ISSN : 2466-0744

MULTIDISCIPLINE PROCEEDINGS OF

DIGITAL FASHION CONFERENCE

KOREA, REPUBLIC OF

Multidiscipline Proceedings of

DIGITAL FASHION CONFERENCE

October 2022 *(Volume 2, No.5)*

Copyright © 2021
By Woongjin Think Big Co., Ltd.
All rights reserved.
Available at digitalfashionsociety.org
Published:
서울 합정역
파주출판도시
ISSN 2466-0744
Seoul
Korea, Rebuplic of

EDITORIAL BOARD

Katharina Sand
PhD Candidate - Faculty of Communication, Culture and Society, USI - Universita della Svizzera italiana

Alice Noris
PhD Candidate - Faculty of Communication, Culture and Society, USI - Universita della Svizzera italiana

Michela Ornati
Faculty of Communication, Culture and Society, USI - Universita della Svizzera italiana

SOME ASPECTS OF QUALIFYING DRUG-RELATED CRIMES

Suyunov Shahzod Sh.
Teacher of the Department of Investigative
Activities of the Ministry of Internal Affairs
Academy of the Republic of Uzbekistan

Abstract: This thesis, together with the achievements and milestones we achieve in living a peaceful and peaceful life, the increasing number of crimes related to the illegal circulation of narcotic drugs and psychotropic substances that threaten our safety today, the various events happening in the world today, urge each of us to be more vigilant with drugs. is dedicated to eliminating some shortcomings in the judicial investigation practice in the fight against crimes.

Keywords: global, dangerous, transnational, addiction, psychotropic, chronic, narcotic, possession, transportation, acquisition

Humanity is reaching new heights of development. However, there are still several factors that threaten the future of peoples and nations in the world. One such danger is the scourge of drug addiction. International cooperation is important in combating this disease, which has become a global problem. The three most dangerous types of transnational crime, which have been "inherited" to us from the last century, threaten the future of humanity. In particular, international terrorism, extremist, fundamentalist and separatist attacks under the guise of religion, drug trade (drug business), human trafficking.

It is no secret that the amount of money circulating in the world's narcotics business is far greater than the world's population spending on food, clothing, housing, education and medical services. [1]

The saddest thing is that drug addiction is causing serious crimes, destruction of families and nation's gene pool. According to statistics, more than 500 million people in the world suffer from drug addiction. Most of them are under 30 years old. More than 200,000 people die as a result of this every year. At the same time, 57 percent of crimes committed in the world are attributed to drug addicts. Therefore, in order to strengthen the fight against drug addiction, the conventions "On Narcotic Substances", "Psychotropic Substances" and "On Combating Illicit Trafficking in Narcotic Drugs and Psychotropic Substances" were adopted by the UN, according to the resolution No. 47/112 of December 7, 1987 "June 26 - the International Day of Combating Drug Abuse and Illicit Trafficking" was announced. [2.]

It is not a secret to anyone that there are such evils in the world that can seriously harm human health and make his life miserable. The scourge of drug addiction is one of those cruel evils. First of all, the nervous system of a person who is addicted to drugs breaks down, and his mental and physical health is seriously damaged. His social activity, that is, his ability to work, is severely impaired. The worst thing is that these problems do not go away by themselves, but continue - they cause the birth of disabled children in the family. In our country, strong legal foundations have been created to prevent and fight against this disease. In particular, laws "On compulsory treatment of patients suffering from chronic alcoholism, drug addiction or drug addiction", "On narcotic drugs and psychotropic substances" have been adopted. [3.]

At a time when special attention is being paid to the protection of human health and the peaceful and prosperous life of citizens in our country, and the necessary financial

resources are being spent for this without sparing, there are also increasing attempts to spread this dangerous disease that harms the health of oneself and others, and to earn money from it. .

In particular, "Agreement between the Russian Federation, Azerbaijan, Kazakhstan, Uzbekistan, Kyrgyz Republic, Tajikistan and Turkmenistan on the establishment of the Central Asian Regional Information Coordination Center on Combating the Illegal Trafficking of Narcotic Drugs, Psychotropic Substances and Their Precursors (Astana, 2006) July 24) on ratification", "On narcotic drugs and psychotropic substances", "On the protection of citizens' health", "On the quality and safety of food products", "Mandatory treatment of patients suffering from chronic alcoholism, drug addiction or drug addiction" The adoption of "treatment" laws is the most daring step taken to build a healthy country in the future. [4.]

In particular, Chapter XIX of the Criminal Code of the Republic of Uzbekistan defines the crimes of illegal dealing with narcotic drugs or psychotropic substances and the responsibility for them. However, in the practice of law enforcement, there are a number of difficulties that need to be solved theoretically and practically in the qualification of crimes consisting of illegal dealing with narcotic drugs or psychotropic substances. subjects (narcotics, psychotropic substances, precursors); distinguishing illegal transportation of narcotic drugs or psychotropic substances from shipment and related to their quantity.

Article 276, Part 1 of the Criminal Code of the Republic of Uzbekistan stipulates criminal liability for the illegal preparation, storage, possession, transportation or shipment of narcotic drugs, their analogues or psychotropic substances without the intention of transferring them. It is noteworthy that one of the acts of the objective side of this crime is liability for the act of "possession" in Article 271 of the Criminal Code of the Republic of Uzbekistan.

This structure in the legislation causes a number of problems in the qualification of cases committed for the purpose of transfer of such objects and cases related to theft, fraud, embezzlement or misappropriation, robbery, extortion and other illegal possession of these objects.

Clause 20 of the Resolution No. 12 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated April 28, 2017 "On judicial practice in criminal cases related to illegal handling of narcotic drugs, their analogues and psychotropic substances"

In paragraph 1, "According to Article 271 of the Civil Code, responsibility for the possession of narcotic drugs, their analogues, psychotropic substances, when they are illegally obtained from enterprises, organizations and institutions, from the lands belonging to agricultural enterprises that grow plants containing narcotic substances in the prescribed manner, as well as legal rights to them and occurs when it is illegally taken from citizens who are in possession of it illegally." Marked as [5.].

As can be seen from this rule, regardless of whether the possession of narcotic drugs or psychotropic substances was carried out with or without the purpose of illegal transfer, the act of the culprit should be qualified by the relevant part and clauses of Article 271 of the Criminal Code based on the method of possession of the objects of crime.

For this reason, in order to give a correct legal assessment of such acts in the judicial investigation practice, the term "possession" provided for in Article 276 of the Criminal Code of the Republic of Uzbekistan should be replaced with the term "taking".

The occurrence of the above-mentioned problems in our practical activities requires further clarification of these norms of the criminal law and elimination of existing conflicts.

References:

1.Postda newspaper February 10, 2022 No. 6.

2.Telegina EG Jenskaya prestupnost v kontekte deviantnogo povedeniya / EG Telegina // Problemy realizatsii rossiyskogo zakonodatelstva na sovremennom etape sbornik nauchnyx statey pod red O V Shlyapnikovoy Vyp 1 Saratov SYuI MVD Rossii, 2010 S. p. 171-181

3.Ziya.uz

4.National and foreign experience of combating crimes involving illegal dealing with narcotic drugs or psychotropic substances: The current state and prospects for improving the legislation.

5.Decision No. 12 of April 28, 2017 of the Plenum of the Supreme Court of the Republic of Uzbekistan "On judicial practice in criminal cases related to illegal handling of narcotic drugs, their analogues and psychotropic substances".

ELSEVIER
SSRN
Universal Impact Factor