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PRIORITY DIRECTIONS FOR THE DEVELOPMENT OF THE FINANCIAL INTELLIGENCE SERVICE IN UZBEKISTAN

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Abstract. Issues of improving the activities of national financial intelligence agencies have always been relevant and will remain so, because crimes in the economic sphere, including crimes related to money laundering and terrorist financing, have not been eliminated, remain and continue to improve their criminal activity methods. This situation requires the development of methods, forms and technologies of financial intelligence institutions on a global scale, including in the Republic of Uzbekistan. This article provides an opinion on the main directions of development of activity in the field of combating the legalization of criminal income and the financing of terrorism, which is the main activity of the national financial intelligence service in our country.

Keywords: financial intelligence, money laundering, terrorist financing, financing the proliferation of weapons of mass destruction.

Introduction

Issues of improving the activities of national financial intelligence agencies have always been relevant and will remain so, because crimes in the economic sphere, including crimes related to money laundering and terrorist financing, have not been eliminated, remain and continue to improve their criminal activity methods. This situation requires the development of methods, forms and technologies of financial intelligence institutions on a global scale, including in the Republic of Uzbekistan.

Currently, there are a number of problems in the activity of the financial intelligence institute in the Republic of Uzbekistan that are waiting for their solution. First of all, urgent recommendations aimed at eliminating them and measures to improve the technologies for combating the legalization of proceeds from criminal activities and the financing of terrorism should be directed.

Literature review

Today, the Institute of Financial Intelligence and mechanisms for combating money laundering and terrorist financing are very actively studied. In Russia and abroad, including in the post-Soviet region, the formation and operation of financial intelligence institutions, in particular, AA Drakin[1], SA Puzirev[2], VV Zemskov and VI Prasolov[3], M.Yu. Savin[4] and other authors focus their attention.

Also, the characteristics of the methods and tactics of combating the legalization of criminal income and the financing of terrorism are also actively studied by world scientists. In this place PA Zakharova[5], VA Vlasov and SA Shapovalov[6], AN Frunzeeva and SB Sherinbekova[7], OI Kuzubova, TN Perova[8] and NG Karimov and MM Mirkhatov[9], BIIsoilov[10] and the work of other authors should be highlighted.

The first problem that the President of the Republic of Uzbekistan Sh. Mirziyoyev personally paid attention to a few years ago and which has not yet been fully resolved is the issue of interdepartmental cooperation.[11] He also noted that in 2017, each law enforcement agency of the Republic of Uzbekistan worked in a separate, unique way to

fight against crime and prevent violations, and as a result, most of such measures were characterized by a superficial approach to solving the problem. The task of forming an effective interdepartmental cooperation system between law enforcement and other state bodies of the Republic of Uzbekistan has been set, and this task has not been fully resolved to date. This applies, in particular, to the work of the state's financial intelligence body - the Department for Combating Economic Crimes under the General Prosecutor's Office of the Republic of Uzbekistan.[12]

The second direction of improving the activities of the Department for Combating Economic Crimes under the General Prosecutor's Office of the Republic of Uzbekistan in combating the legalization of proceeds from criminal activities and the financing of terrorism is related to the wide introduction of a risk-oriented approach to the activities of the Financial Intelligence Agency of Uzbekistan.

Main part

A risk-oriented approach in the field of combating money laundering in Uzbekistan should be based on a systematic analysis of the vulnerability of the state and the country's national security to the risks of money laundering and terrorist financing. Today, this approach is the strategic basis of national systems for combating money laundering and terrorist financing in many countries, and encourages financial intelligence agencies of different countries to assess the risk of money laundering and terrorist financing. Today, identifying, understanding and objectively assessing the risk of money laundering and terrorist financing is an integral part of ending and stopping criminal schemes. The cornerstone of this process is a risk-based approach, which allows state authorities and entities accountable to them to build a national system of combating money laundering and terrorist financing in the most effective way.

Today, in the Republic of Uzbekistan, it is necessary to take measures to include credit organizations (banks) where the majority of the population has accumulated money, along with the Department for Combating Economic Crimes under the General Prosecutor's Office of the Republic of Uzbekistan, as active subjects of combating the legalization of proceeds from criminal activities and the financing of terrorism. They should effectively identify and prevent operations related to corruption, taxes, money laundering, looting of the state budget and other crimes that threaten the economic security of the state.

Specialists of the Department of Combating Economic Crimes under the General Prosecutor's Office of the Republic of Uzbekistan, with their expert opinions and practical methodological recommendations, should contribute to the development of the system of combating the legalization of criminal income and the financing of terrorism in the country's credit organizations within the framework of close bilateral cooperation. This development should be carried out in the following directions:

- improvement of regulatory legal support of activities in the field of legalization of criminal income and fight against financing of terrorism in credit organizations;
- development of mechanisms for identification of customers, representatives and beneficiaries.

The need for a more active and effective use of a risk-oriented approach aimed at timely identification and elimination of the risk of money laundering and terrorist financing by the financial intelligence body of Uzbekistan is determined by the criminogenic situation in the unstable country.

As can be seen from statistical data (Chart 1), the dynamics of cases of legalization of

criminal income in Uzbekistan is uneven: from 2016 to 2019, a decrease was observed, and in 2020, an increase began again. In turn, the dynamics of cases of criminal financing of terrorism is unstable and fluctuating: in 2016, the number of detected cases decreased to 7 cases per year, but in 2017 it increased to 14 cases, then in 2018 it decreased to 9 cases and in 2019 again to 9 cases per year. increased to 11.

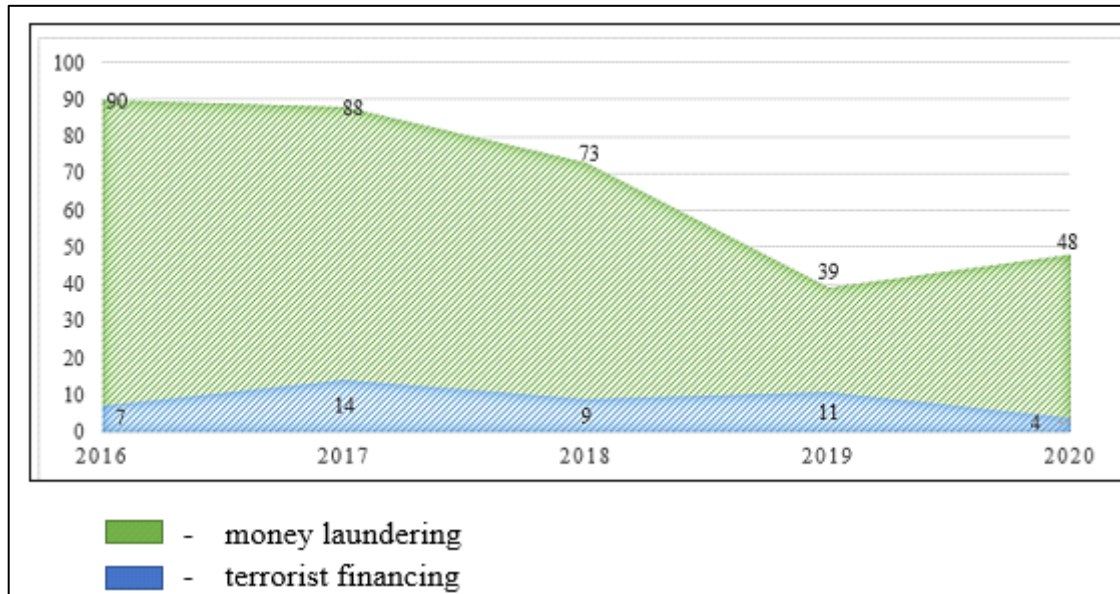


Chart 1 - dynamics of the number of crimes related to money laundering and terrorist financing in the Republic of Uzbekistan in 2016-2020, unit.

2020 saw minimal terrorist financing during the pandemic, but growth has resumed with the lifting of pandemic restrictions. Thus, this type of crime remains stable in the Republic of Uzbekistan and has not been completely eradicated. In any situation of social instability (for example, caused by a pandemic), it shows its growth. This indicates that the existing risks of legalization of criminal income and financing of terrorism in the country have not been fully analyzed and taken into account in the work of law enforcement agencies and financial intelligence agencies of the country. It is necessary to continue work on identifying and combating such risks.[13]

In order to develop a threat-oriented approach in the activities of the financial intelligence agency of the Republic of Uzbekistan, the Eurasian Group (EAG) on the fight against the legalization of criminal proceeds and the financing of terrorism, the actual typology, risks and trends in the field of financing of terrorism and proliferation of weapons of mass destruction, as well as it is necessary to rely on measures to combat such crimes developed by Working group on the financing of terrorism and crime and fighting against it works continuously within the EAG.

- Money laundering and terrorist financing risks specific to the Eurasian region, including new risks not previously observed or understudied, money laundering, terrorist financing and financing the proliferation of weapons of mass destruction identifies and analyzes schemes and methods;

- legalization of criminal income, financing of terrorism in the region and member states financing the proliferation of weapons of mass destruction and characteristics and trends of predicate crimes, including criminalistic features of specific typologies (money laundering, terrorist financing and financing the proliferation of weapons of mass destruction) learns;

- legalization of criminal proceeds, financing of terrorism and financing the proliferation of weapons of mass destruction collects and systematizes its typology;

- on the basis of conducted typological projects, legalization of criminal income, financing of terrorism and combating the financing of proliferation of weapons of mass destruction develops proposals on improving the legal bases and mechanisms of international cooperation and mutual cooperation in the field of

In the development of a risk-oriented approach in the activities of the financial intelligence body of the Republic of Uzbekistan, special attention should be paid to the development of the methodology and technologies for diagnosing new risks arising in the context of digitization and globalization. These risks are, in particular, the increasingly active transition of financial flows from cash to non-cash form, the increase in cashless transactions of individuals, the subsequent legalization of criminally obtained financial funds, and the increase in the number of cross-border payments that facilitate the transfer of criminal proceeds abroad for final placement on the territory of other countries. related to

In the activities of the financial intelligence agency of the Republic of Uzbekistan, special attention should be paid to the following types of non-cash transactions:

- to transfer financial funds under the guise of payment for goods and works, which helps to transfer them to cash;

- money transfers in the form of payment for services or debts;

- "transit" banking operations, which are carried out along with dividing the outgoing payments into several transactions and then summing them up in the accounts of third parties, avoiding paying taxes, converting them into cash, and in rare cases - taking them abroad;

- transfers between accounts of individuals;

- transfers within the framework of agreements on the waiver of the right to claim in favor of another person;

- transfers based on execution documents obtained on false grounds;

- transfers under the guise of promissory notes or as payment;

- transfers using budget accounts, etc.

Despite the increased use of non-cash payments in money laundering and terrorist financing today, attention should be paid to improving the risk-based approach to detecting illegal payments using cash. Particular attention should be paid to the following:

- to identify and eliminate the possibilities of entering cash using payment instruments registered with fake persons;

- improvement of mechanisms for verifying the legality of the origin of cash funds entered through the cash desk of the credit organization;

- to determine cases of entering criminal proceeds as repayment of debt under the loan agreement;

- receiving cash through the mechanisms of "hidden collection" (transfer of non-cash funds to the accounts of "cash aggregators" on false grounds in order to pay cash funds received from specified "aggregators" and not collected by them to the credit organization);

- by identifying signs of cashing out of the accounts of individuals (including fake accounts - accounts known as "drops") and preventing them, including by setting effective limits for cash withdrawals from cards at cash registers;

- putting an end to cases of cashing out of funds using corporate cards of fake (controlled) legal entities and individual entrepreneurs and others.

Also, today it is necessary to develop technologies for identifying risks in the field of transactions with virtual assets, which allow to easily hide the source of funds and the owner of the ultimate beneficiary. General Prosecutor's Office of the Republic of Uzbekistan in the presence of The Department of Combating Economic Crimes creates special software that provides loading, marking and clustering of addresses and transactions with virtual assets (including using "mixers"), performs the calculation of relevant risks, and also provides special software that provides the construction of graphs of movement of virtual assets should activate work on creation.

CONCLUSION

In addition to improving the methodology of the risk-based approach in the activities of the Department of Combating Economic Crimes under the General Prosecutor's Office of the Republic of Uzbekistan, it is necessary to develop other directions for identifying and putting an end to the practice of legalization of criminal income and financing of terrorism. In particular, special attention should be paid to identifying cases of purchase of vehicles and valuables (including abroad). Such purchases are actively used as a way to invest criminal proceeds. Material assets purchased in this way are mainly used for personal consumption. It can be works of art, valuable services (tourist, medical, etc.) and others.

Taking into account the improvement of the risk-oriented approach, it is appropriate to introduce the creation and regular (annual) publication of a map of the risks of money laundering and terrorist financing in the activities of the Department for Combating Economic Crimes under the General Prosecutor's Office of the Republic of Uzbekistan. It will help to inform a wide range of persons who may be involved in money laundering and terrorist financing schemes about the current dangers in this area, to make them aware of suspicious operations related to money, and to expand their criminological outlook.

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