



**THE DEVELOPMENT OF LEGAL NORMS ON LIABILITY FOR CRIMES
IN THE CUSTOMS SPHERE IN THE REPUBLIC OF UZBEKISTAN**

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ABSTRACT

In this article, the development of legal norms defining liability for customs crimes in the Republic of Uzbekistan is analyzed from a scientific-theoretical and comparative-legal point of view. In this case, the development of legal norms defining responsibility for customs crimes in the territory of our country was conditionally divided into six stages and studied. In particular, the relations related to these crimes were regulated by Avesta and other legal documents by general rules in the period before the VIII century, the Sharia rules were mainly applied in the period from the VIII century to the middle of the XIX century, and the types of customs crimes in this period were emphasized. Also, it was recognized that in the period from the middle of the 19th century to 1926, issues related to crimes in the field of customs were regulated by different legal fields and documents of different levels, that criminal legislation was codified in 1926-1959, but other legal documents besides the Criminal Code also provided for criminal liability measures.

In addition, between 1959 and 1994, the practice of giving references to other legislation about punishments and types of punishments, the practice of classifying crimes and differentiating punishments was abandoned, and the lower and upper limits of imprisonment as the heaviest punishment for crimes in this area were established by law. In the period from 1994 to now, as the only source of responsibility for crimes in the customs field, issues such as the fact that the types of crimes and punishments were completely revised in the new JK, the classification of crimes in this field and the differentiation of punishments, and the gradual expansion of the types of crimes in the customs field were studied.

Keywords

customs crimes, smuggling, customs border, customs control, customs fees, Avesta, Sharia rules, evasion of customs duties, illegal trade, trade in prohibited items or substances, ordinary smuggling, aggravated smuggling, qualified smuggling, differentiation of penalties.



Information about the illegal movement of goods from one country to another, in other words, about smuggling, can be found in the works of ancient Greek and Roman historians. The term "smuggling", borrowed from Italian and found in most modern languages, includes the concept of violating a law or government regulation. Moreover, the word "smuggling" also means goods smuggled across the state border, or any item prohibited for import and export.

Crimes in the field of customs appeared in the 14th century, when capitalism was being formed, commodity-money relations were rapidly developing, and countries found it unprofitable to freely import and export goods. In the future, the rules for moving goods across the state border are established by law. Special government agencies have been created at land borders and ports - customs offices to control the movement of goods across the border, collect duties and other fees established by the state.

Violation of the provisions of the law and other regulations on the movement of goods and material assets across the border by any means, that is, any form of crossing the border with the concealment of goods and other objects from customs control, is called smuggling, and those who commit it are subject to criminal punishment.

It is known that one of the oldest sources on the history of Uzbekistan is the Avesta. Avesta does not contain detailed legal provisions or direct instructions on civil or criminal liability in the field of customs. Instead, it focuses on Zoroastrian religious teachings, moral principles and rituals. The Avesta considered more issues of morality and moral behavior than specific legal norms governing customs crimes. However, it should be noted that Zoroastrianism, as reflected in the Avesta, reflected a set of ethical principles that could indirectly influence the approach to various aspects of life, including trade and commerce. In particular, the Avesta focuses on such values as truth and honesty, justice and truth, respect for property, purity and righteousness, and the well-being of society.

Since the 8th century, Islam has penetrated our country, and social relations are regulated primarily on the basis of Sharia rules. Although Sharia law does not contain detailed customs rules, it defines general principles and guidelines for ethical and legal behavior in economic activities. According to Shariah rules, engaging in unhealthy activities such as false declaration, misrepresentation of goods or smuggling is a violation of Islamic principles. Islamic trading places special emphasis on honesty and transparency. Including fraud, such as providing false information on customs declarations or engaging in deceptive trade practices, is a violation of Islamic ethics. Moreover, Islam calls for fair and honest dealings in all trade. Exploitative practices, price manipulation or unfair trade practices that cause harm to others are not in accordance with Shariah.



The customs system during the time of Khorezmshahs, which ruled the territory of our country in the 11th-13th centuries, was a decisive component of the economic structure of the region, in particular, due to its strategic location along the Silk Road. Although detailed information on the specifics of the customs system is limited, a general knowledge of medieval trade practices provides insight into how customs might have been managed [1, p. 25]. In the Khorezmshah state, various aspects of daily life, including trade and commerce, were governed by Sharia rules. Khorezmshahs imposed customs fees on goods entering or leaving their territory. These obligations are the main source of income of the state and have contributed to the economic well-being of the region. Khorezmshahs took an active part in managing and regulating the trade routes passing through their territory. Customs officials were responsible for enforcing trade regulations and collecting customs duties. These officials probably operated at major border crossings, major cities, and trade routes, controlling the movement of goods. Cross-border traders were required to provide documents for their goods. It included a list of items, quantities and values to facilitate the assessment of customs duties. Disputes arising out of trade transactions, especially disputes and crimes related to customs matters, were settled on the basis of Sharia rules.

In the 13th and 14th centuries, in the territory of Yurtimiz, which was part of the Mongol Empire, the Prohibition rules introduced by Genghis Khan were applied. It is known that the Mongol Empire maintained an extensive network of trade routes, including the Silk Road trade routes. The administration regulated and taxed trade along these routes in order to generate revenue. In particular, merchants engaged in cross-border trade are subject to tax and customs tariffs. Taxes collected at important trading points supported the administrative and military machinery of the empire and contributed to the treasury of the empire. At the same time, trade and customs administration were decentralized, with local officials controlling trade-related matters. Customs officials at key locations played a critical role in implementing and enforcing trade regulations. Crimes related to smuggling and illegal trade were considered serious crimes. Those who attempted to evade customs duties or engaged in unauthorized trade were severely punished. Also, during this period, acts such as dealing in prohibited objects or substances can be classified as customs crimes.

In the XIV-XV centuries, that is, during the period of Amir Temur and the Timurids, the legal system was characterized by centralization and adherence to Islamic principles. Although detailed information about the customs system and customs crimes during this period is limited, we can find information about the situation in this period from "Temur's Laws" [2] and other sources [3, p. 131; 4, p. 140] we can have a general understanding. In this period, the property of citizens,



land, residences, owners' land, enterprises, (craftsmanship workshops), trade, commercial income, duties and fees were calculated as the objects of tax collection [5, p. 77]. Amir Temur protected the caravan routes by law, and brutally punished highway robbers and toll collectors. Such order was established on the caravan routes passing through the regions of the country that such discipline could not be found in any of the states of that time. According to the decree, in any part of the country, if any caravan or merchant was extorted, the governor of that region was obliged to pay the merchant twice the amount of the stolen property. The regional governor also paid five times more than the amount of stolen goods to the state treasury. Also, a toll was charged for the use of caravan routes based on Sharia rules. The duty collection procedure was also different, and non-Muslim merchants were charged twice as much duty. According to the decree, customs gates and toll collectors were placed in the places where trade caravans passed the most [6, p. 154]. At this time, it is necessary to pay attention to the fact that severe punishment is provided for such types of customs crimes as evasion of payment of customs fees, smuggling, engaging in illegal trade, engaging in trade in prohibited items or substances. In addition, customs officials who engage in corruption to facilitate illegal trade are subject to severe penalties.

From the 16th century to the middle of the 19th century, the Khanate of Bukhara (later the Emirate of Bukhara), Khiva and Kokan ruled the territory of our country. These countries, located along important trade routes, mainly followed Sharia rules in managing trade. Economic policy included taxes and duties on goods passing through their territory. In turn, the revenues from customs payments served the economic support of the khanates. Local officials, including customs officers, controlled matters related to trade in important locations. Their role was to implement and enforce trade regulations to maintain order in trade. During this period, responsibility for such types of customs crimes as smuggling, engaging in illegal trade, and evasion of customs fees was established. Also, acts of resistance or violence against customs officials or the khan's authority were severely punished. Although the legal norms codified in the field of customs in the states of Bukhara, Khiva and Kokand are not fully documented, the general documents and existing principles of this period provide the necessary information about how the Central Asian states fought against trade, customs and customs-related crimes in their time.

It is known that the territory of our country was dependent on the Russian Empire from the middle of the 19th century until 1917. Because of this, the legislation and state administration of Uzbekistan at that time were related to Russian politics and the customs policy, which was considered a part of it. After the invasion of Tsarist Russia, the Bukhara Emirate and the Khanate of Khiva, dependent on Tsarist Russia, remained in our country, while the Kokan Khanate



was dissolved and officially included in Tsarist Russia as a military district of Turkestan [7, p. 16]. In 1782, Ekaterina II established customs guards on the western border as a "separate border chain and body of guards to prevent the smuggling of goods." This structure consisted of customs officers who were on guard duty in the section assigned to them. If the supervisor or the "obezdchiks" under his command could not catch the smugglers themselves, they had to chase these lawbreakers to nearby settlements and ask for help from the local authorities [8, p. 24]. According to the Quarantine Charter of 1832, the Border Customs Guard Service is named "Border Guard Service" and is assigned the following tasks: to prevent the illegal transfer of goods and their seizure, as well as to prevent the passage of persons from areas of the border not indicated by the customs authorities; to put an end to quarrels, robberies and various disturbances near the border; implementation of quarantine control in some areas of the border; to render assistance to ships wrecked near the coast in the rescue of persons on board and in the preservation of the property of wrecked ships. Although the primary mission of the Border Patrol Service was to combat smuggling, its secondary mission was to apprehend people crossing the border illegally. The militarization of the customs service continued until the end of the 19th century. During this period, the procedure of completing the service of border guards with recruits was introduced. Starting from September 1861, military officers were appointed as border guard service inspectors of the Ministry of Finance. The service of border guards is included in the master plan of the Armed Forces. However, in practice, the border guard service is still included in the special structures of the police. Interestingly, as a result of these reforms, the volume of bribery and smuggling among customs officials increased several times. I.M. Kulisher, a well-known researcher of anti-smuggling problems, writes about this period: "Imperfect customs administration, bribery of officials, unclear tariff rates, and a large number of exceptional cases all led to mass smuggling" [9, p. 19].

Chapter VIII of Chapter VII of the Statute on Criminal Punishments and Their Enforcement, adopted in 1845, entitled "On Crimes and Offenses Against Property and Revenues of the Treasury" is fully devoted to issues of liability for crimes related to customs violations [10]. It is worth noting that this document is important in the codification of criminal legislation in our country, although it is under the influence of the Russian Empire. In particular, this chapter consists of 142 articles, which set out the rules related to smuggling along various trade routes such as Europe, Asia, the Caucasus and China. The third paragraph of the chapter describes the legal consequences of verbal or violent resistance to customs orders and instructions. In particular, Article 812 stipulates responsibility for the aggravated cases of smuggling, that is, committing it in a group, arming the members of the group, violently resisting the customs authorities or border guards.



The punishments used in such cases have been equated to the punishments prescribed in articles 284-292 for the severe consequences of resisting the state order and disobeying the authority. The fourth paragraph of this chapter deals with issues of responsibility of customs officers and guards. In particular, Article 926 specifies the responsibility of the official of the customs body engaged in group smuggling, which is among the crimes related to smuggling and bribery. Deprivation of certain rights and imprisonment for three and a half to four years are prescribed for such a crime [11, p. 50].

Later, in 1864, with the adoption of the Statute of Penalties for Civil Court Judges, some of the provisions on liability for smuggling were transferred to this Statute. However, the most dangerous forms of smuggling are still punished according to the Statute on Criminal Punishments and their Execution [12, p. 17].

In accordance with a number of regulatory documents of this period, the powers of border and customs officials were further expanded. If at the beginning of the 19th century, the border guard service guarded a part of the border equal to 8800 km, by the end of the 19th century this indicator reached 14000 km. Because of this, effective monitoring of the legality and usefulness of this service has been a very difficult task. Nevertheless, the state tried to improve the criminal-legal measures to combat smuggling.

According to the Customs Charter of 1892, not only smuggling itself, but also cases of concealment of contraband objects by persons who did not participate in its commission were considered worthy of punishment. Persons who committed such acts were fined twice the value of the goods found. If foreign and domestically produced unbranded goods of the same type are found stored in the same place, these goods should be confiscated and a customs tax of five times the normal duty should be imposed on them.

At the same time as taking criminal-legal measures, organizational and technical measures were also improved in the fight against smuggling.

Because the operations of crossing the border and selling the contraband are carefully planned in advance. Smugglers usually study in advance not only the guarded area and the daily routine of the customs guards, but also the character defects of the customs officials, what they hate in life and what they are passionate about. Sometimes smugglers have their confidants among customs officials.

For this reason, the state had to pay attention to identifying the persons involved in the cross-border transfer of goods in the border areas of the country and neighboring countries, as well as exposing the criminal partners among the persons in the public service.

A large amount of money has been allocated to the work of the agency to identify the smugglers' circle and their plans. Lists of smugglers were printed in



large numbers and sent to all customs districts, and these lists were subsequently updated from time to time.

Information from numerous sources shows that at the end of the 19th century, the border guard service had more detailed information not only about the intended smuggling operations, but also about specific consignments of contraband goods, specific smugglers and their partners [13, p. 18].

Also, at the beginning of the 20th century, criminal-legal and other measures to combat smuggling were significantly strengthened. For example, the Criminal Code of 1903, which did not come into full force until 1917, provided for heavier penalties for certain types of contraband smuggling.

At the same time, the concept of smuggling has been expanded. For example, according to the Customs Charter of 1906, the following illegal actions are included in smuggling: 1) bringing into the state territory goods manufactured abroad, subject to customs duty or importation ban, provided that this action is carried out by bypassing customs control or secretly from customs control; 2) export or attempt to export domestically produced, export-prohibited goods from the territory of the state, provided that this action is carried out by bypassing customs control or secretly from customs control; 3) release to the domestic market goods that have arrived at the customs, but are prohibited from import.

In accordance with the circular issued by the Department of Customs in 1913, the content of the concept of smuggling is further expanded. In particular, according to this circular, smuggling crimes include: 1) theft of foreign goods; 2) sale of anchors, chains, ropes, agricultural machinery released by the customs duty-free, or use of them to meet other needs.

After the 1917 coup d'état in Tsarist Russia, in 1920 the Bukhara Emirate and the Khiva Khanate were dissolved, and the Bukhara and Khorezm Soviet Socialist Republics were established, and the Turkestan Military District was included in the RSFSR as the Turkestan ASSR. At that time, the decrees, guidelines and other documents of the Central Executive Committee of the Soviet of People's Commissars on the General and Special Part of Criminal Law were introduced in the territory of the Turkestan ASSR by a special decision of the Central Executive Committee of the ASSR and the Soviet of People's Commissars or directly into the autonomous republic [14, p. 26 .]. In particular, on May 24, 1922, the RSFSR JK was adopted, and on July 21, 1922, the decision of the Central Executive Committee of Turkestan was adopted that the RSFSR JK of 1922 will be valid in the territory of the Turkestan ASSR [15, p. 49]. Later, this codex was also introduced to Bukhara and Khorezm USSR [16, p. 406]. Therefore, this Code is the first code de facto applied in the territory of our country [17, p. 26].



Article 97 of this Code stipulates liability for violation of laws and mandatory regulations on the import or export of goods from abroad. According to it, such an act is punishable by the confiscation of all or part of these goods or up to three months of forced labor along with a fine of up to 300 rubles.

As aggravating circumstances of the crime, the same actions are carried out in the form of trade or by officials, or one of the participants is armed, or the subject of transportation is the objects listed in Article 10 of the Decree of the Council of People's Commissars of October 17, 1921. On the other hand, it is established that for such an act, imprisonment for a period of at least three years, strict isolation or death penalty can be imposed.[18, p. 89].

According to Article 10 of the aforementioned Decree [19], the following items, in the absence of a permit for their storage, must be handed over to the state free of charge, and if found, the persons who kept them will be confiscated under criminal liability: a) weapons, explosives, military equipment and airplanes; b) telegraph and radio telegraph property; c) canceled securities; d) cars and motorcycles. It should be noted that the Decree stipulates that persons who voluntarily hand over these items within the time limits set by the relevant authorities shall be exempted from criminal liability.

As we can see, the listed prohibited items were determined based on the characteristics of that time. In particular, the objects of the telegraph and radiotelegraph were considered mainly as devices for espionage and information transmission in those times. From this experience, it can be concluded that the countries can define certain items as contraband or completely prohibit them from being in free civil circulation based on the level of development and modern conditions, as well as the values of each country. For example, things that are prohibited or registered as contraband in some country may be items of normal free civil circulation for some country.

After the demarcations of 1924-1925, the Uzbek SSR was established and the first JK of the Uzbek SSR was adopted on June 16, 1926 (this Code entered into force on July 1, 1926) [15, p. 49]. Article 109 of this Criminal Code stipulates responsibility for smuggling. This article and the analysis of the legislation of that period show that during this period crimes in the customs field were divided into 3 types: 1) simple smuggling; 2) aggravated smuggling; 3) qualified smuggling.

Including ordinary contraband, that is, goods, valuables, transportation of property and all kinds of things outside of customs authorities or through them across the state border, but hidden from customs control, with administrative fines and confiscation of goods based on Article 262 of the Customs Charter, as well as in the cases specified in the note to this article of



the Customs Charter only is punished by confiscation of certain goods and items [20, p. 19].

It should be noted that the Customs Charter here refers to the Customs Charter of the USSR [21] approved by the Central Executive Committee of the USSR on December 12, 1924. According to the provisions of this charter, transportation of goods, valuables, property and all kinds of things outside the customs authorities or through them, but hidden from customs control, across the state border is recognized as smuggling.

The following are also equated with smuggling:

a) storage, collection and transportation of all types of foreign goods subject to a customs stamp or not subject to a customs stamp, if there are no relevant documents confirming their payment, within 50 km of the border line (this distance is considered 100 km for Uzbekistan);

b) storage of foreign goods that are subject to a customs stamp or bond, but found in commercial establishments without a stamp or tape, even if they are outside the border line of 50 km (this distance is considered 100 km for Uzbekistan), if they are in non-commercial premises in an amount exceeding the normal rate of personal consumption if saved;

c) confiscation to third parties free of duty or sale for payment of reduced duty, not for the purpose of sale.

According to Article 262 of the Customs Charter mentioned in the Code, in case of seizure of contraband goods, as a rule, they will be confiscated and the owners of these goods or persons transporting these goods will be additionally fined in the following amount:

a) for dutiable goods - five times the amount of duty;

b) for duty-free goods - in the amount of 25 percent of the value assessed by customs and tax authorities;

c) for prohibited goods - in the amount of twice the value of goods determined by customs.

Also, if it is not possible to confiscate the contraband goods, their respective estimated value shall be charged regardless of the penalty. If contraband goods are found in actual possession, the fine may be reduced by half if the relevant persons show the actual owner.

According to the mentioned note, contraband goods or items hidden from customs control, import or export prohibited, as well as goods and items hidden from customs control for the purpose of not paying customs fees, although the import or export is allowed, the person crossing the border or his family if it is more than the norm for personal consumption of members, it will be confiscated without paying a fine.



Aggravated smuggling is provided for the second time that this person commits the smuggling of goods across the state border, and for such a crime, confiscation of contraband goods and a fine, administrative deportation beyond the border line are prescribed.

Qualified smuggling is defined as the commission of the signs specified in Article 261 of the Customs Charter, and in relation to such a crime, confiscation of contraband goods and fines, as well as administrative deportation by customs authorities, special contraband vehicles, vehicles and property strict isolation and confiscation of part of it and imprisonment for at least one year.

Therefore, according to Article 261 of the Customs Charter, qualified smuggling means the following:

- transportation of goods outside the customs authorities using vehicles specially designed for smuggling purposes;
- the use of methods of hiding goods during smuggling in buildings, especially adapted ones;
- falsification of customs documents, covering goods with documents related to other products, putting fake customs marks (stamps), as well as other actions committed for the purpose of smuggling goods of a criminal nature;
- participation in an organization specially engaged in smuggling;
- armed smuggling;
- smuggling actions by an official directly related to customs work;
- engage in more than two smuggling, as well as storage or sale of contraband goods in the form of fishing;
- smuggling of explosives, military equipment, aircraft, telegraph and radio-telegraph property and canceled securities.

It should be noted that by 1928, the Customs Code of the USSR was adopted [22], and through this document, changes were made in the issue of customs crimes:

1) the content of ordinary smuggling was expanded, that is, a norm was introduced into the legislation, which stipulates responsibility for preparing for smuggling. In other words, Article 164 of the Customs Code stipulates that the transfer of goods (goods, valuables and other things) across the border without or through customs authorities, but hidden from customs control, as well as the implementation of any preparatory measures for this, is considered as smuggling;

2) the situation of committing the crime of smuggling, which is classified as qualified smuggling, more than twice has been clarified, and in Article 166 of the Customs Code, it has been established that this situation can be classified as qualified smuggling if it has been committed for three years.



Based on the analysis of the 1926 criminal legislation of Uzbekistan, the following conclusions can be made regarding crimes in the customs field:

firstly, during this period, other legal documents besides the Criminal Law were also considered as a source of criminal law, and they provided for the basic rules and measures of criminal responsibility related to certain types of crimes;

secondly, during this period, customs crimes were divided into 3 types: simple smuggling, aggravated smuggling and qualified smuggling;

thirdly, actions such as abuse of office or service powers by officials or civil servants in connection with customs crimes are also assessed as customs crimes;

fourthly, the stage of preparation for crimes in the customs field also formed the composition of the finished crime;

fifthly, the analysis of sanctions for crimes in the field of customs shows that the specific punishments are mainly defined in the customs legislation, not in the CC, and in all cases the emphasis is placed on confiscation of the property of the person guilty of smuggling in whole or in part (regardless of the fact that the contraband objects are confiscated by the customs authorities).

In the 1959 Constitution of Uzbekistan, certain changes were made in the issue of responsibility for crimes in the field of customs. of the Codex

Article 68 of contraband, i.e. illegal transfer of goods or other valuables across the state border of the USSR by concealing goods or other valuables in special storage areas or by fraudulently using customs documents and other documents, or by a united group or by an official using his position to engage in large amounts of smuggling , as well as confiscating property for smuggling explosives, narcotic substances, strong and toxic substances, weapons, ammunition and military equipment, and for two years

punishable by imprisonment for a term of up to five years with or without exile and imprisonment for a term of three to ten years [23, pp. 175-176].

Based on the norms of this JK, the following conclusions can be made:

firstly, through the Criminal Code of 1959, responsibility for customs crimes was transferred to the practice of determining only with the Criminal Code, that is, in the Criminal Code of 1959, unlike the Criminal Code of 1926, the practice of assigning punishment and providing references to other legislation about the types of punishment was abandoned;

secondly, in the Criminal Code of 1926 and the Customs Code, crimes in the field of customs were divided into three categories and punishments were differentiated, while in the Criminal Code of 1959 this classification and differentiation was abandoned. That is, the scope of general punishment measures for all actions is defined, and the question of imposing a punishment by differentiating the act is left to the discretion and judgment of the courts;



thirdly, the Criminal Code of 1926 provides for imprisonment for at least one year as the most severe punishment and does not specify its upper limit. In the JK of 1959, in contrast to this case, the lower and upper limits of imprisonment as the most severe punishment are fixed by law (for a period of three to ten years).

After the independence of our country, like any other sovereign state, it is necessary to establish its own independent policy in the field of customs work,

the task of creating its own customs system and regulating customs work in its territory, strengthening the customs border was set. In order to guard the customs border of Uzbekistan and protect the country's economic interests, the Customs Committee of the Republic of Uzbekistan was established on the basis of customs institutions operating in the territory of the Republic in accordance with the Decree of the President of the Republic of Uzbekistan dated October 25, 1991 "On the establishment of the Customs Committee of the Republic of Uzbekistan" No. PF-284 [24]. To this office, including combating violations of customs rules and tax laws in the transfer of contraband, goods and other things across the customs border, issues of customs affairs of the Republic of Uzbekistan, including the control of narcotic drugs, psychotropic substances, weapons, cultural and tasked with ensuring participation in international cooperation on issues of prevention of illegal circulation of historical heritage items and objects of intellectual property.

After the establishment of the Customs Committee of the Republic of Uzbekistan, the customs legislation in the republic began to develop rapidly. On October 26, 1991, a regulation on the Customs Committee of the Republic of Uzbekistan was adopted [25]. Adoption of the Customs Code of the Republic of Uzbekistan on December 26, 1997 [26] made it possible to speak about the emergence of an independent branch - customs law in the legal system of the Republic of Uzbekistan. The steps taken to fulfill the requirements of the period were reflected in the JK adopted on September 22, 1994, and this JK is the current law with a number of amendments and additions. The reforms implemented through this JK and until now are reflected in the following:

firstly, in this JK it is firmly established that this JK is the only source of criminal law, that is, the criminal legislation of the Republic of Uzbekistan is based on the generally recognized norms of the Constitution and international law and consists only of this JK;

secondly, the principles of criminal law were strictly defined in the Code, and the criminality, punishability and other legal consequences of the committed act were determined only by the Criminal Code. That is, it has been established that what type of acts in the field of customs is a crime and what punishment is applied to it is regulated only by this Code (not by the Customs Code or other legislation such as JK of 1926);

thirdly, in contrast to the 1959 JK, crimes in the field of customs were gradually classified. In particular:

- 1994: customs crimes were divided into two types: 1) violation of customs laws (Article 182); 2) smuggling

(Article 246);

- 2006: responsibility was established for the illegal introduction of religious materials into the territory of the Republic of Uzbekistan for the purpose of distribution (Article 2443) [27];

- 2010: responsibility for illegal handling of pyrotechnic articles was established and responsibility for illegal import of these articles into the Republic of Uzbekistan and export from the Republic of Uzbekistan was included in this crime [28];

- 2012: to the JK for bringing into the territory of the Republic of Uzbekistan for the purpose of distributing, advertising, and displaying pornographic products (Article 130) and for importing into the territory of the Republic of Uzbekistan for the purpose of distributing, advertising, and displaying products promoting violence or cruelty (Article 1301 article) a norm determining responsibility was introduced [29];

- 2019: liability for illegal importation of unmanned aerial vehicles, their components and spare parts was established (Article 2444) [30];

fourthly, criminal punishments were differentiated, taking into account the level of social danger of acts in the field of customs. In particular, each act of this category was divided into content without aggravating circumstances and content with aggravating circumstances, and punishment measures were determined differently for them;

fifth, the list of contraband items is expanded and differentiated according to the degree of danger to the public.

Therefore, we believe that it is appropriate to analyze the development of the legal norms that define liability for crimes in the customs field and conditionally divide it into the following stages:

Stage 1 - the period up to the VIII century: crimes in the field of customs were regulated by Avesta and other legal documents with general rules, the existence of special norms in this regard was not found;

Stage 2 - the period from the 8th century to the middle of the 19th century: during this period, the rules of Sharia were mainly applied, such as evasion of customs duties, smuggling, engaging in illegal trade, trading in prohibited items or substances, customs officials assisting in illegal trade severe punishments were applied for;



Stage 3 - the period from the middle of the 19th century to 1926: during this period, documents defining the legal status and powers of the customs service and defining specific types of customs crimes were developed and introduced, but issues related to customs crimes were dealt with in different legal fields and different levels of documents. regulated;

Stage 4 - 1926-1959: during this period, the criminal law was codified, but other legal documents besides the JK were also considered as a source of criminal law, and they provided for the main rules and criminal liability measures related to crimes in the customs sphere, and also during this period, crimes in the customs sphere 3 divided into three types (ordinary smuggling, smuggling with aggravated punishment and qualified smuggling) and the stage of preparation for crimes in the customs field also formed a completed crime structure. In addition, the specific punishments are mainly defined in the customs legislation, not in the CC, and in all cases, the confiscation of the property of the person guilty of smuggling is emphasized in whole or in part.

Stage 5 - 1959-1994: during this period, the practice of giving references to other legislation on the imposition of punishment and types of punishment, the practice of classifying crimes and differentiating punishments was abandoned, the lower and upper limits of imprisonment as the most severe punishment for crimes in this area were set by law reinforced with;

Stage 6 - the period from 1994 to the present: during this period, a single source of responsibility for crimes in the customs field was established, the types of crimes and punishments were completely revised, the classification and punishments of crimes in this field were differentiated, and the types of crimes in this field were gradually expanded.

As a conclusion, it is necessary to emphasize that the analysis of the development of legal documents that provide responsibility for crimes in the customs field in our country is important for understanding the true nature of the determination of criminal liability for these acts, identifying the positive experiences used in the history of the development of legislative documents, and considering the prospects for further improvement of criminal legislation in this matter in the future.

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