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## **THE GENERAL CONCEPT OF THE LEGALIZATION OF REVENUE RECEIVED FROM CRIMINAL ACTIVITIES**

*Abstract.* In the course of the study, various approaches to the definition of the concept of legalization of proceeds from crime were analyzed. The author identified gaps in the conceptual apparatus devoted to this issue on the example of the Republic of Uzbekistan. The article contains substantiated recommendations for improving the norms of criminal legislation.

*Keywords:* criminal law, responsibility, legalization of income, crime, doctrine

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## **ОБЩЕГО ПОНЯТИЯ ЛЕГАЛИЗАЦИИ ДОХОДОВ, ПОЛУЧЕННЫХ ОТ ПРЕСТУПНОЙ ДЕЯТЕЛЬНОСТИ**

*Аннотация.* В ходе исследования были проанализированы различные подходы к определению понятия легализации доходов, полученных от преступной деятельности. Автором выявлены пробелы в понятийном аппарате, посвященном данной проблематике на примере Республики Узбекистан. Статья содержит обоснованные рекомендации по совершенствованию норм уголовного законодательства.

*Ключевые слова:* уголовное право, ответственность, легализация доходов, преступление, доктрина.

To date, the legalization of revenue received from criminal activities is considered an international crime<sup>1</sup>.

Legalization of criminal revenue is a complex systemic phenomenon that must be countered with an adequate state strategy. The concept of improving the criminal and criminal procedure legislation of the Republic of Uzbekistan of May 14, 2018 set exactly this task to the state institutions.

In accordance with the document, it is necessary to conduct an inventory of criminal legislation for its unification and bringing it into alignment with advanced international standards and foreign practices, including transnational crimes, to which the legalization of criminal revenue belongs<sup>2</sup>.

Since the adoption of the Law of the Republic of Uzbekistan "On countering the legalization of revenue received from criminal activities, the financing of terrorism and the financing of the proliferation of weapons of mass destruction" dated August 26, 2004,<sup>3</sup> a state system for countering the legalization of criminal revenue has been systematically created in the country, which is aimed to meet modern international standards.

The law defines this crime as follows: "legalization of revenue received from criminal activity is a criminally punishable socially dangerous act, that is a transfer, conversion, or exchange of property, which has been obtained in result of criminal activities, as well as nondisclosure or concealment of original nature, source, location, way of disposal, movement, genuine rights in relation to the property or ownership thereof in the instance if such property has been obtained as a result of criminal activities".

Under the Article 243 of the Criminal Code of the Republic of Uzbekistan<sup>4</sup>, legalization of revenue received from criminal activities is a transfer, conversion,

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<sup>1</sup>Karimov Kh., Liability for the legalization of revenue received from criminal activities: a comparative legal analysis // Bulletin of the Academy of the General Prosecutor's Office of the Republic of Uzbekistan - No. 2 (34): 2018, –p.52

<sup>2</sup> The concept of improving the criminal and criminal procedure legislation of the Republic of Uzbekistan. Mode of access: <http://lex.uz/docs/3734183>

<sup>3</sup> Law of the Republic of Uzbekistan "On International Treaties of the Republic of Uzbekistan". Mode of access: <http://lex.uz/docs/4193763>

<sup>4</sup> Criminal Code of the Republic of Uzbekistan. Mode of access: <http://lex.uz/acts/111457>

or exchange of property, which has been obtained in result of criminal activities, as well as nondisclosure or concealment of original nature, source, location, way of disposal, movement, genuine rights in relation to the property or ownership thereof in the instance if such property has been obtained as a result of criminal activities.

The resolution of Plenum of the Supreme court "On some issues of judicial practice in cases on legalization of revenue received from criminal activities" of 11 February 2011<sup>5</sup>, states that under the term legalization of criminal revenue, guilt of giving a legitimate view to the origin of the property obtained through criminal activities should be understood. In this instance, any property provided for in the Article 169 of the Civil Code may be considered as an object of ownership<sup>6</sup>.

As a rule, giving a legal appearance to the origin of such property is committed during the financial transactions and other transactions with money or other property<sup>7</sup>.

The concept of "legalization" is defined by studying the method of committing an act and its purpose.

In legal science, there are ideas that the "laundering" of revenue is inherent in an integral feature – the goal is to create the appearance of legality of obviously criminal income<sup>8</sup>. We fully support this judgment.

In modern history, the term "money laundering" was first used in the late twentieth century in the United States of America in relation to the proceeds of drug trafficking<sup>9</sup>.

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<sup>5</sup> Resolution of the Plenum of the Supreme Court "On certain issues of judicial practice in cases of legalization of revenue received from criminal activities" dated February 11, 2011. # - 1 Access mode: <http://lex.uz/docs/1766551>

<sup>6</sup> Civil Code of the Republic of Uzbekistan. Mode of access: <http://www.lex.uz/acts/111181>

<sup>7</sup>Tulyaganova G., Khidoyatov B. Description of legalization of criminal revenue// Proceedings of the Scientific-Practical Conference of the Republic on the legal aspects of combating corruption and legalization of revenue received from criminal activities. -T., 2019. p.30 Collection of materials of the Scientific and Practical Conference of the Republic on the topic "Legal aspects of combating corruption and legalization of revenue received from criminal activities. - T. 2019. - p. 30 )

<sup>8</sup> Larichev, V. D. Improvement of legislation on combating the legalization of revenue received from criminal activities // State and law. – 2003. - No. 2. - p. 100.

<sup>9</sup> Oswald K. Die Implementation gesetzlicher Massnahmen zur Bekämpfung der Geldwasche in der Bundesrepublik Deutschland. Freiburg i.Br.,Max-Planck Institut für ausländisches und internationales Strafrecht. 1997, S. 6 ( Oswald K. Implementation of legal measures against money laundering in the Federal Republic of Germany Freiburg I.B., Institute of Foreign Public and International Law. Max Planck. 1997, p. 6.)

In international law, the definition of legalization (laundering) of the revenue from criminal activities was given in the Article 3 of the UN Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 19, 1988<sup>10</sup>.

The Vienna Convention of the United Nations of 1988 recognized the "laundering" of money obtained from drug trafficking as a crime.

Thus, the revenue received from criminal activities can be used for the following purposes:

- 1) covering current expenses of criminals;
- 2) accumulation;
- 3) development of criminal activity;
- 4) investment in the legal economy.

Taking into account these facts, all this leads to the transformation of legalization into a highly profitable and effective criminal production<sup>11</sup>.

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<sup>11</sup> Korchagin O. N., Kolesnikov K. A. Organization of counteraction to legalization (laundering) of revenue received from criminal activities, including from drug trafficking / Under the editorship of I. I. Batyrshin; Textbook. - M., 2013. - p. 19

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