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ANALYSIS OF INTERNATIONAL STANDARDS FOR THE INVESTIGATION OF MONEY LAUNDERING CRIMES

Kudratillayev Xazratali Zokirjon o‘g‘li
Lecturer at Tashkent state university of law
e-mail: qudratillayev.xazratali@gmail.com

Annotation. The relevance and importance of the issues studied in the article are determined by the importance of eliminating legal contradictions that complicate the implementation of tasks by the competent law enforcement agencies of various states related to the detection of transnational and (or) international crimes, the identification of funds and other property obtained from such illegal activities, as well as their seizure and subsequent confiscation.
The article provides information on the author's analysis of the formed international relations, the novelty and relevance of which are of scientific and practical importance for the further improvement of international law.
Keywords: international cooperation, international treaties, conventions, directives, transnational crime, international crime, money laundering.

The rapid development of telecommunications systems, which allow for the almost instantaneous movement of funds in the form of financial information to any point in the world, poses a priority issue for the authorized bodies of the law enforcement system of the Republic of Uzbekistan to organize and primarily implement real measures aimed at combating the legalization of funds and property obtained from illegal activities.
When such financial resources enter the international banking system, their origin is hidden, which first of all complicates the processes of identifying their sources, and subsequently, in many cases, does not allow for a complete "calculation" of the total amount of "laundered" and legalized funds.
According to official statistical data provided by the United Nations Office on Drugs and Crime, the theoretically calculated amount of legalized funds in the world in an average year is from 2 to 5 percent of the world's gross domestic product. This includes an estimated amount of $0.8 trillion to $2 trillion [1].
Despite the considerable scope of such calculations, even the smallest value indicates that the global community is making a significant contribution to solving the problem and is prioritizing it, as these figures sometimes exceed the actual gross domestic product of many countries around the world.
According to the study "Ranking of countries and regions by gross domestic product" conducted by the World Bank Group, in the global ranking of 203 countries and regions of the world, only 17 of the countries studied by the gross domestic product indicator have an approved value of the economy higher than 0.8 trillion US dollars, only 8 and the gross domestic product indicators in the economy of each country exceed 2 trillion US dollars (the United States of America, China, Japan, Germany, India, Great Britain, France and Italy). The gross domestic product of the Russian economy is 1.7 trillion US dollars[2].

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The indicated cases confirm the seriousness and importance of the problem of money laundering by the international community. This problem is generally supported by the development of organized crime, arms, human and drug trafficking, as well as corruption, and it is recognized as a need to fight together.

To this end, a number of international legal instruments have been developed that establish the obligations of participating states in recognizing money laundering as a direct crime, preventing it, creating national tools for detecting and investigating crimes in this area, as well as organizing comprehensive international cooperation in this area. In particular, a direct understanding of the terms and obligations related to the legalization ("laundering") of proceeds from crime was first established at the international level in the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Vienna Convention)[3].

Article 1 of this international legal instrument contains definitions of proceeds, property and their confiscation, which are important for the definition of this type of crime as a crime. At the same time, Article 3 establishes that one of the measures to combat crimes related to illicit drug trafficking is to combat the legalization of criminal proceeds from this type of criminal activity. In addition, this article establishes for the first time liability for the commission of the above-mentioned offenses in the form of penalties such as imprisonment or other types of deprivation of liberty, fines and confiscation. These issues were later reflected in the Council of Europe Convention on Laundering, Identification, Seizure and Confiscation of the Proceeds of Crime, signed in Strasbourg in 1990 (hereinafter - the 1990 Strasbourg Convention). Its article 6, paragraph 1, defines the concepts of money laundering, generally similar to the 1988 Vienna Convention.

However, Article 6(2) of the 1990 Strasbourg Convention establishes new additional rules aimed at combating money laundering, which address a number of practical issues related to double punishment, investigation of crimes of an international nature and proof of guilt: "it is irrelevant whether the predicate offence falls within the criminal jurisdiction of a Party", "it may be assumed that the offences referred to in this paragraph do not apply to persons who have committed the predicate offence", and "the knowledge, intent or motive required as an element of the offence referred to in this paragraph may be inferred from objective factual circumstances". In turn, any offence that generates economic (financial or material) benefit and is subsequently intended to be "laundered" as an object of legalisation was defined as a "predicate offence" for the first time in the 1990 Strasbourg Convention.

In addition, Article 6, paragraph 3, of this international legal instrument provides that each State Party may take such measures as it deems necessary in each specific case, within the framework of its existing domestic law. These measures include the qualification of all or some of the conduct referred to in Article 6, paragraph 1, of the 1990 Strasbourg Convention as a criminal offence under its domestic law. This takes into account the fact that the offender was aware of the illegality of the proceeds and had the intention to commit the illegal act, that is, "he should have suspected that the property was the proceeds of crime", "he acted with the intention of obtaining a benefit", and "he acted with the intention of facilitating the continuation of criminal activity".

At the same time, in comparison with the 1988 Vienna Convention, which established the main directions of interstate activity to combat illicit drug trafficking, the 1990 Strasbourg Convention significantly expanded the range of predicate crimes leading to the receipt of illegal

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income. In turn, the comprehensive approach to the problem of combating the legalization of proceeds from criminal activities, tested by the 1988 Vienna Convention, was subsequently used repeatedly in other international legal instruments. These include the 1999 Council of Europe Strasbourg Convention on Criminal Responsibility for Corruption (1999 Strasbourg Convention), the 2000 New York Convention against Transnational Organized Crime (New York Convention 2000), which was adopted in 2000 at the 62nd plenary session of the 55th session of the UN General Assembly in accordance with resolution 55/25, as well as 2003 The 51st plenary session of the 58th session of the UN General Assembly includes the UN New York Convention against Corruption (New York Convention of 2003), which was adopted in accordance with the resolution No. 58/4[4].

In this regard, using the original definition of money laundering, the Council of Europe and UN conventions, in contrast to the 1988 Vienna Convention, set out the main directions for combating transnational organized crime and corruption-related crimes.

Article 12 of the Convention establishes standards for the seizure, seizure and confiscation of proceeds of crime, i.e. States Parties shall, within the framework of their domestic legal systems, take the following measures:

- the proceeds of the offences established in accordance with this Convention or property corresponding to the value of such proceeds;
- property, instruments or other instrumentalities used or intended for use in the commission of the offences.

To this end, States Parties shall take the necessary measures to identify, search for and seize the above-mentioned property. If the proceeds of crime have been converted, in whole or in part, into other property, measures of seizure and confiscation of such property shall be applied. Profits and benefits derived from the use of proceeds of crime, property to which they have been added, or property converted into property shall also be considered proceeds of crime and shall be subject to confiscation.

Measures shall also be taken to strengthen and establish communication channels between competent authorities and supervisory bodies in order to ensure the reliable and prompt exchange of information on all aspects of the offences covered by this Convention.

The main purpose of cooperation is to determine:

1) the identity, location and activities of those suspected of committing the crimes or the location of other participants in them;
2) the movement of proceeds of crime or property derived from such crimes;
3) the movement of property, instruments or other means used or intended for use in the commission of such crimes.

The 2000 and 2003 New York Conventions contain important provisions on predicate offences, including those committed both within and outside the jurisdiction of the State Party concerned. Furthermore, according to Articles 6 and 23 of the 2003 New York Convention, criminal acts must have the same status as crimes in all jurisdictions of the State Parties. That is, crimes committed outside the jurisdiction of a State Party shall be considered predicate offences only if they are punishable under the domestic law of the State in which they were committed and are also punishable under the domestic law of another State Party to which this article applies. These conventions include money laundering as a crime of international character and contain similar preventive measures to prevent the legalization of proceeds of crime. However, the 2003 New York Convention was supplemented by more modern mechanisms for such a

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warning. It considered the issues of establishing requirements for financial institutions and institutions, including those engaged in money transfers, and established a methodology for regulating, recording and supervising banks and non-bank financial institutions.
Similarly, the UN Convention against Corruption contains provisions on combating the crime of money laundering, and Article 14 establishes appropriate measures to prevent money laundering.
The Convention recommends that States follow the provisions of regional, interregional and multilateral organizations aimed at combating money laundering. In particular, article 23 of the Convention defines the crime of money laundering, and article 31 establishes the procedure for freezing, seizing and confiscating property. In accordance with these provisions, each State Party shall take such measures as may be required to ensure, to the maximum extent possible within its domestic legal system, the possibility of confiscating:
(a) Proceeds derived from criminal conduct established in accordance with this Convention, or property equivalent to the value of such proceeds;
(b) Property, equipment used or intended for use in the commission of criminal acts established in accordance with this Convention.
Each State Party shall take appropriate measures to ensure the identification, tracing, freezing or confiscation of such proceeds of crime with a view to their subsequent confiscation.
Among the important international instruments containing information on recommended preventive measures to improve the means of combating the legalization of the proceeds of crime is the Warsaw Convention of the Council of Europe on the Laundering, Identification, Seizure and Confiscation of the Proceeds of Crime and the Financing of Terrorism, adopted in 2005 (the 2005 Warsaw Convention). This Convention is essentially an expanded version of the 1990 Strasbourg Convention[6].
The 2005 Warsaw Convention for the first time defined and expanded the powers of a special body - the Financial Intelligence Unit, and also examined the implementation of practical measures aimed at identifying, confiscating, seizing and confiscating proceeds of crime.
In addition, in addition to the specific powers and methods of investigation, the 2005 Warsaw Convention obliges each State Party to establish whether a natural or legal person is the owner or beneficial owner of one or more accounts in any bank in its territory (subject to restrictions on the dissemination of information), to obtain information on the identified accounts, the financial counterparties to these accounts (senders or recipients of funds in suspicious transactions), and to develop domestic legislative acts to carry out the functions of monitoring banking operations.
The 2005 Warsaw Convention also resolves the controversial but practical issue of the need for a conviction for a predicate offence in the criminal prosecution of a person for money laundering. It is established that a previous conviction for a predicate offence shall not be a prerequisite for a conviction for money laundering.
At the same time, the forms of international cooperation listed in these conventions are also being further developed in various bilateral intergovernmental agreements within the CIS.
European legislation on combating money laundering is based on the provisions of four main directives: Directive 91/308/EEC of 1991 (First Directive), Directive 2001/97/EU of 2001 (Second Directive), Directive 2005/60/EU (Third Directive) [14] and Directive 2015/849/EU (Fourth Directive).

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In turn, it should be noted that when the FATF group was established in 1989 at the initiative of the G7 countries (Great Britain, Germany, Italy, Canada, the United States, France and Japan), the first draft of its 40 recommendations was prepared in 1990.
At the same time, these recommendations have been revised by the FATF group twice (in 1996 and 2003), and now they include rules related to the legalization of criminal proceeds, preliminary measures and confiscation of legalized property.
However, at present, the implementation of the above-mentioned rules is a major problem. Since, while implementing the provisions of all the previously mentioned conventions, directives and treaties in the issues of organizing the fight against the legalization of criminally obtained proceeds and taking measures aimed at implementing the above-mentioned FATF recommendations, the member states of these international legal instruments have different approaches to the issue of criminalizing acts directly related to the "laundering" of criminal proceeds.
It is clear from the above international norms that one of the main tasks of law enforcement agencies is to strengthen the importance of standards that define the scope of their functions, obligations and powers in order to conduct effective financial investigations into crimes related to the legalization of proceeds from crime and the financing of terrorism. In some cases, in order to prevent double criminality, some states have abandoned the practice of criminalizing acts related to the legalization of proceeds from criminal activity. This, in turn, according to the results of this study, is a problematic issue and requires additional development. Since this situation limits the ability of the authorized bodies of the law enforcement system of the Republic of Uzbekistan to use a number of effective means of influencing and combating this criminal activity within the jurisdiction of Uzbekistan and on the international scale as a whole.

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