

The history of the drug contraband in the legal issues

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Abstract: Our country has been involved with the drug problem due to its geographical location. The drug smugglers have abused from our country for their criminal activities in the internal consumption or in transferring the primary material from the countries of South East Asia to Europe. Therefore it is essential that the legal struggle to deal with these issues. In this study, we survey the meanings and the concepts of the important words such as the classification of the drugs, the history, the legislative process, the regulatory process for drug contraband and the review laws passed of this subject. Drug struggle has a short life, so it is new and open and discouraging shouldn't make us disappointed to destroy this destructive poison.

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1. Introduction

According to the history, our ancestors have long been familiar with the opium and its properties. We may not know exactly when the opium consumption has become a problem, but we know that many nations have been familiar with the opium and its treatment effects by Iranians; the important point is that Iranians don't have been the propagator of the aberrant and problematic opium consumption. Maybe, the Iranian nice nature creates this belief that because of we don't participate in this cruelty, in comparison to the other nations, thus, all of the disasters which happen to us, have been due to the non-Iranian tyrants and our bad ill-wishers.

Anyway, although these topics have been under discussion frequently, they are still new and there are many new studies about them. Drug has a long life equal to the life history and it has long been associated with the humans and day by day the number and variety has increased.

The concept of the drug and contraband

The drug: in the glossary, it is defined as slacker substances that loosen or stun the nerves. [1365-Amid] and especially it is defined as a substance which causes the impairment of voluntary movement and the imbalance in people.

The world health organization (WHO) defined it in 1982: the drugs are consist of several chemicals that are dangerous for body survival and its consumption states the changes in biological function and biological construction. [1380-Saaki]

The contraband: it is a Turkish word which means taking and snatching and the importing the dealing the things which are forbidden governmentally. [1364-Moien] "The contraband is transferring the goods

from one point to another, where in the country that it is said internal contraband or out of the country which is said external contraband, that it is opposite of the law or government" Dr Jafari Langerudi said. [1386- Dr Jafari Langerudi].

The drug classification

It should be noted that the number and the variety of the drugs is large according to the situation and the climate and the culture of each country. According to the characteristics, the drugs are divided into the following three groups:

First group: it is consist of the drugs or the substances that have large power to make addiction and don't have the treatment effects and the medical usage. Using these drugs always lead to addiction. The examples of them are heroin, marijuana, acid diethyl amide (LSD)...these drugs are used in research goals and must be confirmed by the law. They aren't sold in the drugstores and doctors can't prescribe them. The drugs of this group have the exact criteria for recording and saving. The production, the importing, the distribution, the providing and the Ownership of the drugs of this group are forbidden except the research goals. [1376-Shahidi]

Second group: the drugs of this group have high de-addiction power and used in medical in a controlled manner. The addiction to these drugs can be physically or mentally and they are used in different medical applications according to the law situation. Their prescription, record and saving are controlled. The providing and the ownership are just allowed by the doctor prescription. The drugstores can sell them but can't store all of them.

Third group: the drugs of this group can be used in confirmed medical application and doctors can prescribe

them and the drugstores can sell. The drugs of this group often lead to the mild to moderate physical addiction or the severe psychological addiction. The rules and the regulations of the protection of these groups are milder than group 1 and 2. The ownership of these drugs is just possible by the doctor prescription

The history of the drug struggle

Who knows poppy latex? It is said that Plato Taught the medical lessons to their students in a garden named academy later. He and his students spend the periods of the year to explore scientific research and education and identify wild plants and their properties. One day, he encountered with the wild poppies poppy flowers. [1344-Kuhi Kermani], pressed it and taste of its latex. He felt the extreme fatigue and the lethargy on the next day and decided to discover the reason. He surveyed the eating and sleeping program and concluded that the reason could be that latex. He tested it on himself and the other and his hypothesis was strengthened and the latex is reputed as a Plato's confection. About Opium, some scientists like Avicenna and ZakariaRazi had found the medicinal properties of opium and used it in different treatments. [1386-Shakeri]. Before the twentieth century, opium, cocaine and cannabis are present in much lower and in England and America are sold freely. And there are no patterns and plans that can identify the values and legal sanctions governing their use. In the second half of the 19th century we witnessed the changes in the value of the drugs and the result was that the addiction was defined as a big problem which needs the international rules. Conference in Shanghai in 1909 and the 1912 convention on opium, drug diplomacy emerged. [1379-Danish].

The Process of the drug legislation:

According to the history, the propagator of the drug has been British agents. In the 17th century, merchant ships gift this fatal Mata from the Far East to Persia and made most of them addicted. So the opium and poppy cultivation occurred in Iran during the Safavieh ruling. At first it occurred in the court and then after polluting the kings and the Princes, it was promoted among people and how did it spread so fast and after a short time, become a habit and it used as an entertainment in cafes.

According to the travelers and historians, the king Tahmaseb and Shah Abbas I realized the hazards of these drugs used, imposed orders, rules and penalties for drug contraindications, but they didn't succeed. The Factors that cause the spread of opium addiction in the Safavid era include:

1. At that time, the medical and pharmaceutical science had not progressed; the people tendency to use the opium for pain relief was one of the reasons of addiction.

2. The emulation didn't ban the drug consumption dislike using alcohol and the damages of the opium hadn't been discovered yet.

During the Ghajar ruling, many wheat and other useful products fields were devoted to crops poppy by the cunning of English and the drug trading was promoted. So the incomes of the kings were increased and using the drug had been a sign of luxury. Due to being expensive and scarce, the rich can just use it and little by little, because of the increasing of the demand and supply of opium poppy cultivation in Iran, all of people used it and got addicted. The problem of drug addiction enlarged and it reached its highest point during the Pahlavi ruling. Also before the Islamic Revolution 57, there were two million drug addicts in Iran. On that time, the population was about 35 million. So it means 6% of the total population was addicted and it was very painful. For the first time heroin was imported to Iran in 1377 and according to the documents and history, it is clear that poppy cultivation has been spread in Iran before constitution. After the Iranian revolution, the imperialists to eradicate or control the dissemination, the development of the drugs have been used as a tool. Great Leader of the Islamic Revolution awareness and governmental officials led to the initial actions and studies. The revolutionary council created a new way to fight with the drugs with approval the severe punishment for drug criminals.

According to this law, the quota of the opium of the addictions was canceled and a 6-month period was considered for addiction treatment and the particular punishments were considered for people who provide a place for addictions. After the end of the Iran-Iraq war, the Iranian officials paid more attentions to drug contraband and addictions. Due to shortcomings in the law in past, the expediency reached more efficiency in the drug fighting on 3 Aban in 1376.

Addiction situation before and after the Islamic Revolution

A: Addiction situation before the Islamic Revolution

1. The government imparted a letter that based on this letter; a file is established for addictions. And if it is necessary, the opium is given to them. On the other hand, NGO community for Combating opium and alcohol, the officially began their promotional activities in 1332.

2. The years of 1300-1322: the development of using the opium from 1/5 million addicts in 1325 with a population of nearly 20 million people in 1325 with a population of 36 million

3. In 1334: Prevalence of heroin use and expand it later.

4. The years of 1334-1338: The heroin production and trade instead of the opium exporting and cultivation.

5. The years of 1346-1349: In these years, cultural invasion emerged and the addictions were increased and the addictions statistics were reported in more than 2000000 people.

6. In 1346: the license of the opium use was given to the people over 50 years and the tendency or the addiction of the youth to the drugs was being increasing day to day. This process continued until the Islamic Revolution.

B: Addiction situation after the Islamic Revolution:

Islamic Revolution in 1357 made invalid the rules and regulations relating to the cultivation and the addiction license. The anarchical country in 1357 and 1358 and the lack of command and staff officers, opium production by farmers were banned. Thus, before the ban on opium poppy cultivation approved, the drug quota delivery to addictions were abolished. The drug situation at the beginning of the revolution can be described in six stages:

First stage: from the beginning of the revolution to 1360:

1. Until the early months of revolution, the opium was bought from India about 100 Tone for providing the drug quota of the addictions.

2. The bill of the strong law about the drug criminals was approved on 19 khordad in 1359 and the addiction was defined as a crime and the selling the opium was ended.

3. Formation of revolutionary courts and deal decisively with drug dealers and addicts

4. The destruction of the poppy fields

5. Dismantling of heroin laboratories in the country

6. Identify and dismantle contraband networks

7. Extensive cooperation with the law enforcement intelligence people being valued for their anti-trafficking and drug use

Second stage: from 1360 to 1361:

1. Increased of the poppy cultivation in Afghanistan and Pakistan, coinciding with the war in Iraq and Iran

2. Provision of the socio-economic background, the mental and heroin trends such as unemployment and inflation rate

Third stage: from 1367 to 1370:

1. Adoption and implementation of the new law by expediency on 3 Aban in 1367

2. Formation of anti-drug campaign headed by Prime Minister

3. Open troops on the border and strengthening and equipping the border stations

Forth stage: from 1370 to 1375:

1. Expansion of military units and police convoys in the East of the country and dealing with drug trafficking.

2. Increasing the drugs consumer statistics among affluent and the middle-class people

Fifth stage: from 1367 until the second half of 1380 and America's invasion of Afghanistan

1. The development of international cooperation and active participation in regional meetings and national and international conferences.

2. The development of the drug trafficking networks because of the social and the economic value added that following the occurrence of certain anomalies in the interior.

3. Increasing Cargo handling and storage of drugs, particularly heroin

Sixth stage: From 1380 onwards

1. America's military involvement for bin Laden and the Taliban on September 11 bombings in New York

2. Further increase in the poppy cultivation in Afghanistan Interim Government

3. The emergence and spread of industrial materials such as ecstasy and other drugs with similar names, glass, crystal....

4. Using an approach to drug treatment and marked-up examples and definitions of crime and corruption

5. National strategies and action plans to combat drug and duties specified for each governmental part.

Legislative process in the context of the fight against drugs

In reviewing the historical background and the process of the legislation on trafficking, it is seemed that the legislator also used it for generic drug. In some parts of the history, there is no law for the drug trafficking. According to the law about the trafficking like the goods trafficking, drug trafficking and the guns trafficking, the gun trafficking is any activities of importing, exporting, and the transferring the guns according to the criminal's law number 45.

So the drug trafficking includes the purchase, sale, supply, delivery, export, import, transport, storage and subterfuge drug.

According to the international viewpoint, because of the complexity of the drug control system was felt public needs in the 1950s.1- various documents relating to the International Convention are gathered on the Control Unit together .2- the field of controlled substances is wider. 3- The International control tools get easier and lead to the natural directions.

The process of the legislation on drug trafficking is divided into two sets of rules before and after the Islamic Revolution that we study them briefly.

A) Before the Islamic Revolution:

The first law passed in connection with drug, was the restricting opium, the goal of this action was taking the tax. Before this law, the people who involved in opium cultivation, do not pay any tax and also wanted to sell the opium out of Iran borders. So forasmuch as it has been as a crime. This law passed. According to this law, a

person who uses the drugs, the opium is identified as a criminal. On the 26 Khordad in 1307, the new law about the drug was passed named "The state monopoly of opium". According to this law, the government was put in such monopoly the transactions, maintenance, sales, transportation and export of opium and juice of internal and external consumption. At the same year, another law about the drug was passed named "the punishment law of the drug contraband doers". This law is used for people who don't pay attention to the state monopoly of opium law. In this case, the punishment is imprisonment or a fine. On 21 Tir in 1310, Iranian legislator promulgated that Iran could use the international rules to limit the opium production. During the convention, which was held in Geneva, it was set that Countries meet their medical needs of the drugs and said this meeting and finally the country was not the right of Copyright infringement.

B) After the Islamic Revolution:

After the revolution, the fight against the drugs is entering the new stage and in generally it is to legislative to the three goals. At first, a drug fight organization was established. The council of the Islamic revolution passed a law about the punishment, the employment and the treatment of the drug additives on 19 Khordad 1359. According to this new law, the other law about the poppy cultivation and its usage was deactivating. After being clear the problems of this law, another law named the drug fight law, was passed. This law must be done. And also it should be said that there is a difference in the drug viewpoint about this law.

4. Discussion

The drug trafficking is an international crime and also fight against the drug is an international policy. The present studies show that the government approves

much different law to fight the drug to protect the society from the drug usage disadvantages.

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References

1. Jafari Langerudi, Dr Mohammad Jafar, the Ganje Danesh publication number 18 in 1386
2. Danesh, Taj Zaman, Who is addict and what in the drug, Keihan publication in 1379
3. Saaki- Mohammadreza, the drug criminals according to the international law – the third line publication in 1380.
4. Savalani- Esmaeil, the Criminal law, Mizan publication in 1391
5. Shakeri- Abdolhossein, the drugs, the first Heidari publication in 1368.
6. Shahidi-Mohammadhossein-Fight against the drug, the police university publication in 1367
7. Amid Persian culture, Amirkabir Publication
8. Kushaa-Jafar- the criminals and their changes, formal newspaper publication in 1379
9. Kuhl, Hossein-the Opium history in Iran, Mohammad Ali publication in 1334
10. Dr Morin, Mohammad, the Persian culture, Tehran, Amirkabir Publication in 1334
11. Mohammadzadeh-Khalil, the Opium history in Iran, NAJA Publication in 1367
12. Elmi-Baagher, the national law university, number 4 in 1356
13. The report of the drug fight, Keihan newspaper, number 19060, on 13 Khordad in 1367.

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