

LEGALIZATION AND DECRIMINALIZATION OF MARIJUANA: EFFECTS ON ORGANIZED CRIME AND CRIMINAL JUSTICE

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Drug abuse is worldwide challenge and mitigation measures are implemented both at the national and international level. Marijuana is the mostly spread drug with 188 million people who reported use of the marijuana. National policies differ from strict enforcement of prohibition to decriminalization and legalization of marijuana. Over the last decade shift towards changing of policy and legalization of marijuana have been noticed in USA and Europe. Promoters of marijuana legalization among other things highlight that prohibition of marijuana produces significant costs for the budget through engagement of law enforcement, judiciary and prison administration and generates high profits for organized crime groups that are responding on demand of the market. After few decades of strict prohibition, especially in the USA we could notice that proclaimed goals were not achieved and that use of marijuana increased over time. Serbia opted for strict drug policy and criminalization of marijuana, however there are no evidence that this policy led to decrease of use or suppression of black market. In the article we are assessing effects of marijuana legalization in US and several European countries on organized crime and its potential relevance for Serbian decision makers.

KEY WORDS: *marijuana / organized crime / legalization / decriminalization*

1. LEGAL STATUS OF MARIJUANA IN EUROPE AND USA

Marijuana is the most widely used drug world-wide and is produced in every country on the planet. The 2019 World Drug Report estimated that it is used by 188 million people around the world or 3.8 percent of the global population aged 15 to 64 (UNODC, 2019: 7). The average global prevalence of marijuana use increased over the last decade. The increase was most noticeable in the United States where annual marijuana use increased from 10.1 percent in 2007 to 15.9 percent in 2018.¹ The trend in Europe has

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¹ National Survey on Drug Use and Health 2018, US Department of Health and Human Services, Substance Abuse and Mental Health Service Administration, Table 7.2B – Types of Illicit Drug, Tobacco Product and Alcohol Use in Past Year among Persons Aged 12 or Older: Percentages, 2002-2018. Data available at:

been different and marijuana use in Europe was stable with 6-7 percent of the population 15-64 age have used marijuana (UNODC, 2019: 23). In contrast to the production of other plant-based drugs, which is concentrated in a limited number of countries, marijuana is produced in almost all countries across the world. Marijuana plant cultivation was reported to UNODC by 159 countries, covering 97 percent of the world's total population (Ibidem: 10).

The illicit drug market constitutes significant source of revenue for organized crime, but also it represents a cost for state authorities, including law enforcement and public health system (Nedelmann, 2004: 1). To address these problems, the international and national measures were taken to prohibit marijuana production, distribution and possession.

The international drug control system has evolved since early XX century. Marijuana was first internationally regulated by the Second Opium Convention of 1925 adopted within League of Nation.² The 1925 Convention banned the export of marijuana resin to countries that prohibited its use (article 11(a)). Following II World War, three United Nation conventions regulates marijuana, 1961 Single Convention on Narcotic Drugs and 1972 Protocol amending 1961 Convention, 1971 Convention on Psychotropic Substances and 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. The 1961 UN convention provides that the use of all drugs, including marijuana, must be limited to medical and scientific research, including clinical trials (article 2, para 5(b) of 1961 Convention). The Convention specify that production, manufacture, export and import of, trade in, possession or use of drugs should be prohibited and punished in signatory countries. While in the 1961 and 1971 Conventions it was not clearly stated, the UN Convention of 1988 specifically requested countries to establish as a criminal offence the possession, purchase or cultivation of drugs for personal consumption. The 1988 Convention does not specify that marijuana use should be a punishable offence, although countries could decide to include such an offence in its legal system. Given that Conventions left possibility for states to adjust their legal solutions with Constitution and legal framework, there has been wide variety in responses across the world.

The legal status of marijuana in the states has been changing and evolving for years. Marijuana has been unofficially prohibited substance in the United States since the Federal Government passed Marijuana Tax Act of 1937 (Newton, 2013: 158).³ While the Federal Government maintains marijuana as a controlled substance, states have established a range of laws and policies regarding its medical and recreational use. In recent decades, the trend is changing from prohibition to regulating a legal marijuana market. Some states decriminalized the use of marijuana in the 1970s. In the USA possessing small amounts of marijuana was declassified to a misdemeanor during 1970s (Auriol, Mesnard, Perrault, 2019: 4).⁴ In 2001 some states began legalizing the medical use of marijuana. However, the number of marijuana arrests in the USA has been increased over the last few decades and in 2007 there were 872,700 marijuana arrests

<https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHDetailedTabs2018R2/NSDUHDetTabsSect7pe2018.htm> 24.04.2020

² In article 1, marijuana was referred to as "Indian hemp".

³ The Marijuana Tax Act imposed a strict regulation requiring a high-cost transfer tax stamp on marijuana sales, and these stamps were rarely issued by the federal government. Shortly after passage of the Act, all states made the possession of marijuana illegal.

⁴ In California, Colorado, Maine, Minnesota, Mississippi, Nebraska, New York, North Carolina, Ohio, Oregon and Washington.

comparing with 455,600 arrests in 1982.⁵ In 2007 nearly 88 percent of total drug arrests were for simple possession. Number of total drug arrest remain relatively stable in period 2008-2018 with the total increase of 7.6 percent (FBI, 2018). Although it is illegal on federal level, since 2012 eleven states in USA and the District of Columbia⁶ have legalized the recreational use of marijuana for adult citizens over the age of 21 (Berke, Gould, 2020) and more states are likely to follow soon.⁷ The level of implementation of the legislation permitting the non-medical use of cannabis varies across state jurisdictions and may even include different approaches within the same jurisdiction.⁸

Same as in the USA, marijuana is the mostly spread drug in Europe. According to the European Drug Report marijuana has the largest share in value of Europe's illicit drug market, with 20 percent of those in the 15-64 age group reporting having used marijuana in the last year (EMCDDA, 2019: 16), and the retail market for marijuana was estimated to be worth at least 11.6 billion EUR in 2017 (EUROPOL, 2019: 15).

EU does not have common approach to legal regulation of marijuana production, possession, distribution and consumption (see EMCDDA, 2018), including the approach towards use of marijuana for medicinal purposes. In the European Union, a system of limited distribution has evolved in the Netherlands since the 1970s, and this has seen further developments in the last few years. The Netherlands is only example in the EU that legalize marijuana sale through coffeeshops. Some EU countries, like Portugal (van het Loo, van Beusekom, Kahan, 2002), Croatia and Slovenia decriminalize use of marijuana and regulations mostly refers to personal possession or use, while some countries have decided to depenalization through the introduction of possibility or policy of closing criminal case without punishment like in Austria and Poland (Wade, 2009).

After German Parliament signed a law allowing the medical use of marijuana in March 2017⁹, Europe has seen a tremendous shift regarding legalization, cultivation and trade of medical marijuana.¹⁰ The shift in approach influenced on the European Parliament which adopted in February 2019 Resolution on use of cannabis for medical purposes (2018/2775(RSP) and asked European Commission to harmonize the regulatory and legal framework regarding cannabis products in the EU.

Contrary to European and USA trends and shift regarding drug criminal policy in Serbia we could notice trend of stricter prohibition of all drugs, including marijuana. Possession of drug was envisaged as crime from 2003 (article 246 para 3 of the Criminal Code) and from 2009 special incrimination was introduced for possession of drug for personal use (article 246a of the Criminal Code). There were initiatives for decriminalization and legalization of marijuana, however Serbian Parliament reject to discuss draft law proposed by Green party in 2017 and again in 2019.

⁵ Marijuana arrests were 44 percent of total drug arrests. Data are available at Bureau of Justice Statistics, Drug and Crime facts: <https://www.bjs.gov/content/dcf/tables/drugtype.cfm> and <https://www.bjs.gov/content/dcf/enforce.cfm> 27.04.2020

⁶ In 1996 California was the first state to legalize marijuana for medical purposes, followed by 28 additional states and District of Columbia. Over the last few years, marijuana consumption has also been allowed for recreational purposes: Colorado and Washington in 2012, Alaska, Oregon and DC in 2014, California, Nevada, Maine and Massachusetts in 2016, Vermont in 2017, Michigan in 2018, Illinois in 2019.

⁷ According to opinion polls, voters' support for recreational cannabis is widespread and increasing in the US: 61% think that marijuana should be legal, up from 40% in 2011 and 27% in 1979 (De Pinto et al., 2017).

⁸ Some states that have legalized the non-medical use of marijuana allow city administrations to formulate their own marijuana regulations and give options to cities to not permit the sale of marijuana.

⁹ See: <https://www.bfarm.de/SharedDocs/Pressemitteilungen/DE/2017/pm7-2017.html?nId=866420428.04.2020>.

¹⁰ Poland, Malta, Denmark introduced amendments to their legislation.

Following changes, the World Health Organization recommended to the UN Secretary General on January 24, 2019 that 1961 Convention should be changed to allow rescheduling of cannabis from “particularly dangerous properties” to “controlled substances”.

Law enforcement agencies, policymakers, and researchers are interested in understanding the impact these legal changes have and may have on a wide range of issues, including criminal behavior and criminal justice resources. Understanding and examining these complex and multifaceted issues requires comprehensive data over period of several years.

2. DECISION MAKERS DILEMMAS

The legalization and decriminalization movement is raising concerns about the crime impact of a tolerant drug policy. Authors advocating legalization of marijuana usually argue it will lead to limitation of illicit market, influence organized crime and release police resources to deal with other type of crimes (Carrieri, Madio, Principe, 2019: 1). Promoters of prohibition of marijuana highlighted that social acceptance will increase consumption of marijuana and have negative impact on social welfare (Jacobi, Sovinsky, 2016: 2043).

Discussion on liberalization of marijuana drug policy includes both legalization and decriminalization. However, legalization and decriminalization differ in several aspects. Under decriminalization it is necessary to seek out supplier, while legalization means that purchasing of marijuana would be as simple as purchasing of alcohol. When it comes to legal consequence for users the decriminalization means removal of sanctions and penalties, while using drug is still illegal. However, marijuana dealers will face with same costs as the marijuana is not decriminalized and could be arrested and sanctioned (Jacobi, Sovinsky, 2016: 2010).

Deciding on state approach towards marijuana depends on several factors. State authorities always have in mind that drug market represents a major source of income for organized crime groups. The hidden nature of illicit drug market prevents proper assessment of the income that drug market generates, so all figures are based on estimates and presumptions. Global Financial Integrity estimated in 2017 the value of the global market of illicit drugs between 426 billion USD and 625 billion, from which cannabis market share is estimated between 183 billion USD and 287 billion (Channing, 2017: 3). Europol estimated in 2017 that the drug market worth about 30 billion euro, from which marijuana market presents two fifths (EUROPOL, 2019: 24).

To prevent the high income for organized crime groups from illegal drug market the governments have substantial expenditures that otherwise would be available for other purposes. In addition, less economically developed countries and regions are more vulnerable for corruption which is coming from organized crime groups. The organized crime groups are targeting law enforcement and judicial officials, as well as politicians to facilitate the operation of illegal drug market. Corruption further undermines economic development of the countries and leaves them vulnerable for organized crime groups.

Additional challenge for state authorities and decision makers and arguments against prohibition of marijuana present poor success rate in identifying and seizing illegal funds generated by organized crime groups in drug market. Despite robust legislation and anti-money laundering framework, the Europol estimates that authorities in the EU

confiscate as little as 1 percent of all criminal proceeds (EUROPOL, 2019: 50). One of the reasons for poor results is lack of comprehensive approach and organization of criminal investigations in parallel with financial investigations. These results usually open discussion of value for money, highlighting the high expenditures to fight against organized crime groups at illegal drug market and modest amount of seized funds (Nadelmann, 2004: 2).

Europol identified illegal drug market has significant impact on legitimate business. Some discussions point out the high electricity consumption of marijuana grow operations (Dagdari, 2018: 55). The indoor cultivation of marijuana requires large amounts of electricity, which might be stolen and causing reduction of revenues for electricity providers and decrease of tax payments. In the UK in 2016 and 2017 there had been 31 percent of electricity thefts cases investigated by police that were related to the cultivation of illicit drugs (Ibidem). Similar results are in the Netherlands, where Dutch electricity provider estimated that around 1 billion kilowatt hours of electricity was stolen each year in the indoor cultivation of marijuana.

Having in mind all these data some authors are strongly advocate legalization of marijuana (Becker, 2014). Economic approach to crime and legalization of marijuana lead some authors to advocate legalization. Becker and Murphy (Becker, Murphy, 2013) claimed that the largest cost of a prohibitionist approach to buying and selling drugs in the USA are the cost of the crime associated with drug trafficking, while legalizing this market would reduce the role of criminals in producing and selling drugs. Experience with prohibition of alcohol from 1920s in USA showed that gangsters were driven out of the alcohol market after the end of prohibition, since there was no economic interest for them.

Advocates of marijuana legalization have been arguing that a regulated marijuana market can benefit the public by eliminating the illicit trade of marijuana and generating substantial tax revenue (Cohen, McGowan, 2012: 4; Gettman, Kennedy, 2014).

Contrary to the arguments for legalization of marijuana, promoters of prohibition put in front expected results of suppression of its use. According to their assessment it is expected that prohibition will disrupt the marijuana market, reduce its availability and deter potential users and reduce the harm of marijuana consumption.¹¹

At the center of debate pro and cons decriminalization and legalization of marijuana, there are two issues. First issue relates to the question whether marijuana prohibition reduces marijuana use and involvement of organized crime, while second relates to the costs of marijuana prohibition and resources need for law enforcement. Legalization of marijuana in several countries in USA and Europe provided data for the analysis of effects, both on number of users, number of crimes and crime rates, and fiscal impact (both income through the taxes and reduction of law enforcement resources engaged in marijuana illegal drug market).

3. RESULTS OF LEGALIZATION IN EU AND USA

Several studies and researches had in their focus effects of legalization of marijuana. Each study took different approach and analyzed specific area of legalization impact. Few authors, like Brinkman and Mok-Lamme (2017), Gavrilova, Kamada and Zoutman

¹¹ National Drug Control Strategy. 2005, White House, Available at: <https://www.ncjrs.gov/pdffiles1/ondcp/208669.pdf> 01.05.2020

(2014) and Dragone and associates (2017), assessed marijuana legalization impact on crime, while other authors like Jacobi and Sovinsky (2016) analyzed impact on consumption.

Italy involuntarily liberalized marijuana market in December 2016, through adoption of law on regulation and incentivization of production and commercialization of industrial hemp. The 2016 Law had legal gap and did not intervene on the production of flowers of hemp.¹² This was recognized as profitable opportunity and some businesses started with selling marijuana flowers with the low level of THC. Organized crime in Italy generates annual around 14.2. billion euro from drug consumption, while marijuana share is more than 90 percent of total drug market (Carrieri, Madio, Principe, 2018: 4). First effects and estimates showed that introduction of legal market for only low-level THC marijuana decreased the income for organized crime groups in the amount ranged from 159 to 273 million euro per year (Carrieri, Madio, Principe, 2018: 10). Although numbers are modest, we should have in mind limitations coming from unintended legalization. Legalization in Italy over the first 18 months was consequence of the legal gap, which probably prevent businesses to enter freely and in the higher number to the market. Since it was not planned there were no any marketing and public promotion of legalization which influenced both on businesses as potential providers and on potential users. Research was conducted relatively soon after less than two years from adoption of legislation that liberalized marijuana market in Italy. Research should be repeated once when situation in Italy stabilize to see whether there has been any progress in the amount of decreased income of marijuana illegal market.

The USA experience showed that increase in marijuana arrest and prohibition of marijuana did not achieved proclaimed goals of reduced profitability of drug trade for organized crime and increased costs for consumers. Despite arrests which reached 829,625 in 2006, the price of marijuana has dropped over time and availability of marijuana increased, in addition to increased marijuana use rate (Beckett, Herbert, 2008: 17). On the top costs of enforcing marijuana prohibition are greater than presumed benefits and are estimated at 10-15 billion US dollars in direct costs (Nedelmann, 2004: 1).¹³ Compared to annual costs for enforcing prohibition the seized assets are significantly lower. Private assets and goods seized during 1990s were worth more than 5 billion US dollars (Maguire, Pastore, 2002, table 4.43), which is twice lower than the annual costs.

Although there were efforts in the USA to assess economic impact of marijuana liberalization on organized crime groups there are lot of uncertainty. The former National Drug Intelligence Center estimated that the sale of illicit drugs in the USA generates between 18 and 39 billion USA for Mexican and Columbian drugs trafficking organizations (US Department of Justice, 2008: 49). However, there is no consensus on the share of marijuana market and it range from 60 percent assessed by Office of National Drug Control Policy in 2006 to 20 percent (Kilmer et al., 2010: 31). Organization of American States evaluated fiscal impact from 2012 Washington and Colorado legalization of marijuana on Mexican drug trafficking organizations and

¹² In May 2018, the Italian government formally regulated the market for marijuana flowers with low level of THC.

¹³ Main part of the estimated costs is federal drug control budget. As the number of marijuana arrests grew, so too did the domestic law enforcement component of the federal drug control budget, from \$4.6 billion in 1991 to \$9.5 billion in 2002. On the top of law enforcement cost, the total costs of enforcement of marijuana prohibition includes costs of processing hundreds of thousands of marijuana cases through court system (Austin, 2005: 4).

estimated that they could lose between 20 to 25 percent of their drug income (Organization of American States, 2013: 41).

There are more indirect data on effects on legalization of marijuana in USA. Adoption of laws on medical marijuana led to reduction of violent crime rates by 15 to 25 percent in US states bordering Mexico (Dragone et al., 2017: 12). Some authors are interpreting decrease in violent crime cases as evidence of reduced demand for marijuana smuggling from Mexico and thereby reduced activities of Mexican drug trafficking organizations (Gavrilova, Kamada, Zoutman, 2017: 381). A 2017 study identified the significant decrease of crime rates in the neighborhood of dispensaries in Denver, Colorado following the legalization of recreational marijuana (Brinkman, Mok-Lamme, 2017: 41). The legalization of marijuana for recreational use in Colorado and Washington led to improvement of police clearance rate relating to violent crimes (Makin, et al., 2018: 37) which confirms that releasing of police resources from enforcing marijuana prohibition legislation enables the prioritization of other crimes.

It must be emphasized that black market of marijuana has not disappeared with legalization of marijuana. In Colorado and Washington state which are first two US states that legalize marijuana people are still being arrested for violation of marijuana legislation. There are multiple reasons for persistence of black market (Song, 2019: 54). The intensive regulation influence on small producers because it is too demanding to follow all regulations, so they are either closing business or remain on the black market. On the demanding side, high taxes influence on the consumers decision to look for cheaper products.

While it is still early to assessed impact of legalization of marijuana in some USA and EU states, some early trends could be identified when it comes to the existence of illegal marijuana market and effects on organized crime. One of the aims for legalization of marijuana was to prevent organized crime groups to generate profit from marijuana market. However, the USA data showed that black market still exists in many of states (UNODC, 2019: 25), although the violent crime rate in connection to drugs trafficking organizations decreased. Also, USA experience showed that commercial companies are replacing small producers of marijuana that lead to trend that some of small business continue to operate at the black market.

4. SERBIAN LEGISLATION AND PRACTICE

According to the Research on lifestyles conducted by Institute for Public Health of Republic of Serbia Dr Milan Jovanovic Batut, marijuana is the most often used drug with 7.7 percent of population age between 18 and 64 that reported used of it.¹⁴ Prevalence of use of marijuana in Serbia is in line with European average presented in the 2019 World Drug Report.

When it comes to the resources that Serbian authorities are invested in enforcement of drug prohibition legislation, we could identify that drug crimes present significant share of prosecution service work in Serbia, after property crime, traffic crime and family violence (Republic Prosecutor Office, 2018). From the total number of indicted persons in 2019 only unauthorized possession of drugs (article 246a Criminal Code) presents 10 percent of all indictments. Comparing with the experience from other countries these

¹⁴ Research is available at: <http://www.batut.org.rs/download/publikacije/20140626IstrazivanjeStiloviZivotaS.pdf> 30.04.2020.

resources could be freed up with legalization of marijuana to focus on more serious crimes. Although Serbia introduced first Law on seizure of assets in 2008 and in 2013 new Law, results are modest.¹⁵ The Republic Prosecutor Office Annual Report does not make distinction between origin of seized assets, so we cannot identify whether some of the seized assets are from drug crimes. In addition, according to Republic Statistical Office in 2018 total number of prison sanctions for drug crimes were 1,272 which represents 17.2 percent of all imposed prisons sanctions in 2018.¹⁶ Such high proportion of prison sanctions for drug crimes showed that drug crimes presents burden and cost for the prison system in Serbia, which is already struggling with overcrowd.¹⁷

Definition of crime from 2003 envisaged sanctions for possession, while possession for personal use was facultative condition for acquittal. However, amendments of legislation from 2009 and introduction of article 246a showed that state authorities decided to incriminate possession for personal use (Bajović, 2017: 532). However, person that possessed a drug without intention to use it cannot be accountable and responsible for the crime from article 246a. Reasons for introduction of this additional incrimination was to enable prosecution and conviction of small dealers, who do not possess huge amounts of drugs but it was difficult to provide evidence that they were distributing drug (Škulić, 2015: 283).

Authors are criticizing incrimination of possession of drug from article 246a, since there is no justification for sanctioning and comparative criminal legislation is taking opposite direction towards the liberalization of possession of drugs, especially marijuana (Stojanović, 2013: 131). The arguments against wording of this article and incrimination are related to introduction of sanctioning for drug use, although use of drug *stricto sensu* is not criminal act (Banović, 2016: 158).

Harsh penal policy did not result in decreased number of convictions for drug crimes. Contrary, over the last few years there is steady increase in number of convicted persons for drug crimes, from 2,938 in 2015 to 4,083 convicted persons in 2018 (Republic Statistical Office, 2015: 60; 2019: 8). Based on numbers and current effects authorities should rethink and revised criminal policy towards drug crime, especially marijuana.

When it comes to drug market, Serbia is state of origin, transit and destination, however, only in cooperation with international partners and within international investigations we could notice results in high amounts of seized drugs and damage caused to organized crime groups. Marijuana is smuggled through Serbia and some of it remains in the domestic market, while domestic production of marijuana is reported in recent years (EMCDDA, 2017: 8).

CONCLUSIONS

The hard data evidence confirms that strict drug policy and prohibition of marijuana require significant resources, both financial and human, which creates burden for the state budget. Although both USA and EU created specialized bodies for fight against smuggling of drugs and introduced anti-money laundering legislation there are only modest results in comparison with allocated resources. Number of people who used

¹⁵ In 2018 temporary and permanently seized assets for all crimes included 347 immovability, around 300.000 euro in cash or bank accounts, shares, cars, etc.

¹⁶ Communication from 16 July 2019 on Adult criminal offenders in 2018, Republic Statistical Office, pp. 8. <https://publikacije.stat.gov.rs/G2019/Pdf/G20191192.pdf> 01.05.2020

¹⁷ Strategy for Decrease of Overcrowd in Prisons till 2020, Official Journal RS, No. 43/2017.

marijuana is increasing significantly over the time, so drug policy did not achieve proclaimed goals. Organized crime groups entered into drug market, including marijuana market to fill the gap and satisfy existing demand. Drug market creates high profit for organized crime groups which are estimated for billions of euro. All abovementioned issues incentivize states to change their policy towards use of marijuana and drug strategies.

Trends of decriminalization and legalization of marijuana that is ongoing in USA and European states showed that there is no increase in number of users of marijuana, since legalization. Police statistics from USA indicated that crime rates are decreasing in the states where marijuana was legalized due to withdrawal of organized crime groups from those territories and decrease in number of their clashes. Legalization of marijuana took over portion of organized crime group profits and transferred them to state budget through taxes. Furthermore, police resources are freed up to deal with other types of crime and improved clearance rates. However, black market continues to exist in parallel with legalization of marijuana due to complex legislation and high taxes.

Since Serbia is also having challenges due to increase number of convicted persons for drug crimes for 30 percent over four-year period, penal policy should be reconsidered. Public dialogue should be organized to discuss options for improvement including legalization and decriminalization of marijuana. Although, legalization and decriminalization are not perfect solutions, positive outcomes are noticed in countries that introduced them. Options should be carefully thought to maximize positive effects and minimize risk of persistence of black market, i.e. high taxes, complicate legislation and conditions that limits small business. If policy makers decide to change drug policy mechanism for monitoring implementation should be established to ensure revision if there are any negative trends.

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LEGALIZACIJA I DEKRIMINALIZACIJA MARIHUANE: UTICAJ NA ORGANIZOVANI KRIMINAL I KRIVIČNO PRAVOSUĐE

Zloupotreba opojnih droga predstavlja globalni izazov i mere za sprečavanje se primenjuju kako na nacionalnom tako i na međunarodnom nivou. Marihuana je opojna droga koja je u najširoj primeni sa 188 miliona ljudi koji su prijavili da su je koristili. Nacionalne politike se razlikuju od stroge primene zabrane opojnih droga do dekriminalizacije i legalizacije marihuane. U poslednjoj dekadi primećuje se promena politike i legalizacija marihuane u pojedinim državama SAD i Evrope. Zagovornici legalizacije marihuane između ostalog ističu da zabrana marihuane ima za posledicu značajne rashode u budžetu namenjene za policiju, pravosuđe i upravu za izvršenje zavodskih sankcija, dok sa druge strane proizvodi veliki profit za organizovane kriminalne grupe koje odgovaraju na potrebe tržišta. Nakon nekoliko dekada stroge zabrane, naročito u SAD može se primetiti da proklamovani ciljevi nisu ostvareni i da upotreba opojnih droga nije smanjena. Srbija se odlučila za oštru politiku u pogledu opojnih droga i kriminalizaciju marihuane, međutim nema dokaza da je to dovelo do smanjenja upotrebe marihuane ili potiskivanje crnog tržišta. U radu su analizirani efekti legalizacije marihuane u SAD i nekoliko evropskih država na organizovani kriminal i mogući značaj ovih rezultata za donosiocje odluka u Srbiji.

KLJUČNE REČI: marihuana / organizovani kriminal / legalizacija / dekriminalizacija