

KONFERENSIYALAR UZ

— ANJUMANLAR PLATFORMASI

O'ZBEKISTON – 2030: INNOVATSIYA, FAN VA TA'LIM ISTIQBOLLARI

**II RESPUBLIKA ILMIY-AMALIY
KONFERENSIYA MATERIALLARI**

IYUN, 2025-YIL



O‘ZBEKISTON — 2030: INNOVATSIYA, FAN VA TA’LIM ISTIQBOLLARI

**II RESPUBLIKA ILMIY-AMALIY
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2025-yil, iyun

TOSHKENT-2025

ISBN 978-9910-09-204-6

O'ZBEKISTON – 2030: INNOVATSIYA, FAN VA TA'LIM ISTIQBOLLARI. II Respublika ilmiy-amaliy konferensiyasi materiallari. – Toshkent: Scienceproblems team, 2025. – 138 bet.

Elektron nashr: <https://konferensiyalar.uz/uzbekistan-2030>

Konferensiya tashkilotchisi: “Scienceproblems Team” MChJ

Konferensiya o'tkazilgan sana: 2025-yil, 23-iyun

Mas'ul muharrir:

Isanova Feruza Tulqinovna

Annotatsiya

Mazkur nashrda “O'zbekiston — 2030: innovatsiya, fan va ta'lim istiqbollari” nomli II Respublika ilmiy-amaliy konferensiyasi doirasida taqdim etilgan ilmiy maqolalar to'plami jamlangan. Unda O'zbekistonning turli oliy ta'lim va ilmiy-tadqiqot muassasalari, tarmoq tashkilotlari, mustaqil tadqiqotchilar tomonidan taqdim etilgan ijtimoiy-gumanitar, iqtisodiyot, huquq, biologiya, tibbiyot va boshqa sohalarga oid maqolalar kiritilgan. Maqolalarda ilm-fanning zamonaviy yo'nalishlari, innovatsion texnologiyalar, ta'lim islohotlari hamda barqaror taraqqiyotga oid masalalar muhokama qilingan. To'plam akademik izlanishlar, amaliy tajribalar va ilmiy xulosalarni birlashtirgan holda, fanlararo integratsiyani chuqurlashtirish va ilmiy hamkorlikni kuchaytirishga xizmat qiladi.

Kalit so'zlar: ilmiy-amaliy konferensiya, innovatsiya, fan va ta'lim, O'zbekiston 2030, barqaror rivojlanish, ilmiy izlanishlar, fanlararo integratsiya, ilmiy hamkorlik, texnologik taraqqiyot, zamonaviy ta'lim.

ISBN 978-9910-09-204-6

Barcha huquqlar himoyalangan.

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MUNDARIJA

FIZIKA-MATEMATIKA FANLARI

Kamolova Dilnavoz, Shomurodova Shahzoda

PAST TEMPERATURALAR HOSIL QILISH VA GAZLARNI SUYULTIRISH METODLARI5-10

TEXNIKA FANLARI

Mirabdullayev Fayzullo, Tursunov Otabek

5G TEXNOLOGIYASIDAGI XAVFSIZLIK MUAMMOLARINING TAHLILI 11-18

Tursunov Otabek, Shakarov Muhiddin

ZAMONAVIY SIMMETRIK SHIFRLASH ALGORITMLARINI CHIZIQLI KRIPTOTHLILI 19-27

TARIX FANLARI

Ergasheva Mohichexra

ROSSIYA IMPERIYASI SIYOSATINING ZARAFSHON VOHASIDAGI ETNIK MUVOZANATGA

TA'SIRI: TARIXIY MANBALAR ASOSIDA TAHLIL 28-31

Oralov Dostonbek

BIRINCHI JAHON URUSHINING TURKISTON O'LKASIDAGI IJTIMOY-SIYOSIY

JARAYONLARGA TA'SIRI 32-35

IQTISODIYOT FANLARI

Арипова Анна

ЦИФРОВИЗАЦИЯ БУХГАЛТЕРСКОГО УЧЁТА КАК ФАКТОР ПОВЫШЕНИЯ

ЭФФЕКТИВНОСТИ СДЕЛОК СЛИЯНИЯ И ПОГЛОЩЕНИЯ 36-40

Шарипов Жамшид, Нуридинов Рамзидин

СУНЬИЙ ИНТЕЛЛЕКТ: ТАЪЛИМ СИФАТИНИ ОШИРИШ ДРАЙВЕРИ 41-48

Авдошкина Олеся

ГОСУДАРСТВЕННАЯ ПОДДЕРЖКА МАЛОГО БИЗНЕСА ЧЕРЕЗ КРЕДИТНЫЕ

ИНСТРУМЕНТЫ: НА ПРИМЕРЕ НАМАНГАНСКОЙ ОБЛАСТИ 49-56

Azamatov Otabek

PROBLEMS IN IMPROVING THE COMPETITIVENESS OF SMALL BUSINESSES AND PROPOSED

SOLUTIONS 57-61

Eraliyev Sardorjon

AGROBIZNESDA INVESTITSIYA FAOLIYATINI MOLIYALASHTIRISHNING ZAMONAVIY

USULLARI 62-64

Isomuxamedov Akbarjon

KICHIK BIZNES SUBYEKTLARIDA XARAJATLAR VA DAROMADLAR HISOBINI TASHKIL ETISH

VA TAHLIL QILISH 65-67

FILOLOGIYA FANLARI

Mamatova Feruza

ANTROPOFENOMENLAR: LINGVOKOGNITIV, LINGVOMENTAL, DINAMIK VA STATIK

TURLARI 68-73

Yuldasheva Xurshida

O'ZBEK ADABIY MEROSINING RAQAMLI PLATFORMALARDA O'RGANILISHI: IBN SINO

MISOLIDA 74-76

<i>Abduvaliyeva Kamola</i> “SHAJARAYI TURK” ASARIDAGI ETNONIMLARNING GRAMMATIK TUZILISHI VA YASALISHI	77-82
---	-------

GEOGRAFIYA FANLARI

<i>Abdirayimova Ozoda</i> SURXONDAYO VILOYATIDA BUDDIZM OBIDALARI ASOSIDA ZIYORAT TURIZMINI RIVOJLANTIRISH IMKONIYATLARI	83-86
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YURIDIK FANLAR

<i>Alimjonov Fayozbek</i> LITSENZIYALASH TUSHUNCHASI, TIZIMLARI VA ULARNING TARIXIY RIVOJLANISHI	87-91
<i>Muradullayeva Sevinch</i> SOLIQ NAZORATINI AMALGA OSHIRISHNING NAZARIY-HUQUQIY ASOSLARI	92-96
<i>Abdullaeva Sabokhat</i> ISSUES OF IMPROVING INTERNATIONAL LEGAL MECHANISMS TO COMBAT TRANSNATIONAL CRIMES TARGETING CRYPTOASSETS	97-105

PEDAGOGIKA FANLARI

<i>Haqberdiyev Baxtiyor, Ismag'ilova Madinabonu, Imomnazarova Durdona</i> TASVIRIY SAN'AT VA MUHANDISLIK GRAFIKASI MUTAXASSISLARINING GRAFIK VA IJODIY KOMPETENTLIGINI SHAKLLANTIRISH	106-108
<i>Разикова Дилфуза</i> ЭФФЕКТИВНОСТЬ ДИАГНОСТИЧЕСКОГО ОЦЕНИВАНИЯ ПРИ ОБУЧЕНИИ СТУДЕНТОВ НЕФТЕГАЗОВОГО ПРОФИЛЯ	109-112
<i>Salimova Bakhora</i> TEACHING METHODOLOGY: PRINCIPLES, APPROACHES, AND INNOVATIONS	113-117
<i>Bakhronova Mahliyo</i> “DEVELOPING PROFESSIONAL COMPETENCE IN TEACHING ENGLISH”	118-123
<i>Bekmuradova Gulnoza</i> TALABALARNI ILMIY-TADQIQOT ISHLARGA JALB ETISHNING PEDAGOGIK-PSIXOLOGIK VA ILMIY-METODIK ASOSLARI	124-129
<i>Rahimov Javohir</i> DUAL TA'LIMNI TASHKIL ETISHDA 4K VIDEO STUDIYASIDAN FOYDALANISH VA VIDEODARSLARNI YOZISHNING DASTURIY METODIK TA'MINOTI	130-133
<i>Юсупова Сабохат</i> ЗНАЧЕНИЕ РАЗВИТИЯ НАУКИ И ОБРАЗОВАНИЯ В ПРОГРЕССЕ ОБЩЕСТВА	134-137

ISSUES OF IMPROVING INTERNATIONAL LEGAL MECHANISMS TO COMBAT TRANSNATIONAL CRIMES TARGETING CRYPTOASSETS

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Abstract. This study examines the critical challenges and potential solutions for enhancing international legal frameworks in combating transnational crimes related to cryptoassets. In the context of today's rapidly evolving digital economy, the research comprehensively analyzes the transnational nature of cryptoasset-related crimes, identifies existing deficiencies in international legal cooperation mechanisms, and proposes strategic interventions to address these challenges. Based on a methodical analysis of current international legal instruments, statistical data, and comparative legal approaches, this research develops practical recommendations for strengthening international legal mechanisms to combat cryptoasset-related crimes. These evidence-based proposals aim to enhance the efficacy of the global community's collective efforts in addressing criminal activities involving cryptoassets, thereby contributing to a more secure digital financial ecosystem.

Key words: cryptoassets, transnational crimes, international legal mechanisms, cybercrime, digital economy, legal cooperation, financial security.

KRIPTOAKTIVLARGA QARATILGAN TRANSMILLIY JINOYATLARGA QARSHI KURASHISHNING XALQARO HUQUQIY MEXANIZMLARINI TAKOMILLASHTIRISH MASALALARI

Abdullayeva Sabohat Asatullo qizi

Toshkent davlat yuridik universiteti o'qituvchisi

Annotatsiya. Ushbu tadqiqot kriptoaaktivlarga oid transmilli jinoyatlarga qarshi kurashishda xalqaro huquqiy mexanizmlarni takomillashtirish bo'yicha muhim muammolar va ularning mumkin bo'lgan yechimlarini o'rganadi. Bugungi tez sur'atlar bilan rivojlanayotgan raqamli iqtisodiyot sharoitida tadqiqot kriptoaaktivlar bilan bog'liq jinoyatlarning transmilli xususiyatini chuqur tahlil qiladi, xalqaro huquqiy hamkorlik mexanizmlaridagi mavjud kamchiliklarni aniqlaydi va ushbu muammolarni bartaraf etish bo'yicha strategik choralarni taklif etadi. Amaldagi xalqaro huquqiy hujjatlar, statistik ma'lumotlar va qiyosiy huquqiy yondashuvlarning tizimli tahliliga asoslangan holda, mazkur tadqiqot kriptoaaktivlar bilan bog'liq jinoyatlarga qarshi kurashishda xalqaro huquqiy mexanizmlarni mustahkamlashga qaratilgan amaliy tavsiyalarni ishlab chiqadi. Ushbu dalillarga asoslangan takliflar kriptoaaktivlar bilan bog'liq jinoyat faoliyatiga qarshi kurashda xalqaro hamjamiyatning birgalikdagi sa'y-harakatlarining samaradorligini oshirishga, shuningdek, yanada xavfsiz raqamli moliyaviy muhitni shakllantirishga xizmat qiladi.

Kalit so'zlar: kriptoaaktivlar, transmilli jinoyatlar, xalqaro huquqiy mexanizmlar, kiberjinoyat, raqamli iqtisodiyot, huquqiy hamkorlik, moliyaviy xavfsizlik.

DOI: <https://doi.org/10.47390/978-9910-09-204-6/uzb-18>

I. Introduction

Background and Context

The emergence and proliferation of digital technologies, coupled with the transformation of financial systems, have positioned cryptoassets as a significant component of the global economy. According to Chainalysis (2023), cryptocurrency market transactions reached an unprecedented volume of 24.2 trillion US dollars in 2023. This substantial

circulation of financial resources inevitably attracts criminal actors. International experts consistently emphasize that the decentralized nature, anonymity features, and cross-border characteristics of cryptoassets create favorable conditions for novel forms of criminal activity (FATF, 2021).

Recent data from Europol (2024) indicates that losses attributed to cryptoasset-related crimes amounted to 23.8 billion US dollars in 2023, with this figure demonstrating a consistent annual increase. Moreover, recent years have witnessed a growing sophistication in illegal transactions and crimes perpetrated through cryptocurrencies, presenting additional challenges for law enforcement agencies worldwide.

Research Significance

The significance of this research stems from the inherently transnational nature of cryptoasset-related crimes and the imperative to enhance international legal mechanisms for combating them. Numerous studies have confirmed that the cross-jurisdictional characteristics of these crimes render individual states incapable of effectively addressing them solely within their respective jurisdictions (Houben, R., & Snyers, A., 2020). Consequently, concerted efforts by the international community and the refinement of international legal frameworks are essential for effectively countering cryptoasset-related criminal activities.

Research Objectives

The primary objective of this study is to conduct a comprehensive analysis of existing international legal mechanisms for combating transnational crimes related to cryptoassets and to develop scientifically grounded proposals for their enhancement. To achieve this central aim, the research addresses several specific objectives: examining the transnational characteristics of cryptoasset-related crimes and their international legal classification; analyzing the current state of international legal regulation in the domain of cryptoassets; identifying fundamental challenges to international cooperation in combating cryptoasset-related crimes; and developing concrete proposals for improving international legal mechanisms in addressing crimes involving cryptoassets.

II. Methodology

This research employs a qualitative analysis framework incorporating multiple methodological approaches to enable a comprehensive examination of the international legal dimensions of combating cryptoasset-related crimes.

The study includes an in-depth examination of principal international legal instruments relevant to combating cryptoasset-related crimes, including the UN Convention against Transnational Organized Crime (2000), the Budapest Convention on Cybercrime (2001), and official documents, reports, and recommendations from international organizations such as the Financial Action Task Force (FATF), the United Nations Office on Drugs and Crime (UNODC), and Interpol. This documentary analysis facilitates an assessment of the effectiveness of existing international legal instruments in addressing cryptoasset-related crimes and identifies areas requiring enhancement.

A comparative examination of legal mechanisms employed by various countries for regulating and combating cryptoasset-related crimes was conducted. The research investigated the experiences of jurisdictions with advanced legal frameworks in the domain of cryptoassets, including the United States, European Union, Japan, Singapore, and Switzerland, alongside

approaches adopted by developing nations. This comparative analysis enables the identification of commonalities and divergences in approaches across different legal systems and highlights opportunities for improving international cooperation.

The research incorporates analysis of contemporary statistics on cryptoasset-related crimes provided by Chainalysis, Europol, UNODC, and other international organizations. This statistical examination contributes to developing a precise understanding of the volume, dynamics, and geographical distribution of cryptoasset-related criminal activities. The statistical data analysis is instrumental in assessing the magnitude and severity of the problem and identifying priority areas for enhancing international legal mechanisms.

The research examines international legal mechanisms for combating cryptoasset-related crimes as an integrated system. This approach facilitates the identification of interconnections between various elements of combating cryptoasset-related crimes (legal, institutional, technical, etc.) and enables the formulation of solutions to systemic challenges.

Additionally, the research process encompasses an examination of scholarly works, articles, and monographs by leading experts in the fields of international law, cryptoassets, and cybercrime. This ensures consideration of contemporary scientific perspectives and approaches to improving international legal mechanisms for addressing cryptoasset-related crimes.

III. Results

International Legal Characterization of Cryptoasset-Related Crimes

Cryptoasset-related crimes represent some of the most complex and rapidly evolving forms of contemporary criminal activity. Their inherently transnational nature transcends national boundaries and presents significant challenges to traditional law enforcement methodologies.

According to research conducted by UNODC (2023), the primary categories of cryptoasset-related crimes include: unauthorized access to cryptocurrency exchanges and theft of funds, with approximately \$3.7 billion in assets misappropriated through unauthorized access to cryptocurrency exchanges and digital wallets in 2023, a notable example being the attack against the Poly Network platform in March 2023, resulting in the theft of over \$600 million; terrorist financing, with the International Expert Group on Countering the Financing of Terrorism (CEFT) reporting that terrorist organizations have increasingly utilized cryptoassets for financing their operations in recent years, notably with 18% of detected terrorist financing cases in 2022-2023 involving cryptocurrency transactions; illicit market transactions and money laundering, with illegal goods and services traded on darknet markets primarily utilizing cryptocurrencies, particularly Bitcoin, Monero, and other privacy-focused digital currencies, and UNODC estimating that transaction volumes on darknet markets reached approximately \$1.8 billion in 2023; cryptoasset theft through phishing operations, with Cybersecurity Ventures (2023) reporting that more than 40,000 phishing attacks targeting cryptocurrency owners were documented in 2023, resulting in the misappropriation of approximately \$1.2 billion in assets; and cryptocurrency pyramid schemes and fraudulent operations, with cryptocurrency fraud manifesting in various forms, including fabricated investment projects promising excessive returns, fraudulent Initial Coin Offerings (ICOs), and

cryptocurrency pyramid schemes, Europol (2024) reporting that investors incurred losses of approximately \$5.9 billion due to cryptocurrency fraud in 2023.

A distinctive characteristic of cryptoasset-related crimes is their frequent occurrence across multiple jurisdictions, substantially complicating enforcement efforts. For instance, perpetrators may operate from one country, targeting victims in another, utilizing cryptocurrency exchanges based in a third country, with servers located in yet another jurisdiction.

Existing international legal instruments, including the UN Convention against Transnational Organized Crime (2000) and the Budapest Convention on Cybercrime (2001), inadequately address all dimensions of cryptoasset-related crimes. As Albrecht et al. (2022) observe, this deficiency primarily stems from the fact that these international legal frameworks were established prior to the widespread adoption of cryptotechnologies. Consequently, they fail to account for the specific characteristics of cryptoasset-related criminal activities.

Specifically, the Convention against Transnational Organized Crime primarily targets traditional criminal organizations and insufficiently addresses the technical aspects of crimes perpetrated in digital environments. Similarly, while the Budapest Convention on Cybercrime addresses issues such as unauthorized access to computer systems and data interference, it does not comprehensively cover the specific typologies of cryptoasset-related crimes and their financial dimensions.

Furthermore, these international instruments do not establish specialized procedures and mechanisms for investigating and prosecuting crimes involving cryptoassets, limiting the capabilities of law enforcement agencies in addressing cryptoasset-related criminal activities.

Current Status of International Legal Regulation in the Field of Cryptoassets

The international community has initiated efforts to combat cryptoasset-related crimes. However, international legal regulation in this domain remains fragmented and lacks harmonization.

A central component of the international legal framework for cryptoassets consists of standards developed by the Financial Action Task Force (FATF). In 2019, FATF adopted international standards for virtual assets and virtual asset service providers (VASPs), subsequently updated in 2021. These standards address issues including the regulation of cryptoasset providers, customer identification requirements, suspicious transaction reporting, and the "Travel Rule" (requiring the transfer of sender and recipient information for transactions exceeding \$1,000).

However, a fundamental limitation of the FATF standards is their advisory nature and inconsistent implementation across countries. According to the FATF's 2023 report, only 60% of its members have implemented legal and regulatory frameworks aligned with FATF standards for virtual assets and VASPs.

The United Nations Office on Drugs and Crime (UNODC) has also undertaken various initiatives to combat money laundering through cryptoassets. UNODC has developed guidelines and training programs for law enforcement personnel on investigating crimes involving cryptoassets. However, the effectiveness of these initiatives is constrained by their non-binding nature and dependence on voluntary participation by states.

Interpol's Darknet and Cryptocurrency Task Force provides support to international law enforcement agencies in identifying and investigating crimes involving cryptoassets. The task force collects and analyzes information on cryptoasset-related crimes and provides technical assistance. However, Interpol's authority is limited, lacking the power to conduct investigations or apprehend suspects, which significantly restricts its capacity to combat cryptoasset-related crimes effectively.

Regional initiatives for regulating cryptoassets have also emerged. For example, the European Union adopted the Markets in Crypto-Assets (MiCA) regulation in 2023, establishing a unified regulatory framework for the cryptoasset market and harmonizing requirements for cryptoasset service providers. However, such regional initiatives are insufficient for addressing cryptoasset-related crime on a global scale.

As Campbell-Verduyn (2022) notes, disparities in legal approaches across countries, variations in technical capabilities, and the absence of uniform international legal standards constrain effective international cooperation, complicating coordinated efforts in combating cryptoasset-related crimes.

Key Challenges for International Cooperation in Combating Cryptoasset-Related Crimes

The transnational nature of cryptoasset-related crimes creates significant jurisdictional challenges (UNODC, 2023). Criminal activities involving cryptoassets frequently span multiple jurisdictions, with perpetrators, victims, cryptocurrency exchanges, and servers potentially located in different countries. This jurisdictional fragmentation complicates the determination of which country has jurisdiction to investigate and prosecute these crimes, often resulting in either jurisdictional conflicts or cases where no country assumes jurisdiction.

Different countries implement varying legal approaches to cryptoassets, complicating legal cooperation (Yeoh, P., 2022). Some jurisdictions (e.g., Japan, Switzerland) have recognized cryptoassets as legal tender and established specialized legislative frameworks for their regulation. Others (e.g., the United States, European Union member states) regulate cryptoassets primarily as financial assets. A third category of countries (e.g., China, Egypt) maintains prohibitive policies toward cryptoassets. These divergent legal approaches restrict the application of the dual criminality principle in addressing cryptoasset-related crimes and diminish the effectiveness of international legal assistance mechanisms.

Significant differences exist in the availability of technical tools and expertise for combating cryptoasset-related crimes between developed and developing countries. Detecting and investigating these crimes requires sophisticated technical resources and specialists with specialized training. Many developing countries lack such capabilities, reducing the effectiveness of international cooperation and creating "safe havens" for criminal actors.

The lack of consistent international standards for regulating cryptoassets and combating related crimes presents a significant challenge (Albrecht, C., Duffin, KM, Hawkins, S., & Morales Rocha, VM, 2022). While FATF recommendations exist, they are advisory in nature and implemented inconsistently across jurisdictions. The absence of a specific international convention on combating cryptoasset-related crimes hinders effective international cooperation in this domain.

The absence of uniform standards for collecting, preserving, and exchanging digital evidence impedes effective international cooperation (Europol, 2024). Investigating cryptoasset-related crimes involves complex procedures including digital evidence collection and preservation, blockchain transaction analysis, and cryptocurrency wallet identification. The lack of uniform standards in this area creates difficulties in ensuring that evidence collected by law enforcement agencies in one country is recognized and admissible in courts of other jurisdictions.

Traditional Mutual Legal Assistance Treaties (MLATs) are often too slow and inefficient for investigating cryptoasset-related crimes. MLAT procedures typically require several months to a year for completion, potentially resulting in the loss or alteration of digital evidence. Additionally, some countries lack MLAT agreements, further complicating international cooperation efforts.

The anonymity features of cryptoasset transactions and the utilization of trace-obscuring technologies (mixers, tumbler services) complicate the identification of perpetrators and tracking of criminal activities. This reduces international cooperation effectiveness, as even when states demonstrate willingness to cooperate, technical challenges in identifying perpetrators and collecting evidence may persist.

The lack of effective cooperation mechanisms between government agencies and private sector entities (cryptocurrency exchanges, wallet providers, etc.) in combating cryptoasset-related crimes presents additional challenges (Campbell-Verduyn, M., 2022). Private sector representatives often possess critical information for combating crime but lack clear legal frameworks and mechanisms for sharing this information with government authorities.

Cryptoasset technologies evolve rapidly, while international legal mechanisms fail to keep pace with these developments. Consequently, as new cryptoasset technologies emerge (e.g., decentralized finance - DeFi, non-fungible tokens - NFTs), existing legal mechanisms may prove inadequate.

These challenges collectively diminish the effectiveness of international cooperation in combating cryptoasset-related crimes and enable criminals to exploit jurisdictional gaps, underscoring the necessity for enhancing international legal mechanisms addressing cryptoasset-related crimes.

IV. Discussion

To strengthen international legal mechanisms for combating cryptoasset-related crimes, action in several key areas is necessary.

As noted by Fink et al. (2023), developing a specific international convention or protocol to address cryptoasset-related crimes is essential. Such an instrument should account for the distinctive characteristics of these crimes and establish effective countermeasures. A specialized international legal instrument should address several crucial elements: establishing precise definitions of cryptoasset-related crimes at the international level, including definitions of specific offense types such as unauthorized access to cryptocurrency exchanges, money laundering through cryptoassets, and fraudulent schemes involving cryptoassets, which would facilitate the harmonization of criminalization approaches and enable effective application of the dual criminality principle; establishing clear criteria for determining jurisdiction in cryptoasset-related crimes, considering factors including the perpetrator's location, victim

location, location of servers hosting cryptoassets, and the impact of the criminal activity, along with dispute resolution mechanisms for jurisdictional conflicts; developing efficient and expeditious procedures for interstate cooperation in investigating and prosecuting cryptoasset-related crimes, including streamlining traditional mutual legal assistance mechanisms, establishing direct communication channels, and developing protocols for providing assistance in urgent situations; establishing international standards for collecting, preserving, and exchanging digital evidence in cryptoasset-related crimes to ensure that evidence collected by law enforcement agencies in one jurisdiction is recognized and admissible in courts of other countries; and developing frameworks for cooperation between government agencies and private sector entities in combating cryptoasset-related crimes, encompassing information sharing protocols, suspicious transaction reporting requirements, and additional forms of collaboration.

Ensuring implementation of the FATF (2021) standards across all jurisdictions and harmonizing national legislation based on these standards is crucial. This requires implementing systems for licensing and supervising cryptoasset service providers across all countries to enable regulation of their activities and help prevent the use of cryptoassets for criminal purposes; developing mechanisms for effectively implementing requirements to transmit sender and recipient information in cryptocurrency transactions to support anti-money laundering efforts and facilitate identification of suspicious transactions; improving systems for collecting and sharing information about cryptoasset owners to facilitate the identification and prosecution of individuals involved in criminal activities; and enhancing FATF monitoring of countries' implementation of its recommendations and establishing effective sanctions for non-compliant jurisdictions.

As proposed by Interpol (2023), strengthening international law enforcement mechanisms for combating cryptoasset-related crimes is essential. This could involve establishing a permanent working group within Interpol focused on cryptoasset-related crimes to perform functions including collecting and analyzing information on these crimes and assisting states in identifying and prosecuting perpetrators; improving protocols for forming international investigative teams comprising representatives from law enforcement agencies across multiple countries to investigate cryptoasset-related crimes; establishing systems for expeditious information exchange between countries regarding cryptoasset-related crimes; and enhancing international cybersecurity cooperation to combat these crimes, including developing cooperation between computer emergency response teams (CERTs) and establishing information-sharing systems for cyberattack incidents.

As UNODC (2022) observes, expanding international technical assistance programs to build developing countries' technical capacity is necessary. This includes establishing training programs for law enforcement personnel on detecting and investigating cryptoasset-related crimes, covering topics like cryptoasset technologies, blockchain analysis methodologies, and cryptoasset crime characteristics; equipping law enforcement agencies in developing countries with necessary technical tools for detecting and investigating cryptoasset-related crimes; developing programs for exchanging experts in combating cryptoasset-related crimes to enable knowledge sharing between developed and developing nations; and establishing regional

centers for cooperation in combating cryptoasset-related crimes to provide technical assistance, facilitate experience sharing, and coordinate regional cooperation.

As Campbell-Verduyn (2022) notes, developing public-private partnerships is essential for effectively combating cryptoasset-related crimes. This involves enhancing cooperation between cryptocurrency exchanges, service providers, and law enforcement agencies in detecting and responding to suspicious transactions, identifying perpetrators, and collecting evidence; enhancing mechanisms for cryptoasset service providers to detect suspicious transactions and report them to law enforcement agencies; strengthening mechanisms for detecting and monitoring suspicious cryptoasset transactions through innovative technologies including artificial intelligence and machine learning; and fostering cooperation between self-regulatory organizations in the cryptoasset sector and law enforcement agencies to develop industry standards, prepare crime prevention recommendations, and implement other collaborative initiatives.

V. Conclusion

Enhancing international legal mechanisms to combat transnational crimes involving cryptoassets represents a complex and multidimensional challenge. This research demonstrates that existing international legal frameworks are insufficient for effectively addressing cryptoasset-related crimes. Jurisdictional complexities, regulatory approach disparities, technical capacity imbalances, the absence of uniform international standards, and various other factors collectively diminish the effectiveness of international cooperation in this domain.

To strengthen international legal mechanisms for combating cryptoasset-related crimes, several measures are recommended: developing a specialized international convention or protocol addressing cryptoasset-related crimes to establish clear definitions of relevant offenses, mechanisms for resolving jurisdictional issues, international cooperation procedures, and standards for evidence collection and sharing; enhancing FATF standards and ensuring their implementation across all jurisdictions, including improving licensing and supervision systems for virtual asset service providers, effectively implementing the "Travel Rule," and enhancing beneficial ownership determination mechanisms; establishing a permanent working group within Interpol focused on cryptoasset-related crimes and strengthening international law enforcement mechanisms, including improving international investigative team formation protocols, developing rapid information exchange systems, and enhancing international cybersecurity cooperation; expanding international technical assistance programs to build developing countries' technical capacity through law enforcement training programs, providing essential technical equipment, establishing expert exchange programs, and creating regional cooperation centers; and developing public-private partnerships for combating cryptoasset-related crimes by strengthening cooperation with cryptocurrency exchanges and service providers, improving suspicious transaction detection and reporting mechanisms, enhancing monitoring through innovative technologies, and developing cooperation with self-regulatory organizations in the cryptoasset sector.

Implementation of these recommendations would significantly enhance the international community's effectiveness in combating transnational crimes involving cryptoassets. This could contribute to reducing criminal activities involving cryptoassets,

increasing financial system stability and security, and creating conditions for legitimate and transparent development of the cryptoasset economy.

Simultaneously, cryptoasset technologies continue to evolve and advance, necessitating regular enhancement of countermeasures. Therefore, improving international legal mechanisms for combating cryptoasset-related crimes should constitute an ongoing process, adapting to emerging technological developments.

In conclusion, effective countermeasures against transnational crimes involving cryptoassets require concerted international community efforts, enhanced legal frameworks, increased technical capacity, and innovative approaches. Only through such comprehensive measures can the positive potential of cryptoassets be fully realized while preventing their exploitation for criminal purposes.

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I RESPUBLIKA ILMIY-AMALIY KONFERENSIYASI MATERIALLARI
2025-yil, 23-iyun

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**O‘ZBEKISTON — 2030: INNOVATSIYA, FAN VA TA’LIM
ISTIQBOLLARI. II Respublika ilmiy-amaliy konferensiyasi
materiallari.** – Toshkent: Scienceproblems team, 2025. – 138 bet.

Elektron nashr: <https://konferensiyalar.uz/uzbekistan-2030>

Konferensiya tashkilotchisi: Scienceproblems Team

Konferensiya o‘tkazilgan sana: 2025-yil, 23-iyun

ISBN 978-9910-09-204-6

Barcha huquqlar himoyalangan.
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