



QUALIFICATION OF ATTEMPTS TO INTERVENE IN THE INVESTIGATION OR THE RESOLUTION OF COURT CASES

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It is known that the presence of all the signs of a specific criminal composition established in the criminal law in the act of a person under criminal law is the sole basis of criminal liability. Therefore, if the act committed by a person is provided for by the specific substance of the blood of the crime, he may be criminally liable.

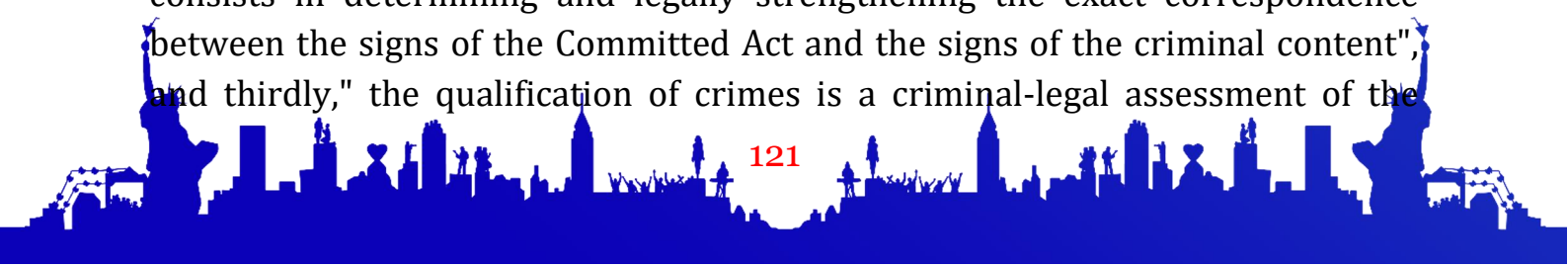
In resolving the issue of a person's guilt for committing a particular crime, the investigating authorities, the prosecutor or the court must choose a criminal legal norm that covers all the signs of an act committed by him, that is, to qualify his act.

The word qualification is Latin for "Qualis" – "how", "what quality" and "fasere" – "to do". It should be noted that criminal qualification is carried out by Inquiry, preliminary investigation and judicial authorities, strengthened by the final judgment of the court, which is legally binding. The qualification of crimes is interpreted differently among legal scholars in criminal law theory. In Particular V.N. In kudiyaev's eyes, "qualifying a crime – means giving a legal assessment of an act, indicating the appropriate criminal law norm that reflects the symptoms of this crime".

Criminal qualification is the determination and legal consolidation of the signs of the composition of the crime provided for in a special part of the Criminal Code with the signs of the Committed Act.

M.X. Rustamov and R. The Kabulovs have interpreted the criminal qualification in a broad and narrow sense. That is, qualification in a narrow sense is a legal assessment of a socially dangerous act that complies with criminal legal norms. In a broad sense, however, qualification is a certain logical process, and is the activity of certain individuals in determining the presence of a criminal composition in the act of a person committing a socially dangerous act, provided for by a special part of the Criminal Code.

Also, in the theory of Criminal Law, the concept of Quali - fictionalization of crimes is variously defined by scholars. Firstly, "the qualification of crimes consists in determining and legally strengthening the exact correspondence between the signs of the Committed Act and the signs of the criminal content", and thirdly, "the qualification of crimes is a criminal-legal assessment of the





Committed Act, the choice and application of a criminal-legal norm that most fully defines its signs", and, fourth, " the qualification of crimes – it is to determine whether the signs of a socially dangerous act in the Committed Act correspond to the signs of the content of the crime provided for by the norms of the general and special part of the Criminal Code , and to conclude the application of one or another article of the code," fifth, "qualification of crimes will always be associated with the selection As a result of qualification , the correspondence between the signs of an act and the signs of the content of a concrete crime is determined", and, sixth, "does not agree with the definition of the qualification of crimes as a comparison of signs of a crime and signs of a norm. There are definitions such as" this is an abstract law and a social phenomenon – crime is supposedly different categories."

We focus on two different meanings of the term" criminal qualification": (a) the main task of law enforcement officials (Inquirer, investigator, prosecutor, judge)is to compare the signs of committed offenses with the symptoms of the composition of the crime indicated in the articles of a special part of the Criminal Code; (B) a criminal legal assessment given by the state and

Referring to the purpose and tasks of qualifying crimes, the purpose of qualifying first is to determine whether there is a legal basis for criminalizing a person who committed a socially dangerous act.

Ensuring the correct qualification of the committed crime is one of the main tasks of law enforcement agencies.

The act committed in the qualification of a crime is legally analyzed: the object of aggression is determined, its concrete signs are described, objective and subjective sides, signs that characterize its subject are determined. Such an analysis helps to agree on what kind of crime is contained in the Committed Act and with what article of the JC the person who committed this act can be held accountable.

Referring to the different uses of the term "criminal qualification" in the Republic of Uzbekistan. Today, the concept of criminal qualification has been referred to by various names, in particular terms such as qualifying, qualifying, describing, qualifying. In a critical assessment of this situation, we note the following:

first of all, if the crime is considered dangerous to the state, society, man, as we noted above, the person who applies the right, that is, the person who qualifies the crime, does not qualify him or rather determines that a socially





dangerous act committed is a crime. There will be no qualification of the crime, and it will not be qualified by the person applying the law either;

secondly, we also object to the so-called description of the crime. Description is usually given to positive things and situations, and negative things and situations are quality (bad) paid. Since crime is a social cultural but negative phenomenon, it is not characterized.

As long as any law is clearly, uniformly, in practice, not perfect in terms of language and style, along with its fair application, it complicates the fulfillment of the goals and objectives set by it. When applying the law, too, one word means one, it will also be easy, clear and fluent to apply.

In our opinion, these names are more often misinterpreted and used when translated from foreign and Russian. This is due to the fact that many words are initially translated into Russian, and then into Uzbek. It is known that a dictionary is usually used to correctly translate foreign words from another language into Uzbek. In our opinion, when translating and applying each foreign-looking word, it is advisable to use a dictionary of the same language and an Explanatory Dictionary of the Uzbek language, which eliminates the above imbalance. Because when we saw the word qualifier from an Explanatory Dictionary, we determined that it is not a word from Russian, but, on the contrary, a word that has entered from Latin.

So, in order to criminalize a person and apply a punishment or other legal measure of influence on him, it is determined by the means of "qualifying crimes" rather than by "qualifying" what norm of the law is violated, what signs of the composition of the crime are in the act. More precisely, qualification (legal assessment) is carried out at all stages of the criminal process. It will initially have a primary character. An accurate, accurate legal assessment of an act is given after the collection of detailed complete information about the Committed Act.

236 of the Criminal Code of the Republic of Uzbekistan, in which we are conducting research, the object of the crime in the qualification of an act committed in Nuzar to intervene in the investigation or in the resolution of court cases is the independence of the judicial authorities and the normal activities of the criminal authorities such as obroyi, inquiry, investigation, Investigation, investigation.

Objectively, the crime is expressed in illegally influencing the judge in various forms in order to achieve an unfair verdict, decision, verdict or decision to the Inquirer, investigator, prosecutor, in order to prevent the case from being





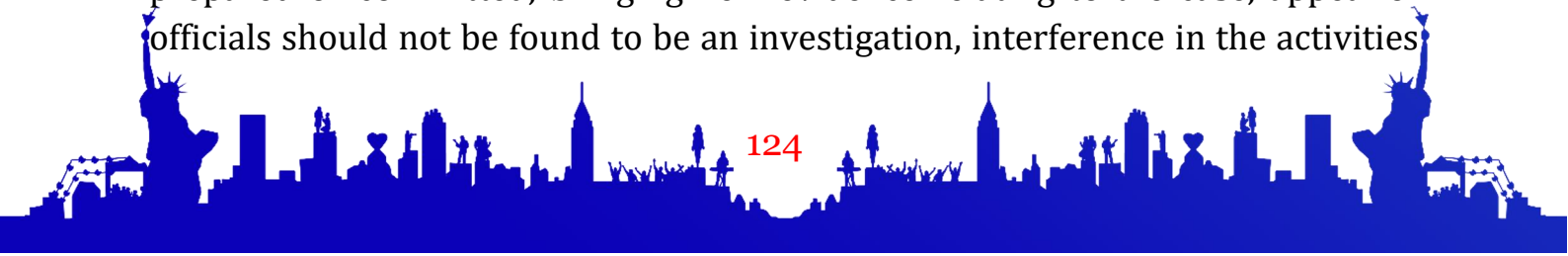
studied comprehensively, thoroughly and objectively. This interaction can be carried out in a different form. For example, a variety of exits using olamon can be in the form of various homogeneous taxids, intimidations, standing next to an investigative body or a courthouse. This criminal norm is practically not the main criminal norm in practice today is adjuncted as an additional norm and is qualified. Because the intervention in the investigation or in the resolution of court cases is always carried out in different forms, it would seem that another crime constitutes a composition allegedly. For Example, M. investigator to solve the case in the investigation P.ga was captured while giving us \$ 1,000 in bribes.

M.the act of the preliminary investigation was qualified as a bribe by Section 211 (1) of JK. At first glance, there is indeed a crime of bribery, while in this case bribery can also be assessed as a form of unlawful influence on the investigator in order to prevent the case from being studied comprehensively, thoroughly and objectively.

From the subjective side, interference in the investigation or the resolution of court cases is committed only on the right will, that is, the person knows the social danger of his actions, wants a decision contrary to the law and unfair. The motive of this crime can be personal self-interest, ulterior motives, etc.

The necessary sign of the subjective side is for what purpose the intervention was committed.

When qualifying with article 236 JK, it is always of great importance to know what the act is aimed at, that is, to what extent the interference is occurring. It should be qualified, for example, to request or demand from the Inquirer, investigator, prosecutor, to conduct the investigation in a different direction, to demand from the judge or people's consultant to take the case in a certain direction in exchange for promised profit or interest, to intimidate with threats, to intervene in the investigation or judicial affairs through a well-known Inquirer, investigator, prosecutor, judge or people's Also, interference or exposure, when they refer to a specific case, constitutes the composition of the crime. Intervention aimed at strengthening or reducing the penalty, determining the type of crime in general or in any way, the investigation of the heads of citizens or enterprises, institutions and organizations or the application of another precautionary measure to the judicial authorities in relation to a member of the Labor team, the application of a non-parole sentence or, in their opinion, Appeals or petitions related to In addition, reporting of a crime being prepared or committed, bringing new evidence relating to the case, appeal of officials should not be found to be an investigation, interference in the activities





of the prosecutor, judicial authorities. One of the problems that arise in the qualification of these crimes is that the forms, types and degrees of interference are not exactly cited in the Criminal Code, or there is no Supreme Court Plenary decision that provides an explanation for this. We believe that it would be advisable if the influence or interference in this investigative activity or judicial affairs in exactly what form is included in the structure of Article 236 of JK in the form of a hypothesis, or if the Supreme Court Plenary decision gives a clear explanation in this regard.

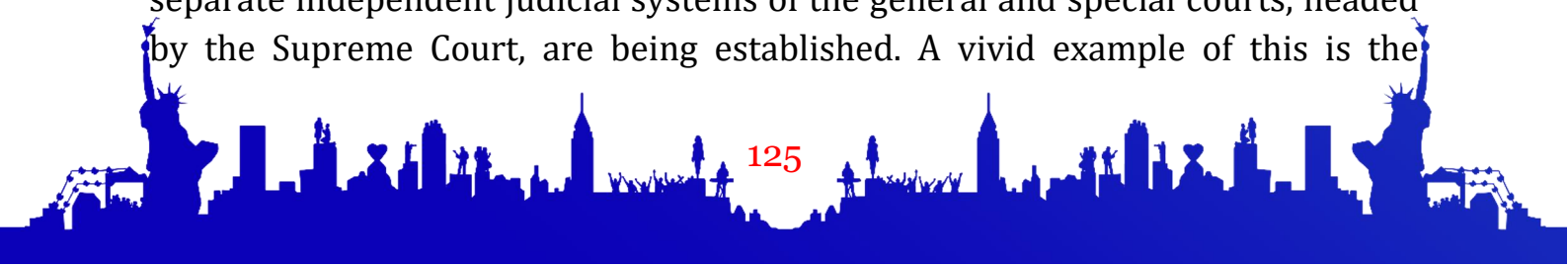
2. Criminal liability issues in developed foreign countries for "interference in investigation or in the resolution of court cases."

In constitutions, the exercise of legislative and executive power is vested in one or two central state bodies (the head of state and (or the government) respectively, but the exercise of judicial power is vested in all judicial bodies, from the lower tier of the judicial system to the highest level. Each of the judicial bodies, regardless of the position it occupies in this system, makes the case independently, based only on legal thought within the framework of the law. Not only the Supreme Court, but also an independent representative (representative) of the judicial power of an individual judicial body is awarded. By doing so, the judicial branch is quite different from the administrative branch, where the higher authorities are able to instruct the lower authorities to concede to them matters of their authority, competence.

Interfering in the investigation or the resolution of court cases when analyzing the issue of criminal liability, it is important to study and analyze the experience of foreign countries. Through this, it will be possible to more extensively study the forms of criminal liability, its specifics and draw appropriate conclusions in order to intervene in the investigation or in the resolution of court cases.

The result of the analysis of criminal laws of foreign countries we were convinced that in most developed countries there are also countries where the accuracy of Investigation and judicial power is ensured, and not fully provided.

Also, the structure of the judiciary primarily covers the courts themselves. In the countries of the Anglo-Saxon system of law, they form a single system, according to which the different sphere merges into the courts into a single Supreme Court. At the moment, a multi-system trend of judges is observed in most countries, especially on the European continent. In these countries, separate independent judicial systems of the general and special courts, headed by the Supreme Court, are being established. A vivid example of this is the

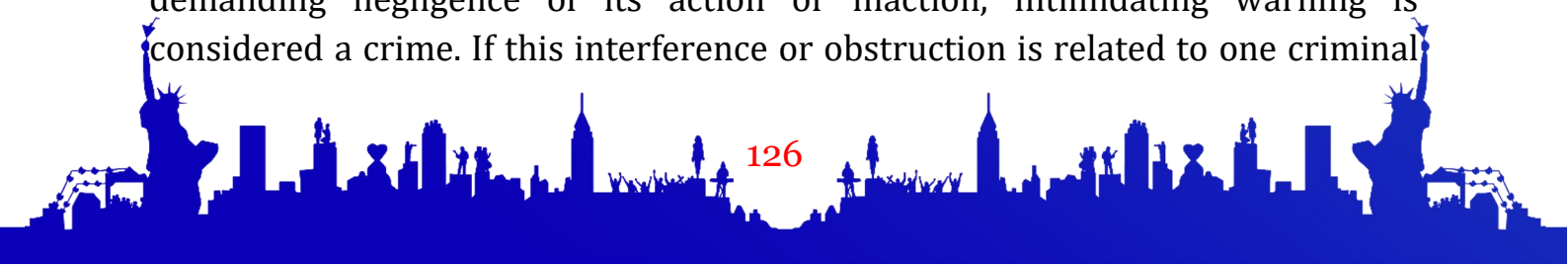




German Basic Law, adopted in 1949, which provides for the establishment of five more separate courts, along with the Federal Constitutional Court, which are: the Federal Chamber of courts, the Federal Administrative Court, the Federal Chamber of the financial Court, the Federal Labor Court, the Federal social court. They form a collaborative (joint) Senate with the aim of ensuring uniformity in judicial practice.

In countries in the Romana-german law system and in some other countries, in addition to the general jurisdiction judicial system, a system of Administrative Justice is established, which is governed by the so-called State Council (France, Italy) and the so-called Supreme Administrative Court (Sweden). In some post-socialist countries (Bulgaria, Czech Republic), a two-court system was established in the same way. In Poland, the Supreme Administrative Court, for now, is controlled from the Supreme Court tomny, but in accordance with article 236, Part 2 of the Constitution of the Republic of Poland, a law "on administrative courts" must be passed, which ensures that the Supreme Administrative Court will be masqueraded from the country's Supreme Court for 5 years, that is, from 1997 to 2002, when it entered into force. In most countries, military courts are not established during a peaceful period. (See, for example, in accordance with Article 84 of the Austrian Federal Constitutional Law, adopted in 1920 and edited in 1929), if a military court exists in advance in the country, it constitutes a separate area of general jurisdiction. The same can be said about administrative courts and some other special courts: family, juvenile, labor, patent, financial tax courts.

As a result of the study of the criminal legislator of foreign countries of the crime of interfering with the investigation or the resolution of court cases, we were sure that the criminal law of most countries clearly defines in what forms the investigation or interference in judicial affairs will be carried out. For example, Article 301 of the Criminal Code of the Republic of Albania establishes criminal liability for obstruction of judicial affairs, according to which attempts to change the criminal case under it, to make traces, lose, hide actions, change direction in another direction are assessed as obstruction of judicial activity, for this crime a maximum sentence of up to three years of imprisonment is established . In accordance with Article 242/A of the Criminal Code of the Republic of Hungary, in the course of proceedings in a court or other judicial order, the use of force or forcible taxing of the legal rights of the court, demanding negligence of its action or inaction, intimidating warning is considered a crime. If this interference or obstruction is related to one criminal





case, it is punishable by imprisonment for five to eight years. Also, according to the third part of Article 242/A of the Criminal Code of the Republic of Hungary, this interference or obstruction is punishable by imprisonment for no more than five years, if it is related to a civil case, or with discipline, arbitration or any other judicial proceedings, or if the members of the court are interested in any benefit. In addition, in the Republic of Hungary there is the Hungarian international court, which handles any international cases related to Hungary, and criminal liability is also established in Article 249/B of the Criminal Code of the Republic of Hungary for interference in the affairs of this court.

In addition, in the Criminal Code of the Republic of Latvia, the crime of "interfering in the investigation or the resolution of court cases" is classified as an independent double-composition crime. That is, Article 2941 of the Criminal Code of the Republic of Latvia establishes criminal liability for interfering with the initial criminal process, according to which, in order to change the direction of investigative activities or achieve illegal decision-making, obstruction, interference, exposure in some way is punishable by imprisonment, separation from the team, involvement in social services or a fine for socially dangerous acts. In the second part of this article, criminal liability is established for the fact that these actions were committed by officials, establishing one of the penalties of deprivation of rights or imprisonment for a period of one year, service to society for a period of no more than five years or dismissal from a certain task. Also, according to an amendment to Article 295 of the Criminal Code of the Republic of Latvia, introduced in December 2012, the criminal liability for interfering in judicial affairs, that is, in order to achieve illegal sentencing or decision-making or elon, is established in some way to influence the judge, experts, and for this, the penalty of imprisonment for And in the second part of this article, the criminal liability of officials for interfering in the affairs of the court, and for this act, the penalties of imprisonment for no less than a year and dismissal from the position of an official for no more than five years are applied, combined with involvement in collective affairs.

Studying the foreign experience of the crime of interfering in the investigation or the resolution of court cases, as we noted above, in different countries, a different responsibility for this crime is established, and this crime is interpreted as turlija. In the criminal codes of most CIS countries, it was noted that this crime is practically the same as the Criminal Legislation of the Republic of Uzbekistan. For example, Article 294 of the Criminal Code of the Russian Federation establishes criminal liability for interfering in the investigation and



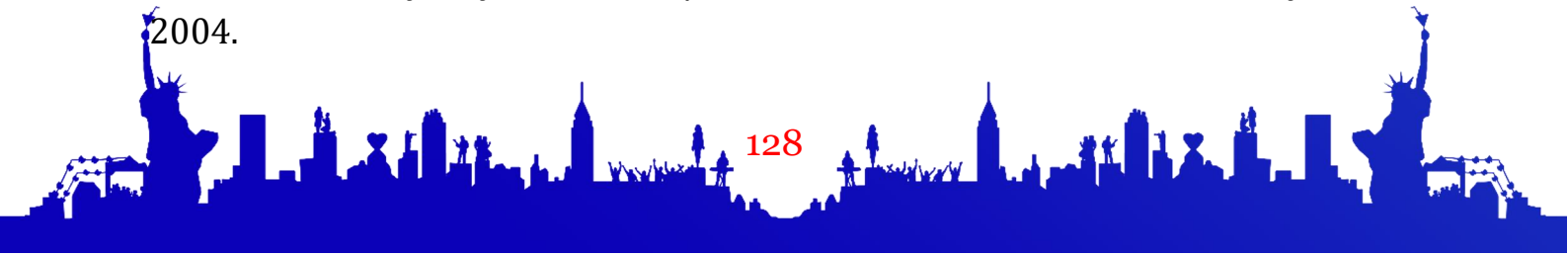


the resolution of court cases, according to which the investigation or interference in court cases is determined by the criminal liability of chun to resist or exert any prior influence in order to achieve the illegal issuance of sentences, decisions and other documents issued in

Also, in the Russian Federation, the prosecutor is prescribed responsibility by the investigator for any interference in the conduct of an investigation, giving harsh explanations, estimating, intimidating, and in the second part of this article, the commission of this crime using the status of a state is prescribed as an aggravating circumstance. Also, for any form of interference in judicial activities, article 376 of the Criminal Code of Ukraine defines criminal liability, with a fine of up to 50 times the minimum monthly salary, or public works of up to two years or imprisonment of up to six years. If this act is committed by law enforcement officers, a certain deprivation of rights of up to five years or imprisonment of up to six months or imprisonment of up to three years applies.

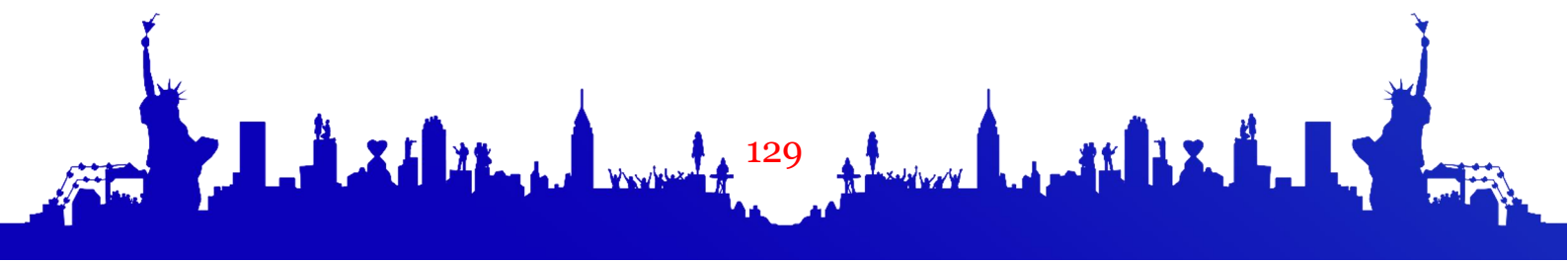
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