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# Legal basis of prosecutorial supervision of the investigation of crimes for the legalization of proceeds derived from criminal activity

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**Abstract:** The article analyzes the norms of legislative documents regulating prosecutor's supervision over the investigation of crimes related to the legalization of proceeds from criminal activities. Specifically, the United Nations Conventions, FATF recommendations, and other international legal norms are examined, with a comparative legal analysis against national legislative norms. Proposals are made regarding the implementation of international legal norms into national legislation.

**Keywords:** UN Conventions, FATF recommendations, international standards, proceeds from criminal activities, property, property forfeiture, confiscation, principal crime, predicate crime, evidence gathering.

**Introduction:** Money laundering is becoming a global problem for international financial systems.

It is worth emphasizing that this globalization creates opportunities for criminals to hide criminally obtained proceeds, property, give a legal appearance to the origin of illegal proceeds, and transfer it from one country to another.

According to the International Monetary Fund, the amount of criminal proceeds obtained through various crimes annually amounts to 2-5 percent of the gross domestic product of the world's countries, that is, this figure is from 800 billion US dollars to 2 trillion US dollars.

If we analyze the amount of illegal proceeds that is being legalized around the world, the fact that this figure exceeds the annual proceeds of countries such as

Germany, Japan, Great Britain, France, and Spain requires the international community to take strict measures to fight against the legalization of proceeds from criminal activities, to identify illegally obtained funds, and to transfer them to the state.

According to the results of the typologies developed for the legalization of proceeds from criminal activities, it is known that a certain part of the proceeds obtained through criminal means is most often transferred to other countries, and then reintroduced into the country through international payment systems, giving their appearance a legal appearance.

Recent studies have shown that the main schemes are the registration of assets in the names of third parties in exchange for illegal proceeds, their inclusion in the authorized capital of other business entities, and the subsequent receipt of additional profits through the sale of these assets and funds.

From the analysis of typologies and statistical data, we can see that due to the concealment of criminal proceeds by criminals using the above-mentioned methods, it is becoming increasingly difficult to identify the true sources of these proceeds, and the shadow economy is becoming increasingly important in giving illegal proceeds a legal appearance.

Therefore, the international community has a need to create legal foundations for combating money laundering and the creation of effective mechanisms for identifying, confiscating and transferring criminal proceeds to state ownership.

The first international norms in this regard "were reflected in the UN Convention on Combating Illicit Traffic in Narcotic Drugs and Psychotropic Substances".

This Convention was ratified by the Resolution No. 32-I of the Oliy Majlis of the Republic of Uzbekistan dated February 24, 1995.

For example, Article 1 of the Convention defines the concept of "proceeds of crime" as any property obtained or acquired as a direct or indirect result of a crime.

The Convention requires each country to take such measures as may be necessary to enable its competent authorities to identify, trace and seize or confiscate proceeds of crime, property, funds or other things for the purpose of subsequent confiscation.

In order to carry out these measures, each country shall empower its competent authorities to order the production or seizure of bank, financial or commercial documents.

In our opinion, these norms established in the Convention are the first international norms reflecting the conduct of separate investigative actions on crimes

of criminal activity, which were later further elaborated in international recommendations and documents. In particular, "Article 2 of the Strasbourg Convention of the Council of Europe on the legalization, identification, seizure and confiscation of the proceeds of crime" stipulates that each country must take appropriate measures to confiscate the proceeds of crime, instrumentalities or property of an amount equivalent to the value of such proceeds".

It was also noted that countries should give their competent authorities the power to ban banking, financial and other documents in order to confiscate illegal proceeds, tools and other assets.

This international norm establishes that the competent authorities responsible for combating money laundering shall have the power to obtain information on bank secrecy, and that countries shall not be permitted to evade these requirements.

Similarly, Article 4 of this Convention states that "each country shall consider adopting legislative and other appropriate measures to enable the use of special investigative techniques, which may include surveillance, interrogation, interception of telecommunications, access to computer systems and the production of certain documents, in order to identify and trace the proceeds of crime and to ensure the collection of relevant evidence."

In our opinion, according to the interpretation of the rule defined in Article 4 of the Strasbourg Convention, it is said that measures should be taken to identify, search, and transfer the proceeds of criminal activities to the state ownership based on criminal procedural legislation in cases of legalization of proceeds from criminal activities.

Although the Republic of Uzbekistan has not participated in the Strasbourg Convention, we agree with the views of scholars on this issue and consider it a source of international standards, given its practical importance in introducing mechanisms for investigating the legalization of proceeds of criminal activity.

Another international document that defines the identification, confiscation, and confiscation of proceeds of crime, as well as the tasks of prosecutors and investigative bodies in this regard, is the United Nations (hereinafter referred to as the UN) Convention against Transnational Organized Crime.

Article 2 of the Convention defines the concepts of confiscation, seizure, and confiscation of proceeds of crime, property, and predicate crimes, and Article 6 states that each state shall establish criminal liability for intentional money laundering, in accordance with the fundamental principles of its domestic legislation, and

defines the category of crimes of this type.

It is worth noting that Article 7 of the Convention stipulates that administrative and law enforcement authorities (including the judicial system, in accordance with national legislation) combating the legalization of proceeds from criminal activities shall have the opportunity to cooperate within the framework of information exchange at the national and international levels, and shall establish a financial intelligence unit, which shall act as a national center for the collection, analysis and dissemination of information on possible methods and mechanisms of legalization of proceeds from criminal activities.

In our opinion, this norm is the first international legal norm establishing the establishment of a special authorized body to monitor transactions related to monetary funds and material assets, and to carry out financial monitoring.

Similarly, Article 11 of the Convention stipulates the conduct of criminal prosecution by the authorized body in cases of legalization of proceeds from criminal activities, and Article 12 stipulates the rules on confiscation, seizure and confiscation of proceeds from criminal activities.

It stipulates that States Parties shall, within the framework of their domestic legal systems, take measures to confiscate the proceeds of the offences established in accordance with the Convention, or property corresponding to the value of such proceeds, and property, equipment or other instrumentalities used or intended for use in the course of the offences.

For this purpose, it is envisaged that states will take measures to identify, search for, seize the above-mentioned property, and if the proceeds of crime have been converted into other property in whole or in part, to confiscate this property.

The Convention also introduces legal norms on the confiscation of additional property obtained as a result of the use of proceeds of crime or the profit or benefit obtained as a result of the use of this property as well as criminal proceeds.

In addition, the Convention establishes that the main purpose of cooperation between competent authorities and supervisory bodies is to determine:

- 1) the identity, location, actions taken during the specified period and the location of other participants in the commission of crimes;
- 2) the movement of funds obtained by criminal means and property acquired as a result of illegal activities;
- 3) movement of property, equipment or other means used and intended for use in the commission of such crimes. The ratification of the Convention by the

Resolution of the Oliy Majlis of the Republic of Uzbekistan No. 536-II of August 30, 2003 imposed obligations on the Republic of Uzbekistan to implement international legal norms into national legislation.

In our opinion, the above norms of the UN Convention against Transnational Organized Crime are international legal norms that establish mechanisms for conducting investigations into money laundering crimes, as well as methods of information exchange.

Through the above norms, recommendations are made on the introduction of a system of international standards for identifying cases of money laundering, conducting criminal prosecution for this type of crime, identifying the true owner of funds, and taking measures to transfer the proceeds of crime to the state.

Then, we will consider the norms of the UN Convention against Corruption. In particular, Article 23 of this Convention stipulates that each State Party shall adopt such legislative and other measures as may be required to recognize the legalization of money laundering as a criminal offense in accordance with the fundamental principles of its domestic legal system.

Also, Article 30 of the Convention stipulates the restriction of the rights of officials who have committed these crimes, namely removal from office, and Article 31 stipulates the confiscation and confiscation of proceeds of crime, as well as the suspension of operations related to them.

In accordance with these rules, each State shall take measures to ensure, within the framework of its domestic legal system, the possibility of confiscating:

- a) Proceeds derived from the commission of offences established in accordance with this Convention, or property of an equivalent value;
- b) Property and equipment used or intended for use in the commission of an offence.

Each State shall also take appropriate measures to ensure the possibility of identifying, tracing, temporarily freezing or confiscating the proceeds of crime for the purpose of subsequent confiscation.

The accession of the Republic of Uzbekistan to this Convention has imposed an obligation to bring its national legislation on the identification, confiscation and transfer to the State of the proceeds of crime into line with international legal norms.

In our opinion, the above international legal norms are considered as one of the main tasks of the bodies conducting the preliminary investigation, aimed at determining the scope of their functions, obligations and powers, to conduct an effective investigation.

Today, "the updated recommendations of the FATF set

the main mechanisms that ensure the effectiveness of the preliminary investigation bodies on the legalization of proceeds from criminal activities".

For example, FATF Recommendation 30 sets out the responsibilities of law enforcement, investigative and prosecutorial authorities, and specifies the scope of state bodies responsible for conducting parallel financial investigations into money laundering, predicate offences and money laundering offences. This recommendation requires countries to establish competent authorities with the power to search, seize and freeze assets that are or may be subject to confiscation. The main objectives of conducting parallel financial investigations into money laundering cases are:

- search for criminal proceeds, property, confiscate and ban them if necessary;
- initiation of criminal proceedings in cases of legalization of proceeds from criminal activity;
- to determine the financial and economic aspects of the crime, to eliminate transnational crimes, to have the necessary knowledge on the types and characteristics of this type of crime;
- collection of evidence in a criminal case.

It is also important to note that the FATF Recommendations provide general guidance for various legal systems and law enforcement agencies in conducting financial investigations. States should consider incorporating these Recommendations into their national legislation, taking into account their legal systems and law enforcement practices.

Also, the functions of the primary investigation bodies, the authority to access financial and other information, are prerequisites for combating predicate and money laundering crimes.

Indeed, based on the analysis of the norms established in the FATF recommendations, it can be concluded that the factors ensuring the effectiveness of the system are the identification of the scale of criminal activity, the disclosure of criminal connections and groups, the detection of criminal proceeds that should be transferred to state ownership, as well as the collection of evidence confirming the fact of committing a crime. It should also be noted that the bodies conducting the preliminary investigation into cases of legalization of proceeds from criminal activities must have sufficient material, technical and human resources to ensure the effectiveness of their activities.

Thus, FATF Recommendation 31 states that law enforcement, investigative and prosecutorial bodies shall have the authority to conduct criminal

prosecution in the investigation of legalization of proceeds from criminal activities and related predicate crimes, and to request all documents necessary for use in the preliminary investigation.

These powers include the compulsory acquisition of information held by financial institutions, legal entities and individuals for the purpose of collecting and examining evidence. Special investigative methods in this regard also include covert operations, wiretapping, computer access, and controlled delivery, among other operational measures.

In addition, bodies conducting parallel financial investigations should have effective mechanisms in place to allow for the timely identification of accounts owned or controlled by individuals or legal entities.

Next, we will focus on the opinions of scholars and international and national legislative norms on the concept of predicate or predicate crimes discussed in the course of the research.

For example, international legal norms, as well as FATF recommendations, use this concept through the terms "predicate offense", "main" or "predicate offense", and these crimes are defined as "any act related to the receipt of criminal proceeds".

In particular, this term was first used in the UN Convention against Transnational Organized Crime as "serious crimes", which included crimes punishable by imprisonment for a term of up to four years or a more severe penalty.

Similarly, the UN Convention against Corruption states that "predicate offense" means any offense that constitutes a crime and to which the penalties provided for in Article 23 of the Convention apply to the proceeds obtained as a result of such acts.

The FATF recommendations use this term as a "predicate crime", and it is noted that this category of crimes includes all criminal acts, depending on the criteria of the social danger of the act or the severity of the punishment, or the approval of a list of such crimes, or the use of these approaches in combination.

V.I. Glotova, A.U. Albekova, who conducted research on this issue, define predicate crimes as crimes committed for the purpose of legalizing criminal proceeds.

E.A. Menshikova also agrees with these scientists and emphasizes that "predicate crimes are the main element of the objective side of the subsequent crime."

M.A. Filatova, similar to the opinion of the above scientists, also emphasizes that crimes committed for the purpose of obtaining illegal activity are predicate crimes, and expresses her views on the breadth of the scope of crimes.

A.N. Lyaskalo puts forward the view that “a predicate crime is a logical continuation of the crime of legalization of money and other property obtained by criminal means.”

We agree with the views expressed by these scholars about predicate crimes.

In addition, the term predicate is defined in the FATF recommendations as “a crime aimed at obtaining illegal proceeds for the purpose of legalization.”

Having analyzed the norms of international law and the results of scientific research by legal scholars, we emphasize the expediency of using this term as a predicate crime, while emphasizing the correctness of the definition given to the concept of a predicate crime as “a socially dangerous act committed for the purpose of obtaining criminal proceeds, which is provided for in the Special Part of the Criminal Code of the Republic of Uzbekistan, leading to future legalization.”

Based on a comparative analysis of the norms on conducting preliminary investigations into money laundering crimes set forth in international legal instruments, we propose the introduction of the following mechanisms into national legislation:

- having the necessary resources,

that is, data sources and qualified personnel, to ensure the identification, prosecution, and transfer of criminally obtained proceeds to state ownership;

- having the authority to carry out the following special methods in conducting preliminary investigations, including wiretapping, computer system access, and controlled delivery.

When analyzing the stages of improving national legislation on conducting preliminary investigations into money laundering crimes, it can be noted that, based on the above-mentioned generally recognized international norms, the Law of the Republic of Uzbekistan “On Combating the Legalization of Proceeds from Criminal Activities, the Financing of Terrorism and the Financing of Weapons of Mass Destruction” was initially adopted.

For example, the Law defines the concepts of proceeds from criminal activity, legalization of proceeds from criminal activity, material assets or other valuable property, and freezing of operations.

At the next stage, the adoption of the Law of the Republic of Uzbekistan “On Ratification of the Agreement of the Eurasian Group on Combating the Legalization of Criminal Proceeds and the Financing of Terrorism (Moscow, June 16, 2011)” will be of great importance in the implementation of international standards in this area into national legislation.

Because the ratification of this agreement obliged Uzbekistan to fulfill the obligations set forth in the agreement in combating the legalization of proceeds from criminal activities.

In order to ensure the implementation of the agreement, the Law of the Republic of Uzbekistan No 516, in January 15, 2019 "On Amendments and Addenda to Certain Legislative Acts of the Republic of Uzbekistan" was adopted, which defined the concept of legalization of proceeds from criminal activities in a new edition, brought it into line with the definition given in the Criminal Code (hereinafter referred to as the Criminal Code), and expanded the scope of powers of the specially authorized state body .

In addition, in order to eliminate shortcomings in the investigation and judicial practice, "On February 11, 2011, the Plenum of the Supreme Court of the Republic of Uzbekistan adopted Resolution No. 1 "On Certain Issues of Judicial Practice in Cases of Legalization of Proceeds from Criminal Activities", which introduced the concept of proceeds from criminal activities and clarified the criteria for qualifying the act under Article 243 of the Criminal Code."

For example, the Plenum resolution noted that property obtained as a result of criminal proceeds should be considered an object of crime, and after compensation for material damage caused to an individual or legal entity as a result of a crime, the remaining part should be transferred to the state.

Next, we will conduct a comparative analysis of the current legislative norms in order to study the stages of development of the national legislative system and the extent to which it complies with international standards.

In particular, the adoption of the Law of the Republic of Uzbekistan “On investigative activities” established by international legal norms established special investigative methods, namely controlled delivery, investigative surveillance, wiretapping of telephone and other devices, which are considered to be methods of conducting preliminary investigations into crimes of legalization of proceeds from criminal activities, the procedure for conducting investigative measures, the scope of bodies implementing these activities, and their tasks.

Because investigative measures are one of the effective means of early detection, prevention and combating crimes.

It is also worth noting that "materials from investigative activities may be used as evidence in criminal cases in accordance with the norms of the Criminal Procedure Code."



In this regard, the prosecutor's control is carried out in the form of permission to conduct search and seizure activities or in agreement with the prosecutor.

Because, according to Article 16 of the Law, search and seizure activities that restrict the right to privacy of residence, correspondence, telephone conversations and other communications, postal, courier and telegraph messages transmitted through communication networks, as well as information about communications between subscribers or subscriber devices, information constituting bank secrecy, are allowed on the basis of the prosecutor's sanction.

Purchase for inspection, controlled acquisition, rapid surveillance, rapid import, controlled delivery within the Republic of Uzbekistan, disguised operations, rapid experimentation are carried out on the basis of a decision approved by the head of the body carrying out search and seizure activities. Purchase for inspection, controlled acquisition and controlled delivery are carried out in agreement with the prosecutor.

Based on the results of consideration of the submitted materials, the prosecutor shall authorize the conduct of the relevant search and seizure measure or shall refuse to conduct it with justification, indicating this in the decision. If the prosecutor refuses to authorize the conduct of the search and seizure measure, the body carrying out the search and seizure activity shall have the right to appeal such decision to a higher prosecutor.

According to R. Zhubrin, "search and seizure activity as one of the methods of identifying proceeds from crime has wide possibilities".

V. Karimov emphasized that "during the course of investigative activities, information should be collected about where, when, and what signs of a crime were detected, the person who committed the crime, witnesses to the crime, and the location of objects and documents that could serve as material evidence."

In our opinion, preliminary investigation bodies may issue instructions to bodies carrying out operational-search activities on criminal cases, search for persons who committed them, and conduct certain investigative actions. For this purpose, as a result of operational-search measures carried out by operational-search bodies, operational information can be obtained about funds obtained through criminal means, methods of their legalization, location, and guilty persons.

The main goal of the preliminary investigation is to collect evidence confirming the commission of this crime, and the procedural procedure for collecting and strengthening evidence is established in the Criminal

Procedure Code.

Control over the implementation of laws by inquiry and preliminary investigation bodies is established in Articles 382-388 of the Code of Criminal Procedure, which include:

- requesting from inquiry and preliminary investigation bodies and bodies carrying out pre-investigation or search and rescue activities documents, materials and other information on the progress of search and rescue, inquiry, preliminary investigation cases on committed crimes in order to verify cases;
- checking at least once a month the extent to which the requirements of the law on the acceptance, registration and resolution of applications and information on committed or planned crimes are being implemented;
- canceling unlawful and unfounded decisions of inquiry officers and investigators, as well as officials of the body carrying out pre-investigation checks;
- to investigate crimes, to select, change or cancel a measure of restraint, to file a petition for the imposition of an additional prohibition (restriction) on house arrest, to determine the nature of the crime, to involve in the case as an accused, to perform certain investigative actions and to give written instructions on the search for persons who committed the crime;
- to file a petition with the court for the application of a measure of restraint in the form of arrest or house arrest or to issue additional prohibition (restriction) on house arrest, or to file a petition with the court for the extension of the term of detention in custody or house arrest;
- to file a petition with the court for the exhumation of a corpse, for the seizure of postal and telegraphic items, or to file a petition with the court for the preliminary recording of the testimonies of witnesses and victims (civil plaintiffs);
- to conclude an agreement with the suspect or accused on the admission of guilt in accordance with the established procedure;
- to issue instructions to bodies carrying out pre-investigation or search activities on the execution of decisions on the detention, forced surrender, search of persons, the execution of a court ruling on the application of a precautionary measure in the form of arrest or house arrest, as well as on taking necessary measures to solve crimes and identify persons who committed crimes in cases under the control of a prosecutor or investigator of the prosecutor's office;
- to participate in an inquiry, preliminary investigation, personally perform certain investigative actions in any case or carry out the investigation in full;

- to conduct searches, intercept telephone and other telecommunications devices and obtain information transmitted through them, to conduct search and seizure measures that restrict the right to privacy, correspondence, telephone and other communications, postal, courier and telegraph messages transmitted through communication networks, and to obtain information about communications between subscribers or subscriber devices, as well as, in cases provided for by law, to allow other actions of an official of the pre-investigation body, an inquiry officer and an investigator;

- to extend the terms of preliminary investigation and inquiry;

- to return cases to the inquiry and preliminary investigation bodies with an instruction to conduct additional investigation;

- to remove the inquiry officer or investigator from continuing the inquiry or preliminary investigation if they have committed a violation of the law during the investigation of the case;

- to initiate criminal proceedings or refuse to initiate them,

to terminate or suspend the proceedings of cases;

- to give consent to the investigator or inquiry officer to terminate the case; to approve the indictment, indictment or decision, and to refer cases to court.

It should be noted that the instructions of the prosecutor to the bodies of inquiry and preliminary investigation and to the bodies carrying out pre-investigation or operational search activities in accordance with the procedure established by this Code, related to the conduct of pre-investigation checks, the initiation of cases and the investigation, are mandatory for these bodies.

In addition, the Code of Criminal Procedure establishes the issues to be resolved in a criminal case with an indictment or an indictment, as well as decisions to be taken on precautionary measures.

According to the explanations given in the Resolution No. 26 of the Plenum of the Supreme Court of December 27, 2016 “On judicial practice on the application of legislation on compensation for property damage caused as a result of a crime”, “property belonging to the suspect and the accused, which is in the possession of third parties, may be seized, if during the course of the case there are sufficient grounds to consider that this property actually belongs to the suspect or the accused.”.

This decision of the Plenum of the Supreme Court specifically outlines the criteria that should be taken

into account in the process of proving guilt by the preliminary investigation body in cases of money laundering, and is an important legal basis, since it establishes the establishment of effective prosecutorial control over this activity. It is worth highlighting the Order of the Prosecutor General of the Republic of Uzbekistan No. 129 dated February 22, 2016 “On effective ensuring of the rule of law and protection of the rights and freedoms of the individual in the fight against crime, inquiry, preliminary investigation and operational search activities” as the main source determining the procedure for exercising prosecutorial control in the conduct of preliminary investigations in cases of money laundering.

Because this order defined the duties and powers of the prosecutor in conducting a preliminary investigation. Subsequently, in order to increase the efficiency of the activities of law enforcement agencies conducting parallel financial investigations into money laundering crimes and to form a uniform practice in this area, the Prosecutor General, the Ministry of Internal Affairs, the State Security Service and the Chairman of the State Customs Committee approved the Additional Instruction “On the Procedure for Studying the Financial Aspects of Criminal Activities in the Process of Conducting Search, Pre-Investigation, Inquiry and Preliminary Investigation Activities” on May 20, 2021.

This Additional Instruction regulates the legalization of proceeds from criminal activities, the increase in the effectiveness of the investigation and detection of crimes related to predicate crimes and money laundering, the collection and consolidation of evidence, the identification and seizure of criminal proceeds and other property for subsequent transfer to state ownership.

Subsequently, by the decision of the Prosecutor General, the Chairman of the State Security Service, the Minister of Internal Affairs and the Chairman of the State Customs Committee of October 29, 2021, the Regulation “On the Procedure for Conducting a Parallel Financial Investigation to Identify Cases of Legalization of Proceeds from Criminal Activities and Financing of Terrorism” was approved.

This Regulation establishes the procedure for conducting a parallel financial investigation to identify cases of legalization of proceeds from criminal activities and financing of terrorism, persons associated with them, and property transferred to state ownership during operational search, pre-investigation and investigative actions.

It is noteworthy that in recent years, effective work has been carried out in our country to prevent and eliminate money laundering crimes, as well as to establish the

procedure for conducting preliminary investigations.

In this regard, a number of training and methodological events are being organized by international experts, in particular the Eurasian Group on Combating Money Laundering and the Financing of Terrorism (hereinafter referred to as the EAG), the UN Office on Drugs and Crime, and the Organization for Security and Cooperation in Europe, on the procedure for conducting preliminary investigations into money laundering crimes and establishing effective interdepartmental cooperation in this regard.

However, according to the analysis of current legislation, it can be observed that the concept, purpose and essence of parallel financial investigations, as well as the implementation mechanisms established by international legal norms, in particular the FATF recommendations, have not been implemented in the legislation, are regulated by departmental documents, and the requirements of international standards are not fully implemented, which negatively affects the effectiveness of the national system. Another scientist who conducted research in this regard, Ch. Sumati, assesses the implementation of international legal norms on parallel financial investigations, in particular the FATF recommendations, into national legislation as a factor ensuring the timely identification and transfer of proceeds from crime to state ownership.

The results of the study show that the bodies conducting the preliminary investigation do not know how to conduct effective investigative actions, that a unified methodology has not been developed in this regard, that the financial aspects of criminal activity are not studied, that the amount of recovery of damage caused by economic and corruption crimes is decreasing, and that the number of acquittals in this type of criminal cases is increasing.

In our opinion, in order to fulfill the international obligations of the Republic of Uzbekistan, identify criminally obtained proceeds, and ensure its transfer to state ownership, it is advisable to implement international legal norms and recommendations on combating money laundering crimes into national legislation.

In particular, it is advisable to introduce amendments to the Criminal Procedure Code, as well as to the norms determining the powers of the prosecutor, the tasks of prosecutorial supervision in the investigation of money laundering crimes.

## REFERENCES

Рекомендации ФАТФ: Международные стандарты по противодействию отмыванию денег,

финансированию терроризма и финансированию распространения оружия массового уничтожения. // [Электрон манба]. URL: [https://eurasiangroup.org/files/uploads/files/FATF\\_Recommendations\\_2023\\_rus.pdf](https://eurasiangroup.org/files/uploads/files/FATF_Recommendations_2023_rus.pdf).

Ўзбекистон Республикасининг қонуни «Жиноий фаолиятдан олинган даромадларни легаллаштиришга, терроризмни молиялаштиришга ва оммавий қирғин қуролини тарқатишни молиялаштиришга қарши курашиш тўғрисида» 26.08.2004 йилдаги 660-II-сон // [Электрон манба]. URL: <https://lex.uz/acts/284542>.

Отчет взаимной оценки Республики Узбекистан. Евразийская группа по противодействию легализации преступных доходов и финансированию терроризма. // [Электрон манба]. URL: [https://eurasiangroup.org/files/uploads/files/MER\\_Uzbekistan\\_2022\\_rus.pdf](https://eurasiangroup.org/files/uploads/files/MER_Uzbekistan_2022_rus.pdf)

Обзор ООН. Управление по наркотикам и преступностью. Электрон манба: <https://www.unodc.org/unodc/en/money-laundering/overview.html>.

Государственный бюджет по странам. Электрон манба: <https://ru.tradingeconomics.com/country-list/government-budget-value>.

Типологические проекты ЕАГ. Электрон манба: <https://eurasiangroup.org/ru/eag-typology-projects>.

Trade-based Money Laundering: Trends and Developments, FATF – Egmont Group (2020), FATF, Paris, France. Электрон манба: [https://eurasiangroup.org/files/uploads/files/other\\_docs/FATF%20docs/Trade-Based-Money-Laundering-Trends-and-Developments\\_rus.pdf](https://eurasiangroup.org/files/uploads/files/other_docs/FATF%20docs/Trade-Based-Money-Laundering-Trends-and-Developments_rus.pdf).

Бирлашган Миллатлар Ташкилотининг 1988 йил 20 декабрдаги “Гиёҳвандлик воситалари ва психотроп моддаларнинг ноқонуний айланмасига қарши кураш тўғрисида”ги Конвенцияси. Электрон манба: <https://lex.uz/ru/docs/2614140>.

Ўзбекистон Республикаси Олий Мажлисининг 1995 йил 24 февралдаги “Гиёҳвандлик воситалари ва психотроп моддаларни ғайриқонуний равишда муомалага киритишга қарши кураш тўғрисидаги Бирлашган Миллатлар Ташкилотининг Конвенциясига қўшилиш ҳақида”ги 32-I-сон Қарори. Электрон манба: <https://lex.uz/ru/docs/2620830>.

Европа Кенгашининг 1990 йилдаги “Жиноий фаолиятдан олинган даромадларни легаллаштириш, аниқлаш, олиб қўйиш ва мусодара қилиш ҳақида”ги Страсбург Конвенцияси. Электрон манба: <https://rm.coe.int/168007bd4a>.

Коленко Е.В. Ответственность за получение взятки:



перспективы совершенствования уголовного законодательства Республики Узбекистан с учетом международных стандартов. дисс. ... учен. степ. PhD. ТГЮУ. Ташкент. 2023.

Бирлашган Миллатлар Ташкилотининг 2000 йил 15 ноябрдаги “Трансмиллий уюшган жиноятчиликка қарши Конвенцияси” (Ўзбекистон Республикаси халқаро шартномалари тўлами, 2004 й., № 1).

Ўзбекистон Республикаси Олий Мажлисининг 2003 йил 30 августдаги “Бирлашган Миллатлар Ташкилотининг Трансмиллий уюшган жиноятчиликка қарши Конвенциясини ратификация қилиш тўғрисида”ги 536-II-сон Қарори (Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси, 2003 й., 9-10-сон).

Бирлашган Миллатлар Ташкилотининг 2003 йил 31 октябрдаги Коррупцияга қарши Конвенцияси (Ўзбекистон Республикаси халқаро шартномалари тўплами, 2008 й., 3-4-сон).

Ўзбекистон Республикасининг 2008 йил 7 июлдаги “Бирлашган Миллатлар Ташкилотининг Коррупцияга қарши Конвенциясига (Нью-Йорк, 2003 йил 31 октябрь) Ўзбекистон Республикасининг қўшилиши тўғрисида”ги ЎРҚ-158-сон Қонуни. Қонунчилик маълумотлари миллий базаси, 19.11.2021 й., 03/21/729/1064-сон.

Ўзбекистон Республикасининг 2011 йил 13 декабрдаги “Жиноий даромадларни легаллаштиришга ва терроризмни молиялаштиришга қарши курашиш бўйича Евросиё гуруҳи тўғрисидаги битимни (Москва, 2011 йил 16 июнь) ратификация қилиш ҳақида”ги ЎРҚ-307-сон Қонуни (Ўзбекистон Республикаси қонун ҳужжатлари тўплами, 2011 й., 50-сон, 509-модда).

Ўзбекистон Республикасининг 2019 йил 15 январдаги “Иқтисодий жиноятларга ва оммавий қирғин қуролини тарқатишни молиялаштиришга қарши курашиш механизмлари такомиллаштирилиши муносабати билан Ўзбекистон Республикасининг айрим қонун ҳужжатларига ўзгартиш ва қўшимчалар киритиш тўғрисида”ги ЎРҚ-516-сон Қонуни. Электрон манба: <https://lex.uz/ru/docs/4163506>.

Ўзбекистон Республикаси Олий суд Пленумининг 2011 йил 11 февралдаги “Жиноий фаолиятдан олинган даромадларни легаллаштиришга оид ишлар бўйича суд амалиётининг айрим масалалари тўғрисида”ги 1-сон қарори. Электрон манба: <https://lex.uz/docs/1766419>.

Ўзбекистон Республикасининг 2012 йил 25 декабрдаги “Тезкор-қидирув фаолияти тўғрисида”ги ЎРҚ-344-сон Қонуни. Электрон манба:

<https://lex.uz/docs/2107763>.

Жубрин Р.В. Основы профилактики легализации преступных доходов: автореф. дис. ...д-ра юрид. наук. Акад. Генер. прок. РФ. – М., 2013.

Каримов В. “Тезкор-қидирув фаолияти”. Дарслик. Тошкент. Lesson press. 2021.

Второй отчет взаимной оценки противодействия отмыванию денег и финансированию терроризма Республики Узбекистан. ЕАГ 2022. Электрон манба:

[https://eurasiangroup.org/files/uploads/files/MER\\_Uzbekistan\\_2022\\_rus.pdf](https://eurasiangroup.org/files/uploads/files/MER_Uzbekistan_2022_rus.pdf)

Concept, legal basis of financial investigation on the cases of money laundering and stages of formation. World Bulletin of Management and Law (WBML). Vol.-25, August -2023. p. 23. Электрон манба: <https://www.scholarexpress.net/index.php/wbml/article/download/3051/2618>.

Ўзбекистон Республикаси Президентининг 2021 йил 28 июндаги “Ўзбекистон Республикасининг жиноий фаолиятдан олинган даромадларни легаллаштиришга, терроризмни молиялаштиришга ва оммавий қирғин қуролини тарқатишни молиялаштиришга қарши курашиш миллий тизимини ривожлантириш стратегиясини тасдиқлаш тўғрисида”ги ПФ-6252-сон Фармони., Қонунчилик маълумотлари миллий базаси, 29.06.2021 й., 06/21/6252/0617-сон.

Ўзбекистон Республикаси Ҳуқуқни муҳофаза қилиш академияси расмий сайти. Электрон манба: <https://proacademy.uz/uz-cyr/news/view?alias=95>.

Cherifa Soumati. Prevention of the financing of the proliferation of weapons of mass destruction in algerian law and international commitments issued in this regard. Russian Law Journal. Vol. 11 № 5 (2023) p. 2295-2304. Электрон манба: