticized for insufficient attention to rehabilitation [13].

The repressive model is based on the dominance of punitive, prohibitive and control measures aimed at reducing the supply of narcotic and alcoholic substances through criminalization, administrative prosecution and strict supervision [14].

Main features: criminalization-of illegal drug trafficking and violations of the rules of production, transportation, storage, sale of alcohol. Severe sanctions-imprisonment, high fines, confiscation of property, prohibition of the activities of enterprises that violate the rules of circulation; forceful approach-a significant role of law enforcement and special agencies (police, border guards, special services) in detecting and stopping crimes related to drugs and alcohol; priority of control over demand and supply through punitive measures, rather than prevention or treatment; use of administrative restrictions-licensing, excise taxes, prohibition of sales to minors, restrictions on advertising [15].

Advantages: allows for a quick response to threats related to drug trafficking or illegal sale of alcohol; creates a deterrent effect through the threat of punishment; ensures public control over dangerous substances.

Disadvantages: excessive criminalization can lead to overcrowding of prisons; repression without prevention does not eliminate the causes of addiction; may stimulate the shadow market for drugs and alcohol; there is a risk of human rights violations (for example, forced treatment, discrimination against drug addicts) [16].

Examples of implementation: “War on Drugs” in the USA (War on Drugs), which provided for mass imprisonment for drug-related crimes [17]. “Zero tolerance” in a number of Asian countries (Singapore, Malaysia), where death penalties and life imprisonment are used [18].

In the countries of the post-Soviet space-maintaining the priority of criminal prosecution over social rehabilitation.

Therefore, the repressive model is an important, but not self-sufficient tool. Current international trends (WHO, UNODC, Council of Europe) are aimed at combining it with a preventive and rehabilitation model, ensuring a balance between societal safety and respect for human rights [19].

Liberal model (Netherlands, Portugal, Canada)-partial decriminalization of soft drugs and emphasis on treatment and resocialization. For example, in Portugal, since 2001, drug use for personal needs has not been considered a crime, which has yielded positive results in reducing mortality and the spread of HIV.

The liberal model is based on the recognition that complete prohibition and criminalization are not effective, and therefore the main emphasis is on harm reduction, resocialization and medical and social assistance instead of severe punishment.

Main features:

1. Decriminalization of drug use in small quantities for personal use (without the purpose of sale).
2. Harm minimization-the creation of methadone therapy programs, “substitution maintenance therapy”, sterile syringe centers, safe rooms for use under the supervision of doctors.
3. Medical and social orientation-drug addicts are not considered as criminals, but as patients in need of treatment, psychological and social assistance.
4. Educational and awareness-raising programs-the formation of a culture of responsible attitude to alcohol and the prevention of drug addiction.
5. Protection of human rights-emphasis on dignity, medical care and non-discrimination of people with addictions.

6. Flexible alcohol regulation-instead of a complete ban, systems of restrictions (licenses, taxes, age restrictions) are applied, but at the same time the right of an adult to use is recognized [20].

Advantages: reduction of HIV/AIDS, hepatitis and other diseases transmitted through injection drug use; reduction of the burden on the law enforcement and judicial systems; resocialization instead of marginalization of addicts; possibility of state control over circulation (reduction of the shadow market) [21].

Disadvantages: criticism from supporters of a “hard hand”, who believe that decriminalization stimulates the spread of addictions; need for a highly developed health care system and social services; risk of legalization may create moral disputes in conservative societies.

Examples of implementation: Portugal-decriminalization of possession of small doses of drugs (2001), emphasis on treatment and prevention, not punishment. The Netherlands-policy of “tolerance” for soft drugs (cannabis), operation of “coffee shops” under strict state control. Canada, some US states, Uruguay-legalization of cannabis for the purpose of control and taxation. Switzerland-programs of heroin therapy and “safe rooms” to minimize harm [22].

Thus, the liberal model puts the person and his rights at the center, considering the problem of drugs and alcohol not only as a criminal and legal one, but primarily as a medical and social one.

Mixed model (Germany, France, Poland)-a combination of criminal law measures with a developed system of prevention, social support and medical care. Regarding alcohol, foreign practice provides for: Restrictions on advertising (France, Sweden); a ban on sales to minors (most EU countries); high excise duties and taxes on alcoholic beverages (Scandinavian countries) [23].

The mixed model is an integration of elements of repressive and liberal approaches in order to achieve a balance between the protection of public safety and the protection of human rights. It is focused both on punishment for crimes related to illegal trafficking, and on treatment, prevention and resocialization of people with addictions [24].

Main features: Differentiation of responsibility-severe

penalties for organized drug trafficking, smuggling, sales; softer measures (administrative or rehabilitation programs) for consumers and people who store small doses without the purpose of sales.

Combination of control and prevention-criminal and administrative supervision of drug and alcohol trafficking; at the same time-prevention, treatment and social integration programs. Harm reduction-support for substitution therapy programs, safe injection rooms, HIV/AIDS prevention; but within the framework of strict state control [25].

International integration-fulfillment of obligations under the UN drug conventions (1961, 1971, 1988); implementation of recommendations of WHO, UNODC and the European Union on combining repression and prevention [26].

Balance of human rights and security of recognizing addicted persons as patients, not just criminals; at the same time-protection of society from drug trafficking and alcoholism.

Advantages: provides a more realistic and flexible approach; reduces the burden on criminal justice; promotes prevention and resocialization; allows the state to control the situation without extremes [27].

Disadvantages: difficulty in practical balancing between repression and liberal measures; need for significant financial and organizational resources; possible contradictions in society (some require harsher punishment, others-greater liberalization).

Examples of implementation: Germany-strict control over sales, but decriminalization of small doses for personal use, substitution therapy programs. Czech Republic-administrative liability for possession of small doses of drugs, development of harm reduction programs. Ukraine (partially)-criminal liability for illegal trafficking, but implementation of methadone therapy and HIV prevention programs. France-combination of criminal sanctions for trafficking and large-scale state programs for the prevention and treatment of addiction [28].

Thus, the mixed model tries to avoid the extremes of purely repressive or completely liberal approaches, combining legal coercion with social and medical support (Table 1).

Table 1: Theoretical, administrative and criminal legal ambushes against drugs and alcohol in everyday minds.

Parameter	Repressive model	Liberal model	Mixed model
Basic approach	Dominance of punitive measures; criminalization	Medical-social orientation; decriminalization	Combination of repressive and liberal measures; balance between punishment and prevention
Scope	Illegal drug trafficking, violation of alcohol sales rules	Drug use for personal use, prevention of alcoholism	Drug circulation, consumption, prevention and resocialization
Methods	Criminal prosecution, administrative control, harsh sanctions	Harm minimization programs, treatment, education, resocialization	Differentiated sanctions; criminal control+prevention, treatment, resocialization

Role of the state	Law enforcement and regulatory bodies; prevalence of repressive influence	Medical, social and educational services; preventive role	Integration of law enforcement, medical and social services; coordination of measures
Advantages	Rapid response to crimes; deterrent effect	Reduction of disease levels; resocialization; reduction of the burden on the judicial system	Balance of security and human rights; comprehensive counter-measures; flexibility in practical application
Disadvantages	Does not eliminate the causes of addiction; risk of a shadow market; human rights violations	Risk of spreading addictions; requires a developed system of social and medical support	Complexity of balancing; requires significant resources; possible social contradictions
Examples	USA ("War on Drugs"), Singapore, Malaysia	Portugal, Netherlands, Uruguay, Switzerland	Germany, Czech Republic, France, partly Ukraine

Comparative analysis and opportunities for Ukraine

A comparative analysis shows that the most effective models are those that combine: strict control over drug trafficking; liberalization of consumption in small quantities with medical intervention; a system of prevention and rehabilitation of addicted individuals; integration of international experience in accordance with the UN Conventions on Narcotic Drugs of 1961, 1971 and 1988 [29].

For Ukraine, it is advisable to borrow the following elements: the experience of Portugal in decriminalizing consumption and developing rehabilitation programs; the practice of Scandinavian countries in the field of restricting the sale and advertising of alcohol; the legal model of Germany with an emphasis on prevention and resocialization [30].

Directions for improving the fight against drugs and alcohol abuse

Modern challenges in the field of combating drugs and alcoholism in society require the search for new approaches and the improvement of legal, administrative and social mechanisms. The main directions for the development of this area are as follows:

Legislative improvement and harmonization with international standards. It is necessary to strengthen responsibility for organized drug business and illicit trafficking, while expanding prevention and resocialization mechanisms. It is important to bring national legislation into line with the UN conventions on drugs and the recommendations of the WHO and the Council of Europe.

- Development of prevention programs. The emphasis should be on forming a culture of a healthy lifestyle among young people, implementing educational programs in schools and higher education institutions, conducting information campaigns to reduce the demand for drugs and alcohol.
- Expanding the system of treatment and rehabilitation of addicted persons. It is necessary to create modern treatment and resocialization centers, implement substitution therapy programs, and ensure accessibility

of medical care for all segments of the population, in particular for vulnerable groups.

- Development of harm reduction programs. The spread of the practice of safe injection rooms, syringe exchange programs, substitution therapy, and HIV/hepatitis testing will contribute to reducing the level of infectious diseases and mortality among drug addicts.
- Strengthening international cooperation. It is necessary to strengthen interaction with international organizations (UNODC, WHO, EMCDDA), exchange information on new psychoactive substances, and coordinate joint measures to combat transnational drug trafficking.
- Use of digital technologies. An effective direction is the creation of electronic registers of the circulation of narcotic drugs and psychotropic substances, the use of analytical systems to predict drug market trends and control licensed activities.
- Ensuring respect for human rights. Improving countermeasures should take into account the rights and freedoms of citizens, in particular, guaranteeing the right to a fair trial, access to medical care, and preventing discrimination against dependent individuals [31].
- Thus, improving the system of combating drugs and alcohol use should be based on a balance of repressive and preventive measures, the development of medical and social care, and active international cooperation that meets global trends and the needs of Ukrainian society.

Conclusion

Legal regulation in the field of combating drugs and alcohol use should combine repressive and social measures. Foreign experience proves that only a comprehensive policy-from prevention and restriction of access to rehabilitation and resocialization-can give positive results. For Ukraine, the use of comparative analysis is relevant to form a modern model that will meet international standards and national realities.

Counteracting drugs and alcohol abuse in modern conditions requires a comprehensive approach that combines repressive, preventive and medical and social measures. A one-sided focus only on punishment or only on liberalization does not provide effective control over the circulation of prohibited substances and does not reduce the social and medical consequences of addictions.

Analysis of foreign experience indicates the existence of three main models of counteraction: repressive, liberal and mixed. The repressive model is characterized by strict punishment and control, the liberal one is characterized by an emphasis on minimizing harm and resocialization, and the mixed model provides a balance between public safety and the protection of human rights, combining punitive and preventive measures.

It is essential to adhere to the principles of balance of repressive and preventive measures, international cooperation, respect for human rights and preventive orientation. Their implementation allows to reduce the negative social, criminal and medical impact of drugs and alcohol.

Areas for improvement include: Harmonization of national legislation with international standards, development of preventive and educational programs, expansion of the treatment and rehabilitation system, implementation of harm minimization programs, strengthening international cooperation and use of modern digital technologies to control the circulation of substances. The comprehensive implementation of these approaches will contribute to increasing the effectiveness of national policy in the field of combating drugs and alcoholism, ensuring a balance between public safety and human rights, as well as integrating Ukrainian mechanisms into the world practice of combating drug addiction and alcoholism of the population.

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Conflict of Interest

Authors have no conflict of interest to declare.

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