

ETHICAL AND LEGAL ISSUES IN DRUG ADDICTION

**Petronela CRĂCIUN, Georgiana CRĂCIUN,
Roxana CHIRIȚĂ, Radu ANDREI**

Petronela CRĂCIUN – M.D., Drd, University of Medicine and Pharmacy “Gr. T. Popa” Iași; Resident in psychiatry, Clinical Psychiatric Hospital “Socola”, Iași, Romania

Georgiana CRĂCIUN – Student at the Faculty of General Medicine, University of Medicine and Pharmacy “Gr. T. Popa” Iași, Romania

Roxana CHIRIȚĂ – M.D., Ph.D., Professor, Dept. of Psychiatry, University of Medicine and Pharmacy “Gr. T. Popa” Iași; Senior Psychiatrist, Clinical Psychiatric Hospital “Socola” Iași

Radu ANDREI – M.D., Ph.D., Senior Psychiatrist, Clinical Psychiatric Hospital “Socola” Iași, Romania

Abstract:

Psychiatry has been criticized for ethical abuses in many areas of its activity. First, because of its ability to violate a person's freedom drastically forcing her to be hospitalized in a psychiatric hospital. During the history of medicine, psychiatrists have practiced in the interest of the patient, tending to minimize its ethical aspects, sole purpose is cure disease. Consumption and drug trafficking is a matter of concern for all countries. Prescriptions can not be ignored, regardless of their views on the ethical implications of involuntary hospitalization of mentally ill. Online sales sites are now a considerable challenge for drug policy and for international and national control mechanisms. Drug phenomenon grew increasingly more; any drug used repeatedly leading to addiction, dependence, tolerance and withdrawal.

Keywords: drug addiction, ethical, legal

INTRODUCTION

Psychiatry has raised several controversial medical, ethical and legal than any other medical field. One given explanation is that if clinical medicine can not treat the patient without his free and informed consent, the psychiatrist may be called to treat a patient who is unable to express consent. Addressing psychiatric ethics largely overlaps the general issue of medical ethics, distinguishing also the specifics and peculiarities arising from its major significance and profound implications of mental health and mentally ill. On the other hand, the psychiatric treatment may require a long-term involuntary hospitalization, left to the free choice of the doctor. These are the reasons for the current psychiatric system critics to believe that psychiatrists enjoy the powers which allow it to interfere unnecessarily and undesirable in the lives of the individuals, and unwanted behaviour with bizarre and social uncommitted.

Drug use is one of the challenges facing humanity, its direct and indirect effects revealing it as a worrying phenomenon, worth taking into account in the international cooperation programs. For some ex-communist European countries, countries with a similar political context, social and economic, the drug phenomenon has started to become a problem only with the socio-political changes of the '90s. This delay, this small scale is due to the accidental nature of the old totalitarian regime and its subordinated police. Trafficking and drug abuse is an element of concern for all countries. In Romania, at present, the doctors already face serious problems in terms of drug addiction treatment prohibited by law and whose effects on the body are well known. Weed-shop, a legitimate business with drugs "forgotten" extent of the law led to the approximately 300 stores of herbs, powders, pills or magic mushrooms. Last year revealed a broad segment of consumers, hungry for strong sensations, drug gaining ground, and these psychoactive substances could be easily considered antechamber powerful drugs.

From soft drugs, like marijuana, heroin was passed slowly, initially smoked, and then to the administration by injection. Between 2004 – 2005, the National Anti-Drug Agency has initiated the drafted amendment to Law 143/2000 on combating illicit drug trafficking and consumption. It was made for recognition positions towards drug users for the purpose of ensuring that a medical, psychological and social, completed by Law no. 552/2004 amending and supplementing Law no. 143/2000. It created the possibility of including drug users, with his/her agreement, in an integrated program including medical, psychological and social assistance. This possibility is recognized by law and in the case of consumers who have committed crimes related to the consume, the law establishes, in this sense, the obligation to evaluate the accused/defendant with the purpose to include him/her in the integrated circuit of assistance for drug consuming persons.

HISTORY

Attempts to reach the state of euphoria have their roots in times long gone, even in the times of the Dacians and Romans, people were smoking some herbs with aphrodisiac and hallucinogenic effects (Indian hemp). The Greek historian Herodotus describes the practice of Mongolian tribes to throw hemp seeds on a hot stove. "After ignite, they fumes out of whose smell turn them drunk, like wine" – Herodotus describes, which seems to be a kind of pre-Christian Bonnaroo: "The more fruit are thrown, they becoming more intoxicated and start to bounce, sing and dance." The term drug is more understanding: broadly, it means any substance (natural or artificial) which, by its nature, determines the chemical alteration of a functioning organ in the narrow sense, refers to substances that cause tolerance and dependence, and in common language the term refers to psychoactive substances, especially illegal ones. Drugs are artificial substances created by scientists in certain situations. Causes for their creation were usually wars, such drug effects were "beneficial" for the armies of various nations who had to resist war regime, often without food and without water. So were born stimulating substances – drugs in primary forms.

In the eighteenth century morphine was discovered, a medicine used to relieve the pain caused by wounds. In time, it was realized that morphine administered repeatedly very quickly lead to physical and psychological dependence. Doctors searched for a replacement and from derivation of morphine with opium, heroin was found, which originally was believed not to be so great addictive as morphine. In fact, heroin addiction is seven times higher than that of morphine. After the First World War, these substances began to be consumed worldwide. By the late '30s, they were legal. Their marketing, in time, led to enormous profits outlawed, drugs have become an invaluable source for the black market. Scourge of illicit drug trade started in South America and Middle East and covered the entire planet. Romania, by its geographical location is a transit country from the Middle East to Western Europe. Like any transit country, in time, became consumer.

LEGAL AND ILLEGAL DRUGS AND WEED-SHOPS

The impact was very high among young people out of curiosity, eccentricities or solidarity with entourage, they began to consume, so the main category of the population vulnerable to drug is undoubtedly young people. For mature people appear more effective preventive factors as age, multiple responsibilities and ideological indoctrination. Age acts as a protective factor with maturity that requires certain stiffness in the assimilation of new behaviours and/or lifestyles, conservatism, fear of the unknown. The multiple responsibilities of the adults on the social, professional, family especially, are as risky drug idea is far from the concerns and their temptations. Decades of ideological indoctrination, political indoctrination as “rough” (on the decline and imminent collapse of the capitalist system) and the “subtle” indoctrination (social inequalities of capitalist society, everyday violence, drug use and the ravages of ETC.) are adults over 30 years to face the idea of drug use with revulsion, rejection, disapproval and anxiety. In reality, we may propose a finding that totalitarianism may have beneficial effects and, finding harmless as long as a limited drug and not extrapolate or generalize. Unlike the mature population, the youth population is more open to new, more prone to new experiences, risks. In addition, young people from former communist countries were less exposed to messages that emphasized the threat posed by drug use in capitalist society. Instead the media “septic”, rigorously censored, we are witnessing an exposition in non-discriminatory basis to information circulated on the marked of audio-visual. Citizens are the target of massive information bombardment, in which drug use is often presented as an alternative (which I recognized as socially undesirable) to cope with life. The Romanian society was taken by surprise by this scourge of drugs, appear very serious problems both in court, and in the medical world. Clumsy and delayed reactions of the authorities have encouraged the phenomenon of drug addiction that came to be devastating. What could be sadder to see how a pregnant woman entered between them ordered withdrawal of life-partner violence and prepare the dose? What could be more tragic than to see how an innocent baby in the womb of his mother’s struggle, “calling” portion of the drug? Although some drug addicts are considered delinquents, they are really sick people, arrived in the state of irresponsibility for their actions.

Some drugs are accepted by society and can also be manufactured, marketed and consumed in many parts of the world: alcohol, tobacco, caffeine in coffee and tea. Other substances may be used freely because they are for other types of use: glue, paint, cleaning fluids, and others are used in medicine: morphine. Alcohol is now the number one issue in terms of drug use. Besides the alcohol and tobacco are legal drugs and caffeine. The term “alcohol” comes from the Arabic words “kohol”, which means the most noble. Consumption of alcohol easily lead to a loss of personal liberty and to some changes in personality traits, contributed to physical and psychological dependence, so it can rightly be considered a drug. Alcohol and tobacco are psycho-active substances due to the effects on the consumer, are called recreational. One of the most common addictions is alcoholism, which were a heavy drinking, causing habit and irresistible desire to drink again. Even if a substance has addictive, tolerance and withdrawal syndrome after stopping consumption, alcohol is considered a legal drug, and is a substance whose manufacture and administration is subject to control. Because the effects of alcohol – million addicts in almost all countries in the world, hundreds of thousands of deaths annually, many in accidents. Thus, alcohol is recognized as the most active drug in triggering aggressive behaviour, both in meaning self-destructive and hetero-destructive. Besides alcohol, coffee, tobacco, most legal drugs consists of medicines.

A criterion for drugs classification involves the effect of drugs on human behaviour. Thus we find depressive drugs, which inhibit the activity of the CNS with sedative and analgesic, incentives that have the ability to increase brain activity, causing a state of nervous excitement and disturbing that distorts time and space perception, auditory sensations, visual and olfactory. Also under this criterion are sedatives and drugs that decrease brain activity and produce relaxation, calm and sleep. Criterion legal regime is however best known company. We all know that illegal drugs are all banned substances, such as heroin, cannabis, LSD and the law – are substances whose production and management are controlled (alcohol, tobacco, coffee). About illegal drugs, become addicted

does not mean that just because you tried, but to continue the systematic use leads to addiction, and where powerful drug first dose can be fatal (heroin, cocaine, LSD, Ecstasy, amphetamines). On illegal drugs, even though it is hard to do an exact analysis of drug prices, OEDT found that their trend is decreasing in all EU countries, the predominant one fall in the street, cannabis, heroin, cocaine, amphetamines and ecstasy. Drug use leads to dependence installation, becoming a source of suffering, sickness, unemployment, poverty and social exclusion. This consumption is closely linked to crime and prostitution as a dependent consumer will do anything to get your daily dose. According to the definition by the World Health Organization (WHO), "consumption is that using excessive, continuous or sporadic, inconsistent, or not related to medical practice". The higher age of onset of drug use is less, the more addictive easy to install. These consumers are considered to be some sick, ill, weak character, which creates a lot of problems in their private lives and society. They commit crimes that are punishable by deprivation of liberty under the Emergency Ordinance, No. 121, of December 21, 2006 on the legal regime of drug precursors, Article 22, paragraph 1, chap. IV, which states that "the market, import, export, production, manufacture, offer, supply, sale, transport, delivery of any title, reference, placing on the market, acquisition, synthesis, extraction, experimentation, intermediate activities, buying or ownership of substances as drugs, equipment or materials without the law, is offense and is punishable by imprisonment from 1 to 5 years".

Weed-shops are one of the biggest shops in the activity of the herbs illegal manipulation. Many of the symbols displayed on the companies store is the cannabis leaf, illegal hallucinogenic herb and some of the best selling range of plants have hallucinogenic cannabis leaf on the envelope. So they are not selling cannabis because it is forbidden, but sell something legal, but with similar effects. Recent surveys of the OEDD (European Monitoring Center for Drugs and Drug Addiction) showed that online shops in Europe are selling over 200 psychoactive natural products, synthetic and semi synthetic. Many substances are called "legal drugs" or "herbal drug" and are presented as alternatives to controlled substances, although their actual legal status may vary considerably in Europe. Following the reports, online sales are growing so online pharmacies and online vendors that sell psychoactive substances to legitimate purposes is obviously potentially also new ways of supplying illegal drugs.

A new effect of misunderstood globalization and democracy: legal drugs. Although this approach is unusual because words their meaning, is an expression of increasingly common in conversations young people have discovered a legal alternative to drug use. Combined with insufficient or badly worded legislation, young people can buy, even with tax receipt, hallucinogenic substances, with "psychoactive effects, sedative, relaxing and euphoric", like those resulting from the consumption of marijuana and ecstasy. Even if it sells on the Internet or in stores suggestively named "Smoke" or "dream shop", as the mixture or "aromatherapy" legal drug dealers are recommended as having guaranteed results. Market is developing fast in Romania and the Organized Crime and Drugs Brigade is blocked by a faulty legislation. In the spirit eccentricities sometimes characterizes young people are attracted to the euphoric feeling offered by plants, ignoring the dangers to which they are subjected. These plants containing psychotropic may influence physical state and may even cause accidents. The effects are similar to drugs prohibited by law, occur over time and can create unpredictable reactions. These are mental disorders, hallucinogenic states and psychological dependence.

Emerging trends and consumer marketing in Romanian market – are plants with psychotropic properties such as: *Salvia Divinorum*, *Mytragina* species, *Tabernanthe iboga*, *Nymphaea caerulea*, *Nymphaea alba*, purple *Ipomoea*, *Argyrea nervosa*. A number of European countries have changed the laws in matters such as *Salvia Divinorum* has been placed on the list of banned substances in 2006 by Sweden and Germany in 2008. Around the same time, *Tabernanthe iboga* was inserted in the list of controlled substances in France, after Belgium, Sweden and Denmark have managed to control its active ingredient (ibogaina). *Spice Silver*, *Smoke*, *Spice Gold*, *Genie*, these are just some of the items purchased by Weed shops customers. A balanced approach to drug policy by the European Union gives equal weight reducing drug demand and supply. Countries have established regulatory frameworks for specific risk reduction, increasing penalties for drug trafficking.

Along with morbidity and crime, the phenomenon of consumption and drug abuse is a serious danger to society, with repercussions both economic, social and psychological. We live in a society where drug use is one of the most serious social problems. Law on combating illicit drug trafficking and consumption (No. 143/2000) defines drugs as narcotic drugs or psychotropic substances and plants which they contain. American sociologist E. Good stresses that any definition of a drug should take into account the extent of social, cultural and contextual. Drug definitions differ from one culture to another, from one lifestyle to another, from one mindset to another. Good E. proposes four criteria for the classification of drugs: “psycho-activity, which refers to the ability of substances to influence the human psyche (alcohol, LSD), highlights the usefulness of medical-materials used for healing the body or mind (morphine, penicillin), Illegality: “those who are against the law and cause the arrest of the individual and public definition, this latter criterion included substances recognized by most as being drug”. We can easily see that the above criteria of medical utility and psycho-activity are used by physicians, illegal criterion by lawyers and police and the public definition of the population.

In his *Phantastica*, Lewin L. divides drugs into five categories. In this category are drugs that reduce consciousness and suspend emotionalism, and in the II included drugs with hallucinogenic property. Category III includes alcohol, ether, gasoline; in the class IV agents are included sleep inducers. The latter category recalls drugs that excite the brain activity: cola, tobacco, coffee, tea. In conclusion, we can see through these criteria of classification how a drug easily changes the way the consumer perceives the reality around him and his inner feelings.

In recent years, drug use grew ever more. Today, the media brings to the attention of the population that any drug used repeatedly leads to addiction, dependence, tolerance and withdrawal. Is ethics for drug testing in employment or in any other circumstance? But drug testing in high schools or colleges? Mainly, the person is forced to perform a diagnostic medical procedure against his will, in conditions like conditioning employment, to continue studies. But finding a drug screening and following an official's declaration that attract consumer law 143 / 2000 automatic inclusion in a treatment program, which will involve absence from the place of work (school, college, service) so your privacy is violated. In the event of relapse, and breach of confidentiality, we can claim a voluntary admission? No competent patient can be treated without prior notice to you on diagnosis, disease evolution with / without treatment, the complications, therapeutic alternatives, and prognosis. Thus, we need to obtain consent, but in patient's drug-assistance, this meets many problems.

According to DSM IV, the diagnosis of dependence can be applied to groups of substances except caffeine. OMS Committee introduced the term drug addiction issues and clarified the distinction between physical and psychological dependence. If alcohol or other drugs is due to continued destruction of an individual's personal life, physical destruction, emotional, spiritual or economic, and this individual continues use of substances, he or she is addicted. Physical dependence is manifested by behavioural changes and a particular mental state accompanied by compelling psychological desire to consume alcohol (or drugs to manage) periodically or continuously to get a sense of well or to remove psychological discomfort. This dependence is to use all types of drugs, including alcohol. Physical dependence is manifested in the form of pathological conditions that organic is the need to use alcohol / drugs to prevent disorders that appear to stop using. It appears to all drugs, but occurs more frequently in alcohol and very quickly to heroin and morphine consumption.

Addiction behaviour has deep social implications as failure in the social, socio-family, etc. In addition, society stigmatizes drug addiction, marginalized them, social re-integration can be performed with great difficulty. The XXIst century patient drug addiction is considered an active participant in the medical act, so the doctor – patient relationship is very important and it is based on trust, competence, respecting the right decision, information and privacy. Confidentiality remains a matter with the medical act, as it grows and compliant to treatment, patient trust and the number of voluntary admissions. Although the law protects the confidentiality, in such cases it is often violated, social drug addict prejudicial, and turn up on his family. So, breaking confidentiality, representing a form of social condemnation, reintegration is very difficult. In terms of capacity to consent to drug addict there are opinions for and against. An important fact is the use of minors who are not entitled

to consent. So, among the views that support the vulnerability of drug addiction, it is included the fact that substance abuse causes: changes in the psychic and behavioural disorders of personality, that will turn up and the decision-making capacity. But take into discussion the fact that drug addicts would be able to accept the substitute drug methadone, in financial terms, that no longer can afford the drug consumption and do not want to go through the symptoms of abstinence syndrome. The first presentation of a patient to psychiatrist is of paramount importance because the relationship depends on the evolution of the disease. So, the establishment of harmonious interpersonal relationships depends on the social model of the two: patient and physician. Developing real doctor – patient relationships in drug addiction treatment services, is based on that person and is a prerequisite for successful therapy. You can not omit the role of intuition, instinct and imagination, the operations of this rapid non-verbal knowledge. In psychiatry, “the look of a sudden” is the way the doctor penetrates inside “the patient’s me” and quickly select the type of “shock that substantive contact” and actually effective. Thus, the physician must possess the ability to quickly understand what the patient or soul, and can alleviate the intra-psychic tensions appealing to comprehension, good-tempered and patience. All this lays the groundwork for voluntary return in terms of patient relapse. The patient is a patient dependent feature that high, but many problems. Preliminary information is played with an apparent interest, the patient accepts with ease and without additional questions by the doctor chosen scheme, is a good patient, respectful, but closed in itself. Psychiatrist put great emphasis on the stage of complete information and obtaining consent, as long-term target growth momentum resistance addictive. Regardless of the effort in training medical patient outcome expectations are low.

Law 143/2000 stipulates in art. 27 paragraph 1 that illicit drug consumption in Romania under national control without a prescription is prohibited. In Section 2, the same law provides that: “the person who consumes illicit drugs under national control is subject, in case, to one of the following measures: cure for drug or medical supervision”. It is clear that the law requires treatment. The same law provides for imprisonment from 6 months to 2 years for drug users who committed a crime such as possession of drugs in order to own consumption. But if he joins “voluntarily” in a therapeutic program of assistance to its end the judge reserves the right to reduce the sentence or cancel it. In most countries, two criteria help to establish legal norms on compulsory hospitalization of persons affected by mental illness. The first criterion refers to the potential dangerousness of mentally ill or shows both for their own person, and compared to others. The second criterion refers to the notion of “parents patriae”, under which the State has a duty to protect citizens of patients who need care and treatment. The motivation for drug consumption is changing, from obtaining a positive state of euphoria to the individual who is not a drug, to avoid unpleasant feelings, negative (abstinence syndrome) to the dependent. The drug appears to some individuals as a way to gain confidence and release nervous tension. The potential hazard of the mentally ill, aggressive, violent behaviour and psychological dynamics of violence are issues with broad resonances both in medical, social and family. Issues relating to potential danger and risk of revealing the complexity and multiplicity of mechanisms that involved in generating and self-expression or multiple aggression, whilst increasing the ethical issues of how large an intervention. Analysis of ethics is even more necessary as involuntary hospitalization is often regarded as a deprivation of liberty and a violation of individual liberties. Involuntary admission criterion seems to elicit a broad interest of the Company, to signify protection from violent actions of individuals. The risk of over-assessment of a patient mentally upset by reckless predictions can be questioned?

In conclusion, controversial or not, the legal system of rules of internment compulsory mental, is respected in most countries. As long as the drug addict keeps its critical spirit and ability to understand and decide, informed consent must comply with all of its defining elements. Drug addiction raises more medical, ethical and legal controversy, and is part of the challenges facing humanity. One of the arguments used by groups who support legalization initiative is the example of American prohibition period, in the 20s that prohibited the manufacture and consumption of alco-

holic beverages. At that time, the black market was a profitable period. Present in society since ancient times, drug use remained a vicious link between ancient and modern society. Contemporary issues with the oldest profession in the world, combating drugs or control consumption had some success, in any of the formulas chosen so far, that ban or partial legalization.

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