



CRIMINAL LIABILITY FOR CULTIVATION OF PLANTS PROHIBITED IN THE REPUBLIC OF UZBEKISTAN

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ABSTRACT	KEYWORDS
In this article, the crops that are prohibited to be grown in the Republic of Uzbekistan, on what basis they are prohibited, and the criminal punishments established for this act were studied. Also, some theoretical and practical problems related to the qualification of the crime of cultivation of prohibited crops were highlighted, and in this regard, relevant proposals and recommendations were developed for improving the criminal legislation of the Republic of Uzbekistan.	Illegal crops, poppy, oil poppy, hemp (cannabis), crops, plants, crops containing narcotic drugs or psychotropic substances.

Introduction

Article 270 of the Criminal Code of the Republic of Uzbekistan establishes criminal liability for the illegal planting or cultivation of prohibited crops, i.e. poppy or oil poppy, cannabis plant, or crops containing narcotic drugs or psychotropic substances (referred to as prohibited crops in the text). [1.] In accordance with the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 878 dated October 27, 2018, the list of narcotic drugs prohibited from circulation in the Republic of Uzbekistan, the list of narcotic drugs with restricted circulation, psychotropic substances with restricted circulation, as well as precursors with restricted circulation the list is confirmed. [2.]

Cannabis is a hashish (narcotic) plant of the cannabis variety (including Indian, southern tea, krasnodar and other types of cannabis). [3.]

Poppy is a crop cultivated to obtain vegetable oil from its seeds and opium (narcotic drug) from its pods. [4.]

Other plants with narcotic or psychotropic substances include the coca bush (from which cocaine is obtained) and other plants with narcotic or psychotropic substances.

Cultivation of prohibited crops means planting or growing seeds on any land without proper permission, as well as on vacant land. The crime is committed from the moment the plant is planted on the ground, regardless of whether it has grown or not. [3.], [5.]

In cases where it is determined that prohibited crops or similar plants are being grown, this situation will be registered by the inspection body before the investigation, and inspection actions will be initiated before the investigation. First, the place where prohibited plants or similar plants are grown is checked with the presence of an expert (agronomist). Based on articles 135-141 of the Code of Criminal Procedure of the Republic of Uzbekistan, investigative actions will be conducted and a report will be drawn up. [6.] Information about the specialist (agronomist) involved and his opinion about

the cultivated plant(s) are included in the inspection report. The specialist (agronomist) gives his opinion on whether or not agrotechnical treatment has been carried out on the plant(s) identified as cultivated and participates in determining the area of the plant(s) planted. Then the examined plants (plants) are pulled up by their roots, packed and sealed. In order to determine whether there are narcotic substances in the plants attached to a separate package, and whether they belong to the category of narcotics, a forensic examination is appointed.

If the conclusion of the forensic chemical examination reveals that the plant contains a narcotic substance and that it belongs to the category of narcotics, a criminal case will be initiated based on Article 270 of the Criminal Code of the Republic of Uzbekistan. and investigation (preliminary investigation) actions begin.

Planting or cultivation of prohibited plants during the investigation (initial investigation) with subsequent preparation, storage, transportation, shipment, transfer (sale) of narcotic drugs, their analogues, psychotropic substances, whether or not related to them. The purpose of the transfer must be qualified by the set of crimes provided for in Article 270 of the Criminal Code and other articles of the Criminal Code. [3.]

Pursuant to Article 17 of the Criminal Code of the Republic of Uzbekistan, sane persons who have reached the age of sixteen before committing the crime of growing prohibited crops are held responsible. [1.]

In his scientific works, M.Kh. Rustambaev emphasized the improvement of legal norms related to the crime of cultivation of prohibited plants in our country. [3]

A.Kh. Ibragimova [8] and I.E. Pojidaev [9] conducted research on the crime of growing prohibited plants.

According to A.Kh. Ibragimova, the problem of combating the illegal cultivation of plants containing narcotic substances and the cultivation of which is prohibited is becoming one of the main problems of the current era for the Russian state, law enforcement agencies and the entire society. The fight against this type of crime is not a problem of narrow control of law enforcement agencies, but a nationwide problem that needs to be corrected over a long period of time. In this regard, the development of measures to prevent and prevent the illegal cultivation of plants containing narcotic substances is of great practical importance. The state should objectively assess the danger of drug addiction and use various forms of combating this social phenomenon. In the fight against the illegal cultivation of plants containing narcotic substances, an important place should be given to special and general prevention using legal means. [7]

According to I.E. Pojidaev, criminal punishment alone is not enough to effectively combat the illegal cultivation of plants containing narcotic drugs or psychotropic substances or their precursors. [8]

Crimes related to the illegal handling of narcotic drugs, their analogues and psychotropic substances pose a serious threat to public health, the economic and moral foundations of society, have a negative impact on family relations, and cause other social problems. [9]

Therefore, based on the theory of criminal law, the following proposals and recommendations were developed in order to improve the legal norms related to the crime of growing prohibited plants:

1. Article 106 of the Code of Administrative Responsibility of the Republic of Uzbekistan has repeatedly committed the crime of not taking measures to destroy wild cannabis by the persons who

own a plot of land. In this case, this offense should be qualified by Article 270 of the Criminal Code of the Republic of Uzbekistan.

Enacting this proposal would require landowners to continually review measures to eradicate wild cannabis, which would dramatically reduce and prevent drug possession, transfer, sale and other drug-related crimes.

2. At present, there is a practice of inspecting the scene of the incident and involving an expert (agronomist) in this investigation before the investigation, which can be qualified by Article 270 of the Criminal Code of the Republic of Uzbekistan. A specialist (agronomist) participating in this process examines the plant and gives a certificate on whether or not agrotechnical treatment has been carried out on this plant, and after filling out the inspection report, he familiarizes himself with it and signs it. In cases where there is a conflict of interest between an expert (agronomist) and a person who may participate in the case as a suspect, the expert (agronomist) may lie about the lack of agrotechnical treatment of the plant due to personal enmity. An agronomist might say processed. In order to prevent such a situation and to ensure the inevitability of punishment for the person who committed the crime, the employees of the Ministry of Agriculture of the Republic participating in the investigative actions before the investigation were given special training sessions before the investigation, given by experts (agronomists) it is necessary to form a sample copy of the "data" in the form of a summary and put it into practice, to determine the responsibility of the expert (agronomist) who prepared and compiled this summary.

In short, based on the general theory of crime, the correct application of the current criminal laws of the Republic of Uzbekistan, the correct understanding of the content and essence of the norms set by the legislator, the introduction of a unified judicial practice into the judicial practice, each it should be noted that it is incomparable that a person can be punished based on the principles of humanity.

List of Used Literature:

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6. Criminal Procedure Code of the Republic of Uzbekistan. Lex.uz.
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9. Decision No. 12 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated April 28, 2017 "On judicial practice in criminal cases related to illegal dealing with narcotic drugs, their analogues and psychotropic substances", paragraph 19.