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## LEGAL ASPECTS OF THE STATES FIGHT AGAINST ILLEGAL DRUG TRAFFICKING

This article discusses the problems of combating illicit trafficking in narcotic drugs and psychotropic substances. Nowadays, this problem has become as global as environmental pollution, the human immunodeficiency virus, which differentiates into acquired immunodeficiency syndrome, in other words, into AIDS. The world community should not ignore this issue. Drug abuse leads to domestic conflicts in the family, the moral decay of society, and then the state, and this is not to mention the health problems, both physical and spiritual, of citizens. A person's craving for drugs has led to the proliferation of drug crime, which is a type of organized crime and represents a public danger. The organization and legal support of measures to combat illicit trafficking in drugs and psychotropic substances is the task of each State. However, the fight against this type of crime within the framework of only one State is too difficult to implement. Countering illicit drug trafficking should be carried out in the form of cooperation between States in this area. The scope of international cooperation in combating drug trafficking is determined taking into account the policies of the States that participate in it.

**Key words:** illegal drug trafficking; narcotic drugs; drug trafficking; drug trafficking; psychotropic substances, drug market, anti-drug measures, anesthesia, legalization, criminal policy.

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### Мемлекеттің есірткі заттарының заңсыз айналымына қарсы күресінің құқықтық аспектілері

Бұл мақалада есірткі заттары мен психотроптық заттардың заңсыз айналымы мәселелері қарастырылған, сонымен қатар, аталған мән-жағдайлар бойынша заң бойынша атқарылуы тиіс күресу жолдары мен қолданылатын әдістеріне көңіл бөлінген. Қазіргі уақытта бұл мәселе қоршаған ортаның ластануы, адамның иммун тапшылығы вирусы, алынған иммун тапшылығы синдромына, басқаша айтқанда СПИД-ке ұқсас жаһандық сипатқа ие өзекті мәселелердің біріне айналуға. Әлем деңгейіндегі қоғамдастық бұл мәселеге салғырт қарамауы қажет деп есептейміз. Есірткіні теріс пайдалану, есірткіге құмар адамдар отбасындағы тұрмыстық жанжалдар, қоғамның моральдық азғындауы және тағы басқалары мемлекетке тікелей зиян әкеледі және бұл азаматтардың физикалық және рухани денсаулығына қатысты проблемаларды туындатады. Адамның есірткіге деген құштарлығы есірткі қылмысының өсуіне әкеледі, бұл ұйымдасқан қылмыстардың көбеюіне және өмір сүрудегі олқылықтарға, қоғамға қауіп төндіреді. Есірткі және психотроптық заттардың заңсыз айналымына қарсы күрес жөніндегі іс-шараларды ұйымдастыру, заңсыз айналыммен күрес жүргізу әрбір мемлекеттің міндеті болып табылуы айдан анық шаралар. Алайда, тек бір мемлекет аясында қылмыстың бұл түрімен күресу өте қиын.

**Түйін сөздер:** есірткі құралдары, унификациялау, есірткі трафигі, есірткі бизнесі, психотроптық заттар, есірткі нарығы, есірткіге қарсы шаралар, наркотизация, заңдастыру, қылмыстық саясат.

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### Правовые аспекты борьбы государства с незаконным оборотом наркотических средств

В данной статье рассмотрены вопросы незаконного оборота наркотических средств и психотропных веществ, а также уделено внимание способам и применяемым методам борьбы, которые по указанным обстоятельствам должны выполняться по закону. В настоящее время одной из актуальных становится проблема загрязнения окружающей среды, вируса иммунодефицита

человека, приобретенного синдрома иммунодефицита, иначе говоря, СПИДа, который приобретает глобальный характер. Мы считаем, что сообщество мирового уровня не должно быть равнодушным к этому вопросу. Мировое сообщество не должно обходить стороной этот вопрос. Злоупотребление наркотиками приводит к бытовым конфликтам в семье, моральному разложению общества и последующему государству, а это порождает проблемы с физическим и духовным здоровьем граждан. Тяга человека к наркотикам привела к росту наркопреступности, что грозит ростом организованной преступности и пробелами в среде обитания, то есть в целом обществу. Организация мероприятий по борьбе с незаконным оборотом наркотических средств и психотропных веществ должна являться обязанностью каждого государства, так как в рамках только одного государства бороться с этим видом преступности очень сложно.

**Ключевые слова:** незаконный оборот наркотиков, наркотические средства, наркотрафик, наркобизнес, психотропные вещества, наркорынок, антинаркотические меры, наркотизация, легализация, уголовная политика.

## Introduction

International cooperation of States in combating illicit drug trafficking is quite important and relevant for Kazakhstan, since it is a state of Central Asia, which can be a transit zone for the transportation of drugs through it to the Russian Federation and in the future to European states. In accordance with this, the following main research tasks are implemented in the article:

- analysis of international legal activities in this field;
- provisions related to drug control;
- study of legal forms of cooperation between the different countries;

Every year, the situation with drug trafficking around the world is changing, as new ways of obtaining it by synthesizing various chemicals appear, which jeopardizes the chemical industry and tightens control over precursors. The lists of substances subject to control should be updated, etc. Control over the drug situation should be carried out into international level.

To improve the situation in this field:

- provide a witness protection program;
- legally regulate the involuntary treatment of drug addicts;
- to develop an interstate system for monitoring the drug situation;
- develop an interstate system for monitoring and controlling the movement of precursors;
- to improve the system of information and educational work among the population.

Unfortunately, different drug traffics supposed spread of the narcotic drugs elsewhere. Moreover, the drugs are the real actual threat to the youth, young people, society, state. In the modern conditions the ways of transportation have transformed and modernized. For instance, the drug dealers make the bookmarks in the different places. Then they pay and find drugs in agreed place.

In the law-abiding democratic state the struggle with the frogs can be considered permanent and effective, as a result of the democratic development of the society, a sufficiently high legal consciousness of the majority of citizens has been formed. Without such a sense of justice, all other signs of a legal state will not work effectively. Therefore, it is necessary to consider a sufficiently high legal consciousness of the population with its corresponding general culture as a sign of legal state.

Actually, only under the condition of strict compliance with the law-abiding state the fruitful fight with this evil can be effective and positive, great provisions of humanistic legal thought can be implemented both in legislation and implemented in practice. In this case, the citizen's personality will really be realized as free, protected, and creative. There are no another way to improve the situation in this field.

## Research methods

Were used to solve the tasks set:

- logical method; system method; legal method; historical method. The research methodology is based on the dialectical method, freed from materialistic or idealistic monism and based on the pluralistic, multilinear interdependence of all social phenomena. We also used the method of dialectical method, with drug dealers in our country. In this article were used abstract-logical, analytical, comparative methods.

## Discussion

*Justification of the novelty and significance of the topic of the article.* There are famous CIS lawyers, such as: N.M. Abdirov, K.A. Mami, B.S. Sarsekov, I.I. Karpets, V. Ovchinskiy, R. Chlopushin, N.A. Sartaeva, R.A. Aleksandrov, A.A. Gabiani, T.A. Bimagametov. Main results and analysis were

fixed in the special agreements on combating drug trafficking should specifically regulate issues related to the criminal prosecution of leaders of organized criminal groups engaged in drug trafficking. Special organ pays special attention to this aspect.

Special agreements on combating drug trafficking should specifically regulate issues related to the criminal prosecution of leaders of organized criminal groups engaged in drug trafficking. Special organ pays special attention to this aspect.

The subject of the thesis research performs statistical data, sources of scientific and educational literature, other materials and developments on the topic of the thesis research.

The value of the conducted research:

The UN maintains a register of prohibited narcotic substances, which currently includes about 200 varieties, of which only seven are natural, and the rest are synthetic. Cooperation with UNDCP is being intensified.

It is well known, that drug addiction is an antisocial social phenomenon that poses a threat to people's health, negatively affects the health, destabilizes national security of the country.

Drug addiction is a joint category of law, sociology, psychology, medicine and other sciences, each of which, in accordance with its own subject and research methods, studies its own (Harbet 2016: 15).

If we draw a parallel between drug addiction and economic security, we will see that these are links in one chain, which should be considered in the prism of illegal drug abuse and their illegal distribution, that is, drug addiction and drug trafficking (Khlopushin 2015: 11).

Studying drug addiction from the perspective of law, N.A. Sartaeva has already dwelled on the assessment of drug addiction as an antisocial phenomenon associated with the illegal consumption and distribution of narcotic drugs, their appearance and existence in the consumer turnover of goods and services. In his fair opinion, this definition is generally acceptable as a basic one, since, I think, it outlines the scope of distribution or manifestation of drug addiction quite clearly (Sartaeva 2010: 18).

According to some scientists, the spread of drugs is dangerous for society into national economy of most countries (Abdirov 2016: 207).

One should agree with this point of view, indeed, drug addiction undermines not only the moral, social, political, but also the economic foundations of society, thereby posing a threat to economic security, which is one of the components of national security (Alexandrov 2017: 58).

This "craft" began to be engaged not only by persons with a criminal past, but also by those who previously belonged to the number of law-abiding citizens (Rollik 2018:19).

Involve an increasing number of people in the drug business. Some of them can do this by taking advantage of their official (professional) duties (Gabiani 2017: 31).

Drug use hinders the normal physical and moral development children with a congenital pathological attraction to drugs (Kaidarov 2016: 102).

Illegal drug trafficking and their non-medical consumption is a multifaceted complex problem that poses a threat to human health, negatively affects and is a destabilizing factor in ensuring national security (Meirkhanova 2018: 54).

If earlier traditional drugs (marijuana, hashish, opium) were seized in Kazakhstan, then in the last ten years heroin, lysergic acid preparations, and cocaine have been seized. The republic, which was previously only a raw material base of drugs, now turned out to be a link in their smuggling through the territory of the country (Novikova 2018: 61).

Actually, extremely high profitability of deal and bargain from illegal drugs means sustainable growth of the illicit drug market in the Republic of Kazakhstan.

The instruments for monitoring drug situation were not designed to capture the new complexity of the global drug market. Current systems tend to focus on limited aspects of drug use and supply that underestimate the use of established drugs, the non-medical use of prescription medicines and other psychoactive substances.

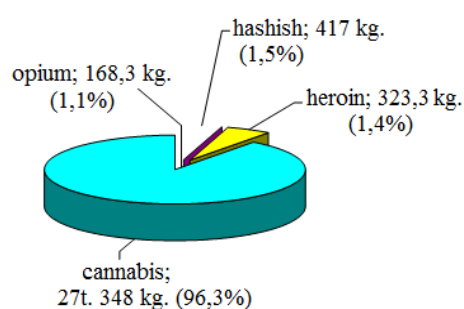
At the same time there has been a reduction in the number of heroin users, which might indicate the substitution of heroin by other substances with similar effects.

Judicial and investigative practice of Kazakhstan, psychotropic substances, smoking mixtures (mixes) produced in Europe are increasingly being seized. Therefore, the number of users of psychotropic substances continues to increase (from 3,846 in 2009 to 4,029 in 2010, i.e. by 4.8%). As of January 1, 2011, their share of the total number of registered drug addicts was 8.1% (in 2009 – 7.1%) (Drozdova 2005: 97).

A separate problem for Kazakhstan is the illegal trafficking of precursors, i.e. chemical and plant substances that are used in the illegal manufacture of drugs. All this entails a significant increase in other types of crimes, especially property crimes, a significant proportion of which are committed by drug addicts. Repeated drug use without proper medical

control leads to addiction (tolerance), i.e. to an irresistible desire to increase their dose. And increasing the dose requires material costs. Therefore, a drug addict, being essentially a sick person, as a rule, who does not work anywhere, is forced to commit crimes in order to buy the next dose (Prokhorova 2002: 3).

These can be employees of automobile, railway, air or water transport, employees of private firms engaged in the tourist business, etc. For example, in 2008, two drivers of a heavy-duty car were detained at the Kayrak customs post in the Kostanay region for illegally transporting an unprecedented batch of heroin in Kazakhstan – 535 kilograms, the approximate (wholesale) price of which was 20 million US dollars (Ayupova 2021: 21).



**Figure** – Diagram of the ratio of seized drugs (in kilograms)

## Results

The average age of people, who had committed drug-related crimes was usually 30-39 years. Most of those people, against whom criminal proceedings had been initiated, were unemployed (Bagautdinov 2018: 2). The other side of the coin is drug addiction, which is also a negative factor affecting and leading

to severe violations of physical and mental functions of the body (Altshuler 2017: 58). A “Human” profession is, in our opinion, a promising direction of the research and requires further empirical confirmation.

It is well-known, that the number of people in the narcological register in prisons was by 10 times higher than those with addictions in public health care (per 1,000 people over 18 years old). Particularly, in comparison with addictions to illegal drugs where the figure was by 30 times higher: opioids and cannabis.

For instance, the proportion of women with drug addiction among those registered in the narcological register in prisons was higher than among the general public. Actually, the age of people registered with the narcological service in prisons was from 30 to 49 years old.

## Conclusion

It seems to us that for this it is necessary: 1. to conduct monitoring of the drug situation in Kazakhstan and sociological studies related to the economic losses of society from drug addiction and drug trafficking; 2. to allocate additional funds to strengthen border and customs control to counter drug trafficking passing in the region. A series of measures and activities were introduced to prevent the use of performance enhancing drugs in physical education and sports: such activities as “Sports against drugs” and “Tourism against drugs” were conducted in educational institutions in a systematic way. Different channels broadcast antidrug videos and documents, print media publishes articles about harms of drug use and measures taken by the state to prevent drug addiction.

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