



THE PROBLEMS OF THE CRIMINAL'S IDENTITY WHEN INTERFERENCE IN INVESTIGATION OR CONSIDERATION OF CASES IN COURT, THE REASONS FOR ITS COMMISSION AND THE CONDITIONS THAT ALLOWED

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ABSTRACT

The crime of interference in investigation or consideration of cases in court does not belong to the category of crimes that are committed in large numbers, however, criminologists call these crimes the most dangerous of crimes committed against justice today. It is argued that the reason may be that as a result of the commission of this category of crimes, not only the individual-society-state will suffer, but also the loss of citizens' trust in justice, a gross violation of the principle of independence of the courts.

The statistical data provided by the Supreme Court of the Republic of Uzbekistan on the crime of interference in investigation or consideration of cases in court by the author were analyzed, and on the basis of these analyses, the problems of the criminal's personality, the reasons for his commission and the conditions that allowed him were studied and solutions were developed.

I. INTRODUCTION

A crime involving interference with an investigation or judicial proceeding cannot be classified as a crime committed too often. However, these crimes are recognized by criminologists as one of the most dangerous crimes against justice today. The reason is that as a result of committing this category of crimes, not only a person-society-state suffers, but it can also cause a complete loss of citizens' trust in justice, a gross violation of the principle of independence of the courts.

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



Statistical data on crimes related to interference in investigation or consideration of cases in court submitted by the Supreme Court of the Republic of Uzbekistan show the degree of prevalence of this type of crime. In particular, in our republic, the number of persons who committed this category of crimes in 2015 amounted to 2 people, in 2016 - 4 people, in 2017-2 people, in 2018-5 people, in 2019-3 people, in 2020 (not committed), in 2021-2 people. As we can see, crime, if we look at 2010, is steadily growing. [1]

Analyzing these indicators in the administrative-territorial context, the share of persons who committed crimes in the total amount gives the following indicators:

2 crimes were committed in the Tashkent region in 2015, 1 in 2018, no crimes of this category were committed in 2016-2017, 2019-2021;

In the Ferghana region in 2016 and 2021, more than 1 crime was committed, in 2015, 2017-2020 there were no such crimes;

In the Khorezm region, 1 crime was committed in 2017, 2 crimes were committed in 2018, no crimes of this category were detected in 2015-2016 and 2019-2021;

In Andijan region in 2016 and 2017, only 1 person, in Jizzakh region in 2019-2 people, in Kashkadarya region in 2021-2 people, in Namangan region in 2018-1 person, in Surkhandarya region in 2019-1 person; in Tashkent in 2018-1 person;

This category of crimes has not been established in the Republic of Karakalpakstan, Bukhara, Navoi, Samarkand, Syrdarya regions.

As we can see, the analysis of persons who have committed this type of crimes according to the administrative-territorial

structure of our republic shows that most of them fall mainly on the city of Tashkent and the Tashkent region, and a smaller part - on the Ferghana, Namangan and Surkhandarya regions. The regions in which no crimes were committed at all are the Syrdarya, Bukhara, Samarkand and Navoi regions, as well as the Republic of Karakalpakstan.

A decrease in the number of persons who committed this type of crime was noted in the Andijan, Surkhandarya and Namangan regions, and the state of equilibrium - in the Ferghana, Jizzakh, Khorezm regions. For this reason, it is recommended to continue and deepen the activities carried out in these regions.

At the same time, steady growth rates of persons committing crimes were recorded in Kashkadarya, Surkhandarya, Tashkent regions.

For this reason, there is a serious need to further strengthen the anti-crime policy in these regions and improve mechanisms in this direction. Especially since 2019 in the Jizzakh region.

In 2021, there was a significant increase in the number of people committing crimes in Kashkadarya region, and it is recommended to develop special measures to combat crime in this area, which will be strengthened. [2]

Today, the ratio of women to men among criminals is on average 2:8. In recent years, there has been an increase in female crime. However, in the period from 2015 to 2021, crimes related to interference in investigation or judicial proceedings, registered crimes committed by women accounted for 0% of the total number of crimes. Because in these years, women did not commit crimes of this category. From



this it can be seen that in 100% of cases crimes are committed by men.

The analysis of the ratio of persons of different ages in this crime shows that the largest number of crimes are committed at the age of 31-40 years, and then

41-50; 20-30; 51-60, 60-(+) among the criminals committed by older people, older people over 60 years old make up a significant deficit. In particular, in Kashkadarya region for 11 months of 2021, 1 person or 1.8% of the total number of persons who committed crimes.

We can say that the more crimes middle-aged people commit, the better. Statistics show that the number of crimes committed by minors is also increasing, but the statistics of the crimes studied show that the crime rate among minors is 0% of the total number of crimes.

Speaking about the dynamics of crimes committed by nationality, it should be noted: 29 Uzbeks, 1 Karakalpakstan, 1 Tajik, 1 Russian criminal.

The analysis shows that most of the crimes are committed by criminals of Uzbek nationality, the number of which is 29 people.

According to the analysis of the results of a social survey of judges, law enforcement officers, teachers, lawyers and students, "the profession or occupation of the persons who committed this type of crime? 41.5% of respondents stated that they do not have a specific profession or type of activity, 23.5% work in public institutions, 12.9% work in trade and services, 9.7% work in construction, 8.8% stated that they are engaged in the cultivation of agricultural products, 3.6% - in other activities. [3]

The level of education of persons who have committed crimes also has criminological

significance, since their education is related to the culture of the individual, social status, relationships, circle of contacts, plans for life and their implementation. The level of general education of criminals is lower than that of law-abiding citizens. There are huge differences in the level of education of criminals belonging to different groups. In particular, the commission of crimes related to interference in the investigation or settlement of court cases. The proportion of people with higher education who have committed crimes in this area is at a high level.

In addition to the above, marital status and its change also have an impact on the formation of personal characteristics of persons who have committed crimes. To a certain extent, the family will also influence the direction and stability of criminal behavior. In criminology, family education has been more studied the formation of crime, the influence of family disagreements on crime. As a rule, fewer crimes are committed by married people than by single and lonely people.

In many cases, the family performs the function of social control. When we describe criminals according to their social status and the work they do, there are many of them who do not do any work. Among the organizational and legal measures proposed in this study are measures to prevent crime. Organizational proposals also concern measures to expand and improve statistical data on the socio-demographic characteristics of criminals, the organization of special forms of operational and forensic accounting. In our opinion, the typology of criminal personalities developed by us can serve as a fundamental basis for such accounts.



In 2015-2019, the number of crimes in this category decreased significantly. Although this has not happened as of 2020, the percentage of crimes of this type has increased in 2021. According to the above, the dynamics of the commission of crimes related to interference in the investigation or resolution of court cases is as follows: the total number of criminal cases considered is 18, persons who committed crimes - 32. Of these, 15 were found guilty, 13 were acquitted, 2 were released from punishment, and the criminal case against 4 was terminated. According to the main types of punishments imposed, 1 fine, 1 deprivation of certain rights, 3 correctional labor, 3 restrictions on freedom, 6 sentences to imprisonment are imposed. [4]

Thus, today, crimes committed in accordance with article 236 of the JK are mainly subject to penalties in the form of imprisonment, restriction of liberty and correctional labor. In our opinion, it is advisable to strengthen the application of punishments to this type of crime, including those related to deprivation of liberty. In particular, citizen T. accomplices of the crime "Fact.UZ" correspondents of the news agency A. and H. in preliminary collusion with the persons accused under paragraph "a" of part 3 of Article 168 of the Criminal Code I. during the consideration of the criminal case by the Termez District Court for Criminal Cases, it was decided to intervene in the settlement of the case.

January 11, 2021 at 15:00 "Fact.UZ" correspondents of the news agency E. Nasibayev, A. and H. with the consent of the Termez District Court for Criminal Cases, in accordance with the requirements of the law set out in Article 19 of the CPC, "voice recording, photo, video recording

and filming in the courtroom are allowed only with the permission of the presiding judge in the court session, about which a corresponding resolution will be issued", The Supreme Court and the Ministry of Internal Affairs of June 25, 2018 No. 56., p. 14 Instructions On the procedure for ensuring the safety of courts, Court Proceedings and their participants, approved by Resolution No. 47, the Security Department of the Surkhandarya region of the National Guard, serving in the courthouse, not complying with the requirements on the impossibility of importing photo and video recording equipment without the permission of the presiding judge at the court session. [5]

Private - employees of the 10th separate detachment J. and P. without observing the legal requirements of the established procedure, without observing the rules, without obtaining the permission of the chairman of the court, without registering at the checkpoint at the entrance to the courthouse, safdor is an employee of P. to the chairman of the court "Fact.UZ" at the moment the court entered the administrative building in order to mark the arrival of reporters from the news agency, arbitrarily using a video camera, Termez entered the district court in criminal cases, which led to the refusal of a representative of the authorities to perform a service function, putting her in conditions that force the department of internal affairs "Fact.UZ" reporters of the news agency T., A. and H. continuing their criminal actions, part 3 of art. 168 of the Criminal Code was charged under point "a" I. ga 112 of the Constitution, as well as Article 9 of the law "On Courts", knowing that the consideration of a criminal case on January 11, 2021 is scheduled for 15:00,



"judges are independent, judges subject only to the law are not allowed to interfere in any way in their activities on the administration of justice, and such interference entails responsibility in accordance with, knowing, That during the consideration of the criminal case by the Termez District Court for Criminal Cases in the court session, the court intervened to resolve the proceedings and treated the explanations and legitimate demands of the court employees with free will, article 10 of the Constitution establishes that "only the Supreme Assembly of the Republic and the President of the Republic, elected by X.ga allegedly acting themselves "on behalf of the people", the defendant And.

The fact that Khudayorov came to his address and the case was considered unilaterally, the court made it clear that he was doing something illegal, and the chairman of the court was H. despite H.'s explanation, degrading the honor and dignity of the defendant, I went to the office of the chairman of the court.dealing with these cases with close relatives of the chairman of the court, causing chaos in the room X.ni and so, in order to discredit the judiciary, they shot the video without permission and posted it on social networks on the same day, violating the inviolability guaranteed to the judge by law. [6]

"Fact.UZ " Correspondents of the news agency E.Tejiybayev, A. and H. continuing their criminal actions, the accused on January 11, 2021 at 16:00 I.ga at the beginning of the court session, voluntarily entering the courtroom, in Article 19 of the CPC "recording of voices in the courtroom, photographing, videotaping and filmmaking are allowed only with the permission of the presiding judge at the

court session, an appropriate determination is made about this," the court freely reacted to the requirements of the established law by videotaping the Fact.UZ " reporters T., A. and H. although the parties are not considered at the court session, in order to put pressure on the presiding judge and the participants in the process by these actions by openly disrespecting the court, speaking in a tone contrary to the norms of etiquette, i.e. by introducing into arbitrary speech an oral motion to record the trial on video, the chairman of the court X. having heard the opinions of the parties, despite the fact that he rejected the petition in his place and announced his decision to remove the trial from the courthouse for refusing to record it on video and for unauthorized entry into the courthouse and violation of the established order, he interfered in the settlement of court cases, preventing a comprehensive, complete and objective study of the case, influencing the judge, the prosecutor participating in the trial, not allowing the video recording of the court session and not obeying his decision to leave the courtroom, having achieved a 40-minute break of the court session contrary to the law, keeping the lawyer and other persons in questions and answers, videotaping this process and interfering with the hearing of the case in court, the presiding judge continues to review the case X.ni having forced him to enter a separate room on his own initiative, the president of the court X. left a separate room "Fact.UZ " reporters of the news agency T. and his accomplices, as well as the defendant I. after the announcement of the decree on the eviction of relatives from the courtroom forcibly by the Security Service of the National Guard and the



District Police Department, they were expelled from the courtroom and by these actions committed actions that undermine the authority of the judiciary by posting illegal videos of the trial on social networks in order to reduce The defendant T.ni Part 3 of Article 139 of the LC paragraphs "a, d", Part 3 of Article 140 found not guilty of committing crimes under paragraph "a" and part 1 of Article 219 of the CPC Article 83 is justified in accordance with paragraph 2.

Having found guilty of committing crimes under Part 2 of Article 219 and Part 1 of Article 236 of the Criminal Code, the defendant T.ga he was sentenced to imprisonment for a period of 3 years.

Milk A.ni Part 3 of Article 139 JK paragraphs "a, g" and article 140 Part 3 was found not guilty of committing crimes under paragraph "a" and part 219 of Article 1, and acquitted on the basis of paragraph 2 of Article 83 of the CPC. A.ga Part 2 of Article 219 of the Criminal Code and found guilty of committing a crime under part 1 of Article 236. [7]

Defendant A.ga from 22:00 late in the evening to 6:00 in the morning, a sentence of 3 (three) was pronounced years of restriction of freedom, restricting the exit from the residence located in the Shurtepa district, Konimeks district.

It is noteworthy that the punishment in the form of correctional labor in relation to these acts is applied more roughly. In particular, he is a citizen himself. From 2001 to April 2017, he worked as the head coach of the Khorezm regional branch of the Wrestling Association of Uzbekistan and deliberately used his powers to form a list of children participating in competitions at various levels at the republican level, pursuing the goal of

mutual criminal conspiracy with other persons working as coaches under him and, children who do not participate in competitions, with the exception of children who are supposed to participate in competitions, are listed as participants who are supposed to participate in competitions, making this list myself, as well as coaches X. and S.ga having signed this document, knowing that it is fake, having reached the issue of the order, having completed the payroll that after the end of the competition, the monetary expenses were spent on participants who did not actually participate in the competition, like all participants, and agreed to the queue to pay for travel expenses for children participating in competitions from and also plundered by embezzlement and embezzlement of budget funds, dropping them on their personal plastic cards.

In particular, He said. From 2001 to April 2017, he worked as the head coach of the Khorezm regional branch of the Wrestling Association of Uzbekistan and worked as a coach under his leadership in advance with other persons who acted in criminal conspiracy and acted as a group, aiming to make a fortune by illegal means, and on May 19-21, 2015, he issued documents, these coins were earned by coach S. continuing similar criminal acts by transferring to a bank plastic card of the Republic of Uzbekistan on November 13-16, 2015 in Tashkent for 5 children, who did not actually participate in freestyle wrestling competitions, coach S. transfer to a bank plastic card of the Republic of Uzbekistan on September 23-26, 2016 for 3 children who did not participate in freestyle wrestling competitions in Tashkent, travel expenses in the amount of 728,469



soums were calculated and this money was transferred to their personal bank plastic card, on October 5-7, 2016 for 5 children who did not actually participate in competitions in in free-style wrestling in Tashkent, they calculated travel expenses in the amount of 1,368,430 soums and paid these funds to coach J. On March 29-31, 2014, 10 athletes, who did not actually participate in freestyle wrestling competitions in Navoi, the region calculated travel expenses in the amount of 1,704,296 soums for girls and earned this money from coach X. Transfer to a bank plastic card, on April 6-10, 2015, 7 athletes who did not actually participate in freestyle wrestling competitions in the Navoi region calculated travel expenses in the amount of 1,473,052 soums for girls and earned these funds from coach X. Transfer to a bank plastic card of the Republic of Uzbekistan and calculate travel expenses in the amount of 3,577,266 rubles for 14 children who did not actually participate in freestyle wrestling competitions in Tashkent on December 9-11, 2014, children who do not participate in the competition are listed as participants who participate in the competition, pursuing prejudice or other interests, signing this list on their own, as well as X. and S. who signed this document and know that it is fake, in a total of 9 cases, i.e. adding names from 1 coach and 59 athletes in reports, these fake reports can be found in the regional culture and presented to the accounts of the Department of Sports and subordinate youth sports schools, as a result of which he and the coach of the Department of Sports H. and S. The Bank made a withdrawal of funds in the amount of 13.253.185 soums to plastic cards. [8]

That's the way it is. in order to prevent a comprehensive, thorough and objective study of the investigation of the criminal case under investigation and, thus, to avoid the inevitable responsibility at the end of May 2017. In order to prevent the continuation of the investigation of the criminal case under investigation from continuing its criminal actions and not receiving false testimony by athletes and their parents during a visit to the gym of the Academic Lyceum No. 1, where he trained, he and his mother D.He also said that he would change the instruction given to him and give instructions that he would not give money. On June 20, 2017, athlete N. became the father of a citizen O.N.I. Mother Z., after learning about the testimony given to the investigating authority as a witness, they testified to the investigating authority, fully exposed the crime they had committed, realizing that guilt would be proven, prevented them from going to the investigation, changing their instructions to return home and writing explanatory letters and a voice note addressed to the prosecutor of the city of Urgench, so it is. By his criminal actions, Uzbekistan intentionally committed the crime provided for in part 1 of Article 236 of the Criminal Code.

The defendant u.ni wages in accordance with part 1 of Article 236 of the Housing Code 20 percent were sentenced to correctional labor for a period of 1 (one) year, while the amount is deducted from state income. It seems to us expedient to clarify the rules for the introduction by the plenum of the Supreme Court of the Republic of Uzbekistan of additional restrictions on the perpetrators of this type of crimes and to give specific instructions to the courts in this regard.



In the legal literature, it is argued that criminological methods of cognition serve to find answers to many complex questions of criminal law sciences, in particular, the question of what measures should be applied to prevent the commission of crimes. From the above, it can be concluded that the activities of the court and law enforcement agencies aimed at preventing crimes related to interference in the investigation or resolution of court cases, in turn, gives the expected results if they are carried out based on scientifically sound methods.

In the criminological literature, when analyzing the causes of any crime, general factors and conditions that allowed specific crimes are highlighted. We believe that the analysis of the crime under investigation should be based on an approach to approbation. [9]

In addition, it is very difficult to identify actual differences between the general factors and conditions that allowed this crime to be committed, and sometimes it is impossible. "An obvious social phenomenon can also be a factor of general visibility in certain situations, as a condition under which crimes are allowed in other situations."

Therefore, all causes should be divided into general and special types. Let's take a closer look at some of the factors that are important, in our opinion, in relation to crimes committed in connection with interference in the investigation or resolution of court cases. When analyzing the factors (causes) of the crime of interference in the investigation or resolution of court cases, it is most appropriate to investigate the totality of all events, phenomena and processes that necessitate the commission of this act,

generate them, increase the volume of its commission. The reasons for the analyzed act are closely related to its motive.

According to the analysis of the results of a social survey among judges, law enforcement officers, professors, lawyers and students, respondents expressed financial interest (45.2%), assistance to close relatives (18.0%), increased distrust of justice (11.5%), revenge (8.3%), due to the influence of those who had previously committed crimes (7.1%), hatred (6.0%) and other goals (3.9%).

Also, the lack of a sufficient number of jobs in the regions (31.2%), very low monthly wages at existing workplaces (23.4%), insufficient organization of social support for the population (22.5%), disregard for legal nihilism and violation of the law (18.3%) were cited as reasons for committing this type of crime, and other reasons were noted (4.6%).

Respondents stated that the activities of investigative and judicial bodies were insufficiently organized (32.7%), that the investigation and trial were not organized properly (14.3%), that investigative and judicial bodies were not qualified (15.2%), that explanatory work to combat crime in this area was poorly organized (31.8%).[10]

IV. CONCLUSION:

In our opinion, when it is done taking into account all possible legal factors of crime, a comparative comparison of them with many gaps in legislation is currently ineffective. From the presented analytical data, the following conclusions can be drawn about the causes and possible conditions for the commission of a crime of interference in the investigation or resolution of court cases:



A person who has committed the crime of interference in investigation or consideration of cases in court is a person found guilty by a court verdict that has entered into legal force for committing this crime;

The reasons for the crime of interference in investigation or consideration of cases in court are a combination of social, mental and material factors that led to the commission of this crime;

Measures to eliminate the causes and conditions that made it possible to commit the crime of interference in investigation or

consideration of cases in court - a set of legal, social, organizational, educational, medical and other measures aimed at preventing the commission of these crimes in the future;

The conditions that allowed the commission of the crime of interference in investigation or consideration of cases in court - situations that allow the commission of a crime are critically evaluated for reasons that depend or do not depend on the individual and society that allow the commission of a crime.

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