

CRIMINAL-LEGAL COUNTERACTION TO ILLEGAL TRAFFICKING OF NARCOTIC AND PSYCHOTROPIC SUBSTANCES IN THE RUSSIAN FEDERATION

AUTHORSHIP

Dina Alontseva 

Bunin Yelets State University, Russia.

ORCID: <https://orcid.org/0000-0003-2486-9248>

E-mail: dina.alontseva@mail.ru

Olga Lavrishcheva 

Bunin Yelets State University, Russia.

ORCID: <https://orcid.org/0000-0003-4012-5505>

E-mail: Lavrischeva-olga@mail.ru

Received in:
2021-06-10

Approved in:
2021-07-20

DOI: <https://doi.org/10.24115/S2446-622020217Extra-E1177p.219-233>

INTRODUCTION

At the present stage of the development of our state, there are many problems that need to be solved. One of them is the illegal trafficking of psychotropic substances and narcotic drugs. The crimes of this group do not know state borders and pose a threat to the entire human civilization.

In the Russian Federation, as of December 2020, the increase in registered criminal offenses related to illegal (illegal) drug trafficking amounted to 25% of the level of the previous year. From this, we can draw a logical conclusion that the level of drug use is also growing. According to official data provided by the GIAC of the Ministry of Internal Affairs of Russia, currently about 18 million people in the country are familiar with drugs or periodically use them. Approximately 8 million people have drug addiction. Russians are consumers of 20% of heroin in the global turnover [Report of the Main Information and Analytical Center of the Ministry of Internal Affairs of Russia for 2020. Drug addiction has long gained global proportions, becoming a real epidemic. This requires an adequate response and appropriate measures from the state and society.

The aggravation of the drug situation required the State to take a number of measures. For many years, the country has taken organizational and legal measures aimed at reducing the growth of drug trafficking, as well as strengthening control over drug trafficking (including psychotropic substances).

In 2015, the President of the Russian Federation adopted Decree No. 683 of 31.12.2015 "On the National Security Strategy of the Russian Federation" [Decree of the President of the Russian Federation of 31.12.2015 No. 683 "On the National Security Strategy of the Russian Federation", <https://base.garant.ru/71296054/>]. In this Decree, illegal drug trafficking (including psychotropic substances) was recognized as a national problem. In 2016, an independent structural unit was established at the central office of the Ministry of Internal Affairs of Russia, called the "Main Directorate for Drug Trafficking Control" [Order of the Ministry of Internal Affairs of Russia No. 209 of 23.04.2016 (ed. dated 14.02.2020) "On approval of the Regulations on the Main Drug Control Department of the Ministry of Internal Affairs of the Russian Federation", <https://base.garant.ru/71423824/>].

Currently, the Main Department is entrusted with the task of implementing the provisions of the federal law on combating Drugs. In Russia, a new regulatory legal framework and state regulatory policy in the field of legal (legal) turnover of psychotropic substances, narcotic drugs and their analogues were formed almost from scratch.

Despite all the measures taken, it has not yet been possible to eradicate crime. This is due to the existence of a number of reasons that determine the growth of illicit drug trafficking.

First, the main reason is the insufficient departmental and legislative regulatory framework regulating activities to combat illegal drug trafficking. This can also include insufficiently effective control over the legal turnover of medicines containing drugs.

Secondly, it should be noted that there is insufficient interaction of law enforcement agencies with supervision, control, health, education and management bodies, with public associations and organizations, as well as with the population. Nevertheless, the establishment of such interaction is the main step towards countering crime in the field of illegal (illegal) drug trafficking.

Thirdly, a very acute problem is the unresolved personal and social problems, as well as the presence of national and political contradictions in society. All this, combined with the loss of spirituality, leads to the fact that people start abusing drugs en masse. This, in turn, generates a high demand for them and contributes to the growth of illegal drug trafficking.

The above confirms the need to improve managerial, legal, organizational, preventive and other measures to prevent and prevent crime in the field of drug trafficking (including psychotropic substances).

It should be noted that preventive and preventive measures will be effective only if measures to combat crime are implemented in stages. At the state level, the fact that Russia is one of the few countries that are both producers, consumers, and zones of active drug trafficking should be recognized. In this regard, not only prevention at the national level should be organized, but also extensive use of international experience of cooperation in the field of preventing illegal drug trafficking.

All this makes it necessary to conduct a deep and comprehensive study of the main scientific and practical approaches to identifying and investigating problems in the field of criminal prosecution for crimes in the field of distribution and trafficking of narcotic and psychotropic substances in our country; to clarify the structure and dynamics of illicit trafficking in these substances and to develop the main directions for countering illicit trafficking in narcotic and psychotropic substances in the Russian Federation, which will improve the legal foundations of the national system for countering illegal drug trafficking (including psychotropic substances).

LITERATURE REVIEW

It is worth noting that great attention is paid to the study of the issue of criminal and legal counteraction to illegal drug trafficking in the domestic doctrine. A huge number of issues are investigated: starting from the questions of criminological characteristics of drug crime and drug offender (GOTCHINA, 2017; ROMANOVA, 2009) and ending with the consideration of the composition of specific drug crimes and crimes accompanying drug crime (FEDOROV, 2018; BOGOLYUBOVA, CHETVERTAKOVA, 2009).

Among the dissertation studies on this aspect, we can particularly note: Shchurova A. N. Illegal trafficking of narcotic drugs and their analogues using computer technologies (the Internet): criminal law and criminological research (SHCHUROVA, 2017), Criminal law means of countering drug crime in places of deprivation of liberty (ZVONOVA, 2017); Countering illegal trafficking of narcotic drugs and psychotropic substances in places of deprivation of liberty (GOLOSHCHAPOV, 2012). Problems of countering drug crime, drug addiction and drug addiction in the Russian Federation: issues of theory and practice (KLIMENKO, 2008).

The main problems of criminal law and operational-search counteraction to drug trafficking, counteraction to drug smuggling, as well as interaction of law enforcement agencies with various departments, with law enforcement agencies of foreign states in the field of illicit trafficking of narcotic drugs, psychotropic substances and their precursors are considered in the periodic publications of domestic researchers: Borisenko, Kalyak (2018); Bunova, Kotyazhov (2019); Popova, Kotyazhov (2018); Sergej (2020), Chuchaev (2016), etc.

Thus, it can be observed that a large number of concepts, ideas and scientific views have accumulated in the arsenal of Russian science, devoted to the issues of criminological and criminal-legal characteristics of criminally punishable crimes in the field of illegal (illegal) drug trafficking (including psychotropic substances).

At the same time, the analysis of domestic scientific works on the topic under study shows that in the science of Russian law, insufficient attention is paid to modern organizational and legal measures to prevent crimes related to illegal (illegal) drug trafficking (including psychotropic substances).

The study of the issue of criminal and legal counteraction to drug trafficking in foreign doctrine shows the ambiguity of the approach of Western colleagues to this problem since their research is mainly of a narrow profile nature. In particular, they analyze the competence of the police as a subject of countering the illegal trafficking of narcotic drugs, psychotropic

substances, their analogues and precursors (BEZPALOVA, DZHAFAROVA, VOLKOVICH, RUDOI, MINCHENKO, 2020), Ilyas et al (2019); reveals the psychological, sociological and economic factors causing the growth of drug crime. Inoue et al (2017) discusses the problem of drug addiction as a serious social problem in the world. See, e.g., Dave Bewley-Taylor (2003) considers the international drug control regime as the main goal of preserving the health and well-being of mankind.

METHODOLOGY

The methodological basis of the research was made up of general scientific, private and special methods of cognition. The general scientific dialectical method allowed us to consider the problem of legal relations arising in the field of legal regulation of countering crimes in the field of illicit trafficking in narcotic and psychotropic substances, to justify the advantages and disadvantages of various approaches to the study of this issue, to demonstrate changes in the legislation of the Russian Federation regulating these relations depending on the totality of internal and external factors affecting it. Using the methods of formal logic, the analysis of the dynamics and structure of illegal (illegal) drug trafficking in Russia was carried out. The methods of scientific cognition helped to conduct a study of the current legislation for its compliance with the problem under consideration. In order to correlate various legal norms, comparative legal and formal legal methods were used in the article. The use of a combination of different methods allowed us to solve the tasks set and achieve the designated goal.

Empirical methods. The development and analysis of modern general social, individual and special criminological measures for the prevention of crimes related to illegal (illegal) drug trafficking (including psychotropic substances) will lay the foundation for the harmonization of existing domestic legislative acts in order to increase the level of coherence in the actions of state authorities. The method of content analysis made it possible to ensure the completeness, reliability and consistency of the data obtained as a result of generalization. With the help of prognostic methods, the trends in the development of the object under study were determined and a vision of possible positive or negative consequences of the implementation of the provisions of the legislation of the Russian Federation was provided. To identify individual trends in the development of the object under study, to analyze the dynamics and structure of illicit trafficking in narcotic and psychotropic substances in Russia, the materials of modern judicial practice of the Supreme Court of the Russian Federation on criminal offenses in the field of illegal (illegal) drug trafficking (including psychotropic substances), as well as official statistics, analytical reviews and information on the state of crime published by the GIAC of the Ministry of Internal Affairs of Russia and the Prosecutor General's Office of Russia for the period 2016-2020 were actively used. The use of qualitative research methods (analysis and generalization, comparison, modeling, etc.) is due to the need to formulate hypotheses and productive ideas, as well as the need to understand and explain existing data.

RESULTS

Currently, despite the joint efforts of the law enforcement agencies and the strengthening of the fight against transnational crime in the field of drug trafficking, the drug addiction of Russian society continues. This is a serious threat to national security and a key factor in undermining Russia's economic, social and demographic potential. The drug business is actively transforming and continues to have a serious destructive impact on the economy and social sphere. Based on the analysis of official statistics, we can draw the following conclusions:

- are familiar with drugs and periodically use them - more than 18 million Russians;
- have drug addiction - more than 8 million Russians;
- injecting types of drugs are used by 9 out of 10 drug addicts;
- 20% of heroin in the world turnover is consumed by Russians.

According to the Ministry of Internal Affairs of Russia, 190.2 thousand crimes related to drug trafficking and their sale were officially registered in 2020. During the period from January to September 2019, 151.3 thousand criminal offenses related to drug trafficking were detected. This is 4.6% less than the level of the same period of the previous year. So, in 2018, about 158.3 thousand such crimes were committed. At the same time, about 201, 1 thousand drug-related crimes were registered in 2017 [Report of the Main Information and Analytical Center of the Ministry of Internal Affairs of Russia for 2020.]

A review of official statistics published by the Federal State Institution "GIAC of the Ministry of Internal Affairs of Russia" shows that in the period from 2017 to 2020 there is a clear trend towards an increase in the number of recorded criminal offenses provided for in Articles 228-228.4, 230, 231, 232 of the Criminal Code of the Russian Federation. About 76% of all drug-related crimes fall under articles 228-228. 2 and 232 of the Criminal Code of the Russian Federation.

In 2020, the number of recorded criminal offenses related to drugs increased by 8.5%. The share of drug trafficking crimes also increased from 49.2% to 51.5% [Report of the Main Information and Analytical Center of the Ministry of Internal Affairs of Russia for 2020]. Having analyzed the seized drugs (the period-2016-2020), we can state that in most cases the mass of the seized substances did not exceed several grams. The categories of seized drugs can be represented as follows: cannabis, cannabis derivatives, other natural cannabiods-33%; heroin-25%; amphetamines-14%; spices and other synthetic cannabiods-14%; other opiates-4%; other psychotropic and narcotic substances-10%.

According to the fair remark of A. I. Chuchayev, the situation with drugs in our country is quite complicated. Attempts to distribute drugs in the Russian regions have not stopped until now. One of the serious threats is synthetic drugs (spices, smoking mixtures) supplied from the Southeast Asian countries and Europe (CHUCHAYEV, A. I., 2016).

Among the persons who committed crimes related to illegal drug trafficking, women and men are approximately equal (45% and 55%, respectively). Approximately two-thirds of the perpetrators are persons aged from 16 to 30 years (66.7%). Every third guilty person (35.8%) did not have a permanent place of work before committing the crime in question. At the same time, most of the defendants (89%) are residents of cities. A smaller share is occupied by residents of villages (3%) and workers' settlements (6%). Of the convicts, 55.7% did not have a permanent job, and 70% did not have a permanent source of income.

Approximately 40% of the defendants had positive characteristics at their place of work and residence, and 22% had dependent minor children. Of all those convicted of committing the crime in question, 71% were in a marital relationship.

The crimes under consideration with the use of the Internet are committed mainly by persons aged from 16 to 30 years (about 80%). Regarding the gender and age structure of Internet users according to the results of 2020, we note the following: men - 51%; women-49%. In the same year, the highest level of Internet use was recorded - about 70% of the country's population [Report of the Main Information and Analytical Center of the Ministry of Internal Affairs of Russia for 2020].

The majority of drug crimes were committed under the influence of drugs (about 35.4%). From this it follows a logical conclusion that such a state is a path to crime. In this regard, the prevention of drug use contributes to the prevention of drug addicts committing criminal offenses (SERGEY, 2020).

Of particular concern is the increase in the number of drug addicts among minors. The largest segment of drug addicts is people aged 16 to 30 years (66.7%). Official statistics of teenage drug addiction show alarming figures:

- every year, 100 thousand people die from an overdose;
- several tens of thousands of drug addicts die from concomitant diseases a year;
- over 90% of participants in drug crime have drug addiction;
- drug injections are the cause of HIV infection in about 90% of cases;

- about 70% of drug addicts have tried surfactants for the first time in a public institution (club, disco, school);
- one addict introduces up to 15 people to drugs;
- over the past decade, the death rate among drug addicts has increased 12 times;
- up to 235 people join drug addicts every year (GUZALIYA, 2020).

The availability of surfactants and their distribution leads to an expansion of the age range of drug addicts, which is from 9 to 50 years (compared to the last century, the age range was from 18 to 35 years). There are many egregious cases when children of 6-7 years of age used drugs. This trend confirms the increase in the share of crime in the field of illegal drug trafficking (including psychotropic substances) committed by persons of minor age.

We should also mention the current judicial practice. The number of crimes for which cases have reached the court is slightly more than half of the number of cases initiated. This share is decreasing every year. So, if in 2017 operatives were able to bring 118 thousand cases to court (about 60%), then in 2020 this number was about 99 thousand cases. The share of cases of drug crimes terminated in court does not exceed 2-3 percent (in the period 2014-2018, there were from 1.4 to 2.3 thousand). In the first 6 months of 2020, 814 cases were dismissed by the courts, which is 2%.

Despite the measures taken, many drug-related crimes remain unsolved (2 out of 5). In total, more than 230 thousand such cases were in the work of the investigative authorities in 2020 (including those that were never investigated). Every 3rd case was suspended due to the fact that the persons to be brought as defendants were not identified. A significant part of the crimes under Article 228.1 of the Criminal Code of the Russian Federation are criminal cases initiated on the fact of sale, based on such cases: administrative cases on the use of drugs (psychotropic substances); criminal cases on drug possession; criminal cases on the death of people associated with drug use.

As a rule, such cases are obviously hopeless. From each new case of possession of narcotic drugs, a sales case is always allocated. However, it is often impossible to identify a drug dealer. Such cases have no judicial perspective. This practice often becomes the reason for the insufficiently effective application of procedural measures.

Courts should consider that criminal liability under clause "b" of Part 3 of Article 228.1 of the Criminal Code occurs only when a person commits actions provided for in Parts 1 and 2 of the above Articles of the Criminal Code of the Russian Federation against persons under the age of 14, if the person knows about it (for example, sells drugs to his young acquaintances). It should be noted that, based on Article 20 of the Criminal Code, criminal liability under paragraph " b " of Part 3 of Article 228.1 The Criminal Code occurs only when a person has reached the age of 16 at the time of committing such a crime [Resolution of the Plenum of the Supreme Court of the Russian Federation No. 14 "On Judicial Practice in Cases of Crimes Related to Narcotic Drugs, Psychotropic, Potent and Poisonous substances" (as amended from 16.05.17 No. 17), <https://base.garant.ru/1356161/>].

Over the past few years, the number of recorded drug-related crimes has not changed significantly and continues to remain at the level of 200 thousand per year. There is also an increase in terms of cases that were brought to court: 1.16 cases per person last year, compared to 1.09 in 2016. In some regions (for example, in the Pskov region), the number of recorded criminal offenses related to drugs reached 5.7 per accused. In the Tver and Novgorod regions, Komi and Chuvashia, the number of detected drug crimes per accused exceeded 4 (Lebedev V. A., 2020). The most drug crimes were detected in the following regions: St. Petersburg (16.9%); the Republic of Chechnya (17.2%); Dagestan (17.7%); the Republic of North Ossetia-Alania (24.4%);

In some regions, the increase in drug crime for the period 2016-2021 amounted to more than 10%. The Pskov Region is the leader in this indicator, followed by such regions as the Tver Region and the Republic of North Ossetia-Alania. In four more regions, the increase in the number of registered crimes was about 30-40% (Chuvashia, Sevastopol, Komi, Novgorod

Region). In the Tver, Novgorod, Pskov regions, Komi and Chuvashia, the number of identified defendants has significantly decreased. The average age of convicted persons is 30 years. About 90% of them are men, 7.6% are women. The share of minors was 2.4 %.

Of the 512 thousand people whose cases were brought to court during 2016-2020, according to Articles 228-234. 1 of the Criminal Code of the Russian Federation, about 58% are unemployed persons; 25% are persons with a permanent job; 2.5% are persons with disabilities; 5.5% are students and students [Statistics of the Main Drug Control Department of Russia for the period from 2016 to 2020].

For drug crimes, most often a penalty is imposed in the form of imprisonment (including probation). During the analyzed period, this punishment was imposed in about 80% of cases. The remaining 20% - a criminal fine, correctional and compulsory labor, restriction of freedom for a certain period and other types of punishment. On average, up to 100 thousand people are convicted per year, 43 thousand of them. are punished by imprisonment.

Despite the accumulated experience and the existing regulatory framework, the practice of applying the norms of criminal law in the field of illegal drug trafficking is not without drawbacks associated with the incorrect use of criminal law institutions.

Most of the crimes of the group under consideration are illegal (illegal) possession and purchase of drugs. The main mistake here is the automatic imputation of the guilty of illegal possession of drugs and their illegal acquisition (processing, transportation), despite the fact that these actions have an independent character and need to be proved in the course of law enforcement practice.

The issue of recognition of voluntary drug delivery in the acts of the perpetrators, which is a mandatory condition for subsequent release from criminal liability on the basis of a note to Article 228 of the Criminal Code, continues to be debatable. It should be noted that the positions of the Supreme Court of the Russian Federation also differ in resolving the issue under consideration [Resolution of the Supreme Court of the Russian Federation of 14.04.2016 No. 211-UD16-3 "On refusal to transfer a cassation appeal against the adopted judicial acts issued against a convicted person for the acquisition and storage of narcotic drugs without the purpose of selling them", <https://base.garant.ru/71377016/>.; Appeal ruling of the Supreme Court of the Russian Federation No. 78-APU16-5, 2016].

The situation with the illegal supply of drugs to Russia continues to be tense. Transnational (international) drug crime in the entire area of responsibility of the CSTO (Collective Security Treaty Organization) has a connection with the geopolitical location of the CSTO member countries and with the incessant active movement of drugs imported from Afghanistan and distributed in all directions before their final arrival in the Russian Federation: the "eastern route" (China); the "northern route" (Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan); the "Balkan route" (Transcaucasian countries, Turkey, Iran). At present, there is a clear trend in the supply of drugs (cocaine) from Latin American countries (Panama, Nicaragua, Costa Rica, Honduras, Guatemala, Bolivia, Belize, Uruguay). The main routes are: "Pacific route", "northern route", "Atlantic-Indian route" (TEPLYASHIN, 2017).

The measures taken by the State to combat illegal drug trafficking continue to be insufficiently effective. Law enforcement and legislative bodies cannot react quickly and restructure their work, which leads to serious miscalculations. The weakest link in the work of law enforcement agencies is the low activity of counterintelligence and intelligence activities aimed at identifying and bringing to justice corrupt connections of drug business organizers in state authorities. Another problem is the lack of secret and reliable sources of operational data in the immediate environment of the leaders of drug associations (ERIASHVILI, CHUKHVICHEV, CHERVONYUK, 2019).

So, the dynamics and level of illegal drug trafficking (including psychotropic substances) in Russia is characterized by the following data: an increase in the number of recorded crimes related to illegal (illegal) drug trafficking by 25% in 2019; a tendency to increase the number of recorded crimes, responsibility for which is provided for in Articles 228-228. 4, 230, 231, 232 of the Criminal Code of the Russian Federation; about 76% of all drug-related crimes fall under Articles 228-228.2 and 232 of the Criminal Code of the Russian Federation; the share of serious crimes and especially serious acts has increased in the last few years; the largest

share in the overall structure of crime is occupied by crimes related to illegal (illegal) drug trafficking; only about half of the initiated cases related to drug trafficking reach the court.

Based on the analysis of the dynamics and structure of illegal drug trafficking (including psychotropic substances) in Russia, it can be concluded that there is an unfavorable criminological forecast. Therefore, drastic measures should be taken to eliminate the conditions and causes of illegal (illegal) drug trafficking.

DISCUSSION

The most important importance in the system of measures and measures related to the organization of countering drug crime is the prevention, which allows preventing the mass distribution of drugs and criminal behavior. Considering the existing variety of preventive measures, we classify them according to their intended purpose (level of impact). On this basis, there are three groups of preventive measures: general social (general) measures; special criminological measures; individual measures.

It should be emphasized that considering the spread of drug crime on the Internet, it is necessary to develop organizational and legal measures to prevent crimes of this group using the global network. General social preventive measures involve the activities of society, the state and their institutions to resolve existing contradictions in the field of spirituality, morality, social life and the economy. The achievement of a preventive effect is due to the successful implementation of the state economic and social policy.

The subjects of such preventive activity are public associations, state authorities, the business community and individual citizens. These actors can influence the conditions, causes and factors that cause drug crime, reducing criminal behavior. In a narrow sense, drug criminals act as objects of such preventive activity: drug addicts; persons who are in unfavorable social and family conditions; persons who have previously tried drugs or psychotropic drugs; persons who have friends who use drugs in their environment.

Among the general social measures to prevent drug crime are: organization of public monitoring; filtering of content on the Internet; creation of telephone "hotlines" on drug use and distribution; creation of socially useful websites; promotion of a healthy lifestyle.

Of great importance among the above measures is the promotion of the creation of anti-drug websites, since such resources contribute to improving the drug and legal literacy of citizens. In addition, they can provide various assistance to their visitors. Today, there are not so many anti-drug resources in Runet. Alternative anti-drug activities are carried out by single resources that cannot cover the entire segment of users of the Russian-speaking part of the Internet. The implementation of special criminological impact occurs in the following main directions:

- First, barriers are being created to legalize the activities of drug criminals.
- Secondly, already legalized drug criminals are being ousted.
- Third, criminogenic methods of regulating economic and social relations are being replaced.

On the Internet, special criminological impact covers the activities of special institutions and law enforcement agencies to eliminate the conditions and causes of drug crime using the global network; to prevent and prevent crimes on the Internet; to create barriers to the legalization of criminals' activities on the global network; to displace criminogenic methods of regulating economic and social relations on the Internet; to organize and monitor sites by employees of specialized operational units; on the direction of information on blocking access to sites of a narcotic nature (SHCHUROVA, 2017).

The main directions of the implementation of special criminological impact on drug criminals on the Internet: the closure of sites that promote drugs; the creation of barriers to the legalization of their activities in the global network; improvements in the methods of searching for such resources.

In order to strengthen the general and special criminological prevention of drug crimes committed on the Internet, it is necessary:

First, to ensure further intensification of work to identify such sites and stop their work; to expose the organizers and leaders of the drug trade.

Secondly, to ensure the identification of methods and mechanisms for creating drug sites and promoting them, as well as to constantly improve the tactics of operational units to combat illegal drug trafficking.

To solve the above tasks, it is necessary to take measures to develop and implement organizational and legal measures.

First of all, it is necessary to introduce constant monitoring of Internet sites for the timely detection of drug crimes and their suppression. When monitoring Internet sites, the following indicators should be recorded:

methods of activity of criminals in the network; the nature of information about drugs posted on the site; the number of visitors to drug-related sites (per year, month, day); the state of preventive activity of anti-drug sites; the effectiveness of anti-drug sites; the development and implementation of innovative preventive programs; the number of detected crimes.

The criteria for assessing the prevention of drug crime using modern IT technologies can be: the number of drug-related sites; the nature of information about drugs posted on such sites; the time required to search the Internet for information about the purchase, manufacture and sale of drugs.

Secondly, special groups (divisions) should be created to combat drug crime on the Internet. The activities of such groups (divisions) will contribute to ensuring constant monitoring of drug-related Internet sites; identifying ways and mechanisms for creating sites and promoting them; timely suppression of drug crimes using the global network.

For the purpose of more productive and efficient work of such groups (departments), it is necessary to attract qualified IT specialists who can provide great practical assistance in finding drug sites.

Third, it is necessary to introduce public control and develop a system of interaction with citizens. The purpose of public control should be to improve the quality and efficiency of the work of special groups (units) to combat drug crimes. Public control should cover the following:

- monitoring the activities of these groups (divisions);
- analysis of the current situation with the identification of problems;
- evaluation of the work of special groups (units) for compliance with national and international standards;
- dissemination of the results to attract the attention of the population and law enforcement agencies;
- establishing cooperation in order to change the situation in this area.

The greatest attention in the implementation of public control should be paid to anti-drug propaganda. It can be organized in the form of social advertising and distributed in various ways - through the media, by systematically conducting preventive lessons and conversations in schools and other educational institutions. Thanks to the established system of interaction with the public, timely and prompt receipt of data from the population on the facts of drug crimes will be ensured.

In addition, it is necessary to further improve legal and organizational measures aimed at countering drug abuse; countering illegal drug trafficking; preventing drug abuse; controlling the manufacture of drugs and their distribution; suppressing illegal drug trafficking; ensuring international cooperation in the fight against illegal drug trafficking. The greatest efforts in the field of international cooperation and interaction in the fight against illegal drug trafficking should be directed to solving the following priority tasks:

- to expand cooperation with international organizations and foreign states for the purpose of practical interaction in terms of suppressing the functioning of narcotic Internet sites;
- to maintain constant interaction with special services and law enforcement agencies of foreign countries on issues related to the organization of countering illegal drug trafficking, including on the Internet.

The above measures aimed at combating drug crime will be effective only if they are clearly organized. In addition, for the effectiveness of these measures, it is necessary to combine the efforts of law enforcement, state, non-governmental and public structures.

In the context of the implementation of special criminological prevention of drug crimes, the activities of the Main Drug Control Department of the Ministry of Internal Affairs of Russia are of great importance. When creating this department, the problem of professional interdepartmental competition between the internal affairs bodies and the Federal Drug Control Service was neutralized, which is associated with duplication of powers for the implementation of operational investigative activities, as well as alternative investigation in criminal cases of criminal acts, responsibility for which is fixed in parts 2-3 of Article 228, Article 228.1, 228.4, 229.1; Part 23 of Article 234 of THE Criminal Code OF THE Russian Federation.

To date, all the necessary measures related to the creation of the above-mentioned Main Department have been completed. Therefore, it is possible to give an objective assessment of the results of his operational and official activities in the field of combating drug crime.

So, in 2020, the Department identified 190.2 thousand crimes related to illegal drug trafficking. The priority area of the Department's work is the activities to combat drug producers, transmitters and traffickers. In 2020, the increase in detected crimes committed for the purpose of selling drugs amounted to 8.5%. The share of these crimes in the number of crimes related to illegal drug trafficking has also increased to 51.5% (from 49.2%).

Based on the analysis of official statistics provided by the FKU "GIAC of the Ministry of Internal Affairs of Russia", we come to the conclusion that in the period from 2016 to 2019, there was a clear trend towards an increase in the number of recorded criminal offenses provided for in Articles 228.2, 228.4, 230 and 231 of the Criminal Code of the Russian Federation.

The most important direction in the field of countering the retail distribution (sale) of drugs is countering the organization of brothels and their content. The territorial bodies of internal Affairs (ATS) annually conduct comprehensive measures of operational and preventive orientation ("Anaconda", "Channel", "Hangout", "Poppy" and others). The purpose of such measures is also to identify and eliminate drug dens (POPOVA, KOTYAZHOV, 2018). The effectiveness of the measures taken in this direction is confirmed by a steady decrease in the number of recorded crimes, responsibility for which is fixed in Article 232 of the Criminal Code.

Based on the above, we propose to develop legal and organizational measures to promote the prevention of drug crimes by the Main Department. Among such measures, the following are proposed:

First, the inclusion in the current legislation of the Russian Federation of grounds for denying citizens of other countries, in respect of which there is data on the commission of drug crimes, the right to enter the territory of Russia and the right to obtain a PRTR, residence permit, citizenship.

Secondly, the organization of constant monitoring of Internet sites engaged in the sale of special chemical dishes and chemical reagents. The monitoring results will allow identifying citizens who may be involved in the production of synthetic drugs.

Thirdly, the level of implementation of preventive measures among young people (especially among students of university faculties who train chemists and pharmacists) should be qualitatively increased.

Fourth, new technical solutions should be developed in terms of monitoring the state border of the Russian Federation using unmanned aerial vehicles, satellite tracking systems, as well as the deployment of military units along the state border with the organization of patrolling and securing areas of responsibility.

Fifth, a legislative initiative should be developed to conduct universal testing on an annual basis for the presence of drugs and psychotropic substances in the body of all employees and employees of commercial enterprises with state participation and State institutions. Such testing can be extended to school students, university students, gun owners, drivers of all types of transport, etc. Individual measures to prevent drug addiction and illegal drug trafficking:

- measures to identify and put on preventive registration of citizens who use drugs and are prone to committing crimes;
- measures for preventive control and conducting preventive interviews with such persons;
- measures to implement legal, psychological, pedagogical, medical and educational measures against such persons in order to prevent antisocial, illegal, immoral and antisocial behavior on their part;
- measures for social adaptation and re-socialization of citizens who previously allowed the use of drugs for non-medical purposes.

Some researchers suggest strengthening these measures. This can be done with the help of the following: by introducing strict state control over the sphere of treatment and rehabilitation of drug addicts; by establishing special types of responsibility, introducing compulsory educational measures for underage drug addicts; by developing, in addition to federal legislation, a set of regulatory acts, including regional ones (BORISENKO, KALYAK, 2018).

In summing up the results of the conducted research, we will make a number of conclusions and generalizations. Prevention of illegal drug trafficking is a system of measures taken by the State aimed at reducing the illegal manufacture, distribution and sale of drugs, cultivation of narcotic plants and their distribution. In addition, this includes activities carried out by public and State structures aimed at reducing the demand for drugs in order to minimize the negative social consequences of their abuse. Such activities are carried out in accordance with international documents and current Russian legislation.

Among the most effective general social measures, it is worth highlighting a number of measures: to prevent drug crime; to strengthen public monitoring, including by filtering content on the Internet; to encourage the creation of socially useful online sites, including anti-drug orientation; to develop social advertising and to promote a healthy, sober lifestyle. List of special criminological measures:

1. Measures to ensure the intensification of work aimed at identifying and suppressing the activities of criminal communities and groups, especially those with interregional and international ties.
2. Measures to create specialized structures to ensure coordination of the actions of authorized bodies (the Ministry of Internal Affairs, the FSB, customs control bodies).
3. Measures to establish the exchange of positive practices in the investigation of complex assaults (group).
4. Measures to enhance the prosecutor's supervision of investigative and operational-search measures in cases of the category under consideration.
5. Measures to combat corruption in the law enforcement system in the field of drug trafficking by organizing anonymous signals about the facts of corruption; training the operational apparatus for investigating corruption crimes; activating

prosecutor's supervision over the initiation and termination of cases of the category under consideration.

6. Measures to develop and implement a system of measures to undermine the economic base of the drug business, including by ensuring the identification of methods and mechanisms for "laundering" illegal money, as well as by seizing money, valuables and property from drug dealers and drug dealers.

CONCLUSIONS

Summing up the results of the research, we can draw a number of significant conclusions.

Currently, countering the illegal (illegal) drug trafficking (including psychotropic substances) remains one of the priority components of ensuring Russia's national security. It covers a set of related measures (organizational, legal, preventive) taken by society and the state in order to reduce and eliminate the adverse consequences of this threat. As the most important factor contributing to the construction of an effective system of countering socially dangerous phenomena (including illegal drug trafficking), the legislation acts. It should be mobile, understandable, targeted and consistent.

In our country, within the framework of the national system of countering illegal drug trafficking (including psychotropic substances), the legal basis for this activity has been created. However, they need to be re-evaluated and improved in view of the changing situation.

First, there is a need to develop criminological legislation, the most important element of which should be a program-target approach to the development and planning of activities with a clear definition of the tasks and goals of a comprehensive target program. A comprehensive target program should focus on the most priority strategic directions for solving the problem under consideration.

Secondly, a list of coordinated measures aimed at eliminating the causal mechanism that contributes to the illegal distribution and sale of drugs should be developed and legislated. These measures should be linked to the actual capabilities of the local and federal budget.

The growing trend in the number of crimes related to illegal drug trafficking (including psychotropic substances) confirms the urgent need to improve special criminological, general social and individual measures to prevent crime in this area.

In our opinion, it is necessary to strengthen individual measures for the prevention and prevention of drug addiction and illegal drug trafficking. These are the following measures: strict control over the treatment and rehabilitation of people with drug addiction; the establishment of special types of responsibility, compulsory educational and rehabilitation measures for underage drug addicts; the development of a set of regulatory legal acts at the level of the subjects of the Russian Federation regulating the sphere of legal relations under consideration. Among the most effective general social measures, it is worth highlighting:

- measures to prevent drug crime;
- measures to strengthen public monitoring, including by filtering content on the Internet;
- measures to encourage the creation of socially useful online sites, including anti-drug orientation;
- measures to develop social advertising and promote a healthy, sober lifestyle.

List of special criminological measures:

First, measures to ensure the intensification of work aimed at identifying and suppressing the activities of criminal communities and groups, especially those with interregional and international ties.

Secondly, measures to create specialized structures to ensure coordination of the actions of authorized bodies (the Ministry of Internal Affairs, the FSB, customs control bodies).

Third, measures to establish the exchange of positive practices in the investigation of complex assaults (group).

Fourth, measures to enhance the prosecutor's supervision of investigative and operational-search measures in cases of this category.

Fifth, measures to combat corruption in the law enforcement system in the field of drug trafficking through the organization of anonymous signals about the facts of corruption; training of the operational apparatus for investigating corruption crimes; activation of prosecutor's supervision over the initiation and termination of cases of this category.

Sixth, measures to develop and implement a system of measures to undermine the economic base of the drug business, including by ensuring the identification of methods and mechanisms for "laundering" illegal money, as well as by seizing money, valuables and property from drug dealers and drug dealers.

In order to strengthen the general and special criminological prevention of drug crimes committed on the Internet, it is necessary:

first, to ensure further intensification of work to identify such sites and stop their work; to expose the organizers and leaders of drug trafficking;

secondly, to ensure the identification of methods and mechanisms for creating drug sites and promoting them, as well as to constantly improve the tactics of operational units to combat illegal drug trafficking.

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Criminal-legal counteraction to illegal trafficking of narcotic and psychotropic substances in the Russian Federation

Combate ao crime e justiça por tráfico ilícito de drogas entorpecentes e substâncias psicotrópicas na Federação Russa

Lucha contra la delincuencia y la justicia al tráfico ilícito de estupefacientes y sustancias sicotrópicas en la Federación de Rusia

Resumo

O artigo confirma que o sistema nacional existente de combate ao tráfico ilegal de drogas (incluindo substâncias psicotrópicas) na Rússia precisa ser reavaliado e melhorado, considerando a mudança da situação. A base metodológica da pesquisa foi composta por métodos de cognição científicos gerais, particulares e especiais. O método científico dialético geral permitiu-nos considerar o problema das relações jurídicas que surgem no domínio da regulamentação jurídica da luta contra os crimes no domínio do tráfico ilícito de entorpecentes e substâncias psicotrópicas. Com base na pesquisa realizada, foram desenvolvidas modernas medidas sociais gerais, individuais e criminológicas especiais para prevenir crimes relacionados ao tráfico ilegal (ilegal) de drogas (incluindo substâncias psicotrópicas), cujo uso em conjunto estabelecerá as bases para a harmonização dos atos legislativos nacionais a fim de aumentar o nível de coerência nas ações das autoridades estaduais nesta área.

Palavras-chave: Substâncias entorpecentes e psicotrópicas do tráfico ilícito. Legislação russa. Prevenção ao crime.

Abstract

The article substantiates that the existing nationwide system of countering illegal drug trafficking (including psychotropic substances) in Russia needs to be re-evaluated and improved considering the changing situation. The methodological basis of the research was made up of general scientific, private and special methods of cognition. The general scientific dialectical method allowed us to consider the problem of legal relations arising in the field of legal regulation of countering crimes in the field of illicit trafficking in narcotic and psychotropic substances. On the basis of the conducted research, modern general social, individual and special criminological measures were developed to prevent crimes related to illegal (illegal) drug trafficking (including psychotropic substances), the use of which together will lay the foundation for the harmonization of existing domestic legislative acts in order to increase the level of coherence in the actions of state authorities in this area.

Keywords: Narcotic and psychotropic substances illicit trafficking. Russian legislation. Crime prevention.

Resumen

El artículo fundamenta que el sistema nacional existente de lucha contra el tráfico ilegal de drogas (incluidas las sustancias psicotrópicas) en Rusia debe reevaluarse y mejorarse teniendo en cuenta la situación cambiante. La base metodológica de la investigación estuvo constituida por métodos de cognición científicos generales, privados y especiales. El método dialéctico científico general nos permitió considerar el problema de las relaciones jurídicas que surge en el ámbito de la regulación jurídica de la lucha contra los delitos en el ámbito del tráfico ilícito de estupefacientes y sustancias psicotrópicas. Sobre la base de la investigación realizada, se desarrollaron modernas medidas generales, sociales, individuales y criminológicas especiales para prevenir los delitos relacionados con el tráfico ilícito de drogas (incluidas las sustancias psicotrópicas), cuyo uso en conjunto sentará las bases para la armonización de los Actos legislativos internos con el fin de incrementar el nivel de coherencia en la actuación de las autoridades estatales en este ámbito.

Palabras-clave: Tráfico ilícito de estupefacientes y sustancias psicotrópicas. Legislación rusa. Prevención del crimen.