



MEASURES TO PREVENT INTERFERENCE IN INVESTIGATION OR CONSIDERATION OF CASES IN COURT

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<https://doi.org/10.5281/zenodo.7269377>

ABSTRACT

The article emphasizes that today offenses, the fight against crime and their prevention are one of the most important tasks for all states, the prevalence of this crime, and not the punishment of persons who committed the crime of interfering in the investigation or resolution of court cases.

According to the analysis of the results of a social survey among judges, law enforcement officers, faculty, lawyers and students, respondents were informed about the need to carry out preventive measures to prevent this category of crimes through systematic analysis and conclusions about their decisions.

KEYWORDS: Interference in investigation or consideration of cases in court, interference in investigation, investigation, interference in consideration of cases in court, comparative-legal, formal-legal, gradual digitalization of the judicial system, the role of the judicial community, the true independence of the judiciary, the judicial system; normative legal acts, crime prevention system, law – priority, punishment — inevitability.

I. INTRODUCTION

Today, the fight against offenses, crime, as well as their prevention remain one of the most important tasks for all states. After all, interference in the investigation or resolution of court cases is a better means of preventing this crime than punishing the perpetrators of the crime.

In this regard, the President of the Republic of Uzbekistan Sh.M.Mirziyoyev noted that "if everyone were equally enthusiastic and fully aware of the problems of families and helped solve them, crime would have been prevented at an early stage, today the results would be completely different. Unfortunately, we still cannot abandon the old-fashioned system of work in the fight against crime. Law enforcement agencies assessed this activity by comparing the indicators with the previous period. The fact that this is actually a crime, although one, should concern all of us," he correctly noted. [1]

II. METHODOLOGY

As components of the methodology, the author used general scientific methods, which involve the study of all phenomena and processes in their development, interconnection and interdependence, as well as special methods. In particular, the methods of dialectical materialism, system analysis, analysis and synthesis, logical, historical, comparative-legal, formal-legal used.

III. DISCUSSION

Different scientists expressed different opinions on offenses, combating crime and preventing them by lawyers. Charles de Montesquieu said: "A good legislator cares more about crime prevention than about punishment for a crime. He is trying not to punish, but to change

people's morals," he emphasizes. [2] For example, some scientists argue that crime prevention is a set of measures aimed at eliminating the causes of crimes and the conditions that allow crimes to be committed. [3]

M.H.Rustamboev argues in this regard as follows: crime prevention, that is, ensuring that socially dangerous actions are not committed by forming a level of legal awareness that defines legal behavior as a separate norm, is an important task of the SC. [4]

D.V.Vasiliev believes that the study of foreign experience in the fight against crime is an important direction of the development of society and the identification of ways will prevent the re-assertion of erroneous and inappropriate approaches in the process of the long historical development of mankind. [5]

According to J.A.Nematov, the development of measures to combat crime requires the identification of mechanisms of its causes and factors in various spheres and levels – local, territorial, national and international, specific objects, various social and ethnic groups." [6]

In this regard M.Ziyadullayev expresses the following opinion: measures to ensure public order and security in individual states and administrative regions are carried out in different ways and methods. Each state has its own best practices in this area, and their study and application in the system of public order and security of our country is one of the urgent requirements of today. [7]

N.M.Urda speaking about crime prevention, describing the activities aimed at crime prevention as an area of social regulation, reflects, in our opinion, the high social significance of crime prevention, which affects public relations, including various spheres of activity, he justifies. [8]

It seems to us that crime prevention is a set of special measures implemented by state bodies, the public and citizens aimed at eliminating as soon as possible all the causes of crime and the conditions that allowed them to arise, or at minimizing the degree of their influence, strictly deterring individuals from committing crimes and changing behavior and psychology. In particular, to fulfill this task in our Republic, to coordinate existing public relations aimed at preventing crime, as well as the causes of crimes special attention is paid to taking the necessary measures in social, economic, and political directions while eliminating their conditions.

It should be noted that over the past time, the President of the Republic of Uzbekistan Sh.M. On the basis of Mirziyoyev's direct leadership and initiatives, significant work was carried out to ensure a peaceful and comfortable life for citizens, early prevention of offenses, and the fight against crime. Serious attention was paid to the strengthening of all existing legislation in all respects and the adoption and implementation of regulatory legal acts in accordance with the requirements of the time. In particular, the fight against crime in recent years and a number of legislative acts were adopted to prevent the committed offenses. On the basis of these reforms, the issue of preventing the crime of interference in the investigation or resolution of court cases has not lost its relevance.

In particular, the decree of the Head of state dated February 7, 2017 PF-4947 "adopted an action strategy for the further development of the Republic of Uzbekistan and its second direction, namely, priority directions for ensuring the rule of law and further reform of the judicial system, was determined [9] :

to ensure the true independence of their authorities, to increase the prestige of the court, to democratize and improve the judicial system:

to increase the position of judges and judicial staff, the level of financial incentives and social security, to strengthen the material and technical base of the courts; take effective measures to prevent illegal influence on judges; the independence and impartiality of the court, the dispute of the parties to the judicial process and the comprehensive implementation of the principles of equality. To implement these tasks of the Republic of Uzbekistan "On the fight against corruption" (2017) [10], "On the protection of children from information harmful to their health" (2017) [11], the laws of the President of the Republic of Uzbekistan "On the radical improvement of the system of raising legal awareness and legal culture in society" (2019) [12], "On measures to raising the activities of the internal affairs bodies in the field of ensuring public security and combating crime to a qualitatively new level" (2021) [13], Decrees "On the approval of the concept of public security of the Republic of Uzbekistan and measures for its implementation" (2021) [14], "On the development strategy of the New Uzbekistan for 2022-2026" (2022) [15], "On measures to further improve the system of crime prevention and crime control" (2017) [16], "On measures to radically improve the activities of the units for the prevention of offenses of internal affairs bodies" (2017) [17], decisions approved by the Cabinet of Ministers and prevention of violations by public organizations and the regulation on the procedure for encouraging active participation in the fight against crime (2018) [18], the Regulation on the causes of crimes and the procedure for discussing the conditions that allowed them to be committed (2021) [19] were approved, the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On increasing the role of courts in determining the causes of crimes and the conditions in which they allowed to be committed" (2020) [20] and the important tasks facing various state bodies and the general public were clearly and meetings held by the head of state. [21]

The President of the Republic of Uzbekistan Sh.M.Mirziyoyev in this regard notes the following: "...it is necessary to raise reforms in the field of early warning of offenses to a new level," the senior task was set. The original purposes of these documents are also offenses and it is to achieve the prevention of crimes that may be committed, and the reduction of cases of their commission, premature warning. [22] "We," says the President of the Republic of Uzbekistan Sh.M.Mirziyoyev, proceeding from the principle of "Justice lies in the rule of law," are aimed at strengthening in our society a sense of respect for the law, intolerance to cases of offenses everything will go on again. In this regard, special attention is paid to the prevention of cases of offenses. To do this, we must first of all take measures to make extensive use of the opportunities of the microdistrict, increase the efficiency and responsibility of prevention inspectors, create decent service and living conditions for them."

As a logical continuation of the strategy of actions for the further development of the Republic of Uzbekistan by Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. 60 PF

A new development strategy of Uzbekistan for 2022-2026 was approved. In the second direction of this development strategy, specific goals were set aimed at making the principles of justice and the rule of law the most basic and necessary conditions for development in our country, and some of them are as follows[23]:

the consistent continuation of the policy of improving criminal, criminal procedure and penal enforcement legislation, the widespread introduction of the humanitarian principle in the system of criminal penalties and their execution;

implementation of the principles of genuine equality and competitiveness of the parties in the judicial process;
acceptance of applications regardless of their appeal to the court in order to widely implement the principle of a "single window" in the judicial system and the introduction of a referral system to the competent court and ensure the resolution of all legal consequences in a particular case;
gradual digitalization of the judicial system, radical increase in the level of achievement of justice by citizens and business entities by eliminating bureaucratic barriers;
further enhancing the role of the judicial community in ensuring the true independence of the judiciary, the widespread introduction of the principle of self-government of judges and the creation of effective mechanisms to prevent illegal influence on judges;
to ensure openness and transparency in the formation of the judiciary, to introduce democratic principles, such as electability and accountability in the appointment of senior positions in the judicial system;
carrying out work on systematization of normative legal acts regulating the judicial system;
bringing the crime prevention system to a qualitatively new level;
the creation of a solid legal basis for the activities of a public and fair prosecutor's office, ensuring strict legality, and the transformation of the principle of "Law – priority, punishment — inevitability" into the main criterion.

From this we see that there is not a single sphere left in the development strategy of the New Uzbekistan that would be ignored by the head of state. In particular, the judicial sphere is one of them. Strengthening judicial control over the investigation and further enhancing the role of the judicial community in ensuring the true independence of the judiciary by further developing the institution of habeas corpus for exactly two purposes of the strategy for the development of legislative reform to prevent the crime of interference in the investigation or settlement of judicial disputes cases, priority tasks were set to create effective mechanisms for 2022-2026 with the aim of widespread implementation of the principle judicial self-government and prevention of illegal influence on judges.

On the implementation of these tasks, President Sh. Mirziyoyev: "The adoption of laws is only part of the case. [24] The main question - it consists in the timely transmission of the content of the laws to our people and responsible executors, the correct organization of their execution and ensuring strict compliance with the requirements of the law. Unfortunately, work in this direction is not in demand. This is due to the fact that over the past three years, 157 decisions of state bodies have been issued on the basis of laws that have become invalid," and now it is advisable to take concrete measures aimed at ensuring the full implementation of this law in the period before and after the entry into force of the law.

Proceeding from the above, the prevention of the crime of interference in the investigation or resolution of court cases is a set of general, special and individual victimological preventive measures that are strictly defined to eliminate all possible factors that create conditions for the commission of this category of crimes.

According to the analysis of the results of a social survey among judges, law enforcement officers, professors, lawyers and students, in order to prevent this category of crimes, respondents identified the following areas and the indicators indicate the need for preventive measures: a) ensure maximum employment of citizens

– 36.4%; b) increase legal awareness and literacy of the population - 25%; c) strengthening anti-corruption measures - 22.7%; g) development of international cooperation in the fight against crime – 12.7%; D) other measures - 3.2%.[25]

In order to further improve work in this direction, in particular, to ensure a unified, systematic and integrated approach to the prevention of offenses, the law "On the Prevention of Offenses" also defines the exact content of preventive measures. [26]

The Law strictly defines the understanding of administrative offenses specified in the Code of Administrative Responsibility and crimes established by the Criminal Code, and the law provides for the unification and consolidation at the legislative level of relevant norms in various laws or legislative acts related to the prevention of significant relationships, including offenses, as well as strengthening the legal framework of relationships arising from Even now, as clearly defined in this law, the prevention of offenses is a system of legal, social, organizational and other measures of general, special, individual and victimological prevention of offenses used to maintain and strengthen the rule of law, identify violations, eliminate them, as well as identify the causes of their commission and the conditions that allow them.

The main content and the most important features of the law are that the bodies and institutions directly involved in the prevention of offenses, in particular, law enforcement agencies – internal affairs bodies, the prosecutor's office, the State security service, justice, the state customs service, the state tax service, as well as the social sphere and educational institutions – the state one of the features of the law is that the State administration of labor and social protection, education, health care and medical institutions, as well as environmental authorities are also defined as entities directly involved in the prevention of offenses.

There is an urgent need to increase the role of educational institutions in this process. Since, in most cases, the educational process in educational institutions is not properly organized, including poor organization of legal education and upbringing in educational processes, lack of proper organization of children's free time, their own interests and youth as a result of unprofessional orientation at the level of opportunity between the commission of offenses, there is a high probability that such young people will have an increased propensity to commit an offense. Also, unemployment, that is, the fact that an individual is not engaged in certain socially useful work, does not have a salary at the level that can satisfy his personal or family needs, is one of the main factors of such negative consequences.

The prevention of crimes related to interference in the investigation or resolution of court cases has been one of the most pressing issues not only today, but also since ancient times. As the head of our country noted in this regard, "offenses are not committed by themselves. The main issue is not to deal with the consequences of offenses, but to prevent them at an early stage, to eliminate the causes and conditions that allowed them to be committed in time." [27] Crimes related to interference in the investigation or settlement of court cases today differ significantly from crimes in previous times and are directly inextricably linked to the current socio-economic life, stages of development and lifestyle of the population.

The complexity of the criminological description of crimes related to interference in the investigation or resolution of court cases is explained by the fact that these crimes are caused by the powers of the authorities and State bodies associated with public administration. Such opinions are expressed in the theory of criminal law. It should be noted that the

criminological description of crimes related to interference in the investigation or resolution of court cases has separate laws and differs from other crimes related to justice in accordance with these laws. the change in the composition of crimes related to interference in the investigation or resolution of court cases is inextricably linked with the development and change of society, the system of public administration. After gaining independence in the Republic of Uzbekistan, due to the establishment of a new form of management, changes in business and industrial relations, the specifics and number of crimes of interference in the investigation or settlement of court cases have also changed. It is with the development of public administration that the subjects exercising justice are poorly encountered in judicial practice in the system of crimes of interference in the investigation or resolution of court cases in the previous law.

IV. CONCLUSION:

Taking into account the above analytical points, the achievements of criminal law and criminology can be attributed to the investigation or trial in order to prevent any form of interference in the solution of crimes, it is advisable to study the studies carried out and the progress made in combating it, and cite the following measures that need to be taken in this regard:

crimes related to interference in the investigation or resolution of court cases cannot be completely forgotten. State measures and policies in this regard should be aimed at turning corruption crimes into acts that are committed only with high risk and bring little profit.; the prevention of the crime of interference in the investigation or resolution of court cases, the restriction should not remain a one-time measure.

These crimes cannot be prevented by legislative means alone and by combating the mentioned cases. In addition, first of all it is necessary to deal with the causes, conditions of the condition and the factors that cause it can be effective only if all the power of society and the state, citizens, self-government bodies, enterprises, institutions and organizations will be directed to combating crimes of interference in the investigation or resolution of court cases and their prevention.

The amount of damage that crimes related to interference in the investigation or resolution of court cases, the damage to the interests of the state, society and citizens is so high that it is inevitable that all the costs that go into fighting this will benefit several times ensuring the interaction of bodies and institutions engaged in the prevention of offenses and participating in it (hereinafter - responsible organizations — and coordination of their activities; establishing the practice of studying, identifying and eliminating the causes of crimes and the conditions that allowed them to be committed; strengthening measures for the social adaptation of the victim of a crime, persons with inhuman behavior, prone to committing crimes, committing crimes;

raising legal awareness and legal culture in society, strengthening the rule of law, as well as the formation of an uncompromising attitude to crimes;

reducing the risk of citizens suffering from crimes (victimological prevention); forming an impartial opinion in society about the crimes committed.

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