

YURIDIK FANLAR AXBOROTNOMASI

ВЕСТНИК ЮРИДИЧЕСКИХ НАУК

REVIEW OF LAW SCIENCES



huquqiy ilmiy-amaliy jurnal

правовой научно-практический журнал

legal scientific-practical journal

2021/4



MUNDARIJA

12.00.01 – DAVLAT VA HUQUQ
NAZARIYASI VA TARIXI.
HUQUQIY TA'LIMOTLAR TARIXI

6 **SHODMONOV MIRZOHI MUXTOR O'G'LI**
Siyosiy partiyaning huquqiy mohiyati va uning
nazariy-huquqiy tahlili

13 **BOYMURODOV BOTIR PANJI O'G'LI**
Norma ijodkorligi jarayonida fuqarolar
ishtirokining nazariy asoslari tahlili

12.00.02 – KONSTITUTSIYAVIY HUQUQ.
MA'MURIY HUQUQ.
MOLIYA VA BOJXONA HUQUQI

22 **PO'LATOV MIRZOHI QO'ZIMURODOVICH**
Ekologiya va atrof-muhitni muhofaza qilish –
Konstitutsiya himoyasida

31 **USMANOV OTABEK ODILBEK UGLI**
Organizational and legal aspects of transition
to digital technologies and forms of electronic
public control Uzbekistan

12.00.03 – FUQAROLIK HUQUQI.
TADBIRKORLIK HUQUQI. OILA
HUQUQI. XALQARO XUSUSIY HUQUQ

39 **ISAQULOV SHUHRAT NORQOVULOVIH**
ACHILOVA LILIYA ILHOMOVNA
Turizm va migratsiya: joriy holat va istiqbol

47 **IMOMOV NURILLO FAYZULLAYEVICH**
O'zbekiston Respublikasi qonunchiligi bo'yicha
yuridik shaxs muassisi javobgarligining nazariy
va amaliy muammolari

57 **ЭГАМБЕРДИЕВ ЭДУАРД ХАЖИБАЕВИЧ**
Некоторые проблемы определения
гражданско-правового статуса виртуального
мира и его объектов

66 **IBROHIMOV AZIMJON ABDUMO'MIN O'G'LI**
Korporatsiyani boshqarishda fidusiar
majburiyatlar va ularni O'zbekistonda qo'llash
imkoniyatlari

74 **JURAYEVA ASAL BAKHTIEVNA**
CHAOEN WANG
Whose choice of law in arbitration: approaches
of cis on applicable law

12.00.04 – FUQAROLIK PROTSESSUAL
HUQUQI. XO‘JALIK PROTSESSUAL
HUQUQI. HAKAMLIK JARAYONI VA
MEDIATSIYA

- 84 **PIRMATOV OTABEK SHAVKATOVICH**
Onlayn sud majlisleri fuqarolik sud majlislarini
virtuallashtirishning yangi bosqichi

12.00.06 – TABIIY RESURLAR HUQUQI.
AGRAR HUQUQ. EKOLOGIK HUQUQ

- 91 **UZAKOVA GO‘ZAL SHARIPOVNA**
Shaharsozlik sohasida ekologik talablarga rioya
etishning huquqiy masalalari

12.00.07 – SUD HOKIMIYATI.
PROKUROR NAZORATI. HUQUQNI
MUHOFAZA QILISH FAOLIYATINI
TASHKIL ETISH. ADVOKATURA

- 100 **BAKAYEV SHAXRIYOR BAXTIYOROVICH**
Ma‘muriy sud ish yurituvi tushunchasi va
mazmunining ilmiy-nazariy tahlili

12.00.08 – JINOYAT HUQUQI.
HUQUQBUZARLIKLARNING OLDINI
OLISH. KRIMINOLOGIYA.
JINOYAT-IJROIYA HUQUQI

- 107 **SAGDULLAYEV FATHULLA
SHUKURULLAYEVICH**
Hokimiyat yoki mansab vakolati doirasidan
chetga chiqishning obyekti yuzasidan ayrim
mulohazalar
- 114 **NAJIMOV MIRATDIYIN
SHAMSHETDINOVICH**
O‘n olti yoshga to‘lmagan shaxsga nisbatan
uyatsiz-buzuq harakatlar qilish jinoyati
tushunchasi va ahamiyati
- 119 **DJALILOV FURKAT ZAKIROVICH**
Davlat xizmatchisining mulkiy manfaatdorligi
bilan bog‘liq jinoyatlarning obyekti yuzasidan
ayrim mulohazalar
- 126 **XAMITOV BAUYIRZHAN NUURABAYULY**
Противодействие рейдерству: мировой опыт

12.00.09 – JINOYAT PROTSESSI.
KRIMINALISTIKA, TEZKOR-QIDIRUV
HUQUQ VA SUD EKSPERTIZASI

- 134 **ABDULLAYEV RUSTAM QAHRAMONOVICH**
Hodisa joyini ko'zdan kechirishning kriminalistik ta'minoti samaradorligi hamda natijaviyligi tushunchalari haqida ayrim fikrlar
- 140 **ИЛЬДЕБАЕВ РИЗАБЕК ЕРМАГАМБЕТ**
К проблеме последующего этапа расследования преступлений, связанных с подделкой документов в сфере образовательной деятельности
- 150 **САХАТОВА САМАЛ ЕРБОЛАТОВНА**
Буллинг среди несовершеннолетних как один из факторов формирования личности преступника
- 156 **AMANBAYEVA ALTINAY GALIMJANOVNA**
Voyaga yetmaganlarning jinsiy daxlsizligiga qarshi jinoyatlarni tergov qilish kriminalistik usullarining zamonaviy yo'nalishlari shakllanishi va rivojlanishi tahlili

12.00.10 – XALQARO HUQUQ

- 163 **MUSAEV DJAMALIDDIN KAMALOVICH**
International legal mechanism for monitoring compliance with agreements on cooperation between states in the fight against illicit trafficking in narcotic drugs
- 173 **EGAMBERDIYEV DILSHOD ALISHEROVICH**
Nizolarni tinch yo'l bilan hal qilish vositasi sifatida xalqaro tergov komissiyalari tuzishning xalqaro-huquqiy asoslari

12.00.12 – KORRUPSIYA MUAMMOLARI

- 181 **QO'CHQOROV ZAFARJON QAYUMJON O'G'LI**
Oliy ta'lim sohasida korrupsiyaviy huquqbuzarlik shakllari, tasnifi va o'ziga xos xususiyatlari

13.00.02 – TA'LIM VA TARBIYA
NAZARIYASI VA METODIKASI
(SOHALAR BO'YICHA)

- 190 **GULYAMOVA GULNORA YAKUBOVNA**
Til – huquqning yashash sharti

UDC: 341.4(042)(575.1)
ORCID: 0000-0001-6452-6448

INTERNATIONAL LEGAL MECHANISM FOR MONITORING COMPLIANCE WITH AGREEMENTS ON COOPERATION BETWEEN STATES IN THE FIGHT AGAINST ILLICIT TRAFFICKING IN NARCOTIC DRUGS

Musaev Djmaliddin Kamalovich,

Docent at the department of Special-legal Disciplines
of the Customs Institute,
e-mail: frank2271@mail.ru

Abstract. *The author raises the problem of international cooperation between states in the field of illegal circulation of narcotic drugs and psychotropic substances. References are given to the main, signed in different years, conventions concerning this problem. The general principles of combating crime developed by the United Nations are considered. The historical experience of combating crime is analyzed. It is noted that the UN congresses on the prevention of crime and the treatment of offenders play a special role in preventing and combating transnational organized crime. Analyzed the main international normative legal acts in this area. The mechanisms of adoption and the forms of practical application of these conventions are disclosed, as well as an analysis of the situation in the world with regard to drug trafficking, options for resolving the problem by strengthening the international system of control over drug trafficking are proposed. The article also highlights the current state of international legal cooperation between states in countering the illicit trafficking of narcotic drugs and psychotropic substances. The characteristic features of the approach to overcoming the current situation in the field of drug use, the use of various methods of countering this negative phenomenon in the process of suppressing illegal actions are analyzed. The necessity of joint use of methods of combating the global problem of all mankind has been identified and substantiated.*

Keywords: *United Nations, transnational crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, directions of international cooperation, control measures, control measures.*

DAVLATLAR O'RTASIDA GIYOHVANDLIK VOSITALARINING NOQONUNIY AYLANISHIGA QARSHI KURASHISHDA HAMKORLIK TO'G'RISIDAGI BITIMLARGA RIOYA ETILISHI USTIDAN NAZORATNING XALQARO-HUQUQIY MEXANIZMI

Musayev Jamaliddin Kamalovich,

Bojxona institutining "Maxsus-huquqiy fanlar"
kafedrasi dotsenti

Annotatsiya. *Muallif mazkur maqolada giyohvandlik vositalari va psixotrop moddalarning noqonuniy muomalasi sohasida davlatlar o'rtasidagi xalqaro hamkorlik muammosini o'rgangan. Ushbu muammo bilan bog'liq turli yillarda imzolangan asosiy konvensiyalarga havolalar berilgan. Birlashgan Millatlar Tashkiloti tomonidan ishlab chiqilgan jinoyatchilikka qarshi kurashishning umumiy tamoyillari ko'rib chiqilgan. Jinoyatchilikka qarshi kurashishning tarixiy tajribasi tahlil qilingan. Transmilliy uyushgan jinoyatchilikning oldini olish va unga qarshi kurashishda BMTning jinoyatchilikning oldini olish va huquqbuzarlarga qarshi kurashish bo'yicha kongresslari o'rganilgan. Bu boradagi asosiy xalqaro normativ-huquqiy hujjatlar tahlil qilingan. Mazkur konvensiyalarni qabul qilish mexanizmlari va amaliy qo'llash shakllari ochib berilgan. Shuningdek, giyohvandlik vositalarining noqonuniy aylanishi bilan bog'liq dunyodagi vaziyat tahlili, giyohvandlik vositalarining noqonuniy aylanishini nazorat qilishning xalqaro tizimini kuchaytirish orqali muammoni hal qilish variantlari taklif etilgan. Giyohvandlik vositalari va psixotrop moddalarning noqonuniy aylanishiga qarshi kurashish bo'yicha davlatlar o'rtasidagi xalqaro-huquqiy*

hamkorlikning bugungi holatiga alohida e'tibor qaratilgan. Giyohvandlik vositalarini iste'mol qilish sohasidagi mavjud vaziyatni bartaraf etishga yondashuvning xarakterli xususiyatlari, noqonuniy xatti-harakatlarga barham berish jarayonida ushbu salbiy hodisaga qarshi kurashishning turli usullaridan foydalanish tahlil qilingan. Butun insoniyatning global muammosiga qarshi kurashish usullaridan birgalikda foydalanish zarurati aniqlangan va asoslangan.

Kalit so'zlar: Birlashgan Millatlar Tashkiloti, transmilliy jinoyatchilik, giyohvandlik vositalari, psixotrop moddalar va prekursorlarning noqonuniy aylanishi, xalqaro hamkorlik yo'nalishlari, nazorat choralari, qarshi kurashish choralari.

МЕЖДУНАРОДНО-ПРАВОВОЙ МЕХАНИЗМ КОНТРОЛЯ ЗА СОБЛЮДЕНИЕМ СОГЛАШЕНИЙ ПО ВОПРОСАМ СОТРУДНИЧЕСТВА ГОСУДАРСТВ В БОРЬБЕ С НЕЗАКОННЫМ ОБОРОТОМ НАРКОТИЧЕСКИХ СРЕДСТВ

Мусаев Джамалиддин Камалович,
доцент кафедры «Специально-правовые дисциплины»
Таможенного института

Аннотация. Автор поднимает проблему международного сотрудничества государств в сфере незаконного оборота наркотических средств и психотропных веществ. Даны ссылки на основные, подписанные в разные годы, конвенции, касающиеся данной проблемы. Рассматриваются общие принципы борьбы с преступностью, выработанные Организацией Объединенных Наций. Анализируется исторический опыт противодействия преступности. Отмечается, что особую роль в вопросах предупреждения транснациональной организованной преступности и борьбы с ней играют конгрессы ООН по предупреждению преступности и обращению с правонарушителями. Проанализированы основные международные нормативно-правовые акты в указанной сфере. Раскрыты механизмы принятия и формы практического применения данных конвенций, а также дан анализ ситуации в мире в отношении незаконного оборота наркотиков, предложены варианты урегулирования проблемы путем усиления международной системы контроля за незаконным оборотом наркотиков. Также в статье освещается современное состояние международно-правового сотрудничества государств по противодействию незаконному обороту наркотических средств и психотропных веществ. Проанализированы характерные особенности подхода к выходу из сложившейся ситуации в области употребления наркотиков, использование в процессе пресечения противоправных действий различных методов противодействия данному негативному явлению. Выявлена и обоснована необходимость совместного использования методов борьбы с общемировой проблемой всего человечества.

Ключевые слова: Организация Объединенных Наций, транснациональное преступление, незаконный оборот наркотических средств, психотропных веществ и прекурсоров, направления международного сотрудничества, меры борьбы, меры контроля.

Introduction

In 2015, the United Nations celebrated 70 years since its inception. The Organization celebrates its jubilee in difficult conditions caused by both international events of the last decade and internal organizational problems. At the same time, over the past years, the UN has become the largest and most authoritative international organization, spreading its influence on various spheres of public life, covering and leading the solution of global problems of all mankind. Among such problems, which as a potential and obvious threat affect every state of the world, special attention is

given to the problem of illicit trafficking in drugs and psychotropic substances.

Today, the United Nations Organization has significant experience in coordinating cooperation between states and lawmaking in the field of combating drug trafficking. For the first time within the framework of the Organization, the problem of drug trafficking was raised in the middle of the 50s of the XX century, when the ineffectiveness of previously adopted international agreements in this area became clear [1]. A fairly large number of narcotic drugs and drug-containing preparations, as well as the raw materials that were used in their manufacture, remained outside the international

legal regulation. In addition, a number of provisions of the international agreements in force have become outdated, while the rapid growth of the illegal drug trade has become a serious problem for some countries.

In this regard, under the auspices of the United Nations, a number of conventions were developed and subsequently adopted, aimed at correcting certain provisions of previously existing acts. With the conclusion of the 1961 Single Convention on Narcotic Drugs [2], which replaced the earlier documents (with the exception of the 1936 Convention), the scope of international control was unified and expanded. The main purpose of the 1961 Convention, enshrined by the parties to the treaty in its preamble, was to restrict the use of narcotic drugs exclusively for medical and scientific purposes.

The single convention consists of 51 articles and four lists of narcotic drugs, distributed depending on the established control regime. All substances on these lists are traded and distributed only under licenses. The parties to the agreement are encouraged to recognize as punishable all actions committed with the substances specified in the lists in violation of the provisions of the Convention.

The Single Convention on Narcotic Drugs seeks to restrict the production, distribution and use of drugs, as well as the possession and trade of drugs exclusively in the field of medicine and scientific purposes. In addition, the Convention invites States parties to introduce special measures for specific drugs, such as heroin. The 1972 Protocol adopted to this Convention focuses on the need for treatment and rehabilitation of drug addicts.

The most stringent control measures have been established for substances listed in list I. These include preparations obtained from the opium poppy, coca bush leaves, and hemp. Schedule II contains prescription drugs commonly used in the practice. Schedule III lists preparations that include substances from Schedule II in low concentrations. List IV includes narcotic drugs that are used in limited quantities for medical purposes and the circulation of which, at the discretion of the parties to the agreement, can be completely prohibited.

As new drug-containing drugs appear, the lists are updated (Article 3) and supplemented. One

or another drug can be added to any of the lists upon the submission of one of the participating countries or the World Health Organization (WHO). According to the Convention, the states parties to the treaty have reduced the number of international drug control bodies and entrusted it to the Commission on Narcotic Drugs (CND) of the UN Economic and Social Council and the International Narcotics Control Board (INCB).

By the time the Single Convention was adopted, international drug control was exercised by 4 bodies: the Commission on Narcotic Drugs, the Permanent Central Opium Committee, the Narcotic Drugs Control Authority, the Expert Committee on Toxicogenic Drugs at the World Health Organization [3]. It should be noted that the reporting system of states provided for by the 1961 Convention is quite complex and includes a large amount of information regarding the geography and area of growth of drug-containing plants, the amount of drugs produced and consumed, their stocks, as well as enterprises employed in production (Art Articles 19, 20).

The signatory countries undertake the obligation to submit to the UN Secretary-General annually reports on the application of the Convention in their territories and the texts of all laws and regulations relating to narcotic substances, as well as to provide the names and addresses of organizations issuing export permits or certificates for the import of drugs. and statistics on drugs. An important instrument of international control, through which the import and export of drugs is limited, are the estimates of the requirements for narcotic drugs, which states also submit to the International Narcotics Control Board.

Materials and methodology

In Art. 4 of the Single Convention states that the import and export of narcotic drugs should be limited exclusively to medical and scientific purposes. Art. 36 of the Convention speaks of the punishability of the import and export of narcotic drugs in violation of the provisions of the convention. Thus, the concepts of "import" and "export" are introduced into the text of the Single Convention on Narcotic Drugs, which, in accordance with Art. 1 of this document "means, in their respective semantic shades, the physical movement of drugs from one state to another

state or from one territory to another territory of the same state”.

In other words, any movement of narcotic drugs, regardless of the fact of crossing the state border, is considered their import or export. In the opinion of individual authors [4], an attempt to combine by one concept the actions associated with the cross-border transportation of drugs and their movement within the country can hardly be called the most successful, if only because these actions are of a different order. For example, the movement of drugs from the territory of one state to the territory of another in violation of the provisions of this convention can be classified as an international crime, while their illegal movement within the country is not such. Accordingly, the degree and nature of the consequences of these acts, their legal assessment in national legislation, are different.

It seems that it would be more logical to define each action independently and designate the movement of drugs from one state to another, for example, with the concepts of “export” and “import”. In addition to these provisions, the Single Convention on Narcotic Drugs contains a large number of other important aspects. At the same time, it is necessary to note the points that were not taken into account in the development of the document.

Thus, the control established by the 1961 Convention applies only to narcotic drugs and does not affect the trade in psychotropic substances, which has been rapidly expanding in many countries. By the early 1970s, the spread of stimulants was becoming a big threat and uncontrollable. The need to establish control aimed at preventing the abuse of psychotropic substances led to the adoption in 1971 of the Convention on Psychotropic Substances [5].

By analogy with the Single Convention, this Convention contains four lists of substances. List 1 includes psychotropic substances with especially dangerous hallucinogenic properties. It is noteworthy that more stringent control measures are envisaged for these substances (Article 7) than those applied to narcotic substances included in List 1 of the 1961 Convention (Article 31). Their use is completely prohibited, except for scientific and extremely narrow medical purposes. Schedule II lists stimulants of very limited therapeutic value.

Schedule III contains substances that are widely used for medical purposes and are abused. List IV includes drugs with hypnotic, tranquilizing and analgesic effects. As in the case of narcotic drugs, a licensed system of trade in psychotropic substances is introduced (Articles 8.12). In Art. Twenty-two states have undertaken to make willful acts committed in violation of the provisions of this Convention punishable. Meanwhile, unlike the Single Convention, there is no specific list of such acts.

When individuals travel from one country to another, the Convention allows them to carry a small amount of psychotropic drugs for personal use, but the countries parties to the Convention are given the right to make sure that the drugs are obtained legally. One of the features of the 1971 Convention can be attributed to the fact that considerable attention is paid to the development of national legislation aimed at preventing and suppressing illicit trafficking in psychotropic substances (Articles 20, 21, 23).

This is due to the fact that, in contrast to the illicit trafficking of narcotic drugs obtained in the course of illegal (clandestine) production, psychotropic substances enter illicit trafficking, mainly through their diversion from legal traffic. In these conditions, the absence in some countries-producers (exporters) of psychotropic substances of the relevant legislation establishing strict control over the distribution of such substances, significantly complicates the possibility of their use only for medical and scientific purposes and leads to the abuse of these substances.

Therefore, the 1971 Convention establishes a strict requirement for states parties to take in their domestic legislation all measures to prevent the diversion of psychotropic substances from legal to illegal traffic. International norms emphasize the responsibility of states for non-compliance with this requirement and provide for the possibility of applying sanctions to those states that do not enshrine in their legislation a system of strict control over the production and distribution of psychotropic substances. However, the forms of such sanctions are not determined by the Convention, which somewhat reduces the effectiveness of this peremptory norm [6].

This document occupies an important place in the regulation of international traffic in

psychotropic substances. However, the scale of illegal drug trafficking continued to expand in the 1970s and 1980s, and the control established by the 1961 and 1971 Conventions turned out to be inadequate to the problem.

In this regard, in its resolution 39/41 of December 14, 1984, the UN General Assembly recognized that “the enormous scale of drug trafficking and its consequences urgently require the preparation of a convention that would cover all the various aspects of the problem, and especially those that are not provided by the relevant international legal instruments”. The result of work in this direction was the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [7], adopted at a conference in Vienna in December 1988.

Its participants noted the trend of growth in “illegal production, demand and turnover of narcotic drugs and psychotropic substances”, as well as the fact that children often become consumers of the potion. In the preamble to the treaty, its participants note that the availability of these substances is also one of the reasons for the growth in the illegal production of narcotic drugs and psychotropic substances [8].

The convention is a framework agreement for international cooperation in the fight against drug trafficking. Its members made a commitment to eradicate or reduce the demand for drugs. The Vienna Convention covers a wide range of issues related to the functioning of the international drug control system.

It defines a comprehensive set of measures to combat drug trafficking, including provisions against money laundering and diversion of parent chemicals. It also provides for the discovery, freezing and confiscation of income and property obtained from drug trafficking, the extradition of drug couriers and the initiation of criminal cases.

The convention has expanded the list of offenses related to drugs and psychotropic substances. In particular, member states may criminalize “the production, extraction, preparation, offer, offer for the purpose of sale, distribution, sale, supply under any conditions, mediation, transfer, transit, transportation, import or export of any drug or any psychotropic substance”; cultivation of opium poppy, coca bush or cannabis; manufacturing, transportation or distribution of equipment,

materials or substances intended for the cultivation, production or manufacture of drugs or psychotropic substances.

The countries that have signed this Convention are invited to amend their legislation so that courts considering offenses involving drugs and psychotropic substances can take into account as aggravating circumstances the group nature of the crime, the participation of the accused in other crimes or in the activities of an international criminal group, the use of violence or weapons involving minors.

Each member state sets the statute of limitations for such crimes independently. The parties to the Convention are also given the right to independently develop measures necessary for the confiscation of proceeds from illegal activities with drugs, as well as the drugs themselves. The convention provides for cooperation of states in the fight against drugs, directly or through international organizations.

In addition, the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances establishes the use of the terms “physical movement of a psychotropic substance from one state to another state” as a definition of export and import for any drug. In Art. 3 States parties to the Convention are encouraged to take such measures as may be necessary to criminalize the export or import of any narcotic drug or any psychotropic substance under their laws in violation of the 1961 (amended), 1971 Conventions and 1988 year.

A characteristic feature of this convention is that it reflects the desire of states to jointly suppress criminal activities related to drug trafficking by addressing the root causes of drug abuse, including the illicit demand for them and the huge profits generated from the sale of drugs. This is undoubtedly an indicator of the serious attention of the parties to the agreement to the transnational scale of the drug trade.

In addition to the specialized conventions of the United Nations, which are entirely aimed at combating drug trafficking, the provisions of some other universal acts, the regulation of which are aimed at completely different spheres of interstate relations, meet similar goals and objectives. For example, the operation of the above UN Conventions of 1961, 1971, and 1988 is supplemented by the

application of the provisions of the International Convention on Mutual Administrative Assistance in the Prevention, Investigation and Suppression of Customs Offenses of 1977, or rather its Annex X “Assistance in the fight against smuggling of narcotic drugs and psychotropic substances” [9].

Research findings

This international legal act is of interest in relation to the definition of “smuggling of drugs and psychotropic substances” enshrined in it.

In accordance with Art. 1 (d) “smuggling of drugs and psychotropic substances” means “deception of customs, consisting in the movement of drugs and psychotropic substances across the customs border in any hidden form.” The term “customs cheating” means “a customs offense in which a person deceives customs and thus partially or completely avoids paying import or export duties and taxes, or bypasses bans or restrictions established by customs legislation, or obtains other benefits in violation of customs legislation.”

In addition, this Convention calls on the States parties to consider offenses related to drug smuggling only in the context of the 1961 United Nations Convention. substances, etc. In addition to international acts that are binding, imperative for the participating States, the United Nations has adopted many acts of a recommendatory nature, which, while not having a binding force, nevertheless, are an important component of the universal international legal mechanism for combating illicit drug trafficking and psychotropic drugs. substances.

First of all, it is important to note the significant role of the UN General Assembly. So, in its resolution of February 23, 1990 at the 17th special session of the UN General Assembly, it adopted the Political Declaration and the World Program of Action in the field of international cooperation against illicit production, supply, demand, circulation and distribution of narcotic drugs and psychotropic substances [10].

The World Program of Action has become a document that accumulates a detailed and comprehensive list of measures, the joint and coordinated implementation of which will allow states to move forward in solving this global problem. Continuous monitoring of the implementation of the World Program of Action in accordance with paragraph 97 is entrusted to the

UN Commission on Narcotic Drugs. To assist the Commission in this, more than 60 governments have provided information to the UN Board on Narcotic Drugs on activities to implement the World Program of Action.

The General Assembly has been actively working in the past few years as well. At the same time, the UN General Assembly seeks to cover all aspects of drug trafficking. Thus, considerable attention is paid to the problem of combating the legalization of proceeds from drug trafficking. At its regular session on October 22, 1997, the General Assembly called on all states to apply the provisions of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances aimed at curbing money laundering.

One of the results of the XX Special Session of the UN General Assembly held in June 1998 in New York was the adoption by the UN member states of the Political Declaration and the Declaration on Guiding Principles for Drug Demand Reduction [11].

Although the provisions of the Declaration on the Guiding Principles for Drug Demand Reduction cover mainly the area of prevention and focus on drug demand reduction, their application forms an integral part of the international strategy to combat the smuggling of narcotic drugs and psychotropic substances. The world community recognizes that it is necessary to make active efforts both in the direction of suppressing the illicit production and distribution of drugs, and in the prevention of their abuse.

Unlike the previous document, the Political Declaration is aimed at solving the drug problem [12] in general. Its significance lies in the fact that through this document it was possible to draw the attention of governments to new trends in the field of drug trafficking. In particular, the declaration reflected the reaction of the participants in the special session of the UN General Assembly to the rapid growth of illegal export and import of synthetic drugs.

Note that the trend of displacement of drugs of plant origin (marijuana, hashish) from illegal markets with synthetic and psychotropic drugs is observed in many regions of the world, which was repeatedly noted in the final documents of the UN, Interpol and reports of the International Narcotics Control Board. Given the increasingly organized

nature of drug smuggling, the participants in the Political Declaration pledged to promote multilateral and bilateral cooperation between judicial and law enforcement agencies in the fight against criminal organizations involved in drug-related crimes.

The important role of the declaration also lies in the fact that, along with declarative statements, the document contains specific provisions securing the need to take these measures by a certain date. Thus, at present, under the auspices of the United Nations, an integral legal basis for international cooperation in the fight against drug trafficking has been formed. At the same time, the universal international legal mechanism in this area is not limited to the adoption and implementation of international conventions.

A significant contribution to the functioning of such a mechanism is made by the system of specialized bodies created within the framework of the United Nations, the main purpose of which is to coordinate international cooperation of states in the fight against illicit trafficking in drugs and psychotropic substances. However, despite the commonality of goals and objectives, each of these bodies has specialized functions.

The United Nations Office on Drugs and Crime (UNODC), headquartered in Vienna, is working globally to combat drug trafficking, organized crime and international terrorism, that is, with what UN Secretary General Kofi Anan called “anti-civilian »Elements of society[13].

The Department includes:

- United Nations International Drug Control Program (UNDCP);
- Center for International Crime Prevention.

UNDCP directs all United Nations drug control activities. It helps track trends that are exacerbating drug addiction, drug production and trafficking; assists governments in creating structures and strategies to combat drugs; provides technical assistance in the fight against drugs; promotes the practical implementation of the drug control treaties; and also serves as a global center of excellence and information repository [14].

Review of research findings

Another UN body designed to coordinate cooperation between states in the fight against drug trafficking is the Commission on Narcotic Drugs, which is a functional commission of ECOSOC.

It serves as the main intergovernmental policy-making and coordinating body for international drug control.

With its 53 member states, the Commission analyzes the situation with drug addiction and drug trafficking on a global scale and prepares proposals for strengthening international drug control. It monitors the implementation of the international drug treaties and the guidelines and measures endorsed by the General Assembly.

She also leads the activities of UNDCP. The activities of the Commission’s five subsidiary bodies promote cooperation and coordination at the regional level in Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, and the Middle East. Another UN entity, the International Narcotics Control Board has 13 members and is an independent body that assists and monitors governments’ efforts to implement the international drug control treaties.

It seeks to limit the availability of drugs used for medical and scientific purposes and to prevent their being diverted into illegal channels. The Board sets limits on the amount of drugs countries need for medical and scientific purposes, and also dispatches investigative missions and technical visits to countries where the drug situation is spiraling out of control.

An essential role in the system of international drug trafficking is played by the annual reports of INCB, which are communicated to the parties to the Convention and then published by the UN Secretary General. The reports analyze the drug control situation around the world so that Governments are kept informed of existing and potential situations that could jeopardize the achievement of the goals of the international drug control treaties.

The reports also allow drawing the attention of states to the achievements in the fight against the illegal distribution and use of drugs and the facts of non-fulfillment by the parties to the treaty of their obligations, during the preparation of annual reports. The Committee uses reports submitted to INCB by governments, information from bodies and organizations of the UN system, as well as information received through other international and regional organizations.

Thus, the annual report of the International Narcotics Control Board (INCB), published on

February 23, 2000 [15], highlighted the need for coordinated efforts to ensure sufficient quantities of drugs for medical purposes, especially in developing countries. In today's world, where illicit drug use is constantly growing with the connivance of individual government officials, the Vienna-based INCB is particularly concerned about the fact that people who could make their lives easier with drugs, such as in cases of advanced cancer, are denied access. reliable pain relievers such as morphine and other opiates.

The contrast to this shortage of painkillers in developing countries is the problem of oversaturation in developed countries. The high consumption of amphetamines and other stimulants of the nervous system in the Americas and the over-popularity of hypnotics and stimulants such as benzodiazepines in Europe are also a big problem for INCB.

The lack of a legislative framework, the paucity of information to assess the reliable situation in various countries, on the one hand, coupled with aggressive marketing strategies of pharmaceutical companies and dubious treatment methods, on the other hand, all this leads, in the opinion of the Committee, to a situation in which developing countries are experiencing a shortage of the most essential drugs, and in developed countries - excessive consumption of psychotropic substances.

In this regard, the Committee recommends that national governments adopt a more flexible and humane approach, based on a functional drug management system that is in accordance with existing international agreements, but at the same time capable of controlling drugs for medical purposes, especially in developing countries and extreme conditions of humanitarian disasters.

As you can see, within the framework of the UN there is currently a large organizational mechanism for countering the illicit trafficking in drugs and psychotropic substances. However, as practice shows, over the past decades, this problem has not only not diminished, but has acquired a truly global scale, and continues to worsen.

For example, in 2021, opium production in Afghanistan increased by 8% to 6,800 tons. This is stated in a new report from the UN Office

on Drugs and Crime, the press service of the organization said. The agency warned that the increase means 320 tons of pure heroin will enter markets around the world. The report also notes that Afghanistan supplies 80% of all consumers in the world with opiates. In 2020, 85% of all opium was produced in this country. According to UNODC. Profits from opiate production ranged from \$ 1.8 billion to \$ 2.7 billion in 2021, and sales outside the country brought in even more revenue [16].

These figures show that the problem of drug trafficking continues to worsen, despite the creation and functioning of both universal and regional international legal mechanisms of counteraction. The reasons for this situation are quite objective and are mainly reduced to organizational aspects. To a large extent, this also applies to the United Nations, whose ramified network of bodies is sometimes not linked in its activities by common areas.

The literature has repeatedly emphasized that the specialized organizations and bodies operating under the auspices of the UN sometimes duplicate each other's functions, which does not contribute to an increase in the effectiveness of global cooperation in the fight against the spread of drugs. At the same time, the global drug trade industry is improving and becoming more cohesive.

Determining the role of the United Nations in countering the illicit trafficking in drugs and psychotropic substances, one should recognize its leading positions in this matter. This is due not only to the all-encompassing and most representative in terms of the number of participants in those programs that are implemented under the auspices of the UN.

Conclusions

A more important factor, which directly testifies to the leading role of the United Nations in the fight against illicit trafficking in drugs and psychotropic substances, is the basic, fundamental nature of activities to establish international cooperation in this area. First of all, within its framework, basic international conventions were developed, which formed the basis for the international legal mechanism of cooperation between states in combating the drug threat, as well as a number of acts of "soft law" (declarations,

resolutions, programs, strategies, etc.), which made it possible to formulate international legal positions in this area.

It was the UN documents that formed the basis of numerous regional international legal mechanisms for countering drug trafficking. It is the global international monitoring carried out by the specialized bodies of the Organization that allows individual states to build their own and jointly with other states strategy and tactics of countering drug crime.

And, finally, it is the United Nations that acts as a political instrument that allows coordinating the positions of representatives of different countries and continents, who sometimes have different views even on such a problem that would seem obvious to all. Despite all the difficulties that the UN is currently experiencing, the determination of states to cooperate within the framework of this organization on countering the illicit trafficking in drugs and psychotropic substances does not weaken.

Undoubtedly, the international legal mechanism for combating the drug threat created under the auspices of the United Nations will continue to improve in the future, since the need for a more comprehensive approach to the problem is obvious, and therefore deeper integration in issues of interaction, which only the UN can provide. In particular, the analysis makes it possible to propose to formulate within the UN framework a special institutional mechanism for coordinating the activities of regional organizations to counter the drug threat.

In conclusion, it can be noted that thanks to the adoption of the universal international drug control treaties, it was possible to achieve a reduction in the manufacture and trade of many controlled substances. The universal international legal mechanism created to date, supplemented by the action of the appropriate national legal means, makes it possible in a sufficiently effective form to counteract the illicit distribution of drugs on a global scale.

REFERENCES

1. The Hague Convention of 1912; International Opium Convention 1925; International Convention for the Restriction of the Manufacture and for the Regulation of the Distribution of Narcotic Drugs, 1931.
2. 1936 Convention for the Prohibition of the Illicit Trade in Narcotic Drugs. Convention texts: League of Nations Treaty Series, 1939, vol. 198, pp. 299-323.
3. League of Nations Treaty Series, 1922, vol. 8, pp. 188-235.
4. Counteraction to illegal drug trafficking. Collection of international legal acts. Comp. T.N. Moskalkova, I.L. Dimitrov, N.B. Slussar. Moscow, Publishing house, 1999, pp. 7-35.
5. On the UN international drug control bodies, see in more detail in parag. 2 of the first chapter of this work.
6. Maslova A.B. International cooperation in the fight against the smuggling of drugs and psychotropic substances. Abstract of thesis. dis. cand. sciences of law. Moscow, 2002, pp. 12-13.
7. Counteraction to illegal drug trafficking. Collection of international legal acts. Comp. T.N. Moskalkova, I. L. Dimitrov, N.B. Slussar. Moscow, Publishing house, 1999, pp. 46-52.
8. Moskalkova T.N., Dimitrov I.L., Slussar N.B. Decree. slave. Moscow, Publishing house, 1999, pp. 49-56.
9. The names of the chemicals (Table 1 and Table 2) subject to international control are contained in the Annex to the Vienna Convention.
10. For more details on this Convention. Transnational Organized Crime. Definitions and reality. Monograph. Ed. V.A. Nomokonov. Vladivostok, Far Eastern University Publishing House, 2001, pp. 23-24.
11. World program of action in the field of international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances. Review of the activities of the United Nations in 1990. Moscow, 1991, pp. 231-238.
12. Declarations on guidelines for drug demand reduction. Report of the Commission on Narcotic Drugs to the Special Session of the General Assembly on the fight against and related activities to the illicit sale, demand, trafficking and distribution of narcotic drugs and psychotropic substances. A/B-20/4, pp. 22-27.

13. The “drug problem” in the declaration refers to the illicit cultivation, production, manufacture, sale, demand, trafficking and distribution of narcotic drugs and psychotropic substances, including amphetamine-type stimulants and precursors, as well as related criminal activities.

14. Speech by the UN Secretary General at the 58th session of the UN General Assembly. Politics, 2003, no. 6, pp. 17-23.

15. United Nations Organization. Basic Facts. Moscow, 2004, pp. 23-28.

16. Proizvodstvo opiuma v Afganistane vyroslo na 8 % [Opium production in Afghanistan up 8%]. Available at: <https://www.gazeta.uz/ru/2021/11/17/opium/>.

17. Musaev D. Pravovoe sotrudnichestvo stran SNG v bor’be s nezakonnym oborotom narkotikov [Legal cooperation of the CIS countries in the fight against drug trafficking]. Review of law sciences, 2020, no. 3, pp. 100-106. DOI: 10.24412/2181-1148-2020-3-100-106/.

18. Musaev D., Aslonov F. Narkotik moddalar noqonuniy aylanishiga qarshi kurashishda bojxona organlarining roli [The role of customs authorities in combating drug trafficking]. Scientific progress, vol. 1, no. 6, 2021, pp. 641-644.

19. Musaev D.K. Forms of international legal and organizational interaction in the field of counteraction illicit drug trafficking, psychotropic substances and precursors. ProAcademy, vol. 2021, Iss. 2, Article 2. Available at: <https://uzjournals.edu.uz/proacademy/vol2021/iss2/2/>.