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### ABSTRACT

In the article, the issue related to the items of contraband is analyzed in detail based on the opinions of national and foreign scientists, as well as the legislation of national and foreign countries. Based on the results of the analysis, proposals for expanding the scope of the objects of contraband (smuggling) have been developed.

### KEYWORDS

Contraband (smuggling), object, potent, poisonous, toxic, explosives, radioactive materials, explosive assemblies, armaments, firearms, narcotic drugs, psychotropic substances, materials that propagandize religious extremism, separatism, and fundamentalism, weapons of mass destruction.

### INTRODUCTION

The object of contraband (smuggling) is a necessary sign for its qualification. It is important to distinguish the object of contraband (smuggling) from the weapons and means of committing it. The object is the material wealth of the world, which is subjected to criminal infringement by the criminal in order to damage the object of infringement. “Instrumentalities

and means of a crime are a set of tools used by the offender to influence the object of contraband (smuggling) in order to commit the objective aspect of the crime” .

Different opinions and considerations are expressed on the object of contraband (smuggling) in the criminal

## Research Article

### OBJECT OF CONTRABAND: DOMESTIC AND FOREIGN EXPERIENCE

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law literature. In particular, according to A.S. Khaibulova, “In contraband the object is of particular importance, because the object of contraband by its very nature is subject to prohibition is moved while being an object that cannot be moved according to the law” .

Sh.N.Saidov defines the object of contraband (smuggling) as follows: “The object of smuggling is an item that reflects its level and nature of social danger. The object of the crime of c smuggling is the main distinguishing feature of its main and aggravating features” .

According to A.V. Drannikov, “The object of smuggling consists of objects of the material world whose full or partial trafficking (including export-import transfer) is limited by legislation in order to ensure the state's defense capability, public safety and public health, depending on the characteristics of the object of criminal-legal protection, they are divided into public health (narcotics, psychotropic substances, potent, toxic, radioactive substances), public safety (explosives, weapons and ammunition), the state's defense capability (nuclear, chemical, biological and other types of weapons of mass destruction, materials and devices that can be used for the development of such weapons)” .

It should be highlighted that the object of smuggling is the basis for distinguishing it from other crimes, in particular, from the crime of violating customs legislation (Article 182 of the Criminal Code of the Republic of Uzbekistan). According to Article 182 of the Criminal Code, the object of the crime (smuggling) is goods or other valuables with restricted civil circulation, while Article 182 of the Criminal Code defines items and objects with such restricted civil circulation.

Article 246 of the Criminal Code of the Republic of Uzbekistan stipulates the following as a object of smuggling:

a) highly potent substances – a substance that has a dangerous effect on human life and health when taken in a certain amount, it has a stimulating or depressing effect on the central nervous system, causes hallucinations or disrupts the function of thinking, behavior, perception of events. The list of highly potent substances was approved by the Resolution No. 818 of the Cabinet of Ministers dated September 27, 2019 . Highly potent substances can be derived from chemicals, plants or animals;

b) poisonous, toxic substances – gaseous, liquid or solid substances that cause poisoning (intoxication) in the body when inhaled, enter the body and come into contact with the skin. Even small amounts of poisonous, toxic substances can cause severe poisoning or death. In order to find a substance toxic or poisonous, it must be subject to expert examination. Toxic or poisonous substances can be obtained from bacteria, animals, including jellyfish, insects (scorpions, bees), and plants.

There are types of poison that affect the blood, paralyze the central nervous system and brain, damage muscles, damage the heart and blood vessels and cause bleeding, cause kidney failure, affect the heart, and damage tissues.

Toxic or poisonous substances can be used as a basis for the development of chemical weapons designed to destroy the enemy's manpower.

c) radioactive material – any material that contains radionuclides and their activity level threatens nuclear and radiation safety. In accordance with the Regulation on the “Procedure of state accounting and control of

the circulation of radioactive substances and radioactive waste” approved by the resolution No. 231 of the Cabinet of Ministers dated August 13, 2009, radioactive substances are substances in any aggregate state (not belonging to nuclear materials) containing radionuclides with an activity exceeding the minimum value of the established radiation safety norms and regulations.

It should be noted that the analysis of the first and second parts of Article 246 of the Criminal Code shows that the concept of “radioactive materials” is repeated in both parts.

So, the smuggling of radioactive materials can be qualified by the first or second part of Article 246 of the Criminal Code, where the only distinguishing criterion between them is the fact that the smuggled radioactive material can be used to create nuclear, chemical, biological and other types of weapons of mass destruction. In other words, if the smuggled radioactive material can be used to create a weapon of mass destruction, the responsibility for such an action is determined by the second part of Article 246 of the Criminal Code, and otherwise by the first part of Article 246 of the Criminal Code. This issue will have to be clarified as a result of forensic examination.

d) explosive assemblies – a device based on the exothermic reaction of an explosive substance to ensure the rapid release of energy;

e) explosive substance – In accordance with the rules of transportation of hazardous goods by air transport of the Republic of Uzbekistan, a solid or liquid substance (or mixture of substances) that causes damage to surrounding objects as a result of entering into chemical reactions and releasing violent, temperature and pressure gases from itself;

f) armaments – assembly and devices designed to destroy the enemy's live forces, equipment and structures .

According to the Law of the Republic of Uzbekistan “On Weapons”, weapons are “devices and objects designed to hit a live target or other target, and give signals, depending on the structure”, firearm is “a weapon designed for mechanically hitting a target at a distance with a moving weapon directed by the power of gunpowder or other substance”, ammunition is “weapons and projectiles designed to hit a live target or other target and containing explosive, gunpowder, propellant, pyrotechnic or striking substances or their combination”, the main parts of a firearm are “barrel, bolt, cartridge (drum), frame, barrel box” (Article 3);

g) narcotic drugs – according to the Law of the Republic of Uzbekistan “On Narcotic Drugs and Psychotropic Substances”, substances of synthetic or natural origin, preparations and plants containing narcotic substances included in the list of narcotic drugs and subject to control in the Republic of Uzbekistan (Article 3);

h) psychotropic substances – according to the Law of the Republic of Uzbekistan “On Narcotic Drugs and Psychotropic Substances”, synthetic or natural substances included in the list of psychotropic substances and subject to control in the Republic of Uzbekistan (Article 3);

i) analogues of narcotic drugs and psychotropic substances – according to the Law of the Republic of Uzbekistan “On Narcotic Drugs and Psychotropic Substances”, synthetic or natural substances that are similar to narcotic drugs and psychotropic substances according to their chemical structure and properties, and have an active effect on the psyche like them (Article 3);

j) nuclear, chemical, biological and other types of weapons of mass destruction – a weapon of mass destruction, even when used in limited quantities, has a large-scale destructive effect, is capable of causing mass destruction and irreparable damage to the environment and the state of the state. Weapons of mass destruction usually mean nuclear, chemical and biological weapons. At the same time, as a result of the rapid development of science and technology, it is not excluded that new types of weapons of mass destruction will be created..

Materials and devices that can be used for the creation of nuclear, chemical, biological and other types of weapons of mass destruction refer to the materials and devices that can be used in the preparation of these weapons of mass destruction. In this case, the person should understand that these materials and devices can be used in the preparation of weapons of mass destruction;

k) materials that propagandize religious extremism, separatism, and fundamentalism – books, brochures, magazines, newspapers, leaflets, other publishings, signs, objects, symbols, audiovisual works (television, film and video films, clips, recordings of concert programs, cartoons, etc.), electronic information carriers (floppy discs, CDs, DVDs, embedded and removable memory cards, materials posted on the Internet global information network, etc.) that reflect the dogmatic foundations of religious teachings, history, ideology and comments of religious teachings, the practice of conducting rituals of various religious teachings, as well as the assessment of individuals, historical facts and events from an extremist, separatist and/or fanatical point of view.

It should be emphasized that in the first and second parts of Article 246 of the Criminal Code, the object of the crime is distinguished based on the level and

amount of social danger. In particular, in the second part of Article 246 of the Criminal Code, smuggling of nuclear, chemical, biological and other types of weapons of mass destruction, materials and devices that can be used in the creation of such weapons is placed according to the sign of the high social danger of these objects. In addition, “narcotic drugs, their analogues or large amounts of psychotropic substances” are included in the second part according to the nature of social danger determined by the quantitative indicator.

At this point, it is important to remember that the definition of the object of the crime varies depending on the country. For instance, “narcotic drugs, their analogues or psychotropic substances” are considered as the object of smuggling. The Criminal Code of the Republic of Latvia also includes “precursors of narcotic drugs and psychotropic substances, as well as materials and devices that can be used in the preparation of such substances, plants containing narcotic drugs and psychotropic substances” as a objects of smuggling (Part 2 of Article 255 of the Criminal Code of Latvia). A similar norm can be found in the Republic of Lithuania, where devices for the preparation of narcotic drugs and psychotropic substances or technology and instructions for the preparation of narcotic drugs and psychotropic substances are defined as objects of smuggling . In the Criminal Codes of the Republic of Turkmenistan and the Republic of Belarus, goods or valuables “for which transfer across the customs border is restricted or prohibited” or “for which a special procedure for transfer through the customs border is established” are considered as objects of smuggling .

In our opinion, Article 245 of the Criminal Code of the Republic of Uzbekistan should be revised: after the words “narcotic drugs, their analogues or



psychotropic substances” should be supplemented with the following wording: “precursors of narcotic drugs and psychotropic substances, preparations, materials and devices that can be used in the preparation of narcotic drugs and psychotropic substances, as well as plants containing narcotic drugs and psychotropic substances”.

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