Narcotic Drugs and Psychotropic Substances Among The International Classification and National Classification - Pregabalin as a model-

المخدرات والمؤثرات العقلية بين التصنيف الدولي والتصنيف الوطني

-البريغابالين أنموذجا-



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Abstract:

The Classification of narcotic duugs and psychotropic is one of the legal mechanisms adopted by countries to regulate the circulation of drugs that affect the nervous system by including them in legal lists that determine their degree of danger and the possibility of their medical use. At the international level, it is regulated by international agreements. At the domestic level it is

regulated by law N° 18-04, such as pregabalin, promted the legislator to issue Law N° 23-05, wich came to strengthen prevention aand control mechanisms and update legal tools to confront developments related to the spread of psychotropic substances Executive Decree N0 24-112 was then issued, specifying the conditions and methods for classifying these materials and updating their lists.

Keywords: Classification, Control, Drugs, Psychotropic substances, Pregabalin .

ملخص:
يعد تصنيف المخدرات والمؤثرات العقلية من الآليات القانونية التي تعتمدها الدول لتنظيم تداول الأدوية ذات التأثير على الجهاز العصبي من خلال إدراجها في قوائم قانونية تحدد درجة خطورتها وإمكانية استعمالها الطبي. على المستوى الدولي نظمته الاتفاقيات الدولية أما على المستوى الداخلي وفي الجزائر تحديدا تم تنظيمه بموجب القانون رقم 18-04 ، غير أن تطور أنّ تطور الظاهرة وظهور مواد جديدة قابلة لإساءة الاستعمال كالبريغابالين جعل المشرع يقوم بإصدار القانون رقم 23-05 الذي جاء لدعم آليات الوقاية والرقابة وتحيين الادوات القانونية لمواجهة المستجدات المتعلقة بانتشار المؤثرات العقلية، ليصدر تصنيفا وطنيا للمؤثرات العقلية بصدور المرسوم التنفيذي رقم 24-112 الذي حدد شروط وكيفيات تصنيف هذه المواد وتحيين قوائمها.
كلمات مفتاحية: التصنيف، الرقابة، المخدرات، المؤثرات العقلية، البريغابالين.

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INTRODUCTION

Drug abuse is widely regarded as one of the most significant crimes facing national and international legal systems. There are numerous substances that affect the mind, and listing them is not easy, nor is the process of combating and reducing them. Any national or international legislation aimed at tackling drug abuse must consider the chemical and organic properties of the substances involved. This is not easy, particularly given that some

countries allow the cultivation of certain narcotic substances without exercising control over them. The difficulty of controlling land borders facilitates their illegal circulation and trafficking, and the complexity of treating narcotic substances makes controlling their abundance and variety challenging[1].

The statistics provided by the Algerian delegation to the 62nd session of the United Nations Commission on Narcotic Drugs, held in Vienna between 14 and 15 March 2019, can be relied upon. During this session, the head of the Algerian delegation informed the Commission that 671 kg of cocaine had been seized in 2018, compared to just 6 kg in 2017 — an increase of 10,599.85%. Additionally, 4,324 kg of heroin were seized compared to 2,120 kg in 2017, representing an estimated increase of 51%[2].

Drugs are raw or manufactured substances or drugs that contain an active ingredient that affects the balance of a person's mental, psychological and physical state, whether by activation or inhibition. Their use ends in a state of addiction[3].
From this standpoint, there are many criminal prosecutions of those who were found to be in possession of drugs considered psychotropic substances but not classified in Algeria, such as Lyrica, known in Algeria as "the missile", and its generic derivatives, such as Neurica and Prégabalin.
Many judges convict those who possess it even though it is not classified material in Algeria, which violates the principle of criminal legality and sometimes leads to an unjustified disparity in criminal judicial rulings and decisions ranging from acquittal sometimes to conviction with severe penalties other times, and therefore the problem at hand is: Could the national legislator introduce a new classification other than that contained in the four

tables of the 1961 International Convention and its 1972 Amended Protocol, in which pregabalin is classified as a psychotropic substance?

What increases the size of the risks is that Algeria is not only a country of consumption, but also a country of transit for drugs, especially processed cannabis, to southern European countries. What makes matters more dangerous is Algeria's gradual transformation into an agricultural country, regardless of the small quantities produced agriculturally[4].

On the other hand, technological development has led to ease of communication, which in turn facilitates the process of drug trafficking and its rapid arrival to target groups. The phenomenon of socio-economic globalization also makes it easy for societies to be influenced by each other, especially conservative countries that always fall victim to the false freedom of Western countries[5].

1. Titl

Section One: The problem of classifying narcotic drugs and psychotropic substances at the international and national levels

Drug classification is a legal mechanism for controlling the circulation of psychoactive substances by categorising them in different lists according to their level of risk and medical use, thereby ensuring their proper therapeutic use. While the international classification is based on international agreements (section 1), national legislation allows for classification through specific procedures (section 2).

First requirement: International classification of narcotic drugs and psychotropic substances

The international classification finds its basis in international conventions: the Single Convention on Narcotic Drugs of 1961 and its amended form by the 1972 Protocol[6], the Convention on Psychotropic Substances of 1971[7], and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[8].

Section One: International Classification of Narcotic Drugs and Psychotropic Substances: content and basis

The international legislator defined drugs in Article 2 of the Single Convention of 1961 in Article 1, paragraph e, as follows: "The definition of psychotropic substances means all substances, whether natural or synthetic, and all natural products listed in Tables I, II, III or IV." Article 1, paragraph g, states: " "Tables I, II, III or IV" means the lists of narcotic drugs and psychotropic substances bearing these numbers annexed to the present Convention as amended in accordance with Article II.

Article 1, paragraph g, states: "The terms Schedule I, II, III or IV mean the lists of narcotic drugs and psychotropic substances bearing these numbers attached to the current Convention, as amended in accordance with Article II". That is, drugs and their preparations have been classified at the international level – according to the United Nations Office on Drugs and Crime - and are included in four tables according to the extent to which the drugs contained therein are addictive, susceptible to misuse, and have therapeutic benefit[9].

Scheduling decisions are up to the CND Commission on Narcotic Drugs, which was established by the United Nations Economic and Social Council. The World Health Organization also issues recommendations in accordance with the advice of its Committee of Experts on Drug Dependence. These recommendations are presented to the members of the Committee of Experts for a vote (a simple majority vote on the schedules of the Single Convention

on Narcotic Drugs of 1961, and a two-thirds majority on the schedules of the 1971 Convention[10].

Table 1 includes: High-risk hallucinogens that lead to sensory impairment and delusion such as Stilmethadol, Famethadol, Petrelmorphine, Betaprodine, cannabis and cannabis resin, coca leaf, cocaine, heroin, morphine, morphidine.
Table II: Acetylated Hydrocodine - Codine - Dextropropocephin - Dihydric codine - Ethylmorphine - Nocodine - (Morpholinilitimorphine) Volcodine - Fractions of drugs included in this table unless expressly excluded, whenever possible - .These fractions, according to the name specified above, the salts of the fractions mentioned are listed in this table, including drug salts. It includes stimulant substances such as amphetamine and disc amphetamine, which are used medically in cases of nervous breakdown, and the stimulant phenethaline, which is extremely dangerous to human health.
Table 3: Stagnant acetyl-hydrogen - codeine - dextropropo-cephalaldehyde - ethylmorphine - norcodeine - folcodeine –
Table Four: It contains narcotic drugs, the most important of which are: cannabis, cannabis resin, desomorphine, heroin, and the drug salts listed in this table.

Section Two: Estimating the International Scheduling System

The scheduling system lies at the heart of the international drug control system, which was established out of concern for "the health and well-being of the human race", as expressed in the preamble to the World Drug Control Conventions of 1961 and 1971.The proper functioning of the scheduling system is also important to achieve its dual goal: ensuring adequate availability of controlled substances for medical purposes, and preventing their misuse and diversion to the illegal market[11].

International classification according to the system of tables has been criticized on the grounds that a large number of substances included in the first tables of the 1961 Convention have never been subject to expert evaluation, such as cannabis, hashish, heroin, and cocaine.

There are also many calls to amend the agreements in order to address the contradictions present in them, on the one hand, and on the other hand to clarify the competencies of the World Health Organization and the World Narcotics Control Board with regard to the scheduling process. Several proposals have also been made to improve scheduling standards and establish a guide-based system[12].

Among the contradictions in the international classification that the expert committee faces when the narcotic substance under review bears similarities, for example, to the narcotic and the psychotropic substance at the same time, is the decision to be radicalized taken under the 1961 Convention or the 1972 Convention? If we take, for example, cocaine, which stimulates the central nervous system, we find that it is subject to scheduling in the 1961 Convention, while amphetamines are subject to the 1971 Convention, and therefore the criteria for choosing between the two agreements are ambiguous for this category of drugs.

Also among other contradictions arising from the fact that the 1961 Convention included plant raw materials and other precursors while the 1971 Convention deliberately excluded these "transferable" materials, this loophole was addressed in the 1988 Convention, which included precursors of "mentally active substances" but not precursors of drugs already covered in the Convention 1961, as well as chemical reagents (reagents) and solvents) solvents), which are often used in the production of psychotropic substances and illegal drugs. Thus, the separation of tasks between the two bodies concerned with the Convention

appears, as the World Health Organization issues recommendations on precursors of drugs, while the International Narcotics Control Board issues recommendations on precursors of psychotropic substances.

According to the Official Commentaries, which provide guidance to Member States on how to interpret the 1961 Convention, the Commission on Narcotic Drugs»must in principle accept the results of WHO pharmacological and chemical studies. When one of these recommendations is not accepted, it must act constructively on other considerations, such as considerations of an administrative or social nature.« The Committee may either accept or reject a recommendation of the World Health Organization, and not choose another table, and the Committee may not in any way decide to place any material under scrutiny if the World Health Organization does not recommend it.

In turn, the 1971 Convention contains similar provisions, as it stipulates that WHO assessments »shall be considered decisive in medical and scientific matters,« and the commentaries indicate that these assessments »shall be accepted by the Commission on Narcotic Drugs, which may not base its decisions on any other medical or scientific points of view.However, decisions to introduce changes to the 1971 schedules must be subject to a vote on the basis of a two-thirds majority, and the Narcotics Committee may decide to add an article to the Administrative Committee and all other factors that it may deem relevant to the matter[13].

The second requirement: national classification of narcotic drugs and psychotropic substances

The Algerian legislator began combating drugs by virtue of Order No. 75-09[14], which included the suppression of trafficking and prohibited consumption of toxic substances and drugs, followed by Law No. 85-05, which included the protection and promotion of health (repealed)[15]. The Algerian legislator regulated the issue

of drug classification in Law No. 04-18[16], entrusting the matter to the Minister of Health through a decision classifying drugs and psychotropic substances in tables designated for that purpose according to the nature and danger of the substance.

Table 1: Includes 124 substances arranged from 1 to 124. These substances are extremely dangerous to human mental well-being, including cocaine, morphine, cannabis, and some substances for pharmaceutical use, such as methadone.

Table Two: It includes ten substances arranged from 125 to 134 that have the distinctive property of being pharmaceutical substances such as codeine, which is used in its medical form to cure coughs and pain.

Table Three: This table contains substances classified in sub-tables one and two that have little addictive effect compared to the substances in the previous two tables and do not have harmful health effects.

Indeed, a decision was issued by the Minister of Health dated July 9, 2015[17], which includes the arrangement of plants and substances classified as drugs, psychotropic substances or precursors. The decision consisted of two articles, the first article of which stated that the decision aims to arrange plants and substances classified as drugs, psychotropic substances or precursors in four tables according to their danger and medical benefit, according to the appendix attached to the original decision However, no table was attached to the pages of the Official Gazette in which that decision was published.

In 2019, Executive Decree No. 19-379, dated 12-31-2019[18], was issued, specifying the methods for administrative, technical, and security control of substances and medicines with psychotropic properties. Article 16 stipulates the procedures for issuing prescriptions for substances and medicines with psychotropic properties in three copies in different colors: white, yellow, and

pink. The white and yellow versions are delivered to the patient, while the doctor keeps the pink version for two years, and the maximum period for prescription is set at three months.

A joint ministerial decision (between the Minister of Health and the Minister of Pharmaceutical Industry) issued on August 11, 2021[19], specifies the list of substances and medicines with psychotropic properties whose risk of overuse and misuse has been proven, in implementation of the provisions of the aforementioned Executive Decree No. 19-379. Pregabalin and Tramadol, in their various amounts, are classified as medicines with psychotropic properties.

Accordingly, the joint ministerial decision issued on August 11, 2021 and Executive Decree No. 379_19 specifying the methods of administrative, technical and security control of materials and medicines with mentally influential properties relate to determining the types of dangerous medicines with mentally influential properties, the delivery of which for medical indication requires special conditions regarding the form and procedures for granting a prescription, and therefore it It mainly concerns doctors and pharmacists and has nothing to do with criminalization and punishment according to the Anti-Narcotics Law and not in application of Article 3 of the Anti-Narcotics Law Which is regulated by the decision dated 22 Ramadan 1436 corresponding to 9 July 2015, which includes the arrangement of plants and substances classified as drugs, psychotropic substances or precursors.

If the legislator wanted to classify pregabalin, he should have added it to the lists attached to the decision dated July 9, 2015, which includes the classification of plants, narcotic drugs, and psychotropic substances. Therefore, this drug, by adding it to the 2021 decision, remains subject to a triple prescription, and any

doctor or pharmacist who violates it will be punished according to the Health Law, Articles 245 and 423.

Section 02: Updates on the national classification of narcotic drugs and psychotropic substances under Law No. 23-05, followed by a discussion of its constitutionality.

Statistics and field data showed that Law No. 18-04, in its previous form, was ineffective in reducing drug-related crimes, revealing several legislative gaps that prompted its amendment by Law No. 23-05. This amendment facilitated the inclusion of drugs in lists of psychotropic substances in cases of potential misuse, prompting us to discuss pregabalin before the amendment (first section) and the serious legal implications (second section).

The first requirement: Brigabalin in Algerian law.

Lyrica, or pregabalin as it is known to specialists, is similar to gamma-aminobutyric acid and is used as an antiepileptic and nerve pain reliever. It is also used as an additional medication in the treatment of partial epilepsy, whether the condition spreads throughout the body or remains confined to one area. Lyrica pills contain pregabalin, a substance used as an antiepileptic and nerve pain reliever. They are used to treat people with partial epilepsy to prevent the condition from spreading throughout the body. Lyrica pills are classified as one of the medications that some people use as an anaesthetic and which often carry a risk of addiction if a large dose is taken. It is also considered a medication that is rarely used for addictive purposes, and is only used in rare cases, such as when a high dose is taken. In the United States, the drug is classified as a Category 5 controlled substance, as it is not considered to have a beneficial effect[20].

The Algerian judiciary has not yet reached a decision on whether pregabalin, sold under the brand name Lyrica, should be classified as a prohibited substance or a psychotropic substance, or whether possession, consumption or sale of this drug should result in criminal penalties. In Decision No. 1350746 dated 20 June 2019, the Supreme Court considered that pregabalin tablets are a form of Lyrica, used for pain relief, and not classified as a narcotic substance. They are not included among the psychotropic substances classified in the four tables of the 1971 Convention on Psychotropic Substances[21].

If the transport or handling of these tablets falls under criminal law, the judges must, under penalty of nullity, adapt the facts to give them the correct legal description.

According to the Department of Toxicology's judicial expertise in Bouchaoui, which was conducted to determine whether Lyrica is classified or not, the following answer was given: 'The active ingredient pregabalin is not classified as a psychotropic or narcotic substance'.

Based on the above, is Lyrica considered a prohibited mental influence? For this purpose, we reviewed all three lists (red, yellow and green) and their four tables. We did not find any trace of the substance Pregabalin, either by its scientific name or by its trade name, Lyrica. Nevertheless, we found no trace of this drug, so we conclude that it is not included in the drug lists and is not classified as a psychotropic substance[22].

Pregabalin is prescribed for the treatment of neuropathic pain (Douleurs Neuropathiques), epilepsy (Epilipsie), and anxiety disorders (Troubles Anxieux). It is not classified as a psychotropic substance (Psychotropes).

The Supreme Court of Algeria has established the idea of returning to tables that clarify the type and severity of narcotic substances in judicial proceedings. Judges must refer to these tables and use them in issuing judgments in cases described as drug and psychotropic substance cases[23].

Decision No. 1240816 issued on 30 January 2020, in which the Supreme Court ruled that the possession of psychotropic substances for the purpose of sale does not constitute a misdemeanour. Possession of 'Pregabalin' tablets does not constitute a misdemeanour, as they are not classified as psychotropic substances in the four schedules of the 1971 Convention on Psychotropic Substances or in the local schedules of the Ministry of Health, in accordance with Article 3 of Law 04-18[24].

Some decisions of the Algerian Supreme Court have addressed this issue, clarifying that judges must ascertain whether a drug is classified as a narcotic. In case file No. 1245763, index 39368/18, the judges ruled against the defendants on the basis of their possession of 150 mg Brigabalin tablets, describing these as hallucinogenic. However, they did not indicate whether a sample of the tablets had been tested and found to be hallucinogenic. Nor did they mention whether the tablets were listed in one of the five schedules, or whether tests had proven them to be hallucinogenic. Consequently, they failed to provide sufficient grounds for their ruling, which is therefore open to reversal[25].

The Algerian legislator stipulated that the substance must be classified in one of the schedules, regardless of whether it is hallucinogenic. However, we note from the decision that, in addition to this requirement, the judges stipulated that expert evidence must prove that the substance is hallucinogenic. The

classification of a narcotic drug is not subject to the judge's opinion, but rather to medical expertise. According to the first article of the Penal Code, there can be no crime, punishment or security measure without a law, and the nature of a narcotic drug is not subject to the judge's opinion, but rather to medical expertise and its classification in the tables.

In reference to the Health Law of Algeria[26] No. 18-11, dated 2 July 2018, as amended and supplemented by Order No. 20-02 [27], dated 30 August 2020, the text of Article 245 was amended to state that the production, manufacture, conversion, import, export, display, distribution, transfer, delivery, acquisition and possession of substances and medicines with narcotic and/or psychoactive properties, as well as the use of plants and parts of plants with narcotic or psychoactive properties, are subject to special administrative, technical and security controls by the Ministry of Health.

To avoid overlap with international drug control legislation, the Health Act uses the term 'substances, medicines and parts of plants with narcotic and/or psychotropic properties' instead of 'narcotic and/or psychotropic substances, medicines and plants'.

Second requirement: The position of the Algerian legislator on bribes after the enactment of Law No. 23-05

The Algerian legislator defined drugs in Article 2 of Law No. 23-05[28] amending and supplementing Law No. 04-18 on the prevention of drugs and psychotropic substances and the suppression of their illicit use and trafficking. Drugs, psychotropic substances and precursors are defined as follows:

- Narcotics: any natural or synthetic substance listed in Schedules I and II of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, and any substance classified nationally as a narcotic.

- Psychotropic substances: any natural or synthetic substance or any natural product listed in Tables I, II, III or IV of the 1971 Convention on Psychotropic Substances, and any substance classified nationally as a psychotropic substance.

Precursors: All chemical products used in the production of narcotic drugs and psychotropic substances, as defined in Schedules I and II of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and those classified as such under national legislation.

With regard to classification, Article 3, paragraph 1, stipulates that all plants and substances classified as narcotics, psychotropic substances or precursors shall be arranged by the Minister of Health in four (4) tables according to their danger and medical usefulness. Any amendment to these schedules shall be subject to the same procedures[29].

The fourth paragraph of Article 3 added that the classification or updating of plants and substances as narcotic drugs, psychotropic substances or precursors shall be carried out in accordance with the conditions and procedures specified by regulation.

We note that this law establishes a regulatory and definitional framework for drugs and psychotropic substances. This raises the question of whether this classification conflicts with relevant international legislation, particularly the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, the 1971

Convention on Psychotropic Substances and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Referring to Article III, paragraph 1 of the Convention, we find that it explicitly states the following: 'If a State Party or the World Health Organisation receives information that it considers may require an amendment to any of the Schedules, it shall notify the Secretary-General and provide him with all supporting information.' The Convention allows national legislation to classify what it considers to be a narcotic drug in accordance with its domestic law, and it is only required to notify the Secretary-General thereof.

In addition, the 2020 Algerian Constitution[30], Article 139, paragraph 7, stipulates that parliament is responsible for matters within its constitutional remit, particularly the definition of felonies and misdemeanours. This is precisely what the Algerian legislator has done in Law No. 23-05, as all the crimes defined by this law are classified as felonies and misdemeanours. Therefore, the legal framework for defining narcotics and psychotropic substances is established by law, through parliamentary legislation.

Based on this, Executive Decree No. 24-112 was issued on 13 March 2024, setting out the conditions and procedures for classifying and updating narcotic drugs, psychotropic substances, and precursors. Article 3 of the Decree stipulates that the international classification and updating of narcotic drugs, psychotropic substances and precursors shall be carried out in accordance with the relevant international conventions and the provisions of Law No. 04-18. Regarding the national classification, the first paragraph of Article 4 of Executive Decree

No. 24-112 stipulates that it shall be carried out by the National Committee for Substances and Medicines with Psychotropic Properties, which was established under the Minister responsible for pharmaceutical production. The national classification includes substances and medicines proven to be dangerous in terms of overuse, addiction and misuse (Article 4, paragraph 2).

Please note that on 12 February 2024, the Minister of Health issued a decision containing the classification of plants and substances as psychotropic substances or precursors. This decision was prepared prior to the issuance of Executive Decree No. 24-112 on 13 March 2024. The attached tables included the reclassification of plants and substances classified as narcotics, psychotropic substances, or precursors. These included drugs listed in international conventions, as well as drugs with psychoactive properties. Only one drug was added to the list of substances and drugs with proven psychoactive properties that are dangerous in terms of overuse, addiction, and misuse: pregabalin. This was added to page 26, Table II (b), under the heading 'Substances and drugs with proven psychoactive properties that are dangerous in terms of overuse, addiction, and misuse'. Pregabalin was also added to page 24, Table II (b), under the heading 'Psychotropic substances listed in Table IV of the 1971 Convention', serial number 13.

It should be noted that, in his decision dated 14 February 2024, the Minister of Health adopted the tables in accordance with the regulations in force, namely the joint ministerial decision dated 11 August 2021, which sets out the list of substances and medicines with psychoactive properties that have been proven to be dangerous in terms of overuse, addiction and misuse. . These

drugs are listed in the appendix to this decision and include the following:

International Nonproprietary Name: Pregabalin, International Nonproprietary Code: A069 15 Form: Tablets, strengths 25 mg, 50 mg, 75 mg, 100 mg, 100 mg, 150 mg and 300 mg, Tramadol tablets 50 mg, Tramadol suppositories 100 mg, Tramadol prolonged-release coated tablets 100 mg and 300 mg, Buprenorphine solution for injection 0.3 mg/ml, Paracetamol/Tramadol hydrochloride - coated tablets/divisible tablets/tablets 325 mg/37.5 mg, Clozapine divisible tablets 2 mg, Clonazepam oral solution, oral solution drops 2.5 mg/ml, in addition to Terbufendil hydrochloride, Chlorazepate Depo-C, Midazolam, Zolpidem[31].

In issuing the aforementioned decision, the Minister of Health did not wait for the committee established by the Minister responsible for pharmaceutical production to classify substances with proven psychoactive properties that are dangerous in terms of overuse, addiction and misuse, as stated in Article 4, paragraph 1 of Executive Decree No. 24-112. This Decree derives its power directly from Law No. 04-18, amended and supplemented by Law No. 23-05. Article 3 of this Law states that the Minister of Health shall classify all plants and substances classified as narcotics, psychotropic substances or precursors in four schedules according to their danger and medical usefulness.

CONCLUSION

The classification of pregabalin as a psychotropic substance under Executive Decree No. 24-112 is a legislative measure aimed at strengthening mechanisms to prevent the misuse of psychotropic

drugs as part of a criminal policy designed to protect public health and combat forms of deviance associated with the illicit trafficking of drugs. However, the effectiveness of this classification does not depend solely on its inclusion in the legal lists of psychotropic substances, which require a balanced approach combining strict drug control and ensuring legitimate medical use. We therefore propose the following recommendations:

- Society must acknowledge the contradictions and inconsistencies that plague the international drug classification system, and initiate a critical and thorough review of current models.
- - The dispensing of prescriptions for psychotropic substances must be strictly enforced by applying the legal procedures stipulated by law, to ensure they are not used for purposes other than specified treatment.
- - The need to create a continuously updated database containing a compilation of drug-related statistics, indicating the purpose of possession (e.g. trafficking or personal consumption). This is necessary to ascertain the true situation and allow for accurate monitoring of the phenomenon, as well as to distinguish between those who deserve punishment and those who deserve treatment.
- The international community must prioritise the role of the World Health Organisation and multidisciplinary scientific research in developing evidence-based classification criteria based on a logical assessment of harms and benefits.

- Member States of the United Nations should refocus the international scheduling system on its primary purpose of controlling transnational trade, while also allowing for the development of innovative national classification systems. .
- They should focus on raising awareness of the dangers of drugs and psychotropic substances, especially among young people and adolescents.

- Improve the living conditions of society as a whole and provide legal, psychological and social support to addictsThe

Marginalization

[1] Hamis Muammar, Shukrin Delmi, Drugs between the Legislative Framework and Ways of Prevention and Control, Journal of Legal Studies, Volume 9, Issue 2, Sovereignty and Globalization Laboratory, Yahya Fares University in Medea (Algeria), 2023, p. 291.

[2] Abdelaziz Delmi, Drugs and Psychotropic Substances in Algeria: A Reading of Legislative and Regulatory Texts, Maghreb Journal of Historical and Social Studies, Volume 13, Issue 01, University of Sidi Bel Abbes, (Algeria) , July 2021, p 238.

[3] Drugs can be natural and plant-based — the most famous examples being cannabis, opium poppies, coca bushes and khat bushes — or synthetic, produced in a laboratory from natural substances such as morphine, which is derived from opium plants, and cocaine, which is derived from coca plants. Synthetic drugs are extracts resulting from chemical reactions that affect the nervous system, and can be stimulants, sedatives, hypnotics or hallucinogens. (Abdelaziz Delmi, op. cit, p. 213).

[4] Abdelaziz Delmi, op. cit, p. 234.
[5] Hamis Muammar, op. cit., p. 291.

[6] Ratified by Decree No. 63-343 of 11 September 1963. The 1972 Protocol amending the 1961 Convention was ratified by Presidential Decree No. 02-61 of 5 February 2002.

[7] The 1971 Convention on Psychotropic Substances, ratified by Decree No. 77-177 of 7 December 1977.

[8]United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, adopted in Vienna on 20 December 1988, ratified with reservations by Presidential Decree No. 95-41 of 28 January 1995, Official Journal No. 7.

[9] Classification of Psychotropic Substances: When Science Is Ignored, World Drug Policy Commission, - IX, 2019, p. 7. Available at the following link: http://www.globalcommissionondrugs.org/wp-content/uploads/2019/08/2019Report_AR_web.pdf

[10] Classification of psychotropic substances: when science is ignored, World Drug Policy Commission, op. cit, p. 4.

[11] According to the World Health Organization, "an effective drug control system consistent with the spirit of the drug control conventions must therefore achieve the appropriate balance between considerations specific to these two goals"

[12] Classification of psychotropic substances: when science is ignored, op. cit, p. 4.

[13] Classification of psychoactive substances: when science is ignored, previous reference, pp. 17–18.

[14] Order No. 75-09 of February 17, 1975, suppressing the prohibited trafficking and consumption of toxic substances and drugs, Official Journa No. 15 of February 21, 1975.

[15] Law No. 85-05, dated 16 February 1985, concerning the protection and promotion of health. Published in the Official Journal, No. 8, dated 17 February 1985 (since repealed).

[16] Law No. 04-18 of 25 December 2004 on the prevention of drugs and psychotropic substances and the prohibition of their illicit use or trafficking, Decree No. 83 of 26 December 2004.

[17] Decree of the Minister of Health dated 9 July 2015, containing the classification of plants and substances classified as narcotics, psychotropic substances or precursors, J.R. No. 48, issued on 9 September 2015.

[18] Executive Decree No. 19-379 of 31 December 2019 laying down the procedures for the administrative, technical and security control of substances and medicines with psychoactive properties, J.O. No. 1, published on 5 January 2020.

[19] A joint ministerial decree was issued on 11 August 2021, establishing a list of substances and medicines with proven psychoactive properties that are dangerous when overused or misused (J.R. No. 61).

[20] Ali Snoussi, Safa Khaira, Psychoactive substances between legislative restrictions and medical authorisation – the case of pregabalin, Journal of Legal and Economic Studies, Volume 05, Issue 01, 2022, p. 1046.

[21] You can access the decision via the following link:

https://www.coursupreme.dz/%D9%85%D9%84%D9%81-%D8%B1%D9%82%D9%851350746-%D9%82%D8%B1%D8%A7%D8%B1-%D8%A8%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE-20190620/%D8%A7%D9%84%D8%BA%D8%B1%D9%81-

%D8%A7%D9%84%D8%AC%D8%B2%D8%A7%D8%A6%D9%8A%D8%A9/%D9%85%D9%86-%D9%82%D8%B1%D8%A7%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D8%A7%D9%84%D8%B9%D9%84%D9%8A

[22] Lerica Prigalbaline, Between Permissibility and Criminalisation, Algerian Legal Journal, 15 August 2020, available at the following link:

https://www.facebook.com/111899187003028/posts/181463256713287/

[23] Hamis al-Mu'ammar, Shakir al-De'emi, al-Marj al-Sabiq, p. 297.

[24] The decision is available at the following link

https://www.coursupreme.dz/%D9%85%D9%84%D9%81-%D8%B1%D9%82%D9%85-1240816-%D9%82%D8%B1%D8%A7%D8%B1-%D8%A8%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE-30012020/%D8%A7%D9%84%D8%BA%D8%B1%D9%81-%D8%A7%D9%84%D8%AC%D8%B2%D8%A7%D8%A6%D9%8A%D8%A9/%D9%85%D9%86-%D9%82%D8%B1%D8%A7%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D8%A7%D9%84%D8%B9%D9%84%D9%8A%D8%A7 :

[25] Ali Snouci, Safa Khaira, op cit, p. 1052.

[26] Law No. 18-11 of 2 July 2018 on health, Official Journal No. 46 of 29 July 2018.

[27] Decree No. 20-02 of 30 August 2020 amending and supplementing Law No. 18-11, O J No. 50 of 30 August 2020.

[28] Law No. 23-05 of 7 May 2023 amends and supplements Law No. 04-18 on the prevention of drugs and psychotropic substances and the suppression of their illicit use and trafficking, published in the Official Journal No. 32 of 9 May 2023.

[29] Law No. 23-05 Op Cit.

[30] Presidential Decree No. 20-442 of 30 December 2020 on the promulgation of the constitutional amendment approved by referendum on 1 November 2020 J.R. No. 82 issued on 30 December 2020.

[31] Decision of the Minister of Health dated 14 February 2024, Op Cit.

First: Books

1- Classification of psychoactive substances: 'When Science is Ignored', Global Commission on Drug Policy, Ninth Report, 2019, p. 4. Available at the following link: http://www.globalcommissionondrugs.org/wp-content/uploads/2019/08/2019Report_AR_web.pdf

Second: THESES

1- Doctoral Dissertations

1. Nidal Aoun, International Criminal Policy to Combat Drug and Psychotropic Substance Crimes, doctoral thesis, Faculty of Law

and Political Science, El Hadj Lakhdar University, Batna1 (Algeria), 10 December 2019.

Third: Articles

1. Hamis Muammar, Shukrin Delmi, Drugs between the legislative framework and means of prevention and control, Journal of Legal Studies, Volume 09, Issue 02, Sovereignty and Globalisation Laboratory, Yahya Fares University, Médéa (Algeria), 2023.

2. Suleiman Boukandoura, Nazira Atiq, Mental Health Protection and the Role of Domestic Law in Classifying Drugs and Psychotropic Substances and Criminalising their Illegal Use and Trafficking under Law No. 23-05 amending Law No. 04-18, Journal of Legal and Political Research, Volume 9, Issue 1, University of 20 August 1955 Skikda – Algeria, 2024.

3. Abdelaziz Delmi, Drugs and Psychotropic Substances in Algeria: A Reading of Legislative and Regulatory Texts, Maghreb Journal of Historical and Social Studies, University of Sidi Bel Abbès, Volume 13, Issue 01, July 2021.

4. Ali Snouci, Safa Khaira, Psychotropic substances between legislative restrictions and medical permissibility – the case of pregabalin, Journal of Legal and Economic Studies, Volume 05, Issue 01, 2022.

IV. Legal texts

A. Constitutions

Presidential Decree No. 20-442 of 30 December 2020 on the promulgation of the constitutional amendment approved by referendum on 1 November 2020, published in the Official Journal No. 82 of 30 December 2020.

International agreements

1. The Single Convention on Narcotic Drugs of 1961 was ratified by Decree No. 63-343 on 11 September 1963, and the 1972 Protocol amending the 1961 Convention was ratified by Presidential Decree No. 02-61 on 5 February 2002.

2. The 1971 Convention on Psychotropic Substances, ratified by Decree No. 77-177 on 7 December 1977.

3. The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, ratified by Presidential Decree No. 95-41 of 28 January 1995.

C. Ordinary laws

1. Decree No. 75-09 of 17 February 1975 on the suppression of illicit trafficking in and consumption of toxic substances and narcotics, Official Journal No. 15 of 21 February 1975.

2. Law No. 85-05 of 16 February 1985 on the protection and promotion of health, Official Journal No. 8 of 17 February 1985 (repealed).

3. Law No. 04-18 of 25 December 2004 on the prevention of drugs and psychotropic substances and the prohibition of their

illicit use or trafficking, Official Journal No. 83 of 26 December 2004.

4. Law No. 04-18 of 25 December 2004 on the prevention of drugs and psychotropic substances and the suppression of their illicit use and trafficking, published in Official Journal No. 30 of 26 December 2004.

5. Law No. 18-11 of 2 July 2018 on health, Official Journal No. 46 of 29 July 2018, amended and supplemented by Decree No. 20-02 of 30 August 2020, Official Journal No. 50, published on 30 August 2020.

6. Law No. 23-05 dated 7 May 2023 amending and supplementing Law No. 04-18 on the prevention of drugs and psychotropic substances and the suppression of their illicit use and trafficking, OJ No. 32 issued on 9 May 2023.

D. Regulatory texts

1. Executive Decree No. 19-379 of 31 December 2019 laying down the procedures for the administrative, technical and security control of substances and medicines with psychoactive properties, Official Journal No. 1 issued on 5 January 2020, amended and supplemented by Executive Decree No. 20-106 dated 28 April 2020, Official Journal No. 26 issued on 26 May 2020.

2. Executive Decree No. 24-112 of 13 March 2024 determines the conditions and methods for classifying and reviving narcotic

drugs, psychotropic substances and precursors, OJ 19 dated 18 March 2024.

3**. D. Decisions**

1. Decision of the Minister of Health dated 9 July 2015, containing the classification of plants and substances classified as narcotics, psychotropic substances or precursors, J.R. No. 48, issued on 9 September 2015.

2. Joint Ministerial Decision dated 11 August 2021 establishing the list of substances and medicines with psychoactive properties that have been proven to be dangerous in the event of overuse or misuse, J.R. No. 61, issued on 11 August 2021.