

# Scientific approaches to operational detective and forensic characteristics of crimes in the customs sector

Gafurov Farkhod Rashidovich

Independent applicant

Senior Lecturer at the Customs Institute, PhD

Email: [Fedya90.ivanov@mail.ru](mailto:Fedya90.ivanov@mail.ru)

**Annotation:** This scientific article discusses the concept of operational-search and forensic characteristics of crimes and its essence, the importance of operational-search and forensic characteristics of crimes in solving crimes, as well as scientific approaches to the operational-search and forensic characteristics of crimes in the customs sphere in the Republic of Uzbekistan, explains the opinions of scientists and their comments.

**Key words:** forensic description, operational investigative description, profiling, operational investigative and forensic methods, criminal profiling, customs control, crimes in the customs sphere, corpus delicti.

## Introduction.

Currently, active reforms are being carried out in the Republic of Uzbekistan to develop the activities of customs authorities, including the improvement of the mechanisms for combating crimes in the customs sphere.

In particular, the priority direction of the "Uzbekistan - 2030" strategy, which was approved by the Decree of the President of the Republic of Uzbekistan on the "Uzbekistan - 2030" strategy No. The following main tasks for improving the activity of protective bodies are defined:

- by creating a single electronic register, introducing the possibility of tracking the process from the initiation of a criminal case to the issuing of a judgment on the case through an individual number and QR code;
- full digitization of evidence collection and consolidation activities by introducing modern technologies and the latest scientific achievements.

Taking into account the above, today, as a law enforcement body, improving the use of investigative and criminalistic methods in the activities of the customs authorities to combat crimes in the customs sphere is of urgent importance.

Also, in the Republic of Uzbekistan, a number of effective results have been achieved in the fight against customs crimes and the fight against the underground economy.

In particular, according to the customs.uz website, in 2023, illegal circulation of goods worth 972.8 billion soums was stopped in 21,968 cases related to the detection of customs crimes. Additional fees of 165.3 billion soums were charged to the state budget. Also, as part of the measures implemented in the direction of ensuring the health and safety of the population in our country, 9,207.5 kg of illegal drugs were detected, and this indicator increased by 8.4 tons or 12.3 times compared to last year. Also, 650,000 pieces of psychotropic and powerful substances, 21 weapons, 2,279 bullets, 6,478 cartridges and other weapons and explosives were found. During 2023, the illegal circulation of 5.7 million boxes of tobacco products was stopped.

At the same time, new work methods and information programs were implemented in order to expose and prevent crimes in the customs field.

In particular, 12 information systems, 4 interactive services and 5 mobile applications were put into practice in order to digitize the industry. The volume of automatic processing of customs cargo declarations without the human factor made up 86 percent of exports.

Nevertheless, in addition to the above-mentioned new working methods and tools for the detection of crimes in the customs field, the knowledge of quick search and criminalistic description of crimes in the customs field by customs officers remains one of the main priority criteria for effective detection of this type of crime.

---

### Materials And Methods.

In this scientific article, Uzbek scientists V. Karimov, G. Abdumajidov, Russian scientists A.I. Khmiz, R.S. Belkin, A.M. Abramov, I.A. Klimov, V.D. Larichev, A.P. Research works of Isichenko, N.G. Yakovleva, O.P. Gribunov, N.A. Nazirova were used. The researches of American scientists Jack Ripper, Thomas Bond, and James A. Brassell were also used.

Also, in the development strategy of the Republic of Uzbekistan for 2022-2026.

In the research were used methods such as systematic analysis, dialectical, comparative-legal, logical-legal, complex research of scientific sources, social survey, expert assessment and statistical data analysis.

### Results.

In this scientific article, the quick-search and criminalistic description of crimes in the customs field was researched, and scientific-practical conclusions and proposals were developed. In particular, the opinions and scientific researches of local and international scientists on the quick search and criminalistic description of crimes in the customs field were studied, and the criminal cases in the customs field identified by the customs authorities of the Republic of Uzbekistan were analyzed.

As a result of the analysis, the author's definition of the concept of "quick-search and criminalistic description of crimes in the customs sphere" was developed, and today the quick-search and criminalistic description of crimes in the customs sphere in the Republic of Uzbekistan was fully explained.

### Discussion.

To date, a number of local and foreign scientists have researched the quick search and criminalistic description of crimes in the customs field.

V. Karimov, a scientist from Uzbekistan, in his scientific research, describes the quick-search description of crimes as follows:

Quick search description of crimes means a system of features and information signs that allow to know the specific aspects of certain types of crimes, to effectively solve the organizational and tactical tasks related to their prevention and detection.

According to Uzbek scientist V. Karimov, the content of search signs of a certain type of crime includes information signs that constitute crime signs from the point of view of other fields of knowledge: criminal law, criminal procedural, psychological, sociological and economic. In the theory of investigative work, the features of the criminal's personality are also considered within the scope of quick-search features, including the description of his typical, unique features, the features necessary for the detection of the crime [1, P-317-318]

The Russian scientist A.I. Khmiz defines the criminalistic description of crimes in his scientific research as follows:

Criminological description of crimes is an information system that includes the description of certain types of crimes, their probable structure, information model and interrelated signs (elements) of criminological importance, as well as the creation of investigative versions that serve to plan investigations in the detection and investigation of these types of crimes.

According to Russian scientist A.I. Khmiz, investigative and criminalistic description of crimes are interrelated and he justifies his opinion with the following:

**firstly**, as a scientific term, investigative and criminalistic description of crimes describes one, that is, a criminal incident, the main purpose of which is to obtain aggregated information in order to identify the committed criminal incident and the person who committed it;

**secondly**, investigative and criminalistic description of crimes are interrelated and cannot be divided into separate components, because investigative description originated from criminalistic description, and investigative description includes elements of criminalistic and other fields;

**third**, investigative and forensic descriptions may be independent of each other based on the data. That is, the quick-search description includes quick information about the signs of a crime that has the characteristics of a search, and the criminalistic description includes the information that is evidence on the signs of a crime [2, P-163-166]

At the same time, the Russian scientist R.S. Belkin noted that the following characteristics are included in the criminological description of crimes:

- initial information about criminal signs;

- information on the method of committing a crime and the method of concealing a crime and the typical consequences of their use;
- information about the identity of the possible criminal;
- information about certain circumstances of the crime (place, time, situation);
- information about the identity of a person who may be a victim of crime [3, P-306-319].

According to the Uzbek scientist G. Abdumajidov, in the criminalistic description of crimes, the following information is used in the investigation of crimes, that is, in the investigation of any crime, the seven-word formula is used to determine the truth, that is, seven questions: what, where, when, how, who, with the help of whom, why answer is necessary. But this formula cannot be called universal, because it is too short, and it does not allow to take into account the characteristics of the investigation of various types of crimes.

The proposal to increase the range of questions to be determined in the investigation of criminal cases to twelve did not eliminate these shortcomings [4, P-15].

Today, in the fast-search and criminalistic description of crimes, it is appropriate to include the following structural elements of the crime, which should be identified during the preliminary investigation, and which are included in a specific system according to the main elements of the criminal structure:

- the object of criminal aggression - what is the purpose of the aggression, what was the damage caused, the amount of the damage, etc.;
- the objective aspect of criminal aggression - when, where, in what circumstances, in what manner, whether it was committed by the actions of one or more people, what actions each of them performed, the causal connection between the act and the resulting consequences, the circumstances, causes and conditions that contributed to the crime, situation such as;
- the subject of criminal aggression - information describing the identity of the person who committed the crime;
- the subjective side of criminal aggression - forms of guilt, goals and motives.

It can be said that the elements of the above crime structure are directly related to the quick search and criminalistic description of crimes in the customs field. Because crimes in the customs field are also a category of crimes.

Based on this, if we explain the fast-search and criminalistic description of the crimes in the customs field, it is important to first explain the composition of the crimes in the customs field. Because the fast-search and criminalistic description of crimes in the customs field is inextricably linked with their criminal structure.

According to the theory of criminal law, the composition of crimes in the customs field is made up of the following four types of elements: object, objective side, subject and subjective side.

Accordingly, the object of crimes in the customs sphere is the economic interests of the state and society, the foundations of the economy and economic security of the Republic of Uzbekistan, public peace, and the direct object of crimes in the customs sphere is the procedure established by law for the transportation of contraband items and material valuables across the customs border.

The objects of crimes in the field of customs are goods or other valuables specified in the relevant articles of the Criminal Code of the Republic of Uzbekistan, powerful, poisonous, explosive substances, radioactive materials, explosive devices, weapons, firearms, ammunition or main parts of firearms, as well as narcotic drugs, their analogues or psychotropic substances or materials promoting religious extremism, separatism and fanaticism, drones, materials of religious content, pornography, profanity and violence.

The objective side of crimes in the customs sphere is the transportation of criminal objects across the customs border of Uzbekistan without complying with the requirements of the legislation in the customs sphere.

The subject of customs crimes is a sane individual who has reached the age of criminal responsibility.

The subjective side of crimes in the customs field is defined as intentional commission of this type of crime. Based on this, in the detection of crimes in the customs field, the fast-search and criminalistic description of such crimes is determined by the following:

- a) availability of comprehensive information about the crime being prepared or committed;
- b) to know the signs of specific types of crimes related to the customs field;
- c) creation of conditions for the most effective and specialized use of secret forces, means and methods of operational search activity;
- d) creation of conditions for the most effective and specialized use of the tools and methods of criminalistics.

The purpose of such rapid-search and criminalistic description is to serve as a theoretical and information base for the development of the main tactics of effective solving of specific crimes.

In addition to the above quick search and criminalistic description, Russian scientists A.M. Abramov and I.A. Klimovs mentioned that it is effective to take into account the following quick-search characteristics in the detection of crimes:

- criminal-legal signs: the criminal law, as an example of this, the plot of specific criminal cases for certain types of crimes, shortcomings made during their investigation and court proceedings, etc.;
- criminal-procedural characteristics: criminal-procedural characteristics that refer to the specific features of proceedings on certain types of crimes from the point of view of using non-procedural (quick search) information in criminal proceedings;
- criminalistic signs: it provides for the optimalization of investigative actions based on the behavior of suspects in committing a crime, their various resistance to the investigation process, the organization of cooperation of investigators with operatives, the use of operative-search information;
- criminological signs: the level of general and special recidivism, the stability of certain criminogenic groups and the professionalization of criminals, their aggressiveness in committing crimes;
- psychological characteristics: the suspect's needs, motives for committing a crime, value orientations, as well as the suspect's personal characteristics (character, lifestyle, inclinations, harmful habits), awareness of the methods of fast-tracking activities of criminals, assigning him to one or another psychological category other characteristics that allow identification;
- socio-demographic characteristics: the ratio of the place of residence and the place of crime, gender, age, marital status of the person who committed the crime, length of work in one or another field, official status, education and nationality of the person who committed the crime. These signs mainly describe the choice of the method of committing the crime, partners, the presence of criminal experience, the knowledge used to prepare the crime and hide its traces. They can be successfully used to obtain evidence to solve a specific crime;
- economic signs: identifying the specific features of committing a crime in various branches of foreign economic activity, using special accounting and economic knowledge, features of the accounting process, material security of the suspect and his family members (real estate, cars, sources of income, financial investments and savings ), such signs as business relations, establishing contacts with authorities and criminal organizations [5, P-83-84].

In addition, the Russian scientist V.D. Larichev in his research emphasized the importance of identifying the following fast-search characteristics in the detection of economic crimes:

- material condition of the person and his family members (real estate, cars, sources of income, availability of financial investments and savings);
- business relations, relations with the state and criminal structures;
- specific features of the use of undercover officers in identifying persons who have committed certain types of crimes;
- the direction of efficient use of forces and means of search activity among the previously convicted persons who can be expected to commit a crime [6, P-59].

Above, Russian scientists A.M. Abramov, I.A. Klimov and V.D. Larichev described the quick-search description of crime detection in the Russian Federation in their scientific research. The rapid-search descriptions shown in their scientific research can be used in the development of the rapid-search and criminalistic description of crimes in the field of customs in the Republic of Uzbekistan. Because today, in the Republic of Uzbekistan, committing crimes in the field of customs is manifested with the signs indicated in the above quick-search and criminalistic descriptions.

In particular, in paragraph 5 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 20, 2023 "On judicial practice in cases related to the violation of customs legislation and smuggling", paragraph 5 commented that today in the Republic of Uzbekistan, crimes in the field of customs are committed in the following ways:

method of bypassing customs control of goods - any intentional act of bringing goods into the customs territory of the Republic of Uzbekistan outside the customs border crossing points of the Republic of Uzbekistan or outside the time of customs control, or taking them out of this territory;

method of hiding goods from customs control - making it difficult to find goods or hiding their original nature or quantity (for example, giving some goods a different appearance, replacing them, taking goods from the cargo compartments of vehicles without violating customs identification means, loading other types of goods instead, use of specially prepared or adapted secret places (between the spaces, walls (frames) of suitcases, bags, vehicles, containers and other means of transport not intended for storage or transportation due to their construction (structure)) for illegally crossing the customs border, human objects of crime, in the body of an animal, etc.) any actions aimed at;

fraudulent use of customs documents or documents similar to customs identification means - knowingly forged documents, documents with knowingly false information, documents obtained illegally or related to other goods, submission of invalid documents to customs authorities, as well as counterfeit customs identification means (actions consisting in the use of seals, seals, stamps, identification marks, stamps and other means of identification or real means of identification of other goods;

the method of transferring goods across the customs border without declaration - not to declare in the customs declaration the information about the goods necessary for importing or exporting (exporting) the goods, placing them under the selected customs regime, calculating and collecting customs fees, or not declaring the goods that must be declared " transportation actions through the "green" corridor;

the method of transferring goods across the customs border using a declaration written in a different name - attempts to reflect false information about goods (name, quality and characteristics) in the customs declaration or in another prescribed form of declaration;

way of crossing the customs border - actions expressed in attacking the customs post, openly disobeying the requirements of the customs regime by any technical means or other methods, or crossing the customs border in any other way.

It is appropriate to include the above methods in the fast-search and criminalistic description of crimes in the customs field in the Republic of Uzbekistan. Because the methods of committing a crime are a component type of rapid investigation and criminalistic description, Russian scientists A.M. Abramov, I.A. Scientifically justified by Klimov and V.D. Larichev.

Russian scientist A.P. According to Isichenko, the study of crime investigation description is carried out only within the framework of the study of specific problems of crime investigation, i.e. detection, prevention and detection of certain types of crimes [7, P-41-45].

According to the Russian scientist N. G. Yakovleva, the criminalistic description of crimes in the field of customs can be described as follows:

Criminological description of crimes in the customs sphere - this is the method, mechanism, condition of committing illegal actions and typical signs of their consequences, objects interacting with the process of committing crimes in the customs sphere, personal characteristics of the person who committed the crime, the time and place of the crime, typical system of interrelated general information about material and ideal traces, offenses. Information about other aspects of customs crimes, which are of practical importance in solving the problems of combating these crimes, is understood [8, P-30-32].

Thus, based on the results of the above research, the following information can be included in the quick search and criminalistic description of crimes in the customs field:

1. Information about the place and subject of the criminal act;
2. Information on the methods of committing a crime and concealing it;
3. Information about the time and circumstances of the crime;
4. Information about traces resulting from the commission of a crime;
5. Information about the consequences of the committed crime;
6. Information about the description of the persons committing the crime;
7. Information about circumstances that created conditions for committing a crime.

At the same time, Russian scientists O.P. Gribunov and N.A. Nazirova studied the history of the development of the views (approaches) of scientists on the concept and structure of criminalistic description of crimes.

According to their research, the concept of "criminological description of crimes" does not exist in Western European countries, the USA and Canada, instead the terms "profiling" (профилирование) and "investigative analysis" (sledstvennyy analiz) are used [9, P-2].

This profiling term is essentially similar to the concept of "criminological description of crimes".

In particular, according to the analysis of the information of the international Internet network "Wikipedia", profiling (diagnosis) is a method used by law enforcement agencies to identify suspects and determine the connections between crimes that may be committed by one person or a group of persons. This approach makes it possible to characterize the suspect and predict the future actions of the criminal, taking into account the individual characteristics of the crime.

The first scientifically based legal use of profiling occurred in the 1880s in London, England. In order to determine the identity of Jack the Ripper, who cut the throats of prostitutes and brutally killed them, forensic expert Thomas Bond was involved in the investigation and he used profiling.

In 1956, the profiling method was used by James A. Brassell, a psychiatrist who previously worked with criminals. Police hired psychiatrist James A. Brassell to identify the man who detonated nearly 50 improvised explosive devices (bombs) in New York.

J.A. Brassel, after studying the case, concluded that the criminal was a middle-aged man of Slavic origin, physically strong, he knew mechanics well and lived with an older woman, the criminal was extremely neat and regularly attended church, reacted very sharply to criticism, the reason for the crime was dismissal from work. or determined (profiled, diagnosed) that there may be a reprimand at work, that the perpetrator may be a former or current employee of Consolidated Edison.

The criminal profile (characteristics) compiled by J.A. Brassel was published in the New York Times newspaper. Police soon arrested 54-year-old Djordja Meteski based on the profile of the criminal compiled by J.A. Brassel. He was of Polish origin and worked as an electrician. He often went to church and lived with two sisters. According to him, as a motive for committing terrorist attacks, he stated that he contracted tuberculosis due to an injury he received at the workplace of the "Consolidated Edison" company.

#### **Conclusion.**

In conclusion, according to the opinions of the above Uzbek and foreign scientists, rapid investigation and criminalistic description of crimes in the customs field means a set of information about the description of conditions, situations, persons, methods and tools that make it possible to effectively expose crimes in the customs field. Also, knowledge of quick search and criminalistic description of crimes in the customs field will serve to effectively expose these types of crimes.

#### **References:**

1. Karimov V. "Tezkor-qidiruv faoliyati" darslik. Toshkent sh. 2021-yil. 317-318-betlar.
2. Xmiz A.I. "O kriminalisticheskoy i operativno-rozisknoy xarakteristikax prestupleniy i ix sootnoshenii". Nauchnaya statya. Vestnik Tomskogo gosudarstvennogo universiteta. 2015. № 398. S. 163-166.
3. Belkin R.S. Kurs kriminalistiki. V 3-x tomax. M.:Yurist. 1997. T. 3. S. 306-319.
4. Abdumajidov G'. va boshqalar. "Kriminalistika" (I qism). Darslik. T.: "Adolat", 2003. 15-bet.
5. Abramov A.M., Klimov I.A. *K voprosu o sodержanii operativno-rozisknoy xarakteristiki vida prestupleniy // Aktualnie voprosi borbi s prestupnostyu i problemi yee prepodavaniya: Sb. nauch. tr. M., 1996. S. 83-84.*
6. Larichev V.D. Ponyatiye i sodержaniye operativno-rozisknoy xarakteristiki lichnosti ekonomicheskogo prestupnika // Nauchniy portal MVD Rossii. 2008. № 3. S. 59.
7. Isichenko A.P. Operativno-rozisknaya xarakteristika prestupleniy: fantom ili realnost? // Rossiyskiy sledovatel. 2015. № 13. S. 41 – 45.
8. Yakovleva N.G. Ugolovno-protsessualnie i kriminalisticheskiye osobennosti rassledovaniya prestupleniy, otnesennix k kompetensii tamojennix organov. Uchebno-metodicheskoye posobiye. G. Tver. 2017. S. 30-32.
9. Gribunov O.P., Nazirova N.A. "Evolyutsiya vzglyadov na ponyatiye i strukturu kriminalisticheskoy xarakteristiki prestupleniy". Nauchnaya statya. Jurnal. Izvestiya Tul'skogo gosudarstvennogo universiteta. Ekonomicheskkiye i yuridicheskkiye nauki. G. 2020. S. 2.