



Ensuring Confidentiality in the Detection and Investigation of the Crimes of Money Laundering

Khakberdiev Abdumurad*

Department of Criminal Procedural Law and Criminalistics, Tashkent State University of Law, Uzbekistan

This article analyzes tactics for combatting crimes related to money laundering based on international and national legislation as well as providing several recommendations on improving the system of combatting such crimes. Also, it determines, ensuring confidentiality in the detection and investigation of the crimes of money laundering. Finally, paper shows both outcomes and shortcomings of the points with some relevant examples.

Keywords: Money laundering, techniques of criminalistics, investigation tactics, bank system, property rights, objects with particular value.

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*Correspondence:

Khakberdiev Abdumurad

m.hakberdiev@mail.ru

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INTRODUCTION

Investigation of criminal offenses related to legalization of criminal proceeds reforms implemented in our Republic are aimed at improving the living standards of the population, as well as developing entrepreneurial and other activities and supporting entrepreneurial activity. Initially, this leads to a positive impact on the enhancing to country's industrial side and the development of the economy, on the one hand, it effects to increasing new forms of the infringements in the field of economy. In particular, it is possible to hide the proceeds from sale of goods, to

refuse to pay taxes and other mandatory payments, to legalize the proceeds from crime and to other types of offenses [Giannis \(2003\)](#).

Legitimization of illicit proceeds is a typical mechanism for the development of all sectors of transnational crime. This combating process is a vital form of crime prevention. The problem of legalization of revenues in the last decade has internationally recognized as well as has become a political factor that has a negative impact on the reputation of a number of countries [Y.M. \(2003\)](#).

This implies the need to improve co-operation among nations. It should be noted that the critical analysis of the experience gained by the highly developed democracies, the adoption and the introduction of our own, on this basis, is one of the key criteria for building a peaceful, prosperous life that has been carrying out consistently today [Yavor \(2014\)](#).

Legalization of money and other property acquired through illegal means which imposes not only national, but also international measures should be eliminated the threat of economic security of the state [V.I \(2002\)](#).

THEORETICAL BACKGROUND

Indeed, the absolute shortcomings of the crimes are often a relative economic (financial) benefit, which is a factor that serves itself. Legalization of other property acquired through criminal means represents a serious threat to national and global security. It destroys normal functioning of the state and its main economic institutions, prevents market reforms, and creates confusion about the public administration of the country's financial system, and creates a negative image of Uzbekistan in the international arena [Ramazonova and Fariza \(2017\)](#). Legalization of criminal proceeds is a systemic, multi measurable breakthrough, and the fight against it should be done in accordance with the adequate state strategy. The effectiveness of this struggle is linked to the effectiveness of the institutional and legal system, namely in other words the system of countering the legalization of criminal income [R.V.Zhubrin and Larkov \(2011\)](#). The investigation of the crime related to the legalization of criminal income other measures aimed at counteracting the legalization (washing), law enforcement, organizational and other negative events of the Republic of Uzbekistan for the implementation of a complex of national security, including economic security, economic, social, and political threats is the measures taken by the specially authorized state organizations to obtain information about acts or actions which may constitute a crime, the composition of the offense and the criminality, the disclosure of the perpetrators, and the restoration of the crime.

The question is, what is the income from criminal activity? The proceeds of crime is that which consist of any proceeds of crime or other property derived from the use of the criminal offense, and any profits or benefits arising from the use of such property, whether full or partial, funds and other property included in property acquired.

In addition, legitimization of proceeds from criminal activity if property (funds or other property) is found as a result of criminal activity it is transferring or replacing, as well as the factual property of such money or other property, the source, the place of residence, the method of disposal, the right of possession, the real property rights on money or other property, or of the social danger of being subjected to a criminal offense, concealing his or her identity. [Suman \(2015\)](#)

The importance of criminalization in the area of crime related to the legalization of criminal incomes is that it is judged on the basis of the facts of their collection and suppression. He is guilty of all the circumstances of the case on the basis of a comprehensive and objective investigation and based on that of the law and the investigator's intelligence [V.I \(2002\)](#).

DISCUSSION

Ensuring the rule of law in the society, bringing the content of the laws to the citizens, and implementing legal justice is one of the most important tasks for the law enforcement officers. Particular attention is paid to the current development of market relations and the protection

of conscientious entrepreneurship, combating economic crimes and corruption, mechanisms for the formation of a secret economy, optimization of imports and export promotion, promotion of entrepreneurship support and preventive campaigns. In addition to the fight against economic crimes and corruption conducted rapidly investigation on the basis of Regulation on the Department for Combating Economic Crimes under the General's Prosecutor Office of the Republic of Uzbekistan and the Law on the State Security Service of the Republic of Uzbekistan as well as the Law on the Internal Affairs of the Republic of Uzbekistan, In particular, the main objectives of the Department for Combating Economic crimes are as followed:

1. A comprehensive analysis of activities to combat economic crimes and corruption, legalization of proceeds of crime, financing terrorism and financing of weapons that adjusted to mass destruction, and elaboration of proposals on further improvement of legislation and law enforcement practice;
2. Fair entrepreneurs and foreign investors should be prevented from government agencies and organizations' unlawful interference, eliminate bureaucratic bans and obstacles that diminish business development, optimize imports and help to increase export potential of domestic producers;
3. Necessity to identify the cases of spoiling and unauthorized use of budgetary resources, exceeding prices for public procurement, to identify unreasonable increase in debtors and credit debts in government agencies and organizations, dealing with compensation for damages;
4. Fighting against economic in the field of social sphere and corruption , in branches of fuel and energy complex, banking-finance, taxation, transport, construction, eliminating their consequences as well as their causes and conditions;
5. Combating against negotiating cases counteracting to the interests of the state, the illegal withdrawal, import and export of foreign currency funds, to identify their illicit circulation, in different schemes and channels of economic formation;
6. To manipulate the prices of socially significant goods, to create artificial deficits and abrasive demand to them, and to combat illicit movements associated with poor quality or counterfeit medicines and medical devices turnover;
7. Ensuring the effective implementation of legislation on anti-money laundering, combating the financing of terrorism and the financing of the proliferation of weapons that adjusted to mass destruction;
8. Cooperate and exchange information with the competent authorities of foreign countries, international specialized and other organizations on issues of combating economic crimes and corruption, as well as anti-money laundering, combating the financing of terrorism and the financing of the proliferation of weapons that adjusted to mass destruction;
9. Broad explanatory and preventive work on protection of economic and corruption offenses, legalization of proceeds from crime, financing of terrorism, financing and distribution of weapons that adjusted to mass destruction.

It should be noted that there are norms for securing confidentiality in the identification and investigation of criminal proceedings. Particularly, 13th paragraph of Regulation about the Department for Combating Economic Crimes under the General's Prosecutor Office of the Republic of Uzbekistan states: "Employees of the Ministry shall keep the confidentiality of information about government, service, trade secret, and deposits of individuals and other information that they have acquired during their service duties.

The article 40 of the Law on the State Security Service of the Republic of Uzbekistan is called the State Security Service Data Protection Act, which states that: "Citizen of the Republic of Uzbekistan who entered to military service as well as who can access to information on the State Security Service of Republic of Uzbekistan must step over legalization process of permission for the use of information constituting state secrets, if otherwise is not prescribed by law".

It is said that citizens of the Republic of Uzbekistan who are permitted to access information constituting state secrets are subject to liability under the law. In addition, Article 32 of this Regulation states that the protection of persons concerned with the security and protection of these persons will also be subject to the protection of social security and security of persons who are transferring to the State Security Service. According to this norm, confidentiality interactions

to people who are transferring to the State Security Service is guaranteed. Moreover, the information on individuals transmitted to the State Security Service by confidentiality constitutes state secrets and cannot be disclosed.

4th paragraph of article 12 according to the Law on Internal Affairs of the Republic of Uzbekistan provides for the protection of information contained in state secret or other secrets protected by the law, including the safeguarding of cryptographic means, by this provision.

Article 20 of the Criminal Investigation Act rules for the protection of information on operational search activities. Taking into consideration the fact that this law serves as the basis for the activities of all organizations authorized to carry out operative-search activity in our Republic, the following norms are set:

RESULTS

Plans and results of the forces, means, resources, methods that utilized while operative-search actions, as well as non-disclosure staff of agencies conducting operative-search activity, and people conducting these operations on the basis of confidentiality, furthermore organize operational search tactics' information on the basis of compilation and transmission will constitute a state secret and will be disclosed only in the cases and in accordance with the procedure prescribed by law and by the decision of the head of the organization which is conducting the operational search activity.

It should be noted that at present, much attention is paid to the international cooperation in the investigation' crimes related to legalization of criminal incomes. In particular, on March 15, 2018, the United States Secret Service of America signed a Memorandum of Understanding with the Department for Combating Economic Crimes under the General Prosecutor's Office of the Republic of Uzbekistan on Combating transnational financial Crimes. Enhancing co-operation between law enforcement agencies can help counteract transnational criminal organizations and security threats by tracking and equipping financial support mechanisms to countries.

We can say that on the basis of the content of the norms set in the above-mentioned laws, the information on the tactics of identifying, investigating, organizing and committing crimes of legalization of criminal income forms the state secret and, in the cases and in accordance with the procedure prescribed by the law, should be disclosed.

CONCLUSION

As a result of the analysis of legislation in this field, we would like to make some suggestions.

First of all, according to 11th article of Regulation on the Department for Combating Economic Crimes under the General's Prosecutor Office of the Republic of Uzbekistan: International agreements or competent organizations of the Republic of Uzbekistan in cooperation with foreign states and international organizations shall cooperate and exchange information on combating economic crimes and corruption ,income from crimes related to legalization, the financing of terrorism and the proliferation of weapons that adjusted to mass destruction. However, this regulation does not include provisions on the confidentiality of information obtained through collaborative actions. In order to ensure confidentiality of the information detected during the events, we strongly believe that this regulation should be well-established with respect to the mechanism for maintaining and disseminating information transmitted internationally.

Secondly, the article 20 the Law on Rapid Search Activities provides for the protection of information on operational search activities. According to this rule, if two or more organizations are detected, investigated, organized and transmitted criminal proceedings, the above information shall be disclosed only in the cases and in accordance with the procedure prescribed by law, only upon the decision of the heads of these organizations. However, the procedure for identification and the order of its disclosure is not set out to identify, investigate, organize and dispose criminal proceeds, if it conducted from two or more foreign state authorities. This provision should include specific mechanisms for securing confidentiality of information obtained

through joint activities with foreign countries. As a result, protection of confidential information will be provided to prevent the criminalization of criminal proceeds of transnational criminal organizations and to identify such crimes.

AUTHOR CONTRIBUTION

All authors contributed to conception, writing, and revising of this manuscript

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