

## Research Article

# International Practice for Prevention of Illegal Narcotic Drug Trafficking: Legal Basis and Directions for Improvement

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### Abstract

**Background:** The purpose of the article consists in disclosing the international practice of preventing illegal circulation of narcotic drugs.

**Methods:** In order to determine the methodological support for researching theoretical and practical foundations of the foreign experience of responsibility, the following methods of scientific knowledge are used in the article: Abstract-logical, analysis, synthesis, historical, comparison, induction, deduction, generalization, modeling regarding international practice of preventing illegal narcotic drug trafficking.

**Results:** Studying this topic, we found out that now a significant number of organized criminal groups involved in the procedure of illegal circulation of narcotic drugs are international ones. Raw materials for drug production can be grown in one country, processed in another one, transported in transit through a 3<sup>rd</sup> one, and settled in a 4<sup>th</sup> one. Members of such criminal groups or organizations may even have different origins and nationalities, and may speak different languages. That is why investigation of such crimes becomes much more complicated.

**Conclusion:** It has been established that with the close and coordinated interaction of the relevant law enforcement agencies of different states, it is most expedient to detain the entire criminal group or organization, and not just a small part of it because partial detention in itself would not be able to stop its criminal activity, and therefore protect population from the negative influence of narcotic drugs. It has been found out that it is necessary to carefully monitor the state of illegal drug trafficking in neighbouring states (due to the fact that distribution of narcotic substances and precursors in Ukraine may depend on it) and to take appropriate measures for combating such crimes. We also agree with the opinion of the United Nations (the one published in the World Drug Report 2023) that corruption and drug trafficking are related, mutually reinforcing and complementary types of crimes. It has been established that international experience must be adapted to the specifics of an individual country. External factors affecting the drug market in Ukraine have been outlined (war, internally displaced persons, state of combating illegal drug trafficking in neighbouring countries, interaction with foreign law enforcement agencies regarding the issue of preventing illegal drug trafficking). Statistics presented in the United Nations World Drug Report

2023 have been studied and highlighted. Especially vulnerable groups of people for drug addiction have been singled out.

**Keywords:** Narcotic drugs (substances); Offense; International combating of drug crimes; International experience, Illegal drug trafficking, Criminal organizations, Criminal groups

### Introduction

The illegal circulation of narcotic drugs, psychotropic substances and precursors in Ukraine has reached a significant scale. It is one of the important social factors that negatively affect moral, physical, mental health, well-being of people as well as development of society as a whole. Despite adoption of a number of concepts and state programs in Ukraine, within the last decade there has been a one-and-a-half-fold increase in the number of people who take narcotic drugs and psychotropic substances regardless of medical reasons.

The procedure of studying international experience in preventing illegal circulation of narcotic drugs, psychotropic substances and precursors committed by criminal groups and criminal organizations provides arguments for the assertion that the level of danger of such crimes is equal to the level of danger typical for such crimes as: Human trafficking, arms trade, terrorist activity.

According to the estimates of international experts, the global total circulation of narcotic drugs exceeds budgets of a number of countries of the world; and this poses a serious threat to the economic, demographic, social and political life of certain political systems. The criminal activity of international organized criminal groups involved in the

procedure of illegal circulation of narcotic drugs, including in Ukraine, has spread to almost all regions and is reaching a dangerously high level [1].

Europe has become a priority market for production and supply of drugs. Poland is the largest producer of psychotropic substances in the world. And Ukraine shares a common border with Poland and has close relations with this country to whose territory a significant number of Ukrainians left not only during the full-scale invasion of the Russian Federation, seeking asylum, but also in pre-war times, for work. The volume of contraband supplies from Western Europe (especially from Poland to Ukraine) of synthetic amphetamine-type stimulant drugs is increasing. And cocaine is transported from Ukraine to Poland, through sea ports from South America [2]. Recently, the amount of illegal synthesis of particularly dangerous psychotropic substances such as alpha-PVP (AlphaPyrrolidinopentiophenone) and mephedrone has increased on the territory of the state (Mephedrone). Production of such psychotropic substances needs precursors are needed that enter Ukraine (except for acids) both legally (licensee enterprises) with subsequent introduction into illegal circulation and through concealment at customs checkpoints, using other codes of the Ukrainian classifier for goods of foreign economic activity in postal international shipments, etc. According to preliminary estimates, the volume of illegally transported psychotropic substances across the customs border of Ukraine reaches more than 1,500 kilograms per month [3]. Illegal circulation of narcotic drugs, psychotropic substances or their analogues is a serious threat not only to Ukraine, but also to the entire civilized world [4].

Abuse of narcotic drugs and psychotropic substances leads to chronic intoxication of the human body, causes mental disorders, and leads to the disease of drug addiction. It is also associated with the risk of damage to the human body by such diseases as AIDS, viral hepatitis, etc., and leads to birth of children with an affected gene pool, weak health, unable to resist various diseases. All this has a negative impact on the health of not only individual persons, but also on the health of society, the gene pool of humanity as a whole [5]. The main age group of consumers of these synthetic psychostimulants is represented by young people aged 16 to 30. The constant use of psychotropic substances leads to deterioration or even complete loss of the body reproductive function, which in the short term will deepen the demographic and economic crisis in Ukraine. It is extremely difficult to establish facts of transportation and sale of narcotic drugs, as criminals commit criminal activities in disguise, using various mechanisms to prevent direct contact during transfer of narcotics, electronic wallets to pay for their sale, etc.

## Methods

In order to determine the methodological support of studying theoretical and practical foundations of the international practice regarding preventing illegal circulation of narcotic drugs, the following methods of scientific knowledge

are used in the article: Abstract-logical, analysis, synthesis, historical, comparison, induction, deduction, generalization, modeling, for driving vehicles while intoxicated (international norms, administrative-criminal aspect).

The method of deduction has made it possible to formulate the directions of applying international practice of preventing the illegal circulation of narcotic drugs, by means of using knowledge about the trends in the development of institutions of administrative and criminal responsibility, including those related to prevention of illegal circulation of narcotic drugs. With the help of the inductive method, practical problems of the international practice of preventing the illegal circulation of narcotic drugs have been established. When conducting the research, general scientific and special methods of scientific knowledge were used. Thus, with the help of the dialectical method of scientific knowledge the international practice of preventing illegal circulation of narcotic drugs as a socio-legal phenomenon in its contradictions, development and changes has been investigated.

The historical-legal method was used for studying genesis of the international practice of preventing illegal circulation of narcotic drugs. The formal-logical method contributed to the formulation of definitions and classifications of legal categories in the researched sphere. With the help of the logical and legal method, practical recommendations for preventing illegal circulation of narcotic drugs were developed. The method of analysis and generalization made it possible to consider the foreign experience of preventing illegal drug trafficking and (based on this experience) to formulate general principles of responsibility for illegal drug trafficking. The comparative legal method was used to compare domestic and foreign legislation, as well as to compare the practice of its application for preventing illegal circulation of narcotic drugs.

## Results and Discussion

Currently, there is a system of international control for narcotic drugs. This system is based on the provisions of the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances, the Vienna Convention of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which established a set of measures aimed at unification of efforts of all countries for a more effective solution to the problems of combating illegal drug trafficking at the international level as well as at the national level [6,7].

The 1988 Convention replaced a number of accepted international acts on these issues with a single document; it established control over production of narcotic raw materials, reduced international treaty bodies from 4 to 2 (the Commission on Narcotic Drugs of the Economic and Social Council and the international Narcotics Control Board of the United Nations) giving them broad powers to control drugs. Adoption of this convention became an

important stage in the development of international legal relations. It is designed to contribute to the decisive fight against drugs and drug addiction at the international level through international cooperation and through creation of an international system of control over narcotic drugs [1].

Each country has its own special approach in the fight against negative phenomena, especially in relation to narcotic drugs. As a result of the correct implementation of anti-drug prevention measures, it is possible to change society's attitude of towards narcotic drugs, citizens support not only their prohibition, but also perform functions of social control [8].

One of the most important steps in the fight against transnational organized crime consisted in signing of the UN Convention against Transnational Organized Crime on December 15, 2000 in Palermo (Italy). With this Convention, the international community demonstrated that in the XXI century transnational organized crime has become a real threat to the security of all humanity, both in terms of its scale and in terms of its destructive impact [9]. This document was ratified by Ukraine on February 4, 2004.

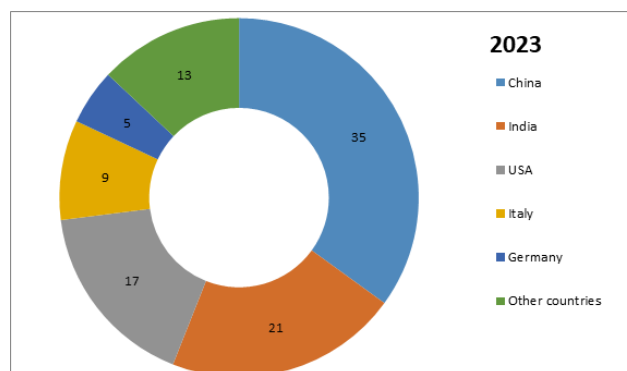
In our opinion, such international treaties or Conventions are incredibly effective in preventing crimes related to narcotic drugs and precursors, because usually such crimes are committed within borders of multiple countries and not just one country. Raw materials for drug production can be grown in one country, processed in another one, transported in transit through a 3<sup>rd</sup> one, and settled in a 4<sup>th</sup> one. Thus, a large number of criminal groups and organizations are international in their nature. Members of such criminal groups or organizations may even have different origins and nationalities, and may speak different languages [10].

Taking into account the above, it can be very difficult for the police and other executive bodies of one country to carry out a meaningful and effective investigation of crimes related to narcotic drugs and their precursors, without having relevant international documents that would clearly establish their capabilities in cooperation with other states on these issues, as well as to organize the very mechanism of the aforementioned cooperation. With the close and coordinated interaction of the relevant law enforcement agencies of different states, it is much easier to hunt down criminals and arrest the entire criminal group or organization, which will make their functioning impossible. Arresting individual members of a criminal organization, a separate part of a criminal group, will not stop its criminal activity, and therefore such detention will not protect population from the negative effects of narcotic substances. We consider it necessary to remember that the international community must constantly demonstrate its clear position regarding negative assessment of drug trade, because corruption of local executive authorities is a particularly dangerous factor for spread of drug addiction. Criminal groups or, even more so, organizations will feel best in places where they will be sure that in any situation, when there is a danger of exposure for them, it will

always be possible to "buy off" with a bribe. Therefore, we consider the fight against corruption to be one of the unconditional factors of the international fight against the illegal circulation of narcotic substances [11].

In particular, even the United Nations in its World Drug Report 2023 indicates that corruption and drug trafficking are converging. That is, they are close, complementary and mutually reinforcing crimes [12]. The World Drug Report also provides data confirming the growing danger posed by illicit drug trafficking. The number of non-medical drug users worldwide has increased from 240 million in 2011 to 296 million in 2021. For comparison, this is more than the population of 7 Ukraine's. Moreover, given that the number of armed conflicts in the world has increased since 2022, the use of narcotic substances for non-medical purposes can only increase, because in such conditions it is much more difficult for the police and other enforcement agencies to investigate and prevent drug-related crimes. A certain Part of the law enforcement agencies can be used for military purposes, and some agencies may be involved in investigation of war crimes. Also, the number of missing persons who need to be found is increasing. Taking into account the availability of weapons that arise during such armed conflicts, the level of crime, the number of serious and especially serious crimes also increases. Thus, the law enforcement officers have less and less opportunities and resources to investigate crimes related to drug trafficking at the appropriate level. The following narcotic drugs remain the most widespread ones: Cannabis, opioids, amphetamine and cocaine.

Regarding the main producers of psychotropic substances under international control, as shown in Figure 1, the following 5 countries accounted for more than 85% of all global production in 2023: China (35%, or 363.2 tons), India (21%, or 221.1 tons), the United States (17%, or 178.9 tons), Italy (9%, or 91.7 tons), and Germany (5%, or 55.2 tons). All other countries and territories taken together produced 13% (139.1 tons) of such substances.



**Figure 1:** Share of psychotropic substances, under international control, in total production volume, gross weight, 2023

It should also be noted that the fact that young people are much more vulnerable to drug use than adults remains one of the biggest dangers of drug trafficking. In 2021, 5.3% of all 15 year-16 year-olds worldwide used cannabis, which can have long-term and severe effects on their brains, according

to the same United Nations World Drug Report 2023. For example, in South America, more than half of those trying to withdraw drug addiction have not yet reached the age of 25. In turn, in Africa, 70% of those trying to withdraw drug addiction are under 35 years old.

In general, throughout the world, the number of schoolchildren who use drugs is higher than the same number of adults. This is due to the insufficiently strong psyche of minors, who are easily influenced by the surrounding society. Teenagers are especially afraid of being different from others in their social circle and being excluded from it. And they are even ready to use drugs in order not to be ridiculed.

Interestingly, as noted in the above-mentioned Narcotics Report, for many countries, drug-trafficking criminal organizations nourish and stimulate instability and violence, and in this way they create a governance vacuum. Haiti and the Sahel are Examples of such countries. In Ukraine, on the contrary, the war disrupted the existing and new routes of heroin and cocaine trade. Unfortunately, at the same time, there is a danger in Ukraine that the war may also provoke an expansion of the production and trade of synthetic drugs, given the large markets for synthetic drugs that are developing in the Eastern European region. Also, an additional danger for Ukraine consists in the fact that forced migrants are particularly vulnerable to the drug market, given their poor morale and lack of the necessary level of support and protection. Loss of home, possible loss of loved ones, new environment and unclear prospects for their life makes such persons easy victims for drug criminals.

In turn, world globalization and digitalization have partially transferred the illegal trade in narcotics to the Internet. Thus, purchase of drugs has become more accessible and attractive to different groups of users. Social media platforms are becoming increasingly important in facilitating drug transactions. The need for personal meetings between the buyer and the seller is reduced, and this protects them from possible exposure and leaves them anonymous. The drug market around the world is constantly developing. Criminal organizations involved in the illegal distribution of narcotic drugs from different countries and regions constantly interact with each other and learn from each other's experience in interaction with law enforcement agencies, as well as in the sale of drugs.

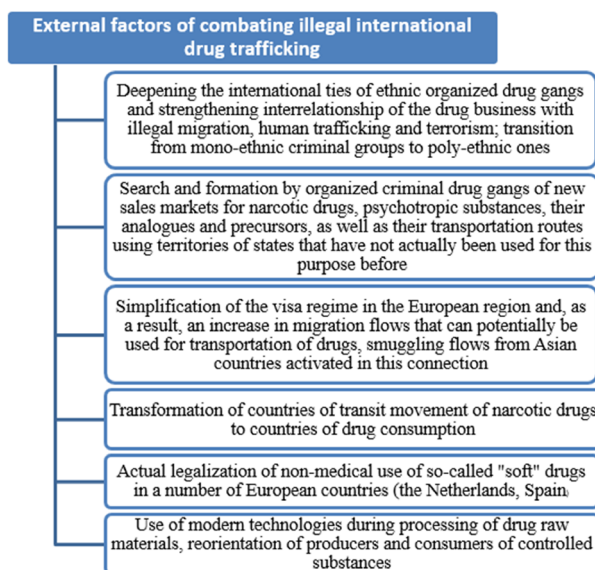
Therefore, law enforcement agencies need to constantly adapt to the mechanisms and methods of committing illegal drug trafficking, which are developed by such criminal organizations and groups. For this reason, we consider international cooperation between law enforcement agencies of different countries absolutely necessary. Through such cooperation law enforcement agencies would be able share with each other both useful experience and necessary information.

Unfortunately, the technical equipment in criminal organizations engaged in illegal drug trafficking is

constantly updated, because the personal safety of their members depends on it, as well as their level of earnings, which remains much higher than the state support for the work of the relevant law enforcement agencies that deal with crimes related to drugs in many countries. Back in 1989, at the international symposium on the problems of combating organized crime and terrorism, which was held in the USA (Chicago), the report of an Interpol representative voiced the opinion that there are countries that are unable to fight organized crime due to the lack of reliable legal technical equipment of law enforcement agencies as well as impossibility to trace flows of "dirty" money. And if we do not provide them with help, then in 10 years-20 years the world community may deal with huge mafia state and political structures, and then the fight against organized crime may become simply hopeless [13].

The modern development of the drug market confirms that the lack of international cooperation and financial support for states unable independently maintain an adequate level of investigation of drug-related crimes for economic reasons leads to the spread of illegal drug trade beyond their borders, and this complicates the procedure of narcotic drugs and their precursors even for those countries that had a sufficient level of funding for law enforcement agencies. And the procedure of destroying criminal organizations engaged in illegal drug trafficking, which have managed to increase the number of their members, increase their influence, find relations and appropriate technical support, already requires much greater resources and efforts.

It should be noted separately that it is necessary to adopt international experience, but at the same time this experience must be analyzed, because in different countries the same measures can bring different results: Both positive and, conversely, negative. This experience should be used carefully and modified if necessary (Figure 2).



**Figure 2:** Scheme 1: External factors of combating illegal international drug trafficking

According to estimates of the United Nations Office on Drugs and Crime, the United States has achieved

the greatest success in their combat against illegal drug trafficking, where the number of drug users has halved over the last decade [14]. Currently, the most common American strategy outlining the criminal intelligence process is the National Criminal Intelligence Sharing Plan [15].

It is also worth mentioning the legislative mechanisms aimed at the additional anti-criminal effect of prosecution for drug smuggling. For example, commission of a crime by a person who is registered as a resident of a special border zone or uses special regimes and programs to enter the territory of the United States, entails lifelong deprivation of his/her right to use this status, preferential programs and regimes. And for commission of certain drug crimes, it is possible to apply "deprivation of rights", i.e., after serving the sentence, the convicted person may be deprived of the right to receive federal assistance, i.e. grants, loans, special licenses issued by federal authorities and financed from the federal budget [16].

In its turn, Spain has developed a national action plan related to the process of combating drug trafficking which provides for creation of a supervisory body to control the use of new technologies by drug-trafficking organizations. As part of the national action plan related to combating distribution it is envisaged to create a supervisory body to control the use of the latest technologies by the organized drug business. The country has got the Department for Combating Crimes Related to the Use of High Technologies operating as part of the Ministry of Internal Affairs. And this department takes an active part in preventing the use of the Internet for the purpose of illegal advertising of controlled substances, including psychotropic substances [17].

It is interesting that in connection with aggravation of the drug addiction problem in the country, Sweden is implementing a strategy to combat drug trafficking at all levels: Criminal liability is also introduced for the use of drugs, and not only for their possession; detected cases of drug use are immediately registered by the social service; a "zero border" is being established—a ban on the use of drugs while driving vehicles; activities of public organizations are intensified, in particular the Union of Public Organizations called "For a drug-free society" [18].

In Italy, in order to strengthen the fight against organized crime in the field of illegal drug trafficking, the Parliament of the country established a special General Council, as well as district offices fighting against the mafia, and separately—the State Office for the fight against the mafia and the investigation department for the fight against the mafia. In addition, within the General Prosecutor's Office of Italy, an operative-investigative department for the fight against organized crime and the mafia has been created [19]. Such an extensive system of multifunctional, specialized operative, investigative and informational elements for prevention of organized crime is quite effective [20].

It is also necessary to remember that there are countries such as the Netherlands, which are much more loyal to the use and distribution of narcotic drugs. Some of them are

legalized there, you can buy them like regular tea [21]. In this country, prosecution, including criminal prosecution, is possible only for the illegal sale of "hard" drugs. A special model has been developed there, according to which law enforcement agencies are prohibited from prosecuting people who use drugs. All police activities are aimed at combating unauthorized sale of "hard" drugs, as well as prevention and assistance to drug addicts [22].

Today, Poland is one of the main regional leaders in the production of psychotropic substances; as well as transit, consumption and sale of narcotic drugs. Polish organized crime groups take an active part in enriching themselves through the drug trade [23]. And since this country is one of the closest western neighbours of Ukraine, the experience of drug crime prevention in this country can be useful for us to improve the drug prevention system at both the national level and the regional level. In this country of the European Union, long-term anti-drug programs are adopted; these programs are properly financed from the state budget and they contribute to reducing the supply of drugs due to the preventive effect on potential drug users [24].

Moreover, Poland's proximity to Ukraine may mean not only that we can adopt its experience, but also that the high level of illegal trafficking in Poland is dangerous for us as well. Synthetic drugs are also such a danger.

## Conclusion

Therefore, we believe that the international cooperation of law enforcement agencies in the field of illegal distribution of drugs greatly helps law enforcement officers of other countries, given that the illegal circulation of narcotic substances and precursors is, by its nature, an international crime, because criminal organizations committing such crimes can commit them in different countries: To sell drugs in different countries, to use certain countries as transit countries, and others to grow raw materials, to recruit members of various origins for criminal organized drug-trafficking groups, etc. International cooperation can be both informational one and financial one. The both types of co-operation are equally important.

At the same time, experience of foreign countries should be adopted in moderation by means of analyzing this experience and the circumstances in a specific state, because measures useful in combating illegal distribution of narcotic drugs in one country may lead to a significant worsening of the situation in the fight against drug related crimes in another country. Moreover, we believe that it is also necessary to pay close attention to the state of illegal trafficking of narcotic substances in neighbouring states, because this can have a significant impact on the distribution of narcotic substances and their precursors in Ukraine, and therefore it is necessary to take appropriate measures to combat such crimes.

We also believe that the fight against corruption is one of the essential factors in the international fight against illegal drug trafficking. Law enforcement officers need to be constantly aware of the mechanisms of new ways and



methods of committing illegal drug trafficking, which are constantly being improved by drug criminals. Therefore, an established continuous exchange of experience and necessary information between law enforcement agencies of different countries, regarding countering the illegal circulation of narcotic drugs, is undoubtedly necessary and useful.

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### Conflict of Interest

Authors have no conflict of interest to declare.

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