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### **THE SUBJECTIVE ELEMENTS OF CRIMES INVOLVING THE ILLEGAL HANDLING OF POTENT OR TOXIC SUBSTANCES**

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#### **Abstract:**

This article provides a comprehensive legal and theoretical analysis of the subjective elements of crimes involving the illegal handling of potent or toxic substances. The subjective side of a crime is considered one of its fundamental components, encompassing the identity of the perpetrator and their internal psychological state. Although the Criminal Code of the Republic of Uzbekistan does not provide a precise definition of the subject of a crime, this issue is addressed through the concepts of a “person who committed a crime” or an “offender” in existing legal documents. The article emphasizes that a person must be a physical individual who has reached the legal age of criminal responsibility and possesses mental capacity in order to be considered the subject of a crime. The essential requirements for criminal liability are explained in detail, including physical personhood, legal age, and mental soundness. Additionally, the concept of mental capacity is explored from both medical and legal perspectives, highlighting the conditions under which it applies and how a person’s state – particularly under the influence of narcotic or psychotropic substances – affects criminal behavior. The article analyzes how crimes committed under the influence of such substances may impair an individual’s willpower and limit their understanding of the social danger of their actions. From a legal standpoint, it is



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noted that if a person knowingly places themselves in a state of mental incapacity, they should still bear criminal responsibility. This concept is examined through the lens of the legal doctrine of *astio libera in causa*. The findings presented in the article serve as an important resource for the proper qualification of crimes and the fair imposition of penalties in cases involving potent and toxic substances. The article stresses the importance of studying this issue not only from a legal perspective but also from social and medical angles.

**Keywords:** subject of the crime, subjective element of the crime, potent substance, toxic substance, legal age of criminal responsibility, willpower capacity, *astio libera in causa*, mental disorder, intoxicated state.

The analysis of the subjective characteristics of a crime involves the analysis of the subject and subjective side of the structure of the relevant crime. The criminal legislation of Uzbekistan does not use the term “subject of a crime”, but rather uses expressions such as “person who committed a crime”, “person guilty of committing a crime”, which makes the concept and content of the subject of a crime related to the theoretical foundations of criminal law. According to the generally accepted opinion, in criminal law, a natural person is recognized as a subject of a crime, that is, a person who has committed a socially dangerous act prohibited by criminal law and can be held criminally liable for it.

The characteristics of the subject of a crime are established in Article 17 of the Criminal Code, according to which only a natural person who has reached the age established by the Criminal Code and is of sound mind can be held criminally liable. These characteristics reveal the general concept of the subject of a crime or, in the terms accepted in criminal law, the general subject of a crime. Thus, the



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subject of the crime must have the following general characteristics: he must be a natural person who is sane and has reached the age of criminal responsibility.

According to general views, sane means a person's ability to understand the true nature of his actions (or inaction) and control them. As is known, the concept of sane consists of two criteria - medical and legal criteria, and the presence of at least one medical and one legal criterion is sufficient to recognize a person as insane.

This characteristic is especially important in the classification of crimes related to the illegal use of highly potent substances, since the perpetrators of such crimes are often users of these substances.

For example, although the state of abstinence of drug addicts (when they stop taking the substance) is relative to their ability to understand social danger, their volitional sphere is impaired. That is, a person understands that he is breaking into a pharmacy in order to obtain a drug containing narcotic substances, but cannot restrain himself from these actions. In such cases, it is possible to conclude that there is a psychological criterion of insanity based on volitional signs.

Also, when a person stops taking substances as a result of addiction to various addictive drugs, seizures, visual hallucinations, and various mental disorders may occur. In such a situation, a person may not fully understand the true nature of his actions and their social danger and is not able to control them.

It should be noted that, regardless of the degree of intoxication and its nature, even if this condition often leads to a loss of the ability to fully understand the facts and social danger, a person is held criminally liable, since he is considered mentally healthy.

In this case, the concept of “astio libera in sausa” is applied, that is, even if the result of the crime occurred in a state of unconsciousness of the person, he performed his actions consciously in advance. Therefore, there is no reason to



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mitigate the punishment for violations arising from his own antisocial habits. This rule is also enshrined in Article 19 of the Criminal Code of Uzbekistan: a person who committed a crime under the influence of substances that affect the mind and will of a person is not exempted from liability, and such a state is not a basis for declaring a person insane.

According to current interpretations, the court may take into account the state of intoxication from alcoholic beverages, narcotic drugs or toxic substances when assessing the information characterizing the personality of the accused. Also, criminal legislation recognizes the commission of a crime in a state of intoxication as an aggravating circumstance.

However, criminal legislation contains the concept of mental disorder that does not exclude sanity and its criminal-legal consequences. According to Article 18<sup>1</sup> of the Criminal Code, a court may impose medical coercive measures in addition to punishment on a person whose mental disorder does not exclude sanity.

In this case, it is first necessary to determine the medical criteria and distinguish between crimes committed episodically under the influence of strong substances and persons suffering from mental illness associated with the use of these substances.

According to the personality theory of drug users developed by E.A. Babayan and A.N. Sergeyev, such individuals are divided into five conditional groups: 1) experimenters - individuals who have given up this habit after their first acquaintance with psychoactive substances; 2) episodic users - those who use them occasionally; 3) regular users - those who use psychoactive substances regularly; 4) moderately severe patients - those who have both mental and physical dependence; 5) severely addicted - individuals who are completely dependent on the effects of psychoactive substances and have a strong withdrawal syndrome[1].



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It can be assumed that there is no mental disorder in relation to experimenters or episodic users. However, individuals belonging to the fifth group can be recognized as having limited mental health, since such individuals need not only medical treatment, but also social rehabilitation.

According to A.N.Sergeev, the difference between drug addiction and toxicomania is mainly of a medical and legal nature. Drug addiction is an addiction to substances recognized as narcotics according to international and national laws. Toxicomania, on the other hand, develops as a result of the use of drugs or chemical substances that are not legally recognized as narcotics[2].

According to N.K. Semerneva, drug addiction, toxicomania and alcoholism are one type of disease - drug dependence. The difference between them is only in the type of substances that cause addiction. The medical and social similarity of these diseases means that their legal nature is the same, and measures for combating and preventing them should be the same [3]. Episodic use of substances, although it causes physical and mental dependence, should not be considered a reason for postponing the execution of punishment if it does not lead to pathological changes in the human psyche and does not cause drug addiction or toxicomania. We believe that this innovation will have a positive impact on reducing the level of recidivism, returning people with drug addiction or toxicomania to normal social life, and increasing the well-being of society.

Thus, the identification of the facts of the influence of strong or toxic substances and the disease of toxicomania is of great importance for determining the mental maturity of a person and, therefore, his guilt in committing a crime and the awareness of the committed actions. Because socially dangerous and illegal actions exist only when a person understands its true essence and social danger and is able to control his actions.



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The age of a person as a subject of a crime is also one of the mandatory characteristics. Since the law does not provide for exceptions for crimes involving strong or toxic substances, in accordance with Article 17 of the Criminal Code, the person who committed these crimes must have reached the age of 16. Because it is considered that by the age of 16, a teenager, in terms of his mental development, is able to clearly understand the true essence and social danger of illegal actions involving strong or toxic substances.

In investigative and judicial practice, problems usually do not arise in identifying an individual as a subject of a crime. At the same time, the idea of strengthening the criminal liability of legal entities in law has been discussed more than once in the theory of criminal law. Such discussions are connected, in particular, with the fact that in the legislation of a number of foreign countries not only individuals, but also legal entities can be held criminally liable. However, this principle is not reflected in the current criminal legislation of Uzbekistan.

As it is emphasized in the legal literature, a crime of a legal entity is always committed on the basis of a management crime of an individual - the head of this organization. As a result of the continuation of such a crime by employees of the organization, real harm is caused to social relations protected by the Criminal Code or there is a risk of such harm. This draws attention to the specific characteristics of the person who committed the crime.

The crime we are studying does not contain the signs of a special subject. However, through logical interpretation, it can be assumed that some crimes can be committed by a person engaged in activities related to substances.

Thus, the signs of a special subject do not affect the qualification of crimes related to the illegal circulation of potent and toxic substances. This, in our opinion, shows some shortcomings of the legislation in this area. Theoretically, the organizational and legal form of a legal entity allows additional qualification of



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the actions of relevant officials as crimes against the management order, as well as crimes against the service interests of commercial and other organizations. However, such cases were not encountered in the studied investigation and judicial practice materials.

These crimes can be committed not only by the leader, but also by the employees of the legal entity who have the right to dispose of these substances, including those who have the authority to prescribe and prescribe treatment for such substances.

According to S.Yu. Kosarev, the most common sources of illicit trafficking of potent and toxic substances are the criminal activities of pharmaceutical workers who have access to such drugs, as well as the criminal activities of medical and veterinary workers who are directly involved in the treatment of people and animals[4].

It is appropriate to talk about the existence of a system of “professional” crimes of medical workers in the Criminal Code. Such crimes are understood to be actions or inaction that are dangerous to society, committed intentionally or through negligence in violation of their professional duties. These actions may have caused harm to human health or life or created a real threat of causing such harm.

When it comes to abuse of one’s official position, the subject of the crime may be an official or another employee. It is important that the person’s official position allows him to commit this crime. Such persons include doctors, nurses, pharmacists, and employees of enterprises engaged in production activities related to narcotic or psychotropic substances. In each case, the official powers and obligations of this person established on the basis of legal or other regulatory legal acts, regulations, instructions should be determined.



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According to the domestic criminal law doctrine, if the relevant article of the Special Part of the Criminal Code focuses on the specific characteristics of the subject, he is considered a special subject. In other words, in addition to the characteristics of a general subject (being of sound mind and reaching the specified age), a special criminal subject must also have other special characteristics.

Taking into account the widespread nature of crimes related to the illegal trafficking of potent and toxic substances using an official position and the high level of danger they pose to society, we propose to supplement the liability for crimes related to the illegal trafficking of potent and toxic substances with an aggravating circumstance in the sense of “committing these actions by a person using an official position”.

When determining the subject of these crimes, a crime should be considered committed by a person using his official position only if the status of an official is a mandatory condition for committing this crime, since it should be taken into account that the official can also commit a crime as a private individual.

The subjective side of the illegal circulation of potent or toxic substances is determined, first of all, by the presence of guilt and intent, since they are of primary importance in qualifying these crimes. The peculiarity of formally constituted crimes is that the commission of such crimes itself poses a social danger and serves as a sufficient basis for holding the perpetrator accountable, regardless of the outcome. If someone commits such actions and is aware of their socially harmful aspects, this person is considered to have intended to commit such actions. The desire not to commit actions that a person consciously recognizes is logically and psychologically impossible. Therefore, the subjective side of these crimes can only be in the form of direct intent.



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S.V. Veklenko emphasizes that the most widespread and dangerous crimes are intentional crimes. Conscious actions aimed at causing harm to society increase the likelihood of this harm. A person who commits an intentional crime, as a rule, knowingly causes harm by his actions or inaction[5]. Thus, the guilty person understands the social danger of the actions of producing, purchasing, storing, transporting or selling potent or toxic substances, as well as equipment for their production or processing, and wants to commit these actions.

Understanding the danger of these actions means understanding that their uncontrolled use can harm the health of consumers or even lead to death. These drugs in illegal circulation can be used to commit serious and extremely serious crimes - murder, assault, terrorist acts, etc. However, the offender commits such actions primarily for the purpose of obtaining profit.

A necessary sign of the subjective side of the crime provided for in the third part of Article 251<sup>1</sup> of the Criminal Code is the purpose of trafficking these substances. It is this purpose that causes the spread of these substances among the population and determines their high level of social danger. If a person committed these actions for his own consumption, then the elements of the crime provided for in Article 251<sup>1</sup> of the Criminal Code do not exist. In addition, an important condition for the subjective side of the crime is the person's awareness of the strong effect or toxicity of these substances.

For example, a pharmacy employee commits a crime with direct intent when he sells strong drugs without a prescription. This is because pharmacists and pharmacists have received special training, they understand how strong drugs affect the human body, know that they can be misused, and understand that there is a list of such substances and that selling them without a prescription is a crime. Thus, by selling strong drugs without a prescription, that is, without a doctor's prescription, they understand that consuming these substances can harm human



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health and, knowing that such consequences are inevitable, they want these consequences to occur. Even unpleasant consequences for the guilty person are considered intentional consequences if they are considered inevitable or necessary to satisfy his needs. In investigative and judicial practice, it is very difficult to determine the purpose of selling strong or poisonous substances in cases related to the production, purchase, storage, and transportation of them. Typically, for narcotic drugs and psychotropic substances, the following can indicate the intention of a person to sell in such a situation: the purchase, production, processing, storage, transportation of substances, but not the person himself; their quantity (volume); placement in convenient containers or the existence of an appropriate agreement with buyers, etc. However, it is difficult to fully apply such rules to potent and toxic substances. For example, it is impractical to apply signs such as “purchase, production, processing, storage, transportation of substances that a person does not consume himself” in cases involving toxic substances. In addition, signs such as quantity (volume) or placement in convenient containers are also difficult to apply to such substances, since even a small amount of them can have high toxicity. It is also difficult to determine the existence of a prior agreement with buyers, since some individuals may sell such substances to unknown customers via the Internet.

At the same time, the sale of potent substances, especially anabolic steroids, is usually carried out by individuals who themselves use these substances. Participation in sports competitions, constant contact with professional athletes and “newbies” can attract a person to such illegal activities.

At the same time, the courts, when determining the signs of the subjective side, also proceed from the subject of the crime, since actions related to these substances can occur not only in the form of illegal sale, but also in legal circulation.



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At the same time, the practice of law enforcement agencies shows that the illegal possession of such substances can be associated with the following circumstances: their own consumption, subsequent consumption by other persons, sale based on a formed intention, loss and purchase by other persons, or use as a means to commit another crime.

### **References:**

1. Drug Addiction and Illegal Drug Trafficking. Theoretical and Practical Issues of Counteraction: Textbook for University Students / Yu. M. Ermakov [et al.]; edited by S. Ya. Lebedev. – Moscow, 2008. – P. 27.;
2. Counteracting Illegal Trafficking in Narcotic Drugs and Psychotropic Substances: Textbook. / Ed. by A. N. Sergeev. – Moscow, 2000. – P. 208–209. ;
3. Semerneva N. K., Nikolaeva Z. A., Likhanova E. S. Alcoholism. Drug Addiction. Toxicomania (Concept. Issues. Qualifications): Recommendations. – Sverdlovsk, 1988. – P. 152.;
4. Kosarev S. Yu. Crimes involving potent and toxic substances: forensic characteristics and investigation features. – St. Petersburg, 2004. – P. 71.;
5. Veklenko S.V. The legislative definition of intentional guilt needs improvement. // Criminal Law. – 2003. – No. 1. – P. 15.