

PalArch's Journal of Archaeology  
of Egypt / Egyptology

INVESTIGATION OF THE PRINCIPLES OF DRUG CONTROL LAWS AND CRIMINAL RESPONSIBILITY OF MINORS IN THE REPUBLIC OF AZERBAIJAN

*Samad Rahbar Banaian*<sup>1</sup>, *Fereydoun Samandrof*<sup>2</sup>, *Siamak Shaker Sultan Ahmadi*<sup>3</sup>

<sup>1</sup> Ph.D., Department of Criminal Law and Criminology, Baku State University, Azerbaijan Republic.

<sup>2</sup> Advisor and Professor, Baku State University, Azerbaijan Republic.

<sup>3</sup> Professor, Department of Law, General Law, Meraj Science Institute of Higher Education, Salmas, Iran.

**Samad Rahbar Banaian, Fereydoun Samandrof, Siamak Shaker Sultan Ahmadi: Investigation of the Principles of Drug Control Laws and Criminal Responsibility of Minors in the Republic of Azerbaijan -- PalArch's Journal Of Archaeology Of Egypt/Egyptology 18(4), ISSN 1567-214x**

**Keywords: Drugs, Juvenile criminal responsibility, Republic of Azerbaijan**

#### ABSTRACT

As data suggested, the number of crimes committed by minors in the Republic of Azerbaijan was very small compared to other crimes, most of which had been committed by people aged 16 to 17. In 2005, 60 adolescents aged 14-15 and 488 aged 16 to 17 were prosecuted in the Republic of Azerbaijan. The Republic of Azerbaijan ratified the Convention on the Rights of the Child on July 21, 1992, the Universal Declaration on the Survival, Protection, and Development of Children on May 5, 1993, and the Law on Justice for Adolescents on June 28, 1993. The Convention on the Minimum Standard Rules for the Enforcement of Judgments, etc., has joined international agreements. Accordingly, the study aimed to review the principles of drug control laws and criminal responsibility of minors in the Republic of Azerbaijan. In this research, via a descriptive and analytical method, the written laws on the laws of Azerbaijan were examined and the possible challenges were stated. Studies had indicated that in Azerbaijani laws, minors did not have full criminal responsibility; as soon as they reach a certain age, such as the legal age of majority, as adults, but under the special regime from the beginning of the age of criminal responsibility (14 years old) to the beginning of criminal age (18 years old), minors and juveniles were punished but that severe punishments could not be enforced against them.

#### INTRODUCTION

According to specialized studies, cases of heroin addiction, the most severe type of drug addiction, has been on the rise. This was while drug use was seen rising in many parts of the Republic of Azerbaijan. However, an increase in drug use was observed in many parts of the Republic of Azerbaijan. Drug addiction not only endangers economic relations and moral principles but also threatens a country's gene bank. More than half of those registered to use non-medical drugs were unemployed, while drug abuse was on the rise among adolescents. This causes concern about the

future of society. Studies have demonstrated that 99% of registered drug users belong to the age group of 20-59 years (Abdullayev, 2004, p. 6). It was pointed out that the average age of adolescents starting to use drugs was declining. Criminologists predict that the number of drug addicts will increase by 2-3 times soon, with a large number of consumers turning to synthetic drugs, being quite dangerous to health. To save society from this catastrophe, it is required to develop methods and models to overcome the numerous problems associated with drug abuse (Zahidov, 2004, p. 374). If the specific characteristics of drug addiction, as well as the specific sources of income required meeting the growing need for drugs, it will not be difficult to perceive larger social problems behind the curtain of realities.

The increasing number of drug users is associated with increasing drug-related crimes, the income level of the sellers of these drugs, and criminal conduct related to drug distribution. Experts maintain that this trend has unfolded in three main areas:

- 1) Expansion of the market for drugs and psychotropic substances;
- 2) Increased production of devices or tools or their confiscation from medical and pharmaceutical centers; and
- 3) Increased level of organized drug-related criminal conducts

Research in recent years has suggested a more worrisome picture of the prevalence of substance abuse among children and young women: in 1999, nearly 50,000 adolescents and about 30,000 girls and women in Russia were seeking medical help to quit narcotics (situation of narcotics in the former Soviet Republics and Russia, 1999 p. 8).

Drug use has become prevalent among the youth, as the phenomenon of drug use has turned into a young phenomenon in the Republic of Azerbaijan. Data has shown that the majority of drug addicts in Azerbaijan are young people aged 16 to 21 (Department of Drug Control of the Republic of Azerbaijan, 2011, p. 8000). Considering the importance of drugs and their destructive effects in the community, scientific, and decision-making groups have constantly focused attention on this issue. This is while significant articles have been conducted in the field as the legislator has also focused on it. However, what seems to have remained somewhat neglected has been the issue of criminal responsibility of children and adolescents for drug and psychotropic substances. Accordingly, the study aimed to investigate the basics and principles of drug control laws and criminal responsibility of children in the Republic of Azerbaijan.

## **THEORETICAL FOUNDATIONS OF RESEARCH**

### **Narcotics**

Referring to drugs, any substance causing physical, mental, and behavioral changes in humans by affecting the central nervous system is called narcotics. Psychologically, any substance that one becomes addicted to after consuming, whether it is directed at the mind or causes physical dependence, is known as narcotics. Sociologically, any drug that causes changes in humans not socially acceptable or such that the society reacts to it, is called narcotics (Babaei, 2010: 171). Narcotics refer to all natural and chemical substances assumed to be addictive, and in general, narcotics refer to substances causing abnormality in humans (Bari, 2002: 42-43).

In a World Congress of Psychiatry categorization in 1961, the types of narcotics are as follows (Azizi, 2011: 101-102):

Central nervous system purifying or psychopathic substances that reduce the mental activity of the brain and create a state of happiness and vitality along with relaxation, such as opium, heroin, and morphine.

Nervous system stimulants or psychotropic substances that intensify mental and psychological activities. Such as caffeine, cocaine, and alcohol.

Hallucinogenic substances that disrupt the mind functions and cause abnormalities, such as LSD and marijuana.

### **Concept of Minors in the Republic of Azerbaijan's Criminal Laws**

During the Soviet era in the Republic of Azerbaijan, attempts were made to introduce a distinct approach to the penal law enforcement tools used in the fight against juvenile delinquency and offenses. This attitude at first pertained to the juvenile psychological characteristics such as age and their level of mental maturity. At the onset of the century, one of the first steps taken to resolve the differentiation of responsibilities in the fight against juveniles' offenses was the verdict on January 14, 1918 (Hassanova, 2005, p. 7). The verdict eliminated the cases leading to trials and imprisonment for minors. All cases relating to people under 17 years of age were investigated by the Special Commissions for Adolescents. These commissions were managed in those years by the People's Commissariat for General Housing (later renamed as the People's Commissariat for Social Security) comprising representatives from the People's Commissariat for Public Education and Justice.

Following the decision by the Russian Central Election Commission and the USSR's Criminal Code on October 30, 1929, changes were set in the age limit for criminal prosecution of minors. As per the decision, as envisaged by Article 12 of the Penal Code of the Soviet Union, juvenile cases were completely removed from the jurisdiction of the general courts; put it simply, only persons under the age of 16 could receive medical and educational measures set by the Juvenile Commission. Following this decision, changes were made in the Republic of Azerbaijan's Penal Code at the time the Soviet Union broke down. In Article 52 of the Penal Code of the Republic of Azerbaijan in 1927, according to this article, people including children and adolescents could bid on responsibility for their conduct through immediate actions for support and rehabilitation and the measures set by the courts.

Article 56 of the Code of Procedure for the Treatment of Juveniles' Conditional Release reads: After serving the sentence, a juvenile not receiving sufficient rehabilitation can return to the court issuing the verdict and ask for extended support and training measures based on new amendments. However, this could extend more than half of the punishment originally imposed by the court.

According to Article 428.2 of the Code of Criminal Procedure, in criminal proceedings, people under age are persons (minors) who have not reached the age of 18 at the time crime unfolds. In Juvenile Court Proceedings, determining adolescents' level of physical, intellectual, and mental development is of particular importance to individualize the mental

aspect of juvenile delinquency, including the offense and guilt. On June 19, 1920, the three commissions, i.e., the People's Commissariat of Education, the Commissariat of Public Health, and the Commissariat of Justice - jointly adopted the "Instruction of the Commission on the Minors' Affairs". The guidelines state that juveniles should be tried for crimes against persons under the age of 14 in a public court comprising members of the juvenile commission within 24 hours of their arrest.

In the 122 Penal Code, crimes of drug trafficking were divided into separate chapters. In general, the Soviet Union's Penal Code typically included such offenses in the same chapter, which concerns the provisions on public security and responsibility for offenses against public order.

According to Article 5 of the Convention, no one shall be deprived of his/her liberty except for cases prescribed by the laws. One of these cases is defined in paragraph "d" as follows: Detention of a minor based on a legal decision to monitor over the training or legal detention of a minor due to summoning him/her to a competent court. The UN General Assembly Convention on the Rights of the Child of 20 November 1989 and UN General Assembly Resolution 33/40 on 6 September 1985 regarding "Minimum Standard Rules for the Administration of Juvenile Justice" (Beijing) are important international documents.

On May 19, 1998, the National Assembly of the Republic of Azerbaijan passed the Child Rights Act following the requirements of the international instruments. According to the Child Rights Act, children under the age of 18 are considered minors. On May 31, 2002, the Republic of Azerbaijan's laws ratified the "Bylaws of the Commission for the Protection of the Child Rights".

On April 7, 1935, the Law on Measures to Combat Juvenile Delinquency was adopted by the Central Executive Committee of the Soviet Union and the ICC. The law had substantially reduced the age limit for prosecuting more serious crimes. Before this came into law, the penal code of the former Soviet republics would generally exempt persons of criminal responsibility under the age of 16. The CEC and CEC Laws set an age limit for prosecuting persons under the age of 12 on April 7, 1935. These included minors who committed crimes such as robbery, rape, and attempted murder.

Article 138-1 was also added to the Penal Code by the decision of the Central Executive Committee and the Central Executive Committee of the Republic of Azerbaijan during the Soviet Union on January 5, 1935. This article provides for criminal responsibility of planting poppies and cannabis without suitable permissions, as two years of imprisonment or forced labor could be added, in addition to confiscating poppy crops. The June 4, 1936, Law considers punishment the production, storage, sale, and purchase of toxic substances without special permission, as well as violating the rules on the production, storage, distribution, accounting, and transportation of toxic substances without special permission. The penalty was up to five years of imprisonment in addition to confiscation.

As per Article 10 of the Constitution, persons perpetrating a crime before they reached their 16s could be prosecuted. Criminal responsibility for some crimes can begin at an early age; from the age of 14: e.g., for murder, intentional harsh bodily harm, rape, theft, and so on. Examples of

freedom of criminal responsibility under the 1960 Penal Code included the transfer of a juvenile case to a Juvenile Commission and the determination of disciplinary measures on a juvenile by a court. According to Article 10 paragraph 3 of the Code of Criminal Procedure of the Republic of Azerbaijan during the former Soviet Union 1960: "if an individual under the age of eighteen does a crime not considered a big public danger, the court determines that the person can reclaim damages without criminal punishment. Compulsory measures of an educational nature, not considered criminal under Article 1 of the Penal Code, can be enforced.

### **A Review of the History of Legislation on Drug-related Offenses in the Republic of Azerbaijan**

Based on the treaties of Golestan on October 12, 1813, and Turkmenchay on February 10, 1828, the northern part of Azerbaijan was added to the Russian Empire and the southern part of Iran. After this period, most public relations on criminal laws in North Azerbaijan was regulated by the Russian Empire criminal laws. It should be noted, however, at that time, drug trafficking measures were considered wrong. With regards to guilty persons committing such heinous social conduct, necessary measures could be taken in the courts based on Sharia for the responsibility to be determined and for the punishment for drunkenness to be set. These punishments could be done by local lords, sultans, and kings. After the 1831 and 1837 uprisings, the Russian Empire kick-started administrative and judicial reforms in various provinces of Azerbaijan, including Talish and Guba, respectively. After that, Russian laws were imposed in North Azerbaijan with a provincial court being established in Baku.

On June 7, 1915, Russian Emperor Nicholas II issued a decree of "Taking measures to counter opium." In this decree, provision, storage, and transportation of drugs, poppy cultivation, and smoking opium were prohibited (Information Bulletin of the Russian Ministry of Internal Affairs, p. 15). (Bulletin of the Supreme Court of the Russian Federation. 1999. No. 8.)

On May 28, 1918, North Azerbaijan declared itself an independent country against the background of the revolutionary developments of the Russian Empire in the first decades of the twentieth century, and a democratic republic was established in the east of Muslim realms for the first time. The Bolsheviks, who rose to power after the October Revolution of 1917 Russia, neglected the laws inherited from Tsarism. However, by the time the new criminal law had not yet been adopted, various legal measures were carried out to combat various crimes. For example, on June 31, 1918, the Council of the USSR'S People Commissions adopted a resolution "Fighting Cocaine Trafficking" (Criminal Law Textbook, p. 354). Currently, the Presidential Decree of the Republic of Azerbaijan on 26 August 1996 "On actions against drug abuse and illegal trafficking", the enactments based on this Presidential Decree and the decisions at the 17<sup>th</sup> Special Session of the UN General Assembly in 1990, as well as the decisions by the National Assembly of the Republic of Azerbaijan on "Fighting Illegal Drug Trafficking in 1995-2000, Psychotropic Substances and Precursors and the Spread of Drug Addiction" in 2000-2006; Laws on Drug Control, Psychotropic Substances, and their Precursors "and other

mandatory documents on June 28, 2005, are some examples that explain the main guidelines for the national fight against the dissemination of drugs and drug trafficking within the country.

The second period of the Penal Code of the Republic of Azerbaijan from the Allies in the Soviet Union was ratified on December 3, 1927, and implemented on January 15, 1928, as it was by the 1924 Basic Principles. The 1927 Criminal Code of The Republic of Azerbaijan adopted the structure and content of the relevant requirements on juvenile responsibility of the 1922 Penal Code. The second chapter of the regulation, titled "Other offenses against the provisions of governance", stipulates criminal responsibility for stirring and deceiving minors to commit an offense (Article 102-2).

By the time the 1960 Penal Code was adopted, Article 227, entitled "Planting or Cultivation of Prohibited Plants Containing Drugs," was as follows:

Poppy, South Manchurian or Southern Hemp, planting of other plants containing drugs, the cultivation of which is prohibited shall be punishable by imprisonment for up to five years. In other words, a person who already committed one of the offenses included in Articles 226, 226.2, 226.3, 226.4, and 1.227 of this Regulation, shall be sentenced to eight years in prison.

August 12, 1987, Law contains Article 1.227 of the 1960 Penal Code, entitled "Illicit Planting or Cultivation of Poppy and Hemp Oil". The content of which was as follows: "Illegal planting or cultivation of poppy, as well as cannabis other than those outlined in the first paragraph of Article 227 of this regulation, shall receive a sentence of imprisonment for up to three years or sentenced to correctional up to two years if committed again within one year after the imposition of administrative penalties for the same conduct.

Article 226.4 "Drug incitement" is as follows: "Incitement to drugs shall be punished by imprisonment for a maximum of five years. An offense against two or more persons or a minor or a person previously convicted, as well as one of the offenses previously outlined in Articles 226, 226.2, 226.3, and 227. The same conduct committed by a person shall be punished by a maximum imprisonment of ten years.

The current Penal Code of the Republic of Azerbaijan provides for criminal responsibility for the following conducts concerning illicit drug and psychotropic substances trafficking:

- Illicit manufacturing, production, access, storage, transportation, carriage or sale of drugs, psychotropic substances or precursors (Article 234 of the Penal Code)

- Theft or extortion via drugs, psychotropic substances, or their precursors (Article 235 of the Penal Code)

- Incitement to use drugs or psychotropic substances (Article 236 of the Penal Code)

- Illicit cultivation of medicinal plants (Article 237 of the Penal Code)

- Production or storage of poppies for drug or psychotropic substances (Article 238 of the Penal Code)

- Illicit issuance or forgery of authorized prescriptions for drugs or psychotropic substances for the person showing no medical symptoms (Article 239 of the Penal Code)
- Illicit trafficking of very strong or toxic substances for sale (Article 240 of the Penal Code)

### **Drug-related Offenses**

Currently, punishment for drug-related crimes is contained in Chapter 10 of the 1960 Penal Code, entitled "Crimes against Public Security and Public Order" (Articles 225, 226, 227). In the first version of the Code, the content of Article 225 as defined by "providing or selling toxic substances" is as follows: Violation of the rules concerning storage, distribution, registration, and transportation shall be punished by correctional labor and up to one year in prison, in addition to confiscation of specified substances.

April 8, 1975, December 22, 1982, August 18, 1992, October 21, 1994, and September 12, 1995 Laws created amendments in the title and provisions of Article 225. Before the enactment of the 1960 CC, the title of Article 225 defined the "Procurement, provision, Storage, Transportation or Sale of Strong and Toxic Illegal Substances" and included two parts. The first part defines the responsibility for the production, collection, storage, transportation, or carriage of illegal or non-narcotic drugs for sale as well as the sale of illegal narcotics, in addition to confiscation of strong and toxic substances. Moreover, an imprisonment term of up to one year or correctional labor for up to two years was taken into account. In the second part, the responsibility for violating the regulations pertained to the procurement, collection, storage, registration, distribution, transportation, or carriage of non-narcotic and toxic substances, for which correctional labor for a period of up to two years was considered. Also, a fine of seven hundred to eight hundred Manats was taken.

In the first volume of the 1960 Penal Code, the provisions of Article 226, entitled "Procurement, transportation, storage, sale or use of opium, poppy and other drugs" has been defined as follows: "Anasha, opium, cannabis, cocaine, morphine, as well as storage or the sales of ether and other drugs for provision, transportation, sale without proper authorization, can be punished by an imprisonment term of two to five years. The penalty is imprisonment for a term of five to ten years, for which the consumption of tobacco or opium, hashish, drugs, and cannabis is punished by up to one year in prison or correctional labor or a fine of 50 to 100 Manats.

The provisions of Article 226 were amended by the 8 April 1975 and 12 August 1987 Laws. Therefore, before the adoption of the 1960 Penal Code, Article 226, entitled "Illegal Production, Access, Storage, Transportation, Carriage or Illegal Sales of Drugs" was as follows: "Storage, transportation, or carriage of drugs, as well as illegal sales, shall be punished for up to ten years imprisonment with or without the property being confiscated.

### **The offense of Drug Trafficking**

The importance of combating drug offenses is primarily because this type of crime has engulfed the entire world. To this end, the crime of

drugs is an international one. Although the processes of globalization and integration, along with the collaboration of governments and peoples, have created the right conditions for solving international problems, many factors are found to have prevented this process. Thus, regardless of substantial achievements in economic, social, and cultural arenas, the Republic of Azerbaijan encounters serious problems in terms of geographical location and geopolitical situation, especially preventing the use of its territory for drug trafficking for transit. This is one of the threats endangering national security.

Professor Zahidov rightly stated that throughout history, drug addiction and drug offenses have not caused any problem in the Republic of Azerbaijan. In recent years, however, the Republic of Azerbaijan and the Islamic Republic of Iran have demonstrated that attitudes toward drugs are not considered as critical, though these factors contribute to preventing the spread of drugs and are viewed as a major factor to describe the regime. It is believed that during the Soviet era, the drug problem could be solved by the then existing government system, as the restrictions on foreign relations to the ideological principle were imposed.

Drug addiction and drug offenses have never been widespread, with some negative cases being kept secret because of a closed society. The situation changed after the Soviet regime collapsed. From another perspective, the size of the shadow economy in the former Soviet Union was 70-90 billion rubles, one of the main components of which was the drug commerce (Hassanov, 1993, p. 4).

The drug situation in the former Soviet Union has been deteriorating sharply, and in some countries, drug use for non-medical purposes and drug crime has become a real threat to national security. The Republic of Azerbaijan has specially committed to combat narcotics, as well as put in place measures to combat narcotics crimes with international bodies and organizations, including the Commission on Narcotics of the United Nations Economic and Social Council, the United Nations International Narcotics Control Program, and the Office of the United Nations Drugs and Crime.

In 1992, the Republic of Azerbaijan ratified the United Nations Convention against Illicit Traffic of Narcotic Drugs and Psychedelics in 1988, and in 1998 it joined the Single Narcotics Convention of 1961 and the 1971 Convention on Psychotropic Substances as it took steps in the area of drug trafficking. These conventions recognize the right of the state to prosecute not only its citizens but also foreign nationals who have perpetrated drug or psychotropic-related crimes in the country, as well as cases of production, storage, possession, distribution, etc. of narcotics and psychotropic substances. Consequently, criminal responsibility has been considered for intentional violation of the rules of law while punishment has been set for the perpetrators of this criminal act, as well as those who have been directly engaged in such violations.

One of the most significant examples of national laws in the fight against drug trafficking is the Republic of Azerbaijan's Laws "On trafficking in narcotics, psychotropic substances and their precursors" of June 28, 2005. The provisions of the fight against drugs in the Republic of Azerbaijan have been defined in this instrument. The Criminal Code of the



Republic of Azerbaijan was ratified on December 30, 1999, the Republic of Azerbaijan's Laws became binding on September 1, 2000, where Chapter 26 served as an independent chapter entitled "Crimes related to illicit trafficking in drugs and psychotropic substances".

After gaining independence in 1991, the Republic of Azerbaijan established broad relations with Iran as well as with other countries based on the principle of the neighborhood. From a law perspective, as in other areas, joint ventures are being underway between countries, and measures are taken to prevent the incidence of crime. In recent years, mutual visits by the Presidents of Azerbaijan and the Islamic Republic of Iran, the heads of Law Enforcement agencies, the officials in charge of the fight against organized crime, have worked on the prevention of illegal immigration, extradition of criminals, etc. Besides, the issues of a common fight against drug and psychotropic trafficking have also been raised.

Drug traffickers were prosecuted by the ICC on February 28, 1918, under the Anti-Fraud Law. In August 1926, a state monopoly on opium was established in the Republic of Azerbaijan via the joint decision by the Soviet Union and the URMİK "On Government Control over Opium". In 1928, the free distribution of cocaine, cannabis, opium, morphine, heroin, and some other substances was prohibited in this country (Bogolyubova, 1987, p. 16).

Articles 234.1, 234.2, 234.3, 235.1, 235.2, 236.1, 237.1, 238.1, and 239.1 of the Criminal Code concerns criminal responsibility to illicit trafficking in narcotic drugs and psychotropic substances. Unfortunately, according to the wording of the law, it is rare for a teenager to be freed from criminal responsibility through the enforcement of compulsory training measures outlined in the above paragraphs. In European countries and the United States, there are many service agencies or community centers engaged in this process. What they do is to prevent juvenile delinquency by defining some "provisional services" in exchange for punishing juveniles and young adults.

## CONCLUSION

The legal system of the Republic of Azerbaijan is founded on secular principles and European standards. According to Article 84.1 of the Criminal Code of the Republic of Azerbaijan, persons who have reached the age of 14 by the time of perpetrating the crime, but have not yet reached the age of 18, are considered minors. According to the Republic of Azerbaijan's Laws on March 7, 2012, confiscation of property was removed from the punishment system, as the institution for "special confiscation" was established as another type of action of criminality in nature. This is consistent with the constitution regarding the immunity of property and its protection by the government. In the first years of Soviet governance in the Republic of Azerbaijan, no serious concern against drug trafficking was made at the legislative level. Therefore, such conduct has not been properly reflected in the criminal laws. In those years, however, the real fight against these conducts was quite intense using analogies, and the People's Commissariat of Justice decided to punish those involved in such frauds with particular oppression. Compared to previous criminal laws, the 1960 Criminal Code of the Republic of Azerbaijan created a

significant difference in criminal responsibility to illicit trafficking in narcotics and psychotropic substances. Regarding the definition of such concepts as the capacity and legal capacity, the concept of minor in the Republic of Azerbaijan's Civil Code received more attention. However, for the first time in the history of the Republic of Azerbaijan's Penal Code, the binding criminal law defines the minor concept. As per Article 84.1 of the By-Laws, persons who have reached the age of 14 at the time of the crime, but have not reached the age of 18, are seen as minors. According to Article 428.2 of the Code of Criminal Procedure of the Republic of Azerbaijan, minors in criminal proceedings are persons who have not reached the age of 18 before perpetrating an offense.

In Article 170 of the Criminal Code of the Republic of Azerbaijan, the provisions on the minor's involvement in criminal activity become more evident and comprehensive. Nevertheless, Article 170 of the Criminal Code of the Republic of Azerbaijan does not consider it appropriate to provide an inclusive list of methods by which minors engage in criminal activities. Involvement in a criminal activity refers to any act that the perpetrator commits and leads a minor to commit such activity. Other methods include detaining minors, creating a sense of revenge, hoping to be disrespected, etc. Therefore, using the term "other methods" in controlling the crime of minors' participation in the Russian Quality Law is considered more correct, and Article 170 of the Criminal Code of the Republic of Azerbaijan proposes to make the same amendments.

Although Articles 234.1, 234.2, 234.3, 235.1, 235.2, 236.1, 237.1, 238.1, and 239.1 of the Criminal Code of the Republic of Azerbaijan provide for the responsibility for crimes related to narcotics and psychotropic substances, they are assigned to a smaller category; this is while it is hard to see juvenile to be free from criminal responsibility through the imposition of coercive measures. In our view, there are also objective reasons, including the lack of practical mechanisms for implementing these measures, in addition to the mental reasons for this situation.

According to Article 234 of the Criminal Code of the Republic of Azerbaijan, a person who illegally sells or possesses a level of illicit drugs or psychedelics for personal consumption without the purpose of sale shall not be prosecuted. Article 59.1.2 of the Penal Code of the Republic of Azerbaijan, titled "Conditions for reducing the punishment", introduces the commission of a crime by a juvenile as an independent reducing factor.

The current Penal Code of the Republic of Azerbaijan imposes various and special rules regarding criminal responsibility and punishment for adults taking into account the level of minors' mental development, the factors affecting them, and other personality traits of the elderly. Thus, the punishments imposed on minors were mitigated, the period of prosecution for crimes committed by minors was reduced, and the enforcement of sentences lessened, the imprisonment term for crimes committed by minors was also shortened. The law imposes some penalties on minors. In addition to the specifics for individuals, other conditions are also considered.

The Republic of Azerbaijan's Laws as well as the criminal and criminal-judicial regulations correctly provide other legal and procedural sanctions for minors. To ensure the better implementation of the right to a

fair trial outlined in national laws and international conventions, it is appropriate to establish specialized courts for juvenile crimes included in the list of vulnerable groups in the Republic of Azerbaijan.

As per the provisions of the fourteenth chapter of the General Penal Code of the Republic of Azerbaijan, the age of criminal responsibility starts at 14. According to this law, minors - both boys and girls - are relieved from criminal responsibility before the age of fourteen and are free from prosecution and punishment if they commit a crime. (And are not criminally liable if they commit a crime)

. However, by the end of 14 and on the onset of 15, the criminal responsibility of minors begins, but their degree of responsibility is mitigated and the social response to their criminal acts is more based on correctional and training measures than punitive measures. If punitive measures are deemed necessary, a fine of 600 Menat will be received from the children who have an income or are in possession of property or estate by which they can afford it. On July 25, 2002, following the official decree of the President of Azerbaijan, the "Statute of the Councils and Committees for Defending the Rights and Affairs of Persons NOT Reaching the Legal Age" was passed. The most important point of emphasis in the title of this statute is the necessity of fighting against the anomalies and disciplinary errors made by persons not reached the legal age." According to the laws of the Republic of Azerbaijan, concerning the crimes under-age people have committed, though they have committed minor crimes and not serious crimes, their prosecution and conditions of mediation and bail in exchange for their release shall be enforced under the supervision and care of preventive medical care institutions and training institutions."

In the Republic of Azerbaijan, as per Article 234 of the Criminal Code of the Republic of Azerbaijan, the description of criminal conducts such as "procurement and supply of substances", "possession of substances", "transportation of substances", etc. could create problems. Thus, the term "transportation of substances" intersects with terms such as "storage of substances" because it is evident that "transportation of substances" is not possible without "storage of substances". In accordance with the law "On any circulation of narcotic drugs and psychotropic substances and their other products", which was approved by the legislation of the Republic of Azerbaijan on June 28, 2005, and by Article 1-0-8 of this law, "Any act of illegal transportation of narcotics and psychotropic substances, regardless of how they are carried out, is considered a violation of the laws established by the legislature of the Republic of Azerbaijan and is seen a crime". Such conducts as illegal transportation of narcotics and psychotropic substances, i.e. via the person himself, by mail, through other vehicles, or a person not aware of the criminal content of the act of transfer, as well as any principles and ways.

Those cases, which result in the transfer of drugs and psychotropic substances are viewed as offenses. Article 1-0-9 of this law also includes offenses related to any illegal access of narcotic drugs and psychotropic substances and their other products - regardless of how it is carried out - including violations of the laws set forth by the legislation of the Republic of Azerbaijan and the crime is considered. These crimes involve such cases as an illegal purchase or access to narcotics and psychedelics and any

combination of their products, acceptance of such items as gifts, or acceptance of such items in exchange for personal clearing or exchange of such items with valuables. Article 1-10 of this law also reads that any illegal possession of narcotic drugs and psychotropic substances - regardless of the objective and intention of such possession - is seen as a violation of the laws established by the legislation of the Republic of Azerbaijan as considered a crime and involves any kind of personal maintenance and administration and possession of drugs and psychotropic substances.

According to the research results, it is recommended that children receive public awareness about the harms of drug abuse and drug trafficking through strengthening and implementing formal education in educational centers and public education in the media, press, newspapers, radio, television, attracting bilateral, regional and international partnerships and providing technical and equipment assistance in the field of measures to prevent the commission of drug-related crimes by children and adolescents and conducting the necessary studies recommended for children and adolescents to recognize the factors affecting the commission of drug-related crimes.

## REFERENCES

- Babaei, Hassan, (2010), Scientific Aspects of Drug Criminal Law, Tehran: Kayhan Publishing
- Bari, Mojtaba, (2002), Criminal Policy on Drugs, M.Sc. Thesis in Criminal and Criminology, Tehran, University of Tehran
- Azizi, Abdolreza, (2011), Prevention and treatment of addiction, Tehran, Neshat Publications.
- Abdullayev A. «Nasibov R. Express assessment of the situation with injecting drug use and the spread of HIV / AIDS in Azerbaijan. Baku: Antinarkotizim International Scientific-Analytical Center and Azerbaijan Public Health Association 55 « 2004 « p.
- Zahidov B.S. Drug addiction and drug trafficking: current problems of struggle (criminal law and criminological aspects). Baku: Baku University Publishing House 604 « 2004 « p.
- Hassanova Sh.Sh. Issues of release of minors from liability under the current Criminal Code of the Republic of Azerbaijan (Problems and their solutions). Baku «"Adiloglu" publishing house 164 « 2005 « p.
- Hassanov E.H. Activities of law enforcement agencies in the field of drug prevention among young people. «Sabah» -Baku-1993203 « p.
- Bogolyubova TA, Tolpekin KA Narcotism and drug addiction: the main directions of the struggle and prevention // Soviet state and law. 1987. № 1. «p. 13-18.
- Bulletin of the Supreme Court of the Russian Federation. 1999. No. 8.
- Bulletin of the Supreme Court of the Russian Federation. 2000. No. 4.
- Bulletin of the Supreme Court of the Russian Federation. 2000. No. 6.