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FUNDAMENTALS OF CRIMINALIZATION OF ACTS RELATED TO THE ILLEGAL REMOVAL AND IMPORTATION OF CULTURAL PROPERTY FROM THE REPUBLIC OF UZBEKISTAN

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ABSTRACT

The article is devoted to improving the criminal justice protection of cultural property, considered the national wealth of the Republic of Uzbekistan, which explores the current state of crimes committed against cultural property, in particular their forgery, illegal possession and illegal transfer from the border of the Republic, the system of regulatory legal acts regulating social relations protecting cultural property. A comparative analysis of the Criminal Legislation of foreign countries, in which the responsibility for the illegal transfer of objects of cultural heritage from the border of the Republic is established. As a result of the analysis, the Criminal Code of the Republic of Uzbekistan proposed to establish criminal liability in a special norm for the illegal transfer of cultural property from the border of the Republic.

KEYWORDS

Cultural assets, objects of cultural heritage, criminal liability, customs control, state border, differentiation, social relations.

INTRODUCTION

Uzbekistan is famous as a country with a rich historical, cultural and natural heritage, a colorful nature. As a multi-ethnic society located on the Great Silk Road, culture has been here for centuries flourished. Moreover, for Uzbekistan, cultural heritage is a national source of identity and pride, the protection and promotion of which is in the attention of our state.

According to the cultural heritage agency of the Republic of Uzbekistan, the number of registered places of interest is 532, monumental art monuments – 678, architectural monuments – 2,252, real estate objects of material cultural heritage – 8,210, archaeological monuments – 4,748 [1]. These figures,

of course, can not be conclusive, but grow as new cultural assets are identified as a result of research and research carried out by experts in the field.

During the video selector meeting held by the President of the Republic of Uzbekistan Sh.M. Mirziyoev on expanding the scope of tourism services and developing its infrastructure, it was noted that more than 3,000 rare and unique cultural treasures were looted in 14 museums across the republic, including a total of 31.5 billion soums in the Bukhara State Museum. He noted that 81 cultural treasures were replaced by fakes, that a total of 101 museum objects in the "Ichon-Qal'a" state museum fund were not authentic, and that the amount of damage caused to cultural heritage objects in 30 years exceeded 4 trillion soums [2].

Legal protection of cultural property in the Republic of Uzbekistan is carried out on the basis of the following regulatory legal acts:

By the decision of the Oliy Majlis of the Republic of Uzbekistan No. 180-I of December 22, 1995 "On Accession to the Convention on the Protection of Cultural Property in the Event of Armed Conflict signed in 1954", the Convention on the Protection of Cultural Property in the Event of Armed Conflict of 1954 was joined based on [3];

By the decision of the President of the Republic of Uzbekistan No. PP-1385 dated August 5, 2010 "On the approval of international agreements", the "Agreement of the Commonwealth of Independent States on Combating the Looting of Cultural Values and Ensuring Their Return" dated October 5, 2007 was approved [4].

It is worth noting that the protection of cultural assets and their circulation in the Republic of Uzbekistan is governed by the Law of the Republic of Uzbekistan No.

269-II dated August 30, 2001 "On the Protection and Use of Cultural Heritage Objects", the Law of the Republic of Uzbekistan dated August 29, 1998 "Export and Import of Cultural Assets" on" is regulated by Law No. 678-I.

Under Section 8 of the cultural property importation and Importation Act:

- cultural features created fifty years ago and even earlier;
- cultural features included in state conservation lists and registers;
- it is forbidden to remove cultural property from the Republic of Uzbekistan, which is permanently stored in museums, information and library institutions, archives, departmental archives and other warehouses.

30 August 2001" on the protection and use of cultural heritage sites " of the Republic of Uzbekistan

Law of the Republic of Uzbekistan dated August 30, 2001 "On the protection and use of cultural heritage objects"

According to Article 36 of the Law No. 269-II, it is established that the persons guilty of violating the legislation on the protection and use of cultural heritage objects shall be liable in the prescribed manner, while the Law 678-I of the Republic of Uzbekistan dated August 29, 1998 "On the export and import of cultural assets" According to Article 23 of Law no.

Today, the responsibility for actions related to the illegal removal of objects of material and cultural heritage from the Republic of Uzbekistan, non-return to the territory of the Republic of Uzbekistan is assessed as a violation of customs rules and is duly

resolved by the code of administrative responsibility or the Criminal Code.

To date, by F.F. Abdukodirov's "P.132 1. Expressed in filling with a separate norm determining liability for" unlawful possession of monuments or documents of historical, scientific, artistic or other cultural value" [5] or T.X.Khasanov's new "article 169 1. Proposals expressed in establishing responsibility for the" unlawful possession of objects of special value" have been made, and it has been put forward that the encroachments on social relations protecting objects of material and cultural heritage should be protected by a separate norm [6].

It is known that, like every industry, in improving any institution of criminal law, it is important to implement the positive experience of developed foreign countries into national legislation. Therefore, it is advisable to analyze what responsibility certain states that are members of the Commonwealth of independent states, where criminal law is similar, have been established in criminal law to illegally transfer cultural property from the state border.

226 of the Criminal Code of most CIS countries, in particular the Russian Federation [7], of the Criminal Code of the Republic of Ukraine

Article 215 [8], article 206 of the Criminal Code of the Republic of Azerbaijan [9], Article 248 of the Criminal Code of the Republic Of Moldova [10], Article 254 of the Criminal Code of Turkmenistan [11], of the Criminal Code of Armenia

Article 215 [12], Article 285 [13] of the Criminal Code of the Kyrgyz Republic defines the illegal removal of cultural property from the state border in violation of the established procedure as the subject of the crime of smuggling. This served to establish more severe criminal liability for the unlawful removal or

importation of material cultural heritage objects from the state border, in violation of the established order of the property from the state border.

Part 2 of Article 203 of the Criminal Code of the Republic of Kazakhstan, which provides for the responsibility for "the destruction, injury and transfer of objects of special value", establishes liability in a separate norm for the unlawful removal of cultural property and objects of national cultural heritage outside the territory of the Republic [14].

Article 173 of the Criminal Code of the Republic of Uzbekistan stipulates responsibility for the intentional destruction of property, while Article 132 of the Criminal Code stipulates responsibility for the destruction, destruction or damage to objects of material cultural heritage. It can be seen that in our national criminal law, responsibility for destruction, destruction or damage to objects of material cultural heritage is distinguished from responsibility for intentional destruction of property [15].

In our opinion, the main direct object of actions related to the illegal removal of material assets from the Republic of Uzbekistan should be considered not social relations providing normal customs activities, but social relations protecting material cultural assets.

Based on the above, it is proposed to supplement the Criminal Code of the Republic of Uzbekistan with a new article of the following content:

" Article 1821. Illegal transfer of material and cultural assets across the customs border of the Republic of Uzbekistan"

The transfer of material and cultural assets from the customs border of the Republic of Uzbekistan using documents made by deception or without a permit, without a declaration or written in another name, using

a declaration, avoiding customs control or hiding from customs control or resembling customs documents or tools,

- punishable by imprisonment for five to ten years.”

Taking into account this proposal will serve to strengthen the criminal law protection of material and cultural heritage objects in the future, to establish proper criminal liability for socially dangerous acts related to the transfer of material and cultural heritage objects through the customs border, bypassing customs control or hiding from customs control or using documents made to resemble customs documents or tools by deception or without a permit,

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