

Research Article

Object and Subject of State Control in the Sphere of Legal Turnover of Narcotic Drugs, Psychotropic Substances and their Precursors in Ukraine: Administrative, Criminal and Civil-Legal Aspect

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Abstract

Background: The article highlights legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine (administrative, criminal and civil-legal aspects).

Methods: The methodological basis of the research is presented as comparative-legal and systematic analysis, formal-legal method, interpretation method, hermeneutic method as well as methods of analysis and synthesis. The following research methods were used in the process of performing the set tasks: Legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine was studied using the formal-logical method (administrative, criminal and civil-legal aspect); the system-structural method was used to identify and analyze legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine (administrative, criminal and civil-law aspects); legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine (administrative, criminal and civil-legal aspect) was analyzed using the comparative legal method, which deserves attention; with the help of the formal legal method, appropriate proposals for the legislation of Ukraine were prepared.

Results: Using the positions of scientists who distinguish between the terms “object of state control” and “subject of state control,” the author’s definition of the subject and object of state control over the legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine was formulated.

Conclusion: It has been established that the subject of state control over the legal turnover of narcotic drugs, psychotropic substances and precursors should be determined as actions of participants of such control in this sphere of turnover in the specified drugs, substances and their precursors, and as their direct behavior, what the control activity of the subject of state

control is aimed at. Detailing the above, we state that the subject of control in relation to legal entities is their economic activity, and in relation to individuals it is compliance with the mandatory provisions of legislation in the defined sphere. And the object of state control over legal turnover of narcotic drugs, psychotropic substances and their precursors is activity of individuals and legal entities related to the legal turnover of substances and precursors; development, production, manufacture, storage, transportation, acquisition, sale (release), import into the territory of Ukraine, export from the territory of Ukraine, use and destruction of the indicated remedies, substances and precursors included in this List.

Keywords: Object; Subject; State control; Illegal turnover (trafficking); Narcotic drugs and psychotropic substances; Precursors; Countermeasures; Legal regulation

Introduction

In the last century, the spread and abuse of narcotic drugs and their illegal trafficking appeared in the world as a global threat to humanity. Unfortunately, in Ukraine being a part of globalization processes, the scale of illegal drug turnover (trafficking) and drug addiction is critical. For more than 1 year, drug addiction in Ukraine has been showing signs of an epidemic and is one of the real and potential threats to Ukraine’s national security and stability in society. In modern legal science, there are various positions regarding understanding of the object and subject of state control; and as a rule these positions are characterized by the specifics of directions in scientific research applied. Ukrainian and foreign scientists paid attention to separate issues of studying the object and subject of state control: V.B. Averyanov, O.F. Andriyko, Yu.P. Bytyiak, V.M. Harashchuk, V.M.

Horsheniiov, M.S. Studenikin, I.B. Shakhov and others. We have already paid attention to the problems of establishing the object of state control over legal turnover of narcotic drugs, psychotropic substances and their precursors, but we did not investigate the issue of the criteria for distinguishing object and subject of such control [1]. This issue has not been either fully clarified by other researchers in this field. Therefore, the purpose of this article is to clarify the object and the subject of state control over the legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine.

In the legal literature, the object of state control, despite its relevance, has not received proper theoretical understanding, although some of its aspects within the broader concept have been studied by scientists. So, V.M. Horsheniiov and I.B. Shakhov understood the object of state control to be "lawful influence of the controlling subject on the controlled subject" [2].

V.M. Harashchuk, (2003) emphasized that objects of control in the field of public administration are relevant controlled structures, legal entities and individuals [3].

O.F. Andriyko, (1999) determined the object of control in the state administration as activities of executive authorities aimed at ensuring:

- Implementation of a unified state policy in various spheres, rights and freedoms of citizens;
- Provision of state (management) services by executive authorities and their officials;
- Compliance of actual activities performed by these bodies with the scope of their powers defined by the law;
- Compliance in their activities with the requirements of legislation, specific management decisions-orders, instructions, etc. [4].

I.S. Orekhova, (1999) indicated that the object of state control in the field of business is activity aimed at implementation of all functions of entrepreneurship, i.e., it is economic activity in general. The object of state control includes only activities of business (economic) entities in the sphere of combining production factors, which will lead to the achievement of the goal of obtaining a high profit as soon as possible [5].

S.S. Vitvitskyi, (2004) singled out 3 special objects of state control in the field of licensing activities. First of all, one of the most important objects of control is compliance with the rules (order) established by laws and other normative legal acts for carrying out this or that type of activity. Such rules, depending on their significance (importance), are established by the Constitution and laws of Ukraine, decrees issued by the President of Ukraine, resolutions of the Cabinet of Ministers of Ukraine, normative legal acts of ministries and departments (orders, regulations, resolutions, instructions, etc.) and normative legal acts of authorities and Local Government bodies. Some types of activities are also regulated by international treaties or agreements.

Compliance with the rules and conditions established by such activities can also serve as an object of control. Secondly, the object of such control can be also understood as compliance with established requirements (standards) concerning quality and properties of goods and services, as well as compliance of goods (services) with declared properties. Standardization and standards occupy a large place in regulation of various spheres of production and trade. For controlling bodies, the object of control in this case consists in conformity of the product with the certificate and the quality mark, as well as validity of the certificate. Thirdly, the object of control also consists in compliance by individuals and legal entities with specified obligations in the sphere of implementing licensed types of entrepreneurial activity, imposed on them by laws or other normative legal acts [6]. As we can see, the scientific sphere presupposes various positions regarding the understanding of the object of control; and as a rule they are characterized by specificity of scientific research trends.

Methods

The methodological basis of the research is a set of methods and techniques of scientific knowledge. The main role in this system belongs to the general scientific dialectical method of cognition, which makes it possible to investigate problems in the unity of their social content and legal form, to carry out a systematic analysis of legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and precursors in Ukraine. With the help of the logical-semantic method, the conceptual apparatus was deepened, general principles of legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine were determined. Systemic-structural and comparative-legal methods made it possible to investigate legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine, as well as problems in activities performed by entities ensuring counteraction to illegal turnover of narcotic drugs and psychotropic substances. The historical-legal method was used to study the status and general nature of legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and precursors in Ukraine. With the help of the formal-legal method, investigated was the content of legal norms which presuppose legal regulation of the object and the subject of state control in the sphere of legal turnover of narcotic drugs, psychotropic substances and their precursors in Ukraine.

Results and Discussion

In our opinion, the object of state control over the legal turnover of narcotic drugs, psychotropic substances and their precursors consists in activities of individuals and legal entities related to legal turnover of these drugs, substances and precursors. This activity includes:

- a) Cultivation of plants included in table I of the Catalogue,
- b) Development, production, manufacture, storage, transportation, acquisition, sale (issuance), import into the territory of Ukraine, export from the territory of Ukraine, use and destruction of the specified drugs, substances and precursors included in this list [7] (Table 1).

Table 1: Dynamics of the number of crimes in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors and other crimes against public health from 2001 to 2019

Period	That's all	Number	Specific weight%
2001	503676	47924	9,51
2002	450661	58106	12,89
2003	556351	57449	10,33
2004	520105	65752	12,64
2005	485725	65026	13,39
2006	420900	64651	15,36
2007	401293	63859	15,91
2008	384424	63688	16,57
2009	434678	57680	13,27
2010	500902	56931	11,37
2011	515833	53239	10,32
2012	443665	45335	10,22
2013	563560	33982	6,03
2014	529139	30494	5,76
2015	565182	25908	4,58
2016	592604	23029	3,89
2017	523911	29010	5,54
2018	487133	27007	5,54
2019	444130	28774	6,48
That's all	9319350	897844	9,63

With regard to the legal construction of “legal turnover of narcotic drugs, psychotropic substances and their precursors,” in our opinion, these are activities related to cultivation of plants included in the Catalogue of narcotic drugs, psychotropic substances and their precursors, as well as activities related to turnover of narcotic drugs, psychotropic substances and their precursors included in the specified list, which are permitted and controlled by legislation in the field under consideration on the basis of licensing. This turnover is carried out with the purpose of using specified drugs, substances and their precursors for the needs of own production, in medical practice for treatment of patients, veterinary medicine, scientific research work, expert and operational research activities performed with scientific and educational purposes [8].

State control applies only to certain objects, and the scope of these must be defined by a law or a by-law act [9]. According to Art.2 of the Unified Convention of 1961, narcotic drugs are subject to control measures depending on the

List they are included to (List No. 1-No. 4) [10]. Such provisions regarding psychotropic substances are contained in Art. 2 of the 1971 Convention [11]. According to Article 12 of the 1988 Convention, control shall be applied to turnover in not only narcotic drugs and psychotropic substances, but also in substances used during their manufacture. In the appendix to this document [12], the names of substances included in its table I and II are supplemented with those often used during production of narcotic drugs and psychotropic substances (Figure 1).

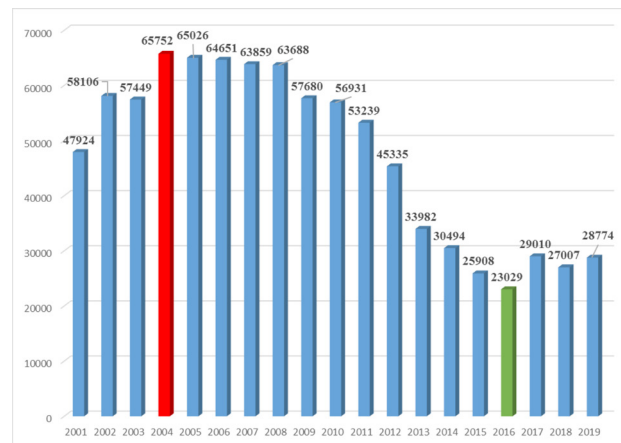


Figure 1: Narcotic drugs: Scientific research work

The Law of Ukraine No. 60/95-VR “On Narcotic Drugs, Psychotropic Substances and their Precursors” dated 15 February, 1995 interprets the used concepts as follows:

- a) “narcotic drugs” are natural or synthetic substances, preparations, plants included in the catalogue;
- b) “psychotropic substances” are natural or synthetic substances, drugs, natural materials included in the catalogue;
- c) “precursors” are substances included in the catalogue, which are used for the purpose of production and manufacture of narcotic drugs and psychotropic substances (Art. 1) [13].

It is also appropriate to provide an understanding of the term “narcotics”; interpretation of this term is not provided at the legislative level, but it is contained in “The Strategy of the State Policy Regarding Drugs (Narcotics) until the year 2020”: These are chemical substances of vegetable or synthetic origin that cause a change in the mental state of a person, and systematic use of them forms a dependence. Narcotics in a broad sense are narcotic drugs, psychotropic substances, their analogues and precursors which are prohibited for turnover by law [14].

Content of the concepts “narcotic drugs” and “psychotropic substances” was given some attention in the legal literature [15-20]. So, S.V. Didovska, (1989) associates the category “narcotic substances” with 2 criteria:

- a) meaningful one-in the case of consumption, they have the ability to cause a state of euphoria, and in the case of systematic consumption-mental and physical dependence;

b) formal and legal one—they must be specified in the lists contained in international legal or domestic regulatory documents [21].

D.A. Gazizov defines narcotic substances as substances (liquids) of synthetic or natural origin, medicinal preparations, plants (or their parts), which affect the central nervous system, and with their systematic consumption cause persistent mental and physical dependence (drug addiction) with the further development of abstinence in in case of stopping their intake and with formation of the need to continue using the drug in increasing doses (tolerance). According to the normative legal acts, these substances are controlled at the international and domestic levels [22].

In order to clarify the essence of the concept of a “psychotropic substance,” it is necessary, first of all, to establish criteria for belonging to a certain type (group) of substances [19]. The majority of scientists-jurists and doctors-believe that in order to assign a substance to a certain group, presence of 3 criteria in total (medical one, legal one and social one) is needed [19]. We support this position of scientists. The medical criterion is that a substance must have a specific (stimulating, sedative, hallucinogenic, etc.) effect on the central nervous system. This is precisely the reason for its non-medical use. From a medical point of view, psychotropic drugs are medical substances used specifically for treatment of mental illnesses. A distinctive feature of such medicines is their specific positive effect on the mental functions of a person, which is provided by their therapeutic properties, in case of disorders of the central nervous system. The medical criterion is one of the main ones when determining regimes of control over this or that substance; pharmacological and therapeutic factors, the ability to lead to abuse, the degree of danger to health of individuals are taken into account. According to the social criterion, non-medical use of psychotropic substances has acquired characteristics of a social phenomenon that negatively affects social relations in society. The legal criterion consists of a combination of the 1st and 2nd criteria, it provides for their recognition as well as inclusion of a psychotropic substance by authorized bodies in the Catalogue [23].

The Catalogue under consideration is narcotic drugs grouped into lists, included in tables I-IV in accordance with the legislation of Ukraine and its international treaties (Art. 2). the Catalogue and changes to it shall be approved by the Cabinet of Ministers of Ukraine at the request of the central body of executive power, which ensures formation of state policy in the sphere of circulation of narcotic drugs, psychotropic substances, their analogues and precursors, combating their illegal turnover, and such list and changes are published in official printed publications (Art. 1) [24].

The specified List was approved by the resolution of the Cabinet of Ministers of Ukraine dated 6 May, 2000. No 770. It includes:

Table I:

a) List No. 1 (particularly dangerous narcotic drugs prohibited for turnover);

b) List No. 2 (particularly dangerous psychotropic substances prohibited for turnover);

c) List No. 3 (plants containing narcotic drugs and psychotropic substances and allowed for turnover for industrial purposes);

Table II:

a) List No. 1 (narcotic drugs with restricted turnover);

b) List No. 2 (psychotropic substances with restricted turnover);

Table III:

a) List No. 1 (narcotic drugs with limited turnover and possible exclusion of some control measures);

b) List No. 2 (psychotropic substances with limited turnover and possible exclusion of some control measures);

Table IV:

a) List No. 1 (precursors with limited turnover and established control measures);

b) List No. 2 (precursors with established control measures) [24].

Thus, narcotic drugs and psychotropic substances included in Lists No. 1 and No. 2 of Table I of this Catalogue (with the exception of activities involving the use of plants included in table I for the purpose and on the grounds provided for in Articles 19 and 20 of the Law of Ukraine No. 60/95-VR “On Narcotic Drugs, Psychotropic Substances and their Precursors” as well as activities on cultivation and use of plants included in List No. 3 of table I for the purpose and on the grounds provided for in Article 15 of this Law) are prohibited for turnover, which means that they are not an object their legal turnover.

Specificity of state control in the field of legal turnover of narcotic drugs, psychotropic substances and their precursors is that objects of this control are clearly defined in a special legal document, which is the Catalogue under research. Such substances should include:

- Narcotic drugs and psychotropic substances included in tables II and III;
- Precursors listed in table IV;
- Plants that are in List No. 3 of table I, as well as those included in table I intended to be used in expert and operational search activities, in medical practice, and substances from List No. 3 of Table I-intended to be used in industrial sectors.

In addition to the provisions of part 3 Art. 7 of the Law of Ukraine No. 60/95-VR “On Narcotic Drugs, Psychotropic Substances and their Precursors” dated 15 February, 1995 activity on turnover of narcotic drugs and psychotropic substances, included in Tables II and III, and their precursors included in Table IV, shall be carried out by economic entities if they have a license to perform the relevant types

of activities [13].

Pursuant to Article 55 of the Economic Code of Ukraine, business entities are recognized as participants in economic relations who carry out economic activities, exercise economic competence (a set of economic rights and obligations), have separate property and bear responsibility for their obligations within the latter, except for cases provided by law. Business entities are:

- a) Economic organizations-legal entities, state, communal and other enterprises created in accordance with the Civil Code of Ukraine, as well as other legal entities that carry out economic activity and are registered in accordance with the procedure established by law;
- b) Citizens of Ukraine, foreigners and stateless persons who carry out economic activities and are registered in accordance with the law as entrepreneurs [25].

Activities related to turnover of narcotic drugs, psychotropic substances and precursors shall be carried out by economic entities registered as legal entities regardless of their organizational and legal form, form of ownership and subordination, as well as by natural persons-entrepreneurs who have a license to perform medical or veterinary practice and carry out activities related to turnover of the specified drugs, substances and precursors [26].

Pursuant to part 10 Art. 6 of the Law of Ukraine No. 60/95-VR, "On Narcotic Drugs Psychotropic Substances and their Precursors" dated 15 February, 1995 an individual has the right to purchase narcotic drugs and psychotropic substances only with the respective doctor's prescription and according to medical indications. According to the requirements of Art.8 of this Law, the following is required:

- a) A certificate (certificate card, specialist's certificate) confirming professional suitability of the head of the respective legal entity or the head of its corresponding division to be engaged in activities related to turnover of narcotic drugs, psychotropic substances and precursors;
- b) A certificate from the ministry of internal affairs of Ukraine on the absence of employees who in the course of their official duties receive (or have) direct access to narcotic drugs, psychotropic substances and their precursors, on absence of a criminal record related to their illegal turnover (trafficking), including outside the borders of Ukraine;
- c) A certificate from the relevant state or municipal health care institution which prove that employees who (in the course of their official duties) receive (or have) direct access to narcotic drugs, psychotropic substances and their precursors do not have mental disorders associated with abuse of alcohol drinks, narcotic drugs or psychotropic substances, and which testify that among the specified employees there are no persons recognized as unfit for performance of certain types of activities [13].

The procedure for obtaining such a certificate is regulated by the Resolution of the Cabinet of Ministers of Ukraine "On Obligatory Preventive Narcological Examination and Procedure for Its Conduct" dated 06 November, 1997. No

1238 [27].

In addition to legal entities, it is possible to distinguish a group of persons whose activities are related to the legal turnover of narcotic drugs, psychotropic substances and precursors. These are:

- Managers and employees of legal entities who meet the respective qualification requirements and are admitted in the prescribed manner to work with narcotic drugs and psychotropic substances (they are special objects in this field);
- Natural persons who (as a result of their work or official duties) are responsible for observing the rules of legal turnover of the specified drugs and substances;
- Ordinary citizens who must comply with the mandatory provisions of the legislation in this area and have the right to purchase, use, store and transport medicinal products containing narcotic drugs, psychotropic substances and their precursors, but only with a doctor's prescription.

Further, we will consider the subject of state control over the legal turnover of narcotic drugs, psychotropic substances and their precursors. After researching this subject we will note that among scientists the view on the definition of the subject of state control is quite debatable and ambiguous, because each researcher tries to provide his/her own interpretation. So, O.M. Muzychuk, (2011) determines the subject of control over the activities of law enforcement agencies in Ukraine as a set of areas of activity performed by law enforcement agencies, their direct behavior as participants in social relations the control activity of the subject of control is aimed at as one of the guarantees of protecting rights and legitimate interests of objects of control from arbitrary and biased actions of controlling subjects. On the one hand a clear definition of the subject of state control makes it possible to delimit the competences of controlling subjects, and on the other hand it gives an opportunity to prevent illegal interference of a controlling subject in the activities of an object under his control [28].

V.V. Novikov, (2006) notes that peculiarities of control activities suggest that the controlling subject is interested not in any, but only in certain parameters of control object's existence. Control activity, like any other purposeful activity, concerns, first of all, only certain objects, the circle of these objects can, for example, be determined by law or contract [29]. Secondly, a subject of control is not interested in this or that object in itself, a controlling subject is interested not in any, but only in some parameters of object's existence, their quantitative or qualitative side. In other words, based on traditional jurisprudential terminology, the subject of control establishes facts of control object's behavior or status. The entire available variety of possible objects of control activity (natural and artificial ones material and immaterial ones, technical and social ones, etc.) finds its external manifestation in what is covered precisely by the categories "behavior" or "status" [30]. The latter are used within characteristics of both objects existing in nature and

objects existing in society, these categories complement each other, and sometimes they are used interchangeably. But it is the distinction of objects as “living” ones (beings) and “inanimate” ones (things) based on their biological characteristics that presupposes the use of the concepts of “behavior” or “status” respectively to characterize their external manifestations. It is also necessary to pay attention to the fact that “behavior” and “status” of an object of control undergo changes in time and space, therefore it is important to find a category that will introduce an element of discreteness into the display of this or that object, and that will relate to its concrete and valid (real) behavior (status) [31].

V.M. Harashchuk, (2003) refers to the main constituent elements of a subject of control in state administration as behavior inherent to subjects of administrative legal relations regarding the following:

- Establishment of constitutional rights and freedoms of participants in administrative legal relations;
- Ensuring constitutional rights and freedoms of subjects and objects of state administration;
- Observance of legality and discipline by participants in managerial legal relations [3].

In turn, these components are detailed in certain actions concerning consolidation and implementation of the following:

- a) The general legal status of individuals and legal entities (political parties, movements, other public organizations, local self-government bodies, etc.) In the field of management;
- b) Rules for entering and completing civil service;
- c) Rules governing the procedure for citizens to exercise their right to freely leave a foreign country and enter Ukraine;
- d) Procedures for citizens to exercise their rights to receive social assistance from the state;
- e) Procedure for formation of non-state public and other bodies;
- f) Procedures for individuals and legal entities to apply to the state administration body, etc. [3].

An interesting position belongs to V.M. Yudin: Based on the points of view of scientists who distinguish between the terms “object,” “subject” and “result of legal activity,” he formulated the subject of activities performed by the bodies controlling turnover of narcotic drugs in the Russian Federation. Thus, an object is considered to be what the subject’s activity is aimed at, and not what has entered the sphere of its activity as a means of its implementation. In contrast to the result, an object usually exists before the beginning of the respective activity and to some extent precedes it. According to the scientist subject of activity is what stands out in the object, what is specifically affected

in it for achieving the set goal. The researcher is convinced that subject is also outside the activity itself and is separated from the means used to cause relevant influence on the subject [32].

O.Y. Abramov considers the following to be the subject of control measures applied by medical organizations in the sphere of turnover of narcotic drugs and psychotropic substances:

- a) Premises for storing narcotic drugs and psychotropic substances;
- b) Accompanying documentation for them and confirmation of their quality;
- c) Narcotic and psychotropic medicinal products, their compliance with quality standards;
- d) Narcotic drugs, psychotropic substances and their precursors used for educational, scientific purposes and in expert activities;
- e) Equipment, technical means and devices necessary for carrying out activities related to turnover of these drugs, substances and their precursors;
- f) Order and rules of storage and accounting of the latter;
- g) Availability, design, maintenance and storage of special journals;
- h) The procedure for obtaining, storing, recording and destroying prescription forms in outpatient polyclinic institutions and pharmacy organizations;
- i) Correspondence of education, qualifications and availability of special training in the field of narcotic drugs turnover among specialists admitted to work with them [33].

Please note that according to the provisions of Article 4 of the Law of Ukraine “On the Basic Principles of State Supervision (Control) in the Field of Economic Activity” No 877-V dated 05 April 5, 2007 the subject of state supervision (control) is defined as types of economic activity established exclusively by laws [34].

According to the Law of Ukraine No. 60/95-VR “On Narcotic Drugs, Psychotropic Substances and their Precursors” dated 15 February, 1995 activities related to turnover of narcotic drugs and psychotropic substances, included in tables II and III of the Catalogue, and their precursors included in its table IV, shall be carried out by legal entities if they have a license to carry out the relevant types of activities, unless otherwise provided by this Law (Art. 7) [13].

Article 7 of the Law of Ukraine No. 222-VIII “On Licensing of Types of Economic Activity” dated 02 March, 2015 determines the list of types of economic activity subject to licensing is defined, and defines economic activity provided for:

- a) Cultivation of plants included in Table I of the

Catalogue;

b) Development, production, manufacture, storage, transportation, acquisition, sale (issuance), import into the territory of Ukraine, export from the territory of Ukraine, use and destruction of narcotic drugs, psychotropic substances and their precursors included in the specified List, taking into account the peculiarities, defined by the Law of Ukraine No. 60/95-VR "On Narcotic Drugs, Psychotropic Substances and their Precursors" dated 15 February, 1995 (Paragraph 22) [13, 35].

Resolution of the Cabinet of Ministers of Ukraine No. 589 "On Approval of the Procedure for Conducting Activities Related to Turnover of Narcotic Drugs, Psychotropic Substances and their Precursors, and Control of Their Turnover" dated 03 June 3, 2009 refers to business entities in the researched area, which carry out activities related to turnover (sale) of:

a) Narcotic drugs and psychotropic substances included in Tables II and III of the Catalogue, and their precursors included in List No. 1 of Table IV of the Catalogue, registered as finished medicinal products and active substances;

b) Medical drugs (medicines) containing narcotic drugs or psychotropic substances, included in Tables II and III of the Catalogue, and (or) their precursors included in Table IV of the Catalogue, in an amount that exceeds their maximum permissible amount, determined by the Decree of the Cabinet of Ministers of Ukraine No. 1203 "On Approval of the Maximum Permissible Amounts of Narcotic Drugs, Psychotropic Substances and their Precursors Contained in Preparations" dated 10 October 10, 2007, and registered as ready-made medicinal products and active substances, or does not exceed their maximum permissible amount, and which are registered as finished medicinal products and active substances;

c) Precursors included in List No. 2 of Table IV of the Catalogue;

d) Plants included in List No. 3 of Table I of the Catalogue.

By types of economic activity, control shall be carried out in compliance with:

a) Licensing conditions for carrying out economic activities in the sphere of turnover of narcotic drugs, psychotropic substances and precursors;

b) Order of destruction of these means, substances and their precursors [30,36-38].

Conclusion

Thus we come to a conclusion that the subject of state control over the legal turnover of narcotic drugs, psychotropic substances and precursors should be determined as actions of participants of such control in this sphere of turnover in the specified drugs, substances and their precursors, and as their direct behavior, what the control activity of the subject of state control is aimed at. Detailing the above, we

state that the subject of control in relation to legal entities is their economic activity, and in relation to individuals it is compliance with the mandatory provisions of legislation in the defined sphere. And the object of state control over legal turnover of narcotic drugs, psychotropic substances and their precursors is activity of individuals and legal entities related to the legal turnover of substances and precursors; development, production, manufacture, storage, transportation, acquisition, sale (release), import into the territory of Ukraine, export from the territory of Ukraine, use and destruction of the indicated remedies, substances and precursors included in this List.

On the basis of the above, it is proposed to leave the illegal production, manufacture, purchase and storage of narcotic drugs or psychotropic substances in small quantities without the purpose of transfer as administrative offenses and not to turn them into criminal offenses. Effectiveness of counteracting drug addiction and drug crime should be increased by not strengthening repressive measures against users of narcotic drugs and psychotropic substances, but by improving preventive work with them and risk groups, and by weakening factors of drug addiction, and the systemic offensive nature of combating organized criminal groups in the field of drug trafficking.

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Conflict of Interest

Authors have no conflict of interest to declare.

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