



SOME COMMENTS ON THE USE OF COMPULSORY TREATMENT MEASURES IN THE FIGHT AGAINST DRUG ADDICTION BY INTERNAL AFFAIRS BODIES.

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Abstract: This article discusses the statistical analysis of offenses related to drug and alcoholism, the role of the use of compulsory treatment measures by internal affairs bodies as an administrative restriction measure, the legal basis for their use and ways of improvement. .

Keywords: Compulsory treatment, drug addiction, the principle of supply and demand, dispensary accounting, coercive measure in medical field, public order, administrative restriction.

Аннотация: В данной статье рассмотрен статистический анализ правонарушений, связанных с наркотической и алкогольной зависимостями, роль применения органами внутренних дел меры принудительного лечения в качестве меры административного пресечения, правовые основы их применения и пути совершенствования.

Ключевые слова: Принудительное лечение, наркомания, диспансерный учет, принудительная мера медицинского характера, общественный порядок, административное пресечение.

Annotatsiya. Ushbu maqolada giyohvandlik va alkogolizm bilan bog'liq bo'lgan huquqbuzarliklarning statistik tahlili, ichki ishlar organlari tomonidan majburiy davolash chorasini qo'llashning ma'muriy cheklash chorasi sifatidagi o'rni, ularni qo'llashning huquqiy asoslari va takomillashtirish yo'llari haqida fikr yuritilgan.

Kalit so'zlar. Majburiy davolash, giyohvandlik, talab va taklif tamoyili, dispanser hisobi, tibbiy yoo'sindagi majburlov chorasi, jamoat tartibi, ma'muriy cheklash.

In recent years, the number of drug-related crimes and administrative offenses in our Republic has increased sharply. The reason for the increase of these crimes is the increase in the number of drug addicts, the implementation of online sales through the Internet, and so on.

According to the statistical analysis of the total crimes committed in our country in the last 5 years, the total crimes in the last 5 years:

- 23.3 percent of crimes committed by young people;
- 2.68 percent (of which 27.8 percent is the contribution of young people) crimes committed while intoxicated;
- 6.2 percent of crimes related to illegal drug trafficking are counted, and between 2018 and 2022 there is a difference as follows:
 - the number of total crimes by 214.67%;
 - the number of crimes committed under the influence of alcohol is 262.32% (290.7% of young people);
 - crimes related to illegal drug trafficking increased by 261 percent (2.6 times) [1].

Only in the first three months of 2023, among the total crimes recorded in the field of information technologies in the city of Tashkent, crimes related to the sale of drugs via the Internet have a share of 20 percent [2].

Currently, there are more than 40,000 alcoholics in our country. This means that one out of every 867 people in our Republic is addicted to alcohol. From 2003 to 2018, sales of strong alcohol products in Uzbekistan increased from 74 percent to 89 percent (from 1.6 to 2.6 liters of pure alcohol per capita), while sales of weak alcohol products increased from 15 percent decreased to 3 percent. Sales of alcohol products increased by 60 percent[3]. According to the report of the World Health Organization, the maximum amount of alcohol consumed per capita in 30 European countries examined is 15 liters[4]. These statistics show that the trend of growth of the amount of strong alcohol products per capita worldwide has been formed. This means an increase in the number of offenses caused by the consumption of alcohol and drug products. The development of this negative trend and the increase in the potential of crimes in this area creates the need to find an effective administrative-legal solution to the crime and administrative offense in this area, with a thorough study of the causes and conditions.

Materials and methods.

In the course of the research, statistical materials are used in the practice of crime prevention and foreign experience in comparative legal analysis, interpretation, statistical data analysis, observation, comprehensive approach, deduction, induction, synthesis, legal analysis methods and other methods of research. allows for a more accurate assessment of changes in offenses related to

Pink prescription forms for narcotic drugs are issued by doctors authorized to write prescriptions for narcotic drugs based on the instructions of the chief physician or his deputy in the amount of two weeks' need[5].

A person who is addicted to alcoholism and is in a quagmire, unable to control his behavior, will commit crimes in the future. In this regard, the Italian doctor and criminologist Cesare Lombroso divided the factors of crime into fifteen groups, including the sixth group of factors: the factor of alcoholism and drug addiction, that is, the harmful effects of alcohol and drugs [6], the Russian scientist M.V. Kolodina, alcohol in public places and that the consumption of alcoholic products goes against the rules of etiquette recognized in society, creates inconvenience for others and creates the ground for the occurrence of crimes, at the same time, the consumption of narcotic drugs without a doctor's prescription, narcotic drugs and psychotropic drugs who emphasized that increasing the legal circulation of substances harms public health[7].

If it is to eliminate the motive-humor that encourages drug addicts to commit crimes, the goal is to obtain drug products [8].

Based on the above analysis, the following can be cited as the main reasons for crimes and administrative offenses committed by drug users:

first of all a person intoxicated as a result of taking a drug commits an offense as a result of his inability to think sanely, his unconsciousness due to an increase in any of his characteristic features;

secondly, commits a crime in the state of depression and aggressiveness caused by not taking drugs;

thirdly, encourages circulation of narcotics in the territory of the republic in order to acquire narcotics. And this, in turn, is 6.85 percent of the total crimes committed in 2018-2022, 6.85 percent of which are related to drug trafficking, 2 percent are crimes related to drunkenness, and 2 percent are related to drug trafficking. 234.7 percent (2.34 times) of crimes compared to 2018, and 262.3 percent (2.62 times) of crimes committed while intoxicated serve to increase the number of crimes.

The statistical analysis of drug-related offenses shows that the weight of criminal and administrative offenses related to the sale and consumption of drugs that cause addiction and alcoholism has a high rate among the total offenses, and among them, drunkenness and mental dependence occur. the large number of crimes committed, the fact that the risk of committing crimes in the future within the scope of the realization and consumption of these goods is high, requires the improvement of administrative and legal norms to limit the illegal circulation of these products.

It is known that in our country, a number of activities aimed at preventing crime, including legal promotion, neighborhood, citizen work systems, quick search activities to fight against crime, have been launched on a large scale. , through which actions aimed at preventing and stopping crime are carried out.

As for the illegal circulation of addictive psychoactive substances, the main reason for the rapidity of the market for these products is the large number of consumers. In particular, as of 2021, more than five thousand drug addicts are on the special preventive list in our country [9]. This indicator reflects only registered drug addicts, which raises the question of "How many are unregistered?". Unfortunately, it is impossible to find an exact answer to this question. Nevertheless, the most effective way is to fight using the principle of supply and demand of the market economy in order to identify drug addicts and take measures against them in time. In this regard, the economist U.A. Madrakhimov said that in order to sell goods and services in the country in a timely and good manner, there should be sufficient demand for it, and this demand should determine the quantity of goods and services to be supplied, demand and supply are always in equal proportion. emphasized that it serves both to prevent the economic crisis and to grow [10]. Economist

L. Strijkova said that increasing aggregate demand is of particular importance in stimulating economic growth[11], and economist IO Abdurakhmanov also said that the basis of any economy is supply and demand, as long as consumers have demand for any product, business entities they emphasize that these services and products will be offered by the government, and that there is a demand for drugs, which creates a secret economy[12].

In general, the circulation of addictive psychoactive substances and alcohol products is adequately regulated by legislation. However, the number of crimes and negative situations related to drug addiction and alcoholism are increasing several times from year to year, which requires a different approach to the problem. Therefore, it would be reasonable to apply the views of UA Madrakhimov, L. Strijkova and IO Abdurakhmanov on the principle of supply and demand to people addicted to drugs and alcohol. In our opinion, this approach should be reflected in the fight against the causes, and not the consequences of criminal and administrative offenses. In this regard, President Sh.M.Mirziyoyev said: "Crimes are not committed by themselves. The main issue is not to deal with the consequences of violations, but to prevent them early, to eliminate the causes and conditions that allowed them to be committed in a timely manner", his words are a clear proof of our opinion [14].

Based on the above considerations, in order to eliminate the illegal circulation of narcotic drugs, it is necessary to establish a system of combating not only drug addiction, but also combating drug addicts. If we manage to reduce the number of illegal drug users living in our country by returning them to a normal way of life, then importing and trading psychoactive substances into our country will be useless. will remain. In a word, there is no need to secretly bring drugs into the country when there is no buyer. For this, we need to improve a number of normative legal documents in our current legislation.

We can see mandatory treatment as the most effective measure to reduce the number of drug-related offenses.

Although the measure of placement in compulsory treatment is actually considered an administrative preventive measure, due to the fact that it has restrictive features aimed at limiting the actions of offenders and their rights and freedoms in an administrative and compulsory manner, the implementation of these measures as a measure of administrative restriction and their application we think it is appropriate to improve the system.

Compulsory treatment is a type of drug treatment provided to persons suffering from narcotic diseases based on a court decision in institutions designed for compulsory treatment, and it can be used in two different cases depending on the actions of these persons. One of these cases is called coercive measure in the medical direction (according to the norms of criminal law), and the second is called a measure of compulsory treatment (according to the norms of administrative law). Including:

- coercive medical measure - is appointed in criminal cases to achieve the goal of punishment as well as criminal liability in cases where the mental state of persons suffering from narcotic diseases and committing crimes is found to be mentally disturbed in a way that does not exclude sanity[15].

- compulsory treatment is applied administratively to the following categories of persons:

- 1) against persons who, in a state of intoxication, threaten the safety and health of others or violate public order and the rights of other persons;

- 2) persons who were brought to administrative responsibility two or more times in one year while intoxicated as a result of consuming psychoactive substances;

- 3) it is applied based on the decision of the court against a person suffering from a narcotic disease who has been warned about the possibility of being sent to compulsory treatment.

Compulsory treatment, known by its name, is also called by this name because it is applied to persons who are registered in the dispensary account and voluntarily refuse treatment.

Providing medical assistance to persons who are in a state of intoxication in the practice of law enforcement and who have lost the ability to move independently or who do not clearly understand where they are (with the exception of cases of severe intoxication (unconscious, coma) from alcohol and other psychoactive substances) by IIO staff The procedure for delivering and providing medical assistance to drug addiction treatment centers is defined in a number of legal documents. -, Resolution of the President of the Republic of Uzbekistan dated May 16, 2022 "On additional measures to further improve the system of drug assistance to the population" No. PQ-244, O' Decision No. 644 of the Cabinet of Ministers of the Republic of Uzbekistan dated November 4, 2022 "On approval of the regulation on the procedure for

providing medical assistance to persons under the influence of alcohol, drugs or in a special state of intoxication" can be cited as an example.

In the event that persons suffering from drug addiction commit an administrative offense two or more times during one year while intoxicated with psychoactive substances, the head of the regional IIB issues a warning that this person may be sent to compulsory treatment, and a copy of this warning is sent to the drug addict. It will be handed over to the affected person and it will be recorded in the report.

Determining whether persons suffering from narcotic diseases should be placed in compulsory treatment and giving an appropriate conclusion on this matter is carried out by specialized medical commissions for conducting narcotic examinations based on the information obtained during the examination.

Materials on sending persons suffering from narcotic diseases to compulsory treatment are formalized in the following cases:

- at the request of the family members, relatives and narcological institutions of a person suffering from a narcological disease;
- according to the initiative of the IIO by notifying the family members of a person suffering from a drug addiction.

In order to collect materials for the placement of persons suffering from a drug-related disease in compulsory treatment, they will be taken to the drug dispensary at their place of residence for the purpose of conducting a drug-related examination.

Based on the medical conclusion of the specialized commission that conducted a medical examination at the drug dispensary on the need for compulsory treatment of a person suffering from a drug addiction, the materials collected by the IIO are submitted to the court in the place of residence of the person suffering from a drug addiction or in the place where the drug addiction dispensary is located, in paper version or in electronic form. will be done.

In order for the court to consider the case of sending a person suffering from a drug addiction to compulsory treatment, it is necessary for this person to participate in the court session. These persons will be brought to the court session under the supervision of IIO officers. However, in practice, if these persons refuse to appear at the court session, the court issues a decision to compel the person to appear, and the execution of this decision is immediately enforced by the IIO. An appeal or protest can be filed within 72 hours against the court's decision on compulsory treatment.

After that, the period of compulsory treatment in a drug institution is determined by the medical commission within 5 days from the date of placement of the person for treatment for a period of no more than one and a half years, and this period can be terminated according to the decision of this commission.

In our republic, specific legal bases for placement in compulsory treatment have been formed, and their deep implementation and improvement will serve to determine the effectiveness of research.

Compulsory treatment in accordance with the Law "On the Prevention of Offenses", the main tasks of the prevention of offenses (Article 4), the powers of internal affairs bodies in the field of prevention of offenses (Article 10), the principles of implementation of the prevention of offenses (Article 5), the prevention of offenses types (Article 6), guarantees of the rights, freedoms and legal interests of individuals in the implementation of crime prevention (Article 46)[16], the Law "On Prevention and Treatment of Narcotic Diseases", "Chronic their role and

rights are defined in the regulation on specialized treatment-prophylactic institutions for compulsory treatment of patients suffering from alcoholism or drug addiction[19][17].

In accordance with the law "On the prevention and treatment of drug-related diseases"[18] and the regulation "On specialized treatment-prophylactic institutions for the compulsory treatment of patients suffering from chronic alcoholism or drug addiction", chronic alcoholism or drug addiction The principles of placing infected persons in compulsory treatment and the role of the IIO in it the decision on approval" specifies the procedure for taking drunk persons to medical aid points and instructions on ensuring safety. In the instruction "On the procedure for recording and monitoring persons who use narcotic drugs or psychotropic substances and patients suffering from drug addiction" the procedure for registering non-medical users of substances, patients suffering from drug addiction or intoxication in medical institutions, the periodicity of examinations during dispensary monitoring, conducting treatment without disclosing the names of patients (anonymous), and the procedure for deregistering patients from medical institutions [21].

Conclusions:

Improving the legal aspects of the use of restrictive measures in the form of compulsory treatment of drug addicts will cause a sharp decrease in the number of offenses related to this drug addiction. In this regard, the legal scientist M. Kholmirezayev said that "It is more important to deal with the factors and conditions that create the basis for their origin, not with the consequences of crimes"[22], and in our nation, it is better to prevent than to cure the disease[23]. There is a saying. In addition to these points, when we analyze the legal documents, we can see the following shortcomings, although the procedure for placement in compulsory treatment is explained in detail:

Although Article 25 of the Law on the Prevention and Treatment of Narcotic Diseases stipulates that the fact that a person who has committed an offense under the influence of alcohol has been brought to administrative responsibility more than once in a year is the basis for placement in compulsory treatment, this the application of the measure to persons under the dispensary's supervision is defined as a necessary condition. However, Article 16 of the law stipulates that only persons suffering from narcotic diseases should be taken to the dispensary for observation, while persons who consume narcotic substances should be taken for preventive observation. This, in turn, makes it impossible to place in compulsory treatment persons who are not monitored by the dispensary, but who develop drug addiction while constantly consuming drugs. For this reason, we suggest that the second sentence of Article 25 of the Law be reworded as follows: "It applies to a person suffering from a drug addiction who is under the observation of a preventive surveillance or treatment dispensary (at the dispensary's expense) and who refuses voluntary treatment";

Article 24 of the law defines the basis for providing information about persons suffering from narcotic diseases, and the fact that the provision of this information in connection with the case of an administrative offense is not established is aggravating in accordance with Article 32 of the Criminal Code. causes problems in taking into account cases and applying mandatory treatment to persons who have committed drug-related offenses. For this reason, we propose to supplement Article 24 of the law with the clause: "At the request of the body conducting work on administrative offense";

there is a conflict between sections 25 and 26 of the Act. According to Article 25 of the Law, it is prescribed to be applied to persons "who have been brought to administrative

responsibility more than once in a year and warned that they may be sent to compulsory treatment in accordance with this Law", while in Article 26, the warning is only for drunkenness. the fact that it is determined to be issued only to persons who have been brought to administrative responsibility more than once in a year causes inconsistencies between the above two articles. As a result, the condition "more than once" in Article 25 is unintentionally used as "more than 2 times" in practice. Therefore, we propose to delete the words "more than once in a year" in the first part of Article 26;

Although the structure of the report is defined in accordance with Article 26 of the law, there are no norms on how to explain the person's rights and sign on it, what actions should be taken if the person refuses to sign. Therefore, part 2 of Article 26: "the statement is signed by a person suffering from a narcotic disease. When the person refuses to sign the report, it is written about it in the report.

Strengthening measures aimed at putting an end to drug addiction serves as a measure to preserve the values characteristic of the people of our country, prevent crimes, educate the young generation, their normal physiological and psychological development, and ensure public order and security. Therefore, the main functions of internal affairs bodies are to protect the rights, freedoms and legal interests of citizens, the property of individuals and legal entities, the constitutional system, the rule of law, the safety of individuals, society and the state, as well as the prevention and prevention of crimes. Expanding their powers to carry out their duties [21] will significantly reduce the number of possible violations in the future. After all, it is necessary to fight not only the consequences of violations, but also the causes.

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