

THE RELATIONSHIP BETWEEN DRUG CONTROL AND THE PUNITIVE POLICY FOLLOWED IN PRISONS AT THE NATIONAL AND INTERNATIONAL LEVELS



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Abstract:

The topic of the research is one of the important topics that are still being researched continuously in the whole world. There are some terms related to addiction that should be clarified, albeit briefly, such as abstinence and stamina (immunity). Withdrawal means (all the physical and psychological symptoms that afflict the addict as a result of taking the drug he is addicted to or when he is permanently deprived of it, and these symptoms are according to the type of drug he is addicted to). The descending effect of the dose itself appears from the material, or a sense of the need for a greater dose of this anesthetic material to cause the same score from the effect, and this leads to the fact that the sensitivity of the poison fails its ability to sensitize, which leads to the extent of the degree of the level of the body.

Key words: *drugs; politics; punitive; international; local.*

Introduction:

Rooting the idea of the research: It is a Muslim with that the drugs are all kinds of types that have symptomatic, congenital, and mental damage, and the human forces disrupt, so trafficking and smuggling became a weapon that the opponent resorted to destroying human and consistent humanitarianisms, which have become important to the people, who have become important, On the values and energies of the community, and if its confrontation is expanding to include efforts in various fields, the legislation remains one of the most important fields of this confrontation, as it criminalizes the acts that are absorbed by this activity,

other than the project and the punishment for it with the purpose Deterrence is essential in averting this danger. And since national legislation alone can't deal with the fight against narcotic drugs and psychotropic substances, the growing danger overwhelmed the entire international community, prompting states to sign bilateral and collective agreements to combat the drug problem.

On the other hand, the united nations played an important rotation in the fight against drugs and created devices in the field of drug control globally, and the thing that is mentioned that the crimes of the drugs did not have sufficient to be insufficient by the researchers because most of the studies have been in the field Or the means that limit drug use, on the contrary, which is noticed to be widely spread among different groups.

According to the latest reports of the United Nations for the year 2004, there are (185) million drug users, an increase of (5) million over the previous report of 2003, and this percentage represents (3%) of the total world population. It is noted that cases of the spread of drugs were not recorded before 2003 in Iraq, except for very rare cases, whether selling or using drugs, but they spread greatly among the Iraqi youth, and this was due to openness and deterioration of censorship, and social and economic reasons for drug abuse. Several laws were issued to combat drugs, including Narcotics Law No. 68 of 1965 and its amendment No. 38 of 2002, the latest of which is Narcotics and Psychotropic Substances Law No. 50 of 2017. And because of the weakness of security on the Iraqi borders and the spread of corruption and bribery, as well as the dissolution of the family led to the spread of the phenomenon of selling and taking drugs at the level of Iraq, and this led to the spread of the phenomenon of selling and taking drugs essentially.

_ Research objectives: It aims to shed light on a problem that threatens the entity and the future of society at the national as well as the international level. The energies of countries and their future are threatened if there are no legal mechanisms at the national and international levels that deter this crime, and there will be a society threatened by continuing crime.

The importance of the research: It comes from the danger involved in drug abuse, which constitutes a real threat to our Iraqi society due to its targeting of the most important element in it, which is the youth who represent the main pillar on which our society is based. This reflects negatively on all aspects of social and economic development sought by Iraqi society, especially since our Iraqi society has become, due to wars, economic blockade, security chaos, and lack of control

over the borders with neighboring countries, a hotbed for drug smuggling gangs in the promotion of drugs.

Research problem: Drug abuse and addiction are one of the most serious social problems and have a strong impact on the progress of any society in terms of quantity and quality. From this, it can be said that there is a problem that requires study, diagnosis, and finding solutions to it, and despite the existence of this crime since ancient times, we did not find legal and psychological solutions for it and the healthy and psychological dealings with those who deal with it.

The research method: is the descriptive-analytical method.

- Search Plan:

Introductory essay: definition of drugs

The first topic: preventive, therapeutic, and punitive mechanisms in drug crimes.

The second topic: drug control mechanisms within the framework of international organizations

PRELIMINARY REQUIREMENT:

Drugs definition

Getting to know the concept of drugs requires addressing their definition first, whether at the linguistic, legal, or international level, in addition to addressing the definition of drug addiction because the term addiction is associated with drugs in most cases, whether by itself or with another term that is abuse, which precedes addiction. In terms of time.

The definition of drugs in the language is somewhat similar to its definition in technical, scientific, or legal terms, as the meanings revolve in their entirety around anesthesia and narcolepsy. In the language (the word numbing means laziness or apathy, and narcotic means weak and slandered, and it is said to numb the person, i.e. weakness and apathy) (Samir, 2006, page 07).

And the word (al-Khadr) means concealment, and a drugged maid, that is, if it is necessary to be numb, and numbness in a man is the door of rapture) (Muhammad, 1980, page 170).

(And narcotics technically means drugs that bring on sleep, and in the medical dictionary narcotic drugs mean drugs that cause sleep or anesthesia, while

psychotropic substances mean substances that affect the mind (psychotropic substances), and in pharmacology, narcotic drugs and psychotropic substances are drugs that affect the central nervous system And narcotic drugs are defined as drugs that relieve pain, induce sleep or forgetfulness, and cause physical and psychological dependence, and when they stop taking them, discontinuation symptoms occur, while psychotropic substances mean drugs that affect the psychological state and behavior) (Samir, 2006, page 08).

As for idiomatically, there is no comprehensive definition that scholars agree upon for drugs, except that it can be said that drugs are (every natural or chemically prepared intoxicating or stimulating substance that removes the mind partially or completely, and its use leads to addiction). It is harmful to the individual and society, and it is prohibited to trade, cultivate or manufacture it except for purposes specified by law and in a manner that does not contradict Islamic law) (Ali, 2007, page 03).

As for the legal definition of drugs, most of the drug laws in the Arab countries, including Iraq, defined them in the Narcotic Drugs Law, as a drug was defined as (every natural or synthetic substance listed in the first and second schedules appended to this law) (Iraqi Drug Law No. (68), 1965, First/8).

The Lebanese law dealt with the definition of drugs by saying that (the term - drugs - means all plants, natural and synthetic materials, and products placed under control and subject to control measures under the provisions of this law) (Lebanese Narcotics, Psychotropic Substances, and Precursors Law No. (673), 1998, Art. 2).

Also, the jurists of the law have defined drugs as (those substances that cause poisoning of the nervous system, and it is a group of substances that give rise to addiction, and without the purposes specified by the law, it is prohibited to circulate, cultivate or manufacture them, so that they may not be used except by those who are licensed by the law to you) (World Health Organization, 2022).

We see that there is a need to define drug addiction, and drug addiction is defined according to the definition of the World Health Organization in a booklet issued by it in the year (1973) that it is (a psychological state, and sometimes an organic one, that results from the interaction of a living organism with a drug, and its characteristics include different responses and patterns of behavior It always includes the urgent desire to use the drug continuously or from time to time to feel its psychological effects or to avoid the disturbing effects resulting from its

unavailability, and the user may be addicted to more than one substance at the same time) (Ghassan, 2008, page 214).

Addiction was also known as (the state of a person's physical and psychological adaptation, or both, to a drug that he misuses, so that he shows withdrawal symptoms when he stops using it) (Samir, 2006, page 34).

As for the characteristics of addiction, it is represented by the psychological need and sometimes the membership to obtain the narcotic drug, and there is also the urgent desire to continue taking a group of drugs or a drug, regardless of the means for that, even if the latter is illegal, and the increase in doses is exponential. It is due to the addict's body becoming accustomed to the drug and not being satisfied with the previous dose, with the emergence of physical and psychological symptoms characteristic of each drug, especially in the event of abrupt discontinuation (Ghassan, 2008, page 215)

As for abuse, it represents the first stage of addiction or the stage that precedes it, and accordingly, two levels of abuse appear. of drugs and the difficulty of abstaining from its use, and therefore abuse is known as (the non-medical or therapeutic use of drugs by human consumption of one or more addictive substances) (Samir, 2006, page 35).

It is noted that there are some terms related to addiction that should be clarified, albeit briefly, such as abstinence and stamina (immunity). Withdrawal means (all the physical and psychological symptoms that afflict the addict as a result of taking the drug he is addicted to or when he is permanently deprived of it, and these symptoms are according to the type of drug he is addicted to). The descending effect of the same dose of the material, or a feeling of the need for a greater dose of this narcotic substance causes the same score from the effect, and this leads to the fact that the sensitivity of the poison fails to find its ability to feel, which leads to the extent of the degree of the level Counter-tolerance (anti-immunity), meaning that state that leads to the creation of immunity to a drug other than the one that created it, that is, when a certain drug is used, a state of immunity arises that is not linked to it, but rather expands to include another drug other than it).

And for the crime of selling and abuse of drugs after and with dire results that are accustomed to the society in the first degree of what the merchants do with the largest width of the drugs and the competitive prices to mark the amount of greater and in the following, it is a lot of people who are very much The openness

of the market in a certain stratum of society. In return for the supply, there is a demand by the promoters and drug users, i.e. illegal consumption of these drugs, and there are three types of users, namely the exploratory user, the occasional user, and the organized abuse (addiction) (Mahmoud, 1996, page 52).

THE FIRST TOPIC:

Preventive, therapeutic, and punitive mechanisms in drug crimes

The drug issue is considered one of the major problems facing the world today, and it is working hard to put an end to and solutions to this crime, which is considered one of the intractable crimes that the countries of the world have not been able to eradicate. And they - drugs - have great harms that affect the economy, society, and security. There is no longer a single type of these drugs, but rather they have become multiple types and are not limited to one group of people without the other, as several members of society may take them. And it has a great impact on the health of members of society directly and destroys the morals and behaviors of members of society on a large scale and loses minds and righteousness. Illicit drugs and crime are closely linked in a web of growing neglect of human life.

The studies that were conducted in the United States of America in 2007 are made to me that drugs have a relationship with many crimes, as the narcotic drugs were the visual factor that was arranged on it, and about 35 % of the crimes of suicide, 62 % of the crimes of the wounds, 52 % of the crimes of the wounds, 52 % of % of violent crimes against children, 49% of homicides, 50% of violent crimes between spouses, 69% of drowning crimes, 68% of manslaughter crimes, 50% of car accidents (Daniel, 2008, page 09).

Concerning the group of preventive mechanisms, they are divided into important means, the forefront of which are

First: The important educational mechanisms (university and school), as they are considered among the important preventive means, whose effective role appears in combating drug addiction or abuse. As this method can be used with individuals in general, whether they are in primary schools, secondary schools, universities, or workplaces, and even with uneducated people through educational seminars.

And also per social customs and traditions that do not conflict with religion and law and thus dispel darkness, ignorance, and superstition, and accordingly comes the role of education in management, curriculum, teaching and general activity carried out by civil society institutions, for example, in liberating the individual from tendencies of deviation and inclinations One of the most important means of education in the prevention of drifting into drug abuse or addiction is the school - at the governmental level - as the model influencing the learner's behavior (and his psyche).

Second: Media moral guidance: There is no doubt that advertising awareness is one of the most effective means of preventing drugs. As there may be advertising campaigns from time to time, showing the harmful effect of drugs on young people, and methods of prevention from drugs at different ages.

Likewise, through the means of advertising, whether audible, read, or even written, information related to the treatment of social problems and the results of drug abuse is disseminated.

Currently, many countries have tended to seek the help of some actors or football players in their campaigns on drug prevention methods, so that the advertisement is realistic and achieves the desired goal (Al-Issawi, 2003, page 204-206).

In Egypt, we find that the actor, Mohamed Ramadan, and the famous football player, Mohamed Salah, have been seeking help, to take many of these young people as their role models.

And let's not forget the oversight role that states institutions play in censoring bad films and TV series, which indirectly help young people turn to drugs.

And that is by deluding them, and laughing at them that they can get happiness through these drugs. All these steps taken by the media would contribute greatly to the methods of prevention from drugs (Talaat, 2006, page 31).

Third: The social milieu: one of the most important factors that contribute effectively to drug prevention methods. The social environment here is meant with all that it includes of family, relatives, neighbors, and friends, or in a broader sense, all that the young man deals with in terms of individuals, and every part of the social environment has a role in drug prevention.

There is no doubt that the family is the first nucleus that plays its role in preserving children from engaging in these dark paths. Therefore, parents must be in constant monitoring of their children, know their owners, and carefully interfere in their choices, and there should be friendship between the children. And parents, even if they encounter a problem can resort to parents without fear or anxiety (Ali, 2006, page 10).

The family also has a role in helping children and young women spend their leisure time, by participating and encouraging them to channel their energies into one of their favorite hobbies and to enter local or international competitions, so that they can gain confidence in themselves.

All of these things make the child or the young man averse to drugs of all kinds, in addition to the lack of sufficient time to engage in the path of addiction, and friends play an important role. Numerous studies and studies have found that young people in their early years adapt according to the group they approach.

And that the influence of friends is stronger than the influence of the family, and that is why the companion must be of morals with a high degree of wisdom and sobriety, even if he finds that his colleague is engaging in such methods, he will attract him towards the right path (Mohamed and Gomaa, 2003, page 698).

In addition to the above, there are therapeutic mechanisms that show medical treatment, whether it is physical, psychological, or mental treatment. Physical or physical treatment is represented in not immediately or suddenly preventing him from the drug to which he is addicted, because that may lead to his death.

As for psychological or mental treatment, the addict also needs it, because he may become mentally or mentally ill as a result of addiction, and therefore he needs treatment methods that suit his pathological condition. Therefore, he should be placed in places designated for mental patients as a result of drug addiction, which is necessarily different from those places designated for mental illnesses or diseases. The general mentality so that addicts can be dealt with in a special treatment that is appropriate to the psychological or mental state that they have reached as a result of addiction, and these patients should be treated in a manner that guarantees their return to society as normal and good citizens by fueling the spirit of education and education and providing them with productive work

opportunities that will provide them with productive work opportunities. back to addiction (Kamel, 2006, page 216).

The Iraqi legislation dealt with the treatment of prisoners and their classification as the rest of the laws or internal regulations, as the Coalition Provisional Authority memorandum managing prisons and prisoner detention facilities No. 2/2003 indicated in Section 24:

Classifying prisoners and determining the personal treatment of each of them.

1- Ratification aims at the following:

a- Separate the rest of the prisoners from people who, under their criminal record or bad morals, are likely to have a bad influence on other prisoners or pose a danger to themselves or others.

b- Presenting prisoners to groups to facilitate dealing with them to rehabilitate them socially.

2- Separate prisons or separate sections therein shall be used as much as possible to deal with the different categories of prisoners. for people with infectious diseases and AIDS, and prisons for political prisoners (Ahmed, 1994, page 63).

According to Article 371 of the internal regulations for Egyptian prisons issued by the Minister of Interior's decision No. 79 of 1961 on December 16, 1961, the convicts are divided according to the type of crime committed by each of them. Accordingly, it is necessary to separate the perpetrators of blood crimes and between the perpetrators of drug crimes and between those, and the perpetrators of money crimes or other crimes.

THE SECOND TOPIC:

Drug control mechanisms within the framework of international organizations

Local legislation (patriotism) cannot address the issue of combating drugs and other mental effects, and because the prevalence of flap and use of drugs may increase its danger to the level of categorical or regional levels, but rather it has become a dumping danger that suffers from all of the states of what is sufficient for the state drugs.

On the other hand, the defined nations have played an important rotation in the fight against drugs and created devices in the field of drug control globally, for example, that permanent central office for the ovens, the drug committee, and the negative body of the drug, the drug of the drug, the domain of which is the case of the drug that is the case of (Commission on Narcotics-Economic and Social Council Vienna International Center, 1962, page 31).

That is why we find that the United Nations, since its early inception until now, has a clear vision towards drugs, as it believes that there is a necessary and urgent need for there to be unified international agreements in dealing with this dangerous and widespread phenomenon in the international community, in addition to new legal considerations.

It is in agreement with what is happening in the developed world regarding the increase in drug crime at the global level, and this leads the United Nations to intensify efforts in all countries of the world to establish legal mechanisms for dealing with drugs (Bradshaw, 1972, page 15).

These alternatives that have been proposed are alternatives that restrict freedom, including work for the public benefit.

The second conference of the United Nations, which was held in London in 1960, affirmed that: "The correct solution to the aforementioned problem – criminality – is by reducing the imposition of punishment and seeking to replace it with work outside the walls." This was also recommended by the Fifth and Seventh Conference, which was held in the year 1955. It was held in Milan, Italy, from 26/8 - 6/9/1984.

The conferees approved the Single Convention on Narcotic Drugs for the year 1961, and it was signed on 30/1/1961 through the Economic and Social Council, an international conference to confront the drug problem (Single Convention on Narcotic Drugs, 1961). It established a set of preliminary legal principles, the most important of which are the following:

1- Prohibiting the production of drugs and limiting their production to medical and scientific purposes. The convention required the states parties to take legislative and administrative measures to limit the production, manufacture, export, import, distribution, trafficking, use, and possession of narcotic drugs for medical and scientific purposes only (Single Convention on Narcotic Drugs of 1961, Art. 4/h), This legal principle was previously established by previous conventions related to drug control, and the Convention emphasized it, as the

international community strives to prohibit the production of narcotic drugs in all parts of the globe and limit their production for medical and scientific purposes due to the exacerbation of the problem of international abuse of narcotic substances.

2- Prohibiting the cultivation of narcotics except with a license from the competent authorities. The cultivation of narcotic drugs is considered a form of production in its broadest sense, as the cultivation process is considered one of the preparatory works that lead to the extraction and production of narcotic substances. Therefore, the Convention called on the State's Parties to unite the following procedures:

A- The concerned countries shall prohibit the cultivation of opium poppy, the coca plant, or cannabis whenever the prevailing conditions in their country or one of their regions deem that banning their cultivation is the most appropriate means to protect public health and public welfare and to prevent the diversion of drugs into illicit trafficking. A State Party that prohibits the cultivation of the opium poppy or the cannabis plant shall take appropriate measures to seize and destroy any illegally grown plants, except for small quantities that the Party needs for practical and research purposes (Single Convention on Narcotic Drugs of 1961, Art. 22).

3 - Restricting the drug industry for practical and medical purposes.

Articles 4,21,29 of the unique agreement of the 1961 years of the year 1961 set a set of connections to the manufacture of drugs for the process of practical and medical land where Article 4 stipulates the palace of industrialization (Single Convention on Narcotic Drugs of 1961, Art. 04). Then, Article 21 of the agreement provided for controls and defining the manufacture and import of narcotic drugs as follows: The total quantities of any narcotic manufactured or imported by any country or territory in any year may not exceed the sum of the following quantities:

a. The consumed quantity, within the limits of its estimation for medical and scientific purposes.

b. The quantity used, within the limits of its estimation, in the manufacture of other drugs and preparations listed in Schedule III, and T is not covered by this agreement.

c. The issued quantity.

d. The quantity added to the inventory to bring it up to the level specified in its estimate.

e. The quantity obtained, within the limits of its discretion, to be used for special purposes (Single Convention on Narcotic Drugs of 1961, Art. 21).

4- Restricting drug trafficking and distribution for medical and scientific purposes.

The origin of drug trafficking is illegal, but there are legitimate uses necessitated by medical and scientific purposes. To achieve this specific goal, the agreement called on the states parties to work to limit drug trafficking and its distribution to medical and scientific purposes only (Single Convention on Narcotic Drugs of 1961, Art. 04), and given the developed nature of the international community and the nature of trafficking in narcotic substances The agreement included means to achieve that purpose, namely:

1- The State Parties shall regulate the drug trade and distribution under the licensing system and monitor all persons and institutions who work or participate in the narcotics trade or distribution and subject the establishment and places in which this trade or distribution is practiced to the licensing system.

2- The agreement also prohibited the state parties from knowingly allowing the export of drugs to any country or territory unless it was done following the laws and regulations of this country or territory and within the limits of the total estimates related to it. across its territories, and may nevertheless unite firm and strict measures (Single Convention on Narcotic Drugs of 1961, Art. 30).

Drugs do not leak into the illegal trafficking market (Single Convention on Narcotic Drugs of 1961, Art. 31).

It is agreed to strengthen international cooperation between the authorities of the international community to enforce the law and confront criminal organizations involved in narcotic and psychotropic substances crimes and related criminal activities on the other hand. This is of great importance to enable states to establish a legal framework and take administrative and criminal measures to support the implementation of measures related to international judicial cooperation in drug control (Ragheb, 1979, page 205). And taking measures to reform the criminals involved in selling and drug abusers by taking measures within the penal institutions in order to reform them and not make them a tool to influence the rest of the convicts inside the correctional institutions, and this is a very important factor, especially since we need a set of measures and activities

within the penal institutions, as well as we need real reform programs that we follow with All prisoners involved in drug crime (El-Derby, 2016, page 113).

Conclusion:

What we found in our research is that the problem of drug trafficking and abuse cannot stop its harm to the person of the dealer or the addict or even to the prisoners, but rather extends to society in general inside and outside the country at the international level. To reflect its damage greatly in all economic, security, and political aspects. This leads the country to poor development, a high rate of poverty and unemployment, a loss of security, and a collapse of the youth's productive capacity.

On the other hand, these drugs have a significant health effect that exceeds all other effects, which is the loss of the health of the user, making him a mindless person who loses control over his behavior and the perpetrator of crimes, and this results in a loss of security and chaos.

For this reason, we see that there should be a criminal policy at the national and international levels to combat this dangerous group that loses its mind, loses security, and angers the Lord, may He be glorified and exalted be He. And monitoring its sale, and everyone knows that the state at the national level is unable to combat it, so there must be international cooperation to eliminate this crime, especially since it is an international organized crime committed by international persons belonging to more than one country. And because combating it is an international duty because it is a violation of the international community.

And since there are national and international legal systems that set the penalty and implement it for every criminal who commits this crime - drugs -, we need to have penal and correctional institutions whose aim is to reform the criminal and promise his integration into society. Inside prisons, the punishment is to achieve its goal, which is the urgent penalty first, and then the reform of the criminal second.

Among the following results, we **reached**:

1- The penal institutions no longer play their role in reform, but rather have contributed to the increase in criminal cases, due to the acquisition of criminal novices, experiences in crime with those accustomed to crime, through their mixing in those institutions.

2- The international social reality requires states to enter into international relations and agreements to achieve cooperation in the field of combating, given that the common interests of states require concerted efforts to combat these crimes. After the conclusion of this research, we **recommend** the following:

1- Preparing a comprehensive national plan for the prevention of pain drugs.

2- Reconsider the presidency of the Supreme National Committee for the Prevention of Narcotic Drugs and Psychotropic Substances.

3- Activate the role of the media to fight drug and psychotropic substance users.

4- Pay attention to the role of social work in schools, universities, institutions, and others.

5- Paying attention to the preventive part in combating crime through cooperation between the security authorities and social organizations, which in turn provides the necessary preventive measures to reduce the burden of crime.

6 - The need to think about finding mechanisms to take care of the category of prisoners addicted to drug consumption within the penal institution, as well as after their release.

7- Enhancing international cooperation to allow benefiting from international expertise in the field of running penal institutions and optimal care for prisoners.

Finally, we conclude by saying the success of the new punitive policy, despite the few shortcomings that penal institutions still know, and thus the reformist role assigned to penal institutions is embodied on the ground, by reforming the prisoner and reintegrating him into society, which is the goal set by the penal policy.

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