

# Criminal Policy for Digital Drug Crimes and Iraqi Legislation

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## Abstract

Digital drugs are a newly popularized concept, due to significant technological development in large areas of life. This concept has caused numerous legal problems, especially since most criminal laws have not adopted a clear attitude towards it. Nor did it criminalize the issue of abuse and addiction to hearing musical tunes and because of their nature and lack of comparison with real or real drugs criminalized in accordance with the provisions of the law or because these tones are not medically proven to affect the mentality and health of the perpetrator or addict, which requires that the concept of digital drugs be defined, The impact of modern technology on its spread, indicating the position of criminal laws on this concept, including Iraq's Penal Code No. 111 of 1969, as amended, as well as Iraq's Narcotic Drugs and Psychotropic Substances Act No. 50 of 2017.

**Keywords:** Digital drugs, Electronic Software, Criminal Politicians, Penalties, Iraqi legislation.

It is well known that the sophisticated technology to which the world has reached today is intervening in all spheres of life, whether negative or positive. If it has many pros, its negativity kills society; there is a breeding ground for crime, as in the dark Internet. And some private websites, so Internet networks are an effective way to commit some crimes. And creating another, which means the practice of the physical element of crime over the Internet, Sometimes it creates the tools of crime, as in the case of the crime of digital drug abuse, which is practised through audio files available in certain websites on the Internet, as well as making crime tools by installing and loading audio clips and then they are uploaded on private websites, so that users can easily access them and may sometimes be in exchange for cash. Thus, if the effect of digital drugs is proven to be that of conventional drugs, it becomes a duty under

national and international law to criminalize them. In order for us to reach this result or not to reflect the criteria for criminalizing traditional drugs on digital drugs, and if the results match, they must be criminalized.

Study Problem.

The topic of the study raises several questions, including:

1. The extent to which Iraqi legislation criminalizes digital drugs in the Narcotic Drugs and Psychotropic Substances Act No. 50 of 2017 and other comparative laws?

2. The extent to which psychological, health and social effects on digital drug use are criminalized and punishable?

3. Is digital drugs a clear phenomenon in Iraqi society requiring the intervention of Iraqi legislators to combat them by criminalizing and punishing them with preventive measures, depending on their degree of prevalence and

their risk to the interests to be protected? All these questions deserve to be answered in the folds of this study.

#### Study Importance.

The importance of the study is highlighted by the fact that criminal laws have not taken a clear stance on digital drugs, nor has the term been included in substances, whether natural or synthetic, including the Iraqi Narcotic Drugs and Psychotropic Substances Act No. 50 of 2017.

#### Study Objectives.

The aim of the research is to try to know the concept of digital drugs, the reasons for their emergence and the legal nature of them, so as to know the legal nature of the case in terms of its pornography or criminalization, and to identify the legal frameworks and concepts that illustrate this nature, as well as the legitimacy under general international law.

#### Definition of Digital Drugs.

Digital drugs " They are a set of sounds or tones that are thought to be capable of creating brain changes that change or change consciousness in a manner similar to that of real-life drug operations such as opium, cannabis, etc,"(Ali Jaloub Attia, 2024) "They are clips of tones that are heard from the user via certain websites And this type of drug is used by hearing these tones under the earphones in both ears because this technique depends on the influence of the human body by transmitting certain frequencies in one ear and fewer frequencies in the other ear, And when the brain tries to unify the frequencies in both ears to get one level of sound that process would disrupt brain function in relation to the level of electrical signals released by the brain". (Hassan Rabie, 2005). From this digital drug promoters control the amount of turbulence and electrical signals to create the desired euphoria for each user (Victim) These frequencies mimic the effect of oral, injected or inhalation drugs. For example, the same effect of cocaine use can be caused by ecstasy and psychological effect by transmitting certain frequencies that bring certain electrical

signals into the brain that would have the same real drug effect if used.

#### Evolution of Digital Drugs.

The beginning of the emergence of digital drugs was in Oklahoma, United States of America, when news spread through the media that there were a number of students showing symptoms of ecstasy and sugar, even though they did not use drugs or alcohol, but listened to a certain kind of music with special audio frequencies (Iman Muhammad Al-Jabri, 2011). Only digital drugs discovered in 1839 by physicist Hensch Don which he was able to reach by shedding two slightly different frequencies to each ear, the listener will be aware of different frequency sounds, but for the first time in 1970, it was published treating some psychiatric conditions in those with depression, which refuse medication, and so treatment was done by electromagnetic oscillation, to modify the mood of the sufferers and this method was used in psychotherapy clinics and hospitals because there was a shortage of mood-activating substance. In psychiatric patients, so they need to develop neurons and then secrete them. In the presence of medical care, since the use of digital drugs is only for several seconds, or it may be used in parts of a second and be used more than twice a day (Nabil Mahmoud Hassan, 2012).

However, this treatment did not continue at that time due to its high cost. Digital drugs reached our Arab world in 2012 In particular; Saudi Arabia and Lebanon have reported a death and are the first of its kind. due to the use of digital drugs, it is reported that Saudi Arabia has taken its criminal measures to limit the access of such drugs to Saudi society online However, the Saudi Ministry of Health acknowledged that it could not access information in record time (Fawzia Abdel Sattar, 1990).

#### Effects of Digital Drugs on Health & Society.

Digital drugs were initially given to patients with psychiatric and mental illnesses, as were palliative and sedative medical drugs, which doctors recommend to patients because they

relieve them of stress and psychological fatigue. Some studies by medical professionals have proved to have a significant impact on human health as an effect, and others have denied it (Mohammed Marai Saab, 2007). Electronically addicted persons show signs, tension and anxiety, as well as other signs, as a clear deficiency in their sporting activities, study and family relations, is permanent, watches a lot, and electronic devices do not discredit them for long periods. "Digital" is a major problem in the Arab world, because young people spend most of their time in their homes, as they do not have entertaining elements or activities, so they fall victim to dangerous music (Saddam Ali Hadi, 2017). One doctor who specializes in digital drugs has denied that they cause death without any doubt that they are psychological, neurological and behavioral hazards to the addict because they feed the violence into his conscience through loud sound and harsh words in the content, noting that some electronic games have caused deaths as a result of the despair, frustration, failure and depression that seep into the teenager's psyche (Hala Abdul Karim Ahmed & Yousra Odeh Alwan, 2024).

In conclusion, in our role as law specialists, we must take precautionary and preventive measures from digital drugs before the disaster strikes and then seek remedial action (Mahmoud Ali Musa, 2021). If the measurement of the measured digital drugs does not correspond to the measured "conventional drugs" in its judgement and is fully measured in damage, they have a negative impact and harm to physical health and are lower than conventional drugs. We therefore consider it right to enact new legislation that prohibits digital crimes in general and digital drugs in particular, especially Iraq's lack of modern legislation, as today some of the previous laws are not compatible with the need of society due to the evolution of technology and the need for modern criminal legislation is greater than other legislation because they are restricted by the principle of legality. "No crime, no punishment, no stipulation", and the

adaptation of its facts to traditional laws is not acceptable (Saddam Ali Hadi, 2017).

#### Legal Nature of Digital Drugs.

Modern digital technology has many positive effects, as the world has become a small village by such means. Their impact on all spheres of life has been reflected, but the negative use of these means may lead to the spread of concepts that may constitute a new threat to societies, including digital drugs (Akram Nashat, 2011). Some websites contribute to the promotion of this type of drug in professional ways by seducing and persuading some adolescents to use them, presenting some information on the benefits of hearing these tones, indicating their types and the extent of their impact as well as setting tones that are more like a guide to the use and enjoyment of these tones, it is a large category for young people, especially those with psychological problems, and how to move them into a comfortable and indispensable relaxation environment (Abdul Ghani, 2007). These digital drugs are also poorly priced compared to real or real drugs, ranging from \$2 to \$20, resulting in easy prey for young people in the hands of drug promoters and hence addiction (Ameen Jabbar Ashour, 2020).

The report of the United Nations Office on Drugs and Crime for 2017 indicates to the unprecedented spread of new psychoactive substances, as the mobile communications revolution has provided new opportunities for drug promoters, they no longer need personal contact with customers and are instead handled by couriers from a lower cash collection level and distributors can use messages over encrypted networks, showing customers where their drugs can be picked up (Adel Al-Damardash, 1982).

Some websites often promote and familiarize themselves with digital drugs, often via free apps, to solicit young people looking for pleasure in listening to the musical tones offered by these apps through a sense of hearing, and then addicting them even though they are not. These tones have been medically proven to affect users' mental and psychological level (Saif El-Din

Hassan, Mohamed Karim Rashid, Mohamed Samani & Shaima Rashid Banoun, 2024).

International Law Position on Digital Drugs.

International efforts to prohibit the use of and trafficking in conventional drugs have coexisted, and international conventions and treaties have played a significant role in curbing such crimes, such as the Single Convention on Narcotic Drugs of 1961, which was amended by the 1972 Protocol amended by the United Nations (Iman Muhammad Al-Jabri, 2011). As well as the Convention on Psychotropic Substances of 1971, it is a United Nations-sponsored treaty targeting the control of psychotropic drugs, such as mother vitamins, benzodiazepines, barbiturates and stimulants signed in Vienna, capital of Austria, on 21 February 1971, and entered into force on 16 August 1976 (Akram Nashat, 2011).

Finally, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, one of the international community's three major drug control treaties currently in force, contains additional legal mechanisms for the enforcement of the Single Convention on Narcotic Drugs of 1961, as well as the 1971 Convention on Psychotropic Substances (Ameel Jabbar Ashour, 2020). The Convention entered into force on 11 November 1990. The Convention regulated the treatment of precursor chemicals and controlled drugs under the Single Convention and the Convention on Psychotropic Substances and strengthened the provisions against money-laundering and other drug-related offences (Abdul Ghani, 2007).

The General Assembly held a special session on the world drug problem from 19 to 26 April 2016 in New York City to assess the implementation of the Political Declaration and Plan of Action on International Cooperation for an Integrated and Balanced Strategy to Combat the World Drug Problem. The meeting resulted in an important document entitled "Our shared commitment to addressing and effectively addressing the world drug problem" (Fawzia Abdel Sattar, 1990). (The United Nations Office

on Drugs and Crime World Drug Report 2020 has provided considerable attention in six separate manuals to a wealth of information and analysis to support the international community in implementing practical recommendations on a number of commitments made by Member States (Faisal Ghazi Muhammad & Ameel Jabbar Ashour, 2023).

National Criminal Legislation Addresses Digital Drug Crime.

Given the novelty of the digital drug crime that was one of the secrets of the technological revolution's legal basis, this was also reflected in the differing attitude of criminal legislation to this concept, and the legislation in question has become outdated and does not keep pace with developments in digital technology drug", as well as identifying narcotic substances and including tables of such substances without mentioning digital drugs among them (Jaafar Shaker Hussein & Muhammad Jabbar Atwayeh, 2019).

Some Arab drug laws do not mention digital drugs in natural or synthetic substances. For example, the Egyptian Narcotic Drugs Act, No. 182 of 1960, defines narcotic drugs as: "Gems are deemed to be deemed to be narcotic in the application of this Act, the substances set out in Table 1 and annexed thereto, including the preparations set out in Table No. (Hassan Rabie, 2005).

With regard to the UAE Narcotic Substances and Psychotropic Substances Control Act No. 14 of 1995, it is stipulated that each of the substances listed in the table in the annexed articles 3, 2, 1 and 4. Psychotropic substances are each natural or synthetic substance provided for in articles 7, 6, 5 and 8 (Mahmoud Ali Musa, 2021).

The same applies to Jordan's Narcotic Drugs and Psychotropic Substances Act. (11) For 1988, the drug was mentioned in a special supplement to the Anti-Drug Act, Accordingly, if narcotic substances are provided for in the table, they are criminalized, If they are not, they are permissible, and with the application of this text

to digital music files, They are not included in the schedule, and are therefore not criminalized substances, and the penal provision for the penalties of narcotic substances does not apply (Ameen Jabbar Ashour, 2020).

Position of Iraqi Legislation Regarding Digital Drug Crime.

Iraq's Narcotic Drugs and Psychotropic Substances Act No. 50 of 2017 defines narcotic drugs as "any natural or synthetic substance listed in Schedules I, II, III and IV of this Act, namely, the list of narcotic substances adopted by the Single Convention on Narcotic Drugs of 1961 and its amendments. Psychotropic substances are "each natural or synthetic substance listed in Schedules V, VI, VII and VIII of this Act and are the lists of psychotropic substances adopted by the United Nations Convention on Psychotropic Substances of 1971 and its amendments" (Mohammed Marai Saab, 2007). We note from the totality of the legal texts that the notion of digital drugs is not included among narcotic drugs and psychotropic substances, and therefore permissible according to the provisions of this Law, but that their mental effects can be felt in the near future on the abuser or addict, necessitating an amendment of the law's texts, particularly with regard to psychotropic substances (Hala Abdul Karim Ahmed & Yousra Odeh Alwan, 2024).

## Conclusion

First: Results:

1. Digital drugs are defined as clips of tones broadcast in the form of frequencies to one ear and fewer frequencies than to the other ear. The brain unites them to one level, causing it instability in terms of electrical neural signals. It affects human health and psychology such as traditional drugs.

2. Digital drugs lead to psychological damage of a person's entry into unconscious hallucinations, loss of balance and cognition, also lead to depression and isolation, frequent

use leads to spasticity attacks, and their health effects are more harmful than conventional drugs, sometimes resulting in brain destruction and death.

3. The Iraqi legislature has not addressed the criminalization of digital drugs in Iraq's Narcotic Drugs and Psychotropic Substances Act, No. 50 of 2017, nor in other criminal laws, nor has it been criminalized in comparative laws.

4. Digital drugs are sometimes used for psychotherapy purposes, as in their use to treat depression.

Second: Recommendations:

1. We propose that the Iraqi legislature criminalize digital drugs in the draft law on cybercrime or by amending the Narcotic Drugs and Psychotropic Substances Act No. 50 of 2017, to criminalize the use of, trade in or promotion of digital drugs on websites.

2. Take preventive measures to follow up the websites of trading, promoting or using digital drugs and closing them down and informing about their users, and international cooperation to combat them through international conventions and deterrent measures.

3. The establishment of a team in the Iraqi Ministry of Health to find treatment for digital drug users such as the case of traditional users for the purpose of treatment.

4. A person who voluntarily applies for treatment in health centres for this purpose shall be exempt from punishment.

5. It is a mitigating judicial circumstance for traffickers and promoters who come forward to tell about promoted websites and traffic in digital drugs.

6. Work to raise young people's awareness of the dangers of addiction to hearing musical tunes or so-called digital drugs, because the negative effects that they may have do not bear fruit.

7. Holding seminars and scientific workshops in colleges and schools to inform drug risks in general and digital in particular.

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