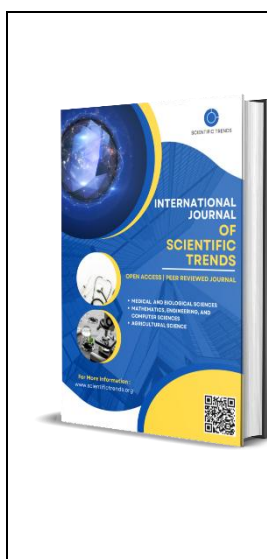


# Preventive Measures Against Selected Forms of Transnational Organized Crime in Uzbekistan

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## Abstract

In the context of globalization and increasing cross-border criminal activity, strengthening the legal and institutional framework for combating transnational organized crime has become a pressing priority. This study emphasizes the necessity of improving international legal standards and identifying new strategic approaches to enhance criminal liability for offenses such as human trafficking, terrorism, money laundering, and drug trafficking. Particular attention is given to the development of effective interstate cooperation mechanisms and the reinforcement of preventive measures aimed at curbing the expansion of transnational organized crime. The article provides a criminal law-based analysis of the preventive dimensions of selected transnational organized crimes within the Republic of Uzbekistan.

**Keywords:** Crime prevention; transnational organized crime; criminal liability; interstate cooperation; human trafficking; terrorism; money laundering; drug trafficking; criminal law policy.

## Introduction

An analysis of the current state of international cooperation in combating transnational crime allows us to develop directions for its development. Because currently, under the influence of such phenomena as globalization and internalization, the boundaries of crime are expanding, the number of crimes affecting the interests of several countries is increasing. This, in turn, requires further improvement of international cooperation of states in combating crime, increasing its effectiveness.

At the same time, the world community has expressed its firm position against terrorism and extremism and enshrined it in a number of international legal documents. International standards describing this type of extremism and terrorism are enshrined in a number of international documents.

In particular, in 1934, at a conference held in Madrid dedicated to the unification of criminal legislation, a definition of terrorism was adopted as "the use of any means for the purpose of terrorizing the population and destroying any public organization."

In 1937, more than 20 countries signed the Convention on the Prevention and Punishment of Terrorism. It defines terrorism as "criminal activity directed against the state, aimed at instilling

fear in certain persons or the population." The first international document on the need for international cooperation in the fight against terrorism was called "Prevention and Prevention of Terrorism" and was discussed at an international conference held by the Union of States in 1937 [1]. This document also contains a special provision on extradition, that is, the transfer of a criminal who is a citizen of one country, or a stateless person, to another country. This document states that if a decision on extradition cannot be made for one reason or another, then the state on whose territory the criminal was caught can try him and ensure the inevitability of punishment [1]. Unfortunately, although this document was signed by 24 countries, it was not ratified, remained on paper and no action was taken to use it in practice. Nevertheless, this Convention led to the adoption of a number of multilateral international documents that served as the basis for solving political and legal problems associated with terrorism during the last century. Analysis of international transactions:

- bombings of headquarters of embassies, missions or representative offices of international organizations;
- acts of vandalism committed in streets, airports, railway stations, cultural centers, industrial facilities, commercial and professional buildings with the purpose of damaging or destroying property, injuring and killing people;
- intentional use of explosive devices by placing explosive devices on cargo, parcels, letters and other items sent by mail;
- any acts of vandalism committed against public buildings;
- allows to classify as international terrorist acts conspiracy to commit international terrorist acts and participation in any form thereof [5-7].

In the first half of the sixties of the twentieth century, a number of international documents were adopted on this matter, due to the fact that many criminal incidents were committed, such as the use of other methods of committing terrorist crimes, including hijacking civilian aircraft, endangering the lives of passengers. In particular, the Convention on "Offences and Certain Other Acts Committed on Board Aircraft", signed in Tokyo in 1963, the 1971 Convention on "The Suppression of Unlawful Acts against the Safety of Civil Aviation" and the 1988 Protocol "At Airports Providing International Serving Civil Aviation". An example of this is the Hague Convention for the Suppression of Unlawful Acts, such as the Use of Force. Also, the Conventions "The Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents" (1973) and "The Suppression of the Taking of Hostages" (1979) are still effectively used in the fight against international terrorism.

In addition to the above-mentioned international documents, it should be noted that the following international documents are in force, reflecting the issues of combating terrorism and representing mutual cooperation of the countries of three continents:

- 1) "On the Prevention and Punishment of Terrorism as a Crime against the Person of an International Character" of the Organization of American States (1971);
- 2) prepared and adopted by the European Union "On the Fight against Terrorism" (1976);
- 3) the 1978 Convention "On the Prevention of Terrorism", adopted by the member countries of the South Asian Cooperation Association.

To increase the effectiveness of such cooperation, it is important that the legal framework is fully formed. Accordingly, within the framework of this paragraph of our study, the issue of improving the legal framework governing international cooperation in the fight against crime is analyzed.

The fourteenth section of the Criminal Procedure Code of the Republic of Uzbekistan is called "International Cooperation in the Sphere of Conducting Criminal Cases" and contains:

- sending a request for the performance of procedural actions on the territory of a foreign state;
- the content and form of the request to perform procedural actions on the territory of a foreign state;
- the legal force of evidence obtained on the territory of a foreign state;
- execution of a request to perform procedural actions on the territory of the Republic of Uzbekistan;
- summoning a witness, victim, expert, civil plaintiff, civil defendant, their representatives located outside the territory of the Republic of Uzbekistan;
- sending criminal case materials to the competent authority of a foreign state;
- execution of a request to bring to criminal liability on the territory of the Republic of Uzbekistan;
- issues of extradition of a person on the territory of a foreign state are regulated [2].

At the same time, in order to improve the efficiency of the investigative bodies of the Prosecutor General's Office of the Republic of Uzbekistan, as well as other law enforcement agencies, in order to prevent and combat crime, as well as quickly and fully disclose the crimes committed, interstate mutual legal regulation in the national criminal procedure legislation of the use of technological advances in providing assistance, including questioning of witnesses, victims, accused, suspects and other participants in the process via videoconferencing, submission of documents, protocols and evidence, issuance of documents, temporary transfer of a detainee to testify, search and seizure, criminal issues of detection, confiscation and return, alienation or distribution of income from activities, objects of crime and weapons, property, as well as the organization and enforcement of court decisions made in foreign countries (including recognition of court decisions) are not regulated. Indeed, the current criminal procedure legislation provides for the procedure for conducting investigative actions via videoconference. However, in Article 91<sup>1</sup> of the Code of Criminal Procedure, which establishes this procedure, such investigative actions as interrogation, identification of persons and things, as well as a face-to-face meeting with the participation of witnesses, victims, suspects and accused, summon these persons. to the internal affairs agency or the court of the region, district or city where they are located or live, it is assumed that it can be carried out in videoconference mode using technical means [3].

In addition, investigative actions carried out by the legislator in videoconference mode are separately indicated. That is, according to this norm, it is noted that such investigative actions as interrogation, identification of persons and things, personal interrogation can be carried out in videoconference mode. In our opinion, it is advisable to use technological advances in the provision of interstate mutual legal assistance in the prevention of crimes, as already mentioned above, for interrogation of witnesses, victims, accused, suspects and other participants in the process in a foreign state via videoconferencing. , identify persons and things, identify them, physically identify things or documents. We consider it appropriate to conduct investigative actions, such as attaching to the case as written evidence [8-10], as well as determining the procedural nature. to assign this and include this form of cooperation in the legislation.

In our opinion, these regulated issues existing in our legislation cannot fully cover the relations of the Republic of Uzbekistan with other countries in the field of combating crime.

Below we will analyze the area of the procedure for transferring prisoners to serve a sentence, which is not provided for by the SPC.

The transfer of a prisoner from one country to another country of which he is a citizen is carried out in order to create favorable conditions for the social adaptation of prisoners based on the principles of humanity and respect for human rights. [4]

However, despite this, the criminal procedure legislation of the Republic of Uzbekistan does not reflect, as indicated above, the grounds, conditions and procedure for the transfer of convicts to continue serving their sentences or the reception of their citizens from another country to continue serving their sentences.

Currently, the transfer or reception of convicts to continue serving their sentences is carried out in the Republic of Uzbekistan only on the basis of an international treaty. Today, the Republic of Uzbekistan has signed agreements with such countries as the UAE, Azerbaijan, Ukraine, Georgia, Turkmenistan, Latvia and Turkey on the transfer of prisoners to continue serving their sentences. Within the framework of these agreements, citizens of the Republic of Uzbekistan from these countries are transferred to Uzbekistan to continue serving their sentences or vice versa, citizens serving sentences in Uzbekistan are transferred to these countries to continue serving their sentences.

This form of international legal cooperation in the fight against transnational crime is aimed at the comprehensive protection of human rights and freedoms, the moral correction of criminals. After all, even in the policy implemented today in our country, the main emphasis is not on punishing criminals, but on their re-education. The influence of their close relatives is of great importance in the re-education of such persons. In addition, the acceptance of these persons by the country of citizenship at their request can become an impetus for them to switch to a decisive path of recovery. However, despite these advantages, agreements on the transfer of prisoners have not been signed with a number of CIS countries, including the Russian Federation, the Republic of Kazakhstan, the Kyrgyz Republic and others. We consider it appropriate to interpret the reasons for which such agreements have not been concluded, and thus develop a proposal regarding the circumstances that prevent this.

The first reason why the CIS countries and other countries (Russia, Kazakhstan, etc.) do not conclude agreements on the transfer of prisoners with the majority of our citizens in prison is the economic factor. Because in case of signing agreements on the transfer of prisoners, delivery of these citizens from a number of near and far countries to their territory (travel expenses), organization of their punishment on the territory of Uzbekistan (expenses related to the maintenance of prisoners, creation of the minimum necessary conditions for their residence) in the Republic of Uzbekistan it is very expensive and requires large monetary resources, and the possibility and probability that these funds will be paid for by the daily labor of this convict in a correctional institution is very small. In such a case, it is possible to exclude the possibility of reimbursement of expenses related to the transportation and storage of prisoners by close relatives of this prisoner, or by introducing a rule determining that the funds spent will be recovered from the general budget. concluded retroactively. After all, in our republic human dignity, rights and freedoms prevail over economic factors. In addition, another factor influencing the failure to

conclude mutual agreements between countries is the legal factor. That is, if the persons transferred to continue serving their sentence are released without serving their sentence and without getting on the path to recovery, that is, without re-education in the spirit of law-abidingness, this may cause a sharp increase in the crime rate in the country. On the other hand, these persons who committed a crime in the territory of another country will be deported to the country of their citizenship after serving their sentence. Therefore, concluding agreements on the transfer of convicts is not capable of affecting the crime situation so much. Another reason for the lack of extradition agreements is the social factor. That is, it is necessary to ensure that persons assigned to continue serving their sentence, during the period of serving their sentence and after its completion, ensure their adaptation to social life, undergo a medical examination, undergo vocational training, provide them with employment, the necessary social protection and a place of residence. However, in the process of large-scale reforms that are being implemented in our country, great importance is attached to the creation of additional jobs, in particular, the development of entrepreneurship. Therefore, ensuring the employment of persons who have served their sentence is not such a difficult issue.

Based on the above and in order to assist convicts serving sentences in other countries in adapting to society by providing them with the opportunity to serve their sentences in their own country, based on the principles of humanity and the priority of human rights and freedoms, the SPC "Continuation of serving sentences of citizens of the Republic of Uzbekistan serving sentences abroad" has been created in the Republic of Uzbekistan; it is proposed to supplement it with Chapter 66 entitled "Acceptance and transfer of citizens of other countries serving sentences in Uzbekistan".

So, based on the above analysis, the following conclusions can be made:

1. Based on the analysis of the legislation of foreign countries regulating international cooperation in the fight against transnational crime, these countries can be conditionally classified as follows: countries where relations on issues of international cooperation in criminal matters are regulated by constitutional norms; countries whose issues of international cooperation in the fight against crime are regulated by criminal and criminal procedure codes; countries that have adopted special legislation in various areas of international cooperation in the fight against transnational crime, in particular, on mutual assistance in criminal cases, extradition, and transfer of prisoners.
2. Interrogation of witnesses, victims, accused, suspects and other participants in the process in a foreign state by means of videoconferencing, identification of persons and things, grimaces, objects and the appropriate production of investigative actions in the form of attaching documents to the case as material and written evidence, as well as determining the procedural order of this, providing for this form of cooperation.
3. It is proposed to supplement the Criminal Code of the Republic of Uzbekistan with Chapter 66, entitled "Acceptance of citizens of the Republic of Uzbekistan serving a sentence abroad to continue serving their sentence and the transfer of citizens of other countries serving a sentence in Uzbekistan."
4. When improving Article 155 of the Criminal Code of the Republic of Uzbekistan, it is advisable to divide them into separate parts, given that the definition of responsibility for the commission and threat of terrorism in a single part does not correspond to the principles of humanity and justice. Examples of the implementation of the risk of money laundering and terrorist financing in

cross-border banking operations in recent years include: illegal financial transactions carried out through pseudo-import (the "Belarusian-Kazakhstani scheme"); illegal money transfer using financial institutions of post-Soviet countries (the "Estonian scheme"); the use of informal money transfer schemes ("Hawala") in the EAEU; the involvement of banks in schemes for falsifying the supply of securities; the repatriation of capital (the "Moldovan scheme" and others).

5. In the United States and European countries, the following factors are identified for the commission of economic crimes related to illegal financial transactions related to the position: the official must be interested or forced to commit this crime; the official must have the opportunity to commit an illegal act or make a similar decision.

## References:

1. Rajabova.M. Religious extremism and terrorism. Where is its root? What is the purpose? How to fight against him?' T.: "Generation of the New Century". 2000, -3. 97
2. Criminal Procedure Code of the Republic of Uzbekistan. National database of legislative information, 04/21/2021, No. 03/21/683/0375, 08/17/2021, No. 03/21/708/0799, 08/26/2021, 03/21/711/0825 - thigh; 17.09.2021, No. 03/21/716/0877, 30.10.2021, No. 03/21/726/1001, 07.12.2021, No. 03/21/735/1141; 02/16/2022, No. 03/22/754/0134; 03/14/2022, No. 03/22/759/0213, 04/12/2022, No. 03/22/762/0290
3. Criminal Procedure Code of the Republic of Uzbekistan. National database of legislation <https://lex.uz/docs/111460>
4. Dzhigir A.I. Institut vydachi lits, sovershivshikh prestuplenie: problemy ugovovno-pravovoy reglamentatsii. Diss. ... candy. walk science - M., 2008. - P.19
5. Hamidov, N. (2022, March). Fuqarolar qonunchilik tashabbusi huquqi subyekti ifatida: nazariy-huquqiy tahlil. In International journal of conference series on education and social sciences (Online) (Vol. 2, No. 3)
6. Khidoyatov, B. B., & Utarov, K. (2022). Issues of international cooperation in prevention of transnational crimes. magazine pravovyx issledovaniy, (SI 1)
7. Khamidov, Nurmukhammad. " Transmilliy jinoyatlar tushunchasi va ular uchun javobgarlik belgilanishining ijtimoiy zarurati." (2020): 1-10.
8. Sunnatov V. Issues of Classification of The Crime of Career Fraud In Uzbekistan //Ilkogretim Online. – 2021. – T. 20. – №. 3.
9. Vokhid, Sunnatov. "Specific aspects of motivation and purpose in the quantification of career fraud crime." Review of law sciences 4 (2020): 122-127.
10. Gafurova N., Khidoyatov B., Sunnatov V. Criminal responsibility of medical workers: national and foreign experience //International Journal of Pharmaceutical Research. – 2020. – T. 12. – №. 2. – C. 157.