



Preventing Drug Use among Minors (A Legal Study)

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Abstract:

The study analyzes the psychological and social factors contributing to drug use among minors, As a crucial age stage that forms the foundation of a person's future. Drug use is considered behavior contrary to societal morals, making it essential to identify the causes of its spread and escalation during adolescence to reduce and eliminate it. This paper reviews the key psychological and social factors contributing to drug use among minors And addressing it from a legal perspective.

Keywords: Adolescence - Drug abuse - Minors - Psychological and social factors - Legal treatment.

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Introduction

Psychological and emotional stress, constant conflicts, and the struggle to survive in a harsh world drive some individuals to seek temporary escape through drugs¹. With weakened moral constraints and insufficient legal deterrents, drugs that alter perception and sensation became increasingly used, sometimes for pleasure and sometimes for medical purposes². Addiction is a societal danger, and Algeria is not immune, particularly among adolescents³.

The spread of drugs is influenced by the erosion of moral and spiritual values in Western societies, which eventually affected Arab societies, including Algeria⁴. In recent years, addiction has drawn significant attention from global and local public opinion, social psychologists, and mental health professionals⁵.

Adolescence, a period of radical changes, can lead to stability or turmoil depending on emotional, familial, school, and societal pressures⁶. The Algerian government addresses these challenges through: awareness campaigns, national strategies, rehabilitation centers, legal prosecution, and regional and international cooperation⁷.

1. Legal and Conceptual Framework

The Algerian legislature began addressing the phenomenon of drug abuse. The law, repealed by Law No. 85/05 of 16/02/1985 concerning health, and by Law No. 18/11 of 2 July 2018, included provisions for combating drug abuse. However, a legal loophole was addressed by Law No. 04/18 of 25/12/2004 concerning the prevention of mental illness and the suppression of drug abuse and illicit trafficking⁸. Amended by Law 23/05, dated May 7, 2023⁹; This latest amendment represents a major reform within the Algerian legislative framework on combating drugs.

For reference Law 04-18 of December 25, 2004, concerning the prevention of drug and psychotropic substance abuse and the suppression of their illicit use and trafficking, is the first law specifically addressing drugs, repealing previous legislation. It provides a precise definition of drugs and psychotropic substances to adapt to the new situation in Algeria and meet the requirements of international conventions. Among its most important provisions is the distinction it makes between victim and perpetrator, and the authority it grants judges to order addicts to undergo treatment. Consequently, addicts who agree to treatment are exempt from prosecution. The law also increases penalties in general, particularly for those

who distribute drugs among minors and in educational and training institutions. Procedurally, it extends the period of pre-trial detention for drug-related offenses and expands the powers of judicial police officers to include pharmacy inspectors.

1.1 Notion of Drugs

The term "drugs" has become extremely important to scholars and researchers, especially in the scientific and medical fields, as narcotic substances belong to this domain and are analyzed within this framework. Furthermore, this term is well-known in the social sphere as a widespread social scourge, and its use outside the legal framework is considered a punishable offense.

The Arabic word for narcotic (مخدر) means concealment or covering, hence its use as a term for something that conceals the mind and impairs perception. In English and French, however, "drug" refers to a substance used for medical purposes, either alone or in combination, that alters the function of cells or organs.

Scientifically, drugs are defined as natural or synthetic substances containing narcotic, analgesic, stimulant, or hallucinogenic elements. They are typically used for medical purposes. However, when used for other purposes, they lead to dependence or addiction, negatively impacting the health of the individual and society materially, socially, morally, and in terms of security. They can also be considered a type of poison that, in some cases, can be invaluable if used cautiously, in specific doses, and under the supervision of a qualified physician to treat certain complex cases. They are also used in surgical procedures to anesthetize patients. In all cases, there is agreement on the serious effects of drugs, which manifest in all vital human functions, both physical and psychological. Addiction can develop as a result of using these toxins for purposes other than their intended use. Drugs are also considered therapeutic substances used in medicine, and this is the prevailing view. However, their misuse leads to addiction.

Algerian law refers to international conventions: the Single Convention on Narcotic Drugs (1961); This agreement included:

1. The international prohibition of the production of opium, cocaine, and cannabis for non-medical and non-scientific purposes.
2. The establishment of the International Narcotics Control Board, a body affiliated with the United Nations.
3. The development of a comprehensive framework for international trade, aimed at controlling the legitimate movement of narcotic substances and preventing their diversion to illicit markets.¹⁰

Than the Convention on Psychotropic Substances (1971),¹¹ and the Convention against Illicit Traffic in Narcotic Drugs (1988)⁸. These aim to balance medical use with prevention of illicit diversion, as reflected in Law No. 04-18.¹²

Algeria acceded to the Single Convention on Narcotic Drugs of 1961 by Decree No. 63-343 of 11 September 1963. It also ratified the Convention on Psychotropic Substances of 1971 by Decree No. 77-177 of 7 December 1977, as well as the 1972 Protocol amending the Single Convention on Narcotic Drugs of 1961, which Algeria ratified by Decree No. 02-51 of 5 February 2002. Finally, Algeria ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs of 1988 by Decree No. 95-41 of 28 January 1995.¹³

In legal jurisprudence, a narcotic is defined as any substance that, when ingested, weakens the human body and affects the mind to the point of near-death, and which usually constitutes addiction, prohibited by positive law.

Algerian law did not define drugs in The repealed law No. 85-05 concerning the protection and promotion of health¹⁴. The same applies to Health Law No. 18-11, which regulates aspects related to public health, and only referred in its provisions to administrative, technical and security control over substances, medicines and plants with narcotic and psychoactive properties.¹⁵ However, with the enactment of Law No. 04-18,

amended and supplemented by Law No. 23/05, A definition was included in Article 2 thereof. The text reads as follows:

For the purposes of this Law, the following definitions shall apply: Narcotic: Any substance, whether of natural or synthetic origin, listed in Schedules I and II of the Single Convention on Narcotic Drugs of 1961, as amended by the Protocol of 1972.

- Psychotropic substance: Any substance, whether of natural or synthetic origin, or any natural product, listed in Schedule I, II, III, or IV of the 1971 Convention on Psychotropic Substances.

-Precursors: all chemical substances used in the manufacture of narcotics and psychotropic substances.

-Preparation: refers to a solid or liquid mixture containing a narcotic or psychotropic substance.

-Cannabis: refers to the flowering or fruiting tops of the cannabis plant (excluding seeds and leaves not accompanied by flowering tops) from which resin has not been extracted, regardless of their intended use.

-cannabis plant: any plant of the genus Cannabis.

-Opium poppy: any plant of the species *Papaver somniferum* .

-Cocaine plant: any species of shrub of the genus *Erythroxylon*.

- Illicit use: personal use of a controlled narcotic or psychotropic substance without a medical prescription.

-Drug addiction: a state of psychological or physical and psychological dependence on a narcotic or psychotropic substance.

-Detoxification treatment: treatment intended to eliminate psychological or physical and psychological dependence on a narcotic or psychotropic substance.

-Cultivation: refers to the cultivation of the opium poppy, the coca plant, and the cannabis plant.

-Production: the process of harvesting opium, coca leaves, cannabis, and cannabis resin from the plants that produce them.

-Manufacturing: all operations, other than production, that result in the production of narcotics and psychotropic substances, including the purification and transformation of narcotics into other types of narcotics.

-Export and import: the physical transport of narcotics and/or psychotropic substances from one State to another. Transport: the transport of controlled substances within Algerian territory from one location to another, or in transit.

-State of transit: a State through whose territory illicit substances, narcotics, psychotropic substances, and substances listed in Schedules I and II are moved, and which is neither the point of origin nor the final destination of these substances.¹⁶

Law 23-05 introduced new and precise definitions compared to Law 04-18, in order to keep up with current developments in the fight against drugs and psychotropic substances. Below are the key new definitions included in Article 2 of Law 23-05.¹⁷

2. Addiction and Treatment Measures.

Treating drug addiction and achieving recovery is not an easy goal, nor can it be achieved instantly. It requires a multi-stage process to reach complete abstinence from addictive substances and protect oneself from relapse. Drug addiction is not simply a habit or behavior that can be easily overcome. It is a chronic disorder affecting the brain, leading to chronic changes in its structure and function. Therefore, addiction treatment requires a comprehensive approach, following one stage after another to achieve the best therapeutic results. It cannot be overcome in isolation due to its impact on the brain, the intensity of

withdrawal symptoms, and the compelling craving for the substance. Seeking support from experts and specialists is therefore essential.

Article 6 of Law No. 04-18 provides exemption from prosecution for individuals undergoing treatment. Treatment may be mandated by a judge, and refusal carries penalties ranging from imprisonment to fines¹⁸. The principle of legality ensures that judges can apply therapeutic measures only based on legal text¹⁹.

2.1. Psychological and Social Dimensions of Drug Use.

Drugs from a Psychological Perspective are defined as any natural or chemical substance that, when ingested, causes a change in a person's personality, bodily functions, or behavior.²⁰

They are also defined as a group of drugs that affect the mental activity and psychological state of the user, either by stimulating or slowing down the central nervous system, or by causing hallucinations or delusions. These drugs are addictive, and their use leads to many public health and social problems.²¹

Drugs from a Social Perspective; are defined as substances that lead users to deviant behavior. They are mind-altering substances that cause users to exhibit deviant behavior. This definition is inadequate because it does not clarify the nature of these substances, the type of effect they have on the individual, or how they lead to delinquency and deviance.²²

Drugs from a Medical Perspective; refer to natural or chemical substances capable of causing a change in mental activity with psychological and physiological effects. They are of two types:

- Permissible drugs, which are generally medications available in pharmacies for medical purposes.
- Prohibited drugs are either natural plants like cannabis or manufactured substances like processed cannabis. They are used for addiction to alter normal mental activity.²³

A drug is any substance containing stimulants or sedatives that, if used outside medical or industrial purposes, can lead to addiction, harming the individual and society physically, psychologically, and socially²⁴. Adolescence is particularly vulnerable due to ongoing mental, emotional, and physical development²⁵.

Addiction is a chronic state caused by repeated use of substances, whether natural (opium, cocaine) or synthetic, ingested, inhaled, or injected. Habituation occurs when occasional use develops into craving without external compulsion. Compulsive use may result in poisoning, defined as bodily impairment from toxins or narcotics.²⁶

From the preceding psychosocial and medical definitions of drugs, it is clear that drugs are natural or synthetic substances that, when ingested, affect the mind and body of the user through inhibition, stimulation, or hallucination. The degree of this effect depends on the amount consumed, and its impact extends beyond the psychological and social aspects of the individual user. Repeated use of the drug leads to addiction.

2.2 The Problem of Addiction

Addiction is multifaceted, affecting legal, physical, psychological, and economic spheres. It is both a health issue and a societal problem. Algeria's Law No. 04-18 (amended by Law No. 05-23) regulates psychotropic substances, drug possession, and illicit trafficking.

We refer here to the text of the article 13 of Law No. 04/18, paragraph 2, stipulates that the maximum penalty shall be doubled if the aforementioned drug is delivered or offered to a minor, a person with a disability, or a person receiving addiction treatment in educational, training, or rehabilitation centers, or in health, social, or public institutions.

Adolescence is defined as the transitional stage from childhood to adulthood, generally between ages 11–21. Physical changes include growth spurts, sexual maturation, and cognitive development. Adolescents also experience moral and emotional growth; strong moral foundations aid in coping with societal pressures.

Psychological and social motives for drug use include boredom, low self-esteem, experimentation, peer pressure, trauma, and mental illness²⁷.

Drug addiction arises from a combination of psychological, biological, social, and environmental factors. identify the shift from social to solitary drug use as a critical factor . Contributing factors include: personality, mood, drug expectations, pharmacological effects, and social context²⁸.

Teenagers may seek drugs for pleasure, euphoria, escape from reality, or coping with emotional pain. Self-esteem and social affirmation can influence addiction. Family dysfunction and peer pressure play a central role. Societal norms and economic conditions also affect drug use.²⁹

Conclusion

Adolescent drug addiction is a multifactorial issue requiring a holistic legal, social, and psychological approach. Effective prevention and treatment depend on addressing internal and external factors, family dynamics, peer influence, societal pressures, and gaps in legal enforcement. Integrated programs combining legal, medical, educational, and social measures remain the most effective strategy for reducing drug use among minors.

Preventing adolescent drug use requires a comprehensive, integrated approach involving medical, legal, social, and religious systems. Key contributing factors include anxiety, stress, trauma, family disruption, societal pressures, and peer influence. Treatment success depends on addressing these root causes and the willingness of the individual with the addiction.

Recommendations

1. Revising Law No. 04-18 ; Particularly with regard to:
 - National awareness campaigns on rights and responsibilities under the law .
 - Strengthening inter-sector cooperation (security, judicial, health, education, social).
 - Judicial alternatives to imprisonment and specialized rehabilitation wings.
2. Develop a comprehensive policy based on:
 - Emphasis on prevention, treatment, and deterrence, reflected in Law No. 23-05.
 - Improved coordination between judicial and security authorities.
 - Expansion of adolescent-focused prevention programs.
 - Increased technical and human resources for early detection.
 - Strengthening treatment and rehabilitation infrastructure.

Collaboration across sectors—security, health, education, religious affairs, and civil society—is essential.

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