

Mechanisms of Legalizing Transactions Obtained by Criminal Ways through Banks

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Abstract: Analyzed ways of legalization of transactions obtained through criminal means through banks. During the study, various methods and schemes related to the legalization of proceeds of crime through the banking system and its impact on economic security were studied.

Key words: commercial banking, crime, money laundering, criminal schemes, money laundering, financial transactions, integration, distribution, division, securities.

Introduction.

The development of the country's economy, state development, rule of law, well-being of citizens, development of commercial banks is an important key of the state strategy. Simply put, it depends on the priority of the criteria of justice that every citizen of the state feels confident, loyal to his compatriots and the motherland, and follows strict discipline on this path.

Recently, attention is being paid to the formation of the "compliance control" system in our republic. In particular, in accordance with the Decree No. PF-5729 of the President of the Republic of Uzbekistan dated May 27, 2019 "On measures to further improve the system of combating corruption in the Republic of Uzbekistan, the State Program for Combating Corruption" was adopted. strengthen measures to combat corruption in organizations with a stake, including:

- implementation of the "compliance control" system to combat corruption and monitoring its effectiveness;
- Anti-corruption certification tasks are established in accordance with the relevant anti-corruption standard (ISO 37001).

In addition, in accordance with the decision No. 114 of the Cabinet of Ministers of the Republic of Uzbekistan dated March 2, 2021 "On measures to introduce the anti-monopoly compliance system", the anti-monopoly compliance system:

- From January 1, 2022, as an experiment (trial) in state administration bodies, local executive authorities, and state-owned enterprises included in the approved list;
- From January 1, 2023, it is planned to be introduced for natural monopoly entities, economic entities with a dominant position in the goods or financial market, as well as corporate customers whose average annual revenue from the sale of goods in the last three years exceeds 30 billion soums.

Nevertheless, the content and content of the compliance control system is wider than the anti-corruption and anti-monopoly compliance, and taking into account the importance of commercial banks' connection to international payment systems, risk and regulation, the formation of an effective compliance management system is of urgent importance. In commercial banks of the

Republic of Uzbekistan, the board of directors (supervisory) is ultimately responsible for developing and managing a compliance management system that ensures compliance with laws and regulations on the protection of consumer rights. The success of a compliance management system in a banking institution depends to some extent on the actions taken by its board and senior management.

Globalization and the acceleration of cross-border capital flows have created the conditions for the rise of organized crime, which is becoming more and more international. The capital obtained illegally by criminal groups is allocated to the personal enrichment of the organizers, as well as to support various directions of the activities of the terrorist society, which are the most dangerous of their activities. At the same time, the measures of the international community to fight against criminals severely limit the possibilities of using illegal income.

Organizations, enterprises, institutions, regardless of their legal form, keep their free funds in appropriate accounts in banking institutions on the basis of a contract. If the criminal proceeds are in the bank account of a legal entity as a result of committing the main crime or entered the account under the guise of income from legal activities, the money is issued by cashless payment. In the course of criminal activity on behalf of a shell company with one or more banks, the legislator enters into an agreement for bank account, settlement and cashier services. The company can conclude a service contract with the bank through the Bank-Client electronic system. For this, the electronic key is transferred to the company, providing real-time remote access to the company's account numbers.

Analysis of literature on the topic.

The content of the category of money laundering through the banking system can be combined into several groups in the interpretation of leading scientists and industry experts. In particular, A. Bekryashev, "In the structure of the secret economy, the following main directions or blocks can be distinguished. The manufacturing sector that makes a real contribution to the production of the gross domestic product:

- a) legal activity carried out illegally, for example, without a license or special permission; hidden production in the legal economy;
- b) illegal employment;
- c) economic activity prohibited by law.

Various economic crimes are included in the redistributive sector of the clandestine economy," he writes. E.V. Zolotarev described that "Currently, money laundering activities are characterized by the constant complexity of criminal schemes, the acceleration of illegal transactions, and the need to use transit bank accounts".

Despite the fact that the information about the share of the secret economy in the GDP of Uzbekistan is different, its level, as noted by the Minister of Economy and Industry Botir Khojaev, "today the level of the secret economy of Uzbekistan is about 45-46 percent" is true. Because in recent years, the liberalization of currency policy and changes in income tax in our republic have led to a significant decrease in the level of the secret economy.

In the study guide "Economic Security" by Dilorom Artikova, one of the economists of Uzbekistan, information is provided about the issues of economic security of the country, threats to it, its indicators, criteria and lower limit values.

The impact of globalization processes on the economic security of countries, increasing the competitiveness of the economy, the place and role of regional organizations in ensuring economic security, terrorism, secret economy, corruption and their impact on economic security are given a special place in it.

But in our country, there is no separate educational literature on combating the legalization of proceeds of crime. Only some scientific articles can be found in this direction. In this regard, in

this article, various methods and methods of legalization of proceeds of crime have been researched, and various schemes of their legalization have been studied.

Research methodology.

The methodology of this article is made up of deduction, abstraction, classification, generalization, comparative, theoretical interpretation and analytical methods, and as a result of their use and bibliographic study, ensuring the economic security of the regions in the socio-economic development and the factors affecting them and their necessity have been determined.

Analysis and results.

The methods and methods of legalization of criminal income are constantly improving. Their detection by law enforcement agencies is increasing. Simple schemes have been replaced by more complex multi-step schemes, making it increasingly difficult for law enforcement agencies to detect criminal financial flows. A number of experts note certain general basic principles, which consist of consistent steps for their construction.

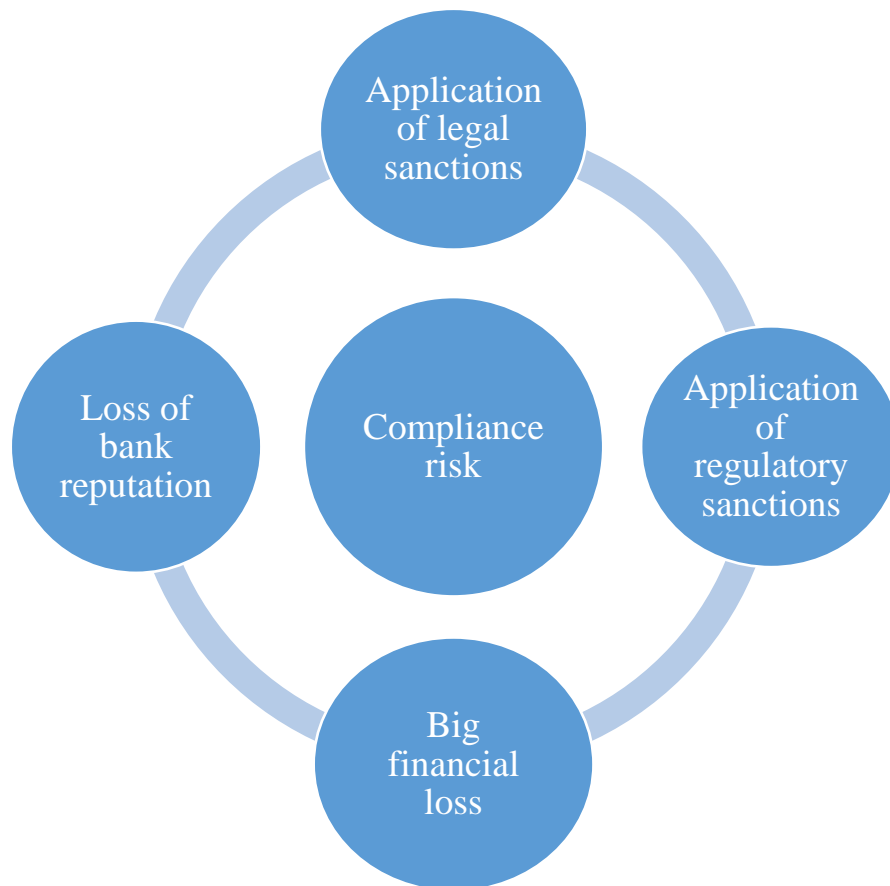


Figure 1. Compliance risk composition ¹.

It is known that compliance risk includes legal sanctions or regulatory risk, financial losses, and the risks associated with the loss of the bank's reputation (Figure 1), usually due to deficiencies in compliance with laws and regulations in the banking sector, business ethics and other standards. At the same time, compliance risk is not limited to the risks of non-compliance with legal norms and requirements, but also includes "integrity" risks in scope.

Placement – represents the physical transfer of cash to a third party account at banking institutions or stock market levers. This phase is characterized by the movement of funds from cash to non-cash. The owners of the accounts to which cash is received are often students, socially protected citizens and persons without specific residence.

¹ Author development

The stage of distribution of large amounts of money in the form of cash is the most transparent and easy to identify for law enforcement agencies in the process of "laundering" of money. Criminal law can be grouped into several groups in the interpretation of experts. In particular, A. Bekryashev, "In the structure of the secret economy, the following main directions or blocks can be distinguished. The production sector (illegal economy) that makes a real contribution to the production of the gross domestic product:

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Accounting of suspicious transactions by commercial banks according to the suspicion criterion and the ambiguity criterion ².

Category	2018	2019	2020	2021	2022	Total
Criterion of hesitation	32669	63920	109560	281869	563894	1052002
Criterion of Suspicion	191242	171571	134864	99360	133737	730774

Customers from countries classified as high-risk by MHIK are subject to extended due diligence by commercial banks. Also, all their transactions are classified as suspicious transactions. Commercial banks have a special electronic reporting form that collects information on services and transactions provided to these customers. However, some banks do not serve customers from these countries at all.

Divorce involves separating ill-gotten gains from their sources by conducting a series of confusing financial transactions in order to conceal the source of the proceeds. At this stage, criminals often buy bank bills and other securities. If these operations are not detected by law enforcement agencies, then the search for criminals at the next stage will be very complicated.

Integration is the final stage of legalization, which aims to give legal status to criminally obtained investments that criminals plan to use in their economic activities. At this stage, funds are usually invested in high-profitable areas of business activity. Thus, after the third phase of money laundering, criminally obtained funds are re-directed to the economy of supposedly legitimate origin. At the end of all the stages of legalization, the identification of elements and iterations of criminal schemes can only be carried out with the help of the network of informal informants within the crime existing in law enforcement agencies.

The owner instructs the broker to purchase securities. Taking into account the changing conditions of the stock market, there is no doubt that it is economically feasible to carry out many operations related to the receipt of cash for the purpose of purchasing stocks and bonds at a broker bank.

² EAG report

The specific aspects of illegal actions in this case are: lack of interest of clients in obtaining maximum profit from transactions related to securities and the shortness of the cash flow period.

Thus, research on the history of the origin of the term "money laundering" (laundering) made it possible to deepen the theoretical and practical understanding of the economic and legal nature of this phenomenon, as well as to form the apparatus of concepts and set boundaries for research.

In addition, the study of functional models of the formation of criminal schemes allows to abstract the existing relations as a set of economic relations related to the legalization (laundering) of income.

Conclusions and suggestions.

The analysis of criminal schemes based on the understanding of the essence of the mentioned processes determines the important practical role of each of the credit organizations in the implementation of these schemes. The bank-based comprehensive basis and the similar logic of establishing criminal-investigative relations, which appeared as an integral subject of the process under consideration, are the improvement of the system of combating the legalization (laundering) of proceeds of crime and the financing of terrorism, as well as the mechanisms of separate control of credit organizations for the purposes of PYU/TMK. allows to develop methods.

At the same time, in the process of developing these methods, it should be noted that criminal schemes are also becoming more and more complex. Taking into account that the subject engaged in illegal activities is a human being, it is advisable to take measures based on the study of the economic nature of the motives and factors that determine the activities of criminals.

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