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Illegal Actions of Cultural Assets in the Republic of Uzbekistan, Prevention of Them and Foreign Experience

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ABSTRACT

The article analyzes some problematic issues that arise in determining responsibility for cases of violations of legislation related to the theft of objects and collections of cultural, historical, archaeological value through forgery, their illegal actions from the customs border, norms concerning criminal liability in the criminal legislation of foreign countries for crimes in the field of customs. In addition, the peculiarities of criminal liability in foreign countries for crimes related to cultural values were considered.

Keywords:

customs authorities, development strategy, customs crimes, improvement of criminal liability, features of criminal liability, norms of criminal legislation of other foreign states

Introduction

As a result of the fundamental reforms carried out in our mamalakat today, the active participation in international relations and trade with developed countries of the world are demanding to strengthen the level of economic security of the country.

The processes of globalization and economic - political integration that are currently taking place in the world have brought the country's international relations and foreign economic activity to a new level. The increased investment attractiveness of the country and the re-establishment of close-neighborly and mutually beneficial cooperation with the border states require the full-scale development of all spheres, including the customs sphere[1].

President of the Republic of Uzbekistan dated January 28, 2022

Decree Number PF-60 "on the development strategy of the New Uzbekistan for 2022-2026 " was adopted.

The decree established as a special purpose "the formation of a new image of law

enforcement agencies and the orientation of their activities to the effective protection of the interests of the people, human dignity, rights and freedoms"[2].

According to Article 6 of the law of the Republic of Uzbekistan "on state Customs Service", "Customs authorities are established as law enforcement agencies.

In addition to carrying out its functions and functions, each state body also carries out a number of law enforcement activities, such as ensuring legitimacy, protecting human rights and freedoms, protecting the rights and legitimate interests of state and non-governmental organizations, labor communities, fighting infractions and crime. This, in turn, reflects how an urgent task is in front of the activities of law enforcement agencies.

Taking into account that the customs authorities are also high in increasing the economic potential of the Republic of Uzbekistan, it is required to further improve customs procedures and further develop the customs range with the active study of the

experience of developed foreign countries in the customs sphere. 2022 of the president of the Republic of Uzbekistan

On the basis of the decrees of April 27 “on additional measures for the further improvement of Customs Administration” PF-122, several tasks were set to ensure the rule of law in customs authorities[3].

At the same time, Article 5 of the law of August 29, 1998 “on the importation and importation of cultural property” defines the state Customs Committee as an authorized body in the state regulation of the import and importation of cultural property[4].

Cultural assets are evidence from the Centers of human civilization, from our ancestors, from their way of life, and they are evidence of the religious rituals of the statehood of ethnic change of the way of life of the same people. It will not be an exaggeration to say that losing them is a great tragedy for a state.

On the world level, the contraband of historical items is still the 3rd largest after weapons and drugs. Currently, a number of cases are being identified involving looting objects and collections of cultural, historical, archaeological value by counterfeiting, their illegal transfer from the customs border.

There are 124 state museums and its branches in our republic, and now there are 37 main museums, 75 branches operating in the cultural heritage agency system. Of these, 7 are Museum-reserves. The number of museum items and collections in state museum funds is 2,525,023.

In this area, in June 2022, ICESCO (International Islamic organization) announced that 7 objects of cultural heritage located in Bukhara are included in the list of masterpieces of the entire world Islamic world, and the Turkish Cooperation and coordination agency announced the Ark fortress Jome mosque in Bukhara and Burhoniddin located in the Rishton District of Fergana province

An agreement was signed to restore the mausoleum of Al-Marginani.

It was agreed with the JICA agency to provide a field digitization grant.

With the cooperation of the French Institute of urban planning, the regeneration project

“historical center of the city” was developed and presented to the UNESCO World Heritage Committee, which shows how important this direction is in increasing the prestige of the country[5].

Customs authorities carry out their activities in this direction on the basis of the law on the procedure for the removal and importation of Cultural Property adopted by the Supreme Assembly of the Republic of Uzbekistan of 1998.

It also includes many international agreements in its activities

In 1994, at a meeting of heads of states of the Commonwealth of independent states in Moscow, the Treaty on the return of illegally smuggled cultural property was adopted. Republic Of Uzbekistan: Federation Of Russia. Inter – governmental agreements were signed with the republics of Kazakhstan, Tajikistan, Kyrgyzstan, Belarus, Moldova, Ukraine, Azerbaijan, Georgia on measures to illegally import, import and return cultural property[6].

Also, reports by the Director-General of the tax and customs union of the Eurocomission state that in 2017, ISIS-controlled areas were home to more than 100,000 cultural monuments and 4,500 archaeological monuments, more than 10 of which are on the UNESCO List[7]. Such cases indicate that one of the urgent tasks for international and regional organizations and national law enforcement agencies focused on this area should be to combat the destruction of cultural heritage in conflict zones, the illegal possession and circulation of cultural property, as well as their integration into the cross-border market of antiques. In this case, the main task will have to be carried out by the customs authorities. To do this, the activities of the customs authorities in the direction of combating the smuggling of cultural property indicate that it is necessary to constantly improve and jointly combat the smuggling of cultural property in international cooperation between states.

According to the cultural heritage agency, in order to prevent the importation and importation of cultural property in Uzbekistan, as well as their illegal circulation, a certificate was issued in 2022 giving a total of 1,625

withdrawal rights on 534,695 cultural property, and

The illegal importation and importation of 6,420 pieces of cultural property has been suspended, with 327 expert opinions formalized on them, with instructions to hand them over to museums [8].

However, the normative documents adopted on the procedure for the non-return of the objects of artistic, historical and archaeological heritage of the peoples of the Republic of Uzbekistan and foreign countries to the territory of the Republic of Uzbekistan, illegal transfer of material and cultural property from the customs border of the Republic of Uzbekistan and the procedure for the import and, the revision also entails the need to make changes to separate administrative and criminal legislation for violations of this type.

More than 9,000 household items on the history and culture of Uzbekistan, archaeological finds, various jewelry, manuscripts, documents, textile objects (palak, Toon, atlas, beqasam and other), musical instruments are collected by the cultural heritage agency, which are kept in about 40 countries of the world to date.

In 2022, 330 cultural items, 173 manuscripts and 157 museum exhibits were identified in the direction of identifying, studying and bringing copies of manuscripts related to the history and culture of the country held in foreign countries. Good knowledge of cultural property helps to fight the illegal circulation of this cultural property most effectively[9].

Knowing what is hidden under the term cultural value, it is necessary to understand what documents are needed to carry out this or that operation. Today, customs authorities are practically faced with many customs violations related to their cultural wealth.

Analysis And Discussions.

According to foreign experience, the development trends of International Criminal Law are leading to the convergence of the systems of international law and domestic (National) Law of states. Because terrorism, arms trafficking, human trafficking, illicit treatment of drugs and material and cultural

goods, and a number of other crimes are already moving beyond the borders of one state, becoming a regional and, we can say, secular global problem.

Therefore, the fight against this type of crime requires that it necessarily be carried out in cooperation with other countries. One of the priority legal foundations of such cooperation is the National Criminal Law of states.

The National Criminal Law of states, on the other hand, directly reflects the specific aspects of that state's legal system. Below we will dwell on the peculiarities of criminal liability in some states. Looking at the criminal law of the states of solidarity with an independent state, we can see many similarities.

In particular, according to the first part of Article 215 (smuggling) of the Criminal Code of the Republic of Armenia, the transfer of goods, cultural or other values in large quantities through the border of this state customs-five hundred to one thousand times the minimum monthly salary fine or imprisonment for up to five years;

according to the third part (if it is committed by an official using his or her service position and using force on a person exercising customs control), -

confiscation or deprivation of property and imprisonment for six to ten years;

according to the fourth part (by the organized group), -

property was confiscated or not, and punishable by imprisonment for eight to twelve years. In this case, the price of goods or objects illegally transferred from the customs border should be two thousand times the minimum monthly wage[10].

Article 7.13 of the Code of administrative offenses of the Russian Federation, that is, this article establishes administrative responsibility for violating the requirements of legislation on the protection of cultural heritage sites (historical and cultural monuments) of the peoples of the Russian Federation[11].

Article 289 of the Criminal Code of the Republic of Tajikistan (smuggling) in the first part of the article for the transfer of goods or other objects in large quantities through the customs border-imprisonment for up to five years;

according to the second part (the transfer of strategic raw materials and artistic, historical, archaeological and other cultural assets from the customs border), property was confiscated or not, and imprisonment for eight to twelve years;

according to the third part (repeatedly, if a violation of the customs border is carried out by an official using his service duties, by force on a person carrying out customs control), with a deprivation of a certain right for up to five years, property is confiscated or not, imprisonment from ten to fifteen years;

according to the fourth part (if committed by an organized group), with up to five years of deprivation of a certain right, property is confiscated and punishable by fifteen to twenty years of imprisonment. In this case, it is established that the price of goods or other objects illegally transferred from the customs border is a thousand times the minimum monthly wage[12].

From the above, we can see that in most international States, in the Prevention of illegal turnover of cultural values (illegal importation and removal, abduction), issues of responsibility are established by individual articles in administrative and criminal law in relation to persons who committed this violation, which in turn arises from the need to protect the economic interests of those states.

In practice, the creative activity of a person becomes a commodity, responsibility for its illegal act is assigned to the Customs Service.

Proposals for new norms that are being introduced into the national legislative system in preventing the illegal circulation of material and cultural property through the customs borders of our country serve as an important factor in the protection and transmission of cultural property in our country to future generations.

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