



IMPROVING CRIMINAL LIABILITY FOR COMBATING THE ILLEGAL TRAFFICKING OF PYROTECHNIC DEVICES

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Abstract: This article analyzes socially dangerous circumstances related to the illegal trafficking of pyrotechnic devices and their consequences. It examines the existing criminal law norms in the Republic of Uzbekistan, the problems encountered in practice, and ways to eliminate them. Furthermore, the experience of foreign countries in regulating the circulation of pyrotechnic devices is studied, and proposals and recommendations are developed to improve national legislation. The research results aim to enhance the effectiveness of combating the illegal trafficking of pyrotechnic devices, protect citizens' lives and health, and strengthen public safety.

Keywords: pyrotechnic devices, illegal trafficking, criminal liability, public safety, national legislation, prevention, law enforcement agencies, international experience.

The system of criminal liability for combating the illegal trafficking of pyrotechnic devices requires a comprehensive approach in legal, technical, and organizational aspects. By identifying the gaps in the current regulatory and legal framework, analyzing them in connection with practical realities, and developing legally grounded solutions to the identified issues, it is possible to further enhance the effectiveness of the criminal liability system in this sphere.

Article 250¹ of the Criminal Code, which establishes liability for the illegal trafficking of pyrotechnic devices, defines the material nature of the corpus delicti, i.e., it requires the existence of a socially dangerous consequence — the circulation of pyrotechnic devices “in a significant amount” or the repeated commission of the act after an administrative penalty has been applied. This provision delineates the boundary between a criminal offense and an administrative offense, which in turn affects the qualification of the socially dangerous act committed; therefore, determining the “significant amount” is of crucial importance.

In Section 8 of the Criminal Code of the Republic of Uzbekistan, in particular in the provisions concerning “the legal meaning of terms,” the quantitative criteria for legal and categorical concepts such as “significant amount,” “large amount,” and “very large amount” are defined, and their classificatory significance in determining the corpus delicti is of considerable theoretical and





practical importance. This normative clarity has a direct impact on the application of Article 250¹ of the Criminal Code, since Paragraph 1 of this Article stipulates that the presence of pyrotechnic devices in a “significant amount” is one of the mandatory elements of the corpus delicti of the offense in question [1].

As of June 2025, based on the Base Calculation Amount (BCA), a “significant amount” is defined as a value between 100 and 300 times the BCA, which corresponds to pyrotechnic devices worth from 37,500,000 UZS to 112,500,000 UZS. Possession or trafficking of pyrotechnic devices within this value range constitutes the corpus delicti of the offense provided for in Part 1 of Article 250¹ of the Criminal Code.

Furthermore, Parts 2 and 3 of this Article provide for qualified elements of the offense based on the aggravating circumstances of “large amount” and “very large amount.” Specifically, cases in which the value of pyrotechnic devices, as assessed by an authorized appraisal organization, is between 300 and 500 times the BCA (from 112,500,000 UZS to 187,500,000 UZS) are classified as a “large amount.” When the value reaches 500 times the BCA or more (exceeding 187,500,000 UZS), it is recognized as a “very large amount.”

These criteria are of particular theoretical and practical importance in criminal law theory, as they determine the severity of the crime based on quantitative thresholds, clarify the elements of the offense, and directly affect the system of criminal liability. The values established by appraisal organizations play a crucial role not only in identifying the elements of the offense but also in the investigation of criminal cases and in judicial practice.

Although the current procedure and mechanism have a certain legal basis, there is a potential for subjective approaches by appraisal organizations in determining the value of pyrotechnic devices. Such subjectivity can directly affect the determination of the severity of the crime, the clarification of the elements of the offense, and the system of criminal liability, and in some cases may even create conditions for concealing a crime.

This is due to the fact that pyrotechnic devices are not permitted for open sale within the territory of the Republic of Uzbekistan and are not freely available in retail markets. As a result, there is no established real or estimated price for this category of products in the domestic market. Under such conditions, appraisal organizations may lack an objective basis for determining the value of such goods and may rely instead on their own internal judgments or





on regional economic conditions. This creates a risk of artificially undervaluing or overvaluing pyrotechnic devices.

Since the assessed value directly affects the quantitative element of the corpus delicti, there is a risk that the criminal-legal qualification of the socially dangerous act committed may be carried out incorrectly or without proper justification. This, in turn, could lead to violations of the principles of justice in judicial practice.

In the current criminal law norms, one of the key criteria for establishing criminal liability for the illegal trafficking of pyrotechnic devices is the precise determination of the quantitative value of such items, which constitute the subject of the crime. Although Article 250¹ of the Criminal Code contains legal categories such as “significant amount,” “large amount,” and “very large amount,” their practical application is directly based on the expert conclusions provided by appraisal organizations. However, in practice, the value of these devices is assessed differently by appraisal entities in different regions, which leads to incorrect classification of the offense, inconsistencies in the individualization of punishment, and discrepancies in judicial practice.

In order to eliminate this legal and regulatory gap and to establish a unified system for assessing pyrotechnic devices on a national scale, it is advisable to create a special commission composed of the relevant state bodies, including the Ministry of Internal Affairs, the Ministry of Emergency Situations, the State Customs Committee, the National Guard, the Ministry of Justice, the Supreme Court, the State Committee for Industrial Safety, the “Uzstandard” Agency, and other competent authorities. This commission should annually, not for commercial purposes but specifically for use within the framework of criminal proceedings, determine and approve indicative (estimated) price ranges for all categories of pyrotechnic devices based on expert-legal analysis.

Such an approach, first, ensures the correct classification of the corpus delicti; second, establishes a unified and consistent law enforcement practice throughout the republic; and third, guarantees the real implementation of the principles of legality, justice, and equality. Thus, this proposal can be recognized as an important legal mechanism that ensures objectivity and uniformity in the assessment of crimes related to pyrotechnic devices.

References:

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