The Jurisprudence review of egai psychoactive substance abuse and its impact on the criminal liability

Zaynab Teimori
Department of Law, Persian Gulf International Branch, Islamic Azad university, Khorramshahr, Iran

Abstract
Abuse of narcotic drugs and psychotropic substances have an impact on individual criminal responsibility. So that even the legislator in Article 154 of the Penal Code Act 1392 it predicted: Byaradgy intoxicated from the voluntary use of intoxicants, narcotics and psychotropic substances and the like, is not permitted unless it is proven to prevent crime committed during general plenipotentiary has. But if it is proven that the use of these materials in order to commit a crime or to realize that science is the offense will be the penalty for each offense is sentenced. In this perspective, a researcher with the general expression of a variety of psychoactive drugs the effect of these substances on their body and soul described how these materials affect people’s willingness and alertness during the offense had. The general subject of criminal responsibility in terms of jurisprudential and legal review disclaimer of criminal and drug related crimes abuse of psychoactive substances will result in the elimination of individual so that part has vanished and people are going to say that the majority of the people in euphoria animus not be.

Keyword: Psychoactive Drugs, Drugs, Criminal Responsibility, Free animus, Liberty, Addict.
Introduction:

Substances that alter the central nervous system are psychoactive substances (alcohol, nicotine, cocaine) and so on, substances like these that addicting to them is the big problem to some of today's society. All of these substances can cause psychological dependence and, more importantly, it will also cause physical dependence. ………except with the drug. In that drugs have a significant impact on consumer's mind and body is no doubt. But this study is to examine the extent to the narcotics and psychotropic substances have adverse impact on the will of the individuals. In general you can say that one of these nutrients are missing is his intention and he doesn’t show willing against his action, in legal term we say that the person is Mslob Alaradeh. Drunkenness and drug-related crime are most difficult and unfortunately the most common problem caused by intoxicated use of alcohol (and drugs) By those who are fully aware of its intoxicating properties and spend it for fun without intent to commit a crime. but in the drunkenness mode they commit a crime that it they were in a normal mode they never committed. The classical doctrine has long been of the opinion that if intoxication is complete, so drunken person fully loses his willing cannot be punished as murder and maim purpose he can only be blamed by unintentional crime, because the willing is as one of the components that about the individuals there is no willing. The powerless of willing in the new penal code article 154 envisaged that we are going to survey at this issue from a legal view and analyze the legal and criminal responsibility of the people.

Statement of problem

In accordance with Article 154 of the Penal Code Act 1392 "drunkenness and the passivity resulting from voluntary consumption of intoxicants, narcotics and psychotropic substances and the like, the barrier is not allowed, unless it is proven that guilty of committing a crime generally has been powerless. But if it is proven that the use of these materials in order to commit a crime or with the knowledge to make it happened and guilty sentences to punishment for both offenses. "As can be seen, the mentioned article properly, know intoxication due to use of other intoxicants (other than alcohol like drugs) and that most lawyers agree with it, Under the old law, only if intoxication is not a defense to criminal liability that commits a crime, whereas in the above mentioned article, if the guilty without intention commits a crime, but knowing that as a result of intoxication is committing a crime they drunk themselves, it cannot be cited and punished for both offenses while intoxicated, drinking alcohol, taking drugs and committed penalty if convicted.

Criminal responsibility is the ability of citations and documents of criminal action to a person who has committed it. In order for criminal liability to be realized, there must be elements of criminal responsibility cannot be achieved without these elements. The responsibility person criminally must have achieved and in committing a crime he has a willing and detects the nature of his own actions and behaviors and committing it has mental elements. Internal and external factors have an impact on the criminal responsibility that criminal responsibility is not realized. A person who is drunk if the effect of drunkenness is complete cannot recognize the nature of their behavior and at the same time do not have control over his actions. Thus, a person who uses drugs, psychotropic substances and may at times be powerless and has no control over his actions. The study is intended to answer obscure questions in the field. Whether the psychoactive substance causes powerless of
willing? In the case of psychotropic substance abuse, how would criminal responsibility? And many other questions will be raised in this area.

**Literature research:**

In the field of criminal responsibility and criminal liability, many studies have been conducted so far, some of which are as follows.

1. Doctoral dissertation: (drunkenness and its effects on the rights of criminal responsibility in Iran, N. Mahvan, Tehran: Faculty of Law and Political Science, 1357-1356) the effects of drunkenness in the crime and the offender's criminal responsibility is examined
2. Master's Thesis (removal reasons of criminal responsibility under Iranian law "madness, drunken sleep and anesthesia", Alireza Rezaei, martyr Beheshti University, 1375) factors investigates criminal liability in criminal law of Iran.
3. Article: (effect of intoxication on criminal responsibility, Nori Amidi and Mehdi Maleki, Kanon magazine and lawyers, Volume I, Number 2, June 1327) the study examines the effect of drunkenness on criminal responsibility.
4. Book (Shahrukh Shahraki, A. Introduction by: Hossein Sadeghi, the effect of intoxication on criminal responsibility in Iran and England, Publications, 1391) comparative study of criminal responsibility in Iran and England. Also on the theme study entitled "analyze and evaluate the impact of drug abuse and psychotropic substances on criminal responsibility" There is no research experience.

**Research questions:**

1. Possession of narcotics and psychotropic how the person will be powerless of willing?
2. In the event of psychotropic substance abuse and how is criminal responsibility for crimes?

**Hypotheses**

Now hypotheses will answer these questions thoughtfully.
1. The use of narcotics and psychotropic substances with the powerless of distinguish has effect on mental element and criminal liability.
2. It seems that according to Article 154 of the new Penal Code if the offender is powerless can absolve him of criminal responsibility.

**Research Methodology:**

The method is based on library method that collected of compiled resources that consists of a set of laws, jurisprudence and legal books, monographs, articles, pamphlets and websites that After gathering the material, he integrates, analyzes these cases have been investigated.
The concept of addiction

The word "addiction" as words Fatal is the root source of the "Ad," which is defined in the dictionary means getting used to and is accustomed. In Dehkhoda dictionary the addiction is the concept of "successive want something". In 1950, drugs detection expert committee that is affiliated with the World Health Commissioner, drug addiction is defined as follows: "Drug addiction is acute or chronic poisoning that is harmful to individuals and society that it is due to the use of natural medicinal or industrial consuming. Its characteristics are as follows: 1. There is a desire and need to continue drug and to obtain it by any means possible.

2. a passion or a tendency to increase the amount of drug that is known by the name of increasing militancy

3. a psychological and physical dependence on the effects of addictive drugs so when the drug doesn’t reach to addict, emotional and physical effects of withdrawal from the drug, is known to be manifested in him. "(Kaffashian 1380.)

Physical dependence and psychological addiction to the drug, leaving it is so difficult for patients, with taking drug a person reaches a happiness feeling and the person’s body becomes strong against consuming of the drug, the addicted person's consumption will increase over time. Continuation of consumption creates a type of physical and psychological dependence, in a way, the possibility of leaving gradually for consumption of individual, which reached a state of addiction becomes difficult.

The concept of addiction

The World Health Organization of the United Nations in this regard, has decreed: "a person who is addicted due to repeated use, dependent on the drug or other substance has four specifications are as follows:

1. Frequent consumption of food or medicine creates mental habit, and the habit encourages the individual and psychopathic tendencies toward drugs or medicines.

2. For maintenance effect to addicted person’s desired, must increase the amount of consumables;

3. The effect of discontinuation of the drug or the drug, appears certain signs that the symptoms depends on the type of drug that addicts consumes.

4. drug addiction or drug is harmful to the individual or society.

Types of narcotics and psychotropic substances

At a total Glance There are two types of opiates: internal and external opiates (opium interior - opioids androgens - which is famous Androfin called endorphins are divided into A, B, C, D and D endorphins are hundred and fifty times stronger than morphine - external opiates. external opiates includes all material that are abused, such as opium, morphine, heroin and ... It is necessary to know the internal and external opiates in the body have receptors in common. Therefore, when external opiates go into the body, in the fight against domestic opium for binding to receptors it wins.
Drugs on the central nervous system

Substances that alter the central nervous system are psychoactive substances (alcohol, nicotine, cocaine) and so on their addiction is big problem for some of today's society. The caffeine in coffee and soft drinks, including psychotropic substances are found. All these can cause psychological dependence and, more importantly, it also cause physical dependence. Addiction is a physiological response to repeated drug use and alters normal functioning of neurons and synapses. When the performance or synaptic neuron changes by drugs after that, neuron or synapse does not continue to operate normally unless with the drug. The person with the incessant drug use becomes addicted to it and her body gets used to the drug over time, the drug addicted person must increase his consumption to meet the body's needs. Nicotine is an addictive substance found in tobacco leaves. This is a very toxic substance and about 60 mg is lethal to humans. Nicotine quickly enters the bloodstream and circulates throughout the body. the performance of nicotine in the brain is similar to the neurotransmitter acetylcholine.

The effects of psychoactive substances on the person

So far, we in a general classification briefly explain types of drugs, Now, partly on the types of drugs we need to review and study the direct and indirect effects of these substances and we must understand each of these drugs have what impact on person's physical will. Whether this material temporary or permanent affect on the person?

Drugs and crime

In addition to alcohol, absorb some combined materials or natural causes corruption in characters that use them as an important source for the drug. The generic name of this category is the drug.

Wield drunk literally means a member, limb numbness and also the manner that motor spirit carries sensory that is the essence of cool and cold Wield. the Dehkhoda in dictionary under the word of drug writes:

"The drug is that total ability to influence of sensual power of the spirit, a drug that causes numbness, paralysis and drunk as heroin, opium, cocaine, etc; in medical uses for pain and numbness and frequent use of their dominant use leads to addiction and durability is causing a psychosis and neurological disorders. Addiction or dependence to the drug is a condition in which have effect of a chemical substance to a person, so that a person loses his liberty against the drug. If a person addicted to it only as a psychological dependence and cravings to consume, so there is a psychological dependence, and in case the lack of physical and psychological complications, there is physical dependence. No Reaching effects of such drug to a person is called withdrawal or deprivation syndrome, there is a phenomenon called tolerance, to reach the case one must increase the amount of substance, And to the extent that it cannot tolerate toxic levels. Tolerance in addicts is due to a sharp decline in metabolizing liver of consumable drugs.
Effects of drug addiction

Drugs of the first category don’t cause physical dependence but the second - which we have discussed - to relieve the types of the pains But its effect disappears after a few hours and without access addict to consuming drugs begins hangover. Gaping, drowsiness, excessive sweating, frequent loss of water from the nose and eyes, sneezing, anxiety and restlessness, loss of appetite, decreased blood pressure are symptoms of hangover. And if it last more than 48 hours causes seizures, vomiting, abdominal pain and cramping, frequent physical tremors, muscle pain, extreme pressure from the spine, feeling the cold so that he refrains from eating and drinking a. As a result, he loses body weight and feels imminent death. The resulting energy of consumption cannot be used for any cell of the body although in addicting stages; it is necessary for the normal functioning of body cells. Therefore, after using these substances the addict reaches state of lethargy.

Conclusion:

Among the series of subjects that analyzed in the paper the writer has obtained comments and the following results to articulate them consider several options:

1. Criminal law in every age, according to overcome the idea of the group over the other groups is codified. to Adopt a balanced approach and tailored to social circumstances and social progress, and level of understanding and the consciousness of men causes that legislature appeals procedures as much as possible in criminal law predicts the occurrence of behaviors that avoid or prevent it from recurring.

2. the addicted person that his addiction by drug-induced is dangerous. When he uses these materials due to lack of distinguish power, criminal responsibility can not be entirely on his shoulders, this despite the fact that the majority of psychiatrists and psychologists say that in the euphoria, the person has a state of insane person he circulates in another world and it seems that the his free will and after consuming to disappear and even generally his intention to be removed.

3. Finally, the discussion in this paper has been done according to the research and it seems that the individuals are under substance abuse and psychotropic substances are generally powerless of willing. According to the principles of criminal liability (especially according to the new Penal Code Article 154) can not punish them. Unless it is proven that the use of these substances for the purpose of committing a crime or with the knowledge to make it has happened that in the case both punishments will be sentenced.
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