

## **THE CRIME OF SEDUCING JUVENILES INTO DRUG ABUSE IN IRAQI LAW**

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### **Abstract:**

The drug abuse problem remains a serious challenge at the national and international levels because of the health, social, economic and moral harms it carries, because it is more deadly and destructive than conventional weapons by virtue of it breathing its slow toxins into the bodies of the victims. How to use it and control its uses under heavy supervision.

Hence, the Iraqi legislator has spared no effort to move along this path, as it has criminalized the seduction of minors to use drugs and psychotropic substances, according to Article (28 / Fifth) of the Drugs and Psychotropic Substances Act No. 50 of 2017 and punishes anyone who seduces a juvenile with drug abuse with death .or life imprisonment or temporary imprisonment and fine, and well done, because the act of seduction is the first step to drag the group of juveniles aged (9-18) years to the path of drug use or psychotropic substance or addiction.

In order to mention this disturbing crime and to indicate the position of Iraqi law in this regard, we divide the investigation into three lawsuits, and we address the conceptual framework in the first case, and note what is meant by seduction, youth, drugs and psychotropic substances, while appointing the second condition for substantive provisions. For the crime. We deal with the two pillars of crime and the penalties prescribed under the above-mentioned Drugs and Psychotropic Substances Act and welcome the third requirement of the procedural provisions that we have been tasked with discussing the granting of authority to investigate the crime of members of the special judicial oversight of employees and not to release those accused of crimes Seduction of exempted juveniles and news and the obligation of the user to review medical or social clinics and not the possibility of criminal prosecution of those who request the treatment of users on

their own and maintain confidentiality in the treatment and application of the supervised delivery system. Our findings and suggestions.

### **Introduction:**

Drug crimes were dominated by the interest of the Iraqi legislator who fought and prevented drug trafficking or abuse in any form. The Iraqi legislator has issued a set of laws that deal with this subject, which represents a serious societal challenge. It is not uncommon for the Iraqi legislator to enact a new law on narcotic drugs and psychotropic substances in order to keep pace with the new international and regional legal rules and systems. Therefore, Law No. 50 of 2017 on Narcotic Drugs and Psychotropic Substances was issued to replace the repealed Law No. 68 of 1965 and its amendments. In view of the problem of drug abuse and addiction, a problem facing the two countries in general and Iraq in particular, especially since the latest statistics adopted in Iraq by official bodies show the extent to which this crime has reached, which all efforts must be combined to avoid its dangerous effects on young and old alike. Those statistical data for the years 2017 and 2018 are a significant increase in the seized quantities of hashish, opium, heroin, cocaine and crystal, with reference to cocaine entering for the first time in Iraq, as well as an increase in the seizure of narcotic pills, especially Captacon pills and psychotropic pills of different types and classification, while the number of defendants in cases was The drug is constantly increasing (1).

In view of what the phenomenon of drug use constitutes in the first of the behaviors that are religiously, morally and socially unacceptable, as well as the bad health effects it spreads to adults and juveniles alike, and why the crime of seducing juveniles into the use of drugs and psychotropic substances in particular is considered one of the crimes that fold in itself with an infinite danger as it targets a group Juveniles in order to drag them towards crime and foci of deviation, taking advantage of their mental and physical deficiencies. Therefore, we decided to discuss this crime in accordance with the provisions of Iraqi law in three demands preceded by an introduction as follows:

The first requirement: - the conceptual framework, and we divided it into: -

The first branch: - The concept of seduction

The second branch: - the concept of juvenile

The third branch: - the concept of narcotic drugs and psychotropic substances

The second requirement: - Objective provisions and we dedicated it to: -

The first branch: - The material corner

The second branch: - The intangible element

The third branch: - Punishment

The third requirement: - The procedural provisions and we dealt with it: -

The first branch: Granting employees the power to investigate crimes

The second branch: - Inadmissibility of the release of those accused of seducing minors

The third branch: - news exempt from punishment

The fourth branch: obligating the abuser to go to psychiatric or social clinics

The fifth branch: - Failure to institute a criminal case against a person taking treatment on his own initiative

The Sixth Branch: Confidentiality of Treatment

The seventh branch: - Using the controlled delivery method

Conclusion: - Conclusions and recommendations

### **The first requirement:**

#### **Conceptual framework:**

Researching the crime of seducing a juvenile to abuse a narcotic or a psychotropic substance requires briefing some concepts related to the topic, which are considered a basic entry point for understanding its contents, and therefore we will undertake to clarify the idiomatic meaning of each of the following concepts to be explained, each in a separate branch: -

#### **First branch:**

##### **The concept of seduction:**

It means seduction in language according to what has been mentioned in the dictionaries of the Arabic language as deception, deception, adornment, or deviation from the truth (2). The deception was mentioned in the Holy Qur'an in the image of (PBUH), where the Devil said: "By your glory, I will not seduce all of them, except for your loyal servants." (3) Where the accursed Devil swore by the glory of God to take his rebellion from the sons of Adam with their temptation to sins and sins and deceive them. On the right path (4). Including the words of the Almighty (He will remain your friend and seducer) (5) and His words (the poets will follow them)

As for the idiomatic concept of seduction, it does not differ much from the linguistic meaning in terms of being deceit or ruse, in addition to the fact that the Iraqi legislator did not specify the meaning of this term used in the amended Penal Code No. 111 of 1969 in Article 395 of it, which stipulates the punishment of imprisonment for anyone who seduces a female who has been deceived. The eighteen-year-old promised to marry her, so he fulfilled her, and then refused to marry her. Noting that some comparative penal legislation does not specify the meaning of seduction, nor the means by which it takes place, which opens the door wide for saying that the use of this term implies a group.

From words that interfere with or close to him, such as suspense, suggestion, incitement, encouragement, urging, favoritism, improvement, deception, intrigue, money, etc. Or an impression as long as those actions lead to the result that the seducing perpetrator wants. It is tantamount to directing the will of the juvenile to drug abuse, which is a psychological activity aimed at persuading to influence his will and convictions so that it pushes him to take the drug, and then this represents the beginning of the path to abuse and addiction.

In most cases, seduction does not have fixed manifestations, and then it is necessary to resort to legal or factual evidence to prove the act. Rather, the court may base on facts or circumstances subsequent to the commission of the crime of seduction as evidence for the commission of the act of seduction (7).

It should be noted that the Iraqi legislator in the repealed drug law No. 68 of 1965 had used the term (seduction) under Article 14/4, which punished with imprisonment for a period not exceeding three years and a fine not exceeding three hundred dinars or one of these two punishments for everyone who tempted a juvenile that did not complete the eighth. Ten years of age for drug abuse or improved drug use, considering it a misdemeanor crime. As for the currently enforced Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017, he made it a felony, aware of the seriousness of the crime of seducing juveniles to take drugs or psychotropic substances as a result of them. From the devastating effects on the human capital of the Iraqi society represented by the category of events in the present or the future.

Meaning that wherever it is proven to the court that the seduced perpetrator has aroused an unbridled desire of the seducing juvenile or his longing, or aroused his curiosity, or an urge to use a drug or a psychotropic substance, and has been used accordingly, then the punishable offense has been accomplished in this respect and the offender becomes deserving of punishment, Whoever introduces sweets mixed with a drug and tempts the juvenile to eat it with a photographer, that this substance will make him feel joy and pleasure and forget the worries, or the coffee shop owner who used to come to him for entertainment and spend free time, so present him with juice a narcotic substance or a mental stimulus that will give him a feeling of strength, energy, or superiority On his peers in the school, or he will win sports tours, or that it will open his mind to absorb difficult lessons and other methods of seduction, and according to the general concept, whoever seduces others to commit the crime in whole or as a penalty, there is no doubt that he is considered an original perpetrator of the crime if this third party is not young or A juvenile or unaware of the consequences of his actions due to mental or psychological deficiency, and therefore his criminal responsibility according to the Penal Code shall be fulfilled with this description. (8)

### **The second branch:**

#### **The concept of the event:**

The concept of a juvenile in legislation is usually related to immaturity or lack of maturity, and it is a life stage in the life of a natural person that has its own characteristics and impulses. The juvenile in this sense is a person who is socially immature, unqualified mentally, and lacks awareness of what is happening around him and is unable to act slowly, but some assert that Modernity is nothing but the period of childhood that starts from the moment of birth and ends with reaching the age of adulthood, which varies from one society to another and from one legislation to another. (9)

Juvenile term is a term that the Iraqi legislator has taken care of, especially in the Juvenile Care Law No. 76 of 1983 amended, so that it is intended for those who have completed nine years of age and have not reached eighteen years of age, so he is in the position of responsibility and imposing the measure or penalty, but it is a reduced responsibility commensurate with the amount of awareness and perception that he has The juvenile, and therefore we find that the legislator in the Juvenile Care Law has distinguished between juveniles according to the age

stage, so the juvenile is considered a boy if he has reached the age of nine and has not completed fourteen years, and he is considered a boy if he reaches the age of fifteen and is not eighteen. As for the one who has not reached the age of nine, he is the young man who has not yet reached the age of nine, and this is outside the framework of responsibility and punishment for his lack of competence to distinguish actions and actions. (10)

The Iraqi Labor Law in force No. 37 of 2015 defined (a juvenile worker) for the purposes of the labor law as every person, male or female, who reached fifteen years of age and not yet eighteen. (11)

It seems that the point of distinction between adulthood and modernity is the completeness of consciousness or awareness, which means that a person is not fully responsible for his actions and actions unless he mentally assesses the nature of his actions and their consequences. This matter is subject to a legislative agreement that no one may be punished if he did not consciously and voluntarily commit his legally prohibited act. On the occasion of this, the applicable Iraqi Juvenile Care Law indicated that a criminal case shall not be filed against those who have not attained the full age of nine. (12)

Note that the age of the juvenile is established according to an official document that contains the date of birth by day, month, and year, and when it is not present, or that the age established in it is inconsistent with the appearance of the situation, then the court should refer him for a medical examination to assess his age by scientific means. (13)

Therefore, the peculiarity of juvenile laws meant that juvenile delinquents would be confronted with reform rather than punitive measures in line with the subjectivity of these laws, which granted them some independence in the field of imposing preventive and remedial measures in relation to the policy of criminalization and punishment in the context of confronting juvenile crime

Given the specificity of this age group and the need to be surrounded by the care and attention of the law, the Iraqi legislator tried to keep it away from the manifestations, deviant behaviors and hotbeds of crime, and recognized the responsibility of guardians and educators for those under his care, including children and minors. (14) Also, the legislator in the Juvenile Care Law had approved the concept of begging. That he carries out acts related to prostitution, gambling, immorality, corrupting morals, drugs, or the like, and perhaps this explicit reference to the narcotics term explicitly foretells that the legislator is trying to raise the alarm about the category of juveniles about what they will be exposed to if they are left facing this dangerous scourge that may plague the young generation, health, morally and educationally, not to mention the criminal or social deviations that are expected to emanate from them as a result of drug abuse and addiction.

Likewise, the Iraqi Penal Code has not failed to stipulate the responsibility and punishment of those who have legitimate authority, such as guardians, guardians, or custodians of the affairs of minors or minors, or those who sponsor them, such as fathers or grandparents, and others, when they put them at risk (15).

Indeed, Article 387 of the Penal Code was more clear when I counted inciting a juvenile who had not reached the age of eighteen full years to use intoxicants or offered him an intoxicating drink

other than for medicinal purposes, a crime punishable by law. So he took it without his knowledge of it, he was punished with imprisonment for a period not exceeding one month and a fine not exceeding thirty dinars (16).

We believe that making the crime of inciting juveniles and limiting themselves to the use of intoxicants as offenses is inconsistent with the legislative philosophy that should protect young people from being vulnerable to being deceived and pushing them to abuse alcohol, which may bring them closer to the danger of drug abuse, especially with the spread of drugs and the inability to control them after they are spread at the level of its promotion through various traditional and electronic media, which calls for reconsideration of this article in terms of punishment and tightening it to a reasonable extent that is commensurate with the magnitude of this crime, which is considered in the true Sharia, the major or the sinister.

### **The third branch:**

#### **The concept of drugs and psychotropic substances:**

Narcotic is a term derived from the word numbness, and numbness is extreme darkness. The narcotic is lazy, narcotic, from the drink whose drinker suffers apathy and weakness, and the narcotic is unconscious and unconscious, and from it to anesthetize the patient if his sensation is disrupted by a medical substance as a result of anesthesia to remove the feeling of pain in his body (17).

As for the terminology, it is a group of natural or manufactured substances that affect the physical or respiratory condition of those who abuse them, either by stimulating the nervous system or by inhibiting it, and in general it is any substance that leads to loss of consciousness, coma, or death, or that results in exhaustion of the body or mind, or both, or the effect in one of them (18).

As for the legal aspect, the Iraqi Law on Narcotic Drugs and Psychotropic Substances No. 50 of 2017 defined them according to Paragraph 1 of Article 1 by saying that it is every natural or synthetic substance from the substances listed in the first, second, third and fourth schedule attached to this law, which are the lists of narcotic substances that were adopted by the only drug convention For the year 1961 and its amendments. As for the second paragraph of the same article, psychotropic substances were defined as every natural or synthetic substance from the substances listed in the fifth, sixth, seventh and eighth schedule attached to this law, which are the lists of psychotropic substances adopted by the United Nations Convention on Psychotropic Substances of 1971 and its amendments. While the third paragraph of the same article stipulated the definition of chemical precursors as chemical elements or compounds involved in the manufacture of medical drugs with psychological effect, the details of which are included in the ninth and tenth tables attached to this law, which are lists approved by the United Nations Convention against Illicit Traffic in Narcotic Drugs of 1988.

We can say that the narcotic substance, according to the aforementioned, is every raw material or preparation that contains a stimulant or analgesic substance. If it is not used for other than medical or industrial purposes, it may lead to a state of habituation or addiction to it, regardless of how it is consumed. Scientific books and specialized periodicals are abundant with more important information. The most common and widespread drugs, whether natural, manufactured or synthetic, and psychotropic substances, including, for example, opium poppy, cannabis, hashish,

coca, khat, morphine, heroin, cocaine, stimulants of the nervous system, amphetamines, Maxton fort, captacon, crystal, hypnotics, sedatives, hallucinogenic drugs, lysergil, scalline, and others (19).

## **The second requirement**

### **Objective rulings for the crime of seducing juveniles into drug use**

By objective provisions, we mean a set of rules related to criminalization and punishment, that is, they include the elements of the crime and conditions that achieve criminal responsibility and entitlement to punishment. Crimes in general have two basic pillars that are known and called public pillars, which are the material element and the moral element, and these pillars are what distinguish permissible acts from actions prohibited by law, and this is the requirement of the principle of the legality of the crime and the punishment that requires no punishment for the act or omission except based on a law stipulating Criminalizing it at the time of its commission, and it is not permissible to impose penalties unless stipulated by law. (20)

In order to be aware of the elements of the crime of seducing a juvenile to abuse narcotic drugs or psychotropic substances and the penalties stipulated by law, we will briefly address each of them in the following sections as follows: -

#### **First branch:**

##### **Physical corner:**

I mean, the material element according to the penal law is all criminal behavior by committing an act that is an offense by the law or abstaining from an act ordered by law (21) The material element of the crime consists of three elements: the criminal behavior, the criminal outcome, and the causal relationship that connects them, and to the extent that the matter is related to the crime in question, the commission of the act of seduction will achieve the image of the material activity that is legally criminal and according to what was previously explained in terms of the concept of seduction, meaning that every action or A behavior issued by a person that creates a desire for the juvenile or pushes him to use the narcotic or psychotropic substance, and that person is the seducer and the act of seduction is required to focus on the use of the drug that is legally present and not anything else. Healing from an illness or disease is not considered a seducer, just as the activity of the seducer must precede the commission of the crime of using narcotic drugs or psychotropic substances. If the seduction occurs after the use, then we will not be facing the crime of seduction according to the concept stipulated in the Narcotic and Psychotropic Substances Law. The comparison did not specify or limit the acts or forms of seduction. Rather, the general meaning of the act of seduction was sufficient, leaving the competent criminal court the freedom to conclude whether or not the temptation occurred according to what is presented to it. From facts and evidence plausible and acceptable rational and logical. If it is proven to her that the act committed by the seduced person involves stimulating the desire of the event, suspending it, stimulating his imagination, creating illusions in him, repeatedly pressing him, facilitating and belittling the matter and exaggerating his underestimation in order to push him to use the drug or mental stimulus, then that suffices to say that the external material activity that constitutes the material corner of a crime is available Seduction provided by law. Accordingly, it is the duty of the competent court to research the remaining elements of the material element

represented by the result and the causal relationship, and the intended result according to this concept, is the change that occurred in the behavior of the juvenile that started the abuse as a result of the seduction practiced by the seducer, and this result does not need any effort to prove it, as The result is achieved as soon as it is proven that the act of seduction has been committed, as this crime is considered a dangerous crime. Hence, the causal relationship required to be established in this area between the act and the result in accordance with the general rules established in the Penal Code is established by establishing a link that the juvenile's abuse of the drug or mental stimulus would not have occurred had it not been for the acts of seduction that were practiced on him by the seducer. Accordingly, the causal relationship between the act of seduction and its result of abuse is not proven, if the juvenile originally used the drug for a long time. Consequently, actions that imply the meaning of the seduction practiced by the seducer have no meaning to him. Whereas the philosophy of criminalizing acts of seduction is based on confronting the danger of the seducer who implants the seed of abuse in the mind of the juvenile, taking advantage of his young age, purity of instinct, purity of his bed and his lack of experience, and for fear that he will drag him into the process of drug use, which in turn will lead when the juvenile becomes accustomed to using addiction, which constitutes An extreme risk to the future of the event, and it may be difficult to cure it or get rid of it in the future. It does not matter after that that there is a connection between the one who carries out the act of seduction and the one who is the victim of the seduction, whether it is friendship, kinship, work, or a relationship of the womb. The seducer has taken the narcotic or mentally stimulating substance or not, as it does not matter how much the seducer gave to the seducer, or the number of times or the material or intangible return he received, so that the crime of seduction is established as soon as the act of seduction is carried out, so the whole process is nothing but a process It is easier and easier to abuse for young people who have not previously used the drug.

It should be noted that the Juvenile Care Law No. 76 of 1983, as amended, had recognized the responsibility of guardians and those in their judgment for breaching their duties in caring for young people and minors, which means that any negligence in his duties towards juveniles causes him to deviate towards the abuses of abuse or addiction that will expose the guardian, guardian, or custodian to Managing the affairs of the juvenile or sponsoring him for criminal liability. This responsibility is increased if any of the aforementioned causes the minor or the juvenile to become homeless or deviant (22).

### **The second branch:**

#### **The moral element:**

We learned in the past that the crime is a material entity consisting of a prohibited behavior or activity linked to a consequence and a causal relationship, but that is not sufficient to deserve punishment, so these materials must be linked to morale that is due to awareness, awareness and selection of those who carry out these actions and behaviors, and this requires the moral element of any crime, Where it represents the psychological origins of the material of the crime, which clearly means that the moral element is nothing but a willful position indicating the direction of the perpetrator's intentions either to intentionally commit acts that are legally prohibited or to the inability to control this will due to negligence, lack of precaution, lack of foresight, or miscalculation of the consequences of the inability to anticipate the results. Or the inability to avoid it wrongly.

As far as the matter is related to the crime of seducing juveniles into using narcotic drugs or psychotropic substances, it is considered intentional crimes based on the necessity of the criminal intent of the seducer, who would direct his sinful will to commit the act constituting the crime, knowing the seriousness involved in the act of seduction, with the intention of the outcome. Which is intended to reach, which is to make the juvenile reach the stage of drug abuse or psychotropic or any other criminal outcome, meaning that the intent required in the crime under consideration is the general criminal intent and its consistency is knowledge of the elements of the crime and that the will is destined to achieve these elements (23).

Based on that, whoever seduces a juvenile to drug abuse needs to know that he wants to divert him towards drug use through acts of excitement, suspense, incitement, or temptation, and financially to that from the forms of seduction that lead in its entirety to psychologically affecting the will of the juvenile and pushing him to use a narcotic or influencing substance. Mentally included in the tables attached to the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017, and accordingly the lesson is for the actions and actions that were done with the awareness, will and knowledge of the seducer that he is only practicing that prohibited activity with the intention of encouraging the juvenile to use it, so he believes that the substance that the juvenile was tempted to use is It is not the same because of his ignorance of whether it is a useful medicinal substance or that it is a substance that combats some incurable diseases, then we will not be in front of the legally prescribed act of seduction, because there is no knowledge that precludes intent and makes a mistake in the perception that prevents the formation of the criminal intent, considering that the knowledge required to achieve the criminal intent It is that science surrounding all the basic elements necessary for a crime to occur (24).

The result of this is that the trial court must explain the criminal intent in the crime of seducing juveniles into drug abuse by verifying that the knowledge and direction of the seducer's will to seduce a juvenile by any means whatsoever, and it is sufficient to say that the intent is available in the legally required elements that someone suspects the juvenile to urge him to Using his claim that the drug increases his feeling of power and academic superiority over his peers, or makes him feel comfortable psychologically, or helps to resist trouble and go to sleep, or it is a form of sexual stimulants and other forms of improvement, advice or promotion of abuse, and the intent does not disappear if the person wanted to seduce him The abuse becomes incompetent for any reason, whether for insanity or for any mental or psychological symptom, and the intent is not neglected even if the seducer deludes that what is meant to seduce him is an event and it turns out later that he is a rational adult. In the law, all of this does not negate its intent, nor does the motive to commit the crime (25).

The seducer claims, for example, that he wanted to seduce the juvenile to rid him of the agonizing nation he suffers, to encourage him to get rid of compulsive whispers, or to enable him to marry someone he loves, or to alleviate the symptoms of depression that he died as a result of his family circumstances, and other justifications. This does not arise as a push to get rid of the criminal responsibility that is proven in everything related to the acts of seduction, such as urging, provoking, suspending, encouraging, justifying and so on, regardless of the motives and the extent of its legitimacy or its health or social acceptability, and whether the abuse occurred or not, because what is important in all of this is that the crime committed takes place with its material. The temptation of an event to abuse a narcotic or psychotropic substance is mentioned in the law (26).

**The third branch:****The punishment:**

Penalty means the penalty legally established for the crime committed, and the punishment imposed for crimes varies according to the nature and seriousness of the crimes. There are penalties for felonies, others for misdemeanors, and a third for violations. There are original and subsidiary penalties (subsidiary and complementary). There are also other types that are considered as penalties or preventive measures, and in any case and to the extent that the matter relates to the subject of the research, and by virtue of the fact that the punishment prescribed for the crime of seducing juveniles to abuse a drug or psychotropic substance is one of the penalties approved for crimes Felonies, where Article (28 / Fifth) of the Narcotic Drugs and Psychotropic Substances Law is punished with life imprisonment or temporary imprisonment and a fine of not less than ten million dinars and not more than thirty million dinars for anyone who seduces a minor to abuse narcotic drugs or psychotropic substances. Based on it, we will try to shed light briefly on the most important penalties related to the issue, which are as follows: -

**A- Principal penalties:**

By it we mean the penalties stipulated in the Penal Code or any other law of a penal character, which are also considered and must be stipulated in the ruling, and they are in accordance with what is stipulated in the Narcotic Drugs and Psychotropic Substances Act as follows: -

**1- Life imprisonment**

Life imprisonment is one of the harshest freedom-depriving penalties in the applicable Iraqi penal code, and the legislator defined it under Article (87) of it as the deposit of the convicted person in one of the penal facilities legally designated for this purpose for a period of twenty years. .

**2- Temporary imprisonment:**

Temporary imprisonment, according to the provisions of the Iraqi Penal Code, means that the convict is deposited in a penal facility for a period of more than five to fifteen years, and the convicted person is charged with performing the duties stipulated in the Punitive Facilities Law (27).

**3- Fine:**

The fine is considered one of the financial penalties that affect the financial liability of the convicted person, thereby reducing his financial responsibility, and in this way it means obligating the convict to pay a certain amount of money to the state treasury, and it is clear that the fine penalty, with its limits imposed in the crime of seducing drug use, is mandatory And supportive of the temporary imprisonment penalty and the competent court may not condone its application, being satisfied with the penalty depriving freedom. If it did so, then it would have missed the right thing. The fine penalty imposed under the drug law in force is nothing but an original penalty that the legislator made alongside the penalty depriving freedom (temporary imprisonment), believing in an increase The effectiveness of the financial penalty to deter the perpetrators of this type of crime, which the legislator sensed its seriousness and took the initiative to intensify the punishment for the perpetrators. Indeed, the legislator, as a matter of strictness in the penalty, punishes for attempting to commit the crime of seducing juveniles to

use narcotic drugs or mental stimuli with the penalty for the complete crime, and also punishes for participating in the crime, whether by instigation, agreement, assistance, or any other form of participation in the punishment of the perpetrator of the crime (28 ).

### **B- Subsidiary penalties and precautionary measures:**

It means that which inflicts the original punishment without the need to stipulate it in the adjudication decision or to stipulate it in the judgment decision so that the adjudged punishment is completed so that the judge must mention it in his judgment in a complementary manner or that some preventive or remedial measures are taken against the offender in order to prevent Without returning to commit it again (29).

This is in order to support the original criminal sanction with appropriate additional penalties or precautionary measures intended to have the deterrent effect required to prevent him from taking the same way again. We will review these penalties and measures according to the curriculum of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017 as follows:

**1- Withholding of movable and immovable property:** - Movable property means all money that can be transferred or transferred without damage and includes luggage or liquid cash, negotiable banknotes, vehicles, furniture and money, etc. As for the immovable, it refers to real estate by its nature, real estate by allocation and everything that cannot be transferred or transferred Unless damaged, it includes the role and the movable lands allocated for the service of these real estate or part of it such as doors, windows, etc., and this procedure is considered an auxiliary punishment of a new type that is not stipulated in the Penal Code, with its effect affecting everyone who commits a crime of seducing a juvenile in order to push him to abuse drugs, and it seems that the legislator wanted By the term “perpetration,” that is, whoever has been convicted by the competent court of the crime of seduction, according to the pillars and conditions of the Narcotic Drugs and Psychotropic Substances Law, and this is what Article (34) / First of the Narcotic and Psychotropic Substances Act referred to by saying - The competent court must decide to seize the transferred funds and immovable for anyone who commits the crime of seducing minors to abuse narcotic drugs or psychotropic substances.

**2- Confiscation of funds:** - The term money contained in the aforementioned drug law means the absolute of movable and immovable money, and therefore the court must rule to confiscate the money of the accused, his wife, children and others if it is proven that it results from committing a crime of seducing juveniles to abuse a drug or psychotropic substance, and it is clear the text affects its seductive effects, whether the temptation is in return for money obtained towards or without his seduction (30).

**3- Confiscation of narcotic substances, psychotropic substances or chemical precursors:** - Confiscation in the general sense means expropriation of the convicted person of what he owns of funds for the account of the public treasury, and it is either public, divorced, or private confiscation, and to the extent that the matter relates to the subject of our research, the confiscation here is according to what I have approved Article 35 / First of the Narcotic Drugs and Psychotropic Substances Act is of the second type, and by that we mean private confiscation. It is worth noting that this type of confiscation does not require the issuance of a judgment condemning the accused for the crime of seducing juveniles to abuse the drug or psychotropic substance. A judgment is issued in all cases, whether a judgment of guilt, innocence, release,

pardon, statute of limitations, and other reasons for dropping lawsuits or criminal judgments are issued, and this judgment is referred to the fact that possession of narcotic or mentally influencing substances without a license or license from an officially approved medical or scientific body is considered A crime in and of itself (31).

**4- Closing down the shop:** - Closing down is one of the permissible physical precautionary measures stipulated in the Penal Code (32). However, the legislator in the drug law in force obliged the court to order the closure of every place licensed to import, export or transport narcotic substances, psychotropic substances, or chemical precursors, or to possess them for a period of no less than a month and not more than a year. The same place, whether by the convict, one of his family members, or any other person after the occurrence of the crime (33). This means that the person who seduces juveniles to take drugs or takes them in any way and takes a place or a place to carry out these actions, the court is obliged to close these places or stores even if they are officially authorized by the health authorities, and it was the first for the legislator to consider this matter an aggravating circumstance For the punishment of the perpetrator who carries out the process of seducing minors and tempting them to use, especially in licensed stores, and the reason for aggravation. We also believe that the acts of seduction take a closer form than legality because they are carried out by shops licensed to import, export or transfer narcotic drugs or psychotropic substances or to possess them, which means that these officially authorized persons have exploited The powers granted to them by virtue of these licenses and they have practiced the legally prohibited acts of seduction, which calls for taking them with intensity and not contenting themselves with closing these stores for specific periods.

**5- Depriving the convict from practicing work:** - Although the legislation generally recognizes the right or freedom to practice work, this right or that freedom may be subject to restriction whenever it becomes apparent that there is arbitrariness or abuse of the limits of exercising that right or freedom. Especially if it appears that the work is related to the criminal behavior committed by the perpetrator, where it is prohibited or prohibited from practicing that work in whole or in part or for a known period of time as a punishment or a preventive measure, as the case may be. This is what articles 113 and 114 of the Iraqi Penal Code No. 111 of 1969 amended as being one of the precautionary measures that negatively affect rights, as they included that the prohibition is the denial of the practice of a profession, craft, or industrial, commercial, or artistic activity. His craft or activity, and he was sentenced for it to a custodial penalty, the court may, at the time of issuing the ruling in condemnation, prohibit him from exercising his currency for the period it determines in the ruling. As far as the drug law No. 50 of 2017 is concerned, the court is obligated to rule in addition to the penalties stipulated in this law to deprive the convict from the crime of seducing a juvenile to use a drug or psychotropic substance from practicing his work for a period not exceeding one year. If he returns to his crime within the five years following the issuance of the final ruling of the ban, the court may order the ban for a period not exceeding three years, and the prohibition shall take effect from the date of the end of the execution of the punishment or its expiration for any reason (34).

**6- Publication of the final judgment issued for the conviction:** - The punishment for publishing the judgment is one of the complementary penalties stipulated by the legislator in the applicable penal code, whereby the court, on its own initiative or upon a request from the public prosecutor, is permitted to order the publication of the judgment issued for conviction in a felony, and it is ordered to publish in One or more newspapers at the expense of the convicted person (35).

According to Article 35, paragraph 5, of the Narcotic Drugs and Psychotropic Substances Law, the court may decide to publish a summary of the final sentence issued for imprisonment or imprisonment in one of the crimes stipulated in this law and at the expense of the convicted person in a daily newspaper, which means that the trial court has the right to choose this complementary punishment. If she wants to publish a judgment of conviction of a person accused of committing the crime of seducing juveniles into consuming narcotic drugs or psychotropic substances in a daily newspaper or not, based on what is nominated for her in an interest that requires publication according to its discretion in this field.

### **The third requirement:**

#### **Procedural provisions:**

The procedural judgments briefly mean the set of procedural rules stipulated by law for investigation and trial, and they often include investigation procedures, evidence gathering, preliminary investigation, trial procedures, issuance of judgments, methods of appeal against judgments, and the implementation of final judgments. Normally, criminal procedure or criminal trial laws stipulate these rules in detail. It should be noted that the crime in question is not unique to procedures other than the aforementioned, but the legislator sometimes finds it in the interest to take into account the specificity of some crimes, including drug abuse or addiction crimes, as he decides for them some special procedures that we will undertake according to what the legislator has proposed in the Drugs and Effects Act. Mentality No. 50 of 2017 from special procedural provisions in this regard: -

#### **First branch:**

##### **Granting employees the power to investigate crimes:**

The crime investigation stage is considered one of the stages that follow the commission of the crime with the aim of controlling its evidence and identifying the perpetrators. The second book, entitled Investigating Crimes and Collecting Evidence, referred to it in Articles (39-51) of the Code of Criminal Procedures, which included the tasks and duties of members of the judicial investigation and reporting crimes. The investigation carried out by the police, and in recognition of the Iraqi legislature's recognition of the specificity, importance and seriousness of drug crimes in general, has granted the authority to investigate the crime under investigation and collect evidence related to it to a wide range of persons who are authorized to investigate crimes stipulated in the Narcotic Drugs and Psychotropic Substances Act, and they are police officers And employees of the Internal Security Forces, army officers and border guards, customs officers, ports, airports, duty-free shops, post, employees of the Ministry of Agriculture, employees of the Ministry of Health from the medical professions and others who are appointed by the Minister of Health to oversee the implementation of the law and these can be called members of the special judicial officers, that is, those who are exclusively assigned to follow up and investigate. He seized all his money for the crime committed in contravention of the provisions of the aforementioned Narcotics Law. Of course, it is necessary for these to implement the provisions of the Criminal Procedures Law and in accordance with the provisions contained therein pertaining to this stage of the criminal case, which they expressed during the investigation and collecting of evidence stage. In addition, the legislator in this law granted - the power to seize crops prohibited under this law, uproot them, their roots and leaves, and keep them in the warehouses of the Ministry of Agriculture until the case is decided upon and at the

expense of the owners - to the employees of the Ministry of Agriculture and they must inform the judicial authorities that they are members of judicial control according to the minutes of detection and investigation and in coordination with The Office of Narcotic Drugs and Psychotropic Substances and the committee formed pursuant to Article 42 / first, in implementation of the provisions of the provisions of this Law (36).

### **The second branch:**

#### **Inadmissibility of the release of those accused of seducing minors:**

It is noted that the legislator in the Narcotics Law prohibited, according to Article 36 / First of it, the release of the accused in the crime of seducing juveniles to abuse narcotic drugs or psychotropic substances on bail until the criminal case is decided upon, meaning that the accused cannot benefit from what is mentioned in Chapter Three, which deals with the arrest and release of the accused. -120) of the Code of Criminal Procedure No. 23 of 1971 as amended. This means that the legislator assessed the seriousness of the crime in question and that it is one of the felonies crimes of societal seriousness that affect the group of juveniles who represent the human capital of any society and what is required to protect them from the atmosphere of deviation and the dangerous slippages that they may be exposed to if they are left in the hands of those people whose primary concern is It is the material or moral gain and the sabotage of the moral structure of this young generation by attracting juveniles to the abuse of narcotic drugs and psychotropic substances, a matter that has become obligatory for the investigating judge and the trial court judge to refuse any request for the release of the accused of committing a crime luring the juvenile into abuse, whether submitted by himself or through his legal representative , Which means that the accused will remain in detention until a final judgment is issued in the pending criminal case, either if his conviction is proven, and at that time the periods of detention will be deducted from the sentence decided by the conviction judgment or if his innocence is proven from the accusation attributed to him or he is released due to insufficient evidence.

### **The third branch:**

#### **News exempt from punishment:**

The news is considered one of the very important procedural means in the field of uncovering drug crimes in general and the crime of seducing juveniles to abuse narcotic drugs and psychotropic substances. Article 37 / First of the law stipulates the exemption of any of the perpetrators who took the initiative to inform the public authorities about the crime before it was committed and before that The authorities search and inquire about the perpetrators and inform them of the other perpetrators. If the news occurs after the crime is discovered, it is not exempt from punishment unless the news facilitated the arrest of the perpetrators. It is noticeable that the legislator here has given a procedural advantage to the news and arranged an effect that is exempt from punishment if it is done according to its legal conditions, which is that the news is reported by the perpetrator himself, and the second is that the news is submitted to the public authorities and is intended by the administrative or judicial authorities usually empowered to search and investigate crimes and their perpetrators. And that the news takes place before the crime is committed and before those authorities search and investigate the crime, and at that time it may have an effect on exemption from the punishment for the crime of seduction stipulated in Article 28/5 of the aforementioned Narcotics and Psychotropic Law. The legislator is for those who collaborate among the perpetrators in reporting this crime, as it is one of the hidden crimes

that cannot be easily detected, and that many of these crimes are managed through networks whose clues can be easily exposed and may take time and drain efforts and require capabilities and means that may not be available in most cases, so the legislator He takes the initiative to approve this type of measures to facilitate the detection of crimes. The Iraqi legislator has not failed to mention the possibility of the reported perpetrator benefiting from an excuse. Reduction if he was informed of the truth after an investigation with him or at his trial about the rest of the perpetrators, and that news led to the disclosure of other perpetrators, persons participating in it, or those with links to local or international gangs (37).

#### **Fourth branch:**

##### **Forcing the abuser to go to psychological or social clinics:**

Whoever is proven to be addicted or consuming narcotic or psychotropic substances is a victim of the crime of seduction, especially the juvenile category in particular. What it deems appropriate to place addicts in a health institution or forcing drug users to visit a psychiatric or social clinic prepared for this purpose once or twice a week to help him get rid of the habit of abuse, and this procedure includes the convicted person and the person released by the health institution. If the convict refuses the prescribed treatment, the court may It was decided to imprison him in accordance with the custodial penalties stipulated in Article 33 of the Narcotic Drugs and Psychotropic Substances Law (38).

It is noted that this procedure is nothing but a therapeutic measure imposed by the necessity to rid addicts and users of narcotic or mentally influencing substances in order to rid them of these dangerous habits, especially since the court may consider, by virtue of its discretionary authority, when it addresses the decision in a criminal case for the crime of luring juveniles into drug abuse that there is a need to deposit the juvenile The abuser as a result of the seduction act as a victim of the acts of seduction practiced by the perpetrator against him in that he be placed in a health hospital for a suitable period that she deems fit and under medical supervision, the latter shall later submit his report to the court in which he shows the extent to which the abuser has benefited from this procedure and the recommendations he proposes to decide after that to stop the procedure Or its extension in light of the improvement in his condition and his recovery from the habit of abuse.

#### **The fifth branch:**

##### **Failure to institute a criminal case against a person taking treatment on his own initiative:**

The criminal policy adopted by the Iraqi Narcotic and Psychotropic Substances Law No. 50 of 2017 required that it decide a ruling that whoever abusers of psychotropic and psychotropic substances voluntarily submits on his own for treatment in the hospital designated for the treatment of addicts, a criminal case against him will not be instituted, meaning that the user is a juvenile. Or from adults covered by this provision, and perhaps the legislative reason behind this text is to encourage drug users to voluntarily come to receive treatment and get rid of this bad habit bit by bit that, if left over time, would put the juvenile on the path of addiction, which may be difficult to withdraw from us later, and therefore and where The abuse represents the beginning of the path of deviation for juveniles and may establish serious future crimes. The legislator puts in his calculations to open the door wide for a group of juvenile abusers in particular to benefit from the report of this ruling, which in itself represents a lifeline for this category of people who cannot The consequences of things due to incomplete mental

perceptions, which is what many people with drug abusers have by conducting this way to get rid of the consequences of the penal measures taken by the neighborhood. The drug users and the subsequent sentences of conviction and punishment or detention measures in health institutions and the associated stigma that persecutes drug users and their families throughout their lives as a result of the application of the penal measures stipulated in the laws related to drug control, and on the basis of that, this procedure if it is done and we mean by it voluntarily Treatment will cut off the path to initiate criminal proceedings against the user, and it is in itself a procedural restriction on the public, administrative and judicial authorities and the public prosecution to initiate a criminal case against the user, so none of them can initiate criminal procedures against him (39).

### **Sixth branch:**

#### **Confidentiality of treatment:**

Within the Narcotic Drugs and Psychotropic Substances Law, the confidentiality of persons who undergo health treatment in cases of addiction or abuse is observed, as these are often placed under observation in the health institution for the periods determined by the health institution, and the legislator's action is well done by stipulating confidentiality because it helps in the meaning of not exposing drug users or addicts. Treating them as patients who are in dire need of treatment, and it is not necessary to defame them or expose them, and there is no interest in exposing them or announcing their personalities or any information about them or about their social or family status, hoping to give them the opportunity to recover and get rid of the state of abuse or addiction. Where the perception prevails that they are in need of health, psychological and social care. As a result, they need treatment and not punishment, as it does not work with them and does not benefit from its basis (40).

### **The seventh branch:**

#### **Use the controlled delivery method:**

The simplified concept of controlled delivery means permitting the passage of shipments of narcotic drugs or psychotropic substances across the borders of countries with their knowledge and tracing their course, with the aim of controlling evidence of these crimes and uncovering the perpetrators, especially since drug crimes have come to be defined within the framework of transnational organized crime and linked to terrorist crimes, consumption and financing, which is what Countries must join together to get acquainted with new and professional methods in the field of drug trafficking, transportation, smuggling and delivery, especially from countries of production to countries of consumption, through routes and corridors that are easy to enter. With the presentation that this issue has become an inconsistent part in many international agreements, especially those related to organized or international crime, such as proceeds of corruption, money laundering, crimes of trafficking in human organs and weapons, and so on.

It is worth noting that international agreements and legislations at various local or regional levels stipulated more procedures and measures that are intended to uncover criminal gangs and masterminds in the cultivation, manufacture and smuggling of drugs across countries of the world with the aim of overcoming any measures that limit their criminal activities. Among these methods and measures Controlled delivery, which succeeded to a large extent in detecting drug mafias and their related activities. It should be noted that controlled delivery appeared its first signs in the 1912 Hague Convention, related to opium and its derivatives, when the convention

obligated the states joining it to issue laws guaranteeing control and specifying cities and ports through which the sale is carried out. And import and export, then the Geneva Convention in 1925, which established the Permanent Central Council for opium to oversee the international control system for opium and its derivatives and Indian cannabis, and the Geneva Conventions of 1931 and 1936 which obligated states parties to issue strict legislation to deter drug trafficking and brokering in it and the provisions to control its production and circulation, and the Paris Agreement of 1948 which It aimed to subjugate many of the drugs Manufactured for international control, the New York Convention in 1953, which established the principle of a national monopoly on the cultivation of opium, and the Single Convention on Narcotic Drugs in 1961 that approved the following principles: limiting the use of drugs for scientific or medical purposes, codifying punishment for drug crimes, implementing the principle of universal punishment, and endorsing the principle of extradition of criminals and treatment of addicts, and the expansion of the international control system On drugs under Article 35, which explicitly deals with the controlled delivery method, as for the 1971 Convention on Psychotropic Substances, according to which synthetic, sedative, stimulant and hallucinogenic drugs were subjected to international control, while the 1972 Geneva Convention expanded the powers and powers of the International Narcotics Control Board, while strengthening The United Nations Convention of 1988 to complete the measures stipulated in previous conventions related to controlled delivery, in accordance with Article 11 thereof. While the Unified Arab Law on Narcotic Drugs of 1986 issued by the Council of Arab Interior Ministers stipulated the method of controlled delivery in accordance with Article 70 thereof, the Arab Convention for Combating Trafficking and Illicit Use of Narcotic Drugs and Psychotropic Substances in 1996 did not neglect the method of controlled delivery and the regulation of the method of work with it among states parties (41 ).

As far as the subject of the research is concerned, Article 45 of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017 had granted the authority to the Minister of Interior, in coordination with the Minister of Health and the Minister of Finance, based on the permission of the investigating judge, to use the method of controlled delivery of narcotic drugs, psychotropic substances and chemical precursors in order to uncover the criminal gangs involved. With those materials.

### **Conclusion:**

Legal systems agree that juveniles are vulnerable groups that need care due to their innate lack of physical, psychological and mental formation, and it is expected that they will fall victim to others, especially since there are those who consider them from the category of adolescents who are easy to attract temptations or deceive them and direct them towards delinquency, based on that. In this research we dealt with a very important topic that represents a societal challenge that is not unique to Iraqi society or Iraqi law alone, represented by the crime of seducing juveniles to abuse drugs or psychotropic substances, which is only in reality the creation of the idea of abuse in the juvenile and the stimulation of desire and suspense psychologically and then find himself Impulsive towards drug use without religious or moral scruples and without legal deterrence, and it has become evident to us through it that seduction occurs in countless ways and means and is directed to an event and was prior to committing the crime of abuse, meaning that the abuse would not have occurred had it not been for the act of seduction practiced by the seducer, aware of it and wanting For his consequences towards the juvenile, which is the person who has completed nine years of age and has not yet reached the age of eighteen, the subject of seduction,

and that the seduction should focus on narcotic substances. It is a psychotropic substance mentioned in the tables attached to the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017. If this is the case, the crime of seduction becomes full-fledged materially and morally, and the criminal responsibility of the perpetrator is established accordingly, and for its effect the criminal punishment of life imprisonment or temporary imprisonment and a fine that ranges between (10-30) million Iraqi dinars.

In order to confront this type of crime that folds dangerous in itself, as it targets the human wealth of any society and the real capital of countries, and they are the category of juveniles whose ages range from (9-18) years of age, we present a set of proposals as follows: -

**1-** Examining the reasons that led the juveniles to deal in depth by those in charge of the investigation, especially in the investigation and trial stages, in order to find out the true motives for abuse and to know the people who seduce them, whether they are peers, relatives, or others. And work to urge the public prosecution to take its role in initiating criminal lawsuits against those who are proven to have seduced juveniles or enticed them to use drugs or influence them in any way, with or without compensation, and whatever the relationship that binds them to them.

**2-** Reconsidering the tightening of penalties stipulated in the Juvenile Care Law No. 76 of 1983, as amended, especially with regard to the responsibility of guardians and those under their care in relation to young people and minors, especially when neglecting their duties in education and following up on their affairs or deliberately pushing them to abuse or addiction.

**3-** Reconsidering the tightening of penalties stipulated in Penal Code No. 111 of 1969, Chapter Five of it, which deals with crimes related to filiation, caring for minors and exposing children to danger. Likewise, the crime of luring a juvenile into begging stipulated in Article 392 as a minor violation in the same law because it has become inconsistent with the seriousness of this phenomenon. Taking into account these crimes, it marks the beginning of a path towards deviating towards drug use or drug addiction.

**4-** Serious interest in spreading awareness among school and university students and organizing continuous awareness campaigns by specialists from the Ministry of the Interior and the Ministry of Health to alert to the dangers of consuming, using or addicting drugs and to explain the health, psychological and social harms they cause, and to subject them to periodic or sudden checks as necessary to detect cases of abuse or addiction in a clear way. In addition to using the print, audio and visual media in raising awareness.

**5-** Control provisions over social clubs, cafes, and human gatherings, to avoid illegal use of narcotic or psychotropic substances.

**6-** Monitoring beggars and street vendors for fear of being mediators and carriers of this dangerous scourge, and encouraging juveniles to abuse it.

**7-** Urging employers who employ juvenile workers to adhere to the medical examination of juveniles periodically, especially in some jobs that require physical, difficult or arduous efforts to avoid their drug abuse or addiction, and hold employers legally responsible otherwise.

**8-** Providing support, encouragement and assistance to poor families financially and morally, especially in crowded and crowded places, in order to avoid the delinquency of their children

towards drug abuse to get rid of the dire reality that their children live, especially since these places are often fertile and attractive environments for abuse or addiction.

**9** - The need to open advanced health centers and specialized hospitals to treat cases of addiction and abuse, and to provide health institutions concerned with control, prevention and treatment with specialized scientific competencies and equipment to assist in early detection of all drugs, and to provide the necessary support to their cadres financially and morally.

**10**- It is necessary to warn pharmacists not to dispense medicines and drugs containing narcotic substances without a prescription, and to put a list of medicines that are prohibited to dispense in every pharmacy in a prominent place, except with a medical license.

### **Margins:**

(1) The Directorate of Narcotics and Psychotropic Substances of the Ministry of Interior had recently issued statistical reports for the years 2017 and 2018 showing the quantities of narcotic drugs seized for 2017 in kilograms (40) kg of hashish, (7) kg of opium and (9) kg. Of heroin (23) kg of crystal, and the total number of defendants in these cases was 1986, the total number of drug abusers was 1,365, while the statistical table indicated to control the number of narcotic pills and psychotropic substances Captacon 58312, the effects 110,649 and other pills 7,250,240, the number of defendants in it was 945 and the abusers were Of them 482. As for the year 2018, the total number of seized narcotic drugs, hashish, 154,496,247 kg, opium 7,915,600 kg, heroin 905, 27 kg, cocaine 350 kg, and crystal 536,191,9 kg, and the number of persons accused of drug cases was 1409, the total of drug users reached 1003. The mental seizure was as follows: Captacon 2,539,451 kg, the number of substances 9,639,590 kg, other pills 181,855 kg, while the number of defendants reached 3347 and the number of drug abusers was 737 .. For more see the statistical tables contained in the reports of the General Directorate for Narcotics and Psychotropic Substances, one of them. Directorates of the Ministry of Interior concerned with drug control through its branches in Baghdad and the governorates for the years 2017 and 2018.

(2) See Muhammed bin Makram bin Ali bin Manzur, Lexicon Lisan Al Arab, Dar Al Maarif, Tunisia, p. 108, and Muhammed bin Abi Bakkarben Abd Al Qadir Al Razi, Mujammar Al Mukhtar Al Sakhah Lebanon 1986, p. 287, Ibrahim Anis, Abdel Halim Montaser, Attiya Al Sawalhi and Muhammad Khalaf Allah Ahmad, Al Waseet Lexicon The Dictionary of the Arabic Language, Shorouk International Library, Volume 1 2004, p. 221.

(3) Surah Sad Al-Ayat 82 and 83.

(4) See Jalal al-Din Muhammad bin Ahmad al-Mahali (died: 864 AH) and Jalal al-Din Abd al-Rahman bin Abi Bakr al-Suyuti (died: 911 AH), Tafsir al-Jalalin, Dar al-Hadith - Cairo, First Edition, p. 472.

(5) Surah Al-Najm verse 2.

(6) Surah Al-Shuara Verse 224.

(7) See the Arab Penal Laws Compilation, Part V, Dar Al-Salam Press, issued by the International Arab Crime Office, Baghdad, 1974, p. 19 and after.

(8) See Article (47/3) of the Iraqi Penal Code, which stipulates that it is considered an offender of the crime by any means forcing a person to carry out the act constituting the crime if that person is not criminally responsible for it for any reason whatsoever.

(9) See Omar Al-Farouq Al-Husseini, *The deviation of problematic and confrontational events, a comparative study in light of the texts of law and opinions of jurisprudence*, second edition 1995 p. 39.

(10) Article (3 / Second) of the amended Iraqi Juvenile Welfare Law No. 76 of 1983 stipulates that (a juvenile who has completed nine years of age but has not yet reached the age of eighteen).

(11) See Article (1/20) of the Iraqi Labor Law in force No. 37 of 2015.

(12) See Article 47 of the Juvenile Welfare Law No. 76 of 1983, as amended.

(13) See Article (4) of the Juvenile Welfare Law No. 76 of 1983, as amended.

(14) See the chapter entitled Parents' Responsibility, Articles (29-31) of the Juvenile Care Law No. 76 of 1983, as amended.

(15) See Chapter V of Chapter Eight on social crimes stipulated in Articles 381-385, dealing with crimes related to filiation, caring for minors, and exposing children to danger.

(16) See the Penal Code Amendment Law No. 6 of 2008, which includes amending the amounts imposed in the Penal Code and other laws, in the amount of fifty thousand dinars to two hundred thousand dinars, and in misdemeanors from two hundred thousand and one to one million dinars, and in felonies an amount from one million and one to ten million dinars Iraqi.

(17) See Ibn Manzur, *Mu'jam Lisan al-Arab*, the previous source, p. 232 Majd al-Din Muhammad Ibn Ya'qub al-Fairozabadi, *al-Qamum al-Muheet*, part 2, Bulaq Press, 2nd Edition, Egypt 1272, p. Ahmed Mukhtar Omar, *The Dictionary of Contemporary Arabic Language*, The World of the Book, Cairo, 2nd Edition, 1933, P.334.

(18) See this effect d. Hani Armoush, *Drugs, The Empire of the Devil*, Dar Al-Nafae, Lebanon, Beirut, Edition 1, 1993, p. 11.

(19) See Abd al-Rahman Shaaban Attiyat, *Narcotics and Dangerous Drugs and Responsibility for Control*, Nayef Academy for Security Sciences, 1st Edition, Riyadh, 2000, p. 178 and beyond, and see also Ibrahim Ghazi, *Narcotics*, Dar Al-Hayat Press, Damascus 1965, p.127.

(20) See Article 1 of the Iraqi Penal Code No. 111 of 1969, as amended.

(21) See Article 28 of the Iraqi Penal Code No. 111 of 1969, as amended.

(22) See Articles (29-31) of the Juvenile Welfare Law No. 76 of 1983, as amended.

(23) Article 33/1 of the Iraqi Penal Code No. 111 of 1969, as amended, stipulates the definition of criminal intent by saying (it is to direct the perpetrator to his will to commit the act constituting the crime, aiming at the result of the crime that occurred or any other criminal consequence).

(24) See this effect d. Mahmoud Naguib Hosni, *The General Theory of Criminal Intent, a comparative comparative study of the moral element in intentional crimes*, Dar Al-Nahda Al-Arabiya, 1978. P. 18. And dr. Fakhri Abd Al-Razzaq Al-Hadithi, *Explanation of the Penal Code, General Section, Edition 2*, Dar Al-Atik, 2007, p. 273.

(25) See Article 38 of the applicable penal code.

(26) See the drug schedules stipulated in the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017 referred to in the appendix from the first table to the tenth table, which included narcotic drugs or natural and synthetic narcotic substances, natural and compound psychotropic substances and chemical precursors, which are chemical elements or compounds used in the manufacture of drugs. Medical psychological impact.

(27) See Article 87 of the Iraqi Penal Code No. 111 of 1969.

(28) See Article (35/6) of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017

(29) See Article (95) of the Penal Code No. 111 of 1969 as amended.

(30) See Article (34 / First - B) of the Narcotic Drugs and Psychotropic Substances Act in force.

(31) Article 35 / First of the Narcotic Drugs and Psychotropic Substances Law stipulates that in all cases, it shall be ruled to confiscate narcotic drugs, psychotropic substances, chemical precursors, plants that produce narcotic substances or psychotropic substances, and the tools, devices, machines and vessels used, and the seized means of transport used in the commission of Crimes without prejudice to the rights of bona fide third parties.

(32) Article (121) of the applicable penal code stipulates, with the exception of special cases in which the law provides for closure, the court may, when judging a person for a felony or misdemeanor, order the closure of the place that was used to commit the crime and the closure entails the prohibition of commencing work in the same place Before the convict himself or any other person from his family or any other person.

(33) See Article (35 / Third) of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017.

(34) See Article (35/4) of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017.

(35) See Article 102 of the Penal Code No. 111 of 1969 as amended.

(36) See Article (43) of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017.

(37) See Article (37 / Second) of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017.

(38) See Article (39) of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017.

(39) See Article (40 / First) of the Narcotic Drugs and Psychotropic Substances Law No. 50 of 2017.

(40) See Article 41 of the Narcotic Drugs and Psychotropic Substances Law.

(41) For more, see Dr. Saleh Suleiman Al-Fayez, Controlled Delivery and the United Nations Plan, a working paper presented in the scientific seminar to Naif Arab University for Security Sciences 2009, pp. 1-15.

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- 4- Muhammad ibn Abi Bakirben Abd al-Qadir al-Razi, Mujammar al-Mukhtar al-Sahah, Lebanon 1986.
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#### **Fifth: - Research, articles and reports**

1- Dr. Saleh Suleiman Al-Fayez, Controlled Delivery and the United Nations Plan, a working paper presented in the scientific seminar to Naif Arab University for Security Sciences 2009, pp. 1-15.

2- The statistical tables contained in the reports of the General Directorate for Narcotics and Psychotropic Substances, one of the Ministry of Interior directorates concerned with drug control through its branches in Baghdad and the governorates for the years 2017 and 2018.

**Sixth: - Laws**

1- Iraqi Penal Code No. 111 of 1969, as amended.

2- The Compilation of Arab Penal Laws, Part V, Dar Al-Salam Press, issued by the International Arab Crime Office, Baghdad, 1974.

3- Iraqi Juvenile Care Law No. 76 of 1983, as amended.

4- The Iraqi Labor Law in force No. 37 of 2015.

5- Narcotics and Psychotropic Substances Law No. 50 of 2017.