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## The Legal Organization of Digital Drugs in Jordanian Criminal Legislation Comparative Study

Dr. Ashraf Fatehi Khaleel Al-Rai<sup>1</sup>, Dr. Ayman Atef alkhawaneh<sup>2</sup>, Dr. Mohamed Abdiljalil Abdulla Ahmed Alansari<sup>3</sup>

### Abstract

*The study examined the legal regulation of digital drugs and whether they could be criminalized because of their significant harm to young people, children, and teenagers, without any visible signs, thus intensifying their negative effects on the community. Moreover, the study points to a crucial issue in Jordanian legal system as it relates to the Electronic Crimes Law, Penal Code, and the Law on Narcotics and Psychotropic Substances to regulate addiction to digital drugs, which do have the same effects as traditional drugs. This is particularly relevant in the context of the global advancements in this field.*

**Keywords:** *Digital Drugs, Jordanian Criminal Legislation, Electronic Crimes.*

### Introduction

Due to the electronic systems' advancements, a larger number of non-physical and physical products are being sold through digital platforms, which refers to a major shift in world trading. They are also known as I-Doser and Binaural Beats and are available at low prices. In today's era, because of the technological advancements digital drugs have now become a part of the everyday lingo.

These are audio tracks with either binaural or monaural beats used as drugs to shift one's state of mind. This state contributes to the release of substances with effects like traditional drugs, despite no impact on heart rate, known as the phenomenon of auditory rhythm, scientifically and medically acknowledged (Maysoum 2016).

Some legal experts recommend serious actions against this kind of music as it can cause a lot of potential harm. Using digital items for too long can have a negative impact. One might feel sad or frustrated, cannot concentrate on tasks and struggle to communicate with the real world (Al-Sawaf, 2016).

But a lot of people argue that it would be difficult for law enforcers to prove the material aspects of the crime, this opposes making listening to such music a crime. Due to the insufficient use of chemicals in this type of music, it is not consistent to regulate people who listen to it.

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<sup>1</sup> Midocean University Email: [Ashrafraie@gmail.com](mailto:Ashrafraie@gmail.com)

<sup>2</sup> Legal Consultant Email: [aymanatefkh@gmail.com](mailto:aymanatefkh@gmail.com)

<sup>3</sup> Lecturer at several universities in criminal law and cybercrime Email: [Al\\_ansari\\_m@yahoo.com](mailto:Al_ansari_m@yahoo.com), Amman, Jordan, 2024

The fundamental legal principle "innocent until proven guilty" creates complexities in the burden of proof. Certain genres of music are proven to be used as a therapeutic tool against psychological issues such as anxiety (Abu Dawah, K. :2016).

The digital drugs can be purchased using websites, and social media platforms that lead to a larger percentage of the population being drug dependent. For the best results from digital drugs, headphones are a must with good quality.

The main problem in this area is that people cannot only tell who is addicted to that music but also there is a high potential for them to become more reliant on it.

The medical field can only do so much with this case, and there's no definitive test. In 2010 within the boundaries of Oklahoma, USA students had shown signs of consuming drugs but whenever tested none were found- this was certainly a peculiar problem (*Radwan, R. :2015*).

The western countries showed their concern against social media's addiction, but few Arab countries did not accept this as a formal report. The electronic crime law that needs to be followed within the UAE is regulated in a certain way, which has slight differences compared with other countries.

The above-mentioned variations will be the topic of interest, and they will be discussed in an elaborate manner.

To crack down on such cravings many states particularly the United States and the United Kingdom have started evaluating their laws. The issue of addiction is not paid attention to by Arabian Legislations, this could be a potential threat to social security confirmed by many countries. Criminalizing music can lead to a long adjustment process in the digital system. Research was conducted for university students. This study shows that the students have a good amount of knowledge about these certain drugs.

China, like a lot of other countries has also been known to put up great walls legally for such platforms. The restrictions also include licensing processes and limitations upon usage. For example, times for using the specified stuff within the predefined directions of state are set.

The main aim of this game is to avoid traditional addiction as a pattern to their music and games, leading towards negativity. Some researchers even consider mobile phone addiction as a type of addiction that cannot be entirely criminalized, like digital drugs.

## **Research Questions**

- What are digital drugs?
- What are the legal perspectives on addiction to digital drugs?
- What are the deficiencies in Jordanian legislation, specifically in the Electronic Crimes Law, Penal Code, and Narcotics and Psychotropic Substances Law, regarding the criminalization of this new form of addiction?
- What is the stance of some countries and comparative legislations in this area?

## **Significance of the Study**

The importance of this study lies in the evolving landscape of digital drugs globally and the discussion on the development of legal frameworks to regulate these emerging behaviors that pose harm to societies. The study advocates for necessary legal amendments to keep pace with advancements in this field.

## **Methodology**

The study employs a descriptive approach to explore the concept of digital drugs, an analytical approach to analyze legal perspectives, and a comparative method to compare legal texts in Jordan's Electronic Crimes Law, Penal Code, and Narcotics and Psychotropic Substances Law with UAE and foreign legislations.

### **Unique Aspects of the Study**

This study stands out by examining a new hypothesis adopted by many advanced countries, which is still lacking in Arab legislations. The hypothesis revolves around the potential negative impact of digital drug addiction, emphasizing the need for legal modifications.

## **Study Plan**

### **Introduction**

#### **Chapter 1: Nature of Digital Drugs and Their Dangers, and Legal Perspectives**

##### **2.1 Definition and Dangers of Digital Drugs**

##### **2.2 Legal Perspectives on Digital Drugs**

#### **Chapter 2: Legal Regulation of Digital Drugs in Jordanian Criminal Legislation**

##### **3.1 Legal Challenges in Criminalizing Digital Drugs**

##### **3.2 Legal Solutions to Confront the Danger of Digital Drugs**

## **Results and Recommendations**

#### **Chapter 1: Nature of Digital Drugs and Their Dangers, and Legal Perspectives**

Digital drugs today constitute a menace that can easily spread, especially in the absence of legal regulation of digital platforms that broadcast this type of music on one hand, and the lack of legal penalties for those engaging in such activities that have effects like traditional drugs on the other hand. The danger increases in the absence of official oversight of the websites that broadcast this type of music (Freifeld, C., Brownstein, J., Menone, C., Bao, W., Filice, R., KassHout, T., Dasgupta: 2014).

The law serves as a deterrent against actions that can impact society. Hence, calls have been made for the necessity of criminalizing these actions, recognizing the role of the law in regulating relationships within society. The law is a social necessity, as there is no law without a society, and no society without law. Legal rules governing society contribute to establishing important principles that protect all members of society, especially in the era of digital systems where attacks on societal interests through them have become common (Al Ra'i, 2024).

The current problem lies in the possibility of criminalizing the act, particularly since there are no tangible drugs that individuals consume and affect their mental and nervous state. These are just musical vibrations that cannot be regulated or prevented. Therefore, this act is not considered a criminal material act, even though many may argue that the results of traditional drugs are achieved using digital drugs, necessitating legal punishment for committing this act. Additionally, this type of digital drug is used for medical purposes by replacing various chemical

and physical substances used in digital materials to influence specific areas of the patient's brain (Cornford, Tony and Lichtner, Valentina: 2014).

Treatments in general have consisted of various hybrid substances, including chemicals and music in some hospitals, contributing to a scientific revolution.

However, some have used them as digital drugs. The practical reality of criminalizing them faces a set of legal obstacles, most notably the absence of a criminal material act. Listening to music cannot be criminalized, even if it involves specific vibrations, not to mention the inability to regulate the use of music in this way and other practical reasons.

## **2.1: The Concept of Digital Drugs and Their Dangers**

Linguistically, we must address the concept of digital drugs from two perspectives. This term consists of two words: "drugs," the singular of which is a "drug," and "digital." The term "drug" linguistically, with a pronounced "Meem" and a stressed "dal," refers to anything that induces lethargy and relaxation in the body, leading to bodily numbness, weakness, and an inability to move (Ibn Manzur, Lisan al-Arab: 1300 AH).

The term "drug" is a verbal noun derived from the root "khdr in Arabic language," with its source being "intoxication." The word "khdr" is used in various contexts, referring to lethargy and laziness that accompany the beginning of intoxication, the cover provided to the slave girl in the household, and the fatigue and heaviness of the eyes due to dust and similar reasons (Milad, Abdul Nasser ibn Khadir: 2004).

As for "digital," it means that the activity occurs through electronic devices or over the internet.

Returning to Jordanian criminal legislation, drugs are defined in Article 2 of the Drugs and Psychotropic Substances Law No. 23 of 2016 and its amendments. The law stipulates that drugs include "any natural or synthetic substance listed in Schedules (1), (2), (3), and (4) attached to this law." The term "preparation" is defined as "any liquid or solid mixture containing a drug as specified in Schedule (10) attached to this law," and psychotropic substances are defined as "any natural or synthetic substance listed in Schedules (5), (6), (7), (8), and (9) attached to this law." Chemical precursors are also defined as "any chemical substance that can be used in the production or assistance in the production of drugs or psychotropic substances listed in Schedules (11) and (12) attached to this law."

It is evident from these definitions that the law considers drugs and psychotropic substances to be natural or synthetic substances or chemical compounds. Consequently, it does not recognize digital drugs. However, some legal scholars define digital drugs as "audio files heard through specific electronic platforms, consumed by listening to tones with earphones. The musical rhythms from these files differ between the ears, affecting the electrochemical interaction of neurotransmitters in the brain and the nervous system".

As we mentioned, with the proliferation of social media platforms, smart digital platforms, artificial intelligence systems, and smartphone applications, we face a new form of product distribution today without considering borders. However, legal opinions still differ regarding the concept of digital drugs, with some considering them as drugs due to their impact on the mind, while others view them merely as music that cannot be classified as digital drugs.

This type of drug was first discovered worldwide in 1839 by the German physicist Heinrich Dove. It was first used in 1970 to treat certain psychological conditions, including severe depression, tinnitus, and behavioral disorders (Lakhder, Gannan: 2015). It was found to have

similar effects to medical drugs in some medical conditions, even affecting the mind similarly to traditional drugs, which spared patients from using chemical medical drugs (Jabiri, Yassin: 2015).

If traditional drugs, as recognized and criminalized in criminal law, are one of the most dangerous crimes that can lead to other crimes, with countries striving to prevent their use or trafficking and imposing severe penalties, it is important to consider how their danger increases when they become electronic in nature. This is due to the ease of access, as they become transcendent of temporal and spatial boundaries and are easily obtained at very low prices. Moreover, they cannot be regulated, or the perpetrators controlled (Abdul wahab, Ahmed Abdul wahab: 2022).

The current problem lies in regulating the law to address this act, especially since there are no tangible drugs that a person consumes affecting their mental and nervous state. Instead, it is just musical vibrations that cannot be regulated or prevented from being listened to. Thus, this act is not considered a criminal material act, even though many may argue that the purpose of drugs is achieved through digital drugs, necessitating legal punishment for committing this act) (Tony and Lichtner, Valentina:(2014).

Practical experience suggests that we will encounter a set of legal obstacles, the most prominent being the absence of a criminal material act, as well as the impossibility of regulating the use of music in this way, among other practical reasons. This led to various legal opinions discussing the feasibility of criminalizing digital drugs, which we will explore in the second segment of this discussion (Yasin, Jabiri :2015).

## **2.2: Jurisprudential Opinions on Digital Drugs**

Jurisprudential opinions have varied regarding what is known as digital drugs. Some have seen them as a form of addiction, while others consider them akin to listening to music in a way that enters the brain in a state called "homotropic," which is considered a method of psychological therapy. However, it is a method that differs from traditional talk-based psychological therapy (Abdul wahab, Ahmed Abdul wahab: 2022).

Through this method, the "therapist" either guides the patient to deep breathing or encourages listening to unfamiliar music, causing the patient to enter a state of consciousness where they disconnect from the external world and enter their own world.

They recall different experiences and attempt to solve them without speaking to the therapist. Therefore, this type of treatment is closer to self-help, where the patient is not required to disclose their experiences and problems to anyone. After the session, the patient may have relieved anxiety, solved some troubling issues, gained a new perspective on those problems, and perhaps on life in general. This therapy is beneficial in cases where there is a susceptibility to suggestion.

From a legal perspective, juristic opinions also differed on the extent of criminal liability for individuals under the influence of these digital substances.

Some view it as merely therapeutic listening to music, while others see it as a case of addiction.

While the first opinion bases its defense on a range of reasons, the second perspective argues that the reasons for criminalizing the act of addiction to digital drugs stem from the fact that they have the same impact on the recipient's brain.

## **1- The supportive stance for criminalizing digital drugs**

"Some aspects of criminal jurisprudence lean towards criminalizing what is known as digital drug addiction, as it poses similar risks to young people and teenagers who become addicted to it (Khayoun, Osama Ghazi: 2023). This opinion is based on the belief that digital drugs have the same effects as natural or synthetic drugs. In response to the principle that "there is no punishment or crime without a text," proponents of this view argue that this principle renders legal texts ineffective and rigid. According to them, under this principle, actions that may pose a danger to society cannot be criminalized, and the criminalization of such actions represents an expansion of criminal protection (Khayoun, Osama Ghazi: 2023).

The researcher sees the necessity of criminalizing digital drugs but disagrees with criticisms directed at the principle of no crime and no punishment without a text. This principle is fundamental to criminal legal principles. Additionally, the default in matters of permissibility is until it takes a form of danger to society, and this can be applied to digital drugs, which affect the minds of young people and teenagers. Therefore, the act of digital drug addiction can be criminalized or regulated to prevent the spread of websites promoting it.

Nevertheless, when we refer to Jordanian criminal texts, we find no mention of digital drugs. The drugs are defined in Article 2 of the Drugs and Psychotropic Substances Law No. 23 of 2016 and its amendments. The article defines drugs as 'any natural or synthetic substance...'. Therefore, the Jordanian criminal judge cannot currently criminalize the act of 'digital drug addiction,' and listening to music of this type is not considered a criminal act under the law.

Looking at the comparative legal texts in Iraq, the United Arab Emirates, the Kingdom of Saudi Arabia, and the Arab Republic of Egypt, we find that none of them explicitly mention digital drugs.

According to the researcher's estimation, this is because of the novelty of these actions that may have a similar addictive effect to drug substances."

## **2- The opposing stance to criminalizing digital drugs**

The passage discusses the opposition of a jurisprudential perspective to criminalizing what is known as digital drugs. This opposition is based on several arguments, the most prominent of which is that the act cannot be classified within the scope of drug abuse, as drugs are typically chemical substances or manufactured substances targeting the human mind.

According to Judge Aysar Fuad, an appellate judge in Dubai, United Arab Emirates, "individuals who use digital drugs cannot be punished because, according to the legal principle, there is no crime or punishment except by legal text... Even if the existence of such drugs is confirmed, there will undoubtedly be a legal problem of proof in the event of apprehending a person who listens to such music with the intention of bringing them to justice" (Akkour, Mohammed: 2014).

Others argue that the damages resulting from this type of addiction are not as severe as traditional drugs, as digital drugs do not contain chemicals that can affect human physiology. Their impact is limited to the psychological aspects such as activity, focus, joy, and relaxation, which denies the possibility of considering them as a drug that can be criminalized (*Sonia*, Azuz, and Khaled, Qureshi: 2020).

In any case, the researcher believes that these actions cannot be criminalized until joint medical and legal studies are conducted on the actions committed by addicts to measure their precise

impact on society and determine the possibility of criminalizing them in the future. However, this would lead to difficulties in the legal proof process, as mentioned earlier.

The passage also emphasizes the need for awareness of the risks posed by digital drugs within a specific cognitive framework. This framework aims to identify the risks and negatives resulting from digital drugs and their impact on awareness among individuals and, consequently, on society.

## **Chapter 2: The Legal Regulation of Digital Drugs in Jordanian Criminal Legislation**

The Jordanian legislator considers drug abuse as a precursor and a path to various crimes due to its negative effects on the human nervous system. Addiction to drugs can lead individuals to lose the ability to interact with their family or social environment, control their skills, behaviors, and impressions, in addition to the negative impact of drugs on inducing lethargy, anxiety, depression, and involvement in criminal activities (Lakhder, Ghoul: 2019-2020).

The Jordanian legislator criminalizes drug-related offenses due to the associated risks and their negative impact on society. However, the criminalization is limited to the abuse of chemical or manufactured substances.

The Jordanian legislator has not yet contemplated the "criminalization of digital drugs," like legislation in many Arab countries. This is despite the negative effects of this type of drugs, which may reach the same level of impact as traditional drugs (Al-Saieda, Khalil, Al-Saieda, Amjad: 2021).

The Jordanian legislator's perspective is rooted in the legal and jurisprudential definitions that address the topic of drugs, defining them as any substance that clouds the mind, affects the nervous system, and is prohibited from being traded (Al-Natour and Al-Qudah: 2024).

Legally, and from a psychological perspective, "digital drugs" may be a common term in psychiatric medicine. Therefore, the emphasis on intellectual and psychological awareness is on the need to avoid this act, not because it is criminal, but because it is harmful to public health—an approach followed by many countries worldwide.

This approach is driven by these countries' efforts to prevent the spread of these types of drugs in societies, especially as digital drugs may create addicts without visible symptoms. Hence, the ongoing debate revolves around the legal challenges of criminalizing digital drugs and the legal solutions to confront this danger.

In case the legislator is unable to criminalize this type of drugs, we will discuss these issues in two points.

### **3.1: The Legal Challenges of Criminalizing Digital Drugs**

The widespread use of digital drugs has led to extensive debates among legal scholars in many countries, in addition to its negative impact on societies. Many legal experts consider drugs to encompass natural, synthetic, and artificial substances, stimulants, depressants, and hallucinogens, without conceptualizing the existence of so-called digital drugs (Aljaboor: 2016).

Despite the consensus in modern studies regarding the existence and growth of this menace, there is disagreement in proving its impact on users and the likelihood of addiction. Some argue that what addicts listen to – if we may express it that way – is nothing more than music. Consequently, this creates several legal challenges due to the impossibility of criminalizing and

punishing those who listen to this type of music, based on the principle that "there is no crime and no punishment without a text, and this act is not considered a crime" (Al Akour, Mohammed: 2014).

However, some jurists in criminal legislation consider the criminalization of this type of substance as an expansion in protecting society, especially given the role of the law in safeguarding the community, particularly in the era of electronic technologies, communications, and software that contributed to the spread of this new type of drugs. Scientific research and tangible phenomena confirm the existence, consumption, and trafficking of these digital drugs.

As for the second challenge that lawmakers may face in criminalizing digital drugs, it lies in the inability to determine a person's addiction to digital drugs. Despite the scientific evidence showing that this type of addiction can lead to death in some cases, there have been reported deaths in Saudi Arabia due to the consumption of digital drugs. Lebanon, too, has faced similar issues, prompting the former Lebanese Minister of Justice, Ashraf Rifi, to review and monitor the case, blocking websites that promote such music, contrary to the law on drugs and psychotropic substances No. 673 dated 16/3/1998, which does not recognize such substances affecting the mind.

In the United Arab Emirates, researchers, including the former Deputy Director of the Sharjah Police Sciences Academy, Srahan Al Moeini, discussed the importance of creating legal texts to address the challenges posed by the spread of digital drugs among youth globally. They emphasized the need to tackle this issue early on before it becomes a threat to societies (Al Moeini: 2017).

The third legal challenge that investigative and judicial authorities may face is that the audio file can only influence the user with the presence of specific headphones. This makes it impossible to hold those who promote these files accountable, as the act would not be a crime without the presence of headphones. Additionally, when substances are criminalized, they are placed in schedules by the Ministry of Health, which adds any substances it deems as drugs to the prohibited list. The law can then be applied to offenders, as was the case with "Tramadol" tablets, which were not initially considered a crime until they were classified as prohibited substances (Asiri, A. :2016).

Considering the increasing negative effects of these challenges, it is essential to note that there are proposed legal solutions that must be considered to raise awareness of the negative effects of these digital drugs. This will be discussed in the second part of this article before drawing conclusions and making recommendations.

### **3.2 Legal Solutions to Confront the Danger of Digital Drugs**

The escalating importance of awareness regarding the risks associated with the proliferation of digital drugs is emphasized, particularly in the absence of legal regulations to address this issue.

The Jordanian Electronic Crimes Law does not currently include provisions for digital drugs, in contrast to the Narcotics and Psychotropic Substances Law, No. 23 of 2016 and its amendments.

The researcher suggests the following modifications to comprehensively address digital drug addiction:



### **A. Amendment of the Electronic Crimes Law**

Regulation of those who promote digital drugs, with the imposition of stricter penalties, contributing to the control of platforms producing these substances.

### **B. Regulation of Digital Platforms**

Establishment of specific times and guidelines for the use of digital platforms that create addictive games and enable the promotion of this type of music, known to cause addiction and brain instability.

### **C. Coordination with Medical Authorities**

Collaboration with medical authorities to monitor the side effects of digital drugs, highlighting the possibility of developing methods to identify addicts and initiate immediate treatment through specialized psychological and medical centers.

### **D. Amendment of Narcotics Law**

Modification of the Narcotics and Psychotropic Substances Law to criminalize the discovery of this type of drug due to its significant danger to the youth.

It is noteworthy that recent fear has spread among the public following conflicting reports of the first death in Saudi Arabia attributed to these drugs.

Statements from four official sources, three of which operate under the supervision of the Ministry of Health, contradict each other, with medical authorities expressing unreadiness to handle such cases, as digital drugs are purportedly used solely for depression treatment.

The study concludes with some awareness tips for parents to find legal texts regulating digital drugs, including monitoring prolonged online audio exposure, educating children about the dangers of digital drugs, imposing strict control, utilizing leisure time for beneficial activities like drawing or sports, avoiding violence and threats in communication, and fostering children's confidence, especially during adolescence.

In conclusion, there is an imperative need to amend the Electronic Crimes Law and the Narcotics and Psychotropic Substances Law to address the negative impact of digital drugs on an entire generation, considering the current legislative gaps and the lack of legal awareness regarding the importance of addressing the spread of digital drugs.

### **Summary**

In summary, the study identifies digital drugs as a new form of addiction with legal gaps and difficulties in detection and proof. Recommendations include legal amendments, awareness campaigns by civil and medical institutions, and the importance of finding legal and medical solutions to detect and address addiction to digital drugs.

### **Results**

#### **1. Absence of Jordanian Laws**

The study revealed the absence of legal provisions addressing digital drug addiction in the Jordanian laws on narcotics and electronic crimes.

## **2. Difficulty in Detecting Digital Drugs**

The study indicated the current inability to detect digital drugs and the lack of precise information about their effects.

## **3. Challenge of Proof**

The study highlighted the challenge of proving cases of addiction to this type of drugs in the event of future apprehensions.

## **Recommendations**

### **1. Legal Amendments**

The study strongly recommends amending the laws on narcotics, psychotropic substances, and electronic crimes in Jordan to include provisions addressing digital drug addiction, accompanied by stricter penalties for those who promote them.

### **2. Awareness Campaigns**

Emphasizing the importance of conducting awareness campaigns about the dangers of digital drugs, whether through civil society institutions, medical organizations, or entities involved in combating drug abuse.

### **3. Seeking Legal and Medical Solutions**

The study recommends the importance of actively seeking legal and medical solutions for detecting and treating individuals addicted to digital drugs.

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