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DRUG ADDICTION: PROBLEMS OF COUNTERACTION

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Drug addiction is examined as a negative social phenomenon and the problems of counteracting drug addiction. It has been determined that people have been using drugs since ancient times; however, they were used for medical, religious, cultural, and recreational purposes. This phenomenon has changed with the development of society, science, and medicine, and today it has become a significant issue of drug dependency. Today, drug addiction is not only a medical problem but also a complex social phenomenon that has profound consequences for society and encompasses various areas of life: cultural, economic, legal, familial, and psychological. Considering all these factors, there arose a necessity for control over the spread of drugs, and primarily, this involved the adoption of laws that would restrict their use. At the beginning of the 20th century, the international community recognized drug control as a global problem. This was highlighted at the first international conference on this issue, which took place in 1909 in Shanghai. The international control system developed gradually, starting in 1912 with the adoption of the International Opium Convention. In 1961, the Single Convention on Narcotic Drugs was adopted, followed by the Convention on Psychotropic Substances in 1971, and in 1988, the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was adopted. It has been noted that considering the danger of the spread of narcotic drugs, psychotropic substances, and their negative health consequences, Ukraine ratified the aforementioned conventions and adopted anti-drug legislation in 1995, which also introduced criminal liability for illegal handling of narcotic drugs and precursors. Additionally, Ukraine initiated the organization of comprehensive counteraction to drug addiction and drug trafficking. Measures aimed at counteracting drug addiction have been reviewed. It is concluded that drug addiction, as a social phenomenon, poses a serious threat to the stability and development of society, and therefore counteracting this evil is a primary task for every state. Counteraction to drug addiction and drug trafficking in Ukraine includes a wide range of measures—from legislative regulation to the implementation and improvement of law enforcement activities and prevention, thus requiring attention at all levels—from individual to state. The resolution of this issue is only possible through the unification of efforts by the authorities, public organizations, and society. Despite significant successes, the fight against

drugs remains a complex task that requires constant refinement of approaches and international cooperation.

Keywords: drug addiction, narcotic drugs, psychotropic substances, counteraction, drug control.

Formulation of the problem. People have been using drugs since ancient times, and this phenomenon has a centuries-old history that dates back several millennia before our era. In ancient times, drugs were generally used for medical, religious, cultural, and recreational purposes, but this phenomenon has changed with the development of society, science, and medicine, and today it has become a significant issue of drug dependency. Today, drug addiction is not only a medical problem but also a complex social phenomenon that has profound consequences for society; it knows no borders and is a global issue. It encompasses various aspects: cultural, economic, legal, familial, and psychological. Therefore, one of the most important tasks for every state is to strengthen control over the spread of drugs, and research into the problems of counteracting drug addiction is timely and relevant.

Analysis of the study of the problem. The scientific and theoretical foundation of this research is based on the works of scholars such as O. M. Dzhuzha, A. P. Zakalyuk, O. V. Kozachenko, O. M. Kostenko, O. O. Kravchenko, N. A. Myroshnychenko, A. A. Muzyka, O. V. Naden, E. V. Fesenko, M. S. Khruppa, and others.

The purpose of the article is to explore the problems of counteracting drug addiction.

Presenting main material. Drug addiction, as a social phenomenon, emerged in ancient times when people began to use drugs for religious, medical, or recreational purposes. However, its modern form, with all its social, economic, and legal consequences, gained prominence in the 19th and 20th centuries with the development of the chemical industry and the globalization of drug trafficking. The recognition that drugs are harmful resulted from centuries of human experience, during which the negative consequences of their use began to outweigh the potential benefits. This realization occurred gradually, across different eras, based on observations, medical research, and social changes. In the 19th century, when substances such as morphine and heroin emerged, doctors began to notice that patients were becoming dependent on these substances. Scientific research has shown that drugs destroy the body, cause diseases (including cardiovascular and mental conditions), and lead to premature death. As the number of dependent individuals increased, it became evident that drugs were destroying families, increasing crime rates, and reducing productivity. Considering all these factors, the necessity for control over the spread of drugs arose, primarily involving the adoption of laws that would restrict drug use.

The first laws prohibiting opium cultivation and the growing of poppy, as well as preventing drug smuggling, were enacted in India and China. In 1845, a law on narcotic substances was adopted in France. At the end of the 19th and the beginning of the 20th centuries, some states in the USA enacted resolutions against drug addiction. However, this problem was not limited to a single state; it gained global proportions. To counteract the growing abuse of narcotic substances, the international community gradually developed a control system aimed at limiting access to addictive drugs from the early 20th century. This was due to the rapid realization that no country could effectively combat the problem of drug abuse and illegal trafficking on its own. Typically, organizations involved in drug trafficking operate in several countries simultaneously. In one country, raw materials are grown, in another they are processed and refined, then smuggled through third countries, and finally sold in fourth countries. Therefore, the international community recognized drug control as a global problem. This was noted at the first international conference on this issue, which took place in 1909 in Shanghai. The international control system developed gradually, starting in 1912 with the adoption of the International Opium Convention. Subsequently, this work continued from 1920 under the auspices of the League of Nations, and from 1946 under the auspices of the United Nations. In response to

the increasing number of people abusing drugs, as well as the rise in illegal trade and smuggling, one of the key tasks of the newly established Commission on Narcotic Drugs was to develop a unified convention on drugs.

An important step in the fight against drug abuse was the adoption of the Single Convention on Narcotic Drugs in 1961, which recognized that drug addiction is a serious evil for individuals and poses a social and economic threat to humanity [1]. This document was adopted by governments at a special international conference and came into force in 1964. Today, under this agreement, control is exercised over more than 116 narcotic substances, including opium, its derivatives, and synthetic drugs. The Single Convention of 1961 was supplemented by the 1972 Protocol, which amended the convention and came into force on August 8, 1975. The Protocol emphasized the importance of strengthening efforts to prevent the illegal production, trafficking, and use of drugs. It also highlights the necessity of providing treatment and rehabilitation services for individuals who abuse drugs. It is emphasized that treatment and social reintegration should be considered as alternatives or complements to imprisonment for such individuals. The Protocol paid special attention to the role of the Committee on Narcotic Drugs, placing on it the responsibility to ensure a balance between the demand and supply of narcotic drugs for medical and scientific purposes, as well as to take measures to prevent illegal cultivation, production, manufacture, trafficking, and use of drugs. The Convention with the amendments also underscores the need for joint international efforts to address issues related to drug abuse [2]. Thus, the Single Convention of 1961 with amendments is the first international legal document that established a system of norms that laid the foundation for legal counteraction to drug abuse at the global level.

Until 1971, only narcotic substances were under control; however, at the international level, issues regarding the prevention of harmful health effects from the abuse of psychotropic substances were raised [3, p. 152]. At the beginning of 1971, under the auspices of the UN, the Convention on Psychotropic Substances was adopted. The substances that fall under the control of the 1971 Convention are listed in four separate lists. These Lists are included in the annex to the 1971 Convention, and the Parties to the said Convention have undertaken obligations to comply with the restrictions related to them.

However, after adopting the two aforementioned conventions, the global community continuously worked towards counteracting the spread of drug addiction at the international level. In 1988, the UN convened a Conference of Plenipotentiaries, attended by 106 states, which adopted the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. This Convention came into force on November 11, 1990 [4]. The main purpose of adopting this convention was the necessity to strengthen and complement the measures provided by previous UN conventions. Special attention was focused on improving the legal mechanisms of international cooperation to counteract international criminal activities related to the illicit trafficking of drugs. The 1988 Convention covers various aspects of the problem that were not previously addressed or were insufficiently regulated by earlier documents. One of the key provisions of this document is the introduction of control over the substances used in the production of narcotic drugs and psychotropic substances. The Convention is supplemented by Tables I and II, which include 22 substances known in specialized literature as precursors. Another important innovation is the obligation of the Parties to eliminate or reduce the illegal demand for narcotic drugs and psychotropic substances. To prevent the leakage of substances commonly used in the illegal production of drugs and included in Tables I and II of the Convention, the Parties are obliged to take necessary measures and cooperate with each other in this direction. The Convention also introduced the method of “controlled delivery” for the first time in international practice. This approach allows for the import, transit, or export of suspicious or illegal shipments of narcotic drugs into the territory of one or more states with the consent and under the supervision of competent authorities. The goal of this method is to identify individuals involved in the offenses defined in this Convention. Once states become Parties to international treaties on drug control, they are obliged to fulfill their duties, which include the obligation to adopt appropriate legislation that fully implements the provisions of these agreements. Thus, it is mandatory for all Parties to the drug conventions to establish criminal responsibility and penalties for the illicit trafficking of narcotic drugs, and

if such responsibility is not provided, corresponding amendments must be made to national legislation. The conventions establish a common minimum standard of activity; however, Parties are allowed to implement stricter measures compared to those provided in the treaties. At the same time, such initiatives must comply with the norms of international public law, particularly those concerning the protection of human rights. Much attention in the 1988 Convention is devoted to establishing intergovernmental connections in countering the illicit trafficking of narcotic drugs, psychotropic substances, and precursors.

It is worth noting that the three existing International Conventions form the legal basis of the system for controlling narcotic drugs and psychotropic substances in the fight against their abuse and illegal trafficking. This system was created and is supported by the international community, ensuring the coordination of interactions among most states in addressing these issues [3, p. 152]. The norms discussed in the conventions are aimed at protecting key universal values, such as the health and social well-being of the population. They are characterized by a high level of legislative technique, which ensures clear and precise formulation of terms, concepts, and provisions. All conventions are united by a common idea, with each subsequent one complementing and expanding upon the previous one. These documents are continually evolving, adapting, and improving in response to new challenges and needs.

Considering the danger posed by the spread of drug addiction, Ukraine, after declaring independence, included drug control among its top national priorities. This is why the 1988 international Convention was ratified by a resolution of the Verkhovna Rada of the Ukrainian Soviet Socialist Republic and came into effect on November 27, 1991, on the territory of independent Ukraine. In 1995, national anti-drug legislation was adopted, adapted to international requirements. In connection with the adoption of this legislation, significant changes occurred in Ukraine regarding responsibility for the illegal handling of narcotic drugs and psychotropic substances. Law No. 64–95 amended the Criminal Code of the Ukrainian SSR of 1960 by adding Article 70-1, which provided for responsibility for the smuggling of narcotic drugs, psychotropic substances, and precursors.

After the adoption of anti-drug legislation and the criminalization of drug smuggling, Ukraine began organizing a comprehensive response to drug addiction and drug trafficking. Subsequently, Ukraine ratified other UN conventions (from 1961 and 1971) that obligate the state to exercise control over drugs and combat their illegal trafficking. The state identified entities involved in combating drug addiction, which included law enforcement agencies (the National Police of Ukraine, then the militia, the Security Service of Ukraine, and the State Customs Service), government authorities (the Ministry of Health, the Ministry of Justice), international organizations (Interpol, Europol, the UN), as well as non-governmental organizations engaged in drug addiction prevention and rehabilitation of dependent individuals.

Prevention and rehabilitation play a significant role in this fight. Various educational programs have been adopted and are being implemented regarding information campaigns in schools, universities, and community organizations to prevent drug addiction among youth. There have been and continue to be explanations about the legal liability for the storage, production, and distribution of drugs. The state has opened public and private centers for the treatment and social adaptation of individuals with drug addiction. Programs for the resocialization of those who have undergone treatment are continuously being developed. The state has also established control over precursors: a strict accounting of chemical substances that can be used for the production of drugs has been implemented, and licensing of enterprises engaged in the production and sale of precursors is conducted. Continuous analysis and accumulation of statistical data are carried out. Databases on criminals involved in drug trafficking are created, and the spread of new drugs and synthetic substances is monitored.

International cooperation remains a mandatory element in combating drug addiction. Information exchange is conducted, and Ukraine participates in international programs for sharing data on drug trafficking, as well as joint training sessions: training for Ukrainian law enforcement officers with the participation of experts from other countries. During international cooperation, work is carried out with neighboring countries to close transportation routes for drugs.

However, there are still some problematic issues that require further resolution, namely that law enforcement agencies often encounter corruption. Corruption threatens the existence of Ukraine, so the fight against it is an undeniable priority. In Ukraine, on October 14, 2014, the Law of Ukraine on the National Anti-Corruption Bureau of Ukraine (hereinafter NABU) was adopted, and its task is to combat corruption and other criminal offenses committed by high-ranking officials authorized to perform state or local government functions, which pose a threat to national security, as well as to take other legally prescribed measures to combat corruption [5]. As noted by the Director of NABU, S. Kryvonos, the main outcome of the first half of 2024 is that “NABU is becoming increasingly effective. The prioritization of criminal proceedings initiated last year and the focus on corruption crimes being committed right now are already yielding tangible results. New approaches allow us to expose and refer to court criminal proceedings with indictments against those who were previously considered untouchable” [6].

The Verkhovna Rada has also adopted a law to strengthen the independence of the Specialized Anti-Corruption Prosecutor’s Office (hereinafter SAP), and since March 21, 2024, SAP has functioned as a legal entity separate from the Office of the Prosecutor General. The head of SAP, O. Klymenko, emphasized that thanks to the coordinated work of SAP and NABU, in the first half of 2024, suspicions were reported against 166 individuals (including a minister, members of parliament, the former head of the State Migration Service of Ukraine, judges, heads of state institutions, and other officials); 64 criminal proceedings with indictments regarding 131 individuals were sent to court, whereas during the years 2020–2022, such a number of cases was sent in a year. Additionally, during this period, four lawsuits concerning unjustified assets were filed, and three more from previous years were satisfied. A priority direction of work remains cooperation with Ukraine’s international partners. During this period, representatives of SAP held regular meetings with ambassadors from G7 countries and the EU in Ukraine, members of the U. S. Congress, as well as ministers from EU countries in the Weimar Triangle format [6].

The next problem complicating the fight against drug trafficking is the control of synthetic drugs, which are easily manufactured. To effectively address this issue, further integration of international efforts, investment in monitoring technologies, and the development of more flexible legislation are needed, as synthetic drugs are produced faster than legislative restrictions on their use can be enacted. Preventive measures and treatment of addiction also remain important elements of the strategy.

A big problem today is online drug trafficking. Having studied the ways and methods of drug distribution across Ukraine, the Criminal Analysis Department of the National Police of Ukraine’s Drug Crime Department concluded that almost 90 % of all drug sales occur through the Internet (mostly through Telegram channels). During the accumulation and systematization of the obtained information, an electronic database called “DATALIST” was created, which allows analyzing which Telegram channels send the most narcotic drugs, psychotropic substances, and precursors, whether payment details intersect between Telegram channels: bank card number, cryptocurrency wallet, where money for drugs is transferred, whether the sender’s phone number intersects between Telegram channels [7]. Thus, the state constantly conducts and improves the fight against drug crime.

Conclusions. Drug addiction as a social phenomenon is a serious threat to the stability and development of society, so combating this scourge is a priority for every state. Combating drug addiction and drug trafficking in Ukraine includes a wide range of measures – from legislative regulation to the implementation and improvement of law enforcement activities and prevention. Therefore, it requires attention at all levels – from individual to state. Solving this problem is possible only through the joint efforts of the government, public organizations, and society. Despite significant successes, the fight against drugs remains a complex task that requires constant improvement of approaches and international cooperation.

REFERENCES

1. *Yedyna konventsiya pro narkotychny zasoby 1961 roku*. [The Single Convention on Narcotic Drugs of 1961]. Baza danyh "Zakonodavstvo Ukrainy" / VR Ukrainy. Retrieved from: https://ips.ligazakon.net/document/MU61K02U?ed=1961_03_30 (Accessed: 17.09.2024). [In Ukrainian].
2. *Protokol pro popravky do Yedynoyi konventsiyi pro narkotychny zasoby 1961 roku*. [Protocol amending the Single Convention on Narcotic Drugs of 1961y]. Baza danyh "Zakonodavstvo Ukrainy" / VR Ukrainy. Retrieved from: https://ips.ligazakon.net/document/view/MU72013?ed=1972_03_25&an=2 (Accessed: 17.09.2024). [In Ukrainian].
3. Vasylevych, V. (2004). *Konventsinyy mekhanizm protydyi transnatsional'nomu nezakonnomu obihu narkotyktiv* [Convention mechanism to counter transnational drug trafficking] / V. Vasylevych, E. Rasyuk // Pidpryyemnytstvo. Hospodarstvo i pravo. No. 11. P. 148–152. [In Ukrainian].
4. *Konventsiya Orhanizatsiyi Ob'yednanykh Natsiy pro borot'bu proty nezakonnogo obihu narkotychnykh zasobiv i psykhotropnykh rechovyn 1988 r.* [United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988]. Retrieved from: https://zakon.rada.gov.ua/laws/show/995_096#Text (Accessed: 17.09.2024). [In Ukrainian].
5. *Pro Natsional'ne antykoruptsiynye byuro Ukrayiny*. [About the National Anti-Corruption Bureau of Ukraine] Zakon Ukrayiny vid 14 zhovtnya 2014 roku. Baza danyh "Zakonodavstvo Ukrainy" / VR Ukrainy. Retrieved from: <https://zakon.rada.gov.ua/laws/show/1698-18#Text> (Accessed: 17.09.2024). [In Ukrainian].
6. *Natsional'ne antykoruptsiynye byuro Ukrayiny*. [National Anti-Corruption Bureau of Ukraine] Spetsializovana antykoruptsiyna prokuratura. Retrieved from: <https://reports.nabu.gov.ua/> (Accessed: 17.09.2024). [In Ukrainian].
7. *Departament borot'by z narkozlochynnistyu*. [Department for Combating Drug Crimes]. Prezentatsiya. Retrieved from: https://www.naiu.kiev.ua/files/naukova-diyalnist/naukovi-zaxodi/konferencii/2024/navs/11_01/prezent_03.pdf https://ips.ligazakon.net/document/MU61K02U?ed=1961_03_30 (Accessed: 17.09.2024). [In Ukrainian].

СПИСОК ВИКОРИСТАНИХ ДЖЕРЕЛ

1. Єдина конвенція про наркотичні засоби 1961 року. База даних "Законодавство України" / ВР України. URL: https://ips.ligazakon.net/document/MU61K02U?ed=1961_03_30 (Дата звернення: 17.09.2024).
2. Протокол про поправки до Єдиної конвенції про наркотичні засоби 1961 року. База даних "Законодавство України" / ВР України. URL: https://ips.ligazakon.net/document/view/MU72013?ed=1972_03_25&an=2 (Дата звернення: 17.09.2024).
3. Василевич В. (2004). Конвенційний механізм протидії транснаціональному незаконному обігу наркотиків / В. Василевич, Е. Расюк // Підприємництво. Господарство і право. № 11. С. 148–152.
4. Конвенція Організації Об'єднаних Націй про боротьбу проти незаконного обігу наркотичних засобів і психотропних речовин 1988 р. URL: https://zakon.rada.gov.ua/laws/show/995_096#Text (Дата звернення: 17.09.2024).
5. Про Національне антикорупційне бюро України. Закон України від 14 жовтня 2014 року База даних "Законодавство України" / ВР України. URL: <https://zakon.rada.gov.ua/laws/show/1698-18#Text> (Дата звернення: 17.09.2024).
6. Національне антикорупційне бюро України. Спеціалізована антикорупційна прокуратура. URL: <https://reports.nabu.gov.ua/> (Дата звернення: 17.09.2024).
7. Департамент боротьби з наркозлочинністю. Презентація. URL: https://www.naiu.kiev.ua/files/naukova-diyalnist/naukovi-zaxodi/konferencii/2024/navs/11_01/prezent_03.pdf (Дата звернення: 17.09.2024).

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НАРКОМАНІЯ: ПРОБЛЕМИ ПРОТИДІЇ

Розглянуто наркоманію як негативне соціальне явище і проблеми протидії наркоманії. З'ясовано, що наркотики люди вживають з давніх часів, проте використовували в медичних, релігійних, культурних та рекреаційних цілях, але це явище змінювалося з розвитком суспільства, науки та медицини і сьогодні це стало ще проблемою із залежністю від наркотиків. Сьогодні наркоманія – це не лише медична проблема, а й складне соціальне явище, яке має глибокі наслідки для суспільства і охоплює різні сфери життя: культурні, економічні, правові, сімейні, психологічні. Враховуючи всі ці фактори, виникла потреба в контролі над поширенням наркотиків і насамперед це прийняття законів, які б обмежували їх використання. На початку XX століття міжнародна спільнота визнала контроль над наркотиками загальносвітовою проблемою. Про це було відзначено на першій міжнародній конференції з цього питання, яка відбулася 1909 року в Шанхаї. Міжнародна система контролю розвивалася поступово, починаючи з 1912 року, коли була прийнята Міжнародна опіумна конвенція. В 1961 році була прийнята Єдина конвенція про наркотичні засоби, в 1971 році – Конвенція про психотропні речовини, в 1988 році – Конвенція ООН про боротьбу проти незаконного обігу наркотичних засобів і психотропних речовин. Констатовано, що, враховуючи небезпеку розповсюдження наркотичних засобів, психотропних речовин і їхні негативні наслідки для здоров'я, Україна ратифікувала вищезазначені конвенції і в 1995 році прийняла антинаркотичне законодавство, а також була введена кримінальна відповідальність за незаконне поводження з наркотичними засобами і прекурсорами. Також в Україні було розпочато організацію комплексної протидії наркоманії та наркотогівлі. Розглянуто заходи, які були направлені на здійснення протидії наркоманії. Зроблено висновок, що наркоманія як соціальне явище є серйозною загрозою для стабільності та розвитку суспільства, тому протидія цьому лиху є першочерговим завданням кожної держави. Протидія наркоманії та наркотогівлі в Україні містить широкий спектр заходів – починаючи від регулювання на законодавчому рівні до здійснення і вдосконалення правоохоронної діяльності та профілактики, отже, вона потребує уваги на всіх рівнях – від індивідуального до державного. Розв'язання цієї проблеми можливе лише через об'єднання зусиль влади, громадських організацій і суспільства. Попри значні успіхи, боротьба з наркотиками залишається складним завданням, що потребує постійного вдосконалення підходів і міжнародної співпраці.

Ключові слова: наркоманія, наркотичні засоби, психотропні речовини, протидія, контроль над наркотиками.