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Conceptual approaches to a new model of resistance to drug related crime in the republic of Kazakhstan

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Abstract

Over recent years, drug addiction and drug related crime remain one of the most immediate threats to public safety in the Republic of Kazakhstan. The aim of the research lied in examination of the current state of drug addiction and drug-related crime, as well as in identification of the factors that contribute to their expansion and functioning. General scientific methods of cognition, allowing to consider phenomena in development and interconnection, as well as an analysis of legislative and by-laws of the Republic of Kazakhstan, law enforcement practice of judicial and law enforcement agencies and scientific publications of domestic and foreign specialists were used as the methodological basis. Acquired results indicated that the existing system of resistance in Kazakhstan and other countries is not able to provide the desired efficiency and is in need of modification and updating. It has been established that drug addiction and drug crime cover not only legal, but also social, economic, medical and organizational aspects, which requires comprehensive measures of influence. Based on the results of the study, amendments to the criminal, criminal procedure and penal enforcement legislation of the Republic of Kazakhstan are proposed, aimed at improving the effectiveness of counteraction and strengthening public safety.

Keywords: Consumption of narcotic drugs and psychotropic substances, Contactless method, Drug addiction, Drug-related crime, Narcotic drugs, Operational investigative measures, Psychotropic substances, Substitutes of narcotic drugs and psychotropic substances.

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1. Introduction

Drug addiction and drug-related crime remain one of the most complex and understudied phenomena at the present stage.

Despite the abundance of publications devoted to the issues of countering drug addiction and drug-related crime, in the current time there is still no presence of a generally accepted highly effective approach to solving the problem under consideration, since the state, represented by its authorized bodies, judging by the quantitative and qualitative indicators of drug-related crime, as well as the state of drug addiction in the country, is unable to achieve tangible and desired results.

It is suggested that the reasons for the ineffective counteraction to drug addiction and drug-related crime include a number of unresolved problems at both the generally social and specific criminological levels.

The situation is complicated by the lack of a special methodology for the research of this type of crime, which is different from the study of general crime and allows for a complete diagnosis and the current picture of drug addiction and drug-related crime. There is also an insufficient use of operational investigative methods by internal law enforcement agencies, especially those based on the capabilities of modern technologies and artificial intelligence.

It seems that the main reason for the low effectiveness of the applied measures of counteraction on drug addiction and drug-related crime lies in the very nature of its occurrence, the essence of which is – its secretive and intangible nature determining its high latency, and enhanced by the contactless method of illegal distribution of narcotic drugs, psychotropic substances and their substitutes, the imperfection of the current legislation of the Republic of Kazakhstan, the incapability of law enforcement agencies to take adequate counteraction, as well as the low effectiveness of measures taken to influence them.

Insufficient scientific provision of practical activities by law enforcement agencies in countering drug addiction and drug-related crime has led to the fact that analytical work is poorly represented in the activities of law enforcement agencies, there is no sufficient in-depth factor analysis of crime and a predictive direction in combating it, modern methods (mathematical, sociological, etc.) of drug addiction and drug-related crime analysis have not been implemented in a sufficient amount, including those based on the achievements of modern innovative technologies.

The study of law enforcement practices demonstrates that drug addiction and drug-related crime are characterized by negative changes in their condition, dynamics and structure, the involvement of a significant number of people in this area, mainly from among the younger generation, as well as representatives not only from among immorally decayed individuals, but also from another elite part of the society: students, intellectuals, officials, athletes. and other categories of individuals.

All of the above indicates the need for rethinking of the current practice of countering the crime under consideration, since the current forms and methods of countering drug addiction and drug-related crime, as well as ongoing anti-drug measures, do not produce the positive results expected by the Kazakh society.

For a prolonged period of time, Kazakhstan has been in a lack of a special authorized body with appropriate rights in the structure of the Ministry of Internal Affairs of the Republic of Kazakhstan for organizing counteraction to drug addiction and drug-related crime, which was established by Decree of the Government of the Republic of Kazakhstan on September 11, 2024 as an independent Committee of the Ministry of Internal Affairs of the Republic of Kazakhstan. Nevertheless, there is still no presence of a specialized research institute in the structure of the Ministry of Internal Affairs of the Republic of Kazakhstan which could specialize in research, prediction, diagnostics of crime and all of its types, including drug addiction and drug-related crime.

It should be noted that the situation is aggravated by the processes of universal digitalization of social and economic relations, which have affected the crime itself, and especially drug-related crime that has begun to actively use the advantages of digitalization to develop its criminal activity, one of the displays of which is the contactless method of distributing narcotic, psychotropic substances and their substitutes.

Furthermore, crimes related to illegal consumption, sale, and production of narcotic drugs, psychotropic substances, and their substitutes, altogether with all the forms of drug-related crimes — are not purely a legal anti—criminal problem, it also includes other equally important problems: social, political, economic, medical, and others.

Therefore, it is extremely challenging and essentially impossible to resolve the issues of countering drug addiction and drug-related crime only through operational-investigative, criminal law and criminological measures, along with traditional forms and methods of work of internal affairs bodies, in this case a whole block of complex additional measures is needed to solve this problem with the participation of the entire state and civil society.

The need to develop a new paradigm in solving the problems of countering drug addiction and drug-related crime in the Republic of Kazakhstan follows from the requirements of state-level events and guidelines of the Head of State.

The President of Kazakhstan Kasym-Zhomart Tokayev has repeatedly emphasized the need for strengthening the counteraction of drug-related crime in the country, calling for the development of comprehensive measures and increasing the effectiveness of law enforcement agencies in this area.

The need for the new paradigm is also confirmed at the state level. The President of the Republic of Kazakhstan Kassym-Jomart Tokayev has repeatedly focused on strengthening the combating of drug-related crime, emphasized the growing threat of synthetic drugs distributed mainly via the Internet, and demanded an enhance in the effectiveness of the work of law enforcement agencies [1, 2] The Law «On National Security of the Republic of Kazakhstan» explicitly lists drug-related crime as a threat to national security [3] and the «Concept of Legal Policy until 2030» emphasizes the need to improve criminal law policy in terms of countering the crime [4].

A fairly complete characterization of the current drug situation in the Republic of Kazakhstan was given at the state level in 2023.

Detecting drug trade carried out by contactless method is shown to be a more challenging task for law enforcement agencies which poses a serious threat primarily to young people who actively use the Internet and messengers due to a variety of factors, including secrecy and anonymity, a multi-level structure, modern technologies and methods, a variety of platforms, and collaboration with international partners [5].

According to scientists, currently the drug threat can be put on a par with international terrorism and the proliferation of weapons of mass destruction [6].

During an expanded meeting of the board of the Ministry of Internal Affairs on January 22, 2024, President Kasym-Zhomart Tokayev reasonably criticized the insufficient results in the counteraction against drug distribution. The President demanded from the police to actively combat the production, sale and distribution of drugs, to stop «campaigning» and work solely for the sake of statistics [7].

All of the mentioned above requires regular work on improvement of the operational-search and investigative activities of the Department of Internal Affairs to update the tools for preventing and suppressing the spread of illicit drug products, preventing drug-related crime and modifying international cooperation between law enforcement agencies to counter cross-border drug-related crime.

Thus, the Resolution of the Government of the Republic of Kazakhstan dated June 29, 2023 No. 508 «On approval of the Comprehensive Plan to Combat Drug Addiction and drug trade in the Republic of Kazakhstan for 2023-2025» identified key negative factors of drug distribution: stable channels of illegal importation, clandestine production, immersion of drug dealers in digital technologies, the weakness of methods for studying new synthetic drug substances. Official data confirms the scale of the problem. The annual volume of illicit drug trade is about 20-25 tons, of which more than 95% are cannabis drugs, about 5% are synthetic drugs, less than 1% are opium, heroin and other types of substances. In 2022, their seizure rates were stated as follows: the total amount - 15.9 tons, of which «synthetics» - 582.9 kg (3.6%), heroin and opium - 172.7 kg (1%), marijuana and hashish – 6.7 tons (42%), cannabis – 8.5 tons (53.2%) [8].

Over the recent years, the situation in the field of countering drug-related crime has remained fairly complicated, despite the stability of the dynamics of development reflected in the statistical data.

According to the Committee on Legal Statistics and Special Accounts of the Prosecutor General's Office of the Republic of Kazakhstan, over 17 thousand crimes related to illicit trade in narcotic drugs, psychotropic substances and precursors were registered by law enforcement agencies during the 2018-2024 period [9].

As of January 1, 2025, according to the Committee on Legal Statistics and Special Accounts of the Prosecutor General's Office in the Republic of Kazakhstan, 8,776 criminal offenses against public health and morals, including criminal offenses related to illicit trade in narcotic drugs, psychotropic substances and their substitutes were registered in the Unified Register of Pre-Trial Investigation (hereinafter referred to as URPI) (Figure 1,2).

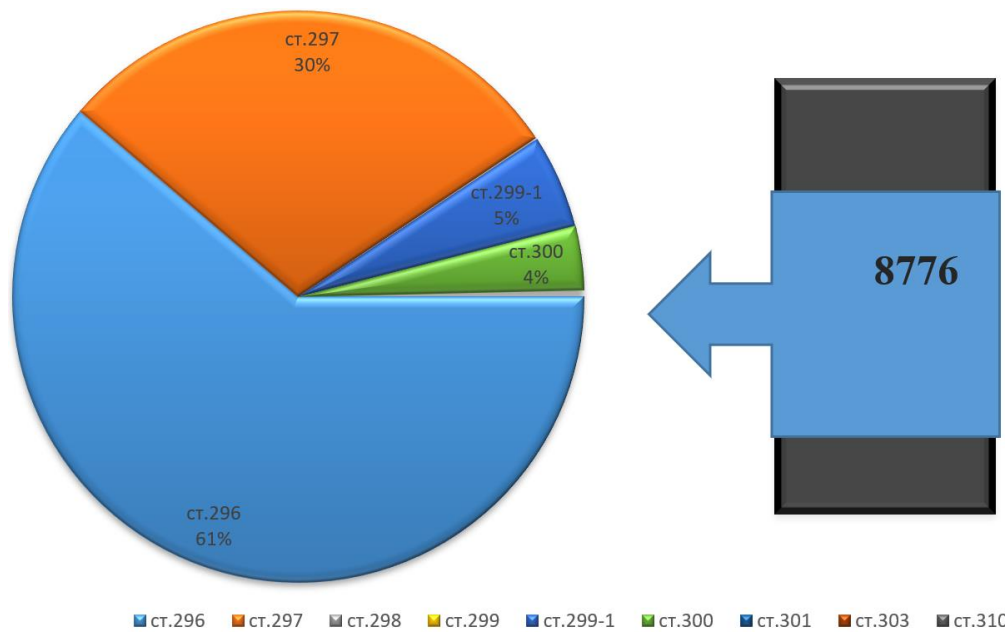


Figure 1. The number of criminal offenses against public health and morals, including criminal offenses related to illegal narcotic substances trade registered in the URPI.

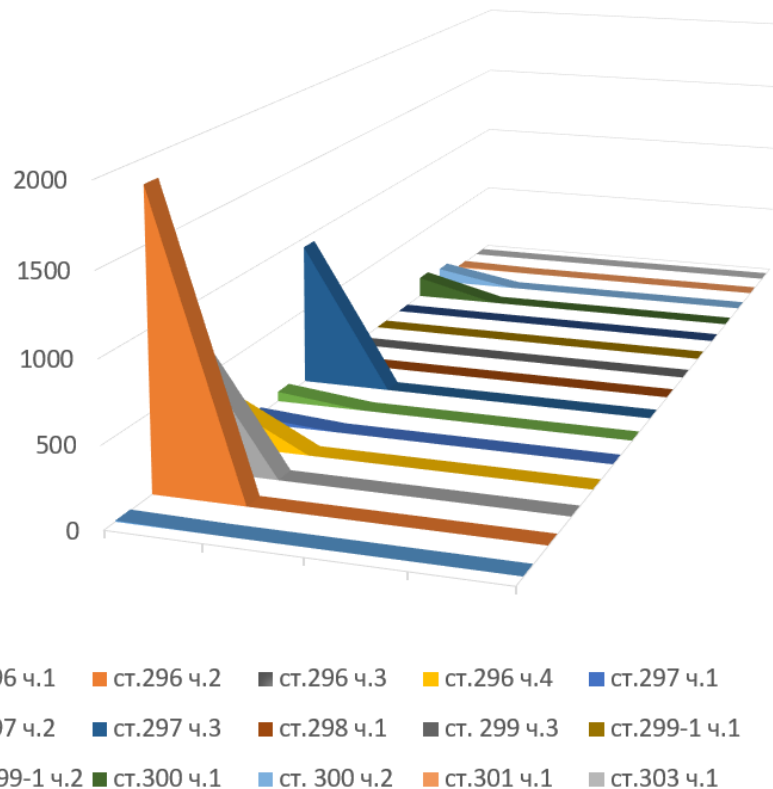


Figure 2. The number of people convicted for drug-related criminal offenses.

It is seen that despite the efforts being made, countering drug-related crime remains ineffective. The problem requires not solely the adjustment of individual measures, but also the development of a new model that takes into account a range of social, legal, economic and digital factors.

The purpose of the research is to substantiate the need for the formation of a new paradigm for countering drug addiction and drug-related crime in the Republic of Kazakhstan, to determine the directions of its institutional, legal and practical support.

The following testable hypotheses have been put forward in the framework of the study:

1. The latent and contactless nature of drug-related crime makes traditional detection methods ineffective; the introduction of digital and analytical technologies is a prerequisite for reducing latency;

2. Tightening sanctions without increasing the inevitability of punishment and prevention does not ensure a sustainable reduction in drug crime;

3. Interdepartmental coordination and analytical support make it possible to reduce the reoccurrence of offenses and increase the effectiveness of preventive measures.;

4. The improvement of criminal, criminal procedure and penal enforcement legislation, supported by system analysis and innovative methods, increases the effectiveness of the entire counteraction system.

The significance of the research lies in the fact that it integrates normative, empirical and criminological knowledge, identifies systemic gaps in countering drug crime and offers a reproducible conceptual model focused on the transition from fragmented measures to a comprehensive, interdepartmental and digitally supported policy.

2. Materials and Methods

The creation of a new paradigm for countering crimes related to the illicit consumption, sale and production of narcotic drugs, psychotropic substances and their substitutes require a rethinking and further development of the legal framework supported by the current regulatory and subordinate acts of the Republic of Kazakhstan, taking into account rapidly changing social conditions and factors.

The theoretical basis of the research was formed by the works of foreign and Kazakhstani scientists in the field of criminal law, criminology, sociology, medicine and psychology (N. Abdirov, L.N. Anisimov, T.A. Bogolyubova, A.m. Vronsky, A.A. Gabiani, S.P. Garnitsky, A.N. Glinka, R.N. Gottlieb, G.N. Dragan, S.P. Didkovskaya, V.M. Egorshin, N.A. Efimov, A.N. Ignatov, M.K. Intykbaev, S.A. Isimov, E.I. Kairzhanov, B.F. Kalachev, A.M. Karpovich, K.S. Kurmanov, N.A. Miroshnichenko, G.M. Minkovsky, A.A. Muzyka, G.M. Meretukov, D.E. Metreveli, K.M. Osmanaliev, E.F. Pobegailo, M.L. Prokhorova, A.N. Rarog, M.G. Romanov, V.P. Revin, R.A. Sabitov, B.S. Sarsekov, N.A. Sartayeva, K.R. Sarykulov, A.A. Smagulov, V.N. Smitienko, V.S. Fetkulov, and others). The issues of criminal law and criminological characteristics of crimes committed using computer technology and the Internet are reflected in the works of O.S. Guzeev, S.D. Dolginov, E.P. Ishchenko, V.I. Omigov, L.M. Prozumentov, L.I. Romanov and other researchers. However, these publications essentially did not address the issue of finding a new paradigm for countering drug addiction and drug-related crime. The study also used works published in indexed foreign publications (Scopus), which contributed to supplementation of the analysis with modern international approaches and justification of the relevance in the context of Kazakhstan.

The methodological basis of the work consists of institutional, criminal law, penal enforcement, criminological and operational investigative approaches, as well as general scientific methods of cognition, involving consideration of phenomena in their development and interrelation. The research was based on an interdisciplinary approach using a comprehensive literature analysis, comparative legal and formal logical methods, analogies, as well as methods of qualitative and quantitative analysis. Statistical procedures (summary, grouping, tabulation and graph construction, regression analysis) and predictive methods (extrapolation, expert assessments) were used. Microsoft Excel 2021 software was used for statistical processing.

The system of public relations developing in the field of illicit distribution of narcotic drugs and psychotropic substances in a contactless manner was presented as the object of the study. The subject of the study consisted of the causal-factor complex of this phenomenon, which includes criminal law and criminological characteristics, issues of criminal responsibility and punishment, as well as the improvement of operational investigative measures.

The empirical basis contained the Constitution of the Republic of Kazakhstan, the Criminal, Criminal Procedure, and Penal Enforcement Codes of the Republic of Kazakhstan, the Law on Operational Investigative Activities, the Law on Law Enforcement Agencies, the Law on National Security of the Republic of Kazakhstan, Presidential Decrees, Government Resolutions, and the Concept of Legal Policy of the Republic of Kazakhstan until 2030, approved by Decree of the President of the Republic of Kazakhstan October 15, 2021, No. 674, Resolutions of the plenums of the Supreme Court, normative resolutions of the Supreme Court of the Republic of Kazakhstan, international regulatory legal documents, as well as departmental regulations on strengthening the rule of law, law and order and combating drug-related crime.

As the part of the research framework, statistical reports of the Committee on Legal Statistics and Special Accounts of the Prosecutor General's Office for 2015-2024, including information on offenses under Articles 296-302 of the Criminal Code of the Republic of Kazakhstan, as well as 150 court verdicts issued by courts in various regions in cases of drug trafficking, including contactless forms of sale were analyzed. Additionally, the analytical materials of the Ministry of Internal Affairs of the Republic of Kazakhstan and the provision of the «Comprehensive Plan to Combat Drug Addiction and Drug Business for 2023-2025» (Resolution of the Government of the Republic of Kazakhstan dated June 29, 2023 No. 508) were taken into account.

Thus, the conducted research combines the analysis of the regulatory and legal framework, comparative legal and criminological approaches, sociological surveys of law enforcement officers and citizens, as well as empirical processing of statistical and judicial data. This design provided a comprehensive study of the problem and allowed the authors to formulate proposals for the formation of a new paradigm for countering drug addiction and drug-related crime in the Republic of Kazakhstan.

3. Results and Discussion

A brief summary of the acquired data and observations on the object of the research is provided below, followed by their primary interpretation and experimental conclusions are formulated.

The analysis of the problem under consideration allowed the authors of the article to monitor the current criminogenic situation in addressing drug-related crime in the Republic of Kazakhstan, including its new and previously unknown display – contactless distribution, sale, production of narcotic, psychotropic substances and their substitutes.

Drug-related crime contains a set of criminal offences (crime, criminal offenses) committed in a country over a certain period of time and violating the rules of their turnover established in the country. provided for in art. 296, 297, 298, 299, 299-1, 300, 301, 302, 303, 310 of The Criminal Code of the Republic of Kazakhstan [10].

According to the authors, drug addiction is not solely a legal or social problem, but also a medical problem, a factor analysis of drug-related crime needs to be carried out in the mandatory manner.

For a complete diagnosis of drug addiction and drug-related crime, sufficient amount of attention needs to be devoted to concept of drug addiction, which is the collective and basic definition of the type of crime under consideration,

V.N. Kudryavtsev, a leading criminologist, was absolutely right when he pointed out that the study of antisocial phenomena, including various types of illegal behavior, ultimately pursues a practical goal: to develop and then implement such scientifically sound measures that would contribute to the successful attack on these negative social phenomena and reduce their prevalence. They would eliminate the most dangerous forms of them, and then gradually reduce these phenomena to nothing [11].

According to a Kyrgyz scientist N.E. Abdugarimova, drug addiction is defined as a complex multidimensional, socio-legal criminal phenomena, meaningfully broad in scope, the main components of which are a) drug addiction (which is dominant in the need, motivational sphere, leading to a deviant behavior of a drug addict); b) drug-related crime (in both its the narrow and broad sense); c) drug-related criminal offenses; d) narcotic situation; e) criminal drug subculture; f) factors, determining drug addiction, along with justifiable characteristics of its specific features that create an independent type of drug-related crime and, as a rule, representing the variety of organized crime [12].

According to another Kyrgyz scientist B.B. Nogoybayev's provided information, the data from the specialists of the International Association for Combating Drug Addiction and Drug Trafficking demonstrates that over the recent years the situation related to the consumption and distribution of narcotic substances has deteriorated severely on the territory of the Russian Federation and CIS Republics. This issue raised international attention. The UNESCO specialists suggest that if the most drastic measures are not taken, then in the next 5 years 35-40% of population and above all, younger generation will become drug addicted. During investigation the drug crime and drug trafficking problem, it is necessary to keep in mind, first of all, the ultra-high rate of profit up to 1000% according to experts [13].

Moreover, taking into account the drug addiction issue in the context of modern market relations, it provides an opportunity to earn a lot of money, amounting to hundreds of millions of US dollars.

It should be noted that according to scientists, the interest to the drug-related crime issue has increased in the middle of the 90s years of the last century.

Thus, if in the beginning of the 1990 not a single gram of heavy drug substances was seized, then in the 1991, 10 grams of drug substances were seized for the first time. According to law enforcement data, in 2024, the amount of confiscated heroin increased to 300-400 kilograms. Overall, the annual seizure of drugs in Kazakhstan exceeds 20 tons.

This explains the increased scientific interest to the issue under consideration. Hence, Phd theses on the topics of the issues of counteraction to drug-related crime in Kazakhstan were defended (M.K. Intykbayev, S.E. Kurmanbekov, B.S. Sarsekov, K.B. Buitek, N.A. Sartayeva, K.R. Sarykulova, A.A. Smagulov, G.H. Fetkulov), doctor dissertations (N.A. Abdirov, A.A. Smagulov, N.A. Sartayeva), as well as doctor dissertations in Kyrgystan (K.S. Kurmanov, B.B. Nogoibayev, N.E. Abdugarimova) and Uzbekistan (M.K. Kadyrov) [14].

Furthermore, as the study of the scientific literature devoted to the drug-related crime issues shows, the authors of the majority of the publications avoid the process of counteraction of the drug addiction and drug related crime, leaving more attention to its theoretical aspects, such as the definition of drug-related crime, narcotism, drug addiction or illegal trafficking of narcotic substances, psychotropic substances and their substitutes.

It is suggested that the following issues need to be taken into consideration for the creation of a new paradigm of counteraction to drug addiction and drug-related crime on the general societal level as well as on specific criminological level

Let us consider the first block of questions, the solution of which is related directly to the narcotic drugs, psychotropic substances and their substitutes.

First, as it is known, demand in any sphere determines supply. Therefore, a fair question arises: what explains the high demand for the consumption of narcotic drugs, psychotropic substances and their substitutes among the population of the country, especially from the youth environment, including the intellectuals, students, workers, which in the conditions of a market economy is the main driving force behind the presence of drug addiction and drug-related crime.

Second, what are the main sources of supply, distribution channels, or production of narcotic drugs, psychotropic substances, and their substitutes. This is especially important in the context of society's transition to digitalization, which encompasses not only legitimate operations for the benefit of society and the state, but also illegal activities related to criminal activities, including the non-contact distribution of narcotic drugs, psychotropic substances, and their substitutes.

Third, who is involved in the production, delivery, and distribution of narcotic drugs, psychotropic substances, and their substitutes.

Fourth, how the entire process of providing narcotic drugs, psychotropic substances and their substitutes is financed, where the funds come from, and who is the source of financing, that is, the main beneficiary.

Fifth, what are the scales and ways of selling narcotic drugs, psychotropic substances and substitutes, including through contactless method.

Sixth, who acts as a distributor of narcotic drugs, psychotropic substances and their substitutes and what methods are used for this matter.

Seventh, who is the direct consumer of narcotic drugs, psychotropic substances and their substitutes.

The second block of questions that requires reflection and the solution of which will contribute to the creation of a new paradigm for countering drug addiction and drug-related crime, will cover the activities of subjects, including authorized institutions designed to combat drug addiction and drug-related crime (law enforcement agencies) or having access to them in the implementation of their professional activities (medical institutions), as well as the participation of individual citizens of our society in this process.

Thus, according to the Russian scientist Grinko S.D. who considered that the post-Soviet legal literature formulated a system of factors that cause and contribute to the distribution of narcotic drugs in the following form:

1. Significant gaps in the legislative and departmental regulatory framework governing activities in the field of combating drug trafficking and ensuring control over the legal trafficking of narcotic drugs.

2. Insufficiency in the activities of law enforcement agencies, educational and healthcare institutions in countering the narcotic drug threat.

3. The openness of a significant part of the state border with the states that were formerly part of the USSR.

4. A special attention needs to be paid to the growing number of narcotic drug consumers and the level of medical drug use [15].

Therefore, the connection between drug-related crime and organized crime is not coincidental, according to the authors of the article

Therefore, it is no coincidence that drug crime is linked to organized crime, the close interaction of which is noted by the authors of the article, which, in their opinion is one of the sources of super profit for organized crime, along with other types of crime such as economic crime, property crime, gambling industry crime, professional sports and service sector crime [16].

The reasons for the close connection between organized crime and drug-related crime were noted by a widely recognized Russian criminologist V.V. Luneev According to the author, drug-related crime is characterized as organized and international in 90% of cases. Firstly, growth and production of narcotic drugs implemented in a limited number of countries and their distribution around the world is essentially impossible outside of organized international crime activity. Secondly, illicit drug trafficking is the most favorable crime type for international mafia that provides super profit (from 300 to 2000%) that it cannot miss. In the reviews of the UN and European community, these activities are being tracked relatively decently [17].

The high profitability of drug-related crime was also noted by another well-recognized Russian scientist-criminologist V.S. Ovchinskiy The scientist stated that the highest profit among various criminal markets of the EU is still provided by drug-trafficking, human trafficking and smuggling of migrants, as well as financial cybercrime. At the same time, the kinds of crime such as online trade of illegal products and services, as well as illegal trade of tourist activities related to pedophilia are increasing the fastest [18].

When it comes to the sources of narcotic substances and their substitutes, as suggested by A.I. Korobeev and D.V. Lyubach, Andean region countries (Colombia, Bolivia, Peru) are one of the main global sources of narcotic drugs production, on the territory of which, there are operating illegal organizations specializing in cocaine production. The production of the mentioned narcotic drug is oriented predominantly on two outlet markets – USA and Europe [19].

The information on the close connection between drug addiction and drug-related crime was found in the published articles of such scientists as Pierce, et al. [20].

The effects of psychotropic substances on committed crimes are described in the articles of such scientists as Baranyi, et al. [21] according to the published data of their articles, the connection under consideration is justified by 130 000 adult Scottish citizens.

As it is widely recognized, narcotic drug consumption has negative consequences on the health condition of the drug user himself as well as the user's environment.

Thus, the results of tragical consequences with fatal outcomes for drug users in Australia are published by Roxburgh, et al. [22] according to which, lethal outcomes happened predominantly (98%) among Australians aged 15-74 ages. Approximately 2/3 out of the deceased (68%) were men. Mortality from heroin overdose remains unchanged during the reporting period and is more frequent among men. Mortality from pharmaceutical opioids overdose increased two times during the research period (from 21,9 to million population in 2001-36,2 years), while in 2012, the fatal outcomes happened 2,5 times more frequently than mortality from heroin overdose [22].

Another issue related to deterioration of drug situation in the country is linked to newly emerged conditions, meaning the factor analysis of drug-related crime.

First, the transition of drug dealers due to high costs of plant-based drugs related to the challenges of transportation under the strengthened drug control by the authorized agencies, as well as to decreases in buyer's capacity of synthetic drugs consumers

Lin-Ifeng, Altansuvd, Battulga, Yneon Han, Hisun Chung, Jih-HengLi, described this tendency of narcotic substances consumption in their article.

Therefore, the United Nations Office on Drugs and Crime (UNODC) has made a warning regarding the emerging threat from new psychoactive substances (NPS), which are mainly derived or modified from components of natural origin. For example, synthetic cannabinoids and synthetic cathinones are derived from the cannabis and cat plants, respectively [23].

The number of formulas of psychoactive substances that already exist in markets is the amount that neither law enforcement agencies of Kazakhstan nor in any other country are able to track and register in the lists of illegal substances.

However, synthetic drugs of the new generation have the following unique trait – it is possible to add changes into their chemical formula, while heroin's chemical formula for example is remained unchanged regardless of the place where it is produced.

The analysis shows that pivotal changes happened in Kazakhstan from 2011 to the current time, including the growth of variety in the narcotic substances and their substitutes, price ranges, availability and unstrictness in the production of synthetic drugs, increase in the number of consumers (independent individuals).

Second, the immersion happening through cinematography, culture, Internet and other types of communication in the consciousness of wide range of new ideology individuals, which contributes to the consumption of narcotic drugs, psychotropic substances and their substitutes.

The issue under consideration was fairly discussed by the well-known scientists Antonov, et al. [24] according to which, general symptoms of drug consumption include narcomanic syndrome, which expresses itself based on specific type of the narcotic drug (psychotropic substance) being consumed, as well as the method of its injection [24].

Furthermore, according to the well-known Russian scientist Gilinsky [25] narcotic substances consumption started to become a form of social protest, a form of identification (an indicator of belonging to a certain social group, subculture) among consumers, usually of young age, while the consumption of – «elite», «prestigious» (for example, cocaine) types of some of them plays a prestigious status role [25].

Let us consider a description of drug addiction and drug-related crime in Kazakhstan in the period of 2021-2024.

- There is an increase in the level of drug-related crime and drug addiction, which is partly explained by the stabilization of the situation in the country after the pandemic;
- The resumption of activity of the criminal groups;
- The emergence of new ways of distributing narcotic drugs, psychotropic substances and their substitutes, as well as an increase in their varieties;
- Active development of the emission of underground drug laboratories;
- According to the information of the capital's drug dispensary, «heroin addicts» have become a rare occasion;
- Mostly people who are addicted to synthetic drugs come in serious condition, with deep psychoses and organic lesions of the central nervous system;
- The growth of drug addicts continues, the active demand of consumer customers generates more supply;
- There is a deterioration in the physical and mental state of the strongest generation of the nation, in the age range from 18 to 40 years.

It should be noted that over the recent period, the system of measures to combat drug-related crime in Kazakhstan has been in crisis. The situation was aggravated by the fact that the number of drug addicts increased, cases of secondary sale of narcotic drugs by operational staff became more frequent, while the main focus of law enforcement agencies was on artificially increasing drug-related crime investigation statistics.

Third. The emergence of a new, more productive and safer way of distributing narcotic or psychotropic substances and their substitutes, which has received a rather succinct name as a contactless method.

At the same time, technological progress has significantly hampered the work of law enforcement agencies to combat this disease and facilitated the activities of drug distributors.

The attractiveness of the contactless distribution method for distributors of narcotic drugs, psychotropic substances and their substitutes is rooted in the reduced risk of detention by law enforcement agencies.

While the contact method of distribution retains the possibility of operational surveillance and the possibility of identifying a person, while digital platforms offer extensive opportunities for anonymizing a person. Darknet, virtual networks (VPNs), various messengers with encrypted transfers of messages, etc [26].

Contactless methods such as leaving goods in a certain place or technological delivery by drones further reduce the risk of detection by law enforcement [27].

For consumers, the contactless method of purchasing narcotic drugs makes it possible to exclude physical contact with the distributor. The contact method of distribution required a certain amount of courage on the part of the consumer and trust in the seller.

The digital form of interaction, encrypted communication channels provide convenience for the consumer - the product becomes available from anywhere and at any time.

The modern trends in narcotic drug distribution are analyzed in sufficient detail in the Report of the United Nations International Narcotics Control Board for 2023. The growth of online drug sales is a reflection of the general trend towards digitalization of various spheres of life.

The Internet provides new opportunities for drug traffickers, however, despite the convenience and anonymity, online platforms have not yet replaced traditional distribution channels for narcotic substances. The World Wide Web facilitates the search for precursors and equipment for drug production. The global drug market, estimated at hundreds of billions of dollars [28] is increasingly shifting online.

The development of technology and the increase in the number of Internet users both create favorable conditions for the further growth of online drug trafficking [29].

Cryptomarkets. Another trend is the development of cryptomarkets. Cryptomarkets are located in the deep segment of the Internet, inaccessible to search engines [30].

To access the darknet, a special anonymous network and the corresponding Tor browser are used. The profit of the cryptomarket is based on the commission from each transaction, depending on the volume of transactions. Administrators also provide services like bank escrow, fulfilling the role of a guarantor. The essence of this role is that although the money has already been received from the buyer, the seller will not receive it until the goods is delivered. It is worth noting that administrators of such services are characterized by a high degree of technical savvy and a young age, which indicates the involvement of highly educated youth in such activities [31].

Communication is more often conducted in English, although the example of the large and Russian-speaking «Hydra» platform (closed in 2022) shows that the emphasis is shifting to the Russian-speaking client base [32].

According to consumers, the main advantages of the cryptomarket are the absence of falsifications and the absence of impurities, as well as the reduced risks of becoming a victim of fraud, extortion or physical pressure. Sellers have a limited number of clients, and only a few suppliers are engaged in deliveries, which, accordingly, receive the main benefits from such a business. Crypto exchanges are focused on local markets, as evidenced by a decrease in cross-border traffic. Moreover, the average size of transactions is increasing. The order is delivered through contactless method by sending GPS coordinates to the buyer via an encrypted message in the application [33].

The emergence of online pharmacies. Online or internet-pharmacies engage in the trade of prescribed medical drugs, as well as the trade of illegal substances. According to statistics, despite the existence of online pharmacies operating in the legal field, a significant proportion are illegal platforms [34]. The problem with these pharmacies is that they approach the issue of having a prescription either only formally or do not request prescription at all.

It should be noted that despite the fact that Kazakhstan is a country of transit of drugs, and not the destination of Afghan heroin traffic, the danger is not reduced, since according to experts, about 10-12 percent of foreign narcotic drugs passing through the territory remain in Kazakhstan.

Moreover, the specificity of Kazakhstan is the fact that it is not only a transit country, but also one of the producers of natural narcotic drugs, since drugs are illegally produced in the «Chuisky» region of the country for their subsequent distribution.

Apart from the above, the territory of Kazakhstan is used by organized criminal groups for drug trafficking purposes to deliver narcotic drugs and psychotropic substances through the country from neighboring Asian border countries to Russia and Europe [35].

The formulated conclusions of the scientists provide grounds for making assumptions about the social essence of the phenomenon of the outspread of narcotic drugs and psychotropic substances among people and the need to develop a new paradigm for countering drug-related crime accordingly.

Fourth, the reason for the need to reflect on the methods of countering drug addiction and drug-related crime is the transnational and organized nature of drug addiction and drug-related crime.

The current increasing global scale of drug distribution is rightfully pointed out by Luneev [17] according to the beliefs of the scientist, illegal drug trafficking, which is one of the main sources of income for most transnational criminal organizations, can best be understood as a kind of industry with separate stages of production and distribution. The total value of operations in the drug business reaches 500 billion US dollars. The Financial Action Task Force created by the heads of state of the seven largest developed countries and the Commission of the European Communities, concluded that almost \$85 billion of the money coming from the sale of heroin, cocaine and cannabis to the United States and European countries is laundered or used as an investment [17].

Fifth, the results of the study of law enforcement practice also indicate the need to find a new paradigm for countering drug-related crime.

According to the conducted research, despite the intensification of the fight against drug-related crime by the operational investigative units of the internal affairs bodies and judicial authorities, there are serious gaps in law enforcement activities, especially in its final part, due to the imperfection of the current criminal legislation of the Republic of Kazakhstan in terms of responsibility for these criminal offenses,

More than 150 sentences from different regions of the Republic of Kazakhstan were studied as part of the research.

Thus, the study of court verdicts as part of the research shows that courts and law enforcement agencies are only interested in the fact that a detainee has a narcotic, psychotropic substance or their substitutes. Normally, information about the reasons, circumstances, and identity of the detainee is not taken into account and is not investigated.

The results showed that the plot of all sentences and the court decision (a monetary fine of 50 thousand tenge) turned out to be of the same type.

It all comes down to one version; an individual found the drugs and did not hand them over or did not have time to hand them over to the police. Apparently, this version, despite its obvious inconsistency and illogic, suits all participants in the trial. The most fascinating fact regarding the issue is the type of punishment in the form of a fine in the amount of fifty thousand tenge, which does not pose a serious problem for a detained drug addict or distributor.

Moreover, the legislator attributed this act to criminal offenses, the punishment for which, according to Part 2 of Article 79 of the Criminal Code of the Republic of Kazakhstan, does not even entail a criminal record [10].

Therefore, the punishment of individuals who have committed a criminal offense under Part 1 of Article 296 of the Criminal Code of the Republic of Kazakhstan is not effective, since it not only does not contribute to the remorse of the convicted person and does not prevent him from committing a repeated criminal offense, but is in fact a way to take the detained person away from the needed real criminal responsibility by law enforcement officers as a result of a rather laborious process carried out during the operational - investigative measures.

That is, it would be advisable to transfer this act from criminal offenses to crimes, providing for such a type of punishment as imprisonment in the sanction of this article.

Therefore, according to the well-known criminologist Dolgova [36] it is precisely in modern conditions that the suppression of drug trafficking is one of the main directions of countering the emission of drug addiction in society [36].

As rightfully specified by Dozorenko [37] criminal policy in the area under consideration should be focused primarily on countering drug distributors. The preparatory actions of drug addicts for drug use being on a par with the acts carried out by drug traffickers and their accomplices in drug distribution should not be allowed [37].

A significant place in law enforcement practice is occupied by the categorization of drug-related criminal offenses by current legislation. Thus, the legislator categorizes part 1, 2.3 of art. 296 of the Criminal Code of the Republic of Kazakhstan as a criminal offense (There is no punishment in the form of imprisonment and punishment does not entail a criminal record). It would be advisable to introduce a minor and moderate crime instead of a criminal offense. Further, part 4 of art. 296 of the Criminal Code of the Republic of Kazakhstan- a grave crime. While parts 1, 2 of art. 297 of the Criminal Code of the Republic of Kazakhstan- a grave crime, parts 3, 4 of art. 297 of the Criminal Code of the Republic of Kazakhstan- a particularly serious crime.

Another equally significant aspects of the criminal offenses related to illegal trafficking of narcotic drugs, psychotropic substances and their substitutes are their criminological specifications and characteristics.

As for the identity of a drug addict, this is usually a person who does not have a permanent job or is not working, is of young age, has a family and young children, exists on illegally obtained income, is capable of embarking on a criminal lifestyle at any moment and needs social control and social assistance from the state.

The data from the report on the work of the courts of first instance on the consideration of criminal cases for 2024 is of interest. Judicial statistics on Articles 296 and 297 of the Criminal Code of the Republic of Kazakhstan for 2024 are presented in Table 1,2.

Table 1.
Types of judicial decisions and punishments.

Article of the Criminal Code of the Republic of Kazakhstan (part)	Type of decision/punishment	Number of people
Art.296-part 2	Sentenced to imprisonment	2
Art.296-part 3	Sentenced to imprisonment	2
Art.296-part 4	Sentenced to imprisonment	269
Art.297-part 1	Sentenced to imprisonment	42
Art.297-part 2	Sentenced to imprisonment	64
Art.297-part 3	Acquitted	3
	Sentenced to imprisonment	935
	Sentenced to restriction of freedom	1
	The punishment is below the lowest limit	17
	Asset forfeiture is ordered	94
Art.297 part 4	Sentenced to imprisonment	27
	Sentenced to restriction of freedom	1
	Asset forfeiture is ordered	4

Table 2.
The use of compulsory medical measures.

Article of the Criminal Code of the Republic of Kazakhstan (part)	Type of addiction	Number of people
Art.296-part 1	Drug addiction	1
Art.296-part 2	Alcohol addiction	21
	Drug addiction	28
Art.296-part 3	Alcohol addiction	14
	Drug addiction	25
Art.296-part 4	Alcohol addiction	9
	Drug addiction	50
Art.297-part 1	Drug addiction	4
Art.297-part 2	Alcohol addiction	1
	Drug addiction	10
Art.297-part 4	Alcohol addiction	1
	Drug addiction	3

It is suggested, that measures for drug-related crime counteraction should go beyond legal frameworks and cover activities at the general social and specific criminological levels. The conducted monitoring demonstrated that the drug market in Kazakhstan is shifting towards synthetic narcotic drugs, contactless sales and latency are increasing, while the sanctioning practice for a number of formulations (including cases with fines) does not have the proper deterrent effect. The obtained results are interpreted in comparison with previous studies and working hypotheses formulated in the

Introduction: The identified digital forms of sales and high latency are consistent with the conclusions of V.V. Luneev, V.S. Ovchinsky et al.; the «synthetic shift» and the emission of new psychoactive substances are confirmed by the estimates of the UNODC and INCB; the lack of prevention with the dominance of penalties correlates with criticism of the effectiveness of the existing model of punishment, reflected in the domestic literature. In a broad context, the results point to the transnational-organized nature of the threat, the association with illegal financial flows and the digitalization of drug markets, which increases the requirements for interstate coordination and the development of digital forensics.

The limitations of the study are related to the incomplete observability of the online segment, the selectivity of the array of sentences, as well as the lack of a specialized scientific institute and end-to-end departmental analytics, which may lead to an underestimation of the latent segments.

Recommendations for further research include: a quasi-experimental assessment of changes in sanctions and their preventive effect; the development of OSINT and blockchain mapping techniques for contactless networks; in-depth panel studies among groups aged 18-40; validation of interdepartmental metrics of counteraction effectiveness.

The interpretation of the hypotheses confirms the key assumption about the need for a multidisciplinary counteraction paradigm (law + prevention + digital analytics).

4. Conclusion

Considering the conducted research the following conclusions and results were formulated, the implementation of which will allow to change the current work on countering drug addiction and drug-related crime in the Republic of Kazakhstan.

The problems of drug addiction and drug-related crime require reevaluation and development of a new counteraction paradigm, since despite the active measures taken to combat them at the state level, the effectiveness of the counteraction process remains quite low, since drug addiction as a social phenomenon and this type of crime have begun to pose a threat to the health of the nation, national security and have acquired trends of expanding the circle of consumers, among them, individuals aged 17-26 years were - 42.5%, while every fourth Kazakhstani drug addict has not reached the age of an adult. At the same time, the methods of distributing narcotic drugs and psychotropic substances and their substitutes have become more diverse through the introduction of digitalization elements and especially in the form of a contactless method, which has made them less accessible to law enforcement agencies.

It is advised to combine the efforts of law enforcement, medical, pharmaceutical authorities at the state level, in the form of approved joint annual work plans at the republican, regional, city and district levels, as well as to stimulate the participation of representatives of civil society in this process.

An analysis of the current criminal, criminal procedure and penal enforcement legislation of the Republic of Kazakhstan in terms of countering drug addiction and drug-related crime has demonstrated that the need to be supplemented and modified.

The results of the conducted research allowed the authors to conclude that the current Criminal Code of the Republic of Kazakhstan needs to be adjusted. So, based on the results of the study, court verdicts for committing a criminal offense under Article 296 of the Criminal Code of the Republic of Kazakhstan, non-medical consumption of narcotic drugs, psychotropic substances, and their substitutes in public places, to supplement sanctions with such a type of punishment as imprisonment.

This would make it possible to take a more differentiated approach to choosing the punishment of the perpetrator, and would also make it possible to transfer parts 1, 2.3 of Article 296 of the Criminal Code of the Republic of Kazakhstan from the category of criminal offenses to crimes, since punishment for a criminal offense according to part 2 of Article 79 of the Criminal Code does not even entail a criminal record.

Furthermore, it is suggested to refuse from the wording of «public places» since the given wording hinders the pre-trial investigation, as well as to substitute the «not medical usage» of consumption of the narcotic drugs, psychotropic substances and their substitutes to «consumption without a written doctor's prescription».

Additionally, in order to strengthen responsibility for the propaganda and illegal advertising of narcotic drugs, psychotropic substances, and their substitutes, add additional Articles 299-1 Propaganda or illegal advertising of narcotic drugs, psychotropic substances, or their substitutes, and precursors in the form of a note warning of possible criminal liability of individuals who commit elements of their propaganda in the form of various publications, interviews, TV programs, the film releases and other similar products, where propaganda or a hint of propaganda of narcotic drugs, psychotropic substances and their substitutes are taking place.

When participating in the implementation of state measures to combat drug addiction and drug-related crime, especially in conditions of high latency of these phenomena, law enforcement agencies should strengthen the use of special methods of influencing them (operational search and covert investigative actions) provided for by the CPC of the Republic of Kazakhstan in order to prevent illegal acts in this area at earlier stages (early prevention). Norma-K [10] and the Law of the Republic of Kazakhstan «On Operational investigative activities» [3] which make it possible to legally prevent various kinds of illegal actions, carried out in the field of new technologies.

The execution of punishment, as stated in the Penal Execution Code of the Republic of Kazakhstan takes a significant place in the law enforcement activities related to counteraction of drug addiction and drug-related crime.

Thus, it is considered to be advisable to send individuals convicted of narcotic drugs related criminal offenses to serve their sentences to repurposed specialized medical correctional institutions only for this category of persons instead of general correctional institutions. This would significantly limit the range of drug use by other convicts, while strengthening medical care for those convicted of drug offenses in order to completely eliminate their drug addiction.

Moreover, it is suggested to create medical and labor dispensaries for people who abuse narcotic drugs, psychotropic substances and their substitutes, based on the experience of the former USSR where people could receive treatment and work for the benefit of their family and society.

In order to solve the existing problems in law enforcement, it is recommended for the Supreme Court of the Republic of Kazakhstan to develop and propose new recommendations for judicial- investigative authorities when considering cases related to drug addiction and drug-related crime by the courts, since despite the fundamental and practical significance of the Regulatory Decree of the Supreme Court «On the application of legislation in cases related to illicit Trafficking in Narcotic Drugs, psychotropic substances and toxic substances» dated May 14, 1998, a significant amount of time has passed since its adoption and accordingly, major changes have taken place in all areas, including in the counteraction against drug addiction and drug-related crime.

Taking into account the transnational nature of modern drug addiction and drug-related crime, in order to ensure successful counteraction, urgent measures are needed to further expand international law enforcement cooperation and introduce into national legislation the existing foreign experience of law enforcement agencies in the far and near abroad, as well as those described by foreign authors.

For instance, the described experience of countering drug-related crime by such foreign authors as Tsai, et al. [38] deserves to get noted. According to the cited authors, the development of dominant strategies for solving this problem is the main task of the police authorities. For a more effective analysis of the structure of the impact of drug crimes, social network analysis (SNA) methods are used to identify the consequences of drug-related crimes. The prospect of a network of accomplices at the macro level indicates that criminals intend to establish blocks between the network of members to prevent law enforcement interference [38].

During the development of a new model for countering drug addiction and drug-related crime, strengthening scientific support for established crime control practices and developing new approaches, ideas (concepts), considering the changing situation should be taken into account.

To solve the problem of scientific support of the crime prevention process, it is proposed, based on the experience of the former USSR Ministry of Internal Affairs and the current All-Russian Research Institute of the Ministry of Internal Affairs of the Russian Federation, to create a Scientific Research Institute of the Ministry of Internal Affairs of the Republic of Kazakhstan in the structure of the Ministry of Internal Affairs of the Republic of Kazakhstan as an independent committee or department, while in the structure of regional police departments, as well as police departments in Astana, Almaty, Shymkent, to create structural divisions of the Scientific Research Institutes of The Ministry of Internal Affairs of the Republic of Kazakhstan - criminological centers that would specialize in studying and analyzing the ongoing criminal situation, identification of the criminal and would provide scientific support for the process of combating crime, including drug addiction and drug-related crime in the field.

It is suggested, that the conceptual elaboration of countering drug addiction and drug-related crime should cover the following main areas:

The first area - the improvement of the legal framework for countering drug addiction and drug-related crime;

The second area - the activity of the law enforcement system itself, that is, the main subjects of counteraction;

The third area - the scientific support of the process of combating drug addiction and drug-related crime and its research, including criminological forecasting;

The fourth direction - the digitalization of the entire process of countering drug addiction and drug-related crime;

The fifth direction - the strengthening of the preventive focus of the process of combating drug addiction and drug-related crime;

The sixth direction - the further improvement of the personnel policy in the system of law enforcement agencies that ensures the counteraction against drug addiction and drug-related crime;

The seventh direction – the expansion of the involvement of civil society in countering drug addiction and drug-related crime by the state through the implementation of the Laws of the Republic of Kazakhstan «On the Prevention of Offenses» and «On National Security of the Republic of Kazakhstan».

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