



## THE ISSUES ON THE IMPROVEMENT OF LEGAL MECHANISMS TO COMBAT CRIMES RELATED TO THE CULTIVATION OF PROHOBITED CROPS

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### Annotation

This article highlights the way of planting crops, the concepts related to the relationship with the planting, cultivation and harvesting of prohibited crops, and develops proposals and recommendations for future amendments to the legislation of our country.

**Keywords:** operational-search activities, rapid-search prevention, planting of prohibited crops, cultivation of prohibited crops, collection of parts of prohibited crops.

Particular attention is paid to improving the efficiency of anti-crime units around the world, preparing for and committing drug-related crimes, and improving their criminal activities, in particular the system of preventing the planting, cultivation and distribution of illicit crops.

Comprehensive reforms are being carried out in our country to ensure the reliable protection of the rights and freedoms of individuals in the search and criminal proceedings, to further improve the fight against crime by operational units of internal affairs organs. This requires targeted work to increase the efficiency of operational units in the organization of crime prevention, the cultivation of plants containing narcotic drugs and psychotropic substances. If we look at 2020 alone, the fact that the number of crimes related to the cultivation of prohibited crops in our country accounted for 26.2% of all crimes related to drug trafficking is proof of the above.

Therefore, the paragraph 2.4 of the Strategy of Actions for the further development of the Republic of Uzbekistan, developed on the initiative of the head of our state Sh. M. Mirziyoyev, titled "Improving the system of combating crime and crime prevention" is one of the priorities of the operational units of internal affairs organs, and the study of this area is of great importance.

According to the Law of the Republic of Uzbekistan "On Narcotic Drugs and Psychotropic Substances" dated on August 19, 1999 and the Criminal Code, the cultivation or cultivation of narcotic plants is prohibited and the cultivation of these plants in the territory of the Republic of Uzbekistan is prohibited. However, due to the





widespread use of plants containing narcotic drugs or psychotropic substances in medicine and industry, cultivation in certain quantities under special control and supervision may be permitted in accordance with the established procedure within the limits of state and necessary needs. Cultivation of plants containing narcotic substances is a state monopoly. In our country, the cultivation and treatment of prohibited crops is strictly controlled.

Hence, the cultivation of plants containing narcotic substances may be legal or illegal. It is well known that legal activity is socially beneficial, while illegal activity has socially dangerous consequences. The movement to cultivate prohibited crops can be described differently in different areas of law. We believe that these descriptions are important in the fight against the cultivation of prohibited crops.

One of the main tasks of the research work aimed at the rapid search for the prevention of crimes of cultivation of prohibited crops is aimed at conducting research in the light of the new features of crime today. Based on this, the following were identified as research tasks. In particular;

- To study the theoretical concepts of banned crops and their cultivation;
- To describe operative-search prevention of cultivation of forbidden crops;
- To clarify the current state of operational and preventive prevention of the cultivation of prohibited crops;
- To depict the factors negatively affecting the rapid search and prevention of the cultivation of prohibited crops;
- To compare the issues of foreign experience in operational and preventive prevention in the cultivation of prohibited crops;
- To develop the prospects for improving operational search in the cultivation of prohibited crops;

In addition to addressing the objectives of the study, the aim was to identify and fill the gaps in the Law of the Republic of Uzbekistan “On Narcotic Drugs and Psychotropic Substances” dated on August 19, 1999. During the study, the definitions of the concepts of “forbidden crops” and “prohibited drugs” by foreign scientists, their views, scientific conclusions were studied.

Russian scholar D.P. Ishenko`s “planting of prohibited crops” means sowing or transplanting seeds on any plot of land without permission, as well as on vacant land. The crime is considered complete from the time the seed is planted in the ground, whether it germinates or not.

According to Ischenko, “prohibited crops” include plants that contain narcotics, which can be used in the production of drugs or psychotropic substances. During his scientific research, the scientist D.P. Ishenko theoretically studied the crimes of





cultivation of prohibited crops and developed his own author's definition of the concept of prohibited crops and their cultivation.

In his research, Kadyrov argued that “forbidden crops” include poppy, Indian, southern Manchuria, southern Chui hemp, and other species that contain drugs. According to Kadyrov, plants containing drugs are “grown and cultivated for the production of opium, morphine, hashish and other drugs”.

In partial agreement with the scientist, we would like to point out that the study of practice during the research shows that the planting and cultivation of prohibited crops is not only for the production of drugs, but also to train citizens to become addicted, using the will of citizens. We have come to the conclusion that plants containing narcotic drugs or psychotropic substances are planted and cultivated for various crimes, amassing wealth, and for various other purposes.

Moreover, the scientist who has conducted research in this area, A.Kh. Ibragimova considers that, the concepts of “planting plants containing drugs” and “cultivation of prohibited plants” are different and should be studied separately. According to her, the cultivation of plants containing drugs is understood as planting the seeds of this type of plant in the ground for some purpose, in violation of this law. She argued that the cultivation of forbidden plants was understood as the care of the sprouted plants, i.e. irrigation, tillage and other actions.

Based on the above considerations and research, we believe that the planting of prohibited crops is the illegal sowing of seeds of all plants containing drugs and psychotropic substances included in special lists and the transplanting of seedlings from one place to another.

The Article 3 provides “basic concepts” and some concepts are left blank in the law without being defined in this article of the Law of the Republic of Uzbekistan “On Narcotic Drugs and Psychotropic Substances” dated on August 19, 1999.

In particular, the concept of “cultivation of prohibited crops” is not defined. However, the Article 21 of this law contains a norm entitled “Cultivation of plants containing narcotic substances”, which states that “Permits for the cultivation of listed plants are issued to state-owned enterprises for scientific purposes in the manner prescribed by a specially authorized body and in the cases provided for in the Article 21<sup>1</sup> of this Law, provided that legal entities have a license for this type of activity for industrial purposes. However, the concept of “cultivation of drug-containing plants” is not defined.

The Article 270 of the Criminal Code of the Republic of Uzbekistan, adopted on September 22, 1994, states that “illegal planting or cultivation of prohibited crops, such as poppy or oilseed poppy, cannabis or crops containing narcotic drugs or





psychotropic substances”. To date, the concepts of “planting of prohibited crops, cultivation of prohibited crops” are not reflected in the Code itself or in the Law of the Republic of Uzbekistan “On Narcotic Drugs and Psychotropic Substances” of August 19, 1999.

Furthermore, during our research, when we got acquainted with the indictment on the outcome of the crimes specified in the Article 270 of the Criminal Code of the Republic of Uzbekistan from the subdivisions of the Investigation Department of the Ministry of Internal Affairs, in 11.5% of criminal cases there are cases of harvesting crops. However, at present, no official legal document of the Republic of Uzbekistan provides an explanation of this concept of “collection of parts of prohibited crops”. It is these concepts that were introduced to the Republic of Kazakhstan on July 10, 1998 from the countries adjacent to the Republic of Uzbekistan and located in the same region. № Article 279-I, Article 1 of the Law of the Republic of Turkmenistan of November 25, 2017.

In our opinion, it is expedient to give a brief explanation of these words in the Law “On Narcotic Drugs and Psychotropic Substances”. In the course of scientific research, Article 3 of the Law of the Republic of Kazakhstan No. 6245-Is of May 22, 2012, the Law of the Republic of Kazakhstan of July 10, 1998 № Article 1 of Law No. 279-I, Law of the Kyrgyz Republic No. 66 of May 22, 1998, Article 1, Article 2 of the Law of the Republic of Tajikistan No. 874 of December 10, 1999, Article 1 of the Law of November 25, 1995 of the Republic of Ukraine, Article 1 of the Law of the Republic of Azerbaijan No. 60/95 of February 15, 2005 No. 959-IIQ of June 28, 2005, Article 1 defines the concepts of “planting” and “cultivation” of prohibited plants.

Studies show that this norm is not reflected in the Law of the Republic of Uzbekistan “On Narcotic Drugs and Psychotropic Substances” of August 19, 1999 and serves as a basis for the introduction of these concepts in the law, uniform understanding and proper application of regulations. In our opinion, in addition to Article 3 of the Law, it is necessary to include the following concepts. Including;

Planting of narcotic plants –is planting or sowing of seeds of poppy, cannabis and other narcotic plants included in the list of drugs prohibited in the Republic of Uzbekistan on natural and artificial lands;

Cultivation of narcotic plants – is care of seedlings of sprouted or transplanted plants containing poppy, cannabis and other narcotic drugs included in the list of drugs prohibited in the Republic of Uzbekistan until their ripening stage;

Collection of plants containing narcotic substances - is collection of wild or cultivated plants and their parts containing poppy, cannabis and other narcotic drugs included in the list of drugs prohibited in the Republic of Uzbekistan.







In conclusion, we believe that the introduction of the concepts of planting, cultivation and harvesting of narcotic plants in our current legislation will serve as a clearer source for describing and understanding the actions of individuals in this regard, further clarifying the application of the above law in practice.

## References

- 1) Law of the Republic of Uzbekistan dated on December 25, 2012 “On operational search activities”.
- 2) Law of the Republic of Uzbekistan “On Narcotic Drugs and Psychotropic Substances” of August 19, 1999.
- 3) The Criminal Code of the Republic of Uzbekistan adopted on September 22, 1994.
- 4) Decree of the President of the Republic of Uzbekistan dated on February 7, 2017 No PF-4947 “On the Strategy of Actions for further development of the Republic of Uzbekistan” // Collection of Legislation of the Republic of Uzbekistan, 2017, No 6, Article 70.
- 5) M. Kadyrov. “Criminal law fight against illegal cultivation of drug-containing crops”. Monograph. –T.1991.P.9.
- 6) Ishchenko D.P. “Criminal law and criminological characteristics of crimes related to illegal cultivation of prohibited plants containing narcotic substances” abstract dissertation. Candidate of Law Sciences. Rostov-Na-Don - 2005. P.10.
- 7) Ibragimova A.Kh. Illegal cultivation of plants containing narcotic substances prohibited for cultivation // Diss. for the degree of Candidate of Law Sciences - M.; - 2003.

