
Historical Aspects of the Establishment of Criminal Legal Prohibitions for the Illegal Production or Introduction of Alcohol Products into Circulation in Uzbekistan

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Abstract: The sphere of production or introduction of alcoholic products into circulation has always been an acute and topical issue and in the center of the state's attention due to its high profitability, as well as its impact on social processes in society and public health.

In the years of independence, the implementation of extensive economic reforms, in particular, opened the way for the development of entrepreneurship and the fact that this activity was supported and encouraged by the state, which led to an increase in interest in this field.

In our independent country, which abandoned the economic concepts of socialism, we are consistently working towards building a democratic, civil society based on the market economy, which creates ample opportunities for free entrepreneurship and mutual equality of all types of property.

Keywords: Alcohol, production procedure, circulation, criminals, civil society, market economy, Uzbekistan.

Introduction

The history of the development of alcohol products in the history of mankind goes back a long time. About a century ago, for the first time, the development of various alcohol products was started. Prohibitions on the illegal production or sale of alcoholic beverages span fifty centuries. As the historical normative legal documents that provided for such prohibitions became widely known, the millennium BC. We can include the edicts of the Chinese emperors of the XXIII century, the ancient Babylonian "Laws of Hammurabi" (1792-1750 BC) and the Roman "Laws of Table XXII" (451-450 BC). For example, in the "Laws of Hammurabi" it was forbidden for a monk living in a religious institution to open a gourd, as well as for free women to visit such places, and a woman who violated this rule was cruelly punished - burned at the stake (Doroyevna 2023).

At this point, let's study how these issues were regulated in the first state structures formed on the territory of our country. In this regard, first of all, the information in "Avesta", an invaluable source of Zoroastrianism, which reflects the religious and secular ideology of the peoples living in the territory of Uzbekistan, is of great historical importance. Avesta reflects the socio-economic life, religious beliefs, concepts, customs, and level of cultural development of the peoples who lived in the territory of Uzbekistan, in the region of Central Asia in the millennia BC, from the earliest times.

In the Avesta, issues of crime and punishment are comprehensively regulated. Crimes are divided into the following types: crimes against the person, crimes against property, crimes against the family, crimes against faith. Both humans and animals are recognized as subjects

of crime in the Avesta. At the core of the concept of criminal subjects is a person's belonging to a certain religion.

We see that the Zoroastrian doctrine does not prohibit drinking intoxicating drinks. In addition, taking into account that there is no information that the production of alcohol products is regulated on the basis of separate rules, it can be logically concluded that according to Avesta, the act we are considering is not considered a crime.

It is worth noting that the Arab caliphate, which was established in the VII century and ruled until the XIII century, left a deep mark in the history of mankind. The state structure of the Arab caliphate and the legal system with its own characteristics - Muslim law - spread to Europe, Asia and North Africa. In particular, Islamic statehood and Muslim law were practiced in the territory of Uzbekistan from the 7th century to the 20th century.

"Criminal acts, as well as other prohibited, reprehensible and unacceptable acts, are considered as violations of the "limits of God" in Islamic law." According to Al-Mavardi, "offense in the official legal sense means committing an act that God forbids and punishes."

In our jurisprudence, in the early Middle Ages, when our holy religion Islam spread, and later during the Timurid and Khanate periods, the fate of alcohol products was decided based on Sharia laws. Drinking alcohol was declared a grave religious sin.

In such crimes, it was not possible for the parties to be forgiven, pardoned or reconciled. The punishment given to them was called "hadd" and was given only by court verdict, often execution, stoning, hanging, dismemberment and other forms, or 40-100 lashes with a whip or stick. After that, he had to repent and wash away his sins. Apart from these, punishments such as deprivation of liberty, confiscation of property, imprisonment, exile and banishment were imposed. The Hadd was performed mainly in public places, markets or arcades.

The fact that alcohol (khamr) is haram for Muslims is reflected in the main sources of our religion, the Holy Qur'an, and in the hadiths of our Prophet. For example, the verses about khamr are mentioned four times in the Holy Qur'an, step by step. First, the sixty-seventh verse of Surah Nahl was revealed. The second verse about khamr is the two hundred and nineteenth verse of Surah al-Baqarah, in which it is said that people ask about khamr and gambling, and that there are both benefits and harms in them, that the harms are greater than the benefits, and that there is a great sin in them. The verse in the third stage is the forty-third verse of Surah Nisa. In that verse, Muslims are commanded not to pray while drunk. And finally, the ninety-first and ninety-first verses of Surah "Moida" were revealed, and the ruling that khamr is absolutely haram was confirmed.

The following hadith is narrated from our Prophet Muhammad SAW (from Jabir RA): "Indeed, Allah and His Messenger have prohibited the sale of vodka, olimtik, pork and dates." This hadith mentions several things that are forbidden to buy and sell. One of the rules of trade in Islam is that the consumption of what is offered for sale must be halal. It is for this reason that it is forbidden to buy and sell the things mentioned in this narration. One of them is vodka - intoxicating drinks. Vodka consumption developed during the period of ignorance, and therefore the vodka trade was also booming. Verses about this were gradually revealed, and vodka was forbidden.

With the revelation of the verse in Sura "Baqarah" about the total prohibition of vodka, the Prophet, peace be upon him, who declared that the trade of vodka was forbidden. Since the consumption of vodka is haram, its sale and purchase has also become haram.

The following ten types of people related to Khamr were mentioned by the Prophet

(pbuh). being cursed by their tongues and banished from God's mercy: the squeezer (the person who prepares the khamr); those who ordered compression, started its production; a drinker; porter (prepare, carry); lifter (employs carriers, pays them and uses them); pourer; seller; price eater; buyer; seller (persons who sell indirectly).

Currently, in the Islamic world, alcohol products are treated differently depending on the purpose of use. For example, in the large scientific conference of the "Islamic Conference of Medical Sciences" held in the State of Kuwait on May 22-24, 1995, a very large scientific conference of today's prominent scholars and medical workers on the haram substances added to food products and some medicines. was held, and a 1,112-page "Decision on prohibited and impure substances in food and medicine" was adopted. In this decision, some rules regarding the use of alcohol in the daily life of Muslims were established. According to him, "khamr", i.e. vodka and things prepared to get drunk, are impure. Since alcohol is an intoxicating substance, it is absolutely haram to drink and consume it. However, according to Shari'ah, alcohol - that is, alcoholic substances prepared for medical use - can be used to clean skin, wounds, and medical equipment, and to kill germs. Alcohols prepared medically and with medical intent can be used for perfumes that smell good. Because some of the substances added to the perfume here can dissolve only with that alcohol. In other cases, there should be no vodka or intoxicating drinks in the medicine or its composition.

Depending on the historical origin, the object of aggression and the determination of the punishment, crimes in the Sharia criminal law system can be divided into three groups, of which the first group includes extremely serious crimes aimed at encroaching on the rights of Allah and the strict interests of the entire Muslim society, and a strict punishment - "had" is determined for them. . Drinking alcohol is one of those crimes. However, Muhammad Salam Madkur, one of the Arab scholars, believes that alcohol consumption should not be included in this group. M.Rajabova states that consumption of alcohol belongs to the first group of crimes due to the fact that the maximum punishment is prescribed in Sharia for this category of crimes.

In conclusion, during the centuries when Islam was dominant in our country, a number of verses were revealed and many hadiths were narrated; It is also announced that those who produce kham, sell it, serve it, and do other things related to it, will be cursed by Allah; finally, a measure was introduced to punish those who consumed khamr.

Based on the above, we can summarize the discussion of the results of the study of historical data on the emergence and development of criminal-legal prohibitions in the field of illegal production or distribution of alcohol products in Uzbekistan and come to the following conclusions:

Activities related to the illegal production or introduction of alcoholic products into circulation on the territory of our country were regulated on the basis of Sharia rules, and any form of it was punished until the establishment of the Tsarist Russia. It can be said that in the history of the medieval statehood of Uzbekistan, it was not possible to consume, buy, sell, or prepare alcoholic products.

In the system of the former Union, one of the important tasks of the state was to ensure stability and development in the field of production or introduction of alcohol products, because its instability can seriously affect the state budget, the criminogenic situation in society and social processes, as well as the health of the population.

Measures of criminal-legal protection of social relations in the field of production or introduction of alcoholic products into circulation are considered to be the most effective means in a situation where the criminogenic situation in this field may increase rapidly.

An important condition for the stability and development of this industry is the establishment of a state monopoly in relation to it, because historically periods when this was not the case were characterized by a sharp increase in crime.

Criminal legal prohibitions in the field of production or distribution of alcoholic products should be in accordance with the current political and socio-economic situation in the country.

Effective application of criminal legal norms in the field of production or introduction of alcoholic products into circulation is difficult without necessary procedural provision, generalization of judicial practice and legal interpretation.

The most effective punishment for legal entrepreneurs engaged in illegal production or distribution of alcohol products is to deprive them of the special permit provided to engage in such activities.

Legislation regulating the production or distribution of alcoholic products should be unified. The fight against the illegal production or circulation of alcoholic products is an urgent issue for Uzbekistan today. Therefore, it is important to clarify such issues as the types of this crime, how they are characterized at the current stage of development of society and the state. Our next two paragraphs are devoted to the analysis of these issues.

Conclusion

Although the Holy Qur'an clearly declares the prohibition of alcohol, it does not specify what kind of punishment should be imposed on a person who drinks alcohol. That is why our Prophet, peace and blessings be upon him, ordered to punish the criminal for good. It was confirmed by his circumcision. It was left to the discretion of the Muslim government to determine the amount of the punishment. Our Prophet s.a.v. they said that there was a sentence of beating a person who consumed khamr in front of many people, and they introduced that those who were caught drunk in their time could be beaten with a palm branch and kavush, or even by hand. Therefore, it became obligatory for the Islamic Ummah to start beating a person who is caught drinking alcohol. It was left to the discretion of the authorities of each time to determine with what and how much beating.

As we have seen, before the establishment of the system of Tsarist Russia, in accordance with the rules of Islam and Sharia, which was the official state religion in our country, any actions related to the production, distribution and consumption of alcohol products were prosecuted.

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