SOME ISSUES OF QUALIFYING AS INTERFERENCE IN THE INVESTIGATION OF AN ACT OR THE RESOLUTION OF COURT CASES

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Annotation: In this article, the author covered some issues of qualifying as an intervention in the investigation of an act or the resolution of court cases.

According to the author's note, the evasion of the execution of a judicial document according to the structure of the composition of the crime is a far-reaching crime. It begins at the moment when the fact of deliberate evasion from the execution of a court document is established, and ends after the beginning of an event in which the order recorded by the guilty in the court document is practically fulfilled or an obstacle to the commission of a crime.

In criminal law, a person's trial for evading the performance of a court document or for obstructing its execution does not exempt a person from the obligation to carry out a judicial act, committed by a person after the conviction of a similar act, he or she is held liable on common grounds.

By interfering in the process of compulsory execution of court documents and documents of other bodies in accordance with article 232[1] of the CC being analyzed, it should be understood to prevent their execution, as well as to illegally influence the state executive in any way.

In addition, by preventing the execution of a court document and documents of other bodies, an act is taken into account aimed at resisting the activities of the state executive, including making it difficult to carry out documents of a court document and other bodies, or to bring them into a state in which it cannot be done on time and without words.

According to the content of the dispositions of Article 232[1] of CC, criminal liability for preventing the execution of a court document or documents of other bodies arises regardless of whether these documents are of a property or non-property nature.

Keywords: interference in investigation or settlement of court cases, non-enforcement, liability, foreign experience, level of Social Security, Justice.

In criminal law theory, there are different definitions of the concept of qualifying crimes. In particular, the qualification of crimes is the qualification of a socially dangerous act committed to match the signs of the composition of one or another crime provided for by the criminal law, to determine and legally strengthen the exact correspondence between the signs of the Committed Act and the signs of the composition of the crime , to make a legal assessment of the Committed Act, , in an act committed, it is explained as determining whether the signs of a socially dangerous act correspond to the signs of the content of the crime provided for in the norms of the general and special part of the Criminal Code, as well as concluding about the application of one or another article of the code.

When solving the issue of whether a person is guilty of committing one crime or another[1], the investigating authorities, the prosecutor or the court are required to choose a criminal legal norm that expresses in itself all the signs of the Committed Act, that is, to qualify the committed socially dangerous act in a criminal legal aspect[2].

In criminal law theory, the concept of qualifying crimes is defined differently by scholars as L.D.Gaukhman, A.A.Gersenzon qualification of crimes according to andreevs-compliance of a certain act with the signs of the content of one or another crime provided for in the criminal law, M.I.Korzhansky on the other hand, explain that the qualification of crimes is a criminal justice assessment of the act committed, the choice and application of the criminal justice standard that most fully defines its signs.

It is known that in the definition of the concept of the object of crime, the issue of the nature and direction of harm caused or threatened by a criminal punishment should be taken as a basis", scientists consider the object of the crime[3]: social relations , human (people), human rights, a certain social (legal) benefit or Social Security. From these concepts, the concept of "social attitude – the object of crime" is perceived equally by most researchers, based on the fact that the crime is a social relationship, directly harming social monasteries between members of society[4].

According to another scholar, the object of a crime has a slightly different content as an element of the content of a crime[5], as opposed to, for example, the object of criminal justice[6]. In this case, it contains the legal signs of the object of aggression in its material or relative expression, signs of the consequences of aggression on the object .

While the object of criminal aggression is defined as an element of the composition of the crime, the definition that some authors cite as the most general (abstract) definition, in our opinion, will be appropriate. The object of a crime is an object that the crime encroaches on, which causes harm or creates the risk of harm (which can cause harm) [7].

According to Norbotaev's concept of "interest" as an object of crime, the category of "interest" stands at a higher level in relation to the social relations that arise between subjects, but not every time is regulated by the norms of law.

"Interest" as an integral element of the subjects of legal relations is wealth and interest, expressed in the right of the state and the individual . In some foreign criminal justice systems,

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1 Гаухман Л.Д. Квалификация преступлений: закон, теория, практика. – М., 2005. – С. 3.; Герцензон А.А. Квалификация преступлений. – М., 2007.; Андреев И.В. Теоретико-правовме основм квалификации преступлении: Автореф. дисс... канд. юрид. наук. – Омск, 2000. – С. 21.

2 Рустамбаев М.Х. Ўзбекистон Республикасининг Жиноят кодексига шарҳ. (Қайта ишланган ва тўлдирилган иккинчи нашр. 2016 йил 1 ноябргача бўлган ўзгартиш ва қўшимчалар билан). Махсус қисм. –Тошкент.: "Адолат", 2016. Б. 6.; Якубов А. С. Теоретические перспективы развития уголовно-правовой основы учения о преступлении. – Т., 1996. – С. 5–26.

3 Гаухман Л.Д. Квалификация преступлений: закон, теория, практика. – М., 2005. – С. 3.; Герцензон А.А. Квалификация преступлений. – М., 2007.; Андреев И.В. Теоретико-правовые основы квалификации преступлении: Автореф. дисс... канд. юрид. наук. – Омск, 2000. – С. 21.

4 Коржанский М.И. Квалификация преступлений. – Киев, 2000. – С. 10-11.; Левицкий А.Г. Квалификация преступлений. – М., 2001. – С. 140.;

5 Новоселов Г.П. Учение об объекте приступления. Методологические оспекты. – М.: Норма, 2011. – С. 45.

6 Зателепин О. К вопросу о понятии объекта преступления в уголовном праве // Уголовное право. – Москва, 2003. – № 1. – С. 29-31. // Мирзаев У.М. Ўзлаштириш ёки растрата йўли билан талон-торож қилганлик учун жавобгарлик муаммолари. Юрид. фан. номз. илм. дар. олиш учун ёзил. дисс... – Тошкент: ТДЮИ, 2009. – Б. 37.

7 Уголовное право России. Учебник для вузов. В 2 т. Т. 1. Общая часть / Отв. ред. д.ю.н. А.Н.Игнатов и д.ю.н. Ю.А.Красиков. – М., 1998. – С.101.

the term" criminal object "is not used at all, it is replaced by such concepts as" legal interest"," protected legal interest " and others.

Thus the category " interest "determines the content of the object of the crime and"...it is desirable for all aspects of social life and human activities[8]". In our opinion, this concept has a future, it deserves to be worked on as an object of research. But we cannot agree with the author's opinion that the "object of crime" is an inappropriate term for criminal law[9]. This term fully and comprehensively expresses the crime, since without it there is no crime.

When committing acts related to interference in the investigation or in the resolution of court cases, the subject aims to harm the Common-Law Justice. It is in this aspect that it is appropriate to cite the foundations of Justice as an object of acts related to interference in investigation or in the resolution of court cases.

Qualification of acts related to interference in investigation or judicial proceedings is carried out in accordance with certain rules. Rules for qualifying acts related to interference in investigation or judicial proceedings are ways and methods of applying criminal law in itself, provided for in the executive decisions of plenums of the Supreme Court of the Republic of Uzbekistan, as well as created in other judicial practice and criminal law theory.

It is known that the evasion of the performance of court documents, interference in the process of compulsory execution of court documents and documents of other bodies negatively affects activities aimed at restoring the violated rights and legitimate interests of individuals and legal entities. In this regard, the commission of such actions administrative in law for (Administr. code articles 198^1, 198^2) and criminal (CC 232, P.232^1).

It should be noted that the subject of the crime of evasion from the performance of a court document is a person who is obliged to refrain from committing or committing certain actions in a court document.

If such an obligation is imposed on a legal entity by a court document, an official or other employee of a legal entity who enters into a service function to carry out, organize or supervise the execution of a court document for evasion of its performance is criminally liable. In cases where a legal entity is reorganized (merged, annexed, divided, separated, amended), the obligation to fulfill the court document is assigned to the appropriate official or other employee of the legal entity, the legal heir of the reorganized legal entity.

According to the structure of the composition of the crime, evasion from the execution of a court document is a long-standing crime. It begins at the moment when the fact of deliberate evasion from the execution of a court document is established, and ends after the beginning of an event in which the order recorded by the guilty in the court document is practically fulfilled or an obstacle to the commission of a crime.

In criminal law, a person's trial for evading the performance of a court document or for obstructing its execution does not exempt a person from the obligation to carry out a judicial act, committed by a person after the conviction of a similar act, he or she is held liable on common grounds.

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[8] Норбўтаев Э.Х. Уголовный закон и его эффективность. Тошкент. "Меҳнат" 2002 г.-С. 73.
[9] Крылова Е., Серебренникова А.В. Уголовное право современных зарубежных стран (Англия, США, Франция, Германия): Учебное пособие. – М., 1997. – С.58-73.

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Speaking on the subject of the crime, it should be noted that the subject of the crime, provided for by the second part of Article 232 of CC and the second part of Article 232[1], is only an official. It is also required to criminalize an official for evading the performance of a writ and to be administratively liable and warned of criminal prosecution for the deed.

If there is a sign of another, more serious crime in the actions of a person who has prevented the execution of a court document (for example, intentional infliction of moderately severe or severe injury to the body, abuse of authority or career authority, deviation from the scope of authority or career authority, forgery of documents, etc.), the actions of the culprit are qualified by the set of Article 232[1] of the CC and the corresponding article of the CC determining liability for this crime.

In the case of opposition to a state executive who is forcibly executing an executive document by the guilty party, further qualification of the guilty party's actions is not required by Section 219 CC.

Another aspect should be noted that the composition of the crime provided for by articles 232, 232[1] of the CC is formal, and in order to criminalize a person, it is not required to have some kind of harmful consequence origin, including material damage.

Since preventing the execution of a writ in turn constituted a separate criminal component, the debtor's writ of that it prevents enforcement is the case of Section 232[1] of CC and CC 122 or shall be qualified by the set of Article 123.

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