

THE ALGERIAN LEGISLATOR'S POLICY IN COMBATING DRUG CRIMES "AN ANALYTICAL RESEARCH IN LIGHT OF ORDER 05-23 RELATED TO COMBATING DRUGS"



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Abstract:

Algeria is suffering from the spread of the drug scourge, including abuse, promotion, trade, industry, and smuggling, as a result of its geographical proximity to the homeland of drug cultivation and export to the west and south, and consumption to the north, to the point where it has become not only a transit zone, but also a large consumption one. This prompted Algerian legislators to adopt a modern strategy to combat drug crimes in all forms, as evidenced by Law 05/23 relating to the prevention and repression of the illicit use and trafficking of narcotics and psychotropic substances.

So, what are the pillars on which the Algerian legislator's modern strategy is based, as outlined in Law 05/23?

These foundations are exposed by applying an analytical method, studying the provisions of Laws 18-04 and 05-23 relevant to the prevention and repression of drug offenses, with the occasional use of a comparison approach when comparing the provisions of both laws.

Key words: policy; drug crimes; combat; prevention...

Introduction:

Many people feel that drug abuse is a new phenomenon, and that the crimes associated with are new, however this is incorrect because their existence and usage is as ancient as human cultures.

Drugs have been known to man from ancient times, as they live in nature alongside. It was widely used in numerous civilizations, including China, Greece, the Romans, and Iraq, for a variety of purposes, including medicine and treatment

of certain ailments, such as malaria and rheumatism, as well as pain relief. It was also frequently utilized in religious rites.

In truth, people never ceased using them, and they never lost their significance to them. On the contrary, scientists identified their benefits in the field of medicine, performing surgical procedures, reducing acute pain, and curing numerous ailments, including psychiatric and neurological ones.

However, around the turn of the twentieth century, scientists began to raise concerns about the dangers of narcotic drugs to human health, whether natural, derived from natural elements, or chemically synthesized. As a result, requests for the imposition of sanctions for their usage grew, and accords and treaties were signed to prohibit drug use and trafficking.

The most prominent of which being the 1961 Convention which Algeria ratified in accordance with Decree No.343-63, amended by the Protocol issued in 1972, which Algeria ratified in accordance with Presidential Decree No.02-61, the 1971 Convention on Psychotropic Substances ratified in accordance with Decree No.77-177, and the UN Convention against Illicit Traffic in Narcotic Drugs of 1971, which Algeria ratified in accordance with Decree 41-95.

These are the agreements on which Algeria relied to combat drugs, and it adapted its internal laws in accordance with the provisions of those agreements provisions, so it began to criminalize drugs under:

- Order 75-09, which prohibits the trade and consumption of toxic substances.
- Public Health Law (Order 76-79).
- Health Protection and Promotion Law 85-05.

However, as evidenced by the worsening of the scourge's spread, these laws have proven ineffective in combating drugs, prompting the Algerian legislator to reconsider the combat strategy he adopted under those laws, and to follow a modern criminal policy based on prevention, treatment, criminalization, and punishment, through Law 18-04 concerned with the prevention to narcotic drugs and psychotropic substances, as well as the abolition of their illicit use and trafficking.

However, due to the imbalances and shortcomings that plague it, this law proved its failure in combating this phenomenon, as evidenced by the increasing aggravation of the spread of this phenomenon in a terrible way through abuse, promotion, trade, industry, and smuggling, prompting the legislator to issue a new law amending Law 18-04, which is Law 05-23 issued on May 23rd, 2023.

So What are the pillars upon which the Algerian legislator's modern strategy is based under Law 05-23 amending and supplementing Law 18-04 relating to the

prevention of drugs and psychotropic substances and the suppression of their illicit use and trade, which are included in this law in the field of combating drug crimes?

These foundations are revealed by employing an analytical approach, analyzing the provisions of Laws 18-04 and 05-23 pertaining to the prevention and suppression of drug crimes, while occasionally employing a comparative approach when comparing the provisions of the two laws in relation to the following topics:

The first topic: the preventive measures.

The second topic: the remedial measures.

The third topic: the repressive measures.

The fourth topic: the procedural rules.

The fifth topic: the special provisions.

THE FIRST TOPIC: THE PREVENTIVE MEASURES

The Algerian lawmaker recognized that the success of any drug-fighting strategy cannot rely solely on deterrent laws, no matter how severe they are, because punishment alone has proved in reality and via statistics to be unsuccessful in removing this scourge.

Rather, a preventative plan must be implemented alongside the approach. Punitive measures, which is what was set in Law 23-05, in which he created a separate chapter devoted to provisions related to preventive measures, a strategy that he did not use with Law 04-18, and he only referred to it by heading the second chapter with preventive and remedial measures without details.

1. The Awareness Preventive Mechanisms:

Because the dangers of drugs extend beyond the addict and are not limited to him alone, but rather to threatening the stability of society, corrupting it, and threatening the state's development path, the responsibility for combating drugs falls on everyone, including public administrations and institutions, local groups, and civil society bodies, as recognized and enshrined by the Algerian legislator with the task of ensuring compliance with Law 05-23.

The latter obligated public administrations, institutions, local groups, and civil society to coordinate with the National Office to Combat Drugs and Drug Addiction established by Executive Decree No.97-212 of June 9th, 1997, amended and supplemented by Decree No.03-133 of March 24th, 2003, charged with ensuring the preparation and implementation of this preventive strategy in collaboration with the relevant sectors by developing joint sectorial programs to

prevent the illicit use and trafficking of narcotics and psychotropic substances derived from the provisions of the national strategy, which are particularly represented in:

1.1. Raising awareness to drugs and psychotropic substances consequences:

Many scientific, medical, psychological, and sociological investigations and research have shown that the rising prevalence of drug and psychotropic substance-related crimes, particularly misuse, causes substantial harm to the user, society, and the state (Oluwafikayomi O. Banjo, Olubukola Ajayi & Banji F. Kumolalo, 2022, pp. 01-22). For the addict, frequent use of narcotic medications, whether natural or synthetic, causes addiction. It is tough for him to give it up and live without it, and the problem extends beyond not only not letting go of it but the harm it does on the addict, health-wise, mentally, and ethically.

Addiction, for example, as a form of drug crime, leads to family disintegration and the its collapse, and thus the collapse of society, which will inevitably suffer as a result of this disintegration, (Dennis C. Daley, 2013, pp. 73-76) through the emergence of many phenomena that are foreign to its culture, such as homelessness, high crime rate, and abundance of moral crimes such as adultery and prostitution, rape, attack on assets, incest, suicide, theft, beating, injuring, and other crimes committed under the influence of narcotics were all documented by security agencies. (Raheleh Rafeaie et al, 2013, pp. 139-140).

In terms of the state, because the family is the basic cell for building society, the collapse of the family will, of course, result in the collapse of society, which will suffer from many pests, dangerous phenomena, and many crimes and diseases, all of which will have a negative impact on the state, particularly in the political and economic aspects, as a result, it is required to:

- Activating the role of educational and training institutions in the fields of sensitization and knowledge of the hazards of illegal drug use and trafficking, educational achievement, and the growth of violence in society.
- Increasing the role of mosques, cultural and sports facilities, and youth clubs (Yeskotava Gulyiza, 2017, pp. 23-49) in promoting awareness of the hazards of narcotics and psychotropic substances.

The mosque holds a particular place in the hearts of Muslims. As a result, it plays a highly effective function in reminding Muslims of the reasons that Islamic law was created to maintain and calling on them through venues. Mosques are advised to avoid all banned substances, including narcotics, in accordance with his words, may God's prayers and peace be upon him "Every intoxicant is alcohol, and every alcohol is forbidden", and to remind people of its mental risks, as well as the threats to human health, which God Almighty has bestowed upon him. (Yusuf Al-hajj Ahmad, 2014, pp. 01-48).

Cultural and sports facilities, as well as youth clubs, play an important part in the lives of young people. As a result, they might lend a hand in combatting the plague of drug misuse by designing a program that is consistent with their monetary and moral resources, through which they attempt to increase awareness of the risk. This scourge leads young people and teens toward useful techniques of enjoyment, recreation, and spending spare time, as well as aiding in the resolution of young people's difficulties and preoccupations. (Richard Bailey et al, 2009, pp. 01-27).

1.2. Providing psychological and educational accompaniment and follow-up for addicts: (S. P. Bielavin et al., 2019)

This responsibility is principally committed to families and educational institutions, which must not be satisfied with a purely educational role. The family must rely on proper family education approaches while avoiding improper ways that may lead to youngsters sinking further into the sea of drugs. (UNICRI, 2020).

How to deal with one of its members whose addiction has been proven, by avoiding excessive cruelty, ostracism, and non-acceptance, and adopting a democratic style based on tolerance, accompanying, guiding, and encouraging him to get treatment and get rid of toxins, being kind to him and giving him love and tenderness, avoiding cruelty, harshness, and strictness, and avoiding rebuking and cursing him.

The school must also support the family by caring for and assisting the addicted kid. It must not resort to removing the kid or student from school and dumping him in the street, since this would exacerbate the problem. Rather, the doctor and psychologist on-site must work with the family to identify the best option and persuade the addict of the importance of treatment. (Stephanie Daniel, 2023).

- Activating the media's role in preventing drug and psychotropic substance abuse:

The media can help combat the scourge of drug abuse by allocating large spaces to various media outlets, particularly written, audio, and audio-visual, similar to the spaces allocated to sports news and artistic and entertainment classes. It addresses the scourge of drugs by explaining its dangers to users, addressing the reasons why our youth resort to using it, so media has an important role in educating young people about the seriousness of this problem and the enormous harm on the society, family and individual, also it highlights the role of media in reducing the negative models in drama, which caused the spread of this phenomenon. (Yeskotava Gulyiza, Op. Cit.).

1. The Oversight mechanisms:

To ensure the effectiveness of the drug control program, all actions must be coordinated. As a result, the aforementioned Law 05-23 implicated pharmacists in this duty due to their professional contact with narcotics and psychotropic drugs. (Gabriela Arantes Wagner and Arthur Guerra de Andrade, 2010, pp. 01-09).

The preventative part of the effectiveness of Law 05-23's program to combat drugs and substances includes not only raising awareness, but also implementing control systems to restrict the expansion and worsening of this scourge. These mechanisms are depicted in the following diagrams:

- Establishing an electronic national index at the Ministry of Health level for medical prescriptions for narcotic drugs and psychotropic substances and making it available to judicial authorities, judicial police, health practitioners, and Ministry of Health and Customs oversight services.

As part of the legislative strategy to combat this phenomenon, the Algerian legislator established an electronic national registry that ensures the monitoring of psychotropic substance sales and indexing psychotropic drugs by placing them in an electronic registry in order to monitor and control how they are obtained. The registry was created to improve treatment, bring transparency to the prescription process, and eliminate advertising.

- Requiring pharmacists to inform and notify regional health authorities of medical prescriptions that do not match the prescriptions specified by law, while protecting them legally by not subjecting to criminal prosecution if the notification is ineffective, because combating drug crimes necessitates equal efforts for all efforts to make the control program successful, so the law has been involved. 23/05 The aforementioned pharmacists, as a result of their work with narcotics and psychotropic medications.

CHAPTER TWO:

THE REMEDIAL MEASURES

The present criminal strategy to combat drug offences is based on a therapeutic policy as well as a preventative and deterrent policy. Indeed, the Algerian legislator was persuaded that therapeutic policy comes before punitive policy, therefore he put it in the provisions of the drug legislation in the chapter preceding the penal requirements. (Salah Abdennouri, 2014, pp. 01-44).

The Algerian legislator's corrective strategy is founded on the following corrective measures:

1. Exemption from criminal prosecution:

This is a measure enshrined in Article 6 of Law 18-04, as amended by Law 05-23, which states that public lawsuits shall not be filed against persons who consume narcotics or psychotropic substances if it is proven that they have undergone detoxifying treatment or have been under medical supervision since the occurrence of the incidents attributed to them, regardless of whether the consumer is a minor. Whether an adult or a juvenile (Article 06 bis), a juvenile can benefit from the measure of exemption from criminal prosecution, which was formerly confined to adults exclusively by Law 18-04.

2. Detoxification treatment Submission:

If the competent judicial authority determines, based on medical expertise, that the person prosecuted for the misdemeanor stipulated in Article 12 (the crime of consumption) is an addict and not just a consumer, he will be ordered to undergo detoxification treatment, whether he is an adult or a juvenile, and this treatment will be carried out either within specialized institutions or externally under supervision. a medical.

3. Penalty exemption:

If the addict complies with the order for detoxification treatment, the court authority may determine to relieve him from the sanctions outlined in Article 12 of Law 05-23 (Article 07). The same is true for the child. If medical evidence shows that the addicted juvenile completed the detoxifying medical treatment, the competent judicial authority may exempt him from the stipulated penalties and order that the juvenile be placed under medical supervision for a period not exceeding one year.

4. Educating people about the hazards of drugs:

This is a measure introduced by Law 05-23, which authorized the judicial authority to order the conduct of training on the dangers of drugs and psychotropic substances in an institution specialized in treating addiction or in an association active in the field of preventing the illicit use and trade in narcotics and psychotropic substances (Article 07/last paragraph).

CHAPTER THREE: THE DETERRENT MECHANISMS:

The Algerian legislator attempted to cover most types of drug crimes, including consumption, dealing, and trading, in accordance with Chapter Three of it, which dealt with penal provisions, specifically within the texts of Articles 12 to 21 of it, which he divided into:

Ordinary misdemeanors include consumption and possession for the purpose of consumption. Obstructing or blocking agents entrusted with investigating offenses from carrying out their responsibilities and tasks as provided under the Narcotics Law.

Aggravated misdemeanors include offering drugs and psychotropic substances to others for personal use, facilitating the illicit use of narcotics or psychotropic substances, providing a false medical prescription or as a favor, and dealing and trafficking in narcotics and psychotropic substances.

Felonies include drug trafficking by an organized criminal group, managing, organizing, or financing drug dealing, cultivating narcotic plants for trafficking, and exporting or distributing precursors, supplies, or equipment for the purpose of cultivating, manufacturing, or producing narcotic substances or psychotropic substances: sentence is life in prison.

Despite the strictness and severity of this punitive policy, given that the legislator covers almost all forms of drug crimes and the severity of the penalties prescribed for them, which can include life imprisonment, the legislator decided to reconsider this punitive policy through an amendment that affected the criminal and punitive aspects of some of the crimes included. Law 04-18 included new offences that were not listed in the prior legislation.

1. Innovative offenses:

Law 23-05, revising and augmenting Law 18-04, created new kinds of drug offenses, attempting to embrace all forms of drug crimes, especially those whose aggravation has developed in recent years within Algerian society.

1.1. Obtaining or trying to get narcotics or stimulants by threats, violence, or assault:

This is a crime formed under the language of Article 16 bis of Law 05-23, and its objective is to offer legal protection to doctors and pharmacists who are lawfully licensed to contact narcotic medications by virtue of their profession. The criminal commits this offence when he or she uses force, such as threats, assault, or hostility, to get or attempt to obtain narcotics and psychotropic substances. It is punished by one to three years in jail and a fine of 100,000 to 300,000 DZD.

1.2. Drug deliberate promotion:

This is a new offence within the language of Article 16 bis 1 of Law 05-23. This offence happens when the culprit engages in the act of marketing a drug or psychotropic substance in any way. This crime is classified as an aggravated misdemeanour, and the sentence imposed changes depending on whether it is accompanied with aggravating circumstances in:

A- When it is not accompanied by aggravating circumstances:

The sentence will be five to 10 years in jail and a fine of 500,000 to 1,000,000 DZD.

B- When it is combined with one of the aggravating conditions stated exclusively in the text of Article 16 bis 01, paragraph 02, and the matter relates to one of the following:

- A situation relating to the victim's character: If the victim is a minor, has special needs, or is through addiction treatment.
- Spatial circumstance: relates to the location of the promotional act, such as educational, pedagogical, training, health, or social centers, or public organizations or institutions available to the public.

If the promotion act is combined with one of the previously listed aggravating conditions, the penalty is imprisonment for 10 to 20 years and a fine of 1,000,000 to 2,000,000 DZD.

2. Amendments to some offences' criminal and penal features:

The legislator redrafted several of the clauses in Law 04-18 cited above, changing, on the one hand, the material element of specific offenses and, on the other, the punishments specified for them. This is about:

2.1. The offense of distributing medicines and psychotropic substances without medical prescriptions or with false or fraudulent prescriptions:

It is a crime committed by individuals legally permitted to deal in narcotic narcotics and psychotropic substances, such as physicians, pharmacists, chemists, and even patients, when they misuse the license provided to them by the law and dispose of it for a purpose other than that stated by the law. Because of Law 04-18, this offense is not deemed a new crime. However, Law 05-23 altered the terms of the material aspect of this offence as well as the punishments provided for it.

In accordance with Law 05-23, the material conduct of the offense is accomplished by performing one of the activities specified in Article 16 thereof, which is:

A - Preparing a prescription including drugs or psychoactive medications as a form of favoritism:

- Violating the requirements established in the appropriate regulation, which was adopted by Law 05-23 and was not included in the preceding Law 18-04.

B- The form adopted by the new legislation 05-23 is the delivery of pharmaceuticals or psychotropic substances without a medical prescription or under a medical prescription in violation of the specifications stated in the applicable regulation.

C- Obtaining or trying to obtain medicines or psychotropic substances with the purpose of selling them in contravention of the requirements provided in the applicable regulation:

This is the form that was introduced by Law 05-23, where the previous law 04-18 stipulated and punished those who obtain or attempt to obtain psychotropic substances for the purpose of selling them using fictitious medical prescriptions based on what was presented to them. And not on the basis of prescriptions that deviate from the parameters provided in the applicable legislation.

Thus, Law 05-23 added and created new copies of the copies of the medical prescriptions subject to the crime, and was not satisfied with the pictures of fictitious medical prescriptions or those provided as a favor, and added the prescriptions that violate the specifications specified in the applicable regulation.

In terms of punishment, Law 05-23 reconsidered the penalties prescribed for this crime for the purpose of deterrence, while maintaining its legal description as an aggravated misdemeanor, and it was punished by imprisonment ranging from two to ten years and a fine ranging from 200,000 to 1,000,000 DZD, as it was previously punishable. Under Law 18-04, the penalty is imprisonment for 5 to 15 years and a fine of 500,000 to 1,000,000 DZD.

It is permitted to impose complement penalties specified in Article 29 of legislation 18-04, such as prohibiting, for example, from practicing the profession in connection with which the offense was committed for a period of no less than 5 years, as long as it is not annulled under the new legislation.

2.2. Illicit usage, possession, or acquisition of drugs and psychotropic substances for personal consumption:

The material element of this offence under legislation 18-04 was accomplished by carrying out one of the activities mentioned in Article 12 of this legislation, namely:

- Consumption

Personal drug usage is meant, and it can take several forms, like smoking, ingesting, snorting, injecting, and so on. (W. Schlicht, 2001).

- Possession for consumption:

This means obtaining possession of the drug through possession and jurisdiction, as physical possession of the confiscated material is not required for a person to be regarded in possession of his drug substance. Rather, it is sufficient for him to be thought in such a way that his power is extended over him, even though it is not in his actual possession. (Maedot Teka, Esq., 2023).

While Law 05-23 added a new form represented in the act of purchasing narcotics and psychotropic substances, but not for the purpose of trading, but rather

for personal consumption, to distinguish this form from the act of purchase, which is one of the constituent material acts. For the material element of the trafficking offence punishable under Article 17.

We feel that producing this form is logical because drug consumption occurs after purchasing it, as purchasing is one method of getting and directly ingesting drugs.

In terms of punishment, the Algerian legislator reconsidered its penal policy to suppress this crime by lowering the amount of the fine prescribed for this crime while maintaining the duration of the deprivation of liberty penalty, so that the penalty prescribed for this crime as a simple misdemeanor became imprisonment for two months to two years or a fine of 20,000 to 50,000 DZD, rather than 5,000 to 50,000 DZD.

The legislator's tendency to reduce the amount of the financial fine while maintaining the light penalty is due to the legislator's tendency to prioritize prevention and treatment over repression, by treating the addict as a patient rather than a criminal and assigning him the remedial measures stipulated in both Laws 18-04 and 05-23.

C. Drug and psychiatric substance trafficking:

Under former law, drug and psychotropic substance trafficking took two forms:

- Aggravated misdemeanor:

When the trade acts specifically stated in the text of Article 17 of Law 18-04 are not accompanied by any aggravating conditions, the penalty stipulated for these acts is imprisonment for 10 to 20 years and a fine of 5,000,000 to 50,000,000 DZD.

- Felony:

When trafficking actions are combined with the aggravating circumstance of being committed by an organized criminal gang, they become a felony punishable by life imprisonment.

After the modification, the offense remained classified as an aggravated misdemeanor and a felony, but the amendment included a new aggravating circumstance relating to the perpetrator's character, in addition to the situation of the organized criminal gang. These two factors transform the offense into a felony.

Regarding the simple form: the perpetrator engages in one of the forms of dealing prohibited in the text of Article 17 of Law 05-23, and these are the forms that involve almost all cases of trafficking: production, manufacture, sale, putting for sale, obtaining, possession, display, or purchase with the intent of selling or

Storage, extraction or preparation, distribution, delivery, brokerage, shipment, transportation by transit, or transportation of narcotics or psychotropic substances;

The new amendment maintained the former law's penalty for these crimes, which was ten to twenty years in jail and a fine of 5,000,000 DZD to 50,000,000 DZD.

Regarding the aggravated form: Amendment 05-23 added a new aggravating circumstance to the circumstance of the organized criminal group that changes the legal description of the crime and turns it into a felony punishable by temporary imprisonment ranging from 20 to 30 years based on the perpetrator's or offender's character by being:

- Public servant: In the text of Article 17/3, this law defined public employee as "every person who occupies a legislative, executive, judicial, or administrative position or in one of the elected local popular councils, whether appointed or elected, permanent or temporary," regardless of rank or seniority, and every other person defined as a public employee or anything similar in conformity with current law and regulation".

- If the perpetrator is a health practitioner, a pharmacy or pharmaceutical business professional, or an employee of an addiction treatment facility. If the perpetrator is a member of an organization that works to prohibit the illegal use and trafficking of narcotic narcotics and psychiatric substances.

When this scenario prevails, the penalty for this offence is temporary imprisonment for 20 to 30 years.

D. The offense of growing narcotic substances:

According to the language of Article 20 of Law 18-05, which comprised one paragraph, cultivating narcotic plants, notably the opium poppy, coca bush, or cannabis plant, was penalized. However, following modifying the wording of Article 20 by Law 05-23, the text of this article now comprised two paragraphs. He describes this offense as a felony and a petty misdemeanor, hence the crime of cultivating the opium poppy, coca bush, or cannabis plant is:

Simple misdemeanor: If the objective of the act of planting is personal consumption, the penalty is imprisonment for two to five years and a fine of up to 200,000.

Felony: The penalty is life imprisonment if the objective of cultivation is trafficking, as stated in the preceding paragraph. The amendment had no effect on this case.

CHAPTER FOUR: THE PROCEDURAL RULES

Drug crimes differ from other crimes in a number of ways, necessitating the adoption of a special procedural policy based on the development of special investigation and investigation methods developed in the field of investigation and investigation of this type of crime, (United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 1988) as mandated by Law 05-23, in order to ensure speed and effectiveness in combating. These are some of the measures:

1. Allowing the use of information and communication technology, including information systems, and putting in place technological arrangements to ascertain the geographical position of the suspect, the means of crime, the products, or anything else linked to the crime:

Permission is obtained from the judicial authority (the investigating judge or the representative of the republic) for the police officer or the judicial police assistant under his supervision, and if the officer carries out this procedure without obtaining permission due to the possibility of evidence disappearance and serious harm to persons and property, the officer notifies the judicial authority. As a result, it is up to her to issue a written order to either continue or halt the proceedings (Article 35 of Law 05-23).

2. Controlled delivery:

Controlled delivery is an investigative approach and an effective strategy for countering major crimes that was created by the Code of Criminal Procedure under Article 16 bis and was also implemented by Law No.05-17 linked to smuggling.

In light of its success as an effective tool for detecting crime, Law 05-23 was adopted pursuant to Article 36 bis thereof, which stated that this article was authorized by the competent judicial authority within the framework of combating illicit drug trafficking, under its supervision, regarding the movement of drugs and/or psychotropic substances for exit or passage or entering Algerian territory to investigate the offences specified in this statute.

3. International cooperation:

Drug offences have crossed national lines. As a result, international collaboration, whether bilateral or multilateral, is one of the most significant and successful drug-control techniques. (Natalia Zhilina et al., 2017, pp. 837-845). As a result, Law 05-23 established a system for the interchange of foreign legal aid as long as it does not jeopardize national sovereignty or public order. Even if received quickly, within the context of signed international agreements and the principle of

reciprocity, and for the aim of carrying out inquiries or investigations into drug offences.

CHAPTER FIVE: THE SPECIAL PROVISIONS

Among the special provisions that distinguish this law is its adoption of a policy of encouraging everyone who cooperates with the competent authorities by assisting them and of his own free will in preventing the occurrence of the criminal outcome, by reporting criminal schemes, whether before or after the start of their implementation of the criminal outcome. The strategy of encouraging reporting has resulted in the approval of two processes in favor of the whistleblower, namely the procedure of exemption from penalty and punishment reduction.

1. Exemption from punishment:

According to the text of Article 30 of Law 05-23, anyone who participated in the commission of a drug crime and intentionally notified the administrative or judicial authorities before starting or initiating its implementation is exempt from prosecution.

The principle, according to this text, favors only the accomplice, not the criminal. Exemption from prosecution, while the original language of the provision excused both the culprit and the accomplice from prosecution, as stated in provision 30 of Law 18-04, "Whoever informs the administrative or judicial authorities of every crime stipulated in this law before implementing or initiating it".

2. Reducing the punishment:

Mitigation or reduction of the penalty applies to both the accomplice and the perpetrator involved in the commission of a drug crime if they assist authorities in stopping the original perpetrator or accomplices in the same crime or crimes of the same nature or severity. The following is the mechanism for lowering the penalty:

- Penalties shall be reduced by half if the notification relates to the crimes specified and punishable in Articles 12 to 17, namely, all misdemeanor drug offenses, whether simple or aggravated, the felony of trafficking in narcotic drugs and intoxicants committed by a public official, and the misdemeanor of cultivating opium poppy and cannabis plants. In addition, and coca leaves for personal use.

- Penalties are reduced to temporary imprisonment ranging from 10 to 20 years if the report concerns drug crimes classified as felonies, which include:

- Crimes of trafficking in narcotic drugs and psychotropic substances committed within the framework of an organized criminal group (Article 17/4 of Law 05-23).

- The offense of controlling, funding, and organizing narcotics and psychotropic drug trafficking, as defined and punished by Article 18 of the aforementioned Law 18-04.

- Article 19 of Law 18-04 defines and punishes the offense of exporting and importing drugs and psychotropic substances.

- Felony cultivation of narcotics and psychotropic substances for trafficking (Article 20 of Law 05-23).

- The offense of making, shipping, or distributing precursors, equipment, or equipment with the intent of employing them in the illicit cultivation, manufacture, or production of narcotic drugs or stimulants, as defined in Article 21 of the aforementioned 18-04.

Conclusion:

The drug scourge is a complicated worldwide scourge, and the degree of risk, dimensions, and impacts vary per country. Some nations face production challenges, while others face trafficking challenges, transportation challenges, and consumption and addiction challenges.

Algeria suffers from the plague of drugs in all of its forms of production, use, and promotion due to its geographical proximity to areas of drug cultivation and export to the west and south, and consumption to the north. As a result, Algerian legislators attempted, through Law 18-04 and Law 05-23, to restrict the use of narcotics and psychotropic drugs and to control their use.

In terms of criminality, its scope embraced all types of drug interaction, including use, sale, manufacturing, manufacture, trade, marketing, and so on, and was classified into misdemeanors and crimes.

A harsh punitive strategy was implemented, with sentences ranging from life imprisonment to 30 years in jail.

Recognizing that the success of any anti-drug strategy should not be based exclusively on deterrent laws, no matter how harsh they are, current criminal policy has been founded on the implementation of preventative approaches that involve a set of awareness and supervision measures.

The National Bureau for Combating Drugs has been charged with overseeing their development and execution. It also contains a variety of corrective actions, such as requiring the individual to undergo detoxification treatment and mandating instruction about the hazards of drugs and psychotropic substances at an

institution specializing in addiction treatment or in an organization working in the field of narcotics and psychotropic substance prevention.

It also adopted special procedural rules in the field of investigation and investigation of these crimes, relying on modern technology to locate the suspect, the means of crime, the goods, or anything related to the crime, and adopting controlled delivery as a special investigative method. And establishing an international cooperation structure to combat drug trafficking.

Despite this legal advancement in the sphere of drug control, this law still has major flaws in various areas. As a result, we urge to the lawmaker that the following revisions to drug-crime statutes be included:

- Approval of the death sentence for drug-related offences.
- His briefing on certain forms of drug offenses including smuggling and trafficking in drugs and effects through modern technical means such as the Internet.

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