

DIGITAL DRUG EXAMINES UNDER INTERNATIONAL LAW

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Abstract. The article is about what happening between individuals and nations recently. Is a kind of assassinations of scientists and thinkers in electronic science, fearing the development of deadly weapons or the invention of sophisticated technology and more effective or sophisticated drugs, which is today called "War Of Minds", And instead of killing and depriving a person of the most fundamental rights such as the right to life, which is guaranteed by all international conventions but has been using an advanced means to create hallucinations in the human mind or to calm its effectiveness and to extinguish its roots or to completely distract from thinking, Because of the revolution of backward reality and what inspires in the hearts of some people from jealousy and envy.

Keywords: Digital Drug Examines, International Law, War Of Minds.

INTRODUCTION. The scientific and medical use of sound effects came into existence a century ago, and the relationship between human and these sounds was revealed through their influence on his feelings and emotionality, but with the revolution of technology or the so-called "**Globalization**" which resulted in three basic types of economic, cultural and social globalization, and the most impact on the lives of young people is cultural globalization, this is due to the spread of the media and information technology, namely the communications revolution, especially the internet, which played a large role in establishing the cultural environment of the individual, it also greatly affects the language, behavior, culture and awareness of the user and even his national identity and affiliation within his community.

This development has two faces, a positive face and a hidden hideaway negative side represented by the use of music promoters through the use of acoustics as commercial goods for profit under different names, Using the psychological effects "**I dosing**" and "**Dig pill**", which was associated with drugs and emerged what is called "**Digital Or Electronic Drugs**".

FIRST: THE IMPORTANCE OF THE SUBJECT

Despite the spread of the so-called "**Digital Drugs**", which their effects have emerged psychological, biological, economic and even security and cultural, However, all this is met with legal silence so it was necessary for us to stand up to be our study as a glimmer of hope for future studies.

SECOND: THE REASON FOR CHOOSING THE SUBJECT

Every development is a double-edged sword the reason for choosing the subject is to show the negative side used by organized criminal gangs to attract the youth and violate the rights recognized by international conventions and declarations, all through the use of the art of audio and turn it into an illegal business using the development of the use of social media by young people under attractive names.

THIRD: METHODOLOGY OF THE SUBJECT

We adopted the "**Inductive**" and sometimes "**Comparative**" methodology to stand at the subject of our research.

FOURTH: RESEARCH STRUCTURE. In coordination with the above we divided the research into an introduction and two chapters In the first chapter we spoke about (concept of electronic drugs), and the second chapter (means of combating digital drugs) , and we concluded with the most important conclusions and proposals.

CHAPTER ONE CONCEPT OF ELECTRONIC DRUGS. The misuse of drugs of all kinds and their increasing prevalence, rapid and hidden, and the absence of the foundations of legal national or international effective and the absence of international control on the mechanism and legitimacy and the illegality of circulation on the one hand, and the development of the means of modern technology in recent decades on the other hand, has contributed remarkably to the spread and very horrifying and under various names such as "**Digital Drugs**" or "**Electronic Drugs**" or "**Modern Drugs**", which required us to stand at that term in this chapter by clarifying its concept, means and reasons for taking it in general, as well as to examine the availability of international and national legal rules that prevent the abuse of such drugs and punish their traffickers, each in a separate section as follows:

SECTION ONE DEFINITION OF ELECTRONIC DRUGS

Allah subhanahu wa ta'ala says "*O you who believe! Khamr, Maysir, Ansab, and Azlam are a filth of Shaytan's handiwork. So avoid that in order that you may be successful.*"¹, Narcotic in Arabic is an name of who doing the action It is derived from the verb numbness and the word numbness and derived from them are called on several meanings in the Arabic language for example, everything that gives rise to a marked chill or relaxation in the body, or mean laziness and darkness of the night and the dark place and the intensification of heat and cold, and the numbness from the drink is the weakness of the drinker, or it is what makes the nervous system lazy and does not do its normal activity², and the scholars differed when defining the drug between him and the idle

1 - Al-Maida, verse 90.

2 - Ibn Manzoor, Lsan'a Al Arab, Beirut, p. 232.

and the drunk on the basis that the narcotic that makes him sleep carries the same meaning, which misses the mind and the senses without being accompanied by ecstasy and pleasure¹, and The drug was said to be "**a kind of poison**" and if happen a few of it heals people and that addiction to the drug resulted in the damage not only to the users, but to his family and society², scientifically its "any chemical substance that causes sleepiness, sleep or lack of awareness accompanied by pain relief"³.

The concept of narcotic was also defined in the 1961 Single Convention on Narcotic Drugs as "every natural or synthetic substance of narcotic substances in Schedules I and II of the Convention"⁴.

So what is observed on these definitions that they came absolute and did not specify their types, but left the order to determine their types and attributes depend on the extent of their impact and effectiveness of each particular type, leaving it to scientific medical literature and this is demonstrated by the flexible schedules of national laws and international agreements, which means that it leaves space for adding items, species and names that will appear in the future to the existing list and attached to the legislations, A good example of this is the recent topic of our research of "**Digital Drugs**" or "**Electronic Drugs**" that have emerged in the last decade.

IF it was the main divisions of drugs are "**Traditional**", including "**Natural Drugs**", which are prepared directly from plants, And the "**Manufactured**", which is extracted from a natural anesthetic indirectly, and "**Synthetic Drugs**" that are artificially manufactured by other elements or compounds this category includes hypnotics and analgesics, which include barbituric acid and stimulant or activated drugs⁵, the most

1 -Lawyer Mahmoud Zaki Shams, Methods of Drug Control in the Arab World, part 1, without Place and Year of Publication, p. 29.

2 - Lawyer Mahmoud Zaki Shams, op. Cit., P. 42.

3- Dr. Mahmood Mustafa, Explanation of the Special Penal Code, 6th Edition, Cairo, 1964, p. 711.

4- Article 1 (j) of the Single Convention on Narcotic Drugs of 1961.

- 5- Munther Abdul Razzaq Al-Alusi, International Efforts in the Fight Against Narcotic Drugs and Psychotropic Substances, Diyala University Journal, No. 45, 2010, p. 449 et seq. famous types of alcohol, **Cannabis**, **Marijuana**, **Opium**, medical tranquillizers such as **Morphine**, **Heroin**, sedative and stimulant drugs such as **Cocaine** and hallucinogenic substances **LSD**. And inhalants such as **Gum**, **Amphetamines**, **Cocaine**, **Khat** and so on¹, after the industrial revolution and the development that took place in the means of technology, especially the means of modern communication resulted in another type of drug types that are similar and different sometimes other than the traditional drugs, namely "**Digital Drugs**", which can be defined as "tones heard through two speakers each with permission to the same person, Certain sound frequencies are sent in the right ear and Less frequencies are sent to the left ear"², Or "Ringtones are heard in both ears so that frequencies are broadcast in the right ear for example and frequencies less than those in the left ear and often in the form of {mp3} and reach the brain and affect the natural vibrations and then moving the users to another world of relaxation and comfort Delusional"³.

And found these drugs a large and popular among the Internet users of the youth, and some of the scholars confirms that they are a great illusion and did not notice any effect, but the loss of dollars to buy doses, contrary to others which sees that their effects appear between joy and joy and ecstasy and similar effects of drugs that they are accustomed to abuse, it was said to be "audio files containing mono or binary tones heard by the user, making the brain reach a state of numbness similar to the effect of real drugs," , or at least this is what some claim. These audio or digital files were designed to simulate hallucinations and ecstasy associated with the use of narcotics by influencing the mind, this effect, which occurs through many non-

1- Munther Mohammed Aboud, Narcotics, Ministry of Labor and Social Affairs, Iraq, 2014, p. 2 and beyond, dr. Jamal Mohamed Said Khatib, The Psychology of Drug Abuse, Arab Journal of Security Studies, p. 17.

2- Dr. Ben Daoud Ibrahim, Anthropology The Defiance of Digital Problems in Arab Youth, Algeria, Available on the website: www.asjp.cerist.dz/en/article Date of visit 11/6/2018.

3- Maysoum Layla, The emergence of new addiction through the Internet, an article Available on the website: www.platform.almanhal.com , Date of visit 29/5/2018.

auditory audio waves to the ear called "**White Noise**" covered with some minor rhythms to cover the inconvenience of those waves to some extent "¹.

We conclude that "**Digital Drugs**" is a commercial term and it is one of the latest means of addiction between humans and created by the new globalization used by the sellers to attract and attract young people in particular to receive it and give them a sense of happiness and euphoria of temporary by hearing the doses of music is very noisy and with different frequencies, the term "**Organized Crime**" began to be associated with the beginning of the nineties of the last century in conjunction with the situation of social, economic and political developments and the spread of corruption in most aspects of life and the accompanying industrial revolution in the field of informatics and digital communications, which led to the globalization of crime and make it organized and transit to the borders of the homeland, This is done by assisting the expertise and capabilities of multinational companies that seek to increase their profits by all means without fear of censorship, responsibility and risk while carrying out their work. Therefore, the most important reasons contributing to the spread of this problem are the political, security, economic, social and

cultural reasons. Corruption, violence, extremism and involvement in terrorist groups, all with the help of misuse of technology, which has contributed significantly to its spread.

1- Dr.Abo Surai Ahmed Abdel Rahman, Internet Use in Drug Abuse - Digital Drugs, Ministry of the Interior, Egypt 2010, p. 6-8 Research available at www.child-trafficcking.org Date of visit 11/5/2018.

SECTION TWO THE LEGAL STATUS OF DIGITAL DRUGS

Digital drugs are based in their manufacture and promotion on the potential of scientific and technological progress which facilitated their presence, spread and promotion, whether through magnetic disks or through the Internet or any other technological means, this means that it represents one of the negative aspects of modern technology, and many laws have created limitations to this freedom, for example, international human rights law, which began with the Universal Declaration of Human Rights of 1948 which emphasized the right to free participation in the cultural life of society and to enjoy the arts, and to participate in scientific progress, and to make all scientific rights reserved, which relate to scientific, cultural or artistic development ¹, on the other hand, restrictions on this right are determined by law in order to ensure that the rights and freedoms of others are recognized and respected, in order to protect public order and establish a democratic society ².

The 1966 International Covenant on Economic, Social and Cultural Rights also provides a text that affirms the right of everyone to enjoy the benefits of scientific progress and its applications and to protect the material and moral interests resulting from any scientific, artistic or literary impact of his work ³.

This right shall be restricted to what is prescribed by law, provided that it aims to support public welfare in a democratic society ⁴, while the International Covenant on Civil and Political Rights 1966 contains a provision guaranteeing the right to freedom of expression this right includes freedom to access and impart information and ideas to others

1- Article 27 of the Universal Declaration of Human Rights, 1948 . 2- Article 29 of the Universal Declaration of Human Rights, 1948 .

3- Article 15/1 of the International Covenant on Economic, Social and Cultural Rights, 1966.

4- Article 4 of the International Covenant on Economic, Social and Cultural Rights, 1966.

regardless of frontiers, whether in writing, in print, in any form or by any other means, this right corresponds to special duties and responsibilities under the law which are necessary to respect the rights and reputations of others and to protect national security, public order, public health or morals ¹.

The previous article show that both the Universal Declaration of Human Rights and the International Covenants have the right to enjoy the benefits of scientific progress, but they have limited this, provided that they do not harm the rights of others and the public order of society, which can be used as a deterrent to the abuse of technology in digital drugs.

On the other hand, the text of the Universal Declaration on the Use of Scientific and Technological Progress for Peace and the Good of Humanity states that "all States shall take measures aimed at enabling all human strata to benefit from the benefits of science and technology and to protect these classes from the harmful effects that may result from ill Use of scientific and technological developments, including abuse in a manner that affects the rights of individuals or the community, in particular with respect to respect for private life and protection of the human personality and physical and mental integrity².

We also recall the decisions of the World Summit on the Information Society (Tunis-2005), which stressed the ethical dimensions of the information society in terms of respect for peace and human values, respect for justice, human dignity and worth, and the protection the family, and the use of Information and Communication Technology and the content industry must respect the human rights and fundamental freedoms of others, Including personal privacy and the right to freedom of thought, conscience and religion in line with relevant international declarations, and all the active parties in the information society must take appropriate action and preventive measures, as determined by law, to combat the misuse of Information and

1- Article 19 of the International Covenant on Civil and Political Rights,1966 .

2- Article 6 of the Universal Declaration on the Use of Scientific and Technological Progress for Peace and the Good of Humanity, 1975 .

Communication Technology such as illegal acts and other acts motivated by racism, racial discrimination, xenophobia and related intolerance, hatred and violence, and all forms of abuse for children ¹.

The rules governing scientific and technological progress and the information society show that they protect their use under relevant laws so as to prevent the negative use of it, which can be used in the digital drug trade and may constitute a legal solution to deter drug traffickers.

As for the international agreements on drugs, they did not include any text referring to digital drugs. This is due to its recent spread and the lack of recognition by most international organizations of their existence and seriousness. However, digital drugs can be included among the types of drugs governed by these conventions.

1- Articles 56-59 of the World Summit on the Information Society Tunis 2005.

CHAPTER TWO

MEANS OF COMBATING DIGITAL DRUGS

Despite the fact that digital drugs differ from traditional drugs, they have both gravity and damage that require control and deterrence, , as well as examining the extent to which they could be included within the tables established under the drug control conventions, and what the means are needed to combat it, and this is what we will explain in this chapter by dividing it into two sections, as follows:

SECTION ONE

DIGITAL DRUGS AND DRUG CONTROL CONVENTIONS

International and regional conventions as well as national laws identified the types of drugs under their jurisdiction within specific listing that did not mention digital drugs. However, it created a solution to the new types of drugs and showed how they were included in those tables, the 1961 Single Convention on Narcotic Drugs shows how to change the scope of control through notification to the "Secretary- General" by States Parties or the "World Health Organization" of any amendment to any of the tables annexed to the Convention, the Convention also sets out a set of means to be followed in the event of a notice or the authorization of a new substance not included in its tables¹, while the Convention on Psychotropic Substances of 1971 was more explicit with regard to the addition of a new narcotic substance to its tables, stating: "If a State Party or the "World Health Organization" has information concerning a substance that has not yet been subject to international control and requires, in its opinion, mentioned it in tables of the present Convention, it would inform the Secretary-General and

1- Article 3 of the Convention on Narcotic Drugs, 1961.

provide him with all the information in support of the notification" ¹, the Convention also required to inclusion of an item in its tables, if produce a set of effects as follows:

The Convention mentioned if "World Health Organization" finds: ²

A-The Said Item May Lead To:

1- A state of dependency.

2- Alert the central nervous system or create hallucinations or disturbances in the function of movement or in thinking, behavior, sensation or mood.

3- Misuse or harmful effects similar to those arising from one of the substances listed in Table I, II, III or IV.

B- That there is sufficient evidence that the item is misused or maybe to be misused, creating a public health problem and a social problem, which must be subdue it to international control.

While the United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substances of 1988, when processing the subject of substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, explained the means of including an article in tables i or ii when a state party or the commission shall have information to do so by providing a notification to the "Secretary-General" with the supporting evidence ³, and the convention also obliges states parties to submit yearly information to the commission in accordance with the form and method established by it, and including information on any other substances not listed in Table i or Table ii that are found to have been used in the illicit manufacture of narcotic drugs or psychotropic substances, and the party considers it important to draw the attention of a committee to it ⁴.

1- Article 2/1 of the Convention on Narcotic Drugs 1971. 2- Article 2/4 of the Convention on Narcotic Drugs 1971.-

3- Article 12/2 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

4- Article 12/12 B of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

We conclude that these conventions have established a system for amending the tables attached to them, namely that the amendment, whether in addition to tables or deletions or transfers from one table to another, should be carried out in cooperation and coordination between the Secretary-General of the United Nations, and the World Health Organization and States Parties, and the Commission on Narcotic Drugs issues a decision to amend them.

It should be noted that the narcotics reports referred to the seriousness of the new psychotropic substances and the use of the Internet in them, which is defined as "a new drug or psychotropic substance, in pure form or in combination, not under the Single Convention on Narcotic Drugs of 1961 or the Convention on Psychotropic Substances of 1971, but may create a public health danger similar to the risks posed by the substances listed in these two Conventions" ¹,and these psychotropic substances pose a significant threat to the health and safety of people, are not subject to international control, contain potential risks and are often marketed as legitimate products, resulting in increased and rapid use of excessive doses from it ²,in addition to their serious health consequences, they pose a challenge to drug control systems at all levels - national, regional and global - and a number of means are being tested at the national and regional levels to address this issue. These include temporary measures and emergency measures in drug control aimed at stopping the imminent danger to public health ³,and the International Narcotics Control Board also noted and with the cooperation between the World Health Organization and the United Nations Office on Drugs

and Crime in developing criteria that prioritize new psychotropic substances, which should be carefully examined for possible consideration and consideration of international control, and the scheduling of new psychotropic substances At the international level, Countries continue to

1- United Nations Office on Drugs and Crime, World Drug Report, United Nations publication, New York, 2013, p. 127.

2- Report E/2014/28 And E-CN 7/2014/16 , United Nations, Commission on Narcotic Drugs, New York, 2014, p. 55.

3- United Nations Office on Drugs and Crime, World Drug Report, op. Cit., P. 122.

subject such effects to national control, and new psychological effects are also the subject of an increasing number of meetings and conferences worldwide. However, effective strategies have not yet been developed, The challenges posed by these substances and the diversity of their available abuse markets have been increasing, with the number of reports of new psychotropic substances as a cause of hospital emergencies and death¹, adding to the danger of these materials is the use of the web as a market for them, as this network constitutes a virtual market that can not be accessed by searching the web, and It is difficult for the state to implement the law and identify the identities of the owners and users of the sites, because their personalities remain hidden through the use of sophisticated and modern methods of concealment, and this makes them a safe haven for the buyers of drugs and illegal sellers, who trade with a digital currency called "BITCOIN"².

It is clear from all this that digital drugs can be included as one of the new psychotropic substances within the narcotics and psychotropic substances conventions and may be subject to the rule of law if they have been reported by States Parties, or the World Health Organization or the Anti-Narcotics Commission, and to combat and deter the perpetrators, which will be shown in the following section.

SECTION TWO

OTHER MEANS OF COMBATING DIGITAL DRUGS

The seriousness and difficulty of detecting digital drugs require a variety of means to prevent them, reduce their spread and punish their traffickers, whether they are preventive, regulatory or legal, whether taken by the individual, the family, the community or the law, if this phenomenon exists We must work to combat it and this response begins

1- Report E/ICNB/2015/1 of the International Narcotics Control Board, Vienna, 2015, p . 101.

2- United Nations Office on Drugs and Crime, World Drug Report, Compendium, 2014, p. 7.

several ways we will show each of them according to the following detail:

We first start with the family:

With regard to youth's use of digital drugs, the family has a major role to play in protecting them, as follows¹:

1- Awareness Role: Educating the family to its children about the dangers that threaten the safety of their children and their health and security in general is a basic duty, and its role in raising awareness of the dangers of digital drugs is more important.

2- Educational Role: The educational role of the family is comprehensive and diversified. It is based on providing the basic needs that help the child to carry out his or her mission. The most important of these is that our children have the principles, values and skills that help them to shape their vision in life, and what is the purpose of them existence

3- Supervisory role: Today the world is a small village and no longer protect the children by only preventing children from going out or monitoring their movements outside the house or observing the quality of friends who are mixed with them or the surrounding external environment, but the need for other types of protection and control, In modern technology, children have become connected to virtual worlds that affect their thoughts and are indoors, isolated from any real contact with anyone, and in their own rooms they become more at risk because of global communication and its perversity.

4- The Cooperative Role: The talk about the family and the importance of their role is not isolated from the society as a whole and what happens in it, so the community environment in all its political, educational, cultural, economic and social environment are key factors that guide the functions and roles of the family,

1-Wijdan Al-Tijani, Siddiq Abbas, The challenges facing the family in the prevention of digital drugs, Symposium on digital drugs and its impact on Arab youth, Naif Arab University for Security Sciences, 2016, p. 7-12

and affect the effectiveness of the performance of the family, Talk about the preventive role of the family depends on the effectiveness of cooperation between the family and all institutions and agencies concerned with the prevention of the threat of digital drugs.

The second way of combating digital drugs is the importance of electronic monitoring of electronic sites that present this type of drug or block it permanently because it is dangerous and must be combated at the local level of each country. and it should also be combated through an international network. As well as the need for countries to consider the possibility of establishing specialized institutions to follow up and study the negative practices transmitted and practiced through the Internet, and develop proposals for prevention from it¹.

On the legal side, the issue must be dealt with legally to confront both promoters and drug abusers, and to legislate the legal articles dealing with the subject and to keep pace with the rapid technological development in the

virtual digital world and by taking precautionary measures to prevent the risk of these new psychotropic substances which Promotes these hallucinogens ², and to update, develop and amend laws that criminalize the use of drugs to include this new type. and at the international level, it is necessary to make the necessary notices and reports on digital drugs, whether by States Parties or by the World Health Organization or the Anti-Drug Authority for inclusion in the tables you specified Conventions against Narcotic Drugs and Psychotropic Substances. Khalid Kazem Abu Al-Doh, Digital Drugs An Approach to Understanding, a search presented at the Symposium on Digital Drugs and its effect on Arab Youth, 2016, p17-18.

1- Jbeiri Yassin, Digital Drugs, Research published in the Journal of Islamic Law, Part 4, No. 8, Constantine, Algeria, 2015, p. 620.

CONCLUSION. At the end of our research, we reached several suggestions as follows:

- To call upon international and regional international organizations to work towards the creation of a unified working cell to eliminate organized international crimes to eliminate all crimes in violation of the rules of public international law through the establishment of specialized institutions in combating them and to provide all the necessary technical, financial and logistical support.

- Invite the World Health Organization and the drug control authorities to devise a device to alert the person in the case of tampering with frequencies in the event of first entry to these sites and was not intended to engage in dealing with the effects of electronic drugs.

- We propose to the international legislator to adopt legal articles added to the Single Convention on Narcotic Drugs, to make digital drugs a modern type of drug, and the most dangerous among them, and to increase the punishment of its sellers and to call on countries to accede to conventions that criminalize it.

- There should be legal and media awareness through the dissemination of the rules of criminalization of the abuse and promotion of these drugs through the traditional and electronic media and to highlight violations that violate all the rules of international human rights law or international humanitarian law.

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