

**CRIMINAL LIABILITY FOR DECLINATION TO CONSUMPTION OF DRUGS,  
PSYCHOTROPIC SUBSTANCES OR THEIR ANALOGUES**

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*Drug dependence is one of the most important problems in the Republic of Belarus, which requires radically new ways of solving. Over the past year, the problem of the spread of drugs has become catastrophic and is the cause of social disaster. This article is devoted to criminal liability for inducing the use of drugs, psychotropic substances and their analogues.*

Under the Criminal Code of the Republic of Belarus (hereinafter – the criminal code) substances, included in the National list of drugs, psychotropic substances and their precursors, are under the state control in the Republic of Belarus [1].

Guided by the Criminal Code, the inducement to use drugs or psychotropic substances should be understood as any intentional actions, including single actions, aimed at arousing the desire of another person to use them (in persuasions, proposals, giving advice, as well as in deception, mental or physical violence, restriction of freedom and other actions committed for the purpose of forcing a person to use drugs or psychotropic substances) [2].

Inducement to use drugs, psychotropic substances or their analogues shall be punished by arrest, or restriction of liberty for a term of up to five years, or imprisonment for the same term (article 331 in the Criminal Code). This act, committed by a group of persons by prior agreement or by an organized group of persons, with the use of violence or the threat of its use, is punishable by imprisonment for a term of five to ten years. Inducement to use drugs committed against a minor, resulting in death of the victim or other serious consequences entail imprisonment for a period of ten to fifteen years [1].

Any person who has reached a certain age and who is sane should be considered a subject of a crime and the subject to criminal liability in the Republic of Belarus. Age and sanity are the first signs characterizing the subject. Only a person who was aware of the socially dangerous nature of their actions and was guided by them committing the crime should be subject to criminal liability. The absence of only one sign, such as sanity, precludes the possibility of bringing a person to criminal responsibility. The age of the perpetrator is also taken into account. For this offence under the existing criminal law the offender is any sane individual who has reached the age of sixteen when committing a crime [4].

A sign of the crime is also considered to be the subjective side, which is the internal attitude of the person to the act committed and it has characteristic features, such as motive, purpose, guilt. The fault is considered to be the internal attitude of a person to the crime and it is characterized by direct intent or negligence. In this case, Article 331 of the criminal code provides for the subjective side only in the form of direct intent and excludes the possibility of committing an act of negligence. Since the guilty person is aware of the actions committed and consciously inclines another person (other persons) to drug use [2].

Committing a crime (inducing a person to use drugs), the accused is already considered guilty, since this crime should be recognized as formal. The consequences of the crime do not necessarily have to come, that is, the inclining person may not obey the will of the accised. The inclined person does not always have a desire to use drugs. Since the beginning of the Commission of actions to arouse the desire of another person to take drugs or psychotropic substances, the crime is considered to be completed.

When a person inclines to the use of drugs, psychotropic substances or their analogues, the consumption of such substances is a consequence, and therefore it can carry other consequences, such as exceeding the dose, infection with non-sterile syringes for injections and the like. Consequently, the perpetrator may cause death through negligence of a drug-addicted person. According to the criminal code (art.144), the infliction of death by negligence is punishable by correctional labour for up to two years, or restriction of liberty for up to three years, or imprisonment for the same term. If the crime is committed against two or more people, the person shall be punished by restriction of liberty for a term of up to five years or imprisonment for the same term [1].

Intentional infliction of serious harm to health resulting in death of the inclined person by negligence also takes place and forms a set of crime. Intentional unlawful deprivation of life of another person entails imprisonment for a term of six to fifteen years (article 139 of the Criminal Code) [1].

The question arises how to deal with this dependence and what are the forecasts of law enforcement agencies of the Republic of Belarus.

For the Republic of Belarus, this problem is a specific practical problem that has a detrimental impact on all spheres of the society, and, accordingly, requires a competent and balanced choice of ways to solve it. In order to stabilize the drug situation in the country and prevent it from developing into an uncontrollable phenomenon, December 28, 2014, the Decree of the President of the Republic of Belarus No. 6 "on urgent measures to counter drug trafficking" was adopted. In accordance with the provisions of the Decree, the modern anti-drug policy of the Republic of Belarus is aimed at ensuring a comprehensive, integrated and balanced approach to the organization of work in this area [5].

Today we can say that in the Republic at the system of prevention of drug addiction began to be built. An integrated approach to solving these problems has significantly contributed to the improvement of the crime situation, it has reduced the risks and threats associated with drug trafficking.

Of course, the greatest public danger is criminal activity associated drug dealing. Bearing it in mind, the identification of drug sales is one of the priorities of law enforcement agencies. In the past year, 185 criminal cases were initiated on the facts of committing crimes of this category [5].

Over the past few years, drug addicts have been actively using the Internet in their criminal activities, thus trying to keep themselves incognito. For this purpose, specialized online stores are created, the transfer of drugs to the buyer is made by leaving the goods at the agreed place. In this regard, significant efforts of the Internal Affairs bodies are focused on the identification and suppression of the activities of such virtual sale. In 2018, the measures taken in this direction contributed to the termination of 16 stores, via which psychotropic substances were distributed throughout the country. The work carried out has allowed to some extent to stop the flow of psychotropic substances in the territory of the region, among which not the last place is occupied by the notorious Smoking mixtures, and, in turn, it affected the level of involvement with drug crime of minors. Also for illegal circulation of drugs, psychotropic substances, their analogues there is criminal responsibility under the criminal code (article 328) which entails the restriction of liberty for a term up to five years or deprivation of liberty for a term of two to five years. In this case, courts are guided by expert opinions. The legislation provides for exemption from criminal liability in the presence of two mandatory conditions: voluntary surrender of drugs and active promotion of detection and suppression of crimes.

For the purpose of prevention the state policy in the sphere of turnover and counteraction to illegal turnover of drugs, psychotropic substances and their analogs is carried out, which is aimed at:

- maintenance of the Republican list and the list of hydrogen atoms substituents in the structural formulas of drugs, psychotropic substances or basic structures;
- licensing of activities related to the circulation of drugs, psychotropic substances, precursors;
- state control (supervision) over the circulation of drugs, psychotropic substances, precursors, analogues;
- detection of offences related to illicit trafficking in drugs, psychotropic substances, precursors, analogues;
- application of measures to counter illicit trafficking in drugs, psychotropic substances, precursors, analogues;
- prevention of consumption of drugs, psychotropic substances, analogues;
- development of a network of organizations to provide medical care to people with drug addiction, as well as their social rehabilitation;
- state support for research in the development of programs, methods and techniques for the prevention of consumption of drugs, psychotropic substances, analogues, provision of medical care to persons with drug addiction, and their social rehabilitation [3].

#### REFERENCES

1. Уголовно-исполнительный Кодекс Республики Беларусь [Электронный ресурс] : 11 янв. 2000 г., №365-З : принят Палатой Представителей 14 дек. 1999 г. : одобрено Советом Республики, 22 дек. 1999 г.: в ред.

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**Linguistics, literature, philology**

- Закона Респ. Беларусь от 09.01.2017 г. // Эталон. Законодательство Республики Беларусь / Национальный центр правовой информации Республики Беларусь. – Минск 2019.
2. Уголовный Кодекс Республики Беларусь [Электронный ресурс] : 2 июня 1999 г., №275-З : в ред. Закона Респ. Беларусь от 17.07.2018 г.// Эталон – Беларусь / Национальный центр правовой информации Республики Беларусь. – Минск 2019.
  3. О наркотических средствах, психотропных веществах, их прекурсорах и аналогах [Электронный ресурс] : Закон Респ. Беларусь. – Режим доступа: <http://kodeksy-by.com/>. – Дата доступа: 30.01.2019.
  4. Склонение к потреблению наркотических средств, психотропных веществ или их аналогов [Электронный ресурс]. – Режим доступа: <https://studopedia.ru>. – Дата доступа: 30.01.2019.
  5. В Беларуси ведется борьба с наркоторговцами и лицами, употребляющими наркотики [Электронный ресурс]. – Режим доступа: <http://www.pravo.by/>. – Дата доступа: 30.01.2019.