

THE POSSIBILITY OF SUBJECTING DIGITAL DRUGS TO THE PROVISIONS OF THE JORDANIAN PENAL LEGISLATION

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Abstract: Lately, we have witnessed the emergence of what is known as digital drugs, audio files containing different musical tones and notes, which will affect the human brain in a way that is comparable to the effects of traditional drugs. They are promoted and trafficked through electronic websites, which have been met with great interest by young people and adolescents suffering from psychological and social problems, after they were misled by those who promote them on these sites, unaware of the serious effects they cause on the mind and senses.

The study indicated that because of the novelty of this type of crime, which uses technology as a means of committing it, it has not yet taken a legislative framework that puts it in a position to criminalize and punish it. Jordanian penal legislation - whether the penal code, the drug law or the electronic crimes law - is devoid of any provision criminalizing this phenomenon, and this is due to its novelty. The meaning of the punishable drugs in this legislation differs from that of digital drugs, which requires legislative intervention to address them in order to prevent the dangers arising from them at the individual and society as a whole. The study made a number of conclusions and recommendations.

Key words: digital drugs, electronic crimes, penal legislation, audio files, mind effects.

Introduction

Drugs and psychotropic substances are among the most dangerous scourges of modern social phenomena, which have a disastrous effect on the individual and society in its economic structure, social interdependence and health and psychological strength. With the advent of the Internet, they have been exploited by the mentally ill to facilitate the commission of crimes and to communicate between criminal networks, the use of electronic websites in the marketing, promotion and trafficking of drugs, in addition to the use of such websites in the sale, promotion and trafficking of phonograms or so-called digital drugs, which have led to behavioral disturbances among young people and teenagers, due to their harmful effects comparable to those caused by traditional drugs.

Study problem:

In light of the widespread and rapid spread of the Internet and the interest of segments of society in its use, especially young people and adolescents, and the spread of websites that promote the so-called digital drugs, and the exploitation by their promoters of the potential that some groups of adolescents may suffer from the tendency and desire to satisfy deviant impulses, especially those suffering from psychological and family problems, and the negative effects that this type of drug may cause to them, it was necessary to identify this imminent danger that threatens our youth because of the excessive use of the Internet and its ease, especially with the availability of computers and mobile phones. The study therefore showed what digital drugs are, how they work and their effects on humans, and how similar they can be to traditional drugs, and how Jordanian penal legislation is adequate to address this new negative phenomenon.

Purpose of the Study:

Based on the study's problematic nature, one of the most important objectives of the study was to identify the types and types of digital drugs and the mechanism of their operation, and to clarify the position of the Jordanian legislature with regard to them and the extent to which the provisions



of Jordanian penal legislation apply to them, with regard to including the establishment of these sites for the purpose of promoting, selling, or using these types of drugs in the Criminalization Department.

Research Methodology:

In this research, a descriptive analytical approach was taken to the study of this phenomenon, and the research was divided into introductory and two sections, as follows:

First Topic: The Concept of Digital Drugs.

Second Topic: The Adequacy of Jordanian Penal Legislation in Countering Drugs Digital.

First Topic

Digital drug concept

To understand the concept of digital drugs, it is necessary to first define the concept of narcotic drugs and psychotropic substances and their types and effects, and then to address the definition of digital drugs and determining their identity, types and effects. This research will be divided into two requirements, the first of which deals with the concept of narcotic drugs and psychotropic substances. Let us consider what digital drugs are in the second requirement, as follows:

First requirement

Concept of narcotic drugs and psychotropic substances

This requirement deals with the definition of drugs, their types and effects in a first section, while in section II the definition of psychotropic substances and their types is dealt with as follows:

Section I: Identification of drugs, their types and effects:

Jurisprudence does not agree on an exhaustive definition of narcotics. Some define it as a substance with certain properties whose use and addiction other than for treatment purposes has a harmful physical, mental, or psychological effect whether it is taken by swallowing, smell, injection, or any other¹ route. Others have defined them as natural or synthetic substances, many of which are used for medical and scientific purposes. When misused, they cause damage to public health and are limited by international agreements to adjustable schedules in order to facilitate their control and to face their continuous development to protect humanity from their destructive² dangers.

Drugs are usually specified in legislation either through the legal texts themselves or through tables attached to the law. They are specified in those tables exclusively. The narcotic substance may be identified by the competent experts in this regard by specifying the drug addiction to the substance. If the drug³ is to be adjudicated, the substance is to be considered. In the case of the substance, the substance is to be adjacent to the substance. In the case of the substance, the substance is to be considered a drug or the substance is to be used as a drug. In the case of the case of the substance being. The addiction is to the drug.

With reference to Jordanian penal legislation, the Jordanian legislature has defined narcotic substances by schedules. It has defined narcotic substances as any natural or synthetic substance listed in tables numbered (1), (2), (3) and (4) annexed to this law⁴.

The Jordanian legislature defines narcotic drugs in terms of their source. Drugs can be divided into two types: natural and synthetic drugs :

¹ Dr. Awad Muhammad: Penal Code for Crimes of Drugs, Customs and Monetary Smuggling, Modern Egyptian Office, Cairo, 1996, p. 25.

² Dr. Samir Abdel Ghani, Principles of Drug Control-Addiction and Control, Legal Books and Diaspora Publishing House, Cairo 2009, p. 16.

³ Dr. Muwaffaq Hamad Abed, Crimes of Narcotic Drugs and Psychotropic Substances, Comparative Jurisprudence Study, Al-Sanhouri Library, Beirut, 2018, p. 14.

⁴ Article 2 of the Narcotic Drugs and Psychotropic Substances Act No. 23 of 2016, and its amendments of 2023, respectively; and 2023 (Art.



- Natural drugs ⁵: Substances of plant origin such as opium poppy. The opium mainly affects the brain, nervous system and muscles, and its users exhibit symptoms within a short period of time. It has an organic effect on body tissues that causes addiction.

Another natural drug is cannabis, a herbal plant that grows in many parts of the world, as well as the coca tree, from which cocaine is extracted. The cocaine is extracted, either by chewing coca leaves or by smoking coca paste after mixing it with tobacco or water, or by inhaling it in powder or by injection.

- Synthetic drugs: Substances artificially extracted, mixed or prepared from natural drugs. Their use results in partial or total loss of consciousness and may lead to psychosocial and organic addiction among users. Morphine is injected under the skin. Its addiction may lead to memory impairment, nervous disorders, severe pain, a cold . Heroin, the most rapidly ⁶feeling and may lead to insanity addictive drug derived from opium and morphine, is a white-gray powder form that is inhaled or dissolved in water and injected into a vein⁷. Another synthetic drug is cocaine, the active ingredient found in coca plants, which is taken by sniffing, and leads to bouts of anxiety and panic, and its addiction leads to reckless and aggressive⁸ behavior.

- Section II: Identification of psychotropic substances, their types and effects

Psychotropic substances are drugs that have the characteristics of natural and synthetic drugs or natural substances that are not drugs. The Jordanian legislature defines them as: Each natural or synthetic substance listed in tables with numbers (5), (6), (7), (8) and (9) attached to this Act⁹.

Depending on their effect on the nervous system, psychotropic substances can be divided into three types:

- Nervous system stimulants : Among them are amphetamines, which lead to psychological addiction. Even though users feel strong and active, these activities start to diminish after four hours of use, causing sufferers to feel sick, depressed, and collapsing which makes them need more successive doses of this drug¹⁰. Among them are maxiton forte, which is a liquid steroid given by intravenous injection. Although it leads to temporary recovery, it leads to fatigue, rapid heartbeat, dry throat, hepatitis infection, and AIDS. Among others, Captagon, Ice, Acetic and Ecstasy have been the result of all drugs to a brain nerve cell disorder and feelings of anxiety and depression ¹¹.
- Neurodepressants: Pharmaceuticals that inhibit the activity of the central nervous system in humans include barbiturates and sedatives ¹².
- Hallucinogens¹³: A group of psychoactive substances that affect cognition, sensation, and emotion to a degree similar to that of a mentally ill person, as well as experiencing delusion and auditory and visual deception, including lysergic, mescaline, and phencyclidine.

Second requirement

What Digital Drugs Are

This requirement deals with digital drugs in terms of their definition, type, origin and mechanism of action in two successive sections, as follows:

⁵ Dr. Mowaffak Hammad Abed, op. cit., p. 17-p. 21.

⁶ Dr. Muwafaq Hamad Abed, op.cit., pp. 23-24.

⁷ Dr. Adel Al-Demerdash, *Addiction, Its Manifestations and Treatments*, Dar Al-Maarafa, Kuwait, 1982, p. 12.

⁸ Sameer Abd El-Ghani, op. cit., p. 125.

⁹ Article 2 of the Jordanian Narcotic Drugs and Psychotropic Substances Act.

¹⁰ Dr. Adel Aldemerdash, op. cit., p. 122.

¹¹ Dr. Muwafaq Hamad Abed, op. cit., pp. 29-31.

¹² Dr.. Muwafaq Hamad Abed, *former Repertoire*, p. 31-32.

¹³ Dr. Ali Kamal, *Psychology, Pathology and Treatment*, G1, Wasit Publishing House, Baghdad, I4, 1988, p53.



Section I: Introduction of Digital Drugs and Their Types: The emergence of the Internet has had a significant impact on societies in various fields, whether health, social, economic or cultural. The use of the Internet has its positive aspects. However, it is not without negative aspects, especially with the increasing interest of young people and adolescents in accessing the Internet, with its many web sites with diverse content and content.

There is no doubt that the contribution of this network to facilitating the commission of crimes, contact between criminals, the use of websites for the purposes of trafficking and marketing of drugs, contraband, prostitution and other crimes, and the emergence of so-called cybercrimes, i.e. those committed through electronic means, constitute the most serious negative aspect of the use of the Internet.

In the face of this steadily increasing danger, especially in the field of drug trafficking, the international community has been alerted to this, and the United Nations General Assembly issued a resolution in which it referred to the role of the Internet in the growing world drug problem, which requires international cooperation in this field¹⁴.

One of the negative uses of the Internet is the emergence of so-called digital drugs, which are sound files or tones of different frequencies, unilateral or bilateral, sometimes accompanied by random visual forms, and can be downloaded on the Internet through websites specialized in the promotion and sale of these files¹⁵.

This means that these audio files are engineered to deceive the brain by transmitting different-frequency sound waves to each ear, the brain unifies the different frequencies between the ears to a single level, the sound difference, so the brain becomes electrically unstable, which leads to reduced memory efficiency and poor concentration, increased rates of depression, and a specific sensation that mimics the sensation of a traditional drug type according to the type of difference that occurs in the brain¹⁶'s electrolysis.

Neurologist Dr. Raji Al-Omda, Counselor of the United Nations Medical Committee, argued that these frequencies and sound waves result in a negative effect on the recipients, in that they affect the level of brain electricity, they result in mental wandering, which is a very serious condition to the brain, leading to detachment from reality and severely impaired concentration, which may consequently lead to seizures, hallucinations, shivering, rapid breathing, and rapid heartbeat in the recipient¹⁷.

American expert in neuropsychological effects, Bridget Forgo, believes that the excessive use of stimulated sounds can in the long run lead to sleep disturbances or anxiety, just as the use of stimulants, which in some cases are used as psychological treatment." According to American doctor Jean-Marie Marfan, "These vibrations and sound waves cause a bad effect on the listener, as they do not make him feel elated, and cause what is known as mental strains, dissociation from reality and a decrease in concentration. With the recurrence of this situation, the occurrence of convulsions and a constant need for these frequencies that manipulate the brain by imposing certain waves without the will of the human ¹⁸mind."

Therefore, digital drugs are based on listening to music in ways that are incompatible with its natural uses for the purpose of pleasure, tranquilizing, relaxing, relaxing, and relaxing, and moving the individual into the world of unconscious and unconscious, through the varying frequencies of

¹⁴ See United Nations General Assembly resolution 45/132 of February 2000.

¹⁵ Omar Abbas Khudhair Al-Obaidi, *International and National Confrontation in Combating Crimes of Digital and Traditional Drugs*, Center for Arab Studies, first edition, 2021, p. 77.

¹⁶ Mohamed Morsi, *digital drug addiction and its impact on Arab youth*, field study applied to Arab youth at Al-Azhar University, Cairo, 2016.

¹⁷ Omar Abbas Al-Obaidi, *op. cit.*, p. 86.

¹⁸ Dr. Ahmed Abdel Wahab Mohamed Abdel Wahab, research entitled *Adequacy of Current Criminal Legislation to Criminalize Digital Drugs*, First International Scientific Conference, Faculty of Law, Sadat City University, pp. 14-15.



this music, and thus disconnected from reality and entering the world of hallucinations and orgasm, in a way similar to his counterparts of traditional drug users such as marijuana, opium, and others.

Digital drugs are divided into two types¹⁹:

- Crystal myth: A soft tune that relaxes and hallucinates and elicits a kind of euphoria through the flashback of painful memories.
- Heavy metal wave: A type of loud ringtone that stimulates body and mind cells and dramatically increases individual activity.

Section II: The origin and operation of digital drugs:

In 1839, the physicist HEINRICH WILHELM DOVE demonstrated that if two different frequencies were projected for each ear, the person would hear a rapid pulse sound, a phenomenon called BINAURAL BEATS, which was used to treat some psychiatric patients in 1970, and those patients suffered from anxiety and depression and refused pharmacotherapy, so their brains were exposed to electromagnetic frequency oscillations leading to the sorting of active substances such as dopamine and betaphene, thus improving sleep cycles and giving them comfort and improvement, as well as

²⁰learning rates.

Young people and adolescents are seduced and persuaded to use these websites, which provide information on the benefits, types, and effectiveness of each type of tone. In addition, they are provided with a guide and guidance explaining the mechanism of use, the types of tones, the prices of each, and the emotions that arise from using them. Seduction is accomplished by showing past experiences, according to them, to the young people who used these files and used their tones, and how each of them feels happy, relaxed, and exhilarated after suffering from psychological problems such as stress and anxiety, and when the user of these files listens to the tones' sounds, the sound of hearing is the result of hearing disorders, which is the cause of digitization, which is the main effect of drugs. If the right ear is exposed to a 250-Hz wave, and the left ear is exposed to a 240-Hz wave, the brain will process the two waves to form a new sound and a 10-Hz wave, which is the same wave that the brain produces in the relaxation state, and each type of sound file targets a specific pattern of brain activity, depending on the duration of exposure, sometimes vision is used to increase brain stimulation, and listening to these files for a long time leads to drowsiness, dizziness, wakefulness, or intense wakefulness, which may also lead to a tingling or discomfort count. It is worth noting that the websites provide free doses for the experiments and listen to them. After that, a full dose is ordered, which ranges in price from \$30 or more, to continue the use process and subsequent addiction²¹.

It is noted that the mechanism for delivering these doses on the website in the aforementioned order is similar to that of presenting and promoting traditional drugs, but if the dosage available on the website is not sufficient to produce the desired feeling, the website provides a dosage or other tone design service that is sufficient to achieve a feeling of euphoria and lack of awareness.

We believe that, regardless of the degree of symmetry between digital and traditional real drugs in terms of the impact they have on their recipients or users, there is no doubt that digital drugs or audio files have negative effects on their recipients in the form of mind-wandering, spasticity, hallucinations, absence of consciousness or unconscious status, which requires addressing this phenomenon at the international and national levels.

In keeping with the international efforts to combat drugs, the most important outcome of those efforts was the conclusion of the 1961 International Convention on Narcotic Drugs, which was called the Single Convention on Narcotic Drugs. One of the objectives of the Convention was to expand the work of international control agencies and to consolidate international efforts in that area. The

¹⁹ Dr. Mahmoud Ali Moussa, *Digital Drugs and Digital Addiction*, Suez Canal University, 2017, published on the website:

<http://www.researchgate.net> 10/6/2023.

²⁰ Omar Abbas Khudhair Al-Obeidi, op. cit. 78.

²¹ Omar Abbas Khudhair Al-Ubaidi, former reference 79-82.

Convention included four tables, including the types of drugs and preparations to which the provisions of the Convention applied. An international conference was held in Vienna in 1971, at which time the International Convention on Psychotropic Substances was concluded. The scope of the international drug control system included hallucinogenic and neurological substances. In 1988, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. One of the main objective was to strengthen international cooperation in addressing the problem of illicit Narcotic Drugs and Psychotropic Substances²².

It is noted that all the aforementioned conventions have subjected drugs and natural and synthetic psychotropic substances only to international and national control. As for the so-called digital drugs, they have not been taken up by any of them, and the reason may be understandable if we say that the use of this type of digital drug or audio files is newly established phenomena, which has raised controversy about the accuracy of the naming of drugs on this type of file, the extent of its negative impact on the human brain, and the similarity in its effects with traditional drugs.

Second Topic

Adequacy of Jordan's Penal Code against Digital Drugs

The adequacy of Jordan's penal legislation against digital drugs must be addressed through the Penal²³ Code, the Narcotic Drugs and Psychotropic Substances Law, and the Jordanian²⁴ Electronic Crimes Law. These requirements are set out in three separate sections.

First requirement

Criminal and Digital Drugs Act

The principle of legality is one of the important constitutional principles aimed at achieving justice and equality by protecting the individual interest and protecting the public interest at the same time. This principle implies that there is no crime and no punishment except by law. The legislator is the one who is the wrongdoer of the act or conduct of the individual. A crime is a positive or negative behavior of a free will for which the law prescribes a penalty. Therefore, if there is no provision of law criminalizing and punishing such conduct, such conduct is lawful²⁵.

Article 8 of the Jordanian²⁶ Constitution stipulates that "no one may be arrested or imprisoned except in accordance with the provisions of the law", and since the provisions of the Penal Code and the supplementary laws specify what constitutes an offense and the penalty for it, this law affirms this principle. Article 3 of the Penal Code stipulates that "no crime shall be imposed except by a provision and no penalty or measure which the law does not provide for when the crime was committed".

The proper application of the law requires that the court, if it finds that the act attributed to the accused does not constitute a crime, shall rule against his lack of responsibility, as affirmed in article 236/2 of the Jordanian²⁷ Code of Criminal Procedure. According to this article, the judgment of non-liability shall be in the event that the act does not constitute an offense or does not warrant punishment. The Jordanian courts are determined to uphold this principle, as the Jordanian Court of Cassation has affirmed in many of its decisions²⁸.

²² Dr. Mowaffak Hammad Abed, former Repertory, pp. 77 and onward (op.

²³ Jordanian Penal Code No. 16 of 1960 and its amendments until 2021.

²⁴ Electronic Crimes Law No. 27 of 2015.

²⁵ Dr. Abdulrahman Tawfiq Ahmed, Commentary on the Penal Code, General Section, House of Culture, Amman, Fourth Edition, 2022, pp. 114 et seq. 43. See Dr. Mohamed Sobhi Negm, Penal Code, General Section, General Theory of Crime, House of Culture, Amman, 7th edition, 2016, pp. 50-52.

²⁶ The Jordanian Constitution of 1952 and its amendments until 2023.

²⁷ Jordanian Criminal Procedure Code No. 9 of 1961 and the amendments thereof No. 32 of 2017.

²⁸ See Jordanian Court of Cassation Decision No. 837 of 2021 of 3 May 2021 and Decision No. 355/93 of 4 January 1994 of the Court of Cassation, Adalah.



In reviewing the provisions of the Penal Code, the Jordanian legislature does not include any criminal provisions relating to the use of drugs. As a result, the law makes no mention of digital drugs.

Second requirement

Narcotic Drugs and Psychotropic Substances code and Digital Drugs

This Act is considered a supplementary law to the Penal Code, and the Jordanian legislator has defined the narcotic substance as: every natural or synthetic substance listed in tables with numbers (1), (2), (3), and (4) attached to the Penal Code. The preparation is also defined as: Every liquid or solid mixture contains an anesthetic as provided in Table No. (10) to this Law. Psychotropic substances were defined as: every natural or synthetic substance listed in tables with numbers (5), (6), (7), (8), and (9) attached to the present Act; and each of the substances listed in the tables with the numbers (5), (6), (7), (8), and (9) attached to the present Act. Precursor chemicals were defined as: every chemical that could be produced, enter into the manufacture of, or assist in the production of, narcotic or psychotropic substances listed in Tables (11) and (12) annexed to this Act.

The legal element of the crime is the essence of the principle of legality mentioned previously in accordance with this Law, which determines the scope of criminalization and, consequently, the responsibility of the perpetrator. The substance that is being used, circulated or dealt in must be included in the tables annexed to this Law. This means that any substance not included in these tables is outside the scope of criminalization, and therefore any treatment in any way remains within the framework of legality and legality.

Although the Jordanian²⁹ legislature has penalized anyone who uses the information network or any means of dissemination, information, or creation of a website to instigate the illicit dealing, circulation, promotion, encouragement, support, dissemination or facilitation of illicit activities in narcotic drugs, psychotropic substances or preparations for such activities, including instruction on how to manufacture, produce, cultivate, use, distribute, sell, marketing, promote or traffic, any offense punishable under this Law has been punished by, disseminate, participate in, or participate in the dissemination of any offense punishable under this Act by the use of the information network, any website or website, or by, or by, or by, or by, or by, an intermediate, the penalty. However, the substance that is prohibited in any of the aforementioned forms is the natural, synthetic or chemical drug substance, and it does not in any way depart from the audio files published by those websites or what is known as digital drugs. According to this law, the substance and its source are the real substance of the drug as described therein. Even if scientific studies have conclusively established that these sound files have the effect of conventional drugs on humans, in accordance with the principle of legality, where there is no crime and no penalty unless provided for by law, and since the legal element in drug crimes is the fact that the substance is listed in the tables annexed to this law, this type of drug, and by that we mean the digital drug, the result of the Jordanian law on narcotic drugs and psychotropic substances does not apply to them.

Therefore, if it is proven that digital drugs can be compared to traditional drugs in terms of the harm they cause, legislative intervention is needed to criminalize their use, use or promotion. As we mentioned earlier, this means protecting and deterring individuals, especially young people and adolescents, on the one hand, and protecting society at large from their negative effects and repercussions, on the other.

Third requirement

Cybercrime and Digital Drugs code

These crimes are committed in an electronic environment that differs from the one in which the traditional crimes are committed. Therefore, concerted efforts were needed to confront this type of crime, through the development of the necessary legislation and the inclusion of deterrent penalties to protect the interests that are being attacked. The various national legislations differed

²⁹ Article 23 of the Jordanian Narcotic Drugs and Psychotropic Substances Act.



in terms of the policy that they followed in building the legal framework for cybercrime and determining its legal elements. Some of them left the matter of regulating and criminalizing cybercrime to the traditional penal legislation represented in the Penal Code, while some of those legislations devoted an independent law dealing with this type of crime, including Jordanian penal legislation.

In 2010, the Temporary Information Systems Offenses Act of 2010 was passed, which included provisions criminalizing certain acts related to information technology. This temporary law remained in force until the enactment of the Electronic Crimes Act No. 27 of 2015, which criminalized a number of criminal behaviors committed through information systems, information networks and websites as a means of perpetrating or substituting for them. Article 15 of the Act referred any other offense punishable under any legislation in force committed using the information network or any information system or website to that provided for in the legislation, and this means that if an offense was committed through an electronic means not provided for in this Act, the law would have made it a crime, and the law would have made it a crime that had not been committed by means, and the Act would have been a crime. The law applicable in this case is the Penal Code, which is the parent law of the other criminal legislation. Where the offense of fraud is punishable, it is applied to the offense.

Although efforts have been made to define cybercrime as a newly created crime, no specific definition has been reached, and some have defined it as "all acts contrary to the law and the Shariah that are committed by computer over the Internet and that require special protection for computer and information systems technologies, whether to commit or to investigate, and also mean any illegal activity arising in one or more components of the Internet, chat rooms or e-mail"³⁰.

For our part, electronic crime can be defined as any conduct or criminal activity of free will committed through electronic data (systems, networks or websites) or targeting such data, punishable by law.

The Jordanian legislator defined the website as a space for making information available through the Internet through a specific address,"³¹ and the question here is, was the Jordanian legislator punished for creating a website for selling or promoting audio files (digital drugs)?

If we go along with the provisions of article 15 of the same Act, in terms of reference to other penal legislation in the absence of a provision criminalizing the act in this Act, it can be said that, while confirming the concept of drugs adopted by the Jordanian legislature in the aforementioned Act on Narcotic Drugs and Psychotropic Substances, namely, that drugs whose use, circulation, trafficking or dealing are punishable in any way, are the natural or synthetic drugs listed in the tables annexed thereto, irrespective of the means of use or use, whether in the use or use of drugs, or through the promotion of drugs, it is said to be said as a means of trafficking, for example, or as a form of trafficking, the object of which is prohibited by the Act. Narcotic drugs are narcotic by nature or chemical composition and are listed in the tables in question. Accordingly, the provision in the Drug Law criminalizing such behavior is applied. The substance of the drug is not classified by this law into audio files or so-called digital drugs.

As a result, Jordanian criminal legislation, whether the penal code, the drug law or the electronic crimes law, contains no criminalization provisions that punish the creation or use of a website for the purpose of selling, promoting, receiving and using such audio files.

We believe that if it is scientifically proven that these sound ringtones or files have negative effects on the mental and physical integrity of the human being caused by traditional drugs, and in view of the growing interest of young people and teenagers in using technology and taking long periods of time to surf the Internet, especially since this is mostly done in a closed room, away from eyes and parental control, and to prevent the risks and damages that can result from this, and based on the

³⁰ Dr. Muhammad Al-Shibli Al-Atoum, *Information Technology Crimes, General Theory of Cybercrime*, House of Culture, Amman, first edition, 2021, p. 19.

³¹ Article 2 of Jordan's Electronic Crimes Act 27 of 2015.



role of the penal legislature in protecting the rights of individuals and groups by intervening in criminalizing any behavior that would pose a threat to the security and stability of society, and so that these behaviors do not remain outside the scope of criminalization and punishment, it is necessary to study the matter of competence and to formulate the appropriate legal texts in a manner that makes the creation of audio-based on the creation of a website to sell or sell these drugs, or to sell them, or use them, or sell them as digital drugs, or to carry them as a criminal offenses by making amendments and adding legal texts to the Drug Law or the Electronic Crimes Law so as to make them criminal. However, in view of the serious effects of the use of such audio files (digital drugs), if they are not criminalized by new legal texts, it is possible to adapt some legal texts in the Penal Code to apply to them, especially those provisions relating to the protection of human life and physical integrity. If the activities of the promoter are to entice the recipients and to delude them of their benefits and advantages to induce them to pay them money, it is possible to adapt the legal article on the crime of fraud contained in the Penal Code for the purposes of applying it to the conduct of the person who is promoting it.

CONCLUSION

In conclusion, the main conclusions and recommendations of our study can be highlighted as follows:

Results:

- The study showed that, despite the benefits of the Internet for individuals and communities, there is a negative aspect of the use of the Internet in facilitating the commission of crimes and communication between criminal networks. The wide spread of the Internet has also brought into existence the emergence of a new negative phenomenon of digital drugs.
- The study showed that digital drugs are sound files or tones with different frequencies, unilateral or binary, and are sometimes accompanied by random visual forms, which can be downloaded on the Internet through websites specialized in the promotion and sale of these files, and that these audio files are engineered to deceive the brain by transmitting sound waves different in frequency to each ear, where the brain unites the different frequencies between the ears to reach one level, which is the sound difference, and thus the brain becomes electrically unstable, which leads consequently to a decrease in memory efficiency and concentration, increase in depression rates, and move the individual to the unconscious world through the sensation of this shaky music and entrance, thus stimulating the world, thus creating a certain sense of aesthetics, and entry into the world One type of traditional drug depends on the type of difference that occurs in the electroencephalogram.
- The study showed that the Jordanian Narcotic Drugs and Psychotropic Substances Act defined narcotic substances, preparations, psychotropic substances or chemical precursors based on the source of such substances, whether they were natural or synthetic, and that, in accordance with the principle and essence of legality, there was no crime or punishment except under the text of the law, the legal element of the various drug offenses set forth in this Act was that the substance used, circulated or dealt with must be included in the tables annexed to this Act. This means that any substance not listed in these tables is outside the scope of criminalization, and therefore dealing with in any form remains within the framework of legality and since the definition of narcotic drugs in accordance with this Act does not fall outside the scope of digital criminalization (digitization).
- The study also showed that other Jordanian penal legislation-whether the Penal Code or the Electronic Crimes Law-did not include any texts or legal articles criminalizing digital drugs.
- In the absence of a legal text criminalizing digital drugs, the act of promoting, selling, and using digital drugs can be subject to the criminal provisions contained in the Penal Code related to the protection of human life and safety of his body, and if the person who promotes digital drugs intends to inspire and seduce the victim in order to push him to give it money, it is possible to apply the text of the Penal Code relating to fraud.



Recommendations:

- The negative and harmful effects of digital drugs on the human brain stem from the level of danger that affects the minds and senses of young people and teenagers. Keeping these types of drugs outside the scope of criminalization would make things worse, and we therefore hope that the Jordanian penal legislature will take positive steps-after coordinating with specialists on this new phenomenon-to enact the necessary legal provisions to criminalize all negative activity related to this phenomenon - be it the creation of a website for selling and promoting digital drugs, facilitating their use or use -coupled with penalties that are commensurate with the gravity of the act committed and that achieve deterrence and the protection of the security and stability of society.
- The universality of the Internet confirms that the phenomenon of digital drugs transcends national borders of States. This requires the international community to unite and coordinate among itself to confront this phenomenon, and to address it through the enactment of international legislation in this regard, and to activate coordination between the regulatory agencies or law enforcement agencies in various States in order to combat this phenomenon, which harms the security and safety of societies.
- Blocking websites that promote this type of drug, and activating the role of the media in educating the young generation and family education about the dangers of this phenomenon.

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