



IMPROVING CRIMINAL LIABILITY FOR THE ILLEGAL MANUFACTURE, ACQUISITION, STORAGE, AND OTHER ACTIONS WITH NARCOTIC DRUGS, THEIR ANALOGUES, OR PSYCHOTROPIC SUBSTANCES FOR THE PURPOSE OF SALE, AS WELL AS THEIR SALE

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Abstract. The article examines current issues of criminal liability in the Republic of Uzbekistan for the illegal manufacture, acquisition, storage, transportation, transfer, and sale of narcotic drugs, their analogues, or psychotropic substances with the intent to distribute. The study analyzes existing criminal legislation, law enforcement practice, and challenges in the legal qualification of such offenses. Particular attention is paid to distinguishing between possession of narcotic substances for personal use and possession with intent to distribute, as well as the objective and subjective elements of the crime. Based on an analysis of national legislation and international legal standards, the article proposes measures aimed at improving criminal law regulation and enhancing the effectiveness of combating illicit drug trafficking.

Keywords. Criminal liability, illicit drug trafficking, narcotic drugs, psychotropic substances, intent to distribute, drug distribution, criminal law, Republic of Uzbekistan.

Introduction

Illegal trafficking of narcotic drugs and psychotropic substances in modern conditions represents one of the most complex

and socially dangerous forms of criminal activity that negatively impacts all spheres of public life. For the Republic of Uzbekistan, this problem is of particular importance due to the state's geopolitical position, proximity to regions of traditional drug production, as well as the increased activity of transnational criminal groups using the country's territory as a transit corridor.

Crimes related to the sale of narcotic drugs pose a particular social danger, as sale is a key element in the functioning of the drug market. Illegal trafficking ensures the involvement of new individuals in drug use, contributes to the growth of drug addiction, destroys social ties

and leads to the formation of stable criminal structures. In this regard, criminal-legal countermeasures against the illicit trafficking of narcotic drugs for the purpose of sale occupy a central place in the system of measures

to ensure public safety and protect public health.

Criminal liability for the illegal manufacture, acquisition, storage, transportation, or transfer of narcotic drugs, their analogues, or psychotropic substances for the purpose of sale, as well as their sale, is established by Article 273 of the Criminal Code of the Republic of Uzbekistan. This provision is one of the key elements in the system of criminal-legal countermeasures against drug crime and provides for strict sanctions reflecting the high degree of social danger posed by these acts.

At the same time, the analysis of investigative and judicial practice shows that

that the application of Article 273 of the Criminal Code of the Republic of Uzbekistan is accompanied by a number of problems related to establishing the purpose of sale, differentiating related crimes, and differentiating criminal liability.

and individualization of punishment. These circumstances indicate the need for further improvement of criminal legislation and law enforcement practice in this area.

The relevance of this research is also determined by the change in the forms and methods of committing narcotic crimes, including the active use of information and telecommunication technologies,

This requires adaptation of criminal-legal means of countering modern challenges.

The purpose of the article is a comprehensive analysis of criminal liability for illegal actions with narcotic drugs and their analogues.

or psychotropic substances for the purpose of sale according to the legislation of the Republic of Uzbekistan, as well as the development of scientifically based proposals for its improvement.

To achieve the set goal in the work, the following tasks are solved:

- the socio-legal essence of the illegal circulation of narcotic drugs for the purpose of sale is revealed;

- elements of the crime stipulated in Article 273 of the Criminal Code of the Republic of Uzbekistan are analyzed;

- Theoretical approaches to the concept and characteristics of drug trafficking are considered;

- the main problems of qualification are identified and law enforcement practice.

Main part

1. The social and legal essence of the illicit trafficking of narcotic drugs for the purpose of sale.

Illegal trafficking in narcotic drugs represents a set of socially dangerous acts that infringe upon the procedures established by the state for the circulation of narcotic drugs and psychotropic substances. Illegal circulation is considered in scientific literature.

as a multi-level criminal activity, including the production, storage, transportation, and distribution of narcotic drugs, united by a common goal of obtaining illegal profit.

Drug trafficking occupies a central place in the structure of drug crime, as it is precisely it that ensures the final sale of drugs and the formation of sustainable demand. Unlike

of other forms of illegal actions, has a pronounced socially dangerous character, since its consequences affect an indefinite circle of persons and are mass in nature.

The social danger of illicit drug trafficking is expressed in

systemic undermining of public health. The spread of narcotic drugs contributes to the increase in the number of people suffering from drug addiction, an increase in mortality, the spread of socially dangerous diseases, as well as the degradation of personality. Drug addiction,

in turn, it often leads to the commission of other crimes, which intensifies the criminogenic tension in society.

Moreover, drug trafficking is closely linked.

with organized crime. Income from the sale of narcotic drugs is used to finance criminal communities, bribery of officials, and the legalization of criminal proceeds.

and expanding the sphere of illegal activity. In this context, illicit drug trafficking poses a threat not only to public health but also to the economic and national security of the state.

Taking these circumstances into account, the legislator of the Republic of Uzbekistan is consistently strengthening the criminal-legal counteraction to crimes related to the sale of narcotic drugs, classifying them as

to the category of serious and especially serious crimes.

2. Theoretical approaches to the concept of drug trafficking.

In criminal law science, there is no unified approach to defining the concept of "narcotic drug trafficking." Some authors view the sale solely as a fee-for-service drug transfer, linking it to the sale.

with the receipt of material benefits. Others adhere to a broader approach, including in the concept of sale any forms of transfer of narcotic drugs to other persons, regardless of whether they are for a fee.

of a gratuitous nature.

The legislator of the Republic of Uzbekistan adheres to an expanded understanding of sales, which is reflected in law enforcement practice. The sale of narcotic drugs is understood as any actions aimed at alienating narcotic drugs to other persons, including the sale, exchange, donation,

as well as other forms of transmission. Such an approach allows you to cover

criminal law prohibition of a wide range of socially dangerous acts and prevention of evasion of responsibility by the guilty parties.

An important theoretical aspect is the relationship between the concepts of "sales" and "sales objective." Unlike actual sale, the purpose of sale characterizes the direction of the person's intent and implies the intention to transfer narcotic drugs to other persons in the future. Establishing the purpose of the sale is of fundamental importance for the correct qualification of the act under Article 273 of the Criminal Code of the Republic of Uzbekistan.

3. Criminal-legal characteristics of the crime stipulated in Article 273 of the Criminal Code of the Republic of Uzbekistan.

3.1. Object and Subject of the Crime.

The main direct object of the crime stipulated in Article 273 of the Criminal Code of the Republic of Uzbekistan is the social relations ensuring the protection of public health. An additional object is the established procedure for the legal circulation of narcotic drugs and psychotropic substances, the violation of which creates a threat to public safety.

The subject of the crime is narcotic drugs, psychotropic substances, and their analogues, included in the relevant lists approved by the regulatory legal acts of the Republic of Uzbekistan. The subject of the crime also includes plants and their parts containing narcotic drugs or psychotropic substances.

3.2. The objective side of the crime.

The objective side of the crime is expressed in the commission of one or more unlawful acts with narcotic drugs.

or psychotropic substances, including their manufacture, processing, acquisition, storage, transportation, or forwarding, if there is a sales purpose. The peculiarity of the crime is that criminal liability arises regardless of the actual sale of narcotic drugs, if the intent is directed towards their subsequent sale.

Selling, as a form of the objective side, encompasses any means of transferring narcotic drugs to other persons, regardless of the form.

and the conditions of such transfer. At the same time, the moment of completion of the crime

When selling, it is associated with the actual transfer of the narcotic substance to another person.

3.3. Subject and subjective side of the crime.

The subject of the crime provided for in Article 273 of the Criminal Code of the Republic of Uzbekistan is a sane individual who has reached the age of criminal responsibility. The legislator does not establish special requirements for the subject, which allows for the prosecution of a wide range of persons involved in the illicit trafficking of narcotic drugs.

The subjective side of the crime is characterized by direct intent. The person is aware of the socially dangerous nature of the actions being performed, foresees their unlawful consequences, and desires their occurrence. A mandatory feature of the subjective side is the intent of the sale, which determines the direction of the perpetrator's intent.

The purpose of sale represents a person's internal mental attitude aimed at subsequently transferring narcotic drugs to other persons. The establishment of this characteristic is of fundamental importance for distinguishing between the elements of the crime provided for in Article 273 of the Criminal Code of the Republic of Uzbekistan and related elements, in particular, the illegal possession of narcotic drugs without the purpose of sale. The absence of a sale intent excludes the qualification of the act under Article 273 of the Criminal Code of the Republic of Uzbekistan, even if there is a significant amount of narcotic drugs.

4. Research Methodology.

The methodological basis of this study consists of general scientific and special methods of cognition applied in legal science. In particular, the work used a dialectical method that allowed for consideration of criminal liability for the illegal trafficking of narcotic drugs for the purpose of sale in development and interrelation.

with the social processes taking place in society.

The formal-legal method was used in the analysis of the norms of the criminal legislation of the Republic of Uzbekistan, primarily Article 273 of the Criminal Code of the Republic of Uzbekistan, as well as in the study of the conceptual apparatus and legal structure of the corpus delicti. The use of this method allowed for the identification of internal contradictions and gaps in regulatory regulation.

The comparative legal method was used in comparing the criminal-legal approaches of the Republic of Uzbekistan with the legislation of foreign states, which allowed for the identification of promising areas for improving national criminal legislation. In addition, system analysis, logical-legal, and structural-functional methods were used in the research.

5. Qualifying features and problems of differentiating criminal liability.

Article 273 of the Criminal Code of the Republic of Uzbekistan provides for a broad system of qualifying features reflecting the increased degree of social danger of certain forms of illicit drug trafficking. Such signs include the repeated commission of a crime by a group of persons by prior conspiracy,

in large amounts, in places of serving sentences in the form of imprisonment, as well as as part of an organized group.

Differentiation of criminal liability is aimed at

ensuring the fairness of punishment and its correspondence to the degree of social danger of the act. However, law enforcement practice shows that when qualifying crimes under Article 273 of the Criminal Code of the Republic of Uzbekistan, difficulties often arise related to determining the role of each participant in the crime.

A special problem is the qualification of the actions of persons performing auxiliary functions, such as couriers or so-called "depositors." In practice, these individuals are often involved.

to be held liable on an equal basis with the organizers of crimes, despite to a significantly different degree of their participation and social danger.

6. Problems of Qualification and Law Enforcement Practice.

One of the most pressing problems of law enforcement practice is establishing the purpose of the sale. In the absence of direct evidence, the purpose of the sale is often established on the basis of a combination of indirect circumstances, such as the quantity of narcotic drugs, the nature of their packaging, the availability of communication means, funds, and other items.

Such an approach, although permissible within the framework of criminal proceedings, creates a risk of expanding the interpretation of criminal law and bringing to justice persons who had no intention of selling narcotic drugs. In this regard, the need to develop unified criteria for proving the purpose of sale is of particular importance.

Difficulties also arise in distinguishing between preparation for sale and attempted sale, as well as in qualifying the actions of persons using information and telecommunication networks to organize the sale of narcotics. The lack of clear legislative guidelines complicates law enforcement and creates ambiguous judicial practice.

7. Comparative legal analysis of criminal liability for the sale of narcotic drugs.

A comparative analysis of the criminal legislation of the Republic of Uzbekistan and a number of foreign states shows that in most legal systems, the sale of narcotic drugs is considered the most dangerous form of drug crime and entails strict criminal liability.

Thus, the criminal legislation of the Russian Federation and the Republic of Kazakhstan also provides for the differentiation of responsibility.

depending on the person's role in the crime, the amount of narcotic drugs and the method of their sale. At the same time, in a number of states, features that allow for the distinction between drug trafficking organizers and persons performing auxiliary functions are more clearly regulated.

The use of positive foreign experience seems appropriate for improving the criminal legislation of the Republic of Uzbekistan, including in terms of individualization of punishment. and strengthening the responsibility of persons who derive the main benefit illegal drug trafficking.

8. Main directions for improving criminal liability.

Based on the conducted research, it seems possible to identify the following areas for improving criminal liability for illegal actions with narcotic drugs:

and psychotropic substances for the purpose of sale in the Republic of Uzbekistan.

Firstly, it is advisable to clarify the legislative criteria for establishing the purpose of the sale, which will minimize the risk of erroneous qualification and ensure the uniformity of judicial practice.

Secondly, it is necessary to expand the possibilities of individualizing criminal liability, taking into account the actual role of the person in the commission of the crime.

Thirdly, the criminal liability of the organizers should be strengthened.

and coordinators of the narcotics business, while simultaneously providing for a more flexible approach to the responsibility of persons in dependent situations.

Fourthly, it is necessary to further improve the norms aimed at combating the sale of narcotic drugs.

using digital technologies.

Conclusion

Illegal manufacture, acquisition, storage and other actions

with narcotic drugs, their analogues, or psychotropic substances for the purpose of sale, as well as their sale, represents one of the most dangerous forms of criminal activity encroaching on the health of the population and public safety of the Republic of Uzbekistan. Article 273 of the Criminal Code of the Republic of Uzbekistan occupies a key place in the system of criminal-legal counteraction to these crimes.

The conducted research allowed for the identification of a number of theoretical and practical problems related to the qualification of acts, the establishment of the purpose of sale, and the differentiation of criminal liability. Their resolution requires a comprehensive approach, combining the improvement of criminal legislation, the development of law enforcement practice, and the use of positive foreign experience.

The implementation of the proposed directions will contribute to increasing the effectiveness of criminal liability, strengthening the principles of fairness and individualization of punishment, as well as strengthening the preventive potential of criminal law in the field of combating illicit drug trafficking.

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