

TSUL LEGAL REPORT

INTERNATIONAL ELECTRONIC SCIENTIFIC JOURNAL

VOLUME 6
ISSUE 4
DECEMBER 2025



JOURNAL DOI: 10.51788/tsul.ir.

ISSUE DOI: 10.51788/tsul.ir.6.4.

E-ISSN: 2181-1024

Founder: Tashkent State University of Law



INTERNATIONAL
ELECTRONIC SCIENTIFIC JOURNAL
VOLUME 6
ISSUE 4
DECEMBER 2025

JOURNAL DOI: 10.51788/tsul.lr.
ISSUE DOI: 10.51788/tsul.lr.6.3.

«TSUL Legal Report» international electronic scientific journal was registered by the Press and Information Agency of Uzbekistan on April 21, 2020, with certificate number 1342. The journal is included in the list of journals of the Higher Attestation Commission under the Ministry of Higher Education, Science and Innovations of the Republic of Uzbekistan.

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Publishing license
№ 174625, 29.11.2023.

E-ISSN: 2181-1024

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TSUL LEGAL REPORT

Journal home page: www.legalreport.tsul.uz



Received: 18.11.2025

Accepted: 03.12.2025

Published: 30.12.2025

DOI: [10.51788/tsul.ir.6.4./AJWM3758](https://doi.org/10.51788/tsul.ir.6.4./AJWM3758)

CONCEPT AND CHARACTERISTICS OF TERRORISM FINANCING

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Abstract. The study is devoted to the legal nature and theoretical justification of the concept of terrorism financing, which is considered as an independent crime that emerged as a result of the development of international and national anti-terrorism legislation. The paper analyzes the subject and topic of the research by establishing the connection between terrorism, crimes of a terrorist nature, and the financial mechanisms that ensure their commission. The aim of the research is to identify problems related to the legal definition of terrorism financing and to substantiate the need for its normative improvement. The relevance of the study is determined by the absence of a unified approach in legislation and doctrine, which complicates law-enforcement practice and the identification of this act. The methodological basis consists of comparative-legal, systemic, and formal-legal methods. As a result, significant differences between international and national definitions of terrorism and terrorism financing were identified, demonstrating the incompleteness of current formulations and the need for an expanded interpretation. The practical significance lies in the possibility of applying the proposed conclusions to improve criminal legislation and mechanisms for combating terrorism financing. It is concluded that clarifying the normative definition, taking into account international standards, and incorporating the category of crimes of a terrorist nature into legal regulation are essential for the proper qualification of terrorism financing.

Keywords: Terrorism, crimes of a terrorist nature, international standards for combating terrorism, terrorism financing, legal regulation, criminal liability, terrorist act, national legislation

Introduction

Considering that terrorism financing is only one component of terrorist activity, which cannot exist without terror itself, it is

important to examine the epistemological prerequisites for the emergence and development of liability for acts containing the characteristics of this extremely

dangerous social phenomenon. Studying the formation and development of law and doctrines in the field of combating crime through a historical perspective serves as an effective means for understanding the modern legal system, emphasizing the necessity of conducting such research.

Analysis of the conceptual characteristics and notions that define the essence of terrorism will allow for the development of ways to further improve national anti-terrorism legislation, including aspects of combating terrorism financing. The need for such research is also underscored by the lack of a unified understanding of the concept of terrorism in modern science.

The concept of terrorism in the Law of the Republic of Uzbekistan "On Combating Terrorism" is defined as violence, the threat of its use, or other criminal acts that create a danger to life, personal health, destruction (damage) of property and other material objects, and are aimed at compelling a state, international organization, individual or legal entity to commit or refrain from committing any actions, complicating international relations, violating sovereignty and territorial integrity, undermining state security, provoking armed conflicts, intimidating the population, destabilizing the socio-political situation, in order to achieve political, religious, ideological, and other goals, for which liability is provided by the Criminal Code of the Republic of Uzbekistan.

The Criminal Code of the Republic of Uzbekistan, in turn, provides the following definition of this crime in the disposition of the article:

Terrorism is violence, the use of force, or other acts that endanger a person or property, or the threat of their commission to compel a state body, an international organization, their officials, a natural or legal person to perform or refrain from performing any activity in order to complicate international relations, violate sovereignty and territorial integrity,

undermine state security, provoke war, armed conflict, destabilize the socio-political situation, and intimidate the population.

This definition differs to some extent from the one provided in the Law "On Combating Terrorism."

In the encyclopedic dictionary, the word "Terrorize" means (from French "terroriser," from Latin "terror" - fear, horror) - to pursue by threatening with reprisal, murder, to keep in a state of fear (Prokhorov, 1981), and in S.I. Ozhegov's dictionary: "Terror is physical violence, up to and including physical elimination, against political opponents" (Ozhegov, 1978).

A.A. Kirichenko believes that terrorism should be understood as the ideology of violence and the practice of influencing decision-making by state authorities, local self-government bodies, or international organizations, associated with intimidating the population and/or other forms of unlawful violent actions (Kirichenko, 2010).

J. Ibrohimov, in his dissertation (Ibrohimov, 2018), proposes to distinguish a category of "*Crimes of a terrorist nature, for which he formulates the following definition: Actions (or inaction) aimed at facilitating, creating favorable conditions for the commission of a terrorist crime, developing in a person the necessary skills for carrying out terrorist acts, limiting the ability to combat and prevent these crimes, as well as embodying the nature of terrorist activity.*

In this case, Ibrohimov quite logically separates crimes of a terrorist nature into a distinct category. This means that today there exists not only the crime of terrorism but also a number of other crimes that have a terrorist nature.

In our view, the concepts mentioned above and the analysis by scholars, including the definitions established in the national criminal legislation of the Republic of Uzbekistan, do not fully reveal the essence of such a crime as terrorism financing. This incomplete regulatory framework, in turn, creates uncertainty in

identifying and qualifying acts related to terrorism financing. This is because the specified crime is historically and logically derived from terrorism and represents its integral part. Consequently, the accuracy and comprehensiveness of the terrorism definition are crucial for a correct understanding and effective counteraction to the financing of terrorist activities.

Based on this, we can conclude that the current definition of terrorism in national legislation is neither complete nor sufficient to ensure comprehensive counteraction not only to terrorism financing but also to terrorist crimes as a whole. It should be noted that the existing formulations predominantly reveal the essential features of terrorism as a phenomenon but do not cover the entire spectrum of terrorist criminal acts, including various forms of participation, assistance, organization, preparation, and facilitation of terrorist acts.

Analysis of current norms allows us to assert that the definition of the crime “terrorism” in its current form does not reflect all modern manifestations of terrorism, which are evolving due to technological progress, the transnational nature of terrorist networks, and the expansion of methods for influencing public safety. In the modern world, terrorist activity extends far beyond the classical forms of violent attacks and includes cyberterrorism, propaganda and recruitment through digital platforms, the use of cryptocurrencies to finance terrorist groups, logistical and information support, as well as other covert forms of assistance.

In light of this, it appears necessary to expand and clarify the legislative definition of terrorism and terrorist crimes. It should include not only traditional indicators of terrorist activity but also modern methods, forms, and tools for its implementation. This will ensure more accurate qualification of the relevant acts, increase the effectiveness of law enforcement agencies, and eliminate existing gaps in the detection, prevention,

and investigation of crimes related to terrorism financing.

Methods

The conducted research has demonstrated that unveiling the essence of terrorism and terrorist financing is impossible without identifying their interrelationship and analyzing existing legal approaches enshrined in both national legislation and international legal acts. As part of this work, various definitions of terrorism were thoroughly examined, including normative definitions found in the legislation of the Republic of Uzbekistan, acts of international organizations, as well as in scholarly literature. It has been established that the existing formulations reflect only individual elements of terrorism and do not encompass the full spectrum of acts that modern doctrine and international standards classify as crimes of a terrorist nature. This, in turn, leads to significant difficulties in qualifying acts related to terrorist financing, as a precise understanding of predicate offenses is a key condition for the correct application of criminal law norms.

The study pays special attention to distinguishing between the concepts of “terrorism,” “terrorist act,” and “crimes of a terrorist nature,” as these categories form the basis of international legal regulation, including the FATF Standards. Analysis of international treaties – in particular, the 1999 International Convention for the Suppression of the Financing of Terrorism and UN Security Council Resolution 1373 – revealed that terrorism in international practice is interpreted significantly more broadly than in national legislation, encompassing both specific acts of aggression and a wide range of related activities. The study demonstrates that the financing of terrorism is not limited to providing monetary funds, but includes various forms of material, resources, and other support aimed at facilitating the preparation, execution, and subsequent operation of terrorist activities.

A theoretical analysis of the historical aspects surrounding the formation of the concept «terrorism financing» has demonstrated that its current understanding evolved under the influence of global events in the late 20th and early 21st centuries. This understanding was largely shaped by the intensification of international counter-terrorism measures following the September 11, 2001, terrorist attacks. The expansion of the FATF mandate and the adoption of updated international standards have led to a systemic shift in approaches to evaluating the financial flows of terrorist structures, necessitating appropriate modernization of national legislation.

The methodological foundation of this research comprised a set of scientific methods that ensured a comprehensive and thorough analysis of the problem under study. To enhance methodological transparency and validity, the work separately outlines the advantages and limitations of each applied method, as well as the specific aspects that each method revealed.

The comparative legal method was key, allowing for the comparison of international and national approaches to defining terrorism and terrorism financing. Its advantage lies in the ability to identify legal discrepancies and determine directions for legislative harmonization. The method's limitation is the dependence of conclusions on the available comparative regulatory framework. In this study, the method was used to analyze differences between terrorism definitions in UN acts, FATF standards, and national legislation, as well as to identify gaps in regulatory framework.

The formal-legal method enabled the examination of content, structure, and logical interrelationships of legal norms regulating liability for terrorist crimes. Its advantage is the precise interpretation of concepts and norms; however, it is limited by the inability to account for factual circumstances and their practical application. In this study, the method was

used to analyze provisions of the Criminal Code of the Republic of Uzbekistan and to assess the accuracy of wording related to definitions of terrorism and terrorism financing.

The system-structural method allowed for the consideration of terrorism financing as an element of a broader counter-terrorism system, including operational-search activities, financial monitoring, international cooperation, and preventive measures. The method's advantage is its ability to demonstrate interrelationships between various legal and institutional mechanisms. Its limitation is a high degree of abstraction, requiring further concretization. In the study, this method was used to determine the place of terrorism financing within the overall system of combating terrorist threats. Thus, the comprehensive application of these methods not only ensured depth and thoroughness of scientific analysis but also provided the research with a logically sound structure and allowed for a more substantiated identification of problems and directions for improving national legislation.

Thus, the comprehensive application of the indicated methods allowed not only to ensure the depth and comprehensiveness of scientific analysis, but also to give the research a logically verified structure, as well as to more reasonably identify problems and directions for improving national legislation.

The selection of research objects – the concepts of terrorism, terrorist act, crimes of a terrorist nature, as well as norms of international and national criminal legislation – is determined by the fact that these constitute the theoretical and normative foundation for correctly understanding and legally qualifying terrorism financing. The obtained results confirm the need for further improvement of legal regulation in this sphere and integration of international standards into national legislation, which is a necessary

condition for effectively countering terrorism-related crimes.

Results

The conducted analysis allows us to assert that researching the legal nature of terrorism financing is impossible without establishing its direct dependence on the content and essence of terrorism as a fundamental phenomenon. International practice confirms this position. Thus, the FATF Standards emphasize that any act of facilitating terrorist activity is considered an integral part of it, which directly links financing to the very concept of terrorism. Furthermore, the FATF recommendations (in particular, Special Recommendation II) require states to formulate the definition of terrorism financing based on a broad and comprehensive understanding of terrorist activity.

Since the financing of terrorism is a derivative crime, the boundaries of its legal content depend on the completeness and accuracy of the definition of terrorism in national legislation. Comparison shows that the current definition in the legislation of Uzbekistan (for example, Article 155 of the Criminal Code) focuses primarily on acts of violence and threats, while modern international approaches include preparatory, organizational, informational, and other forms of supporting terrorist activity. Consequently, in law enforcement practice, situations arise where actions objectively aimed at promoting terrorism (e.g., providing digital services, cryptocurrency transfers, or logistical support) do not always fall under existing formulations.

The issue of the legal nature of terrorism financing itself is of particular relevance. Analysis of verdicts shows that a significant portion of the identified crimes are one-time offenses. For example, in 2019-2024, cases of one-time transfer of funds to structures affiliated with international terrorist groups were recorded, where there was no systematic approach, but the intent was clearly aimed at facilitating

terrorist activities. Such cases confirm that the financing of terrorism is not always a long-term or organized process – it can be expressed in single deliberate actions, equivalent in their danger to a full-fledged criminal act.

International practice also indicates the need for an expanded understanding of the content of financing. Thus, in the decisions of courts of European states (for example, Germany, France, and the Netherlands), it has been repeatedly recognized that providing intangible resources, such as renting housing for members of terrorist organizations, transferring mobile devices, providing transportation, or even information consulting, can be a form of financing, as it creates conditions for the functioning of a terrorist structure.

Considering these trends, it seems appropriate to define terrorism financing as the deliberate provision, collection, or transfer of any monetary funds, property benefits, digital assets, intangible resources, or services aimed at supporting the preparation, commission, or facilitation of terrorist acts, as well as the activities of terrorist organizations or individual participants in terrorist activities. This approach aligns with the provisions of the 1999 International Convention for the Suppression of the Financing of Terrorism and the FATF recommendations and allows for consideration of modern forms of financing, including cryptocurrency instruments and electronic payment systems.

In summary, it is essential to improve the national regulatory framework through the following measures:

- Refining the definitions of “terrorism” and “financing of terrorism” to align with international standards and address modern threats;
- Ensuring a more accurate legal qualification of acts, which will enhance the effectiveness of counter-terrorism efforts and bring national legislation into harmony with global trends.

Discussion

Considering the essence of the crime of terrorism financing and its social danger, it is advisable to use the concepts of «crimes of a terrorist nature» and “terrorist act,” which are not defined in the legislation of the Republic of Uzbekistan.

In this regard, we partially agree with J. Ibrohimov's opinion that crimes of a terrorist nature are actions and inactions, which fully corresponds to the definition of crime in Article 14 of the Criminal Code of the Republic of Uzbekistan. However, we cannot agree with his view that these crimes represent an activity. As is widely known, activity is understood as actions performed two or more times (Shubina, 2012). Based on the analysis of crimes, it is precisely the crimes committed only once that constitute the majority of offenses.

As we can see, not only terrorism but also other crimes of a terrorist nature are important for the predicate offense of terrorism financing. This is also confirmed by the FATF Standards (FATF, 2012). In these standards, the FATF uses the term “Terrorist act,” which is the main definition for qualifying the crime of terrorism financing. According to FATF Standards, a Terrorist act includes:

(a) an act that constitutes an offense specified in the following treaties:

(i) Convention for the Suppression of Unlawful Seizure of Aircraft (1970);

(ii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971);

(iii) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);

(iv) International Convention against the Taking of Hostages (1979);

(v) Convention on the Physical Protection of Nuclear Material (1980);

(vi) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation,

supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988);

(vii) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005);

(viii) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005);

(ix) International Convention for the Suppression of Terrorist Bombings (1997) and

(x) International Convention for the Suppression of the Financing of Terrorism (1999).

(b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

As we can see, terrorism is not the only predicate offense for terrorist financing, which is also confirmed by the FATF Standards.

The concept of terrorist financing emerged in light of the increasing number of terrorist acts in various parts of the world, as well as the realization that these acts require financial resources for their execution and sustainment.

An important stage in shaping the understanding of terrorist financing occurred in the 1980s-1990s, when the international community began to pay attention to the threat of terrorism as a global phenomenon.

The concept of terrorist financing began to be actively used in international documents and organizations in the late 1990s and early 2000s. However, it is important to note that the idea of controlling the finances of terrorist organizations can be traced in a number of resolutions and decisions even earlier.

One of the first significant milestones in the development of this topic can be attributed to the creation of the Financial Action Task Force (FATF). FATF was established in 1989 as a response to the financial aspects of combating drug crimes and money laundering, but its mandate was later expanded to include terrorism financing issues. In October 2001, FATF broadened its mandate to encompass aspects related to financing terrorist acts and activities of terrorist organizations. This expansion of the mandate emphasized the importance of combating the flow of funds provided to terrorist groups to carry out their activities (Neglyad & Lafitskaya, 2022). Thus, FATF became one of the first international bodies actively engaged in countering money laundering from criminal activities and the financing of terrorism.

The term “financing of terrorism” itself and its active use in documents of international organizations and countries can be linked to events in the late 1990s and early 2000s, including the post-9/11 surge of interest in security issues following the terrorist attacks in the USA on September 11, 2001.

The concept of “financing of terrorism” in an official document first appeared in the International Convention for the Suppression of the Financing of Terrorism of 1999. This marks the first instance when the term “financing of terrorism” was used in official international documents in the context of counter-terrorism measures.

UN Security Council Resolution No. 1373, adopted on September 28, 2001, at the Council’s 4385th meeting, also addresses issues of terrorist financing and counterterrorism efforts.

Thus, the term “terrorism financing” began to be actively incorporated into international discourse and official documents starting from the late 1990s and more extensively after the events of September 11, 2001.

FATF Recommendation No. 5 emphasizes the need to criminalize

terrorism financing in accordance with the provisions of the 1999 International Convention for the Suppression of the Financing of Terrorism. This recommendation requires states to implement legislative and law enforcement measures aimed at suppressing and punishing actions related to providing financial support to terrorist organizations and their activities.

The International Convention for the Suppression of the Financing of Terrorism and UN Security Council Resolution No. 1373 define it as the collection or provision of funds by citizens, with the explicit intention of using these funds to commit terrorist acts or with full knowledge that they will be used to support and carry out terrorist actions.

The Law of the Republic of Uzbekistan “On Combating the Legalization of Proceeds from Criminal Activity, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction” defines the financing of terrorism as follows: Financing of terrorism is an act that poses a threat to society and is subject to criminal prosecution in the Republic of Uzbekistan. It is aimed at ensuring the existence, functioning, and financing of a terrorist organization and also includes traveling abroad or moving through the territory of the country to participate in terrorist activities. Furthermore, this includes the preparation and commission of terrorist acts, as well as directly or indirectly providing or collecting any funds, resources, or services for terrorist organizations or individuals supporting or participating in terrorist activities.

Etymologically, the word “finance” means providing funds. However, in the context of international law, the specific definition of “terrorism financing” indicates the need for a broader interpretation of this concept. As V.A. Kazantsev states, one cannot limit oneself to the narrow meaning of the verb “finance” as merely providing monetary funds; it is necessary to

understand more deeply the essence of the phenomenon defined by the term “terrorism financing.” If this concept were limited only to providing funds, there would be no need to formulate its precise definition in international law.

It is important to note that the expression “financing terrorism” is closely linked to the successful completion of planned actions or operations. The Latin word “finis” translates to “limit,” “boundary,” or “end,” while the Old French verb “finer” means “to bring something to a successful conclusion, for example, to pay or settle.” From this, we can infer that the essence of the concept “financing” lies in gathering funds for the purpose of successfully completing a venture or operation. In other words, “to finance” means to provide sufficient monetary funds and other valuables to meet needs or resource requirements. Considering this, we can identify the key components of the concept of “financing.” Based on this understanding, we can say that the components of this concept involve the process of implementation using financial resources or assets such as currency, cash, stocks, capital, and securities. This process includes the allocation of these specified funds according to their intended purpose.

According to S.V. Muradyan, “Terrorism financing” represents the deliberate collection or provision of funds or other property, including associated rights, with the purpose of using them to commit criminal acts that endanger human lives, cause significant material damage, or lead to other socially dangerous consequences. Such actions are carried out to intimidate government officials, groups of people, or the population as a whole, or to compel a government or international organization to take certain actions or refrain from them.

According to J. Ibrohimov, “Terrorism financing refers to activities aimed at ensuring the existence, functioning, and financing of a terrorist organization; facilitating travel abroad or movement

through the territory of the Republic of Uzbekistan to participate in terrorist activities; preparing and committing terrorist acts; directly or indirectly (through third parties) providing or collecting any funds, resources, material or economic incentives; or rendering other services to terrorist organizations or individuals assisting or participating in terrorist activities.”

A historical analysis shows that the concept of terrorist financing evolved gradually as the international community recognized that terrorism cannot exist without stable financial support. Beginning in the 1980s–1990s, global attention shifted to terrorism as a transnational threat, and international documents increasingly emphasized the need to control the financial flows enabling terrorist groups. This development became especially pronounced in the late 1990s and early 2000s, when the term “terrorist financing” was formally incorporated into key instruments, including the 1999 International Convention for the Suppression of the Financing of Terrorism and subsequent UN Security Council resolutions. These documents introduced an expanded understanding of terrorist financing, defining it as the provision of any assets with the knowledge that they may be used to support terrorist acts – regardless of the source of these assets or whether an act of terrorism has actually occurred.

In parallel, international practice demonstrated that terrorism is not the sole predicate offense for terrorist financing, a position firmly established in the FATF Standards. Funds used for terrorist purposes are often generated through unrelated criminal activities such as drug trafficking, human trafficking, smuggling or fraud, which shows that terrorist financing forms part of a broader criminal system rather than a direct extension of terrorism alone. Earlier UN resolutions, even before the formal terminology appeared, already required states to prevent material and financial support to terrorist organizations,

illustrating a long-standing recognition that disrupting financial resources is essential to counterterrorism efforts. Taken together, these trends show that terrorist financing has progressively emerged as an independent criminal phenomenon, encompassing a wide range of acts that enable the functioning of terrorist structures beyond the commission of terrorist acts themselves.

Conclusion

In this context, many researchers also come to the conclusion that financing terrorism is an activity. However, in our opinion, this statement does not fully correspond to the concept of financing terrorism, which is regulated by international acts as mentioned above. This is because statistics show that in recent years, no repeated crime of terrorism financing has been initiated in the territory of the Republic of Uzbekistan. This means that this crime cannot be classified as an activity.

In our opinion, the disposition of terrorism financing cannot reflect the essence of terrorism financing as it was originally intended. Therefore, we believe it would be correct to modify it based on our observations made above.

In general, the concept of financing terrorism refers to the process of providing or collecting funds that are used consciously or with clear intent to support, organize, or carry out terrorist acts and crimes of a terrorist nature. This process can be carried out through various methods and means, either directly or indirectly, with the aim of providing financial resources for the planning and implementation of terrorist

activities, which poses a threat to the security of society and world order.

Based on all of the above, we have concluded that the financing of terrorism is not only an ongoing activity but can also be committed as a one-time act and can represent separate, independent, one-time actions. In this regard, we propose the following author's definition of the concept of "Terrorism financing": "Terrorism financing is the intentional provision or collection of funds, material or non-material benefits, or services to support, organize, or carry out terrorist acts, terrorist activities, as well as to maintain a terrorist organization, terrorist, or terrorist activity."

It is also proposed to introduce the following amendments and additions to the Criminal Code of the Republic of Uzbekistan:

1. It is proposed to replace the word "provision" with the word "maintenance" in the disposition of Article 155³ of the Criminal Code (in the Russian text).

2. The following wording of the disposition of Article 155³ of the Criminal Code is proposed:

Article 155³. Financing of terrorism

Financing of terrorism, that is, the deliberate provision or collection of funds or property, intentionally or with clear intent to support, maintain, organize, or carry out terrorist acts, terrorist activity, travel abroad, or movement through territories to participate in terrorist activity, prepare and commit a terrorist act, as well as maintain a terrorist organization, terrorist, or terrorist activity, or provide services to them in the absence of signs of complicity in terrorism – is punishable by imprisonment from eight to ten years.

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INTERNATIONAL ELECTRONIC
SCIENTIFIC JOURNAL

VOLUME 6
ISSUE 4
DECEMBER 2025