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INTERNATIONAL LEGAL ASPECTS OF THE FIGHT AGAINST TRANSNATIONAL ORGANIZED CRIME

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Abstract. *This scientific article provides a systematic analysis of the international legal foundations of cooperation in the fight against transnational organized crime. In the article, the author tried to highlight the theoretical aspects of the issue of international cooperation of law enforcement agencies in the system of combating transnational organized crime. The content and essence of the concepts "international criminal group" and "international criminal community", which were considered relevant today, were also analyzed in this article. The comparative analysis of the author on international conventions, declarations, and legislation of foreign countries served as a reflection of the specifics of this article. Moreover, the relevance of the research topic is because the commission of transnational organized crimes is characterized by the use of modern technical means and technologies. The predicted result was a significant increase in the number of serious crimes of a transnational nature. The lack of proper legal cooperation between States leads to the emergence and spread of dangerous practices when criminals, committing a crime in one State, illegally cross the borders of another in order to avoid justice and criminal prosecution. The problem of disclosure, investigation, and prevention of transnational organized crimes within the framework of international cooperation in criminal matters is the most urgent today.*

Keywords: *international cooperation, legal assistance, criminal prosecution, fight against corruption, regional organizations, digital globalization, digital integration.*

TRANSMILLIY UYUSHGAN JINOYATCHILIKKA QARSHI KURASHISHNING XALQARO HUQUQIY JIHATLARI

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Annotatsiya. *Mazkur ilmiy maqolada transmilliy uyushgan jinoyatchilikka qarshi kurashish bo'yicha hamkorlikning xalqaro huquqiy asoslari tizimli tahlil qilingan. Maqolada muallif transmilliy uyushgan jinoyatchilikka qarshi kurashish tizimida huquqni muhofaza qiluvchi organlarning xalqaro hamkorligi masalasining nazariy jihatlarini yoritishga harakat qilgan. Shuningdek, bugungi kunda dolzarb hisoblangan "xalqaro jinoiy guruh" va "xalqaro jinoiy hamjamiyat" tushunchalarining mazmuni va mohiyati tahlil qilingan. Muallifning xalqaro konvensiyalar, deklaratsiyalar va xorijiy davlatlar qonunchiligining qiyosiy tahlili ushbu maqolaning o'ziga xos jihatlarini aks ettiradi. Bundan tashqari,*

tadqiqot mavzusining dolzarbligi transmilliy uyushgan jinoyatlarni sodir etish zamonaviy texnik vositalar va texnologiyalardan foydalanish bilan tavsiflanadi. Bashorat qilingan natija transmilliy xarakterdagi og‘ir jinoyatlar sonining sezilarli darajada oshishi bo‘ldi. Maqolada davlatlar o‘rtasida lozim darajadagi huquqiy hamkorlikning mavjud emasligi jinoyatchilar bir davlatda jinoyat sodir etib, odil sudlov va tegishli organlarning ta’qibidan qochish maqsadida noqonuniy ravishda boshqa davlat chegaralarini kesib o‘tishi kabi salbiy holatlarning paydo bo‘lishiga va tarqalishiga olib kelishi ta’kidlangan. Jinoyat ishlari bo‘yicha xalqaro hamkorlik doirasida transmilliy uyushgan jinoyatlarni fosh etish, tergov qilish va oldini olish muammosi bugungi kunda eng dolzarb masalalardan biri hisoblanadi.

Kalit so‘zlar: *xalqaro hamkorlik, huquqiy yordam, jinoiy javobgarlikka tortish, korrupsiyaga qarshi kurashish, mintaqaviy tashkilotlar, raqamli globalizatsiya, raqamli integratsiya istiqbollari.*

МЕЖДУНАРОДНО-ПРАВОВЫЕ АСПЕКТЫ БОРЬБЫ С ТРАНСНАЦИОНАЛЬНОЙ ОРГАНИЗОВАННОЙ ПРЕСТУПНОСТЬЮ

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Аннотация. *В данной научной статье проведен системный анализ международно-правовых основ сотрудничества в борьбе с транснациональной организованной преступностью. В статье автор попытался осветить теоретические аспекты вопроса международного сотрудничества правоохранительных органов в системе борьбы с транснациональной организованной преступностью. Также проанализированы содержание и сущность понятий «международная преступная группа» и «международное преступное сообщество», которые считаются актуальными на сегодняшний день. Сравнительный анализ автора по международным конвенциям, декларациям и законодательству зарубежных стран послужил отражением специфики настоящей статьи. Более того, актуальность темы исследования обуславливается тем, что совершение транснациональных организованных преступлений характеризуется использованием современных технических средств и технологий. Прогнозируемым результатом стало значительное увеличение числа тяжких преступлений, имеющих транснациональный характер. Отсутствие надлежащего правового сотрудничества между государствами приводит к появлению и распространению опасной практики, когда преступники, совершая преступление в одном государстве, незаконно пересекают границы другого в целях избежания осуществления правосудия и привлечения к уголовной ответственности. Проблема раскрытия, расследования и предупреждения транснациональных организованных преступлений в рамках международного сотрудничества по уголовным делам на сегодня является наиболее актуальной.*

Ключевые слова: *международное сотрудничество, правовая помощь, борьба с коррупцией, региональные организации, цифровая глобализация, перспективы цифровой интеграции.*

Introduction

Everyone knows that since the end of the 19th century, the international activity of crime has steadily increased. In recent decades, this has been facilitated by the blurring of the borders of states, their growing transparency, the expansion and the interpenetration of economic markets that were previously closed or tightly controlled by states.

This creates conditions for the emergence of new, previously unknown forms of crime, deepening its professionalization. As a result of changes in the structure of trade, finance

and information, crime often loses stable ties with specific states, national borders are increasingly losing the nature of obstacles to its prevalence.

According to the well-known jurist A.G. Volevodz [1, 2, p. 11], the global trend is the absolute and relative growth of crime common to most countries, especially its organized forms, which are predominantly forcibly mercenary and mercenary in nature, which is accompanied by a sharp increase in the volume of proceeds of criminal activity, in most cases, hidden abroad.

Some specialists point out that crime has gone abroad as a characteristic feature of its current state and development trend.

According to R.A. Saifulov [3, p. 41], these circumstances led to the unification of the efforts of states through international cooperation in the fight against crime. In the modern science of international law, international cooperation in the fight against crime (international fight against crime) is understood as "cooperation of various states in the fight against criminal acts, the public danger of which requires the combined efforts of several states" .

According to E.I. Damirchiev [4, p. 11], this direction of international cooperation is regulated by the norms of the emerging branch of international law - international criminal law, the sources of which cannot be the norms of domestic law.

However, in our opinion, the system of law and its division into branches is an objective legal phenomenon that is formed on the basis of the general laws of social life, and not at the arbitrary discretion of people.

In the formation of the system of scientific knowledge about law, a significant place is occupied by the subjective factor, due to the needs of legal doctrine and practice, the state of scientific research and education. It is precise because of this that the position of the considered legal phenomena in the system of legal science is not unambiguous.

According to I.Yu.Grin [5, p. 38], the very combination of the words "international cooperation in the fight against crime" indicates the specific place that this concept occupies in the system of scientific knowledge.

In our opinion, having arisen at the junction of several legal systems - international and domestic law, as well as several sciences - international, criminal, and criminal procedural law - this concept still retains its special status. This leads to the fact that each of the "parent" disciplines quite willingly includes its individual elements as an integral part, without recognizing its independence, without considering and studying these legal phenomena systematically and in full.

The ambiguity of this position has many reasons. The main one is the objective existence of such legal facts and phenomena, which in themselves can be investigated only with the help of the combined efforts of several sciences.

Another reason for the ambivalence is the history of the formation of international cooperation in the fight against crime. It matured in the bowels of both domestic and international law and in the full sense of the word was born "at the crossroads" of these two legal systems. This creates considerable difficulties both in determining the subject of study of this phenomenon and in identifying the range of its problems.

At the same time, the needs of practice dictate the need to study such boundary problems. Requests for research into issues of international cooperation in the fight against crime are ahead of the development of theoretical knowledge about them in international law and relevant branches of domestic law.

Materials and methods

All this undoubtedly stimulates the development of theoretical problems in these

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areas, which is exacerbated by two more circumstances.

Firstly, the fact that there was a rather long break in the history of international cooperation of our country in the fight against crime, and a new stage in the revival of research in this area began only in the 1980s-1990s.

Secondly, by the fact that this area of international cooperation is very close to the most acute social problem - crime.

In order to systematically investigate this phenomenon, it seems necessary to describe its features, content and essence.

International cooperation in the fight against crime has a number of features that characterize it as an independent area of interstate activity, specific to it.

Let's look at these signs.

1. The subject of influence of this area of international cooperation is crime.

The principle of nullum crimen sine lege – there is no crime if it is not provided for by law (as well as there is no punishment if it is not provided for by law - nullum poema sine lege) is one of the main concepts in the concept of international cooperation in the fight against crime.

Because of this, since the legislation of most countries in relation to crimes establishes the operation of the principle of the jurisdiction of one or another state, international cooperation until recently extended mainly to combat only certain types of crimes, the range of which is defined in the sources of international law. According to leading scientists, there are several classifications of such crimes. Despite the existing differences, they all contain a common principle: the classification division into types (regardless of the grounds) is subject to two large groups of acts, the crime of which is enshrined in international treaties – international crimes and criminal offences of an international character [6, p. 85].

Violations of the principles and norms of international law, which are of fundamental importance for ensuring peace, protecting the individual and the vital interests of the international community, are recognized as international crimes, especially dangerous for human civilization.

For the first time, the list of international crimes was formulated in the Charter of the International Military Tribunal for the Trial and Punishment of the Major War Criminals of the European Axis Countries (1945) and the similar Charter of the International Tribunal for the Far East (1946), and subsequently supplemented by the Charter of the International Tribunal for the Prosecution of Persons Responsible for Serious violations of international humanitarian law committed in the territory of the former Yugoslavia (1993) and the Statute of the International Tribunal for Rwanda (1994).

Repeatedly undertaken attempts of official codification of norms about international crimes, for today have come to the end with the Rome Statute of the International criminal court (1998). According to Part II of the Statute, the jurisdiction of the Court is limited to the most serious crimes of concern to the entire international community, which include: the crime of genocide; crimes against humanity; war crimes; the crime of aggression [7, p. 375].

Responsibility and penalties for these crimes are established directly in international legal documents.

Criminal proceedings in cases of such crimes are carried out by national law enforcement agencies and courts, as well as international criminal courts in accordance with their statutory documents – in cases where national justice refuses jurisdiction in such cases, or it is impossible to exercise it for various reasons.

Criminal offences of an international character are acts stipulated by international

treaties, not related to international crimes, but encroaching on normal stable relations between states, damaging peaceful cooperation in various areas of relations (economic, socio-cultural, property, etc.), as well as organizations and citizens.

Responsibility for these crimes and penalties for their commission are established by national criminal legislation on the basis of international treaties that require the states participating in them "to take such measures as may be necessary in order to recognize as criminal offences under their legislation" acts recognized as criminal by these international treaties.

Results of research

Responsibility and penalties for these crimes are established by domestic law, and criminal proceedings in cases concerning them are currently within the exclusive competence of national law enforcement agencies and courts.

The practice of law enforcement agencies in various countries of the world, international criminal courts shows that criminal proceedings in cases of international crimes and crimes of an international nature are impossible without international cooperation in the fight against such crimes, which, however, is not limited to them.

Crime is becoming increasingly transnational, and in many cases global.

At the same time, the essence of the very concept of transnational crime has changed significantly. Previously, it determined the totality of only crimes of an international character.

At present, transnational crime is also "the commercial activity of criminal corporations carried out on the territory of several countries by illegal means and (or) with the involvement of prohibited goods and services".

Transnational crimes that infringe exclusively on the domestic legal order have become widespread. The main criterion for referring to them is that they are going beyond national borders. In this regard, the United Nations has defined them as "offences involving, in aspects related to planning, commission and / or direct or indirect consequences, more than one country". In other words, "transnational crimes are ordinary crimes that fall under the jurisdiction of two or more states."

The criminalization of such crimes and responsibility for their commission is determined exclusively by national legislation, and criminal proceedings in cases concerning them are carried out in the jurisdiction of national law enforcement agencies and state courts at the place where a specific crime was detected and suppressed, or at the place where the perpetrators were detained [8, p. 99].

The cooperation of states in the fight against transnational crimes is due to the fact that when investigating a significant range of crimes that infringe exclusively on the domestic legal order, without international cooperation it is impossible to ensure:

1. Collecting evidence from abroad.

2. Criminal prosecution of persons who, after committing crimes, left for the territory of a foreign state.

3. Compensation for the damage caused, as well as possible confiscation of money and property obtained by criminal means and located abroad.

The fact that transnational crimes, infringing exclusively on the domestic legal order of specific countries, dominate the subject of international cooperation in the fight against crime, is evidenced by statistics.

Thus, out of the total number of persons annually extradited from Uzbekistan at the request of foreign states, only about 3% are accused of committing crimes of an international nature, and the rest – of criminal encroachments on the domestic law and order of the countries requesting them. It should be noted that

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as transnational crimes broadly transcend national borders, a growing number of countries are developing and enacting laws, measures and strategies to deal with the problems that arise.

However, in conditions where criminals, victims, instruments of crime, and proceeds from them are located in different legal systems or move from one system to another, then traditional methods of law enforcement, concentrated at the domestic level, inevitably lead to disappointing results.

When the types of transnational crimes and the perpetrators of them multiply, no country can consider itself safe, and therefore, states embark on the path of broad cooperation in combating the most complex and dangerous transnational crimes.

The legal basis for such cooperation is the relevant international treaties, which criminalize such transnational crimes in international law and thus become crimes of an international character.

For example, until 2000, crimes committed by organized criminal groups, even if they were transnational in nature, were considered only ordinary crimes under domestic law.

With the opening for signature and subsequent ratification of the United Nations Convention against Transnational Organized Crime (2000), they are considered by the international community and each state individually as crimes of an international character.

International cooperation in the fight against crime is one of the areas of law enforcement, which is why it involves both subjects of international law and subjects of national law of states [9, p. 41].

Participation in international cooperation of subjects of international law - states, international organizations and intergovernmental organizations, nations fighting for independence, state-like formations - does not raise questions.

According to a number of scientists, individuals are also subjects of international law to a limited extent [10, p. 17]. Although this point of view has not received universal recognition, we note that in relation to international cooperation in the fight against crime, individuals, in accordance with the norms of international law, have international rights and obligations, as well as the ability to ensure that subjects of international law comply with international legal norms.

For example, paragraph 10 of Art. 46 of the UN Convention against Corruption states:

"A person who is in custody or is serving a term of imprisonment in the territory of one State Party and whose presence in another State Party is required for the purposes of identifying, giving evidence or otherwise assisting in obtaining evidence for an investigation, prosecution or trial in connection with the offences covered by this Convention may be transferred subject to the following conditions:

a) the person freely gives their informed consent to this;

b) the competent authorities of both States Parties have reached agreement on such terms and conditions as those States Parties may consider appropriate."

The foregoing allows us to give a general definition of the fight against crime.

Firstly, the fight against crime is a set of special state-legal activities carried out by specialized (law enforcement) bodies, as well as the activities of legislative and judicial authorities of the state, non-specialized executive authorities, public organizations, legal entities and individuals to ensure the legal protection of human interests,32 and the citizen, society and the state, aimed at identifying, disclosing, suppressing and investigating crimes, exposing, prosecuting and punishing those responsible for their commission, as well as taking measures to eliminate the causes and conditions

conducive to their commission, and preventing crimes. Secondly, based on this definition, the fight against crime is primarily carried out at the domestic level, and, if necessary, it is its participants who become subjects of international cooperation.

Crime as a social phenomenon inherent in modern society is an inevitable evil against which the state, its law enforcement agencies, and civil society are constantly fighting. In recent decades, this social evil has acquired a special social danger, since it has become supranational in nature. Crime has gone beyond the territorial boundaries of sovereign states, has become international.

According to D.M. Valeev [11, p. 104], "Transnational organized crime (hereinafter - TOC) is one of the most serious threats to all civilized states of our time." Its importance was noted more than twenty years ago at a conference on organized transnational crime, which took place in Naples (Italy) in 1994, held under the auspices of the UN.

In the future, the international community has constantly emphasized the need to intensify counteraction to manifestations of transnational crime.

Thus, in February 2010, UN Secretary-General Ban Ki-moon called for intensifying the fight against one of the most acute forms of transnational organized crime – money laundering [12, p. 65].

In Uzbekistan, the situation with various types of offences related to transnational organized crime is not simple.

Despite the constant struggle against TOC carried out by law enforcement agencies, new types of transnational crime are emerging that are of a high-tech nature: first of all, it is cybercrime, the crime of so-called legal entities (corporate crime), etc. Realizing this danger, the country's leadership is taking steps to adequately respond to the challenges of the modern era.

At an expanded meeting of the General Prosecutor's Office of the Republic of Uzbekistan dated January 31, 2018, the President of the Republic of Uzbekistan emphasized that "... the main directions of state policy in the field of ensuring state and public security in the long term should be strengthening the role of the state as a guarantor of individual security, ... improving the normative legal regulation of the prevention and combating of crime, corruption, terrorism and extremism ... expanding international cooperation in law enforcement" .

Indeed, crime in its most dangerous variety - organized form - is reaching the international level, changing directions and methods of its activity.

The problem of combating transnational organized crime has practical and doctrinal significance. In our opinion, the following circumstances indicate the relevance of this study:

Firstly, one of the most important tasks of modern international legal science is seen in the development of evidence-based approaches, the development of proposals and recommendations for improving international legal regulation in the field of combating the most dangerous types of crimes and diagnosing the real state of combating crime in the Republic of Uzbekistan.

The current trend of this struggle of the prosecutor's office is to counter the traditional types of transnational organized crime, timely identification of its new forms and varieties and adequate response by international legal and national legal means to these new forms of transnational crime.

In this regard, legal science, according to L.A. Lazutin [13, p. 23], following the expectations and demands of law enforcement practice and international cooperation, should promptly and adequately offer a full set of recommendations for improving legal means (both international legal, legislative, and applied practices)

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that contribute to the effective work of law enforcement agencies and minimize dangerous types of criminal activity. activities.

Secondly, the views and concepts that have developed in the science of international law regarding the concept, types and nature of TOC are still far from perfect. This is explained by the fact that the majority of domestic international legal studies of TOC have been undertaken since the late 90s of the last century (and to the present), proceeding in the conditions of early post-Soviet reality. Under the conditions of that time, certain types of the most common manifestations of TOP were analyzed in scientific works.

Despite the fact that these were quite deep researches in terms of content, today the situation has changed in many respects and a number of previously formed scientific approaches do not always retain their relevance. An update of views on the content, structure of TOC, methods of combating TOC, new forms of international cooperation in the fight against TOC is required.

It remains in demand to develop recommendations and proposals to improve the effectiveness of international legal norms and domestic legislation of the Republic of Uzbekistan on combating transnational organized crime, as well as an analysis of state policy in this area.

According to the Israeli scientist B. Frahi [14, p. 18], "... scientific approaches to transnational organized crime with updating them look relevant, as well as to search for and develop a new concept of this phenomenon, corresponding to the current level of international legal regulation of combating TOC."

Along with this, according to A.G. Volevodz [15, p. 31] "Transnational organized crime is a structurally complex, social, anti-legal phenomenon, which is a consistent, purposeful system of criminal acts (active actions) of one or more criminal groups organized on the basis of national, religious, ethnic, family, professional or other ties, acting on the territory of two or more states for the purpose of committing offences and extracting profits or other prohibited income.

From this point of view, it can be concluded that the international nature of transnational organized crime determines the formation of international obligations of states and international organizations to cooperate with each other in preventing and combating it by national legal means.

Moreover, European scientists S. Hafnegel and K. McCartney believe [16, p. 24] that "The implementation of international cooperation in the fight against offences related to TOC is specified through the international obligation of the respective state to introduce at the national level an imperative criminal law prohibition of all offences that are associated with the exit of criminal communities beyond the national borders of states and with the creation of cooperative criminal gangs in different countries.

Partially agreeing with this argument, it should be noted that each country, represented by an authorized body (for example, the Prosecutor General's Office) has a specific approach in the fight against organized, transnational crime. Of particular note are certain criteria that allow identifying crime as transnational and organized. According to the British scientists R. Currie and J. Ricknoff [17, p. 26], these criteria are divided according to the following criteria:

a) transnationality, i.e. commission of a crime in the territory of two or more states;

b) multi-stage, i.e. the commission of a crime in one state, when the intent for its implementation, planning, or subsequent preparation took place on the territory of another state;

c) distribution, i.e. commission of a crime within one state when its significant consequences take place in another state;

d) polysubjectivity, i.e. crimes are committed by both individuals and legal entities, collectively forming criminal gangs;

e) clan system, i.e. transnational crimes are committed by persons united in a community (association) on the basis of national, family, religious, ethnic, professional, or other ties;

f) high profitability, i.e. transnational crimes give their participants a systematic ultra-high income (profit), one of the prerequisites for obtaining which is the spread of criminal activity on the territory of two or more states. Given the above arguments and arguments, in our opinion, we can conclude that at present, the implementation of obligations for cooperation between states and international organizations in preventing and combating transnational organized crime depends on the adoption of specifying international legal norms in the form of multilateral or bilateral treaties, as well as intergovernmental and interdepartmental agreements specifying them.

Well-known jurist A.V. Agutin [18, p. 22] argues that the concept of mechanisms for the implementation of international legal norms on the criminalization of transnational crimes in criminal law has certain features.

In particular, its main provisions include the lack of legal regulation of the definition of TOC:

a) in the criminal legislation of the post-Soviet countries (Russian Federation, Kazakhstan, Uzbekistan, Belarus, etc.) there are forty-eight offences formulated directly or indirectly on the basis of the relevant norms of international law. At the same time, there are gaps in substantive and procedural law that should be overcome through further lawmaking;

b) the statement about the presence of legal and technical shortcomings in international criminal law regarding the consolidation of the concept of TOC and its varieties, as well as other norms governing the counteraction to TOC, which are characterized by unsystematic nature, enshrined in abstract formulations that give rise to ambiguous interpretation.

All this creates difficulties for the process of implementing the norms of international law in the national legislation of states. This requires systematic efforts of participants in international legal communication to clarify and systematize national legal acts, and their application, the creation of international mechanisms for the unification of national legal practice of combating TOC.

The formation of such mechanisms should be carried out on the basis of generally recognized principles and norms of international law using international legal standards of criminal justice;

c) the conclusion that the criminal legislation of the post-Soviet countries (Russia, Kazakhstan, Uzbekistan, Belarus, etc.) is characterized by the absence of a systematic approach to the implementation of conventional norms, which is expressed in the competition of offences;

d) in order to improve the criminal legislation, it is proposed to strengthen the measures of criminal liability in a systemic unity for all elements of crimes related to TOC.

Analyzing of results of the research

In our opinion, along with the above arguments, it is advisable to include in the international treaties concluded by Uzbekistan such norms that would regulate various legal issues of interaction between law enforcement agencies in the fight against TOC. To do this, first of all, it is necessary to improve international mechanisms to combat TOC.

In particular, the first step could be the creation within the UN of an interstate International Committee for monitoring the situation of the TOC, a systematic analysis of the activities of Interpol and

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prosecution authorities, and an assessment of the effectiveness of legal means aimed at combating the activities of transnational criminal groups. All these measures should contribute to increasing the effectiveness of international cooperation in combating TOC.

Moreover, within the framework of this study, it is proposed to create "Centers for anti-criminal training" on the basis of the relevant departments of the prosecutor's office, in which it is advisable to conduct specialized training for employees of the prosecutor's office, capable of effectively combating various forms of TOC, specific to the regions of our country (Bostanlyk district and Tashkent, Fergana Valley, Hairatan border checkpoint, Bekabad city), as well as provide specialized units with the necessary resources to combat these types of crimes.

Speaking about the theoretical aspects of transnational organized crime, R.A. Saifulov in his research states [3, p. 15] that when elucidating the causes of transnational organized crime, their types should be formulated:

a) general causes (i.e. the causes of crime as a social phenomenon in general);

b) private causes of transnational organized crime;

c) the causes of a specific crime included in the TOC group.

And the scientist P.S. Abdulloev believes [19, p. 18] that the causes of TOC are many circumstances that objectively lead to the spread of criminal activities of national criminal groups outside the national-state enclave.

In our opinion, the main common reasons for the spread of TOC should include:

1) national hostility that gives rise to terrorism, arms trafficking and other grave crimes;

2) weakening of social control by the state;

3) technological progress and globalization processes;

4) liberal migration policy;

5) insufficient efficiency of the work of law enforcement agencies, as well as the system of currency, financial, banking, tax, and other economic control;

6) unification of legislation.

Summing up all the arguments and opinions, it should be determined that the commission of a specific crime within the framework of the TOC is the result of the interaction of the negative moral and psychological properties of the individual formed under the influence of adverse living conditions and external objective circumstances that form a criminogenic situation. In addition, as indicated in the literature, crimes of an international nature can be considered those that are not in connection with the policy of any state but are illegal in nature: hostage-taking; encroachments on persons enjoying international protection, illicit trafficking in narcotic drugs and psychotropic substances; illegal actions against the safety of civil aviation and maritime navigation, piracy at sea, etc. [20, p. 63].

Lawyer D.Sh. Umarkhanova claims [21, p. 9] that the subjects of international crimes, along with states, are also recognized as their leaders, senior officials, as well as other executors of criminal policy. Unlike international crimes, the crimes of transnational organized criminal groups are committed by individuals and their associations.

In our opinion, this approach needs to be clarified. In particular, it seems that drug crimes cannot be classified as international crimes for the reason that the purpose of this type of offence is not to harm the interests of the state, but to gain.

In this part, in our opinion, attention should be paid to the legal characteristics of crimes belonging to the TOC group.

According to D.Sh. Umarkhanova [21, p. 27], it is the single essence of this group of

crimes that constitutes the common unifying principle that gives reason to classify these offences as transnational organized crime.

Establishing the differences between organized crime and TOC, it is worth noting that the composition of criminal acts related to intrastate, "national" organized crime is quite wide, and, in particular, includes many crimes in the economic sphere (theft, fraud, robbery, extortion, illegal banking activities, commercial bribery, etc.), as well as drug crimes, organization of prostitution, illegal gambling, etc.

According to A.G. Volevodz [15, p. 51], in contrast to the above criminal acts, TOC (judging by the text of the UN Convention against Transnational Organized Crime) implies a very narrow list of types of transnational criminal activity.

In particular, this is participation in an organized criminal group, laundering of the proceeds of crime, corruption, obstruction of justice, human trafficking, smuggling of migrants by land, sea and air, illegal manufacture and trafficking of firearms, their parts and components, as well as ammunition.

Based on the previous arguments, the list of crimes related to TOC, in our opinion, should include twelve main types of offences and seven of their subspecies.

The proposed classification is based on a quantitative analysis of crimes committed simultaneously in the territories of several (two or more) states.

The following offences constitute the majority of transnational criminal activities.

Legalization of money and other property obtained by criminal means ("money laundering").

2. Theft of intellectual property:

- misappropriation of trademarks, theft of service marks, trade names, industrial design elements;

- theft and smuggling of works of art and cultural objects.

3. Illegal trade in firearms.

4. Illegal transportation, sale of nuclear weapons and components.

5. Corruption.

6. Vehicle theft.

7. Fraud in the insurance industry.

8. Computer Crime:

- credit card fraud;

- fraud related to luring money through games, bonuses, etc. forms of extortion using the Internet.

9. Environmental crimes.

10. Human trafficking:

- people smuggling;

- slavery;

- sexual violence.

11. Trafficking in human organs.

12. Illegal circulation and trade in drugs, psychotropic and potent substances.

Thus, despite a certain number of works on the problem of combating organized transnational crime by domestic and foreign scientists, it should be noted that these studies were carried out mainly in relation to certain types of TOC, in particular, the fight against terrorism, drug trafficking, corruption, slavery, etc.

But, emerging new forms of crime and their rapidly growing negative impact on the current international political situation, as well as the role, participation and experience of Uzbekistan in cooperation to counter these threats, in a legal perspective, are not covered enough, in our opinion.

Conclusions

Unresolved problems in this area provide grounds for their deeper study using modern scientific developments, revision of activities and transformation of international forms and methods of social and legal control, and finding, from a legal point of view, sound optimal ways for international cooperation in creating a system of anti-criminal security.

The general factual situation, which consists of crimes of various kinds -

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drug trafficking, computer crime, money laundering, illegal migration, human trafficking, etc. allows us to conclude that transnational organized crime, as a relatively common asocial phenomenon, is a criminal phenomenon of modern civilization at the beginning of the 21st century.

At the same time, it can be concluded that two groups of causes of TOC can be distinguished.

The first group includes the general causes of crime, and the second - the particular causes of transnational crimes committed by organized groups.

And also, based on the analysis of the various opinions of scientists expressed in the specialized literature, it is possible to formulate the concept of transnational organized crime, which is proposed to be understood as a socio-legal phenomenon, which is a consistent targeted system of criminal acts (active actions) of one or more criminal groups organized on the basis of national, family, professional or other ties operating on the territory of several states for the purpose of committing offences and making a profit or other prohibited income. Solving the problem of the general nature of the crimes included in the TOP, we can conclude that the essence of these offences is the criminal law prohibition of all anti-social acts that are associated with going beyond the national borders of states and are associated with the creation of cooperative criminal communities in different countries.

If we consider the subject composition of crimes covered by the concept of "transnational organized crime", then these are, first of all, individuals, as well as legal entities created by them for criminal purposes, but not the states participating in international relations.

Forms of criminal activity also differ. For example, the types of crimes related to state terrorism should include acts of aggression, mercenarism, the use of measures of economic pressure, psychological pressure, political blackmail, and local military invasion.

The types of crimes covered by the concept of "transnational organized crime" are narcoterrorism, illegal transportation, sale of nuclear weapons and substances, human trafficking, arms trafficking, intellectual property crimes and laundering of money and other property obtained illegally.

Our position on the question of the specific composition of the crimes of this group is as follows.

We must proceed from the fact that the first unifying feature of such crimes is the focus on obtaining economic super-benefits, advantages, profits. The second sign is the illegal nature of a number of forms and types of economic activities that bring economic profit (surplus profit).

The third sign can be recognized as the trans-state nature of criminal activity occurring within several states.

Along with this, in our opinion, taking into account the theoretical justifications of foreign and domestic scientists in the works on the international cooperation of law enforcement structures, it is advisable to define the concept of "international cooperation of the prosecutor's office" as follows: "it is based on domestic legislation, as well as norms and principles of international law, joint coordinated activities of the prosecutor's office and authorized state bodies of other states and international organizations, aimed at solving the problems facing these bodies and requiring interstate cooperation in criminal cases.

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