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# Analysis of the practice of criminalising advertising of narcotic drugs, psychotropic substances, and their analogues

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## Abstract

The relevance of the topic lies in the fact that the information sphere and drug promotion often remain outside the effective legal response. This issue is particularly acute in Ukraine, because war, social instability, and weakening of institutional control contribute to the activation of drug crime, in particular in the information space. The purpose of the study was to assess the need for criminalisation of advertising of narcotic drugs, psychotropic substances, and their analogues in Ukraine. For this purpose, system and structural, comparative, statistical, system, and extrapolation methods were used. It was proved that the increase in the number of people who use narcotic substances by almost one and a half times may be conditioned by, in particular, the easy availability of advertising of narcotic substances in a person's daily life: both offline and online. It was found that during the social instability caused by contemporary changes and the social realities of war, which psychologically traumatise people, suitable conditions for drug trafficking and advertising have emerged. Amendments to the criminal legislation of Ukraine that criminalise advertising of narcotic drugs in Ukraine were proposed, simplifying the investigation and proof of drug-related offences for law enforcement agencies. It was established that, despite the existence of separate prohibitions and norms, the criminal legislation of Ukraine, considering the changes proposed in this paper, can become more effective in protecting the population from drug addiction. In this context, it was particularly important to investigate international experience, in particular, the practices of the European Union, the United States of America, and Canada. Thus, the study of criminalisation

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of advertising of narcotic drugs and psychotropic substances has scientific and practical significance, since it contributes to the improvement of the criminal legislation of Ukraine, the development of a unified law enforcement practice, and ensuring the protection of society from the spread of crime related to narcotic drugs

### Keywords:

drug crime; cryptocurrency; illegal trafficking; administrative and criminal liability; international experience; law enforcement

### Introduction

In the context of the armed aggression of the Russian Federation against Ukraine, there is an annual increase in the scale of illegal trafficking in narcotic drugs, psychotropic substances, and their analogues. This trend is conditioned by the significant destructive impact of the criminal actions of the aggressor country on Ukrainian society. Drug use poses a serious threat to the physical and mental health of the population, contributes to the development of mental and somatic diseases, social maladaptation, and personal degradation. People with drug addiction have severe neurological and mental disorders, damage to internal organs, which leads to chronic diseases. Drug addiction forms both physical and mental dependence, is one of the causes of disability and mortality of the population. Special attention should be paid to the problem of drug use by persons who have survived the consequences of military aggression: military personnel, internally displaced persons, people who have lost their homes or loved ones. In an attempt to overcome psychological pain, they may turn to drug use, which, ultimately, only worsens their condition, leading not only to health problems, but also to socio-economic destabilisation. In this regard, it is extremely important to improve the effectiveness of Ukrainian legislation in the field of countering drug trafficking, in particular by criminalising advertising of narcotic drugs, psychotropic substances, and their analogues. This is necessary to prevent profit from psychologically vulnerable individuals who have suffered as a result of military aggression, and to ensure an appropriate level of public health protection.

During 2020-2025, researchers created a significant number of studies on countering illegal trafficking in narcotic drugs and psychotropic substances. However, advertising of narcotic drugs as an independent topic did not receive proper scientific understanding, but was considered only briefly, as a component of the problem of illegal distribution of narcotic substances. In the context of related topics, some studies have focused on drug advertising in general, but without a specific focus on drugs.

Thus, the paper by P. Pokataev *et al.* (2023) analysed the ethical and legal aspects of drug advertising in Ukraine. The researchers investigated the regulatory framework of both national and international levels in the field of pharmaceutical regulation. Special attention was paid to the ethical and legal criteria consolidated in domestic legislation, which form the mechanisms of

both state and non-state regulation of advertising activities in the pharmacological sector. Despite the relevance of the topic of drug advertising to the issue of advertising narcotic substances, the latter remained outside the scope of analysis.

N. Horobets *et al.* (2024) considered the Internet as a platform for drug trafficking, characterised the composition of a criminal offence related to the illegal sale of drugs, and substantiated the need to criminalise their distribution via the Internet. In particular, attention was focused on the growing use of cryptocurrencies for settlements in the field of drug trafficking. The researchers emphasised that both in Ukraine and at the international level, there is currently no proper legal regulation of this issue, which requires adequate adaptation of legislation to contemporary technological challenges.

J. Aldridge & D. Décarry-Héту (2016), researching wholesale drug trafficking through online platforms using cryptocurrencies, found that ecstasy, benzodiazepines, and prescription stimulants accounted for the largest wholesale volumes. To a much lesser extent, but still noticeable, was the trade in cocaine, methamphetamine, and heroin. Despite the presence of sellers from 41 countries, wholesale activities were carried out mainly in China, the Netherlands, Canada, and Belgium. The researchers note that the specifics of cryptocurrencies contribute to the expansion of the customer base of illegal traders.

The study by Y. Leheza *et al.* (2023) analysed the experience of law enforcement agencies in the UK, Sweden, Spain, Estonia, the Czech Republic, and the United States in combating the illegal distribution of drugs via the Internet. The importance of preventive measures, in particular, criminal law prevention, and a wide range of assistance to citizens in preventing drug crime was noted. In the course of the study, the researchers determined the algorithm for distributing drugs through social networks, messengers, and instant messaging services. Various payment methods were described, including transfers via electronic payment systems, bank self-service terminals, replenishment of electronic wallets (Global Money, PayPal, Privat24, Oschad24, QIWI, EasyPay), replenishment of a mobile account or leaving cash in a pre-agreed place (so-called "bookmarks").

Y. Kuryliuk *et al.* (2021) noted that one of the most dangerous types of crime is the illegal trafficking of narcotic drugs, psychotropic substances, their analogues and precursors, which has a steady upward trend. The

researchers analysed the current state of drug crime in Ukraine, identified the main problems in the field of counteraction, and suggested ways to improve it. The paper noted that the current drug policy of Ukraine still does not meet the requirements of the state strategy in this area, which significantly complicates effective and timely counteraction to drug crime. The fight against drug addiction and drug trafficking remains a global problem for the international community, because today drug trafficking is one of the most profitable areas of criminal business with a transnational character. The researchers emphasise the increase in the number of people who illegally use drugs, and a corresponding increase in crimes committed on the basis of drug addiction. Strengthening of legislative regulation, improvement of the regulatory framework for anti-drug activities, development of scientific research and introduction of innovative technologies, and effective use of international cooperation mechanisms were identified as priority areas for countering drug crime in Ukraine.

In turn, study by O. Kudermina *et al.* (2019) examined the phenomenon of using advertising services to promote prohibited substances both in the domestic and foreign markets. The researchers focused on hidden forms of advertising of narcotic drugs and emphasised the lack of proper legal regulation of such advertising in the fields of food products, clothing, with the exception of TV and radio programmes, and print publications. The paper also analysed Ukraine's experience in criminalising actions related to drug trafficking, comparing the approaches of some states (in particular, the Netherlands, the Czech Republic, and Portugal) that have taken the path of partial decriminalisation of such actions. Despite the potential benefits of decriminalisation (improving the criminal situation, reducing the burden on law enforcement agencies, and reducing costs), the researchers warned about the risks associated with this approach.

A. Fuller *et al.* (2023) focused on the distribution of illicit drugs through social media, which is particularly dangerous given access to a broad audience, particularly young people, adolescents, and children. The study found that an average of 13 out of 100 social media posts contain signs of drug advertising. The researchers conducted an in-depth analysis of various internet platforms and algorithms for moving from search queries with drug-related keywords to behaviours typical of online sales of prohibited substances. J. Demant *et al.* (2020) analysed 57 Facebook groups created in Sweden. The researchers found that in these groups, various types of drugs were actively offered for sale through messages that, in fact, served as advertising.

Both professional dealers and amateurs participated in the trade. M. Dewey & A. Buzzetti (2024) pointed to the growing role of encrypted messengers, in particular Telegram, in the field of drug trafficking. The researchers noted that the combination of anonymity capabilities, rapid community creation and closure, and ease of use on mobile devices is transforming the way drugs are delivered and sold. Such platforms allow advertising and sale of narcotic substances in a relatively open way, which emphasises the need for legislative regulation of advertising of prohibited substances in the digital space.

The purpose of this study was to determine the feasibility of criminalising advertising of narcotic drugs, psychotropic substances, and their analogues in the context of contemporary global challenges associated with the distribution of drug advertising in the digital environment.

## Materials and Methods

Both general scientific and special methods of scientific knowledge were used to conduct the scientific research presented in this paper. General scientific methods included deduction, induction, analysis, systematisation, and classification. Among the special methods, empirical, comparison, statistical, extrapolation, system analysis, idealisation, and the hypothesis formation methods were used. The combination of these methods allowed forming a complete conceptual basis for the research, based on which it was possible to achieve this goal. In particular, empirical information about the object of research was collected using the statistical method. The empirical method of cognition provided the possibility of observing and describing phenomena based on the analysis of scientific publications, official reports of state institutions, laws and regulations, legislative initiatives, and information from official web portals of foreign countries related to the research topic. The method of system analysis helped to substantiate the expediency of criminalising advertising of narcotic drugs, psychotropic substances, and their analogues in Ukraine. Based on the extrapolation method, a proposal was modelled to amend the criminal legislation in terms of advertising these substances, which became the basis for formulating recommendations for preventing and minimising such offences.

The normative legal basis of this study was the following acts of national legislation of Ukraine: Constitution of Ukraine<sup>1</sup>, Criminal Code of Ukraine<sup>2</sup>, Laws of Ukraine "On the National Police"<sup>3</sup>, "On Advertising"<sup>4</sup>. These sources, since they regulate public relations in the field of preventing illegal trafficking in narcotic drugs, psychotropic substances, and their analogues. It

<sup>1</sup> Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text>.

<sup>2</sup> Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

<sup>3</sup> Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19#Text>.

<sup>4</sup> Law of Ukraine No. 270/96 "On Advertising". (1996, July) . Retrieved from <https://zakon.rada.gov.ua/laws/show/270/96-%D0%B2%D1%80#Text>.

is these regulations that form the basic legal basis from which the study of certain types of crimes is carried out, in particular, those related to illegal advertising for the purpose of selling narcotic substances. In addition, the source of statistical data was the National Report of the Drug Situation in Ukraine 2024 (Public Health Centre, 2024) and General Prosecutor's Office of Ukraine (n.d.).

## Results

Addiction to narcotic drugs is dangerous both for the person who uses them and for their social environment, because drug addicts can resort to extreme measures to get the next dose. In conditions of armed conflict, when a significant part of the population suffers psychological and physical injuries, loses housing, property, or loved ones, vulnerability to the effects of advertising narcotic substances, which is presented as a means of temporary relief, increases. Special attention should be paid to the situation among military personnel who have suffered psychological trauma. In such cases, they may refer to drug use as a form of escapism. According to the study conducted by A.O. Sheludko (2023) regarding adaptive and constructive coping strategies in military personnel, 25% of respondents called overeating, drug use, alcohol, etc., a common coping strategy. 65% of respondents indicated that they use such coping strategies (overeating, drug use, alcohol consumption, etc.) "moderately". These individuals need professional psychological or psychotherapeutic support, medical rehabilitation, and social support. Only comprehensive assistance can contribute to their recovery and integration into society. But drug use only worsens their condition, potentially provoking an increase in crime, fatal overdoses, increased levels of victim behaviour, social isolation, etc.

In particular, the study by Y. Sim (2023), using the example of individual states of the United States of America, demonstrated that in states where the receipt of such a narcotic substance as OxyContin was more complex, bureaucratically regulated, the crime rate for the period from 1990 to 2016 increased by: from 0.3% to 0.5%, and in states where the receipt of such a narcotic substance was not limited to the triple prescription programme, that is, people received OxyContin more often, the crime rate increased from 13.2% to 22%. The researcher also added that 30% of criminals who committed property crimes did so in order to purchase narcotic drugs. Empirical evidence suggests that people who are addicted to narcotic substances may also use other illegal drugs. For example, heroin as a substitute for prescription opioids.

In turn, K.I. Didenko (2025) investigated that the use of psychoactive substances (for example, drugs) was often accompanied by changes in the emotional and volitional sphere, which can lead to the development of mental disorders, decreased self-control,

increased anxiety and depression. She pointed out that drugs, as psychoactive substances, can significantly change not only the emotional state of a person, but also the ability to control own behaviour, make decisions, and make volitional efforts, which, in turn, affects their social relationships and ability to function effectively in society. The average score among drug-addicted respondents surveyed during the study on the Beck Depression Scale was 18.39 times higher than that of non-drug-addicted respondents.

A separate threat is the impact of drug advertising on young people, adolescents, and children. Advertising of narcotic drugs and psychotropic substances forms a false idea of their admissibility and attractiveness, even if it is not distributed by traditional channels (television, radio). In the digital age, such messages are actively distributed through alternative anonymous sources: Telegram channels, closed forums, social networks, graffiti or QR codes in public places. In particular, A. Fuller *et al.* (2023) conducted a comprehensive study of drug advertising on social networks and found that 3.6% of the videos that were posted on social networks advertised cannabis use. Such videos received 5 million "likes" and were viewed 27 million times. These figures exceed the engagement rates of macro-influencers with 100,000-1 million subscribers receiving an average of 38,000 views per post. M. Dewey & A. Buzzetti (2024) also investigated the sale and advertising of narcotic substances through instant messengers. Researchers have provided empirical evidence gathered during in-depth interviews with drug sellers and buyers that these communities, unlike the outdated form of market relations, improve for participants the experience of purchasing goods (in their case, the experience of purchasing narcotic substances). In 2020, Telegram users of the "StopNarkotik" chatbot helped to block 1,500 email addresses in the Telegram messenger that attackers used to illegally sell drugs via the Internet, including due to photos of inscriptions ("graffiti") and stickers with "advertising drug addresses" indicating GPS coordinates or physical addresses where they were found (Ministry of Internal Affairs of Ukraine, 2020) received by law enforcement agencies.

Contemporary advertising content is becoming increasingly sophisticated – drugs are presented as a "stylish" or "healthy" way to escape from reality. This trend may contribute to a change in the structure of the drug market: new technologies are enabling a mass shift to online retail, encouraging even teenagers and casual users to participate, according to the Public Health Centre of the MHP of Ukraine (2024), the traditional method of purchasing drugs (from dealers and at designated "points of sale") has been replaced by online drug trafficking. In addition, the number of people who produce narcotic substances at home for sale has decreased. The vast majority of respondents bought through conditional "stashers" (47.4%). It was

the older part of respondents who were more likely to prepare drugs at home, compared to the younger part of respondents.

That is why the rapid spread of advertising for narcotic drugs significantly increases social risks, as the process of purchasing them becomes more attractive and accessible. As of 2025, there has been a marked increase in digital drug advertising, which is still aimed primarily at young people. A. Al-Ravi (2022) found in his study that every social network he studied had active drug advertisements. Most of all, he found such advertising on the social network Twitter. The researcher, after analysing previous research on this topic, noticed a trend towards an increase in the number of digital advertising in social networks. Dependence on narcotic substances significantly increases the risk of infection with incurable diseases, in particular, HIV/AIDS, various forms of viral hepatitis, etc. In addition, drug addiction often leads to deterioration or loss of reproductive function, an increase in the number of births of children with disabilities.

The lack of criminalisation of advertising of narcotic substances only worsens the problem, creating conditions for their free distribution. Information on how to contact dealers can be found directly in the image itself, in post captions, or in comments. After agreeing on the terms of purchase – price, delivery method (by mail or in person) – payment is made through online services, in particular PayPal (Fuller *et al.*, 2023). Considering that the current criminal legislation of Ukraine provides only for “Inducement to use narcotic drugs, psychotropic substances, or their analogues” (in accordance with Article 315 of the Criminal Code of Ukraine<sup>1</sup>, “1. Inducing a certain person to use narcotic drugs, psychotropic substances or their analogues – shall be punishable by restriction of liberty for a term of up to five years or by imprisonment for a term of two to five years. 2. The same action committed repeatedly either in relation to two or more persons, or in relation to a minor, and by a person who has previously committed one of the criminal offences provided for by articles 307, 308, 310, 314, 317 of this Code, – shall be punished by imprisonment for a term of five to twelve years”), which cannot quite fairly replace the criminalisation of “advertising the use of narcotic drugs, psychotropic substances, or their analogues” due to the fact that “advertising” has the meaning of influencing a wider range of persons than “persuasion”.

The lack of legal regulation, and the lack of criminal liability for drug advertising both in the offline space and on the Internet, creates a favourable environment for the expansion of illegal trade. Sellers get more opportunities to promote their products in social networks, instant messengers, on platforms, and in mobile applications.

Considering the examples of some other countries, it would be important to mention the states that are members of the European Union. In particular, in accordance with paragraphs 44-46 of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use<sup>2</sup>, it is prohibited in European Union member states to advertise medicinal products that are only available on prescription (including narcotics) to the general public. The Directive, among other purposes, aims to preserve the health of the population, delineate the ethics of advertising, and ensure that non-compliance with the national laws of the member states with each other does not harm all persons residing in the territory of the European Union. For example, Slovakia has brought its national legislation to the standards of the European Union, considering the provisions of the aforementioned Directive in Law of Slovakia No. 147/2001<sup>3</sup> and No. 362/2011<sup>4</sup>. However, T. Peráček *et al.* (2019) argued that such duplication of a rule of law worsens the quality of the law and may lead to the fact that one person can be held accountable twice for the same action that such a person committed once. The researchers argued that such a provision of the law can be improved so that the law not only meets the requirements of the European Union, but also has high-quality content.

Australia also has similar legal provisions in its legislation. According to the Code of Conduct for the Australian Pharmaceutical Industry<sup>5</sup>, advertising of prescription-only medicines (including narcotics) directly to consumers is prohibited in the country. This can only be advertised to the doctors themselves, who will later make a professional decision about the need or absence of the need for a certain medicine for a sick person. Similar rules are also established in the legislation in the Controlled Drugs and Substances Act of Canada<sup>6</sup>. In countries such as the United States of America, Ukraine, and Cuba, advertising of drugs and psychotropic substances is not explicitly prohibited. These countries differ in their location, size, and socio-economic situation.

<sup>1</sup> Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

<sup>2</sup> Directive of the European Parliament and of the Council No. 2001/83/EC “On the Community Code Relating to Medicinal Products for Human Use”. (2001, November). Retrieved from <https://eur-lex.europa.eu/eli/dir/2001/83/oj/eng>.

<sup>3</sup> Law of Slovakia No. 147/2001 “On Advertising and on Amendments to Certain Laws”. (2001, April). Retrieved from <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2001/147/20190101.html>.

<sup>4</sup> Law of Slovakia No. 362/2011 “On Medicines and Medical Devices and on Amendments to Certain Laws”. (2011, September). Retrieved from <https://www.zakonypreludi.sk/zz/2011-362>.

<sup>5</sup> Code of Conduct for the Australian Pharmaceutical Industry. (2025, March). Retrieved from <https://code.medicinesaustralia.com.au/code/>.

<sup>6</sup> Controlled Drugs and Substances Act of Canada. (1996, June). Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/C-38.8/page-1.html#docCont>.

Nevertheless, each of these countries has quite well-developed drug markets.

For comparison, in France, which is a member state of the European Union, where there is a ban on advertising medicines that can only be purchased with a doctor's prescription (including drugs), only 3.4% of people used drugs regularly, according to the results of the study by S. Spilka *et al.* (2024). According to the 2023 United States National Survey on Drug Use and Health (2023), in the United States of America, 16.7% of people over the age of 12 struggled with a substance-related disorder, and 9.7% of people over the age of 12 struggled with a drug-related disorder. According to Statistics Canada (n.d.), just 3% of Canadians used illegal drugs in 2019. According to an online survey on the prevalence and frequency of use of certain narcotic and psychotropic substances in Ukraine conducted by the Institute of Psychiatry, Forensic Psychiatric Examination, & Drug Monitoring of the Ministry of Health of Ukraine (2023), 21.6% of respondents reported drug use in the last 30 days, which is 68% of those who reported drug use in the last 12 months. Referring to the National Study of Mental Health and Wellbeing (2023), it can be argued that in 2020-2022, only 3.3% of people in Australia struggled with a substance use disorder. Although accurate statistics on the share of drug users in Cuba are not available, the country's leader, Miguel Diaz-Canel, acknowledged that Cuba in 2024 faced a growing problem of the spread of narcotic substances and drug addiction, which, among other things, is also caused by the fact that drugs are cheaper there, relative to neighbouring countries (Torres, 2024). Thus, considering the above information, it can be assumed that the lack of responsibility for advertising drugs and psychotropic substances, among other possible factors, leads to the expansion of illegal trade, because in countries that do not have such responsibility for advertising drugs and psychotropic substances, the number of dependent persons on drugs and psychotropic substances, or the number of persons who struggled with disorders related to the use of drugs and/or psychotropic substances, was higher than those countries in which responsibility for such advertising is provided for by law.

Criminalisation of advertising of narcotic drugs, psychotropic substances, their analogues, and precursors would provide law enforcement agencies with an additional tool for bringing to justice persons involved in illegal trafficking of these substances, even in cases where drugs were not found directly during the search. After all, often offenders, realising the risk of exposure, destroy or hide narcotic substances until the arrival of investigators, and the funds themselves can be stored in separate premises that are not officially connected with the suspect (for example, informally rented

garages, basements, warehouses, etc.). Establishing a storage location for such substances takes time, which plays into the hands of intruders, allowing them to disguise or destroy evidence.

The introduction of criminal liability for the creation and/or distribution of advertising of narcotic substances will allow law enforcement officers to focus on proving the fact of participation of a person in advertising activities aimed at popularising or selling narcotic drugs. In this case, the main subject of proof will be the presence of signs of advertising of narcotic substances and the involvement of a particular person in its distribution, and not the fact of direct storage or transportation of drugs.

This approach will allow using the results of secret investigative (search) actions in criminal proceedings more effectively. In particular, the ability to document placed ads in Telegram channels or other internet resources greatly simplifies the process of fixing an offence. For example, if, as part of an operational event, a police officer discovers a publication with an offer to buy narcotic substances, even if the seller does not have the goods with them (since they could have already carried out the so-called "stash"), the very fact of the presence of advertising content can serve as evidence in court. Clicking on an Internet link leading to a resource with a similar offer indicates the presence of advertising, which should be the basis for bringing the guilty person to justice.

Moreover, the criminalisation of advertising of narcotic drugs, psychotropic substances, their analogues and precursors will have a significant preventive effect for individuals involved in the creation and distribution of relevant content. These include, in particular, graphic designers who create visual materials of an advertising nature, people who apply graffiti with links to channels or groups in messengers on buildings, bridges, or educational institutions, and those who distribute printed materials with similar content. These individuals are not always direct distributors of drugs – they are often unemployed, teenagers, or socially vulnerable citizens who are looking for quick earnings. Now they are aware that even if they are detained, they face only a minor penalty, because they did not carry out the storage or sale of narcotic drugs included in the list approved by the resolution of the Cabinet of Ministers of Ukraine of May 6, 2000 No. 770<sup>1</sup>. However, their actions cause no less harm, as they contribute to the dissemination of dangerous information among socially vulnerable segments of the population.

The introduction of criminal liability for advertising drugs will effectively deter such activities, as potential offenders will be aware of the reality of more severe legal liability than, for example, administrative

<sup>1</sup> Resolution of the Cabinet of Ministers of Ukraine No 770 "Regulations on the Approval of the list of Narcotic Drugs, Psychotropic Substances and Precursors". (2000, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/770-2000-%D0%BF#Text>.

liability for petty hooliganism. Hypothetically, this will significantly reduce motivation to participate in such activities and help to prevent the spread of narcotic substances through advertising channels.

At the moment, paragraph 14 of Resolution No. 4 of the Plenum of the Supreme Court of 26 April 2002<sup>1</sup> to a certain extent, fills the gap created by the lack of a definition of a separate crime – advertising of narcotic drugs, expanding the meaning of Article 315 of the Criminal Code of Ukraine<sup>2</sup> (Persuasion to use narcotic drugs, psychotropic substances or their analogues), providing that “persuasion” should be understood as “any intentional nonviolent actions aimed at arousing another person’s desire to use these drugs or substances at least once (suggestion, persuasion, advice, etc.)”. However, such filling in the gaps of legislation is not always appropriate, because in cases such as this one, it weakens the compliance of such a legislative norm with the principle of “predictability of the law”, because in order for the law to be of high quality, it must be easily accessible and understandable to a wide range of people. Moreover, “persuasion to use narcotic drugs” should not imply personal inducement, where the subject of such an action is only one person, and inducement to use drugs to the general public, which is already, in fact, advertising, because inducement to use drugs to the general public has an impact on a larger number of people, and therefore is more dangerous, and therefore, accordingly, for such actions and the sanction should be greater, reflecting the impact that specific actions had.

It is also worth noting that within the framework of this study, the concept of “advertising” is not equated with “propaganda”. As noted by J. Denysiuk (2021), propaganda is a form of spreading knowledge and ideas aimed at forming fundamental worldview attitudes that are recognised as acceptable within a particular political or ideological system. This is a much broader concept than advertising. According to paragraph 15 of Article 1 of the Law of Ukraine “On Advertising”<sup>3</sup>, advertising is defined as information about a person, idea, and/or product, disseminated for remuneration or for the purpose of self-promotion in any form, with the aim of forming or maintaining consumer awareness and interest in such objects. Thus, advertising is a commercially oriented means of influence that differs both in its functional purpose and regulatory status from propaganda. The concept of “propaganda” is quite broad and ambiguous, which creates the risk of excessive interpretation and, accordingly, possible abuse. The introduction of liability for “propaganda” of drug use can

create prerequisites for restricting freedom of expression, in particular, by giving judges excessive freedom to interpret what is and is not propaganda.

Thus, the most appropriate and legally verified approach for Ukrainian legislation is the introduction of criminal liability for “advertisement of narcotic drugs”. This term is clearly defined in the legislation, in particular, in the Law of Ukraine “On Advertising”<sup>4</sup>, which avoids over-interpretation, ensures legal predictability, effective application of the rule, and reduces the risks of abuse. The ease of establishing the elements of a crime based on the presence of advertising content greatly facilitates the work of law enforcement and judicial authorities, while maintaining a balance between the interests of the state and human rights.

A. Fuller *et al.* (2023) pointed out that despite a significant number of cases of drug advertising on social networks, the researchers concluded that a significant part of transactions takes place within the framework of pre-established contacts with dealers. This model of trade is characterised as a social supply, which further complicates its detection by law enforcement agencies. It is also important that the main audience targeted by advertising remains young people – teenagers and young people, which, given their age vulnerability, poses a particular threat. The researchers noted that platforms popular among teenagers rarely become the objects of systematic scientific research. With this in mind, in the Ukrainian context, it is advisable to conduct further interdisciplinary research, considering exactly the platforms that young people actively use. This would help to better understand the mechanisms of drug distribution in the digital environment and create effective prevention tools.

Based on official statistics, there is a clear upward trend in the number of recorded criminal offenses involving the trafficking of narcotic drugs, psychotropic substances, their analogues or precursors, and other criminal offences that pose a threat to public health. Especially significant is the dynamics of increasing the number of crimes related to the illegal production, manufacture, acquisition, storage, transportation, or shipment for the purpose of sale, and with the illegal sale of narcotic drugs, psychotropic substances, or their analogues. This trend intensified with the beginning of the armed aggression of the Russian Federation against Ukraine. For clarity, the dynamics of committing these offences is presented in Table 1, which allows visually assessing the scale of the increase in drug crime in war conditions.

<sup>1</sup> Resolution of the Supreme Court of Ukraine No. 16 “On Amendments and Supplements to the Resolution of the Plenum of the Supreme Court of Ukraine of April 26, 2002 No. 4 “On Judicial Practice in Cases of Crimes in the Sphere of Trafficking in Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors”. (2009, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/v0016700-09#Text>.

<sup>2</sup> Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

<sup>3</sup> Law of Ukraine No. 270/96 “On Advertising”. (1996, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/270/96-%D0%B2%D1%80#Text>.

<sup>4</sup> *Ibidem*, 1996.

**Table 1.** Comparison of the total number of criminal offences in the sphere of trafficking in narcotic drugs, psychotropic substances, and their analogues for 2021-2025

			2021	2022	2023	2024	2025*
<b>Criminal offences were considered in the reporting period</b>	Illegal production, manufacture, acquisition, storage, transportation, or shipment for the purpose of sale, and illegal sale of narcotic drugs, psychotropic substances, or their analogues	Total	10,994	10,162	14,302	17,601	8,478
		Sales	7,448	6,960	11,651	14,770	6,879
	Total		114,460	134,739	153,240	184,142	90,574
<b>Criminal offences in which persons have been served with a notice of suspicion</b>	Illegal production, manufacture, acquisition, storage, transportation, or shipment for the purpose of sale...	Total	8,323	7,839	11,611	14,971	5,571
		Sales	6,088	5,698	9,913	12,921	6,629
	Total		85,071	88,599	124,574	155,696	7,094
<b>Criminal offences for which the proceedings were sent to the court (paragraphs 2.3 of Article 283 of the Criminal Procedure Code of Ukraine)</b>	Illegal production, manufacture, acquisition, storage, transportation, or shipment for the purpose of sale...	Total	6,330	6,215	9,967	11,914	3,819
		Sales	5,008	4,612	8,655	10,590	4,433
	Total		73,918	77,779	115,141	137,427	55,983
<b>With an indictment</b>	Illegal production, manufacture, acquisition, storage, transportation, or shipment for the purpose of sale...	Total	6,314	6,202	9,909	11,887	3,815
		Sales	4,999	460	8,601	10,569	4,428
	Total		72,792	77,054	114,227	136,735	55,718

**Note:** 2025\* – January-April

**Source:** developed by the authors based on data from General Prosecutor's Office of Ukraine (n.d.).

It is worth noting that according to statistics, in 2021, the total number of registered criminal offences in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors, and other offences against public health amounted to 114,460 cases. In 2022, this figure increased to 134,739, which is 20,279 cases (15%) more. In 2023, 153,240 such offences were recorded, which is 18,501 cases (13%) more than in the previous year. In 2024, 184,142 cases were registered, which is 30,902 (17%) more than in 2023. A similar trend can be traced when comparing January–April 2024 (70,518 cases) with the corresponding period in 2025 (90,574 cases), where the increase was 20,056 cases, or 22%. Thus, there is a steady trend of annual growth in the number of these criminal offences by an average of 22,435 cases, or approximately 17%. This indicates a progressive criminal situation in the field of drug trafficking in Ukraine.

As for specifically crimes related to the illegal sale of narcotic drugs, psychotropic substances or their analogues, 7,448 such offences were taken into consideration in 2021. In 2022, their number decreased to 6,960 (by 488 cases or 7%), but in 2023 the number of such crimes increased sharply to 11,651 (by 4,691 cases or 40.26%). In 2024, 14,770 cases were recorded, which is 3,119 (27%) more. In January-April 2025, 8,478 cases were registered, which is 2,463 (41%) more than in the same period of 2024 (6,015 cases).

This increase in the level of drug crime is conditioned by only to the influence of armed aggression and the active use of cryptocurrencies for anonymous transactions, but also to a sharp increase in open advertising of narcotic drugs and psychotropic substances. Given the constant increase in the number of such crimes, it is obvious that there is a need for legislative changes that

would provide effective mechanisms for combating drug trafficking offences and have a preventive effect aimed at denormalising their use. One of the positive side effects of this approach may be a reduction in the number of graffiti advertising prohibited substances on buildings, infrastructure facilities, and in public places.

It is worth emphasising that one of the factors of the spread of drug addiction is the almost free advertising of narcotic drugs. Nowadays, such advertisements can be seen anywhere: in the form of stickers with QR codes, inscriptions on the walls of houses, in underground passages, at public transport stops, near metro stations, and in social networks, instant messengers and anonymous online resources. Such advertising, distributed both in the real space and in the digital environment, creates new opportunities for the sale of drugs, expands the scale and geography of the activities of intruders. However, despite the threat posed by this phenomenon, the current criminal legislation of Ukraine does not provide for liability for advertising narcotic substances.

That is, among the factors that determine the need to criminalise advertising of narcotic drugs, psychotropic substances, and their analogues in Ukraine, the following can be distinguished:

1) growing level of drug advertising in the digital environment. Advanced means of communication (instant messengers, social networks, anonymous forums) have become a powerful tool for popularising and secretly advertising drugs. Moreover, advertising is carried out purposefully for a young audience, using manipulative and psychologically attractive forms of influence.

2) imperfection of the current legislation. The criminal legislation of Ukraine does not clearly define

advertising of narcotic drugs, and also does not regulate the specific signs of a criminal offence related to the promotion of drugs as a commodity. This creates gaps in law enforcement and makes it impossible for law enforcement agencies to respond effectively.

3) low efficiency of administrative and legal measures. Practice shows that administrative responsibility for propaganda or popularisation of drugs does not have the proper deterrent effect, especially in cases of repeated or systemic nature of such offences.

4) distribution of “street” and visual drug advertising. Graffiti, QR codes, and pseudo-marketing are actively used, which avoids direct prohibition, but actually performs the function of an advertising tool. This requires new legal approaches to the qualification of relevant acts.

5) growing social risks and dangers for young people. Advertising drug use leads to a decrease in critical perception of threats, romanticisation of drug culture, and, as a result, to an increase in drug addiction and criminalisation of young people. The study by A. Oksanen *et al.* (2020), demonstrated that the majority of young people who buy drugs using the Internet do so through social networks, which, in fact, contain advertising content of narcotic substances. M.A. Petersen *et al.* (2021) pointed to the unregulated use of so-called “learning stimulants” by young people, especially students, including amphetamines and methylphenidates. The use of such substances without medical indications and medical supervision can have serious long-term health consequences. After analysing the content on Instagram, the researchers concluded that most of the publications related to these drugs were positive and often had an advertising character. Some of them directly offered these substances for sale, which indicates the presence of advertising elements. The study demonstrates a close relationship between social media and drug promotion. A study conducted by J.V. Cristello *et al.* (2023) showed that 75% of adolescents who regularly saw photos of their peers, other young people using drugs or alcohol on social networks were encouraged to also use similar substances, despite the possible risks. In addition, M.A. Motyka & A. Al-Imam (2021) argued in their academic paper that promoting frivolous attitudes to drugs by famous pop culture figures is one of the predictors of the beginning and continuation of drug use for a general audience.

6) need for harmonisation with international practice. In accordance with the provisions of the 1988

UN Convention for the Suppression of Illicit Traffic in Narcotic Drugs and Psychotropic Substances<sup>1</sup>, states are required to take effective criminal-law measures to combat all forms of involvement in drug trafficking, in particular, with their advertising and propaganda.

Draft laws aimed at criminalising drug advertising have been repeatedly submitted to the Verkhovna Rada of Ukraine. In particular, in 2021, the Verkhovna Rada Committee on Law Enforcement Issues registered Draft Law of Ukraine No. 5496<sup>2</sup>. The authors of the bill proceeded from the fact that advertising and propaganda of drugs are significantly broader concepts than just inducing them to use them. In particular, they are aimed at a wide audience in order to encourage the use of narcotic drugs and create conditions for their further sale with the receipt of illegal profits. Special attention in the explanatory note was paid to threats related to the use of the Internet, social networks, and instant messengers to spread information about narcotic drugs. Such actions, according to the authors, significantly increase the risks of distribution, marketing and use of drugs, which justifies the need to introduce liability for such actions at the level of criminal law.

In general, the proposed bill deserves a positive assessment, as it is aimed at protecting public health and preventing drug addiction. However, the use of the term “propaganda” in the text, even with subsequent attempts to detail it through exceptions, creates an excessive breadth of interpretation. Given the complexity and variety of life situations, the use of the concept of “propaganda” as a legal category can have negative consequences, in particular – abuse of law enforcement. But the concept of “advertising”, clearly defined in the legislation of Ukraine, is narrow and precise enough to achieve the goals of this draft law, including preventing exposure to vulnerable categories of the population and limiting the spread of narcotic substances.

In this regard, it is advisable to introduce a new draft law, which would provide for criminal penalties for advertising narcotic drugs, psychotropic substances, their analogues or precursors, without appealing to the term “propaganda”. Such an approach would avoid ambiguous interpretation, promote legal certainty, and make law enforcement more effective and more predictable.

There is also an alternative bill that proposes to introduce liability for advertising narcotic drugs. This refers to the Draft Law of Ukraine No. 7558<sup>3</sup>. This draft law focuses on introducing administrative liability for illegal advertising that violates the architectural

<sup>1</sup> United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. (1991, November). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_096#Text](https://zakon.rada.gov.ua/laws/show/995_096#Text).

<sup>2</sup> Draft Law of Ukraine No. 5496 “On Amendments to the Criminal Code of Ukraine Regarding the Criminalisation of Advertising or Propaganda of Narcotic drugs, Psychotropic Substances, their Analogues or Precursors”. (2021, May). Retrieved from <https://itd.rada.gov.ua/billinfo/Bills/Card/26587>.

<sup>3</sup> Draft Law of Ukraine No. 7558 “On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine to Improve Liability for Illegal Placement of Advertising on Territories, Buildings and Structures, as Well as for Advertising of Narcotic Drugs”. (2022, July). Retrieved from <https://itd.rada.gov.ua/billinfo/Bills/Card/40015>.

aesthetics of localities and distorts urban space. The text of the document contains a proposal to criminalise advertising of narcotic substances. The explanatory note to the draft law notes that when determining the type and amount of sanctions, the authors proceeded from the logic of the need to establish liability that is not milder than that provided for in Article 315 of the Criminal Code of Ukraine<sup>1</sup>. – for inducing the use of narcotic drugs, psychotropic substances, or their analogues. This approach is justified given the functional relationship of these crimes, and the consequences that they entail for society, in particular, vulnerable categories of citizens<sup>2</sup>.

The adoption of this draft law could be an important step towards comprehensive prevention of offences related to drug trafficking, and would allow responding more effectively to contemporary challenges, including the mass distribution of graffiti advertising drugs, stickers with QR codes, and digital advertising in social networks and instant messengers. It would be appropriate to supplement the Criminal Code of Ukraine<sup>3</sup> with Article 315<sup>1</sup> with the following content:

“Article 315<sup>1</sup>

Advertising of narcotic drugs, psychotropic substances, their analogues or precursors

1. Placement of advertising on territories, buildings, and structures in any form, for the purpose of selling narcotic drugs, psychotropic substances, their analogues or precursors, in particular advertising of technical resources (websites, web pages, electronic communication networks, information (automated) systems, other technical means of electronic communications, etc.) or means of communication (in particular mobile) used for the purpose of selling narcotic drugs, psychotropic substances, their analogues or precursors, is punishable by restriction of liberty for a term of three to seven years or imprisonment for a term of three to seven years.

2. The same action committed repeatedly or by a person who has previously committed one of the criminal offences provided for in articles 307, 308, 310, 314, 317 of this Code, or also committed with the involvement of a minor, is punishable by imprisonment for a term of seven to twelve years.

Note. The terms “website” and “web page” are used in the meaning defined in the law of Ukraine “On copyright and related rights”.

The terms “electronic communication network” and “technical means of electronic communications”

are used in the meaning defined in the law of Ukraine “On electronic communications”.

The term “information (automated) system” is used in the meaning defined in the Law of Ukraine “On information protection in information and communication systems”.

Turning to international experience, it is worth noting that the EU Drugs Action Plan 2021-2025<sup>4</sup> stopping the use of logistics and digital channels for the distribution of illicit narcotic drugs in small and medium volumes is identified as one of the key goals. This demonstrates an internationally accepted understanding of the threats posed by the use of the digital space for the distribution of narcotic substances. Considering Ukraine’s European integration aspirations, the adaptation of national legislation to the relevant EU standards is relevant and necessary. In particular, legislative initiatives should be aimed at effectively blocking the use of digital channels (social networks, instant messengers, anonymous platforms) for drug distribution and related advertising activities. This approach will not only promote rapprochement with EU legal norms, but will also strengthen internal security and increase the level of protection of public health in the face of hybrid warfare and threats to the information space.

In particular, direct advertising of medicines is prohibited in most high-income countries, with the exception of the United States of America and New Zealand (Menkes *et al.*, 2023). Such restrictions are aimed at protecting the health of citizens, in particular, to prevent self-medication. In some countries, certain types of narcotic drugs may also be classified as medicinal products. For example, in Canada, opioids may be recognised as medicinal products<sup>5</sup>. It is stated that no person shall be entitled to seek or receive opium from a medical practitioner unless that person discloses to the medical practitioner information about the acquisition of each substance from the controlled drug lists, and any authorisation to obtain such substances from any other medical practitioner within the preceding thirty days. To address the issue of opioid advertising, there is a pre-screening procedure: the advertising pre-approval agency evaluates all opioid-related medications. Only after the official approval of this agency, which must be recognised by the Canadian Ministry of Health, is the placement of such advertising permitted. Such measures are aimed at preventing advertising of prohibited narcotic substances.

<sup>1</sup> Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

Law of Ukraine No. 580-VIII “On the National Police”. (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19#Text>.

<sup>2</sup> Draft Law of Ukraine No. 7558 “On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine to Improve Liability for Illegal Placement of Advertising on Territories, Buildings and Structures, as Well as for Advertising of Narcotic Drugs”. (2022, July). Retrieved from <https://itd.rada.gov.ua/billinfo/Bills/Card/40015>.

<sup>3</sup> Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

<sup>4</sup> EU Drugs Action Plan 2021-2025. (2021, July). Retrieved from [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOC\\_2021\\_272\\_R\\_0002](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOC_2021_272_R_0002).

<sup>5</sup> Controlled Drugs and Substances Act of Canada. (1996, June). Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/C-38.8/page-1.html#docCont>.

It should also be noted that the International Narcotics Control Board (INCB), an independent body operating under the auspices of the UN, calls on governments to step up efforts to regulate social networks that romanticise drug-related behaviour and encourage the illegal sale of controlled substances. In its annual report, the INCB highlights the growing body of evidence for a link between digital content exposure and drug use, which is particularly reflected in young people – the main audience of social platforms. United Nations (2022) also calls on private sector representatives to actively moderate, self-regulate, and restrict advertising for non-medical drug use.

In the context of the study of the situation in the Nordic countries, J. Demant *et al.* (2020) emphasised that social networks are a common tool for drug distribution. The researchers emphasised that it is the availability of communication channels that is crucial when choosing the media used to distribute drugs and other prohibited substances. In this regard, researchers recommend supplementing police strategies with preventive information campaigns to prevent and limit the spread of narcotic substances.

Thus, around the world, traditional forms of drug sales – when drugs are transferred personally from hand to hand – are gradually being replaced by new formats, in particular online trading. The number of so-called “online dealers” is growing both in Ukraine and in other countries. This is facilitated by the rapid development of digital technologies and the growing anonymity of internet users. The digital environment allows for drug advertising campaigns on a scale that was not possible before the Internet age. The use of advertising by people involved in the sale of drugs plays a significant role in increasing the volume of illegal trade in harmful substances. Therefore, the fight against drug advertising at the legislative level becomes particularly relevant as a component of the overall strategy for countering drug addiction and reducing the level of drug addiction among the population.

## Discussion

As the consequences of the spread of drug advertising, in particular, through the Internet, become more and more threatening, researchers around the world are increasingly raising the issue of the need to criminalise such advertising and studying its impact on society. The accumulated results of these studies form a weighty theoretical basis for further development of an effective legal policy in the field of countering drug addiction, in particular, in the aspect of information security. This problem remains relevant and unresolved in a number of countries, including Ukraine.

In this context, the study by A. Oksanen *et al.* (2020) deserves attention, which emphasises that young people are increasingly using social networks as a platform for the purchase and distribution of drugs and

other prohibited substances. The study showed that most people who buy drugs online do so through social networks, where there is advertising content of a corresponding nature. The researchers emphasised that social networks promote impulsive decision-making, especially among young people, who are most vulnerable to such influence. In this regard, researchers emphasise the need for increased control over advertising activities in social networks, as one of the key areas of preventive anti-drug policy. The conclusions are quite appropriate, because the study was conducted in a gender-balanced way, based on the responses of adolescents and young people aged 15 to 25 years, considering the psychological state of respondents.

In turn, B.N. Rutherford *et al.* (2022) noted that a large number of videos are distributed on the TikTok platform in which teenagers smoke cannabis to attract attention and gain popularity. Most of the comments on such videos were flattering, and none of them had age restrictions. This indicates that on such social platforms, the demonstration, advertising or even sale of narcotic substances can be carried out openly. Given the results of this study, the findings of these researchers can also be considered as part of a larger phenomenon: trends in increasing advertising in social networks, the target audience of which is teenagers.

M. Gansner *et al.* (2024) focused on the growing number of overdose deaths among adolescents associated with counterfeit prescription drugs purchased through social media. The researchers found that the likelihood of substance use increases significantly on days when adolescents come into contact with relevant digital content published by their peers. The findings support concerns that social media may play a role as an intermediary in shaping drug-related behaviour. This study highlighted the critical need to criminalise drug advertising in the digital environment, which is an important component of the overall strategy to combat drug addiction among young people.

R. Van der Sanden *et al.* (2021) pointed to the growing number of reports about the use of social networks to buy and sell illegal drugs internationally. The survey showed that the main advantages of making purchases through social networks, according to respondents, are “high convenience” (74% of respondents) and “transaction speed” (43% of respondents). Narcotic drugs were purchased from individuals who positioned themselves as drug dealers. The researchers emphasised the importance of integrating social platforms into national drug addiction prevention strategies, especially among young people. The results once again confirmed that the latest digital technologies significantly facilitate the possibility of advertising narcotic drugs. However, a more detailed study of the seller’s side, not just the buyer’s, would be a valuable scientific addition to this study.

T.V. Shevchenko (2024) noted that the illegal sale of narcotic drugs through electronic information

resources allows malefactors to avoid exposure for a long time and involve more young people in drug addiction. The researcher proposed to amend the legislation, as a result of which an attacker who sold drugs through electronic information resources would receive more punishment than when committing this crime without using such resources. To some extent, the changes proposed by the researcher can serve as an alternative to the changes proposed in this study. However, they did not provide for penalties for persons who did not sell drugs, but only manufactured or distributed their advertising, and therefore such legislative changes cannot fully replace those proposed in this paper.

## Conclusions

The subject of this study was the criminalisation of advertising of narcotic drugs, psychotropic substances, and their analogues. The study assessed the need to criminalise advertising of narcotic drugs, psychotropic substances, and their analogues: in particular, the production and distribution of such advertising. The harmfulness of drug use for the individual and for the surrounding society was also emphasised: depressive states, loss of social ties, increased crime, etc. The paper analysed the research on the negative impact of narcotic substances on the mental health of a person dependent on them. It was considered that the number of drug-related crimes increased significantly in 2024, compared to previous years. It was also noted that the distribution of advertising of narcotic drugs often occurs through popular social networks or instant messengers used by teenagers and young people. It was pointed out that it is mainly young people who buy narcotic and psychotropic substances through social networks and instant messengers, who choose this method of purchasing drugs and other prohibited means for convenience. It was proposed to criminalise advertising

of narcotic drugs, psychotropic substances, and their analogues. The reasons why it is necessary to criminalise advertising of such substances, and not “propaganda of drug use”, were given.

All of the above suggests that, given the increase in the number of crimes related to narcotic drugs and psychotropic substances, and existing research on this topic, the need to criminalise advertising of narcotic drugs and psychotropic substances really exists. This is especially important for protecting teenagers and young people from the impact of advertising narcotic drugs or psychotropic substances on them when using instant messengers and social networks. In general, this topic is very broad and open for further research: in particular, a promising topic for consideration would be the assessment of the impact of drug advertising on different people (different ages, different genders, and different financial opportunities). The limitation of this study was the fact that most countries that prohibit advertising of drugs and psychotropic drugs prohibit it in the context of banning advertising of drugs that require a doctor’s prescription (including drugs), and not separately drugs and psychotropic substances, and that, at present, there are no studies on the impact of romanticisation of drug use and psychotropic substances on adolescents and young people, the presence of which would help to better investigate the dangers of drug advertising and draw even more accurate conclusions.

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## Conflict of Interest

None.

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# Аналіз практики криміналізації реклами наркотичних засобів, психотропних речовин та їх аналогів

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## Анотація

Актуальність теми полягає в тому, що інформаційна сфера та просування наркотиків часто залишаються поза межами ефективного правового реагування. Особливої гостроти ця проблема набуває в Україні, адже війна, соціальна нестабільність і послаблення інституційного контролю сприяють активізації наркозлочинності, зокрема, в інформаційному просторі. Метою статті була оцінка потреби в криміналізації реклами наркотичних засобів, психотропних речовин та їх аналогів в Україні. Для цього застосовано системно-структурний, порівняльний, статистичний, системний, екстраполяційний методи. Обґрунтовано, що збільшення кількості осіб, які вживають наркотичні речовини, майже в півтора рази може бути пов'язано, зокрема, з легкою доступністю реклами наркотичних речовин у повсякденному житті людини: як офлайн, так і онлайн. З'ясовано, що під час соціальної нестабільності, зумовленої сучасними змінами та соціальними реаліями війни, які психологічно травмують осіб, виникли придатні умови для обігу наркотичних засобів та їх реклами. Запропоновано зміни до кримінального законодавства України, які криміналізують рекламу наркотичних засобів в Україні, спрощуючи для правоохоронних органів розслідування та доведення правопорушень, пов'язаних з наркотиками. Встановлено, що, попри наявність окремих заборон і норм, кримінальне законодавство України, врахувавши запропоновані в цій статті зміни, може стати ефективнішим для захисту населення від наркотичної залежності. У цьому контексті особливого значення набуває вивчення міжнародного досвіду, зокрема практик країн Європейського Союзу, Сполучених Штатів Америки та Канади. Таким чином, дослідження криміналізації реклами наркотичних засобів і психотропних речовин має наукову й практичну значущість, оскільки сприяє вдосконаленню кримінального законодавства України, формуванню єдиної правозастосовної практики та забезпеченню захисту суспільства від поширення злочинності, пов'язаної з наркотичними засобами

## Ключові слова:

наркозлочинність; криптовалюта; незаконний обіг; адміністративна та кримінальна відповідальність; міжнародний досвід; правоохоронний орган