

Problems and Solutions Arising in Legal Assessment of Actions Related to the Promotion of Drug Drugs, Psychotropic Substances or Their Analogues, Precursors

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Abstract: In the article, one of the urgent issues of today is the legal definition of the terms related to drug addiction, the extent of the influence of the Internet social network on drug addiction and the specific features of combating it, the gaps in the law, which offenders special attention is paid to the method of using it masterfully and solving the problems that arise.

Keywords: Narcotic drugs - illegal handling of psychotropic substances; internet networks; advertising; mobile wallet; narcographitis; zaklatka method; Current legislation of the Republic of Uzbekistan.

In our country, the fight against the illegal circulation of narcotic drugs, their analogs and psychotropic substances, as well as medicines containing powerful premarats, which are not included in the list of narcotic substances, and the fight against their illegal introduction into circulation is being intensified. Nevertheless, the fact that drug-related crimes accounted for 8.7% of the total number of crimes committed during the year 2022 ¹shows that there is a lot of work to be done in this regard. It is considered dangerous to commit crimes of this type in educational institutions, in places where sports and various public events are held, and especially in prisons ². When thinking about this, it is necessary to pay special attention to the legal description of these ogu.

Legal literature defines it as follows:

Addiction is a disease associated with mental and physical dependence on drugs.

Narcotic drugs - 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.

Analogues of narcotic drugs and psychotropic substances are substances of synthetic or natural origin, which are similar to narcotic drugs and psychotropic substances according to their chemical structure and properties, and have an active effect on the psyche.

Dealing with narcotic drugs, psychotropic substances and precursors - in accordance with the Law of the Republic of Uzbekistan "On Narcotic Drugs and Psychotropic Substances" of

¹ Scientific-analytical review of the crime situation of the republic in 2022 // Practical guide

² OSSabanov - criminalistic description of the crimes of unlawful treatment // Bulletin of the Ministry of Internal Affairs of Ukraine // №2-2022

August 19, 1999, transportation (departure) of narcotic drugs and psychotropic substances, transit through the territory, storage, sale, distribution, distribution, purchase, transfer, shipment, preparation, production, manufacture, as well as use of narcotic drugs, psychotropic substances and precursors, and cultivation of plants containing narcotic substances.

Trafficking in narcotic drugs, psychotropic substances and precursors - importing (exporting) narcotic drugs, psychotropic substances and precursors, transiting, storing, giving, selling, distributing, receiving, transporting, sending, manufacturing origin, production, preparation, use and destruction, as well as cultivation of plants containing narcotic substances³.

Narcotic drugs, psychotropic substances and medicines containing powerful substances are widely distributed among the population in the republic. Dissemination of this type of substances violates the law and causes administrative and criminal liability. Nevertheless, criminalistic analysis of the methods of committing these types of crimes shows that today their detection is becoming more difficult and the level of latency is increasing. The main reason for this is ensuring that the products reach the customer through the Internet. Delivery of narcotics over the Internet is carried out by a method called "zaklatka" in the field of crime.

The "Zakladka" method, when ordering a drug through social networks, leaves the prohibited substance at the designated place through the source supplier, and sends the customer the geological location and photo of the place where the substance is hidden. In this way, farmers protect their personal safety and resources from various checks and prompt actions.

The analysis of crimes related to the illegal handling of narcotics and psychotropic substances and powerful substances committed through Internet networks shows that these types of crimes are latent crimes and are difficult to detect. One of the main reasons for this is that the buyer orders the product through a social network and pays for it through a "Mobile Wallet" that does not belong to the jurisdiction of the Republic of Uzbekistan. It is impossible to open the transaction data of funds through this type of wallets because they do not belong to the jurisdiction of the Republic. It is worth mentioning here that this is not the only problem, but more basic problems are visible. In particular, people who are engaged in drug trafficking through the Internet tell the consumer through which site they can order in the eyes of everyone, and some even ignore it.⁴ mines are advertised. Article 34 of the current Law of the Republic of Uzbekistan "On Narcotic Drugs and Psychotropic Substances" dated August 19, 1999 "Promotion of Narcotic Drugs, Psychotropic Substances and Precursors, i.e. Development of Narcotic Drugs, Psychotropic Substances and Precursors", activities aimed at disseminating information about the methods and methods of their preparation and use, as well as the places of obtaining them, are prohibited. In addition, it is prohibited to advertise narcotic drugs or psychotropic and (or) strong-acting substances, medicines containing narcotic drugs or psychotropic and (or) strong-acting substances in the territory of the Republic of Uzbekistan, violating these requirements. it is determined that the guilty persons shall be held responsible in the prescribed manner⁵. Nevertheless, there are many such cases in our country. Specifically; in April of this year, persons engaged in drawing narcograffiti promoting drugs were arrested in Mirabad and Yangi Hayot districts of Tashkent city⁶. Such situations can be found not only in Tashkent, but in all cities of the Republic, and violations in this regard have increased several times compared to last year.

Due to the fact that it is safe and secure for drug addicts and drug dealers to do business through online stores, the demand for online drug stores is increasing dramatically. As a result, their number increased, a competition arose between them, and the distribution and advertising of

³ E-mail address: <https://legalportal.uz/dictionary> .

⁴ Graphical or QR-coded images with addresses of online drug stores

⁵ Law No. 776 of the Republic of Uzbekistan dated June 7, 2022 on Advertising.

⁶ https://iiv.uz/oz/news/persons_engaged_in_drawing_drug_graffiti_promoting_drugs_email_address.

Internet addresses, that is, electronic addresses of sites where drugs can be ordered, in the form of graffiti, became rampant.

Advertising - advertising distributed using any advertising means, the content of which is aimed at users in the territory of the Republic of Uzbekistan and attracting attention to the object of advertising, forming or supporting interest in it, as well as directly in the market or special information intended for promotion for the purpose of obtaining indirect profit (income);⁷

In spite of the fact that the current legal documents provide for prosecution of the cases mentioned above, the reasons for its escalation can be cited as below.

Firstly; Trading via the "Zakladka" method from Internet networks is safe and reliable. The reason is that the main payments in trade are made through the Kiwi wallet, and the server of this wallet is not obliged to provide any information to the Government of the Republic of Uzbekistan.

Secondly; Although it is provided for the determination of responsibility in accordance with the procedure established by the law for persons engaged in activities aimed at spreading information about the development, preparation and methods of using narcotic drugs, psychotropic substances and precursors, as well as the places where they are obtained. this norm is presented in the relevant provision, which does not specify what kind of responsibility to bear.

For example, in the event that advertisements about narcotic substances, their analogues and psychotropic substances, as well as the methods of their preparation, and the exact electronic addresses of social networks where such substances can be traded and ordered, the Republic of Uzbekistan The liability specified in Article 161 of the Code of Administrative Liability means that citizens are fined from one to three times the amount of the base calculation, and officials are fined from three to five times. However, Article 161 of the Criminal Code of the Republic of Uzbekistan is presented in the following content; "Violation of the rules of beautification of the territories of cities and other settlements, as well as non-compliance with the rules of ensuring cleanliness and sanitation" In addition, the Code of Administrative Responsibility of the Republic of Uzbekistan about legislation in violation expressed Article 178¹ : Non-submission of documents and materials related to advertising information by citizens and officials to the competent state body within the specified period or deliberately providing incorrect information, as well as termination of violations of the legislation on advertising by the competent state body failure to fulfill the instruction within its time limit; Administrative liability is established only for wrong advertising by citizens and officials, non-observance of the procedure for placing outdoor advertising or refusal to issue counter-advertisement, as well as for advertising products whose advertising is prohibited by law.

When studying the experience of the neighboring Republic of Kazakhstan in connection with such cases, from January 11, 2020, criminal liability was established in Kazakhstan for distributing links to websites that promote and sell drugs. A new Article 299¹ of the Criminal Code of the Republic of Kazakhstan - "Promotion or illegal advertising of narcotic drugs, psychotropic substances or their analogues, precursors" was introduced. From now on, citizens arrested for drawing graffiti of prohibited content may be imprisoned for up to three years.

If similar actions are committed repeatedly by a group of persons, in educational institutions, as well as in crowded places, using mass media or electronic information resources, or using official positions, the perpetrators shall be imprisoned for up to six years. punishment is assigned⁸.

Based on the above, the following proposals can be put forward in order to fight against drug trafficking.

⁷ Law No. 776 of the Republic of Uzbekistan dated June 7, 2022 on Advertising.

⁸ <https://ru.sputnik.kz/20200120/graffiti-reklama-narkotiki-zaderzhanie-kazakhstan-12585474.html> email address.

- According to the Law of the Republic of Uzbekistan on Advertising No. 776 of June 7, 2022, the concept of advertising is defined as "advertising in the territory of the Republic of Uzbekistan" that is distributed using any advertising means. special information aimed at users and intended to attract attention to goods and services, to form or support interest in them, as well as to promote them in the market for direct or indirect profit (income);
- ¹ of the Code of Administrative Responsibility of the Republic of Uzbekistan is amended to allocate responsibility for the distribution of prohibited products or services that may distribute these products in the territory of the Republic of Uzbekistan.
- It is necessary to establish criminal liability for advertising substances containing narcotic or psychotropic substances, or substances with a strong influence, prohibited for circulation in the territory of the Republic of Uzbekistan, or services that may distribute these substances .