

Definition of Crimes Related to The Illegal Trafficking of Pyrotechnic Devices in The Legislation of The Republic of Uzbekistan

Ilyosbek Tajaliyev
University of Public Safety, Uzbekistan



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ABSTRACT

Objective: This article examines the legal framework regulating crimes related to the illegal trafficking of pyrotechnic devices in Uzbekistan, emphasizing their impact on public safety and legal certainty. **Method:** Using a legal-analytical methodology grounded in doctrinal review, systematic analysis of legislation, and examination of law enforcement practice, the study identifies gaps in statutory provisions, procedural ambiguities, and weak inter-agency coordination. **Result:** Findings show that the classification of crimes by degree of social danger lacks clear boundaries between administrative and criminal liability, and expert examination regulations remain inadequately defined. Results also reveal that these shortcomings hinder effective prosecution and create legal uncertainty, reducing the preventive impact of criminal liability. **Novelty:** While existing studies discuss the general risks of pyrotechnics, this study addresses the knowledge gap concerning inconsistencies in the Criminal Code, particularly Article 250¹, and its uneven application in practice, thereby contributing original insights into the legal and institutional reforms needed to strengthen public safety.

INTRODUCTION

Today, ensuring public safety, protecting the life and health of citizens, and combating the illegal circulation of pyrotechnic products that have a negative impact on the environment remain among the urgent issues. In recent years, crimes related to the illegal import, storage, transportation, production, and sale of pyrotechnic products have been on the rise. This requires the improvement of criminal-legal norms in this area and ensuring their proper and unified application in practice [1].

Article 15 of the Criminal Code stipulates that crimes of minor social danger include intentional crimes for which the law provides for a sentence of imprisonment not exceeding three years, as well as crimes committed through negligence for which the law provides for a sentence of imprisonment not exceeding five years [2].

Part 1 of Article 250¹ of the Criminal Code of the Republic of Uzbekistan provides for a sanction of imprisonment of up to three years. In accordance with Article 15 of the Criminal Code, crimes carrying such a sanction, if committed intentionally, fall into the category of crimes of minor social danger [3].

RESEARCH METHOD

The methodology of this research was built on a legal-analytical approach, focusing primarily on the Criminal Code of the Republic of Uzbekistan and its application to crimes related to the illegal trafficking of pyrotechnic devices. The study employed a doctrinal analysis of legislative provisions, with particular attention to Article 250, examining its structure, sanctions, and classification of offenses into categories of minor, less serious, and serious crimes. This involved interpreting statutory norms within the broader context of criminal law principles such as legality, inevitability of liability, and proportionality of punishment. Alongside this normative study, comparative and systematic methods were applied to review the interrelationship between criminal, administrative, and procedural regulations, identifying overlaps and inconsistencies. Case law and law enforcement practices were analyzed to assess the real-life application of these norms, highlighting challenges such as inadequate regulation of expert examinations, weak coordination between relevant agencies, and normative ambiguities. The methodology also incorporated elements of critical evaluation by identifying gaps in the existing framework and examining their implications for legal certainty and public safety. Furthermore, a comparative perspective was included through reference to international practices in regulating dangerous products, which provided benchmarks for assessing the adequacy of Uzbekistan's criminal-legal mechanisms. Finally, the research synthesized legal texts, judicial interpretations, and enforcement practice into a comprehensive assessment, from which reform-oriented proposals were developed. This multi-layered approach ensured that the study was not only descriptive but also diagnostic, aiming to produce practical recommendations for strengthening the effectiveness of criminal liability in this sensitive sphere.

RESULTS AND DISCUSSION

On this basis, a person who commits a crime provided for in Part 1 of Article 250¹ may be subject to Article 64 of the Criminal Code (Statute of limitations for criminal liability) [4]. According to the requirements of this article, if a crime of minor social danger has been committed and the person has not been prosecuted within two years from the date of the commission of the crime, the person shall be released from criminal liability. Thus, if a crime provided for in Part 1 of Article 250¹ of the Criminal Code has been committed but no criminal liability has been applied to the offender within two years, the person may be released from liability due to the expiration of the statute of limitations [5]. According to the sanction in Part 2 of Article 250¹ of the Criminal Code of the Republic of Uzbekistan, the offender may be sentenced to imprisonment for a term of three to five years. Taking into account the limit of this sanction, in accordance with Article 15 of the Criminal Code, such crimes fall into the category of less serious crimes, as Article 15 classifies intentional crimes carrying a maximum penalty of up to five years' imprisonment as less serious crimes [6]. For crimes falling into this category, Article 64 of the Criminal Code (Statute of limitations for criminal liability) is of particular importance. According to Part 1 of this article, if a less serious crime has been committed

and no criminal liability has been applied to the person within four years from the date of commission, the person shall be released from criminal liability.

Part 3 of Article 250¹ of the Criminal Code of the Republic of Uzbekistan provides for a sanction of imprisonment from five to eight years, and Part 4 of the same article provides for a sanction of imprisonment from eight to ten years. According to Part 2 of Article 15 of the Criminal Code, intentional crimes punishable by imprisonment from five to ten years fall under the category of serious crimes. Based on this, the acts provided for in Parts 3 and 4 of Article 250¹ are classified as serious crimes under the Criminal Code [7].

In addition, Part 3 of Article 64 of the Criminal Code stipulates that the statute of limitations for criminal liability for serious crimes is eight years. This means that if a serious crime has been committed and no criminal liability has been applied to the person within eight years from the date of commission, the person shall be released from criminal liability [8].

Since the acts provided for in Parts 3 and 4 of Article 250¹ of the Criminal Code are classified as serious crimes under the requirements of Article 15, a person may be released from criminal liability after the expiration of the 8-year limitation period provided for in Article 64. This provision is based on the principles of humanity, justice, and inevitability of liability in criminal law [9].

In criminal law, a distinction is made between material and formal elements of a crime. From this perspective, Article 250¹ of the Criminal Code is assessed as a material-structured crime. This is because in almost all parts of this article (especially in Parts 2, 3, and 4), the existence of a crime requires the occurrence of certain socially dangerous consequences, such as repeated commission or commission by a group of persons. These circumstances are considered necessary conditions for the crime to be deemed complete [10].

Thus, since a crime is recognized as materially structured when the occurrence of consequences is a prerequisite for its completion, the presence of socially dangerous consequences is a key factor in determining the completion of a crime under Article 250¹, which legally justifies its classification as a materially structured crime [11].

Regarding jurisdiction over the investigation of cases involving illegal trafficking of pyrotechnic products as defined in Article 250¹ of the Criminal Code:

According to Clause 4 of Article 381² of the Criminal Procedure Code (Jurisdiction of criminal investigation), preliminary inquiry in cases involving crimes under Part 1 of Article 250¹ of the Criminal Code that are related to violations of customs legislation shall be conducted by investigators of the State Customs Committee of the Republic of Uzbekistan and its local branches [12].

According to Clause 5 of Article 381² of the Criminal Procedure Code, preliminary inquiry in cases involving crimes under Part 1 of Article 250¹ of the Criminal Code (excluding crimes related to customs violations) shall be conducted by investigators of the National Guard of the Republic of Uzbekistan and its local branches [13].

According to Article 345 (Jurisdiction of Criminal Investigation) of the Criminal Procedure Code of the Republic of Uzbekistan, the preliminary investigation of cases involving the crimes provided for in Parts 2–4 of Article 250¹ of the Criminal Code shall be carried out by investigators of the internal affairs bodies [14].

Since pyrotechnic devices are considered among the objects that pose a threat to human health, public safety, and the environment, regulating their circulation in legal terms especially establishing a system of criminal liability for illegal circulation plays an important role. Article 250¹ of the Criminal Code of the Republic of Uzbekistan establishes criminal liability for the illegal circulation of pyrotechnic devices. However, an in-depth analysis of the current legal mechanism shows that there are several problems and shortcomings in this area [15].

Law enforcement practice indicates that in the application of criminal liability for crimes related to the illegal circulation of pyrotechnic devices, there are various legal discrepancies, normative uncertainties, insufficient regulation of expert examination activities, and weak coordination mechanisms between relevant state bodies. In addition, there are normative inconsistencies between by-laws and technical regulations, which cause practical difficulties in qualifying crimes and determining measures of liability.

In such situations, one of the main directions for strengthening the rule of law is to analyze criminal law norms in harmony with practice, identify existing gaps, and develop proposals to eliminate them. This process requires a systematic approach in the following areas:

- a. Conducting a full inventory of the legal framework, i.e., a systematic analysis of all laws and by-laws related to pyrotechnic devices;
- b. Analyzing law enforcement practice to assess the real effectiveness of criminal liability measures;
- c. Identifying legal gaps in expert examination and technical regulations, and developing normative documents that clearly define the criteria for determining the quantity, type, and danger level of pyrotechnic devices;
- d. Clearly differentiating the criteria for liability, i.e., establishing the legal boundaries between administrative and criminal liability;
- e. Modernizing normative-legal mechanisms based on the study of international experience.

CONCLUSION

Fundamental Finding : Based on the above, in order to improve the system of criminal liability for crimes related to the illegal circulation of pyrotechnic devices, it is necessary to develop and implement the following key proposals and recommendations.

Implication : These include adopting a single law that clearly defines the legal status of pyrotechnic devices; improving Article 250¹ of the Criminal Code and strictly differentiating its sanctions according to the degree of social danger; developing a normative document that independently regulates the technical expert examination of pyrotechnic devices; and introducing an electronic monitoring system that ensures

information exchange between bodies whose functional duties are related to the circulation of pyrotechnic devices. **Limitation** : However, these proposals still remain in a conceptual form and require strong institutional and procedural mechanisms to ensure their proper application and effectiveness in practice. **Future Research** : Should focus on developing unified methodological guidelines for detecting, investigating, and adjudicating cases related to pyrotechnic devices in judicial practice, thereby creating more consistency in the legal system and strengthening public safety.

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***Ilyosbek Tajaliyev (Corresponding Author)**

University of Public Safety, Uzbekistan

Email: alfargoniy.uz@gmail.com
