



OBJECTIVE SIGNS OF INTERFERENCE IN INVESTIGATION OR JUDICIAL PROCEEDINGS

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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.

KEY WORDS: 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

The means of determining the criminality of a socially dangerous act, that is, its criminalization, is only the composition of the crime. The composition of a crime, on the other hand, consists of the sum of objective and subjective signs of a crime. Objective signs are understood as the object and objective side of the content of a crime.

The object of crime is social relations guarded by the Criminal Code, in which criminal aggression is directed and harm can be inflicted on it through this aggression .

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

Depending on the definitions of these criminal law manifestations, interference in the investigation or the resolution of court cases, in turn, harms certain social relations prohibited by the Criminal Code or poses a Real risk of such damage, therefore, such a socially dangerous act is considered a crime based on the content of Article 14 of the Criminal Code of the Republic of Uzbekistan. Therefore, in the legal analysis of the crime of interfering with the investigation or the resolution of court cases, it is advisable, first of all, to delve deeper into the problems of the object of this crime. With the help of the object of crime, the socio-political content of criminal law, the nature of the social danger of aggression is determined . [1]



Crime objects are classified on different grounds. In the criminal law literature, the theory that objects are classified according to the following grounds is more used in Practice: 1) "vertical" classification i.e. classification according to the degree of generalization of social relations guarded by criminal law; 2) "horizontal" classification i.e. classification according to the degree of importance of social relations in which concrete crime is directly harmed, protected . [2]

N.G.Kadnikov, speaking about the classification of the object of the composition of the crime in his textbook "qualification prestupleniy I Voprosi sudebnogo tolkovaniya: theory I praktika", classified the object of criminal aggression according to its vertical classification into four types, General, Special, related and direct, as well as into three types according to horizontal classification, such as basic, additional and optional . It is this classification that we take as the basis for our research work. [3]

The second guru believes that some scholars believe that sections and chapters of the criminal law should be drawn up according to special and related objects of the crime. At this point, A.S.Of great importance is Yakubov's opinion that "a special object must be the basis for the construction of a system of a special part of the Criminal Code." Some say that the sections of the Criminal Code should be drawn up according to a special object, the chapter should be based on a related object, and the article should be drawn up directly according to the object. N.I.According to Vetrov, the norms of a special part of the Criminal Code are systematized based on a special object of the act. [4]

Each section , or even the chapter, says, has its own special object. According to our national legislation, crimes whose special object is similar by the Legislature are arranged in sections of the special part of the Criminal Code, and crimes whose related object is similar among them, in chapters. N. in this regard.We agree with the following views of salaev: "all relations guarded in the criminal law are called the general object of the crime. The Legislature separates special relations from Common relations (common objects or all



objects) guarded by criminal law, and places it in sections of the law. Special relations, in turn, are divided into several types, and the legislator places this type of relationship in the corresponding chapters of the law, and such objects are referred to as related objects in science. One or another type of relationship (related objects) also decomposes into a number of smaller groups. [5]

This places relations in a small group directly, directly, by the legislator, in a specific article of the law, precisely for this reason the concept of a direct object applies to such relations in science." For example, the fifth section of the Criminal Code of the Republic of Uzbekistan, called "crimes against the order of activity of the authorities, management and public associations", Chapter XVI, called "crimes against Justice", article 236, establishes criminal liability for "interference in investigation or judicial proceedings".[6]

It should be noted that as a result of the commission of the crime "interference in the investigation or the resolution of court cases", a direct deviation in the interests of someone in inquiry, investigation or judicial activities occurs, as well as an obstacle to the achievement of the goal set by the inquiry, investigation and court to ensure justice. As a result, the ultimate goal of this activity, the expected result from Justice, does not arise, and the person, society leads to a violation of the interests of the state. Referring to the issue of the general object of this type of crime, many scientists in this regard have given many definitions in the textbooks they have created. [7]

For Example, B.Ahmedov believes that a special object of such crimes is "the normal activity of the state apparatus or public organizations", [8] M.Kadyrov believes that "the normal activities of the state or public apparatus established by law are valid", as a special object of this type of crime. [9]

Also, B.V.Zdravomislov expressed a close opinion, noting that "social relations that make up the normal activities of the state and its apparatus " constitute a special object of



such crimes. Further clarifying these points, we can say that the general object of the crime of interfering with the investigation or the resolution of court cases is a social relationship that regulates the normal functioning of Justice, provides . Somehow, this crime was placed in the chapter "crimes against Justice" of the special part of the Criminal code. [10]

The creation of the necessary conditions for the effective functioning of justice is one of the guarantees of the successful functioning of the state and the citizen society. After the Republic of Uzbekistan also gained its state independence, the sphere of state power and administration has identified the tasks as one of the most important priorities. The first president of our country is Islam Karimov... over the past period, the state government and government in our country have been implemented in the sphere of democratization of the state government and the establishment of a permanent application of the constitutional principle of separation of powers to an extremely autonomous manner that is, the formation of an effective system of mutual restraint and balance of interests in the center and places of strengthening the was aimed at taking action" . the words " are a clear proof of our word. [11]

In this process, the authorities will share the interests of the bodies of management and public associations as one of the priorities of the fight against crime. After all, the protection of the interests of the authorities of government and public associations from arbitrary encroachments is an inevitable condition for the effective implementation of the policy of democratization of state power and management. In this regard, the protection of social relations from criminal encroachments, which ensure the normal functioning of the bodies of power, management and Public Associations, is one of the important areas of activity of the bodies of Law Enforcement. [12]

In addition to establishing criminal liability for crimes against Justice, the Criminal Law of the Republic of Uzbekistan also protects the normal functioning of the body and personalization, which is authorized to carry out the task before the Justice. All crimes in



this category are directed against the normal activities of these bodies, depriving them of the opportunity to effectively perform the tasks facing the justice authorities or making it difficult for such opportunities to be carried out. Normal activities aimed at the implementation of justice are formed from relationships under the influence of the state, which determines the core (core) of Justice, the main content of social relations, the fight against the commission of crimes against Justice. This violation of social relations is committed by encroaching on specific relationships that are part of this group, the result of which completely excludes the system of validity of certain social relations . [13]

In the legal literature, the concept of Justice is considered in broad and narrow meanings. To understand justice in a broad sense, it is understood that persons (expert, defender, translator, impartial, etc.) and legal activities of state bodies are called upon to execute decisions and judgments of the preliminary investigative bodies involved in assisting the court in the resolution and review of certain categories of cases and in increasing Justice in accordance with the law. [14]

State bodies that assist in the implementation of Justice include: the prosecutor's office, inquest and investigative bodies, and the executive bodies of the court's decision, judgment, decision and ruling. Understanding justice in a narrow sense is understood as the legal activity of the court in the framework of the law on the resolution of cases of civil, criminal, administrative, economic and other categories. [15]

Crimes against Justice in the Republic of Uzbekistan refers to the intentional acts of an Inquirer, investigator, prosecutor and court and other persons who prevent the implementation of civil, administrative, criminal judicial functions, harming the interests of justice by violating legislation governing inquiry, preliminary investigation, judicial review and punishment. Hence, the general object of this type of crime, defined in Article 2 of the CPC, constitutes a social relationship that executes judicial judgments and decisions aimed at demanding the implementation of tasks such as quickly and fully opening crimes, giving



a fair punishment to everyone who commits a crime, and exposing those responsible for not being prosecuted and convicted, as well as ensuring Thus, this type of state activity forms the main social relations group, which is part of the general (special) object of crimes against Justice, only if it is carried out by other bodies that assist it in the purpose of achieving judicial and Justice (inquiry and preliminary investigation). [16]

The general object of crimes against Justice also refers to social relations in the content that constitutes the court's activities to discuss cases of administrative offenses and cases related to civil legal relations and cases related to economic legal relations. [17] In this type of crime, the correct definition of an object is of not only theoretical, but also practical importance, in this position it is said that all crimes committed by law enforcement and judicial officers may not be crimes directed against Justice, since they may have committed other crimes against the order of Administration within their competence and with the powers to carry out other tasks Crimes against Justice can be classified according to the nature of the subject committing them as follows: [18]

crimes against Justice (JK 230-231, 234-235, 2411-m), committed by the Inquirer, investigator, prosecutor and judges.);

Crimes against Justice (JK 233,238-240m), committed by persons forced to assist in the administration of Justice.);

crimes against Justice (JK 232,236-m), which encroach on the prestige and activities of the judicial authorities and the bailiff of the preliminary investigation.);

Crimes against Justice (JK 237, 241-m), committed by other persons who assist in the administration of Justice □).

The fifth section of the Criminal Code of the Republic of Uzbekistan, called "crimes against the order of activity of the authorities, management and public associations", Chapter XVI,



called "crimes against Justice", article 236, establishes criminal liability for "interference in investigation or judicial proceedings".[19]

The social danger of interfering in the investigation or the resolution of court cases is that such actions undermine the prestige of the investigative and judicial bodies, reduce the confidence of the population in them, and undermine the justification of decisions made by these bodies, violate the rights and interests of enterprises, institutions, organizations, public associations and citizens. [20]In addition, the commission of the crime under review provides the basis for the implementation of other socially dangerous actions against Justice . [21]

Since the direct object of the crime of interfering in the investigation or the resolution of court cases caused the discrediting of these bodies as a result of interference in the investigative, investigative, prosecutorial activities of the prosecutor and the court in solving certain crimes, civil, administrative or other cases, the direct object of this crime is the legal implementation of the activities of the In short, the direct object of this crime is the independence and reputation of the judicial authorities, inquiry, investigation, investigation of criminal cases of the prosecutor's office and (or) social relations that ensure the normal functioning of the courts, such as the resolution of criminal, civil, economic or administrative cases. [22]

The crime of interfering in the investigation or the resolution of court cases is objectively expressed in the fact that the crime is an active Act – interference in the investigation or in the resolution of court cases . [23]

Objectively, the crime is expressed in the unlawful influence of a judge in various forms in order to achieve an inquiry, an investigator, a prosecutor or an unjust sentence, a decision, a verdict or a verdict in order to prevent the case from being studied comprehensively, thoroughly and objectively . [24]



Interference in the investigation or in the resolution of court cases can be manifested in the investigation body, the prosecutor's office or all or part of the investigation with posters with the slogan next to the courthouse or holding a demonstration, rally or demonstration related to the strike, an investigation, a hunger strike near the building of the prosecutor's office or judicial authorities, organizing Also, the investigation asks to intervene in kilish or in the halting of court cases. it can be divided in the form of encouragement, promises and recommendations. [25]

Mixing can take different forms:

- A. request or request from the Inquirer, investigator, prosecutor about conducting the investigation in a different direction;
- B. demand from the judge or people's consultant to take the case in a certain direction in exchange for the promised profit or benefit;
- C. intimidation by threat;
- D. an attempt to resolve an investigation or court case in its favor through an Inquirer, investigator, prosecutor, judge or people's counsel, whom it recognizes well;
- E. requirement not to apply existing aggravating circumstances;
- F. advice or guidance through a public authority official;
- G. as a result of the investigative actions carried out on the case, intimidation, requiring the non-disclosure of another detected crime, etc. [26]

The crime under consideration objectively interferes with the investigation kilish or the halting of court cases is expressed in active actions. Interference can be expressed in requiring the guilty person to provide some kind of explanation or to be unjustified or illegally acquainted with criminal, civil or other business documents, aimed at the Inquirer, investigator, prosecutor or court in the case under study or preliminary investigation. [27]



The exact form of intervention in qualifying the action of the culprit – pleading to finish the case, acquittal, easing the blame or, conversely, aggravating, bringing other persons to justice, deciding the case in favor of the plaintiff or the defendant, etc. - does not matter. Interference or exposure may apply to all stages of preliminary investigation, evidence gathered or added to a criminal, civil, economic or administrative case.

There are also cases that are exactly similar to this criminal act but do not cause the content of Article 236 CC, which are as follows:

interference or exposure, unless they apply to a specific case, does not cause the composition of the crime .

Intervention aimed at tightening or reducing the penalty, determining the type of offense in general or in any way, is not found to be interference with the investigation or the resolution of court cases .

Solicitation, advice or suggestion is not considered to be an intervention in investigating or adjudicating legal cases if the clerk has a general view (for example, publishing cases of any court in the field of criminal policy or giving a critical opinion in the assembly).

If such similar actions in determining the objective truth in the process of Investigation and examination of the case in the current laws, which promote the implementation of Justice, are not prohibited or are committed in cases carried out within the framework of guaranteeing the rights and freedoms of citizens, they cannot be found invalid, since they do not violate the social relations that are being

The defense attorney, legal representative or other person has evidence of the innocence of the person in bringing to justice or testifying to the burden of the criminal content on the fact or on his or her killing of the perpetrator of the crime, pleading and



requesting that the investigator or the judicial officer process or the acts that have previously cited them be considered in

For this reason, it will be necessary to determine the presence of a number of conditions in order to assess the conduct arising from the content of the criminal structure under consideration as interference in the investigation or the resolution of court cases. In particular, interference with the activities of the Inquirer, investigator, prosecutor or judge in relation to the criminal prosecution for interference in the investigation or in the resolution of court cases must be committed illegally. Also, interference in an unlawful manner should always be directed at any purpose, as long as the influence is directed at someone and has been made with the aim of achieving or influencing any outcome. Therefore, the influence implies criminal liability only in cases where a preliminary investigation is being carried out or applied to specific judicial cases. In cases where the interrogator, investigator, prosecutor or judge stated to the need to strengthen the fight against certain types of crimes, or in general to aggravate the practice of punishment, or vice versa, without focusing on a particular criminal case, the actions of the Criminal Court cannot be assessed as interference in the investigation or the resolution of court cases.

M.Usmanaliev, P.Bakunov, Sh.T.Ikramov, R.Kabylov, A.At the initial stage of Investigation, the otajonovs insisted that illegal interference, interrogator, investigator, prosecutor's presence of a criminal case, who is responsible for its commission and other circumstances specified in Articles 82, 83 of the JPG deprive them of the possibility of detection, and at the same time, the active disenfranchisement of persons interested in this can lead to termination of the criminal case Also, at the stage of judicial review, illegal interference is expressed in influencing the judge, that is, it is manifested in illegal influence in various forms with the aim of achieving a comprehensive, complete and impartial study of cases that cannot be established or proven to be true in a criminal case, and, as a result, an unjust sentence, a decision of defamation, a finding or a decision. At the same time, such



interference in the implementation of civil litigation is manifested in the fact that with the illegal influence on the judge, he will achieve an unfair decision or ruling in the civil case under discussion, satisfying the unlawful requirements of the civil plaintiff or the civil defendant . The investigation of the heads of citizens or enterprises, institutions and organizations or the application of other precautionary measures to the judicial authorities in relation to a member of the Labor team, the application of a sentence not related to conditional sentencing, imprisonment or, in their opinion, other documents related to the case petitions or petitions related to submission are not found to interfere with investigation or litigation.

To find interference socially dangerous, it is also necessary to determine whether the culprit will not have legal rights, such as an investigation and interference in the activities of judicial authorities. According to the jpk, the head of the Investigative Department, Department, Division, Group and his deputy will be able to investigate cases, as well as conduct a preliminary investigation, attract a person to participate in the case as an accused, competently qualify a crime and give instructions to the investigator about the size of the charge, determine the direction of the case, conduct certain investigative actions, , he has the right to participate in the conduct of the preliminary investigation and personally conduct the preliminary investigation . The Supreme Court has the right to take any civil case from any court of the Republic of Uzbekistan and accept it into its proceedings or transfer it from one court to another to the corresponding court.

IV. CONCLUSION:

If the culprit does not have the authority to interfere in the investigation and the activities of the judicial authorities, it is darcur that his actions are considered contrary to the law.



Also, if the investigation and interference in the activities of the court take such forms as intimidation with a threat to the life or health of the interrogator, investigator, prosecutor and judge, intervention, guidance of any interested official, as well as the halakitening of the activities of these bodies through open demonstrations, then it will be necessary to qualify for a set of offenses.

Article 236 of the Criminal Code of the Republic of Uzbekistan "interference in the investigation or the resolution of court cases" the direct beginning of the act of lawless interference in the activities of the investigator, investigator, prosecutor or judge of the crime is still found to be completed. That is, illegal interference in the activities of the Inquirer, investigator, prosecutor or judge does not require any consequence to arise, for example, in qualifying the actions of the guilty person, finding the crime completed will affect the activities of the above persons or the actions of the guilty person to make the appropriate decision.

In this case, it is enough to disrupt the normal functioning of the bodies conducting an investigation or a court itself. The structure of crimes against Justice as a formal composition testifies to the fact that legislation provides for the widespread protection of the bodies of the Righteous sudov from criminal encroachments on the activities of normal functioning.

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