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Drugs and legal Challenges

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Abstract

Digital drugs refer to addiction caused by digital media such as sound frequencies visual content, and video games, which affect the mental state similarly to traditional drugs. This phenomenon impacts the brain, creating cycles of dependency and addiction. However, legislative frameworks face difficulties in addressing digital drugs, as many current laws lack a clear definition of them. Laws that deal with traditional drugs do not consider the unique nature of digital drugs, leaving a legal gaps Moreover, the rapid development of technology complicates efforts to establish effective legal policies to combat this form of addiction.

Keywords: Digital Narcotics, Legal Challenges, Addiction, Legislative Policies , Legal Shortcomings.

Introduction

Humanity is witnessing unprecedented technological advancements and an unparalleled digital era. While any invention or progress carries great future aspirations, it naturally faces challenges and risks due to its novelty. These challenges often stem from fear or caution until experts can evaluate its efficacy and risks in practical application. This process may require varying durations depending on the subject matter, especially when dealing with novel psychoactive substances that have no scientific precedent. These substances threaten the very foundations of society by targeting its most vulnerable groups—youth and children—through social media platforms.

Using methods capable of compromising their lives and futures, these substances risk turning them into addicts of auditory and tonal drugs, whose psychological, mental, and physical dangers surpass those of traditional narcotics. This danger is exacerbated by the absence of familial oversight, unawareness of the imminent risks, and the difficulty of combating such threats due to their ambiguous nature. These drugs are delivered in digital forms such as discs or files, with their format constituting the intoxicating dose.

As a result, various experts from psychological, medical, social, and legal fields have called for immediate intervention to curb the spread and infiltration of this looming threat. Accordingly, this research paper examines the adequacy of legal provisions in addressing these digital crimes and explores potential solutions, as well as preventive and punitive mechanisms, to confront the challenges posed by this phenomenon,

Problem Statement: This study addresses the lack of a clear and comprehensive legal framework governing digital drugs, a novel phenomenon that requires innovative legal and technical approaches to mitigate its growing risks and adverse impacts on individuals and society.

Methodology: The study adopts a descriptive-analytical approach to analyze the current legislative shortcomings and a prospective approach to propose future legal solutions and practical measures to combat digital drugs effectively

To address this issue, we have divided this research paper into two sections:

First Section: The Conceptual Framework of Digital Narcotics.

Second Section: Legislative Policy: Between Deficiency and Inadequacy in Combating the Spread of Digital Narcotics.

THE FIRST TOPIC: THE CONCEPTUAL FRAMEWORK OF DIGITAL NARCOTICS

The era of modern technology, also known as the digital revolution, has impacted various aspects of life, leading to the emergence of new concepts, including digital narcotics. This concept has garnered significant attention from scholars and specialists who have sought to define it and elucidate its negative impacts on the health and well-being of individuals consuming such substances, despite uncertainties regarding their dangers.

Digital narcotics represent a new form of narcotics, a term that has emerged relatively recently with the advent of the internet. While these digital narcotics are essentially audio tracks, they simulate the sensations associated with consuming traditional drugs. This phenomenon necessitates an in-depth examination of this significant concept, aiming to explore the origins,

definition, types, and risks of digital narcotics. This section will address these aspects through two main subsections The emergence and definition of digital narcotics. And Their types and associated risks.

First requirement : The Origin and Definition of Digital Narcotics

Despite the relatively recent emergence and spread of digital narcotics as a form of addiction that provides users with sensations similar to those experienced with traditional drugs, their origins were not initially rooted in addiction. Instead, digital narcotics were initially employed as a therapeutic tool for patients. Over time, criminals appropriated and developed this concept, transforming it into a new type of drug and addiction. This subsection examines the origins and evolution of digital narcotics, as well as their definition, through two key parts:

First section: The Origins and Evolution of Digital Narcotics

The use of auditory stimuli and music for therapeutic purposes dates back to ancient civilizations, with the earliest recorded practices attributed to the Pharaohs, who laid the foundational principles of sound therapy. In modern times, digital narcotics were first discovered and utilized as a treatment for certain psychological conditions, such as depression.[1]

The concept can be traced back to the German scientist Heinrich Rudolf Hertz in 1739. However, it wasn't until the 1970s that the phenomenon, then referred to as "binaural beats therapy," gained prominence. Hertz discovered that exposing each ear to slightly different frequencies led listeners to perceive a rapid pulsing sound—a phenomenon termed "Binaural Beats." [2]These sounds triggered the release of stimulatory substances such as dopamine and beta-endorphins, which could aid in treating certain psychological and neurological conditions.

In France, digital narcotics only gained recognition in 2011, taking the form of audio files lasting between 1000 to 1500 minutes and focusing on binaural beats. With the success of binaural beats therapy in treating psychological and neurological disorders, psychiatric hospitals began employing this method under medical supervision.[3] It was specifically used for patients suffering from deficiencies in mood-enhancing neurotransmitters. By stimulating neural cells, this approach promoted the secretion of these substances, offering relaxation, recovery, and pain relief.

However, due to potential adverse effects, its use was limited to no more than twice daily to avoid harmful consequences for patient

With the spread of this method in treating some patients and the advent of electronic tools and the internet, electronic crime promoters began designing auditory tracks similar to those used by hospitals and doctors for treating psychiatric patients. These tracks feature varying tonal patterns that flow into the ears, simulating the psychological effects of traditional drugs, such as feelings of happiness and stimulation.[4]

The emergence and spread of digital narcotics as auditory drugs mimicking the effects of traditional drugs are attributed to their appearance in Oklahoma City, USA. Media reports highlighted cases of students exhibiting signs of euphoria and drug use without consuming any physical substances—merely by listening to certain tones. This led to the rapid spread of digital narcotics across numerous websites, becoming a haven for addicts seeking this new type of drug, often in collaboration with specialists to produce such content.

By 2012, digital narcotics had reached the Middle East, including Saudi Arabia, Jordan, Lebanon, and other countries. The rapid proliferation and ease of access to these substances will undoubtedly contribute to their widespread use and addiction, especially in light of inadequate legislation and the absence of oversight in other Arab countries.[5]

second section: Defining Digital Narcotics

Due to the novelty of this type of narcotic, it is unsurprising that there is a scarcity of literature addressing its nature from a legal perspective. This calls for researchers, specialists, and legal professionals to investigate this newly emerging toxic influence to define it and understand its origins and development. Below is an exploration of its definition linguistically and technically:

1. Linguistic Definition of Digital Narcotics

The term "narcotics" (مخدرات) derives from the root "خدر," which denotes weakness, lethargy, relaxation, and numbness. It is said that a limb is "خدر" when it relaxes and becomes immobile (Ibn Manzur, 1414 AH, p. 1140). Narcotics are substances that cause varying degrees of unconsciousness, such as hashish and opium. They are also described as "a cover for the mind without causing disruptive intensity, which is a characteristic of intoxicating fluids."

Additionally, narcotics are defined as "any raw or processed substance containing stimulatory or sedative elements, which, when used outside medical or industrial contexts, lead to a state of dependency or addiction, harming individuals and society physically, socially, and psychologically."[6]

The most commonly used term for digital narcotics is "New Psychoactive Substances (NPS)", as defined by the United Nations Office on Drugs and Crime (UNODC):

"New psychoactive substances are synthetic substances designed to mimic the effects of prohibited drugs such as cannabis, cocaine, heroin, or amphetamine stimulants. These substances are not subject to international drug control because they are new compounds chemically modified."[7]

From this definition, it is evident that these substances are formulated to replicate the effects of banned drugs but with different chemical compositions to evade legal restrictions. The UN further highlights that these substances pose a new challenge due to their rapid emergence in markets and the difficulty of monitoring them because of their vast diversity. Alternatively, some claim that the effect is achieved through non-audible sound waves, referred to as “white noise”, masked with simple rhythms to conceal the disturbance caused by those waves.[8]

2. Legal Definition of Digital Narcotics

Given the novelty of this type of narcotic, no judicial or legal definition currently exists. However, some have defined digital narcotics as:

"A collection of sound waves, sometimes accompanied by visual displays, or sometimes overlapping shapes moving with the music. These are uncoordinated sounds designed for the brain to organize, but when too intense, they overwhelm the brain, causing instability and unconsciousness. This form of intoxication affects the brain and concentration, often more powerfully than traditional drugs, leading to nervous breakdowns and negatively impacting both short-term and long-term memory."[9]

Others define digital narcotics as:"Audio files containing mono or binaural tones that users listen to, providing psychological sensations similar to those experienced when consuming substances like heroin, cocaine, and other traditional narcotics."[10]

Additionally, they are described as: "Mixtures of sounds, beats, or musical tones transmitted at varying frequencies and intensities, aiming to influence brainwaves and mimic different emotional or psychological states."

Some have defined digital narcotics as a collection of sounds or tones believed to induce brain changes, leading to unconsciousness or altering perception in a manner similar to the effects of consuming real drugs such as opium, cannabis, or marijuana.

Digital narcotics consist of tones that enter the ears, often in MP3 format, crafted in a specific manner to reach the brain's neural centers. These vibrations generate specific effects that mimic the sensation of drug use or evoke other emotions such as joy, excitement, or euphoria.

Based on the origins, development, and definitions previously outlined, digital narcotics can be defined as:

"Digital audio—either auditory or audiovisual—produced or composed electronically with specific frequencies designed to deceive the brain by transmitting sound waves at varying frequencies to each ear. This manipulation affects the neural and sensory centers in the brain, resulting in sensations that simulate the experience of consuming traditional narcotics and other similar effects."[11]

Second Requirement:Types of Digital Narcotics and the Risks of Their Consumption

Manufacturers and promoters of digital narcotics create types designed to simulate or mimic traditional drugs such as cocaine, cannabis, and others. This section addresses the types of digital narcotics and how they are consumed, as follows:

First Section:Types of Digital Narcotics and Their Modes of Consumption

Various types of audio tracks have been described that mimic the effects of traditional drugs alongside other tracks that induce feelings of comfort and relaxation. Consequently, types of digital narcotics have emerged resembling known drugs such as cocaine, heroin, and marijuana.

Additionally, digital narcotics are categorized by intensity levels of frequency—referred to as “doses”—into three types: mild, moderate, and severe. These levels are distinguished by the strength of the sound frequencies (measured in Hertz). The duration of the audio file also varies between these three types, with the severe type being longer, which significantly affects all body cells and the mind. It has a profound impact on the nervous system, potentially leading to hallucinations or other altered states of consciousness.[12]

Since digital narcotics are essentially audio tracks, their use requires specific tools and methods to achieve the desired effect. Websites selling these digital narcotics often include user manuals detailing the instructions that users must follow. These guides explain each digital narcotic and its method of consumption. Notably, overdosing on these audio doses can lead to severe brain damage or even death.[13]

1. High-Quality Stereo Headphones: Essential for delivering the different frequencies to each ear.

2. Low-Light Environment: A dimly lit room helps enhance the sensory experience.

3. Relaxed Position: Users are instructed to lie down, close their eyes, and focus entirely on the audio.

4. Audio Duration: Tracks usually last between 15 and 25 minutes, though stronger doses can last longer, intensifying the effects.

During the session, the user listens to the audio, which emits varying frequencies and tones designed to target specific neural centers in the brain. This process creates sensations that mimic the effects of traditional narcotics or evoke specific emotions, depending on the type of digital narcotic consumed.[14]

Criminals behind these websites exploit users further by offering custom-tailored digital narcotics. They persuade users that if the available tracks do not meet their preferences, they can request a custom track designed to induce the specific sensation

they desire. This service is provided at an agreed-upon price in advance, deepening the user's dependence and exploitation.

Second Section: Risks Associated with Digital Narcotics

Despite the evident dangers of traditional narcotics, which continue to devastate individuals across all age groups, a new generation of addiction has emerged in the form of digital narcotics. These modern substances are as perilous as their conventional counterparts, yet acquiring them is disturbingly easy, often requiring nothing more than a click on the internet. Available as audio tracks on platforms like YouTube, these narcotics come in various forms—ranging from free to highly expensive—posing innumerable risks.

Scientific research has demonstrated that digital narcotics cause severe physical and psychological harm similar to traditional drugs. The following highlights their adverse effects:[15]

1. Physical Risks

- Neurological and Muscular Damage: Users often experience muscle and nervous system spasms, especially while listening to the tracks.
- Hearing Impairments: Prolonged exposure can significantly damage auditory functions, potentially leading to permanent deafness.
- Cognitive Effects: They disrupt brain electrical activity, impair concentration, cause memory loss, and hinder cognitive recall.[16]

2. Psychological Risks

- Altered States of Consciousness: Users may enter a trance-like state, marked by hallucinations and loss of balance or awareness.
- Mental Health Issues: Prolonged use leads to depression, isolation, and recurring seizures, with the potential for severe brain damage and even death.[17]

3. Behavioral and Social Risks

- Crime and Addiction: The dependency induced by digital narcotics often compels users to engage in criminal activities, such as theft, embezzlement, or fraud, to fund their addiction.[18]
- Social Instability: This behavior not only harms the individual but also poses a significant threat to community security.[19]

These multi-dimensional risks make digital narcotics a growing societal threat, exacerbated by their accessibility and lack of regulation.

THE SECOND TOPIC

LEGISLATIVE POLICIES: SHORTCOMINGS AND FAILURES IN COMBATTING DIGITAL NARCOTICS

The rapid evolution of the internet and communication technologies has profoundly impacted every aspect of human life. However, it has also facilitated the misuse of these advancements for criminal purposes, such as the proliferation of digital narcotics. The next section will analyze legislative shortcomings in addressing this modern challenge.

The creation of digital narcotics, often in the form of audio files produced through sound engineering technologies, relies on the idea of auditory stimulation, particularly by "binaural beats." These audio tracks are promoted online, catering to the cultural and technological trends of the modern era. As a result, addiction is no longer confined to traditional narcotics such as cannabis, hashish, heroin, or cocaine, which are prohibited by law. The question arises: Can digital narcotics be criminalized given their harmful effects on the health of users consuming these audio files, which mimic the effects of traditional drugs? Furthermore, can they be subject to the provisions of narcotics laws, such as the Law No. 18/04 on Narcotic Drugs and Psychoactive Substances of 2004?[20]

First requirement: The Principle of Legality and Criminalization of Digital Narcotics

Under criminal law, actions can only be criminalized and punished through clear and explicit legal provisions, as mandated by the principle of nullum crimen sine lege (no crime without law). This principle ensures that individuals cannot be punished for acts that are not explicitly prohibited by law. Therefore, for digital narcotics to be criminalized, there must be a specific legal provision that outlaws their use or distribution.[21]

The principle of nullum crimen sine lege (nulla poena sine lege) is fundamental to criminal justice. It states that no one should be punished for an act that is not clearly defined as a crime by law.[22] This principle aims to provide clarity for individuals, ensuring they are aware of the types of criminal conduct that could lead to legal punishment. Consequently, criminalizing the distribution or consumption of digital narcotics can only occur through a legal text explicitly addressing them, in accordance with this foundational principle of legality.

In the next section, we will examine how the law addresses the issue of digital narcotics and whether they fall within the scope of criminal activities under current legislation.

First section: The Principle of Criminal Legality

The principle of nullum crimen sine lege (no crime without law) asserts that only the legislator has the authority to define which acts are considered crimes and to establish the corresponding penalties. Consequently, judges do not have the discretion to criminalize actions that are not explicitly prohibited by law, nor can they impose a punishment that is not prescribed by legal texts.[23]

This principle is not only a fundamental legal rule but also a constitutional one. The constitution explicitly establishes that there can be no crime or penalty without law, stating that "No crime or punishment...except for an act that the law considers a crime at the time it is committed, and no punishment shall be more severe than the one applicable at the time of the offense." This provision emphasizes that all actions are considered permissible unless a legal text explicitly defines them as crimes. Similarly, individuals cannot be punished unless a law specifically prescribes the punishment.

The Penal Code (Law No. 16-02, dated June 19, 2016) reaffirms this principle in Article 1, stating: "No crime or punishment or security measure shall be applied except by law." The authority to define criminal acts, outline their elements, and determine the applicable penalties lies with the legislator, not the judge. A judge cannot consider an act a crime unless it has been explicitly criminalized by the legislature before it was committed. If there is no legal text criminalizing the act, the judge cannot treat it as a crime, regardless of whether they believe it is immoral, unethical, or harmful to society.[24]

This principle is crucial because it ensures that individuals are aware, in advance, of the actions prohibited by law and the corresponding penalties. It serves as a deterrent, encouraging individuals to avoid committing criminal acts.

In the context of digital narcotics, applying the principle of criminal legality requires the existence of a legal provision explicitly criminalizing them. This would involve identifying whether current laws address the use, distribution, and consumption of digital narcotics, which resemble the effects of traditional narcotics.[25]

In the following section, we will examine the legislative stance on digital narcotics and whether they are subject to criminal penalties under existing laws.

second section: The Legal Stance on Digital Narcotics: Inadequacies and Shortcomings of Penal Legislation

Given the novelty of the concept of digital narcotics, which emerged as a result of technological advancements, and the reluctance of some to accept this term due to its lack of legal basis, it is evident that there is a gap and divergence in the stance of criminal legislation. These laws, often outdated and traditional, have not kept pace with the technological developments, and they specifically list traditional narcotics without addressing digital narcotics.

For the criminalization of digital narcotics to occur, there must be a legal provision explicitly prohibiting their distribution, use, and consumption. A judge cannot criminalize digital narcotics unless they have been explicitly prohibited by the legislator before the act is committed. In the absence of such a legal text, even if harm is caused, it cannot be considered a crime.[26]

For example, Law No18/04, concerning the prevention of narcotics and psychoactive substances, and the suppression of their illegal use and trafficking, defines narcotics and psychoactive substances in its Article 2 as follows:

- First: "Narcotics or narcotic substances are any natural or synthetic substances listed in the first and second schedules attached to this law. These are substances that are included in the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol."
- Second: "Psychoactive substances are any natural or synthetic substances or any product included in the first, second, third, or fourth schedules attached to this law, as per the United Nations Convention on Psychotropic Substances of 1971."[27]

Upon reviewing the above provisions, it is clear that they do not mention digital narcotics. The law defines narcotics and psychoactive substances in terms of natural or synthetic chemical substances, whereas digital narcotics, which are in the form of digital sound files (such as MP3), do not fall under this definition. Thus, digital narcotics are not covered by the law as substances that could be criminalized under the current framework

Moreover, while some acts related to information technology are criminalized under the Penal Code, particularly in relation to cybercrimes, such as unauthorized access to or interference with automated data processing systems, these provisions do not specifically address the digital narcotics phenomenon.

This reveals a significant gap in the law: while digital narcotics cause harmful effects similar to traditional drugs,[28] existing legislation does not account for the digital nature of these substances, leaving a loophole that hinders their effective regulation and the protection of society from their dangers.

second requirement: Preventive and Repressive Mechanisms to Address Digital Narcotics

The general principle is that digital narcotics cannot be addressed solely through criminalization and punishment. Rather, a preventive policy is required to prevent their spread. As one expert put it, "The security approach to addressing the risks of digital narcotics requires intensifying campaigns focused on the optimal use of modern technology and creating a strategic plan for five years in middle and secondary schools. This plan should instill cultural and religious values and emphasize the

connection between these values and modern technologies. It should also involve students from the seventh grade through to the final secondary school stage in identifying positive uses of the internet, with activities and workshops conducted by the Ministry of Education."

What complicates the current situation is the absence of legal texts that criminalize the promotion or use of digital substances. Until such laws and legislation are passed, the responsibility lies with families, educational institutions, and the media—both written and broadcast—to play a significant role in raising awareness of the health risks associated with the consumption of digital narcotics and their negative effects on the mental and psychological well-being of users.

Thus, the response to digital narcotics should be twofold: preventive and legal/legislative. This approach can be broken down into two key areas:

First section: Preventive Mechanisms to Limit the Impact of Digital Narcotics

The media, especially through social media platforms, plays a crucial role in raising awareness about the dangers of digital narcotics. It is the responsibility of media outlets to educate the public, particularly the youth, on the health, psychological, and physical risks associated with digital substances. Media coverage should focus on the harmful effects of these digital substances, which can contribute to a range of issues such as addiction, mental health problems, and social isolation.

Media outlets have a significant influence on public opinion, particularly among young people and children, as they are heavily affected by television, radio, newspapers, and especially the internet and social media. By exposing the dangers of digital narcotics, media can highlight related crimes such as cybercrime, extortion, and electronic harassment, which often accompany the use of digital substances. Therefore, a comprehensive media strategy is required to provide targeted information, while also considering the local social context, traditions, and customs to effectively mitigate the dangers of digital narcotics.

Furthermore, the media should collaborate with internet service providers to block websites promoting digital narcotics. Creating reporting platforms for users to flag harmful content, along with offering educational materials on the risks of digital narcotics, is also essential. Media campaigns should strive to present balanced and practical content through various channels to inform the public about the potential harms of digital narcotics and their destructive consequences.

1. **The Role of the Family in Combating Digital Narcotics**

The Algerian legislator places a strong emphasis on the role of the family in protecting children and adolescents from various forms of danger, including digital narcotics. According to Articles 4 and 5 of the Child Protection Law (15-12), the family is considered the natural environment for a child's development, and parents are responsible for protecting their children. In the digital age, however, the family is not the sole source of information or the only influence on children. With the rise of digital technologies, children and adolescents are exposed to new sources of information through online platforms and search engines, which presents a challenge to traditional parenting roles.

Parents must therefore be proactive in protecting their children from excessive screen time and the digital world. It is crucial for parents to stay informed about digital technologies, their benefits, and their risks. By understanding these technologies, parents can educate their children about the dangers of digital narcotics and help them avoid falling into the traps of these virtual substances. Active engagement and regular communication with teachers and other caregivers can help monitor children's behavior and identify any unusual actions that may indicate exposure to harmful digital content.[29]

To achieve this, parents must establish clear guidelines for the use of digital media, set appropriate restrictions, and ensure that privacy settings on devices and platforms are properly configured to protect their children. This comprehensive approach can help families protect their children from the dangers of digital narcotics.

2. **The Role of Schools and Educational Institutions**

In addition to the family's role, schools are key institutions in preventing the consumption of digital narcotics. Educational institutions are instrumental in guiding and shaping young minds. Teachers, as secondary figures of influence, can play a significant role in educating students about the dangers of digital narcotics, similar to how they educate about other forms of drug abuse. Schools have the ability to reach a large number of children and adolescents, making them ideal platforms for prevention programs and awareness campaigns.[30]

Through specific curriculum content, workshops, and activities, schools can equip students with the necessary knowledge to recognize and avoid the risks associated with digital narcotics. Furthermore, higher education institutions should take on the responsibility of spreading awareness about the dangers of addiction to digital substances, providing counseling services, and implementing prevention programs. Developing dedicated courses or including modules on digital health and well-being can foster a more informed and responsible generation of young people.

In summary, combating digital narcotics requires a collective effort involving the family, media, schools, and the wider community. While legal measures are necessary to criminalize and regulate digital narcotics, preventive approaches, including awareness campaigns, education, and active monitoring, are equally essential in reducing their spread and mitigating their harmful effects.

3. **The Role of Media in Combating Digital Narcotics**

Media, especially through social media platforms, plays a vital and essential role in raising awareness about the dangers of digital narcotics. It is the responsibility of media entities to educate the public about the health, psychological, and physical risks associated with digital narcotics and to promote awareness among the youth and all individuals. The impact of media as a central element in the lives of nations and peoples cannot be ignored, as it serves as a core tool and a source of information, culture, and influence, particularly affecting the trust of the youth.

One crucial role the media plays is to collaborate with internet service providers to block websites that promote such digital substances. In addition, there is a need to create platforms where individuals can report those promoting digital narcotics and establish educational and informative programs through newspapers and other media outlets. The media should leverage the internet to educate the public about the risks of consuming digital narcotics, regardless of their type.

The media has a significant impact on all segments of society, particularly on the youth and children, as they are more susceptible to the influence of newspapers, magazines, TV channels, and especially the internet and social media platforms. By highlighting the dangers of digital narcotics and associated crimes like theft, bribery, cyber extortion, and sexual offenses, the media can raise awareness and help prevent these phenomena. It is necessary for media outlets to cover these issues in a targeted and informative manner that aligns with the social context, customs, and traditions of the community, aiming to reduce and ultimately eliminate the harmful effects of digital narcotics.[31]

second section : Legal Mechanisms to Combat Digital Narcotics

In a forward-looking analysis of the Algerian legislator's stance, it is evident that digital narcotics have not yet been specifically addressed in the legal framework. This creates significant challenges when such substances become widespread, given the rapid development and dissemination of technology, often referred to as digital globalization.[32] Digital narcotics differ in nature from traditional drugs in terms of production, distribution, and consumption, primarily occurring through electronic means and the internet, which makes them closer to cybercrimes. Applying traditional legal provisions to these emerging crimes results in many legal challenges, including contradictions and confusion in legal rulings.[33]

Therefore, it is necessary to criminalize digital narcotics under the framework of cybercrime laws, rather than under laws related to traditional narcotics and psychoactive substances. Traditional narcotics laws cannot be applied to digital narcotics due to their unique characteristics, as they are not physical substances but rather digital audio content. Consequently,[34] the legal framework for addressing digital narcotics should fall within the domain of information technology crime laws, which align better with the digital nature of these substances, as well as their production, distribution, and consumption methods. Below are key legal mechanisms that should be implemented:

1. **Activation of Legal Hacking Procedures:**

The Algerian legislator introduced a new technique called "infiltration" within the Criminal Procedure Law (Law No. 22/06) as a tool for investigation. Under Article 25 bis 01/12, officers of the judicial police may infiltrate criminal groups involved in the illegal promotion of such digital substances. This approach, however, has been criticized for its absence from the specialized laws on cybercrime, such as Law No. 04/09 related to the prevention and combat of crimes connected to information and communication technologies. Given the complexity and unique nature of cybercrimes, this mechanism should be included in the legal framework for digital narcotics.

2. **Necessity of Implementing Electronic Searches**

Algerian law allows for electronic searches to collect evidence, as stipulated in Article 5 of Law No. 04/09. The judicial and police authorities have the right to search systems and stored data to uncover digital evidence. To ensure the integrity of the data being searched, the law permits the involvement of internet service providers and experts in data protection. This provision must be used effectively to combat the spread of digital narcotics, ensuring that investigators can identify illicit digital substances and their producers.

3. **International Cooperation:**

No country can address the issue of digital narcotics in isolation, given that this is a cross-border issue. The Algerian legislator has acknowledged the need for international cooperation in combating cybercrimes, as outlined in Article 17 of Law No. 04/09. This law mandates that Algeria participate in international agreements and exchange information with other countries to combat digital narcotics, ensuring the country's compliance with international standards and improving its capacity to act against this global threat.

These legal measures provide a comprehensive framework for addressing digital narcotics, recognizing the unique challenges they present while ensuring that the law evolves to protect public health and safety in the digital age.

Conclusion:

In conclusion, the rapid development of digital technologies has given rise to new challenges, including the emergence of digital narcotics. These substances, distinct from traditional drugs, are primarily disseminated through the internet and digital platforms, complicating their regulation and prevention. While the Algerian legal framework has yet to fully address this issue, there is a clear need for reform to adapt to the digital age. The proposed legal mechanisms, including the activation of digital infiltration procedures, electronic searches, and international cooperation, offer promising steps towards combating the spread of digital

narcotics. However, effective implementation will require coordinated efforts from all stakeholders, including the government, internet service providers, and society at large.

Findings and Recommendations:

1. The Algerian legal system should update existing cybercrime laws to include provisions specifically targeting digital narcotics.

2. A greater emphasis should be placed on international cooperation to address the cross-border nature of this issue.

3. Awareness campaigns must be strengthened to educate the public, especially youth, about the risks associated with digital narcotics.

4. Law enforcement agencies should be equipped with the necessary tools and training to combat this new form of cybercrime.

5. Further research is needed to explore the long-term effects of digital narcotics and refine preventive measures accordingly.

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