

PARADOXES OF WAR ON DRUGS

Aleksandra Ilić¹

Abstract: The war on drugs is a decades-long instrument of manipulation of the public opinion, on a global scale, established in the political speeches of American presidents in the 1970s. It seems that it has not lost its relevance, even at the present moment, considering its potential to cause a strong emotional reaction of the general public. Although declaring war on drugs should basically mean declaring war against organized crime, somehow, that basic thread often disappears from sight. Usually, the story boils down to removing drugs from the streets, parks, schools, by either arresting the petty dealers or, more often, ordinary users who have nothing to do with organized crime. Ordinary citizens are more concerned about the problem of drug addiction, so they are particularly interested in various activities which should reduce the presence of drugs around facilities where young people gather. The problem is that there is not enough awareness, in public, that drugs are one of the main objects of trade of organized crime groups, and that the key for suppressing the said drug problem is the fight against organized crime. The war on drugs is essentially the war against organized crime, but it remains unrecognizable because the attention is focused on the consequences. One of the consequences is high prevalence of drug addiction among youth, which paradoxically leads to mass arrests for possession of drugs for personal use and, unfortunately, a lot of drug addicts in prisons. Another consequence is the spread of addiction in prison facilities, which means a closed circle. War on drugs can be considered as the manifestation of the “risk society” concept and the high moralised approach of “zero tolerance”, which represent consumers in a bad manner, so they very often become the main actors of a moral panic process. Finally, the constant expansion of the list of prohibited substances increases the number of potential “drug addicts” and, in connection with that, possible arrests, which further contributes to the deviation from the basic course of the fight against organized crime.

Key words: *war, drugs, paradoxes, moral panic, drug abusers, organized crime*

¹ Associate Professor, University of Belgrade, Faculty of Security Studies, Serbia, e-mail: alex.mag.ilic@gmail.com

This paper has been published as a part of the project that is financed by the Science Fund of the Republic of Serbia within its program “IDEAS” — Management of New Security Risks — Research and Simulation Development, NEWSIMR&D, #7749151.

INTRODUCTION

'War on drugs' sounds very powerful and promising or, at least, it sounded like that. After five decades of its proclamation, the question is where are we now and what did all of us get from it. It is a decades-long instrument of manipulation of the public opinion, on a global scale, established in the political speeches of American presidents in the 1970s. It seems that it has not lost its relevance, even at the present moment, considering its potential to cause a strong emotional reaction of the general public. Public concern about the drug issue is always on a high level. Among the majority of citizens, there is no doubt about the justification of the zero-tolerance approach in the fight against drugs. The main problem is how the true meaning of that fight is understood i.e., the discrepancy between what the reality of that fight is and what should be its essence. Having that in mind, the drug issue is a topic which could easily be used as a manipulative tool by different subjects in the public sphere, usually in order to gain some political or other points. A true fight against drugs implies action directed towards organized crime, not individual dealers or ordinary drug addicts. Still, the public expects visible results in regards to this fighting process, while public officials offer those results, usually, in the form of catching the participants at the lowest level of the drug scheme. In most instances, they are simple drug addicts. One of the most important tasks the government has is to convince the public that the fight against the drug problem is real, which means to create an adequate public perception. The media is an excellent partner in that process, taking the lead in creating and maintaining such an image and, subsequently, hiding the paradoxes of war on drugs.

The purpose of this paper is to highlight, as much as possible, those paradoxes by comparing experiences of different states, with a special accent on the situation in the Republic of Serbia. Almost two decades have passed, since the criminal act of possessing drugs for personal use has been introduced to the Serbian Criminal Code. This crime is, to this day, the most present drug crime in the Serbian criminal statistics. In other words, the war on drugs is based on arresting the perpetrators of unauthorized possession of narcotics for personal use.

HISTORY OF THE WAR ON DRUGS

In the 1970s, the Nixon administration developed a conviction that drugs have become a significant problem. Therefore, attempts were made to find the solution to the problem within the criminal law. The offensive would target the production, distribution and consumption of these substances (Lord, 2022, p. 410). The American Congress passed the Comprehensive Drug Abuse Prevention and Control Act of 1970, and just over a decade later, the Anti-Drug Abuse Act of 1986, which introduced mandatory minimum criminal sentences (including those for lower-level drugs) and targeted drug dealers, in general (Lord, 2022, p. 411). George Bush retained Reagan's concern for drugs, developing a national drug control strategy, appointing the nation's first drug czar, and using the military to aid interdiction efforts (Chermak, 2006, p. 115).

In addition to that, since the beginning of the 1970s, on the European continent, the demand for various narcotics increased — especially cannabis and heroin. However, the surfacing of cocaine and ecstasy, along with other similar substances, encouraged the development of the international drug trade scheme — from the producer countries to consumer countries — and the emergence of a drug distribution system in all European countries. One of the most important consequences of that process is the creation of the drug dealer's role (in Western Europe during the 1970s and in Eastern Europe in 1990s). The main role of a drug dealer was to connect producers and consumers, and to maintain the regular supply of large urban centres with different drugs from distant regions (Fijnaut & Paoli, 2004, cited according to: Ignjatović & Stevanović, 2018, p. 42).

It is important to emphasize that international legal activities, aimed at solving drug-related problems, began between the First and Second World War. They were developed in the form of conventions adopted by the League of Nations, continuing to exist, after the Second World War, within the framework of the United Nations. Conventions related to drug issues are: International Convention on Opium from 1912² and 1925³; Convention on the Limitation of the Manufacture and Regulating the Distribution

² International Convention on Opium, signed at Geneva, 11 February 1912.

³ International Opium Convention, signed at Geneva, 19 February 1925.

of Narcotic Drugs from 1931⁴; Single Convention on Narcotic Drugs from 1961⁵; 1971 Convention on Psychotropic Substances⁶; Protocol amending the Single Convention on Narcotic Drugs from 1972⁷ and Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances from 1988⁸. These conventions were, at the same time, significant for prescribing criminal acts related to drugs within the internal criminal legislative of most countries. These facts influenced the drug crime politics in European countries, especially those which were targeted to a great extent. Besides the legislative activities inside those countries, the EU and the Council of Europe took steps towards fighting against organized drug trade, which is, still, of utmost importance for suppressing the drug problem, both at the global and international level.

THE WAR ON DRUGS AS THE WAR AGAINST ORGANIZED CRIME

Suppression of organized crime groups and their activities focused on drug-related crimes, primarily, the production and distribution, should be in the main focus of the war on drugs. As a matter of fact, drugs cannot appear out of nowhere on the streets. They are, in almost all cases, the result of organized crime activities. Besides law-enforcement activities within each country, transnational law-enforcement cooperation has grown extensively, especially in terms of sophistication, since the 1980s. Among other issues, the question of drug-related crimes has been one of the key targets at the international level (Measham & South, 2012, p. 701). The transnational cooperation in regards to the fight against organized crime, got its basic and main document with the UN Convention against Transnational Organized Crime (2000) (Palermo Convention)⁹. The Conven-

⁴ International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva, 13 July 1931.

⁵ Single Convention on Narcotic Drugs, signed in New York, 8. August 1975.

⁶ Convention on Psychotropic Substances from 1971, signed in Vienna, Austria on 21 February 1971.

⁷ Protocol amending the Single Convention on Narcotic Drugs signed in Geneva, 25 March 1972.

⁸ Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances from 1988, signed in Vienna, 20 December, 1988.

⁹ UN Convention against Transnational Organized Crime, adopted by the UN General Assembly: 15 November 2000, by resolution 55/25.

tion represents a major step forward when it comes to the fight against transnational organized crime. Moreover, the states, which ratify this instrument, commit themselves to implementing a series of measures against transnational organized crime (creation of domestic criminal offences, the adoption of new and sweeping frameworks for extradition, mutual legal assistance, law enforcement cooperation, etc.)¹⁰.

Therefore, what might be the problem? Why do anti-drug policies, in the majority of the countries, ignore, very often, that part of the story, i.e., the most important one? Basically, some countries, especially the developing ones, deny the problem with organised crime from different reasons, e.g., attracting economic investment can be limited, because of the organised crime problem. However, creating the image of a non-organised crime country sends different messages to different subjects.

There are different models of fighting against organized crime. The “integrated model” or the “Italian model”, should be mentioned, as it postulates that legislation against organized crime should be composed by a multidisciplinary set of rules — not only substantive criminal law provisions such as the ones which define the crimes of participation in an organized criminal group/organization or conspiracy, but also the special rules allocated into different branches of the legal system. In other words, legislation against organized crime should consist of a complex and well-coordinated body of rules; a body which must include special rules of criminal procedure, special rules of administrative law, special rules concerning the organization of courts and state authorities, special rules of penitentiary law, special rules of tax law, etc. Therefore, it would represent a general and coordinated engagement of the entire legal system. The fight requires that each branch of the law takes into account the specificity of this highly dangerous form of criminality, providing regulations which are finely tailored to strengthen the effect of the criminal law (Papa, 2008, pp. 22,23).

All these above-mentioned multidimensional activities of fight against organized crime are prescribed today in the legislative of most countries, but their application is not an easy task. Furthermore, sanctioning drug

¹⁰ United Nations Convention against Transnational Organized Crime and the Protocols Thereto, retrieved from <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>. Accessed 10 September 2022.

possession is, yet, another way for officials to show some results in solving the drug problem. However, the main problem is, in fact, that something which should be a second-class instrument in the drug fighting process, usually, becomes its basic tool. This creates other problems which will be discussed further in the text.

THE WAR AGAINST DRUG ABUSE

Drug policy objectives logically follow on from the two dominant models of drug aetiology: the criminal and medical models. The criminal model regards drug use as a consequence of an individual's choice. Drug users are presumed to be in control of their behaviour, and to be willing participants in the drug using lifestyle. According to this, drug users deserve punishment (Hawdon, 2001, 424). This kind of approach stems from the Classical school in Criminology and Criminal law and its indeterministic learning of free will, and full responsibility of each crime perpetrator for committed crime, which ignores individual characteristics that can influence the actions we take. Contrary to this, the medical model of drug use considers drug addiction to be a disease. Therefore, from the point of view of the medical model, drug users cannot control their habits, and they are, primarily, patients, not accountable for their actions (Hawdon, 2001, p. 424). Leshner suggests that governments stop treating drug use as a legal problem and start treating it as a public health problem, and, furthermore, recommends they should be subjected to treatment, while incarcerated — not treatment instead of incarceration (Chilton, 2001, p. 2).

It would be difficult to draw conclusions about the impact of sentencing, but imprisonment has, probably, little positive effect on drug or drug-related crime behaviour. One of the main reasons for this is the notable presence of drugs in prisons. Moreover, the sharing of injecting equipment makes the risk of transmission of blood-borne viruses, such as HIV and Hepatitis C, a serious problem. These problems became even more difficult because drug testing has become mandatory in most of the countries, which has encouraged the use of drugs which are harder to detect, including a shift from cannabis to opiates (Measham & South, 2012, p. 701).

However, the example of Serbia is somehow different. In order to test the convicts for most infectious diseases, the Law on Execution of Criminal

Sanctions¹¹ does not require their consent, except in the case of suspicion that the convict is infected with HIV or hepatitis C. With this in mind, it is important to underline the importance of analysing the appropriate legal solutions in the area of population protection against infectious diseases. In this regard, the Law on the Protection of the Population from Infectious Diseases¹² in Article 46, Paragraph 1, Point 7, provides that persons serving a prison sentence are subject to a mandatory health examination to determine whether they are carriers of the causative agent of infectious diseases. From the text of the Order on mandatory health examinations of certain categories of employees in facilities under sanitary supervision, mandatory and recommended health examinations to which certain categories of the population are subject¹³, it is quite clear that HIV and hepatitis C testing of convicts is mandatory and is undertaken independently of the convict's consent. Bearing in mind that the regulations in the field of health care are *lex specialis*, they should be given primacy, and it should be considered that the consent of the convicted person for testing for HIV and hepatitis C is not necessary, so *de lege ferenda* it would be necessary to harmonize the provisions of the Law on Execution of Criminal Sanctions with the mentioned regulations in the field of health care from infectious diseases (Ilić, 2022, p. 295).

No matter what kind of approach is accepted, the problem of drug addiction is far more complicated. One of the things that complicate dealing with it, is the public perception of drug abusers, which are often objects of a moral panic reaction.

Drug abuse panics

The history of the drug abuse panics is quite extensive and encompasses almost one whole century. It is a few decades longer than the war on

¹¹ Law on Execution of Criminal Sanctions ("Official Gazette of the Republic of Serbia" no. 55/14 and 35/19).

¹² Law on the Protection of the Population from Infectious Diseases ("Official Gazette of the Republic of Serbia" no. 15/16, 68/20 and 136/20).

¹³ Order on mandatory health examinations of certain categories of employees in facilities under sanitary supervision, mandatory and recommended health examinations to which certain categories of the population ("Official Gazette of the Republic of Serbia" no. 3/17).

drugs, but without a doubt, the war on drugs has considerably strengthened the panic over drug addiction. If we take into consideration the USA's experience, we can see that it all began with the marijuana panic in the 1930s. Regardless of the fact that marijuana's use stretches back for thousands of years, to pre-agrarian societies, in USA, during the 1920s and 1930s, the image of marijuana use — depicted in the media and accepted by law enforcement and the general public — was so unrealistic that it would be considered amusing nowadays. Marijuana users were said to be "addicts" and to become violent, dangerous and insane under its influence. Later on, during the next two decades, the situation calmed down, although the panic erupted again in the 1960s. However, in that moment marijuana users became hippie, a drop-out and a shiftless ne'er-do-well (Himmelstein, 1983, cited according to: Goode and Ben-Yehuda, 2009, p. 199). Thus, from extremely dangerous criminals they became outsiders in every sense of the word.

Another action contributed to the process of spreading the drug abuse panics. That was the criminalization of drug possession, which was the unnecessary consequence of the war on drugs. For example, in America in the late 1980s, Mrs Regan, the First Lady, at that moment, despite the decline in marijuana use, claimed that drug abuse was threatening "the American family," and that "no one" was safe from it. She used the term "epidemic" to describe the scope and seriousness of the drug abuse problematics and the kind of rhetoric which helps define the folk devil (i.e., drug abusers), so that the moral panic process was successfully instigated. Of course, president Reagan, also, identified the folk devil responsible for the problem, because he skilfully used communitarian arguments so as to define drug use as a problem (Hawdon, 2001, pp. 428, 429). In the same period, more precisely late in 1989, in USA, drug abuse was named in one poll as the "greatest problem facing the country today" by two-thirds of the respondents. The result of that climate is the anti-drug legislation, which tends to be observed in the public interest. Contrary to that, drug users have no social movement constituency, and, unless lawmakers seriously step on constitutional guarantees, civil libertarians characteristically lay low during the drug panics (Goode & Ben-Yehuda, 2009, p. 198).

If we consider the question of source which influenced the emergence and spread of the drug moral panic, the majority of authors in literature put the accent on the elite. The proponents of the elitist theory believe

that this type of anxiety within the American nation could not have arisen as a result of some pre-existing fear or concern, which would be consistent with the mass model explanation. Instead, the role of the ruling elite in its creation is emphasized. The elite creates fear and anxiety among citizens, in order to achieve their own goals and continue to profit by maintaining the *status quo*, which, thus, entails creating a certain mental distance from the real problems within a society — economic and political inequality (Reinarman & Harry, cited according to Goode & Ben-Yehuda, 2009, p. 63). In that sense, the 1986 “war on drugs” speeches delivered by the US President Ronald Reagan are considered to have set the stage for the emergence of the moral panic about drugs in the late 1980s, with a significant contribution from the strong support he received for his action. Contrary to that, in the early 1970s, the president at that time, Richard Nixon, called for a war on drugs without achieving the same response from the public, indicating the importance of grassroots factors in generating a moral panic (Goode & Ben-Yehuda, 2009, p. 63). However, the representatives of the mass model cite, as a counterargument, the fact that earlier, during the 1970s, the elite attempted to influence the public a few times, in terms of mobilizing all forces, in order to combat the drug-related problem, albeit unsuccessful, because there was no initial fear among people at that time, it was yet to be activated in the appropriate way (Ilić, 2017b, pp. 302, 303).

One of the most important elements of the moral panic is hostility. It is in people’s nature to find the culprits for the committed crime or any other forms of unwelcomed behaviour, such as drug addiction. The “enemies” are usually members of some “notorious” groups. In the context of the moral panic process, there is always an increased level of hostility towards a group or category of people who are designated as participants in the commission of criminal or other unacceptable (or deviant) acts or persons who influence the creation of conditions for the commission of such acts (Ilić, 2017a, p. 91). Stanley Cohen introduced the concept of moral panic for the first time and defined who is, usually, the object of moral panic, i.e., groups of people who belong to familiar clusters of social identity. One of the groups refers to psychoactive substances. Cohen called the moral panic about drugs: the wrong drugs used by the wrong people in the wrong places. The moral panic about drugs has been remarkably consistent for about a hundred years, and the list of prohibited and dangerous substances is only being added to over time. Over the years, the

moral panic related to drugs took different forms and was based on different manifestations of hostility towards people (dealers, for example) or places where mostly young people gathered for fun and entertainment (night clubs, parties, etc.) (Cohen, 2011, p. xiv).

Due to all these above-mentioned circumstances, drug crimes belong to the group of crimes with zero-tolerance attitude among law enforcement agencies' officers. However, in crime statistics, petty drug crimes are still present by and large, significantly more than serious drug crimes (the manufacture or distribution as a part of organized crime activities). That leads to the conclusion that, unfortunately, the fight against drug problems is mostly based on petty drug crimes.

THE WAR ON DRUGS IN SERBIA

The war on drugs, in the Republic of Serbia, officially began approximately two decades ago, with specific normative changes for tackling the problem of fighting against organized crime as a whole and, at the same time, with concrete legislative action towards the suppression of "drug crimes" — all having in mind the fact that the drug issue is almost always connected with organized crime activities.

The turning point in the fight against organized crime, in Serbia, was the adoption of the fundamental Law on Organisation and Competences of State Authorities in Combat Against Organised Crime, Corruption and Other Serious Crimes¹⁴, which was enacted in 2002 and which established, among other things, new special units against organised crime (special prosecutor for organised crime, special department of the Belgrade district court for organised crime, special police unit against organised crime). This document was replaced by a new Law on Organisation and Competences of State Authorities in Suppression Against Organised Crime, Terrorism and Corruption¹⁵, although the basic organizational and compe-

¹⁴ Law on Organisation and Competences of State Authorities in Combat Against Organised Crime, Corruption and Other Serious Crimes ("Official Gazette of the Republic of Serbia" no. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 — another law, 45/2005, 61/2005 and 72/2009).

¹⁵ Law on Organisation and Competence of State Authorities in Suppression of Organised Crime, Terrorism and Corruption ("Official Gazette of the Republic of Serbia" no. 94/16 and 87/18 — another law).

tence framework remained the same. Moreover, it is important to mention two most important and basic laws in criminal matters: Criminal Code¹⁶ (hereinafter: CC) and Criminal Procedure Code¹⁷ which contain material, i.e., procedural provisions important for the fight against organized crime (e.g., definition of organized crime, prescribed responsibility of an organized criminal group as a more serious form of certain criminal offenses or special evidentiary actions that have their basic application in the case of discovering and proving acts of organized crime). As a logical step, Serbia introduced a special law on execution of the prison sentence for organized crime convicts (in addition to other forms of serious crimes) — Law on the Enforcement of the Prison Sentence for Criminal Offences of Organised Crime¹⁸. Finally, we should mention the Law on Seizure and Confiscation of the Proceeds from Crime¹⁹ which is harmonized with international standards and provides the possibility of confiscating all, or at least, a part of the suspect's property, with the fulfilment of the conditions prescribed by law.

Besides these important steps towards the fight against organised crime and, at the same time, tools in the war on drugs in Serbia, more concrete legislative action meant changes inside the specific criminal offences, traditionally present in CC. The first step was in the criminalization, in 2003, of the unauthorized possession of narcotic drugs as a special form of the criminal offense of unauthorized production, possession and distribution of narcotic drugs (Art. 246, paragraph 3 CC)²⁰. On the one hand, this form included possession of drugs for personal use, which basically meant criminalization of drug addiction, while, on the other hand, this form was also applied when it came to serious merchants of narcotic drugs, i.e., when it

¹⁶ Criminal Code ("Official Gazette of the Republic of Serbia", no. 85/2005, 88/2005 — corr., 107/2005 — corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019).

¹⁷ Criminal Procedure Code ("Official Gazette of the Republic of Serbia" no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 — CC decision and 62/2021 — CC decision).

¹⁸ Law on Enforcement of the Prison Sentence for Criminal Offences of Organised Crime ("Official Gazette of the Republic of Serbia" no. 72/2009 and 101/2010).

¹⁹ Law on Seizure and Confiscation of the Proceeds from Crime ("Official Gazette of the Republic of Serbia" No. 97/08).

²⁰ Law on Amendments and Additions to the Criminal Code ("Official Gazette of the Republic of Serbia" no. 39/2003).

came to the act referred to in Article 246, paragraph 1 of CC. However, due to the problem of proving the intention to keep the drug for the purpose of selling it, the act was qualified as a privileged, new form. The intention of the legislator was to cover, with new form, every possession of drug, which could not be considered as keeping for selling, i.e., that could not be the basic form of this crime (Delić, 2021, p. 275). Actually, the inability to prove drug trade was, at that time, the main reason for the introduction of unauthorized possession of narcotic drugs. However, this inability to provide proof should not lead to bad legal solutions in CC (Stojanović, 2021, p. 826). That kind of solution was in force until 2009 when the Law on Amendments and Additions (LAA)²¹ of the actual CC (2006), introduced unauthorized possession of narcotic drugs as an independent criminal offense (Art. 246a CC). This, however, especially in the beginning of its application, led to judicial practices wandering and wrong decisions, in the sense that the complete decriminalization of possession of narcotic drugs was carried out, which was not the intention of the legislator (Stojanović, 2021, p. 826). Obviously, judicial practices were trying to find the balance between the intention of the legislator to cover cases of drug possession and the danger of criminally sanctioning the drug addiction. In that sense, the concept of possession does not include the case of very short possession of a narcotic drug necessary for its consumption, i.e., if a person consumes a narcotic drug immediately, or in a short period of time after receiving it from another person (Stojanović, 2021, p. 826).

Finally, the latest amendments to the criminal legislation (LAA of CC from 2019)²² introduced another form of criminalizing the possession of a large amount of substances or preparation declared to be narcotic drugs (art. 246a, paragraph 2) — which represents a more serious form of this criminal offense. With this latest amendment, the situation is similar to the one from 2003, possession of a large amount of narcotic drugs could be a way for sanctioning in situations without proofs of drug selling intention. The conclusion is that with this new form of incrimination of drug

²¹ Law on Amendments and Additions to the Criminal Code (“Official Gazette of the Republic of Serbia” no. 72/2009).

²² Law on Amendments and Additions to the Criminal Code (“Official Gazette of the Republic of Serbia” no. 35/2019).

possession, the criminal zone is expanding to cases which were not previously covered by the law of existing criminal acts (Delić, 2021, 281).

CONCLUSION

The war on drugs is, without a doubt, still an actual topic, both at an international and a national level. That war can have different forms, targeting various subjects. However, its main purpose remains the same as all these years — the fight against organized crime. Somehow, in most countries, that basic goal frequently becomes invisible, while some other things come to the fore.

Drug abuse is the most visible part of the drug issue, a phenomenon which causes public reaction to a great extent. In order to calm down the public concern regarding the presence of drugs and to show some concrete results in suppression of drugs crimes, a lot of countries introduce changes in their legislative. Those changes usually target ordinary drug abusers, while it remains questionable whether new legal provisions can, in fact, advance the fight against organized crime. The usual answer to this is no, all that we have from the new criminal law approach is indirect criminalization of the abuse of narcotic drugs itself, i.e., drug addiction.

The states' response towards drug crimes and organized crime is unrealistic. Full crime statistics do not represent the real situation and real efforts of law enforcement in the fight against organized crime. As a consequence, prisons are full of drug addicts who, in the first place, need medical treatment, and not to be put behind bars. Prisons usually make the situation worse than it was.

Therefore, the war on drugs, like some other wars should, primarily, be focused on preventive measures, so as to keep the children and young people away from drugs. Repressive activity does not seem to be the best solution to this problem, especially when it comes to the drug abusers' treatment.

LIST OF REFERENCES

- Chermak, S. (2006). The Presentation of Drugs in the News Media: The News Sources Involved in the Construction of Social Problem, In: W. Potter & E. Kappeler (Eds.), *Constructing Crime: Perspectives on Making News and Social Problems* (pp. 115-142). Waveland Press.
- Chilton, R. (2001). Viable Policy: the Impact of Federal Funding and the Need for Independent Research Agendas—the American Society of Criminology 2000 presidential address. *Criminology*, 39(1), 1-8.
- Cohen, S. (1972). *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. Routledge.
- Delić, N. (2021). *Krivično pravo: Posebni deo* [Criminal Law: Special part]. Univerzitet u Beogradu — Pravni fakultet.
- Goode, E. & Ben-Yehuda, N. (2009). *Moral Panics: The Social Construction of Deviance*. Wiley-Blackwell.
- Hawdon, J.E. (2001). The Role of Presidential Rhetoric in the Creation of a Moral Panic: Reagan, Bush, and the War on Drugs. *Deviant Behavior*, 22(5), 419-445.
- Ignjatović, Đ. & Stevanović, A. (2018). *Organizovani kriminalitet — izbor tekstova* [Organized Crime — Selection of Texts]. Univerzitet u Beogradu — Pravni fakultet.
- Ilić, A. (2017a). *Mediji i kriminalitet — kriminološki aspekti* [Media and Crime — Criminological Aspects], [Doctoral dissertation]. Univerzitet u Beogradu — Pravni fakultet.
- Ilić, A. (2017b). Tradicionalni teorijski pristup u objašnjenju moralne panike (Traditional Theoretical Approach in Explanation of Moral Panic). *Godišnjak Fakulteta bezbednosti*, 295-312.
- Ilić, A. (2022). *Komentar zakona o izvršenju krivičnih sankcija* [Comments on Law on Execution of Criminal Sanctions]. Službeni glasnik.
- Lord, P. (2022). Moral Panic and the War on Drugs. *U.N.H.L. Review*, 20(2), 407- 431.
- Measham, F. & South, N. (2012). Drugs, Alcohol and Crime, in: M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford Handbook of Criminology-Fifth Edition* (pp. 686-716). Oxford University Press.
- Papa, M. (2008), in: *The Fight Against Organised Crime in Serbia — From the Existing Legislation to a Comprehensive Reform Proposal*, UNICRI, 2008, 21-25.
- Stojanović, Z. (2020). *Komentar Krivičnog zakonika — deseto dopunjeno izdanje* [Comments on Criminal Code — tenth amended edition]. Službeni glasnik.

United Nation Office on Drugs and Crime. (2004). United Nations Convention against Transnational Organized Crime and the Protocols Thereto. United Nations. <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>. Accessed 10 September 2022.

LEGAL SOURCES

International Convention on Opium, signed at Geneva, 11 February 1912.

International Opium Convention, signed at Geneva, 19 February 1925.

International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva, 13 July 1931.

Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances from 1988, signed in Vienna, 20 December, 1988.

Convention on Psychotropic Substances from 1971, signed in Vienna, Austria on 21 February 1971.

Criminal Code ("Official Gazette of the Republic of Serbia", no. 85/2005, 88/2005 — corr., 107/2005 — corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019).

Criminal Procedure Code ("Official Gazette of the Republic of Serbia" no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 — CC decision and 62/2021 — CC decision).

Law on Amendments and Additions to the Criminal Code ("Official Gazette of the Republic of Serbia" no. 39/2003).

Law on Execution of Criminal Sanctions ("Official Gazette of the Republic of Serbia" no. 55/14 and 35/19).

Law on Enforcement of the Prison Sentence for Criminal Offences of Organised Crime ("Official Gazette of the Republic of Serbia" no. 72/2009 and 101/2010).

Law on Organisation and Competences of State Authorities in Combat Against Organised Crime, Corruption and Other Serious Crimes ("Official Gazette of the Republic of Serbia" no. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 — another law, 45/2005, 61/2005 and 72/2009).

Law on Organisation and Competence of State Authorities in Suppression of Organised Crime, Terrorism and Corruption ("Official Gazette of the Republic of Serbia" no. 94/16 and 87/18 — another law).

Law on Protection of the Population from Infectious Diseases ("Official Gazette of the Republic of Serbia" no. 15/16, 68/20 and 136/20).

Law on Seizure and Confiscation of the Proceeds from Crime ("Official Gazette of the Republic of Serbia" no. 97/08).

Order on mandatory health examinations of certain categories of employees in facilities under sanitary supervision, mandatory and recommended health examinations to which certain categories of the population ("Official Gazette of the Republic of Serbia" no. 3/17).

Protocol amending the Single Convention on Narcotic Drugs, signed in Geneva, 25 March 1972.

Single Convention on Narcotic Drugs, signed in New York, 8. August 1975.

UN Convention against Transnational Organized Crime, adopted by the UN General Assembly: 15 November 2000, by resolution 55/25.