



PROPOSALS AND RECOMMENDATIONS ON DETERMINING RESPONSIBILITY FOR FAILURE TO DESTROY POPPY PLANTS IN THE REPUBLIC OF UZBEKISTAN

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ABSTRACT

This article explains the need to establish responsibility for not taking measures to destroy poppy plants growing without care (without agrotechnical processing) by those who own land. Also, relevant suggestions and recommendations were developed regarding the improvement of the administrative and criminal legislation of the Republic of Uzbekistan.

POPPY is a crop grown to obtain vegetable oil from its seeds and opium from its pods. Opium is obtained by a special method from the milky juice of unripe pods of opium poppy. The sap contains 20 different alkaloids, especially morphine, as well as varcotine, codeine, papaverine, protein, carbohydrates, tar, wax, pigments. In medicine, it is a valuable raw material in the production of medicines. Sometimes they grind poppy seeds and boil them in water. (Until the beginning of the 20th century, in Uzbekistan, in special takyako-poppies, a drink that gives pleasure from poppy was prepared and consumed). Poppy is banned in Uzbekistan and several other countries. [1.]

Article 270 of the Criminal Code of the Republic of Uzbekistan establishes criminal liability for the illegal planting or cultivation of prohibited crops, i.e. poppy or oil poppy, cannabis plant or crops containing narcotic drugs or psychotropic substances. [2.]

At present, one of the main evidences in determining responsibility for this crime is that the cultivated poppy plant (prohibited crops) has been cared for or agrotechnically processed. A person who is aware of this and intends to grow poppies tries to grow poppies outside his house, among weeds or in other neglected places. This removes the indicia necessary to hold a person accountable by indicating that the plant has not been agronomically treated, as if it were growing wild.

This situation makes it easier for a person who intends to grow poppies to avoid responsibility. In practice, in accordance with the legal documents, the responsibility for not taking measures to destroy growing wild poppies by those who own land is not established.

Among the elderly people, there is an opinion that poppy tincture is a cure for various diseases, heart diseases, insomnia, cough and several diseases. Therefore, in many cases, there are cases of growing and caring for poppy plants by elderly people. An example of this is the indictment on criminal cases No. 302181/2023-25, 302181/2023-126, 302181/2023-161, 302181/2023-193, which was conducted by the Investigative Unit of the Internal Affairs



Department of Kuva District. it is possible to cite the testimonies of the persons who cultivated the poppy plant for the purpose of consuming it as a medicine. [3.]

According to dietz.com, the most important benefit of poppy seeds is the prevention of heart disease. Poppy seeds contain calcium and magnesium, which regulate brain activity and help the development of neurons. The seeds can also treat insomnia. [4.]

This and similar information may cause many cases of planting and care of poppy plants by individuals, which may lead to criminal consequences.

Article 106 of the Code of Administrative Responsibility of the Republic of Uzbekistan establishes administrative responsibility for the failure to take measures to destroy wild cannabis plants by persons who own land [5.] and this the article does not provide for liability for failure to take measures to destroy the wild poppy plant.

Article 10.5.1 of the Code of Administrative Responsibility of the Russian Federation establishes administrative responsibility for the illegal cultivation of plants containing narcotic drugs or psychotropic substances or their precursors (if this action does not constitute a criminal offense). [6.] Persons who illegally grow cannabis, poppy, plants containing narcotic drugs or psychotropic substances or their precursors can be prosecuted with this article.

Therefore, the following suggestions and recommendations have been developed based on the theory of administrative law for failure to take measures to destroy prohibited crops grown in the wild:

1. In order to fight against drug addiction and ensure a healthy lifestyle of citizens, the Code of Administrative Responsibility of the Republic of Uzbekistan requires the establishment of administrative responsibility for the failure to take measures to destroy wild poppy plants (not agrotechnically processed). The aforementioned proposal is to continuously review measures taken by landowners to eradicate wild poppies in order to drastically reduce and prevent drug possession, transfer, sale and other drug-related crimes. directed. included as a legal norm

In conclusion, it should be noted that the correct application of the laws in force in the Republic of Uzbekistan, the correct understanding of the content and essence of the norms set by the legislator, the introduction of uniform judicial practice in the Republic of Uzbekistan and the appointment of punishment based on the principles of humanity for the actions of each person should be noted separately.

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3. diyetz.com
4. Code of Administrative Responsibility of the Republic of Uzbekistan. Lex.uz.
5. Article 10.5.1 of the Code of Administrative Responsibility of the Russian Federation.