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DESCRIPTION OF THE CRIME OF DRUG TRAFFICKING IN NATIONAL AND GLOBAL EXPERIENCE

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Abstract: This article analyzes the objective and subjective components of the crime of smuggling as stipulated in Article 246 of the Criminal Code of the Republic of Uzbekistan, with a particular focus on the illicit trafficking of narcotic drugs and their precursors. The author examines the methods of drug smuggling, the types of substances involved, and the geopolitical and corruption-related factors that facilitate these crimes. The article puts forward proposals for strengthening control over precursors used in the production of synthetic and semi-synthetic narcotics and aligning national legislation with international conventions, specifically the 1988 UN Convention. Furthermore, the importance of establishing systematic national and international cooperation between law enforcement agencies is legally justified as a key strategy to dismantle organized drug trafficking chains.

Keywords: smuggling, narcotic drugs, precursors, Criminal Code, customs control, criminal liability, international cooperation, psychotropic substances.

Аннотация: В данной статье анализируются объективные и субъективные стороны преступления контрабанды, предусмотренного статьей 246 Уголовного кодекса Республики Узбекистан, в частности, правовые аспекты, связанные с незаконным оборотом наркотических средств и их прекурсоров. Автор исследует способы совершения контрабанды наркотиков, их виды, а также геополитические и коррупционные факторы, способствующие совершению данных преступлений. В статье выдвигаются предложения по усилению контроля над прекурсорами, используемыми при производстве синтетических и полусинтетических наркотиков, приведению национального законодательства в соответствие с международными конвенциями (в частности, Конвенцией ООН 1988 года) и пресечению цепочек организованных преступных групп. Также с правовой точки зрения обосновывается важность налаживания системного национального и международного сотрудничества между правоохранительными органами.

Ключевые слова: контрабанда, наркотические средства, прекурсоры, Уголовный кодекс, таможенный контроль, уголовная ответственность, международное сотрудничество, психотропные вещества.

Annotatsiya: Ushbu maqolada O‘zbekiston Respublikasi Jinoyat kodeksining 246-moddasida nazarda tutilgan kontrabanda jinoyatining ob’ektiv va sub’ektiv tomonlari, xususan, giyohvandlik vositalari va ularning prekursorlari noqonuniy aylanishi bilan bog‘liq huquqiy jihatlar tahlil qilinadi. Muallif giyohvand moddalar kontrabandasining amalga oshirilish usullari, ularning turlari va bu jinoyatga imkon beruvchi geosiyosiy hamda korrupsion omillarni tadqiq etadi. Maqolada sintetik va yarim sintetik giyohvand moddalar ishlab chiqarishda qo‘llaniladigan prekursorlar ustidan nazoratni kuchaytirish, qonunchilikni xalqaro konvensiyalarga (xususan, BMTning 1988-yildagi Konvensiyasiga) muvofiqlashtirish va jinoiy guruhlar zanjirini uzish

bo‘yicha takliflar ilgari surilgan. Shuningdek, milliy va xalqaro hamkorlikni tizimli yo‘lga qo‘yishning ahamiyati huquqiy nuqtai nazardan asoslab berilgan.

Kalit so‘zlar: kontrabanda, giyohvandlik vositalari, prekursorlar, Jinoyat kodeksi, bojxona nazorati, jinoiy javobgarlik, xalqaro hamkorlik, psixotrop moddalar.

Today, the crime of smuggling, which is becoming a global issue, poses a significant threat to world security and stability, as well as to the economic, political, cultural, and spiritual spheres of every society. In such a situation, combating smuggling is a central focus not only for the Republic of Uzbekistan but also for countries worldwide. In particular, the liabilities established in the criminal legislation of the Russian Federation, the Republic of Kazakhstan, and the People's Republic of China for the illegal movement of smuggled items across customs borders clearly prove this fact.

The subject of the crime of smuggling may include potent, toxic, poisonous, or explosive substances; radioactive materials, explosive devices, weapons, firearms, or ammunition; as well as narcotic drugs, their analogues, or psychotropic substances. Additionally, it encompasses materials promoting religious extremism, separatism, and fanaticism; nuclear, chemical, biological, and other types of weapons of mass destruction; and materials or equipment that could be utilized in the creation of such weaponry.

The illegal movement of smuggled items across the state border, provided that the relevant conditions are met, should be qualified as a cumulative crime under Article 246 of the Criminal Code, as well as under the articles establishing liability for violating the rules for handling radioactive materials, narcotic drugs, potent toxic, poisonous, or explosive substances, weapons, and explosive devices.

The object of the crime of smuggling consists of social relations that ensure public safety, as well as the health of the population.

The **objective side of the crime** specified in Part 1 of the Criminal Code is manifested in the illegal movement of items across the customs border of the Republic of Uzbekistan in various forms:

by bypassing customs control;

by concealing items from customs control;

through the fraudulent use of documents or other means of identification;

by failing to declare or misdeclaring potent, toxic, poisonous, or radioactive materials, explosive substances, explosive devices, weapons, firearms, or ammunition, as well as narcotic drugs, psychotropic substances, or materials promoting religious extremism, separatism, and fundamentalism.

The illegal transportation of narcotics across the customs or state borders of the Republic of Uzbekistan can be carried out through the following methods:

the illegal import or export of narcotic drugs and psychotropic substances into or out of the territory of the Republic through the customs border or via bypass routes;

transportation without declaration or by declaring items under the guise of other goods (misclassification);

providing false information regarding the transported goods (using forged documents).

The subjective side of the crime of smuggling is characterized by direct intent. **The subject of the crime** is a sane physical person who has reached the age of 16.

Part 2 of Article 246 of the Criminal Code of the Republic of Uzbekistan establishes liability for smuggling narcotics in large quantities based on qualifying marks. However, Part 2 of Article 246 (which covers the smuggling of nuclear, chemical, biological, and other types of weapons of mass destruction; materials and equipment known to be usable in their creation; radioactive materials; as well as narcotic drugs, their analogues, or psychotropic substances in large quantities) does not specifically categorize these crimes when committed by an **organized group** or for the purpose of **subsequent delivery (distribution)** of narcotics.

Introducing this proposal as a separate clause would enable the identification of the entire chain of individuals involved in illegal operations with narcotic drugs and psychotropic substances, allowing for a more successful fight against organized drug trafficking.

The causes and conditions contributing to the smuggling of narcotic drugs (psychotropic substances) include the following:

High illicit profits: The substantial financial gains acquired by criminal groups from the sale of narcotic substances.

Geopolitical and geographical determinants: Uzbekistan's location in the heart of Central Asia and its direct borders with Tajikistan and Afghanistan create opportunities for the influx of drugs, given the high volume of narcotics produced in these neighboring states.

Legal and procedural gaps: The imperfection of customs legislation and inconsistencies in its law enforcement practice serve as significant factors enabling the smuggling of narcotic drugs and psychotropic substances.

Corruption among officials: Instances of corruption among border officials and law enforcement personnel, driven by financial interests, facilitate the smuggling of narcotics across the borders of the Republic of Uzbekistan. Furthermore, officials may abuse their positions to forge customs documents, interfere in administrative or criminal proceedings, unjustifiably suspend investigations, or destroy physical evidence.

Insufficient international cooperation: The level of collaboration between customs, domestic law enforcement agencies, and their foreign counterparts regarding joint operations and shared challenges remains inadequate. In practice, significant results and efficiency can only be achieved if the interaction between law enforcement agencies is conducted on a systematic and consistent basis.

Furthermore, there is another issue that requires our attention: it is impossible to produce, prepare, or process synthetic and semi-synthetic drugs (such as amphetamine-type stimulants, heroin, and cocaine) without the use of chemical precursors. The vast majority of these precursors are in legal circulation both within Uzbekistan and abroad.

Currently, the expansion of the trade and consumption of synthetic and semi-synthetic drugs in the Republic of Uzbekistan is directly linked to the increased activity of criminal groups involved in the illegal trafficking of these drugs, as well as the precursors and other substances necessary for their production.

According to our legislation, medicines and pharmaceutical products used in the chemical and medical industries are in legal circulation in our country. Consequently, there is a possibility that criminal acts could be disguised as legitimate financial and economic operations by hiding illicit substances under the guise of these legal goods to evade customs control.

In addition, there are substances used in the production of these synthetic drugs that are not yet officially recognized as precursors in legislation. It is necessary to constantly update the official lists to include these emerging substances.

In this regard, it is essential to consider developing new approaches to the organization and tactics of operational-search activities in the field of combating the illegal circulation of precursors, specifically through systematic study and assessment. For example, substances such as acetic anhydride, acetone, ethyl ether, toluene, and hydrochloric acid are utilized in the production of heroin.

In the production of cocaine, potassium permanganate is utilized, while amphetamine-type stimulants are obtained through the direct chemical synthesis of substances such as ephedrine and pseudoephedrine, 1-phenyl-2-propanone, allylbenzene, benzaldehyde, ethanamine, and numerous other compounds.

In this context, to exercise direct oversight over such activities, the **State Commission of the Republic of Uzbekistan on Drug Control** was established by Resolution No. 229 of the Cabinet of Ministers of the Republic of Uzbekistan on April 30, 1994.

The State Commission of the Republic of Uzbekistan on Drug Control serves as an inter-agency body responsible for coordinating the fight against the illicit trafficking of narcotic substances. Its mandate includes developing and implementing effective measures to prevent the spread of drugs at both national and regional levels, as well as ensuring the fulfillment of international obligations regarding drug control.

It is established that these lists are approved by the Cabinet of Ministers of the Republic of Uzbekistan in accordance with the prescribed procedure and published in the press. These substances are included in the lists of narcotic drugs, psychotropic substances, and their precursors that are subject to control in the Republic of Uzbekistan in accordance with national legislation and international treaties, including the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

The organization of effective control over the circulation of precursors, as well as the development of liability measures for illegal violations, is a vital component of the mechanism for combating the threat of drugs. This is aimed at preventing these substances from entering illegal circulation and thereby restricting the raw material base for the illicit manufacturing and production of narcotic drugs.

Over the last few years, significant work has been undertaken in the field of controlling the circulation of precursors, with important steps taken to align the national legislative system with international legal standards.

In particular, the legislation of the Republic of Uzbekistan has implemented the provisions of the 1988 Convention, under which the state exercises control over the circulation of the precursors specified therein.

The Cabinet of Ministers of the Republic of Uzbekistan adopted Resolution No. 330 on November 12, 2015, 'On improving the procedure for the import, export, and transit of narcotic drugs, psychotropic substances, and precursors in the territory of the Republic of Uzbekistan, as well as the control over their circulation.' Specifically, Appendix 7 of this resolution approved the list of precursors whose circulation is restricted in the Republic of Uzbekistan.

The production, sale, use, and import (export) of such precursors are permitted exclusively for scientific and educational purposes, as well as for the purposes of conducting expert examinations and carrying out operational-search activities.

According to Appendix 7 of Resolution No. 330 of the Cabinet of Ministers, a list of 29 types of precursors is provided. Furthermore, Chapter IV of the 'Regulation on the conditions for storage, issuance, sale, distribution, and accounting of narcotic drugs, psychotropic substances, and precursors,' registered by the Ministry of Justice of the Republic of Uzbekistan on December 29, 2001 (No. 1090), clearly defines the procedures for the storage, issuance, accounting, and sale of precursors.

The experience of foreign nations demonstrates that crimes related to smuggling—particularly those involving narcotic drugs, their precursors, and psychotropic substances—have consistently remained a serious challenge not only for the Republic of Uzbekistan but for countries across the globe.

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