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Main issues on combating smuggling of narcotic drugs, psychotropic substances, their analogues, precursors or counterfeit medicine

Summary

The article reveals the problems of combating illegal movement across the territory of Ukraine of narcotics, psychotropic substances, their analogues, precursors or counterfeit medicine. The main causes that contribute to the strengthening and growth of the phenomenon of the ways of finding effective measures concerning the issue of smuggling narcotic drugs are characterized. Actuality of activities for prevention of illicit trafficking in narcotic drugs, psychotropic substances and precursors is revealed. The ways of trafficking "heavy" and synthetic drugs and psychotropic substances are analyzed.

Key words: smuggling of narcotics, drug trafficking, criminal activity and organized crime.

Анотація

У статті розглянуто стан та проблеми протидії незаконного переміщення через територію України наркотичних засобів, психотропних речовин, їх аналогів чи прекурсорів або фальсифікованих лікарських засобів. Охарактеризовано основні причини, що сприяють посиленню та зростанню такого явища, визначено шляхи пошуку ефективних заходів для вирішення питання контрабанди обігу наркотичних засобів. Обґрунтовано актуальність

діяльності суб'єктів протидії незаконному обігу наркотичних засобів, психотропних речовин і прекурсорів. Проаналізовано шляхи розповсюдження «важких» та синтетичних наркотичних засобів і психотропних речовин.

Ключові слова: контрабанда наркотичних засобів, незаконний обіг наркотиків, злочинна діяльність, організована злочинність.

Аннотація

В статье рассмотрены состояние и проблемы противодействия незаконному перемещению через территорию Украины наркотических средств, психотропных веществ, их аналогов или прекурсоров или фальсифицированных лекарственных средств. Охарактеризованы основные причины, способствующие усилению и росту такого явления, определены пути поиска эффективных мер для решения вопроса контрабанды оборота наркотических средств. Обоснована актуальность деятельности субъектов противодействия незаконному обороту наркотических средств, психотропных веществ и прекурсоров. Проанализированы пути распространения «тяжелых» и синтетических наркотических средств и психотропных веществ.

Ключевые слова : контрабанда наркотических средств, незаконный оборот наркотиков , преступная деятельность , организованная преступность.

Formulation of the problem. One of the most dangerous types of organized crime is drug trafficking that is growing and threatens the national security not only in Ukraine but in the whole world, because it conveys transnational character, professionalism and high technical equipment of criminal groups, the existence of their own intelligence and counter-intelligence, acquiring knowledge of the newest forms and methods of combating law enforcement and judicial authorities.

Smuggling of narcotics, psychotropic substances, their analogues or precursors is one of the main sources of drug market. Europe has become a priority

market for manufacturers and suppliers of drugs. Ukraine as the geographical center of Europe, is at the crossroads of several international smuggling transit routes. Thus, drug trafficking at regional, national and international levels has reached alarming proportions, and the related international criminal activity poses a threat to the security of the sovereignty of states. Some of drug transit remains in Ukraine. This, to a certain extent, determines the fact that in recent years Ukraine has seen the growth of drug addiction and crime associated with it.

The state of the study. Domestic and foreign scholars debate on the problem of combating smuggling of narcotic drugs, psychotropic substances, their analogues, precursors or counterfeit medicine.

Some aspects of combating illicit trafficking in narcotic drugs are covered in scientific works of P.P. Andrushko, V.T. Bilous, V.I. Borisov, M.V. Bondarev, V.P. Golovin, A.A. Dudorov, A.P. Zakalyuka, O.E. Korystin, O.M. Striltsiv, S.S. Cherniavsky, A.A. Shebunov, V.N. Shevchuk, S.S. Yatsenko and many other scientists.

Despite the considerable amount of research, the problem of smuggling of drugs, is still not clear, so there is an urgent need for more sophisticated studies concerning not only existing but also new perspective on the issues of drug trafficking.

The purpose of this paper is to study the basic problems of combating smuggling of narcotic drugs, psychotropic substances, their analogues, precursors or counterfeit medicine, identifying the main causes that contribute to the strengthening and growth of the phenomenon of finding effective measures to solve this problem.

Presenting main material. It is indisputable that the effectiveness of combating crimes related to narcotic drugs, including smuggling depends on how existing legislation meets modern realities of life and how it is applied in judicial practice. The situation with the regard to drug abuse occurring in the state, can be explained not only by the crisis in different areas of public life, anti- terrorist operations on the east, deterioration of socio-economic and socio-psychological

state of a number of groups, but significant drawbacks in the work of customs and law enforcement agencies, lack of logistics, information, legal enforcement concerning combating the smuggling of drugs.

Responsibility for the smuggling of drugs, psychotropic substances, their analogues, precursors or counterfeit medicine is qualified under the Article 305 of the Criminal Code of Ukraine [1].

The Article 3 of the Law of Ukraine "On measures to combat illicit trafficking in narcotic drugs, psychotropic substances, precursors and their abuse" stipulates that combating illegal trafficking in narcotic drugs, psychotropic substances and precursors is carried out by the National Police of Ukraine; the Security Service of Ukraine; the Prosecutor General of Ukraine, which is the central executive body to form and implement the national tax and customs policy; central executive bodies that implement state policy on protecting the state border; trafficking of narcotic drugs, psychotropic substances, their analogues and precursors; combating illicit trafficking and other executive power within the powers granted them by the law [2].

However, despite a great number of subjects engaged in combating illegal narcotics, legal enforcement bodies of Ukraine are interested in identifying and apprehending the persons who smuggle drugs through the territory of the state. However, under Article 216 CPC Ukraine pretrial investigation of smuggling of drugs are carried out by investigative units of the Security Service of Ukraine [3].

In 2015 Security Service of Ukraine detected 371 criminal offenses in the area of drug trafficking, 199 (or 54%) of which are linked to the smuggling of narcotic drugs or psychotropic substances, their analogues, precursors or falsification of medicine. Since the beginning of 2016 security units uncovered 109 criminal offenses related to narcotic drugs, 75 (69%) of which are dealt with smuggling.

In 2015, employees of the Security Service of Ukraine apprehended 253 persons who were handed over the notice of suspicion for crimes in the illegal trafficking of narcotic drugs, psychotropic substances, their analogues and

precursors and 114 suspected persons (45%) are the persons engaged in drug smuggling [4].

The drug crime combating units of Ukraine National Police perform equally effective work on revealing smuggling narcotics. Over the past year the abovementioned units blocked 43 smuggling supply chains and movement of drugs. Since the beginning of 2016 only 15 (or 34%) of such international channels have been exposed [5].

Analysis of instruments of "heavy" and synthetic drugs distribution and psychotropic substances in the country indicates that the area of the state is actively used not only for transit of large quantities of drugs to Western Europe, but also seen as a promising market for their sales.

In particular, there is a displacement of Afghan origin heroin to the markets in Central and Western Europe. There is an acute problem of illegal entering to Ukraine potent drug "Subuteks" from Western Europe (UK, France, Italy, etc.). Due to the simplified mechanism of opium poppy cultivation in Hungary, which is used there in the pharmaceutical industry, the Gypsy diasporas established the production and supply of narcotic drugs "molasses" - extract of opium from the territory of Hungary.

There is illegal movement of psychotropic substances (amphetamine, methamphetamine, ecstasy, LSD) and narcotics from Poland, Belarus, Romania, Moldova, Bulgaria and Russia.

As a result of resonant social and political events which took place in Ukraine in 2014, and also because of the east antiterrorist operation, the problem of monitoring of the source of drugs on the territory which is not officially controlled by the state authorities of Ukraine and the subsequent distribution them in other regions of the country and abroad became urgent.

The leaders of the militants of "LNR" and "DNR" are exercising control over the sending drugs from Asia to Hungary and then to the EU. Almost 90% of drugs that are imported in the "LNR" and "DNR" from Asia are intended for delivery to Central and Western Europe.

Military operations in the Donbas have enabled the Afghan heroin suppliers to create a new international channel of drugs smuggling, which has a great capacity of bandwidth. The same can be said about the Crimea, where drugs are delivered by the sea, passing this way through Tajikistan, Azerbaijan and Abkhazia. The part of these drugs remains in Ukraine, and the rest are forwarded to the European Union [6].

Nowadays in Ukraine there is an imperfect system of control over the illegal movement of drugs, which is characterized by non-functioning coordination of border and customs authorities with other law enforcement agencies engaged in combating smuggling of narcotic drugs, psychotropic substances, their analogues or precursors or counterfeit medicines.

The state of counteracting and analysis of the situation in combating illegal trafficking of narcotic drugs, psychotropic substances and precursors in Ukraine demonstrate the necessity of its systematic and continuous monitoring, as well as the development and implementation of the unified state monitoring system that displays the status of narcotic drugs, psychotropic substances and precursors and their illegal distribution and analysis of drug crime in Ukraine.

Bearing this in mind, we can conclude that the priorities of combating and preventing trafficking in narcotic drugs, psychotropic substances, their analogues or precursors or counterfeit medicines are: overlapping channels and sources of drugs; termination of criminal gangs, especially with signs of organization involved in the illegal sale of narcotic drugs, psychotropic substances and precursors; interaction with relevant authorities of foreign countries in the fight against illicit traffic of narcotic drugs, psychotropic substances and precursors; overlapping channels smuggling of narcotic drugs, psychotropic substances and precursors across the border.

Thus, it should be noted from the aforesaid that Ukraine is an integral part of the international community, which is actively pursuing measures to combat smuggling of narcotic drugs, psychotropic substances, their analogues or precursors or counterfeit medicines. The problem of drug abuse in the country is

increasing every year. Analysis of statistics shows the increase in traffic of narcotic drugs, psychotropic substances, their analogues and precursors through the customs border of Ukraine.

An equally important is the fact that the customs authorities of the State Fiscal Service of Ukraine do not have enough specialists and facilities that could control all trade through the country, and this leads to smuggling of drugs.

In the beginning of 2016, in order to create favorable conditions for foreign trade, ensure public safety and protection of customs interests of Ukraine a draft of Law "On the National Customs Service of Ukraine» № 3367 were given to the Verchovna Rada of Ukraine, which defines the status of officials, the order of service , organization and legal basis of the National customs service of Ukraine. We introduces amendments to the Act and amend Article 14 "General System of National Customs Service" by subsection 6, envisaging the creation of operational units of the National Customs Service of Ukraine, which realize the function of operational control to prevent and combat the smuggling of drugs.

The reason for an insignificant combating smuggling of narcotic drugs or psychotropic substances, their analogues or precursors or counterfeit medicines is a low level of personnel and logistical support of law enforcement system, primarily units of the National Police of Ukraine which do not meet modern requirements of combating crime in the area.

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