



IMPROVING MEASURES TO COMBAT THE LEGAL CIRCULATION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

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ANNOTATION

This article reflects the issues of improving measures to combat illegal trafficking of narcotic drugs or psychotropic substances, which pose a serious threat to society, and other actions committed for the purpose of their illegal transfer and transfer.

KEY WORDS: *narcotic drugs, psychotropic substances, illegal trafficking of narcotic drugs or psychotropic substances, amount of narcotic drugs or psychotropic substances, legal gap.*

Today, comprehensive reforms in all spheres of life of our society are primarily aimed at ensuring human rights, freedoms and legal interests.

In order to achieve these goals, ensuring public safety is considered the most important task of all law enforcement agencies of our country.

At the same time, illegal distribution of narcotic drugs or psychotropic substances is a serious concern, which hinders the comprehensive development of not only our society, but also the countries of the whole world, which leads to the decline of society. Drug addiction developed so rapidly from the end of the 20th century to the beginning of the 21st century that this "white death" became a dangerous phenomenon for all mankind [1].

The dangerous side of illegal dealing with narcotic drugs or psychotropic substances has a negative impact on the criminogenic situation in our country, the economic and cultural basis of our society. In many cases, such acts are inextricably linked with organized crime [2].

The crime of illegal trafficking of narcotic drugs and psychotropic substances is one of the most important social problems of our country, and it requires the use of strict measures by the state in the fight against it. Criminal law takes a special place among these measures.

Liability for crimes involving illegal handling of narcotic drugs or psychotropic substances is defined in Articles 270-276 of the Special Part Sixth Chapter XIX of the Criminal Code of the Republic of Uzbekistan [3].

The analysis of the judicial investigation practice shows that the criminal-legal norms determining responsibility for this type of crime are generally applied correctly. However, it should be noted that there are legal gaps in certain articles of the Criminal Code, inconsistencies and conflicts with other articles of the Code, as well as other normative legal documents, and the existence of a number of problems related to the application of these criminal legal norms. It should be noted.

In particular, in Article 273 of the Criminal Code, narcotic drugs or psychotropic substances included in the list approved by the decision of the State Commission on Control over Narcotic Substances are considered as the subject of crime. However, the provision of the article does not include narcotic drugs or analogues of psychotropic substances prohibited for circulation in the Republic of Uzbekistan as the subject of this crime. Due to the existence of such a legal gap in the law, today, the issue of responsibility for the illegal circulation of synthetic or natural substances, similar to narcotic drugs and psychotropic substances according to many of their structures and properties, which have an active effect on the psyche like them, but are not included in the list of prohibited or restricted means and substances in the Republic of Uzbekistan, remains outside the sphere of influence of the Criminal Law.

In order to eliminate this situation, we believe that it is appropriate to include analogues of narcotic drugs or psychotropic substances as the subject of a crime in this article of the Special Part of the Criminal Code.

One of the crimes that is most common and characterized by its high level of social danger is illegal transfer of narcotic drugs or psychotropic substances for the purpose of transfer, as provided for in Article 273 of the Criminal Code- preparing, receiving, storing and doing other actions are considered.

The current wording of this article contradicts the principle of dividing criminal elements into main aggravating and special aggravating elements according to the degree of social danger, which is used by the legislator in the structure of most articles of the Special Part of the Criminal Code. That is, in the disposition of the article, the second part refers to the first part, the third part refers



to the first and second parts, and the fourth part refers to the second and third parts. In the fourth part of the article, the independent composition of the establishment or maintenance of banks for the consumption or distribution of narcotic drugs or psychotropic substances is defined. In the fifth part of the article, responsibility for the independent form of transfer of narcotic drugs or psychotropic substances - sale is established.

This structure of the article creates certain problems in understanding the content of this crime, in its uniform application, and causes mistakes in practice.

In order to solve the problem related to the structure of this article, it is necessary to make appropriate amendments to it. In particular, in our opinion, following the methods of the legal technique used in the drafting of other norms of the Criminal Code, Article 273 of the Criminal Code should be restructured on the basis of division into main, aggravating and separate aggravating components, and the purpose of transferring narcotic drugs or psychotropic substances as the main component. Zlab defines the acts of illegal preparation, acquisition, storage, transportation or sending, as well as their illegal transfer, and as aggravating and separate aggravating components, these acts are related to the amount of narcotic drugs or psychotropic substances. It is appropriate to determine the responsibility.

At the same time, according to the content of the article, the responsibility for illegal dealing with the purpose of transferring narcotic drugs or psychotropic substances is established only for small amounts of narcotic drugs or psychotropic substances. Liability for illegal dealing with large quantities of criminal objects is established only for selling them in such quantities. That is, the responsibility for illegal preparation, acquisition, storage, transportation or sending of large amounts of them for the purpose of their transfer or transfer in other ways is not clearly regulated. In order to eliminate such imbalance in the law and taking into account that the illegal sale of narcotic drugs or psychotropic substances is considered a method of transfer, we consider to replace the word "sale" with the word "transfer" in part 5 of Article 273 of the Criminal Code appropriate.

In addition, in the first part of the article, the definition of responsibility for the illegal transfer of narcotic drugs or psychotropic substances in small quantities excludes the activities of transferring narcotic drugs or psychotropic substances in small quantities from the scope of legal regulation. In order to eliminate this gap in the law, in the first part of the considered article, in the sentence "as well as their illegal transfer in an amount that is not large", the words "in an amount that is not large" should be removed.

At the same time, in this article, the logical sequence of quantitative indicators is violated when determining the quantities of narcotic drugs or psychotropic substances, i.e., the minimum quantity that is not more than the minimum quantity that implies responsibility for illegal dealing (Part 1), more than that - more than a little amount (Part 2) and as the highest amount - a large amount (Part 5). Violation of this sequence was confirmed by the State Commission of the Republic of Uzbekistan for Control over Narcotic Substances in its Resolution No. 13 of March 22, 2016 "On approval of the quantities of illegal narcotic drugs and psychotropic substances in circulation" in the explanation in the appendix of the decision No. 16: "Amounts of narcotic drugs and psychotropic substances traded in violation of the law, less than the "not much" amount, provided for in the Code of Administrative Responsibility of the Republic of Uzbekistan confirms that it is considered "amount".

In our opinion, in order to ensure the logical sequence of quantity indicators and the compatibility of the Codes on Criminal and Administrative Responsibility of the Republic of Uzbekistan, in Article 273 of the Criminal Code, narcotic drugs or psychotropic substances are determined from the minimum amount to the highest It is appropriate to specify the quantities in the order of "a little more - not a lot - a lot".

These proposals and recommendations are designed to solve the existing theoretical and practical problems in the application of legal norms that provide for criminal liability for the crimes of illegal handling of narcotic drugs or psychotropic substances for the purpose of transfer. we think that it will serve to improve the criminal law norms that provide responsibility for this type of crime.

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