

Using The Internet As A Tool For The Illicit Sale Of Drugs And Potent Substances

Oleksandr Manzhai[†], Kyrylo Cherevko[†], Ruslan Chycha[†], Iryna Burlaka^{††}, Volodymyr Piadyshev^{†††}
maxnik8888@gmail.com

[†]Kharkiv National University of Internal Affairs, Ukraine

^{††}Judge in Kharkiv Court of Appeal, Kharkiv

^{†††}Odesa State University of Internal Affairs, Ukraine

Summary

The article analyzes the regulations of current criminal law and current issues, combating drug crime on the Internet, as well as measures to combat drug crime in the field of modern information technology. In connection with the growth of crimes in the field of drug trafficking committed with the use of information and telecommunications technologies, the urgent task of the state is to find effective ways to reduce drug crime. The article considers criminologically significant aspects of the mechanism of illicit drug trafficking, which is carried out with the use of information and telecommunication technologies and means of remote communication.

Keywords:

Drugs, Illicit Trafficking, Virtual Space, Contactless Way; Incitement To Drug Use

1. Introduction

Today, humanity uses the latest information technology in a variety of areas of its activities, including illegal, which do not benefit society, but only harm it: for example, in the field of drug trafficking, which is carried out on the Internet. The latter is used as a platform for the distribution of narcotic drugs, psychotropic substances or their analogues. The sale of controlled substances via the Internet involves the use of the latest technologies that are constantly evolving and changing. Therefore, in order to effectively investigate crimes related to illicit trafficking in narcotic drugs, psychotropic substances or their analogues, there is a need to analyze the regulations of current criminal law.

Problems of investigation of crimes related to the circulation of narcotic drugs, psychotropic substances or their analogues using the latest information technologies studied: S. Lapta, O. Yukhno, V. Malyarova, S. Lozova, T. Matyushkova, V. Guseva, V. Kikinchuk, S. Moklyak, S. Albul, D. Avramyshyna, O. Makhnytsky and others. It should be noted that the problem of disseminating information about drugs on the Internet has not been the

subject of a separate study among certain scientists. The attention of scientists is drawn to the issue of combating the spread of drugs.

As for the problem of qualification of criminal acts with narcotic drugs and psychotropic substances, the organization of effective counteraction to these organized crimes in the Ukrainian-language segment of the Internet is new for the law enforcement agencies of Ukraine and therefore of great interest to domestic practitioners and scientists. The gap in this area of scientific knowledge has a negative impact on the organization of interagency counteraction and prevention of virtual drug trafficking, on legislative practice, which should regulate these social relations. The shortcomings of the scientific, legislative, law enforcement level are compounded by the lack of appropriate methods for detecting and investigating this type of crime, specialists and high-tech search software on the Web, high latency of the Internet drug business, etc. [4].

2. Theoretical Consideration

Today in Ukraine there is a situation of constant increase in the scale and pace of drug addiction, which leads to an increase in the number of drug-related crimes, the emergence of drug syndicates, an organized system of dealer network. At the same time, drug use increases the number of people who use these dangerous substances, which causes significant damage to the nation's gene pool, human health and physical condition, in particular through the spread of various infections. According to various sources of information, Ukraine is among the ten countries in the world with the largest number of people who use drugs per thousand population [2].

Under the influence of the latest information technologies, the illicit trafficking of controlled substances is changing, and its development is gaining momentum. The Internet has become widely used for

their distribution. The Internet is a powerful tool for influencing the minds of adolescents and young people. Ukrainian criminal law covers a wide range of acts in the field of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors, for which criminal liability is established [3]. This includes smuggling of such means, their illegal production, manufacture, acquisition, storage, transportation, shipment or sale, illegal introduction into the body, inclination to use, organization or maintenance of places for illegal use, production or manufacture, etc.

According to the Law of Ukraine "On measures to combat illicit trafficking in narcotic drugs, psychotropic substances and precursors and their abuse", illicit drug trafficking is an act of: cultivation of plants included in the List of narcotic drugs, psychotropic substances and precursors, development, production, manufacture, storage, transportation, forwarding, purchase, sale, import into the territory of Ukraine, export from the territory of Ukraine, transit through the territory of Ukraine, use, destruction of narcotic drugs, psychotropic substances and precursors carried out in violation of legislation on narcotic drugs, psychotropic substances and precursors (art. 1) [5]. The Plenum of the Supreme Court of Ukraine in its Resolution "On Judicial Practice in Cases of Crimes in the Sphere of Trafficking in Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors" of April 26, 2002 [6] notes that the above-mentioned law regulates public relations in Ukraine, narcotic drugs, psychotropic substances, their analogues and precursors, determine the procedure, conditions and features of activities related to such trafficking.

The rapid development of information technology has a significant impact on all spheres of human life. This also applies to the area of drug trafficking, where there is an increase in the use of the Internet and high information technology and telecommunications networks for the sale of illicit psychoactive substances. The latter has been used for illicit drug trafficking for many years, but previously used the so-called Dark net, a hidden segment of the network that cannot be connected via a regular browser (provides an anonymous platform for trafficking in illicit goods and services). However, after law enforcement began to actively close the most popular sites of the drug market, the drug business introduced new ways to sell illicit substances through programs (applications) for the exchange of messages and calls.

The use of the Internet as a tool for the illicit distribution of drugs and potent substances has its own characteristics:

- minimal financial resources may be involved to start a criminal business;
- the seller has the opportunity to communicate simultaneously with a large number of potential buyers, which significantly increases criminal profits compared to traditional methods of sale;
- real contact between the seller and the buyer is completely excluded, respectively, significantly reduces the risk of exposing the seller and bringing him to justice; the possibility of an attack on the seller by the buyer in order to seize drugs free of charge is excluded;
- organizers and coordinators of such business may be permanently outside Ukraine, which significantly complicates their detection and prosecution;
- organizers, coordinators and sellers may not know each other personally, which also makes it much more difficult to expose the entire network of drugs and potent substances [7].

Thus, the non-contact method of drug transfer (so-called "bookmarks", "treasures") has become widespread. If before drug addicts knew at what address you can buy a dose of the drug, today the direct contact of the buyer with the drug dealer is completely absent.

To attract potential buyers for online drug sales, sellers resort to modern methods of advertising: in particular, SMS-themed messages, e-mail advertising, distribution of flyers, online forums and chats, special ad sites, online stores, social networks, etc. However, the phenomenon of placing artisanal or stenciled inscriptions with offers of drug sales on various objects of the city infrastructure has become especially popular. These are mostly various inscriptions (so-called graffiti) on the walls of houses, entrances, garages, public transport stops, fences, transport overpasses, underpasses, etc., the essence and content of which are clear to people familiar with the subculture. «JWH», "MDMA", addresses of Internet sites, numbers of popular messengers (Viber, WhatsApp, Telegram, Skype) and others [1].

Adolescents who are well versed in modern technology and computer technology are most often involved in the process of selling drugs via the Internet, and therefore, realizing the possibility of being exposed, resort to various tricks by hiding their whereabouts and changing IP addresses in various ways. In particular, the TOR browser is used - a system of proxy servers that allows you to establish an anonymous network connection, protected from tracking, ie an anonymous network of virtual tunnels that allows data transmission in encrypted form. Criminals also use VPN connections - a technology that provides the creation of an encrypted additional "black" network for data transmission on the Internet. In cases where the numbers of mobile operators

are used for the contact, the sellers systematically change their contacts, thus avoiding the possibility of their identification.

A person who wants to buy drugs via the Internet or mobile messengers contacts the seller and makes the necessary order.

In response, receives from the seller the message with the bank account number or e-wallet number for online payment (WebMoney, Qiwi, PayPal, Q-Cash and others) and makes a payment. After confirming the transfer of funds, a few hours later, the buyer receives a message from the seller with the address of the "bookmark" and the specific place where it is hidden (usually the message is confirmed by a photo).

Sometimes criminals use the opportunities of Ukrposhta and private courier services to obtain drugs online (mostly for wholesale consignments). After sending such parcels, the seller informs the buyer of the number of the declaration of departure.

Recently, for complete secrecy and anonymity, online marketers have begun to use "chatbots", or in other words, virtual automated interlocutors via mobile Internet messengers.

Chatbots are a specially designed program with a set of certain algorithms that distributes drug advertising through messages and has the ability to maintain correspondence, accept orders and answer questions.

In the early stages of the online drug distribution process, there was a sale of so-called "legal drugs" or new psychoactive substances - derivatives of existing drugs and psychotropic substances that are not subject to international and national control measures, but have an effect similar to controlled drugs and are much more dangerous.

New psychoactive substances (NDPs) are a general term that covers new drugs called "smoking mixtures", "spices", "salts", "designer drugs", "legal drugs" and so on.

The speed with which new types of NDP are produced leaves behind the existing control mechanisms, significantly ahead of the development of national laws and regulations. The main producers of NDP are China and India. International postal items are mostly used for delivery to Ukraine.

Given the above, it can be concluded that the sale of drugs and potent substances using the Internet is a serious challenge for law enforcement agencies. The fight against these types of crime requires constant study of new ways and methods of selling illicit substances and drugs, as well as the possibilities of the Internet, which are constantly evolving and improving and can be used for criminal purposes.

Despite the expectations of experts, the emergence of the Internet-hidden part of the Internet (Darknet) has not led to the disappearance of drug advertising in the open. Prohibited substances continue to be advertised on regular sites and social networks. At the same time, advertisements can be placed not only on specially created sites, but also illegally embedded in news, shopping and other resources that are frequently visited by users.

Contactless (using information and telecommunication systems) drug trafficking is more flexible in terms of technology of criminal business, where onlineshop plays the role of an exhibition center of products and services, with the ability to process all orders via the Internet. The electronic resources used not only overcome the limitations associated with communications within a limited area, but also create competition between online store owners who sell similar types of illicit substances and target the same groups of potential drug users.

G.K. Grinyova notes that 60% of minors (11 to 14 years old) have a narcogenic orientation, which causes a sharp increase in delinquency and crime among adolescents. Next, the author divides minors into adolescent groups that are psychologically vulnerable to personality crises [8]. Yu. A. Krychun claims that the largest share of 44 people involved in drug trafficking are young people under the age of 30 [9].

In the rapidly changing information space, modern drug trafficking has adapted to its goals well-known in the economy marketing techniques to promote goods and services.

Simply informing drug users about where to buy a drug, its price, quality, and other important characteristics is not considered sufficient.

However, at present the criminal law does not establish liability for such illegal direct actions as advertising or propaganda of narcotic drugs, psychotropic substances or their precursors.

On the one hand, such actions in some cases can be qualified as incitement to drug use, for which the responsibility of Art. 315 of the Criminal code of Ukraine:

1. The inclination of a certain person to use narcotic drugs, psychotropic substances or their analogues shall be punishable by restriction of liberty for a term of up to five years or imprisonment for a term of two to five years.
2. The same act committed repeatedly or against two or more persons, or against a minor, as well as a person who has previously committed one of the criminal offenses provided for in Articles 307, 308, 310, 314, 317 of this

Code - shall be punishable by imprisonment for term from five to twelve years.

On the other hand, experts consider drug advertising and promotion to be significantly broader than their own addiction to drugs, as drug advertising and promotion are aimed at a wide range of people to engage in drug use and / or to sell drugs and make illicit profits.

Illegal advertising (propaganda) of narcotic drugs is the intentional dissemination of information in any way (publications, television programs, programs, Internet networks not intended for medical, pharmaceutical workers, scientists) about narcotic drugs, psychotropic substances and precursors, the circulation of which is prohibited on territories of Ukraine, aimed at a wide range of people [10].

As actions aimed at advertising or promoting drugs, psychotropic substances or their precursors, especially through the Internet, social networks and messengers, carry huge risks of promoting the distribution, sale and use of such substances, there is an urgent need to prosecute such substances. deed.

In Art. 35 of the Law of Ukraine "On Narcotic Drugs, Psychotropic Substances and Precursors" states that advertising of drugs and psychotropic substances in Ukraine may be distributed only in specialized publications or any other media specifically designed for medical, pharmaceutical, scientific workers in the field of security health. According to Art. 21 of the Law of Ukraine "On Circulation in Ukraine of Narcotic Drugs, Psychotropic Substances and Precursors", advertising of drugs and psychotropic substances is carried out in accordance with the Law of Ukraine "On Advertising", and liability arises in case of violation of these rules. However, the Law of Ukraine "On Advertising" does not mention drugs and psychotropic substances. Does not contain norms establishing liability for illegal advertising and promotion of drugs or psychotropic substances and administrative legislation of Ukraine. Thus, the advertising and promotion of drugs or psychotropic substances is not effectively controlled by the state, and drug traffickers have the opportunity to avoid responsibility for their illegal actions.

Conclusions

The use of the Internet for drug trafficking is characterized by increased social danger compared to other forms of sale. Such activities make it possible to generate significant profits and attract a large number of consumers, and the opportunities for law enforcement

agencies to disclose it are small. In this regard, such a circumstance as the sale of narcotic drugs, psychotropic substances or their analogues, committed using electronic networks and the Internet, should be enshrined in Part 3 of Article 307 of the Criminal Code of Ukraine as a burden aggravating criminal liability for this crime. One of the ways to criminalize illegal advertising and propaganda of drugs is to supplement Art. 315 of the Criminal Code of Ukraine. In general, the fight against the illicit supply of drugs cannot be considered in isolation from all the overall activities of the state control over drug trafficking. It is through various forms of advertising, as opposed to drug use, that new drug users are involved in the illicit trafficking, operating on the principle of network marketing and attracting new participants. Therefore, along with the punishment of acts against

Cultivation, manufacture, storage, transportation and other forms of illicit drug distribution should consider criminalizing and strengthening administrative liability for advertising online drug stores.

References

- [1] Zadorozhnia H., Mykhtunenko A., Kuryliuk Y. et al. (2021). Protection of Information Sovereignty as an Important Component of the Political Function of the State. *International Journal of Computer Science and Network Security*. Vol. 21. No. 9. pp.151–154.
- [2] Iasechko S., Kuryliuk Y., Nikiforenko V. et al. (2021). Features of Administrative Liability for Offenses in the Informational Sphere. *International Journal of Computer Science and Network Security*. Vol. 21. No.8. pp. 51–54.
- [3] Kushnir I., Kuryliuk Y., Nikiforenko V. et al. (2021). Current Problems of Criminal Law Protection of Information Relations in Border Sphere. *International Journal of Computer Science and Network Security*. Vol. 21. No. 11. pp. 171–176.
- [4] Stupnyk Ya. V., Kohut M.G. Counteraction to drug crime in Internet networks: today's challenges // *Scientific Bulletin of Uzhhorod National University*. Uzhhorod, 2014. Issue. 26. pp. 226–230.
- [5] On measures to combat illicit trafficking in narcotic drugs, psychotropic substances and precursors and their abuse: Law of Ukraine of 08.09.2011 № 3712-VI. Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. URL: <http://zakon3.rada.gov.ua/laws/show/62/95-%D0%B2%D1%80>

- [6] On judicial practice in cases of crimes in the field of trafficking in 224 narcotic drugs, psychotropic substances, their analogues or precursors: resolution of the Plenum of the Supreme Court of Ukraine of 26.04.2002 № 4. Collection of resolutions of the Plenum of the Supreme Court in criminal cases: textbook / incl. B. O. Kiris. Lviv: Liga Press, 2010. 412 p
- [7] Lapta S.P. Using the Internet as a tool of illicit sale of narcotic drugs and potent substances // Abstracts of the reports of the international scientific-practical conference "Modern trends in the development of criminology and criminal procedure", to the 100th anniversary of the birth of Professor MV Saltevsky (Kharkiv, November 8, 2017) / Ministry of Internal Affairs of Ukraine, Kharkiv. nat. University of Internal Affairs affairs. Kharkiv, 2017. P.114–116.
- [8] Grinyova G.K. Age features of minors influencing the organization of operative-search activity. Bulletin of Luhansk State University of Internal Affairs. Special issue. Lugansk: LDUVS, 2008. № 4 (2). Pp. 145–148.
- [9] Krychun Yu. A. Grounds for criminalization and criminogenic situation in the field of drug trafficking and organization or maintenance of "dens". Bulletin of Luhansk State University of Internal Affairs. EO Didorenko. Special issue. Luhansk: LDUVS, 2011. № 2 (2). Pp. 96–112.
- [10] Tetiana Kronivets, Yelyzaveta Tymoshenko, Oksana Diachenko et al. (2021) Artificial intelligence as a key element of digital education / IJCSNS International Journal of Computer Science and Network Security, VOL.21 No.106 pp. 67-72
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