

SMUGGLING AS A THREAT TO PUBLIC SAFETY**Utebayev Salamat Maksetbay ugli**

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Annotation: This article provides a number of information that substantiates the concept of public danger and the fact that smuggling is a crime that threatens public safety, and also touches upon the opinions of scientists on the social danger of this crime. It also highlights the social danger of smuggling in the life of our state today.

Keywords: smuggling, crime, public danger, economic smuggling, border, contraband crime items

Rezyume: ushbu maqolada ijtimoiy xavflilik tushunchasiga va kontrabanda jinoyatining jamoat xavfsizligiga tahdid soluvchi jinoyat ekanligini asoslab beruvchi bir qator ma'lumotlar berilgan bo'lib, bu jinoyatning ijtimoiy xavfi bo'yicha olimlarning fikrlariga ham toxtalib o'tilgan. Shuningdek, kontrabanda jinoyatining bugungi kunda davlatimiz hayotidagi ijtimoiy xavfi nimalarda aks etayotganligi yoritib berilgan.

Kalit so'zlar: kontrabanda, jinoyatchilik, ijtimoiy xavflilik, iqtisodiy kontrabanda, chegara, kontrabanda jinoyati predmetlari

Резюме: В данной статье приводится ряд сведений, обосновывающих понятие общественной опасности и то, что преступление контрабанды является преступлением, угрожающим общественной безопасности, также затрагиваются мнения ученых о социальной опасности этого преступления. Также освещено, в чем сегодня отражается социальная опасность преступления контрабанды в жизни нашего государства.

Ключевые слова: контрабанда, преступность, общественная опасность, экономическая контрабанда, граница, предметы контрабандной преступности

Any crime is socially dangerous. The main criterion for classifying an act as a crime, raising it to the level of a criminal act by the legislator, as the antisocial essence and characteristic of a specific type of act, is precisely social danger. This is synonymous with the criminal illegality of official signs of crimes. This feature is also reflected in the dispositions and is the main measure of the presence of a crime. In this context, as V.S. Prokhorov noted in his time, the content of smuggling "serves as an indicator of the illegality of the law"[1, 260].



It should be noted that social danger, as the main socio-legal category, plays a number of functional roles in criminal legislation, law enforcement activities, classification of an act as a crime, determination of the type and amount of sanctions, differentiation and individualization of responsibility, and exemption from liability on legal grounds.

Emphasizing these considerations, Yu.I. Lyapunov writes: "social danger, figuratively, is "spread" throughout the structure and content of criminal law and, playing a key functional role in it, acquires the value of the attributive characteristics of the events and processes reflected in the law"[2]. According to him, criminal law social danger encompasses the real possibility of harming a specific objective, antisocial state of the crime and social relations protected by law, arising from the generality of its negative characteristics and signs.[2] Such an understanding of social danger should not be disputed, as it is an integral characteristic of every criminal act. Social danger determines the specifics of any type of crime - theft of property, harm to public peace as a result of hooliganism, and the negative impact of narcotic drugs on human health. Smuggling has similar characteristics.

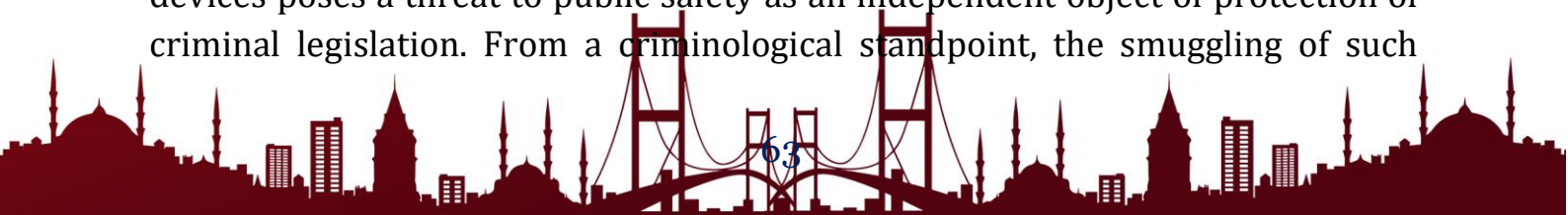
This issue is insufficiently covered in specialized literature dedicated to the analysis of the social danger of smuggling. Scientific sources primarily state that the social danger of smuggling can cause immense damage to the state's foreign trade monopoly[3, 292]. According to some studies, the risk of smuggling is primarily determined by international organized crime and is typically associated with the illegal trafficking of narcotic drugs, psychotropic substances, poisonous substances, weapons, ammunition, explosives, etc[4].

The economic aspect of the social danger of smuggling is that it significantly violates the established foreign trade regime in the state, as well as reduces the revenue portion of the state budget due to the fact that the relevant individuals and legal entities do not receive income from customs and other payments made by them for the transportation of goods, vehicles and other objects across the customs border.

Therefore, when goods are smuggled, a very large amount of money that should have been sent to the state budget is lost.

Therefore, customs duties are one of the main sources of formation of the revenue part of the state budget.

The smuggling of weapons, ammunition, various explosives and explosive devices poses a threat to public safety as an independent object of protection of criminal legislation. From a criminological standpoint, the smuggling of such



weapons and explosives creates an active criminogenic factor in the commission of other serious crimes. Such crimes as terrorism, armed invasion, robbery, murder, encroachment on the life of a law enforcement officer, a serviceman or a person, mass riots, serious bodily harm, and other violent acts create the basis for this.

In addition, illegal entry of weapons and ammunition into the territory of the state or the transfer of weapons for transit purposes into the hands of people with malicious intentions living in the Republic of Uzbekistan can lead to the death of many people or irreversible deterioration of their health. If illegal weapons or explosives are captured by anti-state groups, individuals or activists of religious extremist movements, this situation can cause serious damage not only to citizens, but also to the state and society, and cause the death of many people.

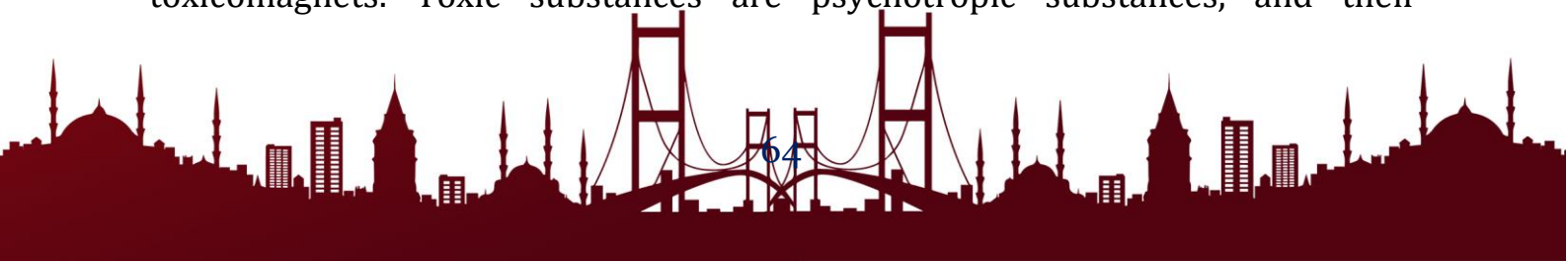
From the point of view of determining the specifics of the social danger of the crime under consideration, the smuggling of narcotic drugs deserves special attention. Identification and seizure of such objects is one of the most important tasks of the customs service and border troops.

Trafficking in narcotic drugs poses a serious threat not only to society, but also undermines one of the highest social values of any state - human health, fills the illegal drug market and leads to an increase in the number of these substances, directly contributes to the distribution and consumption of narcotics, and even leads to the highest profit from the drug trade.

Drug smuggling is linked to an increase in theft, robbery, and embezzlement committed by individuals accustomed to their use. This objectively destroys the nation's gene pool and has become a real threat to the national security of the state and its people, their vital interests.

Drug smuggling is a particularly dangerous source for the health of young people. This problem has been widely analyzed in the official circles of our state, and the comments of the deputy mayor of Tashkent D. Rakhimova that "the number of cases of using synthetic drugs among students in the capital is also increasing" testify to the fact that drug smuggling has become dangerous in our country[5].

Currently, the sale of narcotics in pharmacies and medical institutions is strictly prohibited (with some exceptions). State control of drugs such as instant, morphine, cocaine, hashish has led to the consumption of other substances - toxicomagnets. Toxic substances are psychotropic substances, and their



constant consumption is considered harmful to the human body and leads to poisoning [6, 239].

The negative impact of drug addiction and psychotropic substances on human health and mortality has been given special attention in the Republic of Uzbekistan, and their treatment and implementation are under special control by the state.

The practice of combating crime shows that smuggling creates a number of other highly dangerous encroachments. It should be noted that due to the peculiarities of the objective features of smuggling, it does not resemble other elements of crimes provided for by the articles of the special part of the current Criminal Code of the Republic of Uzbekistan. Therefore, in the legal analysis of this crime, the problem of distinguishing it from any other crimes (except for crimes of violation of customs legislation) does not arise. However, this is accompanied by a number of aggressions that create conditions for the commission of other crimes. In relation to these crimes, smuggling serves as an active criminogenic factor, which determines another aspect of its social danger and at the same time increases the level of danger.

The above shows that the range of crimes arising from smuggling is very broad. However, the social danger of the aggression under consideration has another characteristic. Some forms of this modern smuggling are increasingly associated with organized crime structures, including international mafias operating abroad[7, 65].

Smuggling falls within the framework of criminal forms of organized crime. This crime, along with gambling, prostitution, the drug trade, and the arms trade, has become one of the main sources of very high criminal income. In this regard, smuggling has acquired typical external characteristics of national and international organized crime. This feature, being a criminological feature of smuggling, determined another aspect of its increasing level of social security in the current period.

It is known that a smuggler always receives a certain criminal (economically and morally unjustified) material benefit as a result of the illegal movement of goods or other valuable items across the customs border. Through smuggling, a person has a real opportunity to misappropriate goods or other valuables, including their redistribution. In addition, smuggling is always associated with illegal enrichment of the subject by evading payment of established duties or other customs payments (VAT, excise tax, fees).



M.P. Karpushin wrote: "The danger of smuggling lies in the fact that by committing it, especially weak-willed citizens (citizens of instability) will have the opportunity to enrich themselves at the expense of society - live at the expense of someone else, earn unrecoverable income"[8, 158-159].

Smuggling is recognized by many countries as one of the most dangerous types of crime. The crime of smuggling is committed in the presence of state borders. This is evidenced by the fact that smuggling crimes continue to be committed in developed countries such as the USA, Germany, England, and France. These states did not set themselves the goal of completely preventing this type of crime. They focused on achieving a reduction in crime rates.

Therefore, preventing smuggling is a very complex task. It is not enough to improve the quality of work and technical capabilities of customs authorities here. In such cases, the use of incentive norms successfully applied by our state in criminal legislation can yield effective results.

Based on the aforementioned views on the social danger of smuggling and the need for criminal liability in relation to it, as well as the norms of legislation on establishing criminal liability for smuggling, it is advisable to present the following proposal regarding the research work.

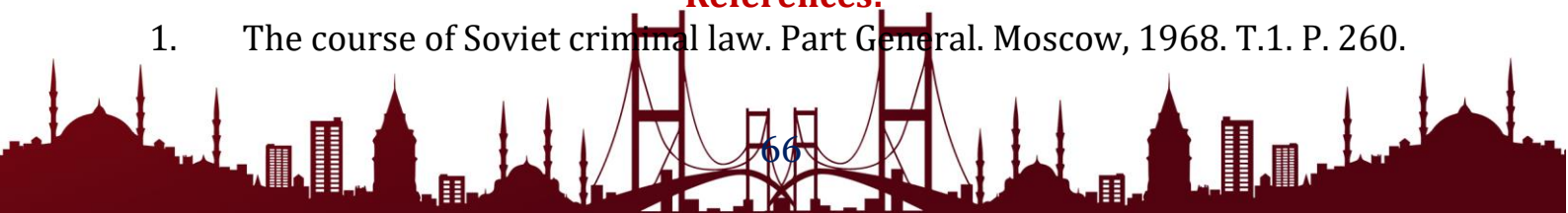
It is advisable to include in Part Three of Article 246 of the Criminal Code the following sentence: "If the crime specified in this article is planned to be committed with participation, and one or more of the participants voluntarily inform the authorities about their act and actively contribute to the disclosure of the crime, and as a result, the crime is prevented, they are released from punishment."

Since smuggling is a transnational crime, individuals can be united into one or an organized group or committed in its interests. The purpose of this proposal is to prevent the planned crime of smuggling, that is, to create an opportunity for participants to deviate from this path before the crime is completed. After all, preventing planned smuggling is more useful than eliminating smuggling.

Therefore, the aforementioned opinions and considerations demonstrate a high level of smuggling risk and the need for effective aggressive action against it at the state and international levels. Only a systemic, comprehensive approach to evaluating the crime under consideration and identifying all its harmful features is capable and necessary.

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