



CONTROLLED DELIVERY: AN EFFECTIVE TOOL AGAINST CRIME

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<https://doi.org/10.5281/zenodo.14709374>

ABSTRACT

This article presents the legal foundations, conditions, types, and methods of controlled delivery as an operational-search measure, closely examining the opinions of foreign and local scholars, and offers a number of thoughts and considerations.

Keywords: controlled delivery, operational-search activity, operational-search measure, internal, external and transit, courier.

Law enforcement agencies are always seeking effective and innovative methods to combat crime. One such method is controlled delivery. This approach is widely used in identifying modern criminal networks, especially crimes related to drug trafficking, arms trafficking, and smuggling. This article analyzes the essence of controlled delivery, its legal basis, and its effectiveness.

According to Article 3 of the Law of the Republic of Uzbekistan "On Operational-Search Activity," "Operational-search activity is a type of activity carried out by operational units of state bodies specially authorized by this law through the conduct of operational-search measures." In other words, the tasks of operational-search activities are primarily accomplished through the implementation of operational-search measures. Operational-search measures are a system of coordinated actions aimed at achieving specific tactical goals. Until recently, operational-search measures were disguised under the term "operational-search actions" and were regulated by classified departmental documents of the bodies carrying out these activities.[1]

Since operational-search measures are considered one of the most important components of this activity, defining this concept is of significant theoretical and practical importance for operational-search activities as a whole. It would not be an exaggeration to say that one of its serious shortcomings is that this concept is not defined in the Law "On Operational-Search Activities." Based on the requirements of operational-search activity legislation, the concept of an operational-search measure can be expressed as follows:

An operational-search measure is an integral part of operational-search activity, comprising a set of coordinated actions aimed at accomplishing the tasks of the activity through a combination of overt and covert methods and means, carried out by the subjects of the activity according to the grounds and conditions established by law.[1]

Uzbek scientist Vakhobjon Karimov stated that the purpose of conducting an operational search event is to ensure the security of society and the state, identify, prevent and solve crimes, solve operational and tactical tasks related to the search for hidden criminals and missing persons.[1]

Article 4 of the Law of the Republic of Uzbekistan "On Operational-Search Activities" sets forth the task of "preventing, detecting, suppressing and solving crimes, as well as identifying and searching for persons involved in the preparation and commission of crimes," and provides for the implementation of operational-search activities by subjects specified in Article 10.

The effective and effective use of operational-search measures by operational units is of paramount importance in the implementation of these tasks. In particular, operational-search activities of operational units play an important role in identifying modern criminal networks, especially crimes related to drug trafficking, arms trafficking, and smuggling.

Article 14 of the Law "On Operational-Search Activities" defines an operational-search event as "an event consisting of undisclosed control over the transportation (transportation, shipment, delivery) of goods, currency values, substances and other items that are prohibited from free sale or have limited circulation, or are the object, subject, and weapon of a crime, in order to solve the tasks of operational-search activities."

A controlled delivery (COD) is a special method used by law enforcement agencies to track the legal or illegal movement of goods, identify criminal networks, and seize all its participants.

The purpose of this operational-search event is to identify the organizers and customers of the handling of objects prohibited for free circulation, places of their illegal production, access channels, senders, carriers and receivers, officials patronizing the illegal handling of controlled objects and items, and to stop their activities, as well as to document the criminal actions of those who illegally handle these objects and items.

The objects of the event are objects and items that are prohibited for free circulation (narcotic substances, firearms, ammunition, precious stones and metals, etc.), objects and items obtained by criminal means or containing traces of a crime, weapons, means of committing a crime (money, documents, weapons, etc.). The subjects of this event are employees of the activities and other law enforcement agencies.

The objectives of a supervised delivery event are: a) to identify channels for the shipment of prohibited items and items; b) to identify their senders and recipients; c) to identify individuals who are committing or committing crimes with items under control; d) to identify locations for the illegal manufacture of prohibited items, substances, and items; e) to identify corrupt law enforcement and regulatory officials who create conditions for the illegal circulation of prohibited items; f) to collect evidence by fully documenting criminal activity, etc.[2]

In this process, law enforcement agencies temporarily allow the transportation of illegal goods, but monitor every step and prevent them from falling into the hands of criminals. The main goal is to reach high-level participants in the criminal network.

This measure is an effective legal mechanism in the fight against illicit trafficking. Products withdrawn from circulation in our republic include various materials used in the manufacture of weapons, counterfeit money, orders, counterfeit documents, weapons, poisonous substances, and other materials. Conducting this operational-search event involves the controlled movement of objects or documents in order to obtain the necessary information under the supervision of law enforcement officers. To achieve this, it is necessary to combine the efforts of state bodies, organizations, and citizens who provide both secret and direct assistance in its implementation.

It is necessary to know the basics of conducting a controlled delivery operational-search event, how many types it is divided into, and how it is carried out, and we will analyze our own research, as well as the opinions of a number of foreign and domestic scientists in this regard.

Article 15 of the Law of the Republic of Uzbekistan "On Operational-Search Activities" provides grounds for conducting an operational-search event, while Article 16 sets out the conditions for conducting it.

Specifically, Article 16 states that supervised delivery within the Republic of Uzbekistan is carried out on the basis of a decision approved by the head of the body carrying out operational-search activities in agreement with the prosecutor, but we see that this event, which is held on an international scale, is not covered in the law.

In this regard, the legal basis is the Vienna Convention on Combating Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 1988, the Schengen Convention of 1990, and the agreements "On Cooperation of States in Combating Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Their Prerequisites," signed in Minsk on November 30, 2000, within the framework of the CIS.

When using controlled deliveries, channels for the arrival of goods prohibited from circulation in the territory of our republic will be established. In this way, the sender, the recipient, and the persons who committed the crime using them are identified. As a distinctive feature of this event, special conditions are being created for the identification and recording of evidence of criminal activity through data analysis.

To apply supervised delivery, the following is required:

official decision issued by the authorized body on the holding of the event;

the absence of barriers by law enforcement agencies both domestically and internationally;

the availability of sufficient time and logistical support to perform all necessary actions.[2]

Russian scientist D.L. Kharevich[1] believes that there are two types of supervised delivery, internal and external, the first of which is carried out on the territory of a state, city or district with the characteristic of internal movement between subjects, and the second on the territory of two or more states.

There are different types of controlled deliveries: domestic ones that are carried out within one country and external ones that are carried out within the territory of several countries in accordance with international documents. Transit controlled deliveries involving the movement of prohibited goods are a rare occurrence.[1]

According to Uzbek scientist V. Karimov, the event is divided into three types depending on the location of the initial and final destination of the object:

a) domestic - on the territory of the Republic of Uzbekistan;

b) external - carried out on the territory of foreign states in accordance with international treaties and agreements;

c) transit - passing through the territory of the Republic of Uzbekistan on the initiative of law enforcement agencies of foreign states and international law enforcement organizations.

Controlled delivery of items through the customs border of the Republic of Uzbekistan, which is allowed (import, export, transit), is carried out in compliance with the requirements

of customs legislation and on the basis of international treaties of the Republic of Uzbekistan.[2]

Based on the above, we can study this operational-search activity by dividing it into 3 types, including internal, external, and transit.

Internal - committed within the Republic of Uzbekistan and subject to undisclosed control in order to solve the tasks of operational-search activities.

illegal items originating in the Republic of Uzbekistan and transported across the customs border of the Republic of Uzbekistan to the territory of another state are subject to undisclosed control in order to solve the tasks of operational-search activities.

transit is an undisclosed control that begins on the territory of another country and is carried out on the basis of international agreements and generally accepted norms in order to solve the tasks of operational-search activities by transferring them from the customs posts of the Republic of Uzbekistan to another country.

Russian scientist M.I. Pilyskin noted in his comments that there are both observed and unobserved types of controlled deliveries, that the choice of these transfer methods we are considering depends on the strategy chosen by a specially authorized person in relation to the observed movement actor, and that the choice must depend on the quantitative and qualitative indicators transferred from item A to item B of items withdrawn from free circulation.[3]

Uzbek scholar V. Karimov[4] notes that items taken under control are carried out using a courier, in a cargo state (container, luggage, etc.) or by sending by mail.

When transporting objects under control using a courier, the control of such an object is carried out through the direct observation of the courier using various technical means and devices. When control objects move in a loaded state, criminals may use various vehicles (railway, air, water, and automobile) as officially unlicensed cargo. The movement of the controlled object can be observed using various technical devices (physical or electronic). Since controlling the movement of controlled items through postal items is related to the restriction of the constitutional rights of citizens, this event is carried out in cooperation with the relevant services of the bodies carrying out other activities on the basis of the sanction of the supervising prosecutor. During the event, such shipments can be opened, registered, and samples for comparative checks can be obtained.[5]

Based on the above, it is very important to conduct another event in the controlled delivery of postal items. The operational-search measure "control of postal, courier and telegraph messages" provided for in Article 14 of the Law is the most effective measure in carrying out the aforementioned actions.

It should not be forgotten that supervised delivery is a complex of operational-search activities, and during the process, there may be a need to use other operational-search activities, including the aforementioned one.

Only the main condition for conducting an operational-search event "control of postal, courier and telegraphic messages" is that human rights, freedoms and legitimate interests are not violated and are carried out on the basis of a court sanction in the absence of the possibility of obtaining authentic information in other ways to ensure the protection of the interests of the individual, society and the state from criminal encroachments.

The fact that some problems are observed in the implementation of this operational search event does not allow for the effective use of this event, including:

1. The lack of proper interaction between the industry service and other law enforcement agencies in the internal type of implementation of controlled deliveries is an obstacle to the effective implementation of the event;

2. The lack of experience, and in some cases, practical knowledge among employees engaged in supervised delivery, also appears to be one of the problems. Because the procedural incorrect execution of documentation in the activities carried out by employees in some cases prevents us from using it as evidence in the process of proving the guilt of criminal persons in the future. Or else, their lack of practical experience in monitoring the object will lead to the disappearance of these objects and lead to the sale of illegal substances and items;

3. Although the sectoral service employees should partially carry out operational-search activities, there are no obstacles to the implementation of these actions by them, thereby revealing the illegal actions of criminal groups, and there are no obstacles to the transportation, transfer, and transfer of illegal items.

Based on the above, we present our proposals below:

1. Develop a mechanism for collaboration between specialized services in implementing operational-search activities for controlled delivery under internal supervision;

2. To address this gap, it appears necessary to improve staff qualifications, for example, through training in professional development courses or by sending personnel from small and remote towns and districts on business trips to large cities and districts. For this reason, entities engaged in operational-search activities will need to strengthen cooperation measures and regularly organize professional development courses.

3. It is considered effective to develop an algorithm for the actions of specialized service personnel in partially implementing operational-search activities under supervision, thereby establishing the activities of other specialized services to put an end to these illegal actions.

In conclusion, it should be emphasized that supervised delivery is an effective method of combating crime, and its application is yielding positive results worldwide. This method allows for the apprehension of not only couriers but also high-level participants in criminal networks. This is crucial for ensuring the security of society.

References:

1. <https://proacademy.uz/postfiles/books/iv/qh/index.html>
2. https://elibrary.ru/download/elibrary_68591961_67749307.pdf
3. Хареви́ч Д.Л. О совершенствовании норм, регулирующих проведение международной контролируемой поставки. Правоохранительная деятельность органов внутренних дел в контексте современных научных исследований. Материалы международной научно-практической конференции, 2019. С. 450.
4. Пилякин М.И. Контролируемая поставка — нравственные и морально этические аспекты // Актуальные проблемы формирования профессиональной компетентности и культуры сотрудников правоохранительных органов. 2017. С. 317.
5. <https://proacademy.uz/postfiles/books/iv/qh/index.html>
6. <https://proacademy.uz/postfiles/books/iv/qh/index.html>
7. Файзуллаев, Д.. (2024). Ёшлар томонидан ахборот технологияларидан фойдаланиб гиёхвандлик воситалари ва психотроп моддаларни ноқонуний ўтказиш жиноятларининг назарий тушунчалари!. Евразийский журнал права, финансов и

прикладных наук, 4(1), 171–177. извлечено от <https://www.in-academy.uz/index.php/EJLFAS/article/view/26623>

8.Орипов, Т.. (2023). Хуқуқбузарликлар профилактикасида фуқаролар иштирокининг аҳамияти. Евразийский журнал права, финансов и прикладных наук, 3(6), 225–229. извлечено от <https://www.in-academy.uz/index.php/EJLFAS/article/view/18296>

9.Орипов Т. Хуқуқбузарликлар профилактикаси фаолиятини тубдан такомиллаштиришга қаратилган ислохотлар: янги босқич самараси //Академические исследования в современной науке. – 2023. – Т. 2. – №. 18. – С. 44-49.

10.Kurbanov D., Zaripov B. P. lingua-cultural and lingua-poetic features of limited layer words used in utkir hoshimovs novel “ikki eshik orasi” //Theoretical & Applied Science. – 2021. – №. 7. – С. 6-9.

11.Surayyo M. Traditions of Uzbek Mentality in Artistic Works and Their Interpretation as Linguculturological Objects //Open Access Repository. – 2022. – Т. 9. – №. 04. – С. 138-141.

12.kizi Polatova S.B. Extralinguistic units of influence occurring in the process of communication //current research journal of philological sciences. – 2022. – Т. 3. – №. 08. – С. 26-30.