



Main Areas Of Improvement Operational-Search Activities In The Customs Authorities

Ilyin Vyacheslav
Mikhailovich

Associate Professor of the Department of Special Legal Disciplines
of the Customs Institute

ABSTRACT

The article is devoted to the role of operational-investigative activities in the customs authorities in identifying and suppressing crimes in the field of customs activities, as well as issues of the effective ways of its organization.

Keywords:

Operational-investigative activity, customs crimes, crimes in the field of customs activities, operational departments of customs authorities

Introduction

Participating in the implementation of the economic policy of the state, the customs authorities of the Republic of Uzbekistan ensure the protection of the national interests and economic security of the state within the limits of their competence. The current stage in the development of customs authorities is characterized by a comprehensive strengthening of their powers and an increase in the responsibility of the Customs Committee to the Government and the President of the Republic of Uzbekistan as a body performing the most important economic and law enforcement functions in the state. A special role in this direction is played by the use by the customs authorities of our republic of operational-search activities (OIA) in order to identify, prevent, suppress and investigate crimes within their competence.

In his speech at the inauguration ceremony, the newly elected President of Uzbekistan Shavkat Mirziyoyev emphasized: "The era of globalization and fierce competition, rapidly

changing life pose urgent, extremely important and relevant tasks for us." 1] In connection with this, the counteraction to crimes related to the violation of customs legislation acquires special significance. Contraband items such as narcotic drugs, psychotropic substances and their precursors, weapons, ammunition, substances, the movement of which across the customs border of our republic is prohibited, can be hidden from customs control, including with the use of caches, in consumer goods. This means that the control of the flow of goods needs to be strengthened and operational means to be used to carry out tasks to identify signs of smuggling crimes. Also, in modern conditions, combating crimes related to evasion of customs payments is of particular importance. Counteraction to these crimes is largely determined by the variety of types of customs duties, taxes and fees, methods of their calculation and payment, as well as a complex procedure for their legal regulation, which allows unscrupulous participants in foreign economic activity to use these factors to carry out illegal activities.

Practice shows that evasion of customs payments is carried out, as a rule, by false declaration and non-declaration of goods or other actions aimed at unlawful exemption from payment of customs duties or their understatement.

The Decree of the President of the Republic of Uzbekistan "On additional measures to further improve customs administration" adopted in 2022 establishes that in order to raise customs administration to a new stage, sharply reduce the human factor through the digital transformation of customs and cargo operations, transform the customs sphere into a corruption-free system, based on the principles of openness, transparency and reliability require improvement of customs administration and simplification of customs procedures. [2] In this regard, it can be stated that the customs policy of the Republic of Uzbekistan is aimed at minimizing the interference of customs authorities in foreign trade processes, accelerating and simplifying customs control procedures, which in a number of cases creates favorable conditions for unscrupulous participants in foreign economic activity to evade customs payments by manipulating the procedure for applying customs procedures. Counteraction to illegal activities related to evasion of customs payments using various customs procedures is not particularly difficult if the customs authorities correctly apply a system of measures, including forms of customs control and the implementation of ODA.

Commentary on the literature on the topic

On the basis of the foregoing, it is possible to formulate a certain formulation to the concept of ODA of customs authorities, i.e., *Operational-search activity of customs authorities is a type of customs activity with specific regularities and a scientific basis, carried out with the use of special operational-search forces, means and methods in order to obtain information on threats to the economic security of the Republic of Uzbekistan in the customs sphere and protection from criminal encroachments society and the state, as well as the legitimate interests of persons moving goods across the customs border.* The essence of the operational-search activity of the customs

authorities is fiscal and is aimed at obtaining information about the violation of customs legislation in the field of customs, including foreign economic activity, as well as identifying the facts of smuggling using special operational-search forces, means and methods. The main purpose of the operational-search activities, when detecting violations of customs legislation, first of all, will be the extraction of information on events or actions that pose a threat to the economic security of the Republic of Uzbekistan.

However, in addition to positive assessments, this definition also has debatable moments. *Firstly*, the definition uses the word "procurement", which is still rarely used in the legal literature. Obtaining is not the usual collection of information, but the conduct of a set of predominantly covert operational-search activities aimed at obtaining data that does not lie on the surface, but is deeply conspiratorial and requires overcoming the efforts of the opposing side. From this it follows that with the help of operational-search measures Information can not only be obtained, but also collected. In this regard, it would be wrong to consider only the acquisition of information as a distinctive feature of operational-search activities.

Secondly, the inclusion in the list of features of operational-search measures their focus on obtaining "factual data included in the subject of research on a specific case of operational-search proceedings or primary materials" artificially narrows the scope of the concept. In the course of operational-search activities, information may be collected not only about specific events and facts, but also about other information, for example, about the nature, habits or intentions of the person being checked. In addition, It is hardly appropriate to speak of evidence gathering in activities such as identification or the collection of samples for comparative research.

I would also like to note that in the process of carrying out operational-search activities, there is an accumulation of various incidental information that is initially not related to the events or actions under investigation, but in the process of its comparison, it is possible to obtain

new data, reasonable assumptions, conclusions, put forward versions that require verification, and, accordingly, additional operational-search measures. [3] In these cases, the conduct of operational-search measures is always justified. Information as grounds for conducting operational-search measures is news, messages or other information, as a result of which knowledge, idea, assumption about events, actions, persons and facts of operational interest have been formed. Such information is the basis for conducting operational-search activities only in cases where it has become known to the bodies carrying out operational-search activities, as well as provided that it contains relevant information about persons, signs, events or actions specified in Article 15 of the Law "On Operational-Search Activities". [4] Interdepartmental cooperation of law enforcement agencies within our state is of no small importance in the disclosure and suppression of violations of customs legislation. The Law of the Republic of Uzbekistan "On the State Customs Service" stipulates that the customs authorities, in the performance of the tasks assigned to them, interact with state bodies and other organizations, civil society institutions and citizens. State bodies and other organizations within their The competences are obliged to assist the customs authorities in the implementation of their activities, as well as in countering violations of customs legislation.[5] In the course of fulfilling the assigned tasks and performing their functions, the state customs authorities constantly interact with other law enforcement agencies of the Republic of Uzbekistan. Clarity and coherence in their interaction also determine the level of performance of these tasks and functions by the bodies.

Thus, the main elements of the system of operational-search measures to combat crimes in the field of customs can be distinguished as follows:

- analysis of the operational situation, including in cooperation with cooperating law enforcement agencies;
- stable interaction and regular exchange of operational information on imminent and

committed illegal actions with other law enforcement agencies;

- development, together with other law enforcement agencies, of operational-search and other measures to identify, prevent, suppress and investigate crimes in the field of customs;
 - development of a system of signs indicating the preparation of criminal activities in the field of customs;
 - deployment and training of operational forces and means for the purpose of timely detection of crimes in the field of customs affairs and their signs;
 - direct search for signs and facts of criminal activity in the field of customs, as well as persons committing, having committed and nurturing the intention to commit these crimes.
- When organizing operational-search activities, it is advisable to take into account not only the peculiarities of the operational situation in a particular area of operational services, but also the ways in which offenders use illegal schemes, which will make it possible to organize the receipt of proactive operational information about the signs and facts of illegal activity, as well as, if necessary, to adjust the arrangement of operational forces and means.

As part of the improvement and development of the fight against violations of customs legislation, it is necessary to carry out a lot of work in terms of unification of documents defining, for example, narcotic drugs; psychotropic substances, potent and poisonous substances and other items withdrawn from civil circulation or in respect of which special rules of movement have been established.

The fight against violations of customs legislation, as well as their prevention, detection, suppression and disclosure, elimination of the causes and conditions that contribute to the commission, necessarily presupposes the coordination of the actions of the use of forces and means of customs authorities with other law enforcement agencies and international organizations. Coordination of the actions of law enforcement agencies is understood as coordination in terms of purpose, time, place, and executors

and the program of activities of these bodies in the fight against violations of customs legislation. [6] In other words, coordination is the concentration of personnel and resources in the main direction. This means that each body, within the limits of its competence, acts with its inherent techniques and methods in a single direction to achieve the set goal simultaneously with the others in accordance with the developed program or plan of coordinated measures to combat violations of customs legislation. Only in this case can positive results be obtained in the activities of law enforcement agencies in the fight against violations of customs legislation.

The objectives of coordination in the field of combating violations of customs legislation are:

- 1) intensification of the activity of law enforcement agencies in the fight against violations of customs legislation, ensuring its offensive nature and greater purposefulness;
- 2) uniting the efforts of law enforcement agencies and eliminating their disunity in the fight against violations of customs legislation;
- 3) elimination of parallelism in the activities of law enforcement agencies on the prevention of crimes in the field of customs and ensuring its specificity.

On the basis of the solution of these tasks, the effectiveness of the coordinated activities of law enforcement agencies in the fight against violations of customs legislation should be increased and the achievement of the main goal of coordination should be ensured.

Taking into account the above, it is intended to ensure the completeness and continuity of the process of detection, prevention and suppression of violations of customs legislation at the place and time and to increase the efficiency of the activities of customs authorities.

Analysis & Results

Thus, the following conclusions can be drawn:

1. In the context of decriminalization of the movement of goods across the customs border, obtaining operational information on illegal activities in the field of customs affairs and its signs remains relevant, since in almost all cases there is an element of illegal reduction or evasion of customs payments, as well as illegal

movement of goods across the customs border. In view of the above, control over the flow of goods should be strengthened, and operational means should be focused on performing specialized tasks related to identifying signs of crimes of illegal movement of goods and smuggling.

2. When organizing the ODA, it is expedient to take into account not only the peculiarities of the operational situation in a particular area of activity of the operational subdivisions of the customs body, but also the ways in which offenders use illegal schemes, which will allow organizing the receipt of proactive operational information on the signs and facts of illegal activity, as well as, if necessary, adjusting the arrangement of operational forces and means. It is expedient to form the arrangement of operational forces and means of the operational unit of the customs body on the basis of the developed optimal arrangement and a long-term plan for their improvement.

3. In order to increase the efficiency of operational subdivisions of customs bodies in counteracting violations of customs legislation, it is expedient to use a system of operational-search measures, the main elements of which are:

- analysis of the operational situation, including in cooperation with the interacting bodies of the State Security Service, the Ministry of Internal Affairs and other law enforcement agencies;
- development of a system of signs indicating the preparation or presence of criminal activities in the field of customs, the use of the Risk Management System (RMS);
- deployment and training of operational forces and means for the purpose of timely detection of violations of customs legislation and their signs;
- direct search for signs and facts of criminal activity in the field of customs, as well as persons committing, having committed and instilling the intention to commit these crimes;
- implementation of measures to check the reliability of the developed system of measures to combat violations of customs legislation.

The proposed system of operational-search measures is able to ensure the completeness and continuity in the place and time of the process of detection, prevention and

suppression of crimes in the field of customs affairs related to the competence of customs authorities, and is intended to increase the efficiency of their activities.

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