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### FEATURE OF IBOGAIN APPLICATION AS PSYCHOTROPIC SUBSTANCE IN CIVIL LEGAL TRANSACTIONS WITH ELEMENTS OF CRIMINAL CRIME

**Abstract:** Currently Kazakhstan Republic is dynamic society, as the main progress puts before itself above all, the modernization of the system of safety in the negotiations on commercial issues. In other words, the security of bargain is one of the highest priorities in the stabilization of the norm of rights. However, at this time, many issues are regulated by a one-sided implementation of the rights and obligations under the bargain, which is extremely rigid and frivolous. As a rule, many issues are regulated only by norms of civil law or only norms of criminal law. However, in the specificity of ongoing bargains, the procedure itself has the character of a civil act, thus contains in the structure elements criminal legal norms and elements administrative and legal regulations. Thus, it is necessary regarded the bargain with the wide coverage of legal norms.

**Key words:** biogenic, psychotropic acids, barrage, cultural necessity, civil amendment, declarations, profitability, access finder, criminal rules satisfaction.

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SECTION 32. Jurisprudence.

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According to statistics, one of the most dangerous sides of the bargain is manipulation with the will of sides where one side, under defined pressure accepts and supports the conditions imposed by the other side [1 - 12]. However, as the pressure is currently recognized as a physical illegal actions one of the sides which due to involve the invalidity of bargain as a whole. But currently there is a very wide spectrum of psychological action, reaction that amplifies certain psychotropic substances which is a catalyst for the influence of effect on the subconscious representative of one of the sides [2 - 5]. One of such means is Ibogaine. Ibogaine is recognized indole alkaloids contained mainly in the number of plants of the family kurtovy (*Apocynaceae*). One of the most popular plant often recovered from iboga in Iboga (*Tabernanthe iboga*) [3 - 15]. Most frequently the roots of this plant have been used in rituals Anastasia and the African religious cult Bwiti. So due to hallucinogenic properties of the plant recovered from ibogaine and the cultivation of this plant has been banned in the US, Canada, Mexico and twelve other countries, bans which are contained in the strictest order in the norms of the criminal legislation in these countries [4 - 25]. As one of the developed countries above mentioned states defined in the legislative acts ban on ibogian as a psychotropic substance that can influence the character of legal relations in society, taking into account the social, economic, religious and civil legal relationships in general [5 - 16]. Here, the main object of influence is expression of the will of the individual, which is a representative bargain which in turn casts doubt on essence of bargain as volitional act [6 - 34].

The essence of bargain constitutes the will and will of the sides. The will - determinate and motivated desire person to achieve this goal. Will is the process of psychic regulation of behavior of subjects. The content of the will of the subjects' bargain formed under the influence of socio-economic factors: a person engaged in business activity make bargain to ensure the production and distribution of goods, provision of services for generating a profit; citizens through making bargains satisfy the material and spiritual requirements, and so on. P [7 - 18]. Expression of the will - an expression of the will of the face externally by which it becomes available perception of others. Expression of the will - the major element of bargain which is usually linked legal consequences. It is the will of as the external expression (objectified) the will may be subjected to legal assessment. In some cases, in order to the bargain has generated produce legal effects necessary not only the will but also the action on the transfer of property [8 - 24]. For example, the bargain giving things are not formulated as a promise to give a thing in the future arises from the

corresponding expressions of the will of the giver and the donee and actions to transfer the donee of the thing itself. The will of the subject should be expressed (objectified) in some way to be clear for the surrounding [9 - 3]. Ways of expression, consolidation or certification of will the subjects who commit the bargain called a form of bargain. The Will can be announced orally, in writing, committing conclusive action, silence (or inaction). Evaluation form of the bargain as a means of expression (objectification) the will of subject making the bargain does the eternal question: what should be given determining significance in determining the true intentions and purpose of participants of the bargain - the will or expression of the will made in one of the above forms. This problem of eternal category. "The struggle between the word and the will of side passes through all classical jurisprudence" [10 - 12]. However, in this classical jurisprudence takes place the impact of external factors such as ibogaine presumably. While under the influence of the drug, the representative of bargain, as the natural person can not make decisions adequately, using the instructions imposed on by the other side. In fact, the situation is similar to the procedure coding from drug addiction, alcohol dependence and other [11 - 2]. Thus, it can be noted property of ibogaine to increase the influence of others expression the will in the formation of the decision on bargain. For corresponding analysis necessary first of all consider the legal status of psychotropic substances and narcotic drugs in general, and their place in the legislative basis of [12 - 5].

In the norms of the criminal legislation of the Republic of Kazakhstan, this action is expressed in a number of regulations. First of all, it should be noted article 299 of the Criminal Code of the Republic of Kazakhstan, where the habitual use of narcotic drugs, psychotropic substances, their analogues - punishable by a fine up to four thousand monthly calculation indices, or correctional labor for the same amount, or restraint of liberty up to four years, or imprisonment for the same term. Also, as analogous applicable rule can be expressed in Article 296 - illegal handling of narcotic drugs, psychotropic substances, their analogues, in precursors without intent to sell, Article 297 - illegal production, processing, purchase, storage, transportation for the purpose of sale, transfer or sale of narcotic drugs psychotropic substances and their analogues and Article 303 - violation of rules for handling narcotic drugs, psychotropic or toxic substances. In order to understand the order of application of these funds are necessary, first of all, to establish the corpus offence for storage, use, transportation, sale of narcotic psychotropic substances [13 - 4]. For this there are certain standards for corresponding analysis.

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This legal norm includes three alternative forms of the objective side of the crime. The first - placing the funds received from illicit traffic in narcotic drugs, psychotropic substances, their analogues or precursors in enterprises, institutions, organizations and their subdivisions. The second - the acquisition of such funds objects, property subject to privatization or equipment for production or other needs [14 - 8]. The third - using such income (funds and property) in order to continue the illicit traffic in narcotic drugs, psychotropic substances, their analogues or precursors. If the first two forms of the objective side of the crimes represent varieties of laundering criminal proceeds, the use of drug revenues to continue illicit drug trafficking can not always regarded as money laundering [15 - 9].

By using in context considered legal norm can be understood as the activities for the acquisition of drugs, keeping a brothel, etc., that is directed at injection drug revenues in the shadow sector of the economy. By contrast the essence of laundering, as is commonly believed, lies in the fact that the proceeds of crime by the fall into the legal economic cycle, so that creates a risk for the development of normal economic relations [16 - 7].

The subject considered crime may be any person: how those who was directly involved in obtaining drug revenues and subsequently used them to continue illicit drug trafficking, as well as those who have not previously promised to use such proceeds. The subjective aspect of the offense is characterized intent form of guilt. Type of deliberate - direct.

A feature of the intellectual moment of intent considered crime lies in the fact that the offender should realize as social danger for the means extracted from illicit traffic in narcotic drugs, psychotropic substances, their analogues or precursors or wrongfulness of their receipt.

Volitional moment of intent the first two forms of the objective side of the crime is expressed in the

desire person to place received funds from bank, in enterprises, institutions, organizations and their subdivisions or acquire these funds objects, property subject to privatization, or equipment for the production or other needs [18 - 3].

Volitional moment for the third form of the objective side of consideration of the offense is characterized by a desire subject to use received incomes (means and property) for continue the illicit trafficking in narcotic drugs, psychotropic substances, their analogues or precursors [19 - 5].

When performing first two forms of the objective side of the crime purpose can be any. When using the means extracted from illicit traffic in narcotic drugs, psychotropic substances, their analogues or precursors, guilty must pursue the aim - the continuation of illicit trafficking in narcotic drugs, psychotropic substances or precursors [20 - 8].

One of the disadvantages of this legal norm is the absence of guidance on the minimum amount of funds received from illicit drug trafficking [21 - 3].

In such a way it is clear that the legislation was provided responsibility in the norms of the Criminal Code of the Republic of Kazakhstan. However, there is no single normative legal act, which would link on ibogaine as psychotropic substance has a powerful effect on the receptors, increases the impact of other side the subconscious on the psychic level. Thus, the main problem in such conflicts can be a matter of legal proceedings where the judge simply nothing to operate as officially ibogaine is not yet included psychotropic substances in the Republic of Kazakhstan. Accordingly, the best solution would be to include ibogaine in the list of psychotropic substances and make additions to the above mentioned articles with the most detailed description of the basic properties of psychotropic substances and narcotic drugs such as ibogaine.

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