

UZBEKISTAN AND THE UNITED STATES OF AMERICA UNDER CRIMINAL LAW CRIMINAL RESPONSIBILITY ISSUES

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ANNOTATION:

The article compares the specifics of criminal liability for arms trafficking at the federal level of the United States and the criminal law (precedent documents) of New York and Texas with the norms of liability for such crimes in the Criminal Code of the Republic of Uzbekistan. scientifically analyzed and suggestions for improving national legislation.

Keywords: USA, Uzbekistan, criminal law, weapons, illicit treatment, criminal liability, punishment.

INTRODUCTION:

There is no country today that has not been exposed to threats as a result of the illicit handling of weapons. Therefore, this issue has become one of the most pressing issues for the international community in terms of security in the world [1].

In accordance with the requirements of international legal instruments on combating arms trafficking in the format (scope) of the United Nations and regional (Commonwealth of Independent States and Shanghai Cooperation Organization), member states are required to work together to combat this problem.

In order to prevent the illicit proliferation of weapons in the world or in a particular region (state) and their early prevention, there is a need for cooperation between law enforcement agencies in the exchange of information on issues related to the regulation of arms trafficking in states [3, p. 58].

This requires the study and analysis of the experience gained in combating the illicit trafficking of weapons in developed countries and the effective application of legal mechanisms (criminal law). Because the development and improvement of the legislative system of any state, of course, depends on the identification and elimination of shortcomings and gaps in it. A comparative legal analysis of the current national legislation with the legislation of other countries plays an important role in this [4, p. 112]. Indeed, it helps to determine how to solve problems that are legally the same in different countries, secondly, expands the scope of legal research, and thirdly, allows to take into account both the positive and negative aspects of foreign legal practice.

The purpose of this study was to examine the nature of the criminal liability established for the illicit handling of weapons under U.S. criminal law.

The United States has enacted about 20,000 regulations to establish strict controls on the handling of weapons and to regulate any conduct related to weapons.

Today, in addition to federal regulations, the United States has 53 separate independent legal systems that regulate the handling of arms, making up the legal systems of 50 states, 2 counties, and territories under American federal jurisdiction.

The application of federal regulations governing this area is largely done through the criminal law of the states [5].

The existence of such a legal system, in our opinion, is explained by the fact that in each state of America separately the lives of its

citizens are saved, the prevention of various bodily injuries and the provision of public safety. In the United States alone, there were 14,400 gun-related homicides in 2019, representing nearly three-quarters of all homicides involving gun-killing civilians.

If we look at the issues of liability under U.S. federal criminal law, then Chapter 18 of the U.S. Code of Laws, adopted June 25, 1948, states that "Rebellion, insurrection; prohibitions on hazardous means" (§ 1792), which provides for the import or shipment of weapons, explosives or devices intended to inflict bodily harm to employees of a federal penitentiary institution or its premises, as well as imprisonment for a term of 10 years for conspiracy.

By applying this norm, the U.S. legislature restricts the illicit handling of weapons, explosives, or other means intended to inflict bodily harm on the facility's staff, secondly, to ensure the normal operation of the facility, to protect the lives and health of staff and inmates, and the task of ensuring the prevention of riots and riots that may be committed by prisoners in the institution.

Of course, it is not in vain that the law provides for a sentence of 10 years in prison for these acts. Because its level and nature of social danger is higher than other crimes, we believe that even if this democracy is a country like America, where it is rooted, its inclusion in the category of serious crimes is in line with the principles of justice.

In addition, according to the U.S. Model Criminal Code of 1962, which is of a recommendatory nature, the use of a weapon is referred to as a weapon of other crimes.

In particular, this Code provides for the "possession of criminal weapons. In the first part of Article 5.06, entitled "Weapon" - possession of a weapon in any case for the purpose of using it for a crime is considered misdemeanor [7, p. 304]. Paragraph 2 of this Article provides that a person may carry a hand

luggage (baggage), a firearm or other weapon in a vehicle or have easy access to it, if: a) the person is not at home or at work; b) the person does not have a permit (license) to own a weapon or it is not otherwise established by law; c) possession of a weapon in cases when it is not possible to use it in sports permitted by law, indicates that there is a purpose to use a weapon in the commission of a crime [7, p. 305].

A.A. According to Zadoyan, in this case, possession of a weapon is considered as a tool that can be easily used to cause the death of another person, meaning that it is used in cases where it is clearly not suitable for legal purposes [8, p. 49-50].

E.Yu. Chetvertakova, on the other hand, is a firearm used by practitioners in other U.S. law enforcement agencies in the implementation of this article of the Model U.S. Criminal Code to commit other crimes. , also emphasizes that the main parts necessary for its easy assembly are also recognized [9, p. 126].

In our view, the possession of a weapon by oneself or in a vehicle or in any other manner prohibited by law, with the exception of the possession of a firearm in U.S. regulations governing the conduct of firearms, indicates that the act is intended to be used in other crimes. it must be assessed as a crime on the basis of its objective features.

Thus, in accordance with Article 248 of the Criminal Code of the Republic of Uzbekistan, in contrast to the liability for possession of a weapon in unauthorized cases, the US criminal law does not consider the subjective (intent, motive, purpose) elements of the crime in the legal assessment of the act.

Article 5.06 of the Model Code of the United States stipulates that the use of a weapon in a crime other than an aggravated criminal offense (Article 277 (2) (c)) of the Criminal Code of the Republic of Uzbekistan or a separate aggravating circumstance (Criminal Code of the Republic of Uzbekistan). 277-m. 3-q. «B» bandi)

[10, B. 220–212] should be understood as a crime of a basic nature, not as a case.

Under Article 5.07 of the U.S. Code of Conduct (Prohibition of Offensive Weapons), if a person manufactures, repairs, sells, or otherwise possesses, possesses, or possesses a weapon a mesdiminor (crime) unless it is legally permitted to possess it recognized as Offensive weapons include any bombs, machine guns, handguns, firearms, specially designed weapons for silent training or carrying without notice, any sticks, sand, which are not generally used for legitimate purposes. bags filled with iron casts, daggers, or any weapon that could injure the body.

The norm also sets out the grounds for exemption from criminal liability. According to him, if a person possesses a weapon as an antique or used it in a theatrical performance, or finds a weapon, temporarily possesses it in connection with the seizure of the weapon from the perpetrator and does not use it for illegal purposes, the person can be released from criminal liability.

As noted above, this Model U.S. Criminal Code is of recommendatory importance, but is reflected, at least in part, in the criminal law of some states.

In particular, Chapter 46 of Section 10 of the Texas Penal Code, entitled “Weapons,” establishes criminal liability for the illicit handling of firearms [11, p. 346].

Article 46.01 of the Texas Penal Code provides for all types of firearms, including firearms, handguns, handguns (single-handed firearms), short-barreled firearms, automatic weapons, knives, prohibited knives, throwing knives, knuckles. , batons (batons), explosives, and ammunition.

In addition to the types of weapons listed in the Texas Penal Code, the New York State Penal Code additionally includes plastic cassettes, electronic pistols-machine guns,

electroshock pistols [12, p. 355] criminal liability for misconduct.

Under the Texas Penal Code, the following acts are considered crimes related to the illicit handling of firearms:

Illegal carrying of a weapon (art. 46.02);
Illegal possession of a weapon (Article 46.03);
Carrying a handgun by a person who does not have a carrying license (Article 46.035);
Illegal possession of a firearm (Article 46.04);
Illegal possession of a bronchilet by a person convicted for felony (art. 46,041),
Illegal manufacture, repair, storage, transportation or sale of prohibited weapons (Article 46.05),
Illegal transfer of a certain type of weapon (Article 46.06),
Illegal manufacture, sale, purchase, shipment or storage of a "puppet" bomb for use (Art. 26.08),
Illegal storage of explosive device parts (Article 46.09),
Carrying or keeping a deadly weapon in a penitentiary institution (Article 46.10),
Allowing the child to approach the handgun (art. 46.13).

The Texas Penal Code imposes a penalty of 2 to 10 years in prison and a fine of \$ 10,000 for illegal possession of a firearm.

The New York State Penal Code provides for 1 year and 6 months for crimes related to the illicit handling of firearms.

Imprisonment for up to 15 years. Penalties of 2 to 25 years' imprisonment and fines are imposed if a person possesses explosives intended to be used against other persons (§ 265.04) [13].

Thus, the issues of criminal liability for illegal possession of weapons in accordance with the Model U.S. Criminal Code and the criminal law of the studied states (New York and Texas) differ from the criminal liability for this type of crime under the Criminal Code of the Republic of Uzbekistan:

First, criminal liability is determined based on the purpose and location of the use of the weapon;

Second, criminal liability is determined by which type of weapon it belongs to;

Third, criminal liability is sometimes assessed on the basis of the objective state of possession of the weapon;

Fourth, criminal liability is determined by the number of weapons;

Fifthly, given the high level of social danger of explosives in relation to weapons, the responsibility will be separated and a heavier penalty will be imposed in the imposition of punishment.

The similarity of the criminal law of the two countries in establishing criminal liability for the illicit trafficking of weapons:

- Protection of the interests of the object of crime, public safety and peace;
- Almost identical types and amounts of punishment.

Based on the above analysis, based on the experience of US criminal law, it is appropriate to include in the Criminal Code of the Republic of Uzbekistan the following in order to improve the liability for illicit trafficking in weapons.

- Due to the nature of the types of weapons (in terms of social danger), it is necessary to differentiate them, establishing responsibility for their illicit trafficking.

In accordance with the Law of the Republic of Uzbekistan "On Weapons" of July 29, 2019, in addition to firearms, it is allowed to possess pneumatic, gas, alarm, blade, throwing weapons and electric shock devices. However, there is no liability in the law for illegal possession of the above-mentioned non-firearms. The Administrative Code and the Criminal Code only provide for liability for non-compliance with the rules of possession of firearms and illegal possession.

According to the data, in 2020, there was no legal basis for taking action against individuals in 2,174 cases related to unlicensed possession of non-firearms [14].

This creates a situation of "free movement" between civilians with non-firearms. Simply put, there is no guarantee that a gun owner will not use a non-firearm for various criminal purposes in cases of illegal possession, such as keeping it at home, carrying it on the street, taking it to educational institutions, and so on.

In determining criminal liability for the illicit trafficking of weapons, in our opinion, it is necessary to: take measures to establish and differentiate liability depending on the number and quantity of illicit weapons; Given the high level of social hazard and nature of explosives or explosive devices in relation to weapons, it is advisable to aggravate the liability for their illicit treatment (based on the experience of the U.S. Penal Code of Texas and New York).

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