

CRIME RELATED PHENOMENA - DRUG ADDICTION AND PROSTITUTION (EXPERIENCE OF THE REPUBLIC OF MOLDOVA)

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Abstract: *Throughout history, societies have adopted diverse approaches to addressing phenomena such as drug addiction and prostitution, often conceptualized as interconnected “satellites” of criminality. Although the use of psychoactive substances and the practice of prostitution date back to antiquity, contemporary socio-economic transformations have significantly reshaped their forms and impact. In the Republic of Moldova, as well as in other states of the former Soviet Union, the transition to a market economy, coupled with rapid developments in information and communication technologies, has generated new dynamics, patterns of vulnerability, and modalities of engagement in both drug use and sex work. The drug addiction phenomenon has evolved into a critical public health challenge, marked by increasing morbidity, heightened mortality rates, and substantial burdens on healthcare systems. Simultaneously, its ramifications extend far beyond the medical sphere, constituting a complex social-legal issue that fuels criminal behaviour, undermines social cohesion, and perpetuates cycles of marginalization and alienation. Prostitution, likewise, continues to generate profound ethical, social, and legal debates regarding individual autonomy, exploitation, and public order. Together, these phenomena threaten not only the well-being and security of individuals directly involved but also the broader societal interest, as their persistence hinders social development, reduces collective resilience, and compromises efforts to consolidate democratic governance and the rule of law. Understanding the interconnected nature of drug addiction and prostitution is therefore essential for developing holistic, evidence-based policies aimed at prevention, harm reduction, and social reintegration. This necessitates interdisciplinary research and coordinated institutional action capable of addressing the structural, psychological, and economic factors driving these practices*

Keywords: *prostitution, drugs, sex work, drug addiction, alienation, commercialization.*

1. News and national context

By generalising the concept of crime, we arrive at its essence, being approached as the totality of crimes (offences) related to a certain temporal-geographical space. However, crime also has certain 'satellites' - phenomena that accompany it, which essentially indicate the actual level and rate of crime. These include drug addiction and prostitution. It should be noted that both phenomena are illegal in the Republic of Moldova.

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Drug addiction and prostitution belong to the category of "fon" phenomena, which are all amoral manifestations that go against the generally accepted norms of society and are organically linked to crime, because they are mutually determined and lead to the social degradation of the individual and ultimately of society as a whole (Bîrgău, 2010, p. 357).

In the Republic of Moldova, public authorities, public associations and other non-governmental organisations are making sustained efforts to prevent drug addiction and prostitution, carrying out various actions to educate and train the population. The decisive role, however, is played by each of us, refusing the mirage of illusory pleasures or illegal services.

The current penal policy in the field of drug addiction prevention is in line with and strictly guided by the normative standards prescribed in the international conventions to which the Republic of Moldova is party. In this regard, we mention the Single Convention on Narcotic Drugs and the Protocol amending the Convention of 30.03.1961 (Cojocaru, 2009, p. 33); the Convention on Psychotropic Substances of 21.02.1971; the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20.12.1988. ¹The Republic of Moldova became a party to these conventions in 1995 and the implementation of the requirements stipulated in these conventions is supervised by the National Anti-Drug Commission.

As regards preventing and combating prostitution, the Republic of Moldova is party to the following conventions aimed at combating prostitution: the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly by Resolution 34/180 of 18 December 1979 (Convention on the Elimination of All Forms of Discrimination against Women, 1998, p.732); the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted on 25 March 2000 in New York; the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, adopted on 25 October 2007 in Lanzarote.²

Criminological studies carried out over the years have made a substantial contribution to improving the fight against and prevention of drug addiction and prostitution, both internationally and at the level of individual countries (Paraschiv G).

Many efforts have been made to define the concept of prostitution and drug addiction, which would include their essential features.

2. Issues of legislative definition and prevention of prostitution

To date, there is no unit of vision in the literature on the definition of prostitution and drug addiction. Thus, after the collapse of the Soviet Empire and the adoption on August 27, 1991 of the Declaration of Independence of the Republic of Moldova, little attention was paid to prostitution, although the contravention liability for prostitution was and is provided, but until 2018 the legislation of the Republic of Moldova, and the Contravention Code of the Republic of Moldova did not contain the definition of prostitution.

¹ <https://www.undp.org/moldova/about-us/legal-framework>.

² Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, of 25.10.2007. In: www.legestart.ro / Convention - 2007 - protection-children-against-sexual-exploitation-sexual-abuse-(MzY2NTIx).

The term "prostitution" is of Latin origin and translates as "exposure for sale". Prostitution refers to the provision of sexual services for financial or material reward. Prostitution, as a means of obtaining profit, accompanies the most diverse forms of crime (organised crime, crime involving the circulation of drugs and arms, etc.). Prostitution is at the heart of the so-called sex-business system with pimps, brothel owners, traffickers in human beings or children, and others.

The Palermo Protocol does not make a clear demarcation between trafficking in human beings and prostitution. It deliberately does not define the two concepts of "exploitation of the prostitution of others" and "sexual exploitation" in order to give States the possibility to ratify the Protocol regardless of the provisions of national law on prostitution. The Protocol does not impose a particular position on the State concerned with regard to the (exploitation of) prostitution freely entered into by adults, leaving it to their discretion how they wish to regulate prostitution in national law. In this way, it will be possible for states with different legislation, i.e. those that decriminalise, legalise, regulate or tolerate (consensual) prostitution of adults and those that criminalise (exploitation of) prostitution and prostitution or the use of prostitution services, to comply with the Protocol.³

In this context, the relevant legal basis of the Republic of Moldova will be analysed. Thus, until the content of Article 89 paragraph (1) of the Criminal Code of the Republic of Moldova, by adopting Law No. 159 of 12.10.2018 (M.O. 416-422 /09.11.2018, article 649), prostitution was not defined in national legislation. In the context in which, the legislator left the "door open" for the interpretation of that phrase, the arguments of the Constitutional Court of the Republic of Moldova were relevant, such as - "... *prostitution cannot imply the provision of sexual services online. This is because the provision of sexual services online does not imply the practice of sexual acts with the persons benefiting from the prostitute's services.*"⁴ The provision of such services does not imply direct contact of the person's body with the body of the person receiving the services..." In the same context, the arguments of the doctrinaires in the field were relevant and plausible (Brînză S.)⁵.

The situation changed radically with the entry into force of Law No. 159 of 12.10.2018, when the phrase "practicing prostitution" was given a legal interpretation - "... the satisfaction of a person's sexual desire by any method and/or means, against payment, *including by means of information technologies or electronic communications ...*" (Article 89 of the Criminal Code of the Republic of Moldova).

Unlike the Criminal Code of the Republic of Moldova, in the Romanian Criminal Code the definition of the notion of practicing prostitution differs from the local one and it is understood as "engaging in sexual acts with various persons for the purpose of obtaining financial gain for oneself or for another".⁶ *Thus, we observe a legal-criminal policy diametrically opposed to the autochthonous one as regards the definition of "practice of prostitution", limited to "physical/direct contact of the actors of this act.*

³ https://cnaigs.md/uploads/asset/file/ro/239/Ghid_AJGS_FINAL.pdf p.47.

⁴ Constitutional Court Decision No 36 of 19.04.2018. Retrieved from: <https://www.constcourt.md/public/ccdoc/decizii/ro-d362018173g201737g2018rob4b4f.pdf>.

⁵ Brînză S., "Again about the interpretation of the notion of prostitution in the judicial practice of the Republic of Moldova", Retrieved from: http://uam.md/media/files/files/dreptul_nr_21_616_9572974.pdf.

⁶ Criminal Code of Romania. Retrieved from <http://legislatie.just.ro/Public/DetaliuDocument/109855> - art. 213 para. (4).

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We consider that the Romanian wording corresponds more precisely to the principle of legality and excludes the possibility of an extensive interpretation of the criminal law by analogy. Moreover, the definition of prostitution in Article 89 of the Contravention Code of the Republic of Moldova creates confusion in the delimitation of "pornography" (which refers to "the material element of ... *images or other representations ... in a lewd or obscene manner, including in electronic form*") from "prostitution", placing the sign of equality between them, which is unacceptable in a democratic society.

Current public opinion boils down to the fact that prostitution is amoral behaviour. There are different opinions in different countries of the world on whether prostitution should be recognised as a crime, ranging from recognising it as a criminal offence (in Muslim countries) to making it a legal economic activity (in the Netherlands). In most Western countries, although prostitution is prohibited by law, the public authorities are tolerant of it, focusing their attention on those who exploit prostitutes for various purposes.

In the Republic of Moldova, prostitution falls under the category of misdemeanours, but there is criminal liability for procuring (Article 220 of the Criminal Code of the Republic of Moldova), i.e. inciting or inducing prostitution or facilitating the practice of prostitution or profiting from the practice of prostitution by another person, if the act does not meet the elements of trafficking in human beings.

The Romanian author Oancea I. mentions that prostitution represents as a social phenomenon a multitude of persons, who practice sexual relations with different persons in order to obtain material benefits, pimps, who carry out the activity of organizing and exploiting persons who practice prostitution, clients, who benefit from the activity of persons, who practice sexual relations in order to obtain material benefits, as well as other individuals, who promote the activity of the named persons. Pimping as a social phenomenon is an integral and inseparable part of prostitution, consisting of the activity of organising and exploiting it. Prostitution as a legal phenomenon is the systematic activity, which may have the status of a profession or illegal occupation, of practising sexual intercourse in exchange for material gain, characterised by emotional indifference and lack of individual choice or preference in relation to the client in the person practising the named activity. Pimping as a legal phenomenon is a set of illegal actions by the pimp aimed at enticing the person into prostitution, organising the practice of prostitution and obtaining profit from the practice of prostitution by another person. Prostitution is socially deviant behaviour because it represents a departure from existing social and normative norms, and as such is an object of study for criminology (Oancea Iu. 2012, p.190).

Prostitution lowers the social moral level, leads to intellectual degradation, which negatively influences the education of children and youth. Prostitution undermines the foundations of social life, destroys families and ultimately undermines public health. As a result, the level of female crime, mortality, sexually transmitted and incurable diseases, suicides and, what is more dangerous for society, the state of the nation's gene pool is affected.

At the same time, as the daily reality shows, after being fined for prostitution on the basis of the Contravention Code of the Republic of Moldova, prostitutes are once again taking to the streets and continuing to practice prostitution under the supervision of the pimp, often

being recruited by traffickers of 'living flesh', which shows us that effective measures to combat the phenomenon of prostitution are not being applied at national level.

Thus, only in the first three months of 2019, according to the operational information of the Ministry of Internal Affairs on the state of crime on the territory of the Republic of Moldova, 5 crimes of pimping⁷ were recorded, but the real state of this phenomenon is different from the official statistical data.

With reference to the personality of the person who practices prostitution, in most cases, it is characteristic: age between 16-29 years; not employed; incomplete or secondary education.

The main reasons for prostitution are: material needs, debts to banks or individuals, the example/encouragement of friends, curiosity. They had their first sexual relations with a friend or partner at the age of 16-18. Relationships with parents are spiteful or indifferent. First experience of alcohol consumption at the age of 14-17. At the same time, there are cases of drug use, which shows the close link between prostitution and drug addiction. Most of the people who practise or have practised prostitution come from socially vulnerable families who have not been able to provide them with an education that would correspond to the moral norms and rules of coexistence generally accepted in society. Abuse, domestic violence suffered during childhood, lack of professional prospects and, as a result, reduced chances of being employed in the labour market, lack of a family and permanent residence - these are just some of the particular features of a person's life that make prostitution necessary and promote it.

As for the personality of the individual involved in "promoting" prostitution, called pimps or "owners of sex business", these are the main people of the so-called "sex industry". They are the ones who implement in modern society the campaign to promote and recognize prostitution as a respectable profession. There is propaganda, through the media and information technology, through national social policies or movements, about the rights to sexual self-determination, about sexual liberalism - promoting the possibility of marketing sexual services.

The pimps are of different conditions, from the "poor" to the "greedy for profit", including "honorable" people (people of art, politicians, representatives of law enforcement). People who are socially maladapted, psycho-emotionally unstable, psycho-socially immature people are launched in the sex trading business.

Women often appear in the role of pimp, who in the literature are called "madam" or "matron". This function is usually performed by a former prostitute, relatively young, or by a woman characterized by a spirit of initiative and a particularly developed sense of business.⁸

In the Republic of Moldova, state bodies, foundations and other non-governmental organizations make sustained efforts to prevent prostitution, carrying out various actions to educate the population. Thus, in the fight against the phenomenon of prostitution, preventive-prophylactic operations are performed, which take place annually in the Republic of Moldova. They have coded names and are made on the basis of typical plans in order to detect and block pimp files.

⁷ <https://mai.gov.md/ro/date-statistice>

3. The phenomenon of drug addiction - doctrinal approaches, the normative and combat basis

Drug addiction is a dangerous social phenomenon, resulting from the intentional, illegal and systematic consumption of narcotic substances, over which international and national legal control measures are spreading, leading to periodic or chronic infection, with negative effects for the user and the whole society.

The origin of the term "narcotics addiction" is a combination of the Greek "narcosis" - sleep, numbness and "mania" - passion, insanity. Narcomania is addiction caused by drug abuse.

In another context, narcotic addiction is a well-pronounced sickly passion, the habit of taking one or more narcotic substances, which acts mainly on the nervous system, causing the user to feel euphoria - a false sense of well-being, joy, serenity, pleasant calmness or, on the contrary, excitement (Grosu V. 1998, p. 23).

Drug addiction is the pathological attraction of the individual to drugs. Alongside this, the non-medical and abusive use of psychotropic substances, narcotics that cause pathological dependence, called drug addiction, has recently become increasingly widespread.

We agree with the position that drug addiction is a psycho-pathological condition, conditioned by drug abuse, which creates a mental and physical dependence on drugs (Bîrgău M. 2010, p. 357).

Since the very beginning of human history, drug addiction has accompanied and 'enslaved' generations. There is no country today that is not affected by the negative consequences of drug addiction. In recent years, there has been a trend towards the 'globalisation' of the problem of the circulation and abuse of drugs.

Worldwide, hundreds of thousands of people die every year from drug overdoses, but drugs do not just affect drug users: they affect society as a whole.

The number of drug users in the Republic of Moldova increased with the economic crisis of the 1990s. The causes of the increase in drug use were: accessibility, poverty, weakening of social control, etc.

According to Article 134/1(1) of the Criminal Code of the Republic of Moldova, drugs are defined as narcotic or psychotropic plants or substances, or mixtures containing such plants or substances, established by the Government.

In the Republic of Moldova, based on international standards, in Chapter VII of the Special Part of the Criminal Code, the legislator has established several incriminations, capable of covering multiple forms of criminal activities involving illicit drug trafficking. The aim was, on the one hand, to protect social relations in the field of public health, which is conditioned by the fair circulation of drugs, and, on the other hand, to prevent the commission of such acts. In the legal definition of criminal liability, the legislator has placed the emphasis on the "purpose of alienation" in the context of the criminalisation of acts related to the illegal movement of drugs (Nastas A. 2020, p. 8).

According to the National Agency for Public Health, in 2016 more than 11.7 thousand patients were registered at the Republican Dispensary of Narcology, and in 2019 the number exceeded 13.2 thousand people. Most often in the Republic of Moldova are consumed

prohibited substances of plant origin, grown in the territory of the country. Apart from marijuana and opium, amphetamines are also widespread.⁹

In the Republic of Moldova, the number of cases of drug-related offences registered in 2006 was 2041, in 2007 - 2139, in 2008 - 2046, in 2009 - 1819, in 2010 (Brînză S. Stati, 2015, p. 1122) - 1737, in 2011¹⁰ - 1658, in 2012 - 1575, in 2013 - 1166, in 2014 - 1288, in 2015 - 1191, in 2016 – 1153¹¹.

In the period 2017 - 2020 the number of drug-related offences is decreasing, but this is also due to the decrease in "criminal" activity in the wake of the "SARS COV 19" pandemic. Thus, in 2017, 1269 crimes were registered; in 2018 - 1351; in 2019 - 1052 and in 2020 - 895 crimes related to the illegal circulation of drugs¹²."

From the above considerations, we note that preventing and combating drug addiction and prostitution is an extremely important issue on the agenda. Only by eradicating prostitution and drug addiction through joint efforts can we protect our children, families and community from these vices.

Sociological surveys show that a large proportion of students and schoolchildren have used and continue to use drugs; the proportion of serious forms of drug addiction is increasing; the market for hard drugs (heroin, cocaine) has emerged; new forms of drug addiction are emerging among minors and young people (group use of hard psychotropic substances, etc.). The majority of drug users and dealers are people who have given up socially useful work and are earning money from their drug use (Bîrgău, 2010, p. 357).

Despite the efforts made so far, the drug addiction phenomenon has not marked a significant change at global level, but on the contrary it has gained ground, especially in countries where public authorities' control is insufficient and tolerant.

In order to analyse in depth the personalities of those involved in the drug addiction phenomenon, five types of drug addict are highlighted in the literature (according to the degree of social danger): the novice drug user; the retail drug dealer; the wholesale drug dealer; the criminal drug business organizer (Cojocaru, 2009, p. 33). The main perpetrators of offences related to the illegal circulation and consumption of drugs are people aged up to 50, of whom about 90% are not formally employed. Drug users are people not employed - 80.9%; civil servants - 12.7%; pupils/students - 2.6%; other categories - 2.8% (Bîrgău, 2010, p. 357).

In the fight against drug addiction, preventive-prophylactic operations are carried out annually in the Republic of Moldova by the police. They have codified names and are carried out on the basis of standard plans with the aim of detecting and blocking drug trafficking networks. These include operations such as "Canal", "Mac" and "Narcoman".

For example, every year the General Inspectorate of Police of the Ministry of Interior of the Republic of Moldova launches throughout the country the special operation "MAC", which aims to combat the illicit consumption and trafficking of drugs, especially of plant

⁹ Should we expect drugs to be decriminalized in Moldova? Retrieved from: <https://noi.md/analitica/sa-ne-asteptam-oare-la-o-dezincriminare-a-drogurilor-in-moldova>.

¹⁰ Crime rate in the Republic of Moldova in 2015.

Retrieved from: <http://www.statistica.md/newsview.php?l=ro&idc=168&id=5098>.

¹¹ Crime rate in the Republic of Moldova in 2016.

Retrieved from: <http://www.statistica.md/newsview.php?l=ro&idc=168&id=5550>.

¹² https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_12%20JUS_JUS010/JUS010800reg.px/table/tableViewLayout1/?rxid=2345d98a-890b-4459-bb1f-9b565f99b3b9.

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origin, the destruction of plants with narcotic content, the detection of people who cultivate them illegally.¹³

Several strategic directions are currently being developed worldwide to combat drug addiction.

The first is the adoption of tough sanctions against those involved in drug addiction. In this case, the first is the criminal penalty, which provides not only for long terms of imprisonment but also the death penalty. Countries promoting such a policy in this area include Malaysia, Iran, China and Pakistan.

The second direction is characterised by the establishment of rigid control in the field of drug circulation. It is about control of all types of drugs and active opposition to drug use. At the same time, drastic legal and penal measures are not applied. This prevention approach is being implemented in the USA, the UK, France and other countries.

The third is the liberal approach. The first country to partially legalise 'soft' drugs was the Netherlands. In 2018, a number of states made decisions in favour of decriminalising the use and keeping of soft drugs on their territory. More and more states are considering abolishing criminal punishment for drug users and implementing various forms of decriminalization (Știrba, 2016, p. 17). The implementation of the Georgian scenario in the Republic of Moldova is not excluded, with the Constitutional Court playing a decisive role in initiating the process of partial legalisation of the illegal movement of drugs.

Historically, as in the case of drug addiction, there are several positions on preventing and combating prostitution, which can be defined as prohibitionist, regulatoryist and abolitionist. Approximately one third of the member states of the Council of Europe, including the Republic of Moldova, have adhered to the prohibitionist position, which bans prostitution and punishes prostitutes and pimps.

Germany, Austria, the Netherlands, Switzerland, Greece - have chosen the regulatory position, in other words they have legalised prostitution, but the legislation of these countries, with the exception of the Netherlands, punishes pimping. By legalising prostitution, the countries have sought to put a stop to clandestine and juvenile prostitution, to bring pimps and organised crime out of the shadows and out of their control, to exercise control over their activity and their state of health, and to protect them against violence from their clients. The Dutch experience has shown that legalising prostitution has both positive and negative effects. Thus, with the legalisation of prostitution and brothel activity in the Netherlands, additional revenue from taxes paid by legal prostitutes has been paid into the state budget. In addition to this, prostitutes have gained the right to social protection from the state, and the authorities, for their part, have gained the possibility of controlling the health of prostitutes and exercising supervision over their activity. At the same time, the negative consequences of the legalisation of prostitution can be attributed to the following: an increase in juvenile prostitution, an increase in organised crime activity and the number of cases of human trafficking, the development of illegal prostitution as a result of the unwillingness of more prostitutes to pay taxes, and the lack of police capacity to prevent and combat illegal prostitution.

In regulatory countries, the percentage of prostitutes taking the necessary steps to comply with social and tax legislation is relatively low. Sweden is the first country, which has

developed the neo-abolitionist position that buying sexual services and not offering them should be punished. In Sweden there is criminal liability for buying sex. In Sweden, prostitution is regarded as one of the forms of violence against women, and for these reasons the crime is the payment offered by the prostitute for sex, not the offering of sex by the prostitute.

The experience of countries which have chosen the abolitionist position, i.e. combating prostitution by punishing pimps and not prostitutes, as in the UK, for example, shows that this approach has not led to any positive results, but only contributes to the spread of prostitution and human trafficking.

The author, Bîrgău M. mentions that when talking about measures to prevent prostitution, it is necessary to take into consideration that they are closely related to the prevention of other violations of the law. The prevention in question will only be effective when the issue of family, women and children will become paramount in the state and society. Contemporary programmes are also needed to help the family and protect mothers and children, including by creating the appropriate material basis. In connection with the rising unemployment rate, special programmes should be developed to enable women with children and parents to work (Bîrgău, 2010, p. 357).

Following the analysis of the opinions of various scholars and the analysis of the current legislation of the Republic of Moldova, we find that in order not to allow an increase in cases of people being lured into prostitution, in the Republic of Moldova, well-paid jobs must be created, the state must take care and provide the necessary protection, including social protection, as well as material support to teenagers, young girls, who often due to lack of financial sources are forced to practice prostitution to support themselves. At the same time, it is necessary to educate the younger generation to respect the rules of moral conduct in society and social values.

4. CONCLUSIONS AND RECOMMENDATIONS

The current legal framework of the Republic of Moldova sanctions the practice of prostitution but does not extend penal liability to those who solicit or benefit from voluntary sexual services. This asymmetric approach creates a structural inconsistency within the regulatory system. By addressing only the supply side of prostitution, the law neglects the fundamental economic principle that demand inevitably sustains and perpetuates supply. Consequently, the criminalisation of individuals engaged in sex work—whether through stricter sanctions or increased penal measures—cannot be expected to yield substantial progress in preventing or combating prostitution if the state fails to hold accountable those who procure such services. Without a coherent policy that targets both sides of the transactional relationship, legal interventions risk remaining ineffective and may further stigmatize vulnerable individuals without addressing the root causes.

Similarly, the illegal circulation of narcotic substances continues to represent a serious challenge for public authorities in the Republic of Moldova. The legal framework governing the prevention and suppression of illicit drug trafficking relies heavily on the concept of the “alienation” of drugs as a determining element of criminal liability. However, the persistent rise in the number of drug users—combined with Moldova’s strategic geographic position as a transit corridor—underscores the limitations of a predominantly punitive or formalistic approach. The growing prevalence of drug use signals not only deficiencies in enforcement

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mechanisms but also the need for coordinated public health interventions, socio-economic support systems, and international cooperation.

In light of these considerations, a more comprehensive and balanced policy is required—one that integrates legal, social, and public health perspectives. Addressing both prostitution and drug trafficking demands a shift from punitive measures alone to strategies that reduce harm, diminish demand, and strengthen institutional capacities. Only through a multidimensional, evidence-based approach can the state effectively protect individuals, reduce criminality, and promote social stability.

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