JOURNAL OF UNIVERSAL SCIENCE RESEARCH

ISSN (E): 2181-4570 ResearchBib Impact Factor: 6,4 / 2023

# LIABILITY FOR CRIMES IS ESTABLISHED AGAINST JUSTICE SOME ISSUES OF THE DEVELOPMENT OF CRIMINAL LAW NORMS

**Anorboev Murodjon Rakhmankul ugli**
PhD in LAW, Teacher of the Academy of LAW ENFORCEMENT OF THE REPUBLIC OF UZBEKISTAN
MurodjonAnorboyev2402@gmail.com

## ABSTRACT

This article analyzes the trends in the development of the norms of the established criminal legislation on responsibility for crimes against justice. In addition, opinions were expressed on certain aspects of the provisions of this law, as well as conclusions and recommendations were developed.

**KEYWORDS:** Turkestan province, decrees, directives and other acts, Central Executive Committee of the RSFSR, Council of People's Commissars on the general and special part of criminal law, implementation of criminal activity, advice and instructions, removed obstacles, by committing accomplices in the commission of the crime.

## I. INTRODUCTION .

Criminal liability for crimes against justice developed mainly in accordance with the legislation of the former Soviet Union. The newly adopted in Russia in 1917, in particular the criminal law norms on crimes against justice, began to be reflected in legislation. After 1917, the courts of ham-Kazi and biya were temporarily preserved. The Emirate of Bukhara and the Khanate of Khiva were liquidated in 1920 due to the Soviet invasion, and the Bukhara People's Republic and the Khorezm People's Republic were created, which were part of the Soviet state, and Soviet laws were introduced in these states before the expiration of the shariat law.

## 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

ISSN (E): 2181-4570 ResearchBib Impact Factor: 6,4 / 2023

During the time of Tsarist Russia, the part of Central Asia that was directly part of the territory of Russia as Turkestan province became part of the RSFSR after 1917 as the Autonomous Republic of Turkestan, decrees, directives and other acts of the Central Executive Committee of the RSFSR and the Council of People's Commissars on the general and special part of criminal law,

In December 1919, the RSFSR published an overview of the main provisions of criminal law. The basic Manual on Criminal law of the RSFSR of 1919 contained norms on crimes against justice, according to which responsibility for concealing a crime was established. According to article 24 of this law, persons who did not directly participate in the implementation of criminal activity, assisted in its implementation by word or deed, advice and instructions, removed obstacles, hid the criminal or traces of the crime or reacted coldly, that is, did not earn money by committing accomplices in the commission of the crime.

It should be noted that in the above law, the concealment of a crime is not attributed to those types that were promised in advance and were not promised in advance. In the judicial practice of that time, any concealment was included in the partnership. Even at that time, some scientists of their time analyzed these cases in detail, arguing that from the point of view of the law, only the previously promised type of concealment could be included in the partnership.

In particular, A.N.Trainin explained that since article 24 refers to assistance in the commission of a crime, we are talking about a previously promised concealment, since, in a sense, a previously promised concealment is not considered assistance to a crime. In this case, the opinion of A.N.Trainin is essentially correct. [1]

However, the opinion that this concealment was classified into two separate types was not accepted by the majority of scientists, as well as by representatives of the judicial investigative body. This guide consisted only of norms that relate to the general part of criminal law. The completed edition of the 1920 Basic Manual It was published on April 20 under the title "The Basic Guide to Criminal Law of the Turkestan Autonomous Republic of the RSFSR". This basic guide became the first criminal law.

Prior to the adoption of the first Criminal Code of the RSFSR, according to the decree of the Central Executive Committee of November 24, 1921 "On penalties for false summons", criminal liability was established for an improper summons about a crime to investigative or judicial authorities. The public danger of this act lies in the

ISSN (E): 2181-4570 ResearchBib Impact Factor: 6,4 / 2023

fact that it arouses unjustified suspicions against individual citizens and officials, prompting law enforcement agencies to conduct any unjustified investigative actions. On May 24, 1922, the Criminal Code of the RSFSR was adopted, and on July 21, 1922, the Central Executive Committee of Turkestan decided that this code should be followed in the Turkestan Republic. This code was introduced on the territory of the Bukhara and Khorezm People's Republics.

The Criminal Code of the RSFSR of 1922 did not include a separate independent chapter on "crimes against justice". The norms relating to such crimes were contained in various chapters. In particular, judges for making unfair decisions (Article 111), illegal detention, delivery to law enforcement agencies, coercion to give instructions during the investigation, arrest as a precautionary measure based on the appearance of personal misconduct or malicious intent (Article 112), and then creating an artificial situation of bribery in order to expose the bribe taker, i.e. creating an environment that calls for bribery by an official (provocation) (article 115, crimes against justice, such as disclosure by an official of information subject to secrecy (Article 117), were attributed to the chapter "official crimes".[2]

By October 16, 1924, the Central Executive Committee abolished the criminal liability of a convicted person for desertion from the place of execution and ruled that a poor condition at the place of parole was the basis for desertion from the place of execution and it is explained by the powerlessness of control over the prison guards. In 1924, the USSR was created, and Uzbekistan became part of the USSR as a union republic. After the creation of the USSR, on October 31, 1924, the "basic provisions of the criminal legislation of the USSR and the Union Republics" were adopted, which set out important provisions of the general part of criminal law. The main provisions were the All-Union Law, which began to be applied in the same way on the territory of all Union republics.

On June 6, 1926, the first Criminal Code of the Uzbek SSR was adopted, which was put into effect on July 1, 1926. Although crimes against justice are not separated into a separate chapter of this Code, these crimes are reflected in various chapters of the special part of the Criminal Code

(Chapter 2: crimes against management; Chapter 3: official crimes).

The crime of interfering with the investigation or resolution of court cases that are part of crimes against justice did not exist as a separate crime. Crimes against justice

ISSN (E): 2181-4570 ResearchBib Impact Factor: 6,4 / 2023

included: illegal release of a convicted person from custody or from a place of detention or assistance in his escape (Article 105), evasion of a witness from the presence or instruction, evasion of the presence or duties of an expert, interpreter or person filing an objection (Article 119), interrogation without the permission of the prosecutor, investigator or person responsible for conducting inquiry (review), publication of an unfair judicial decision with intent, decision or ruling part (article 146), illegal detention or prosecution (by law enforcement agencies) (Article 147).

This law of Uzbekistan was in force until January 1, 1960. The second section of the general part of this Law provided that a person could be brought to criminal responsibility using the rules of analogy. According to the rule of analogy, it was possible to bring the perpetrator to justice under a certain article of the Criminal Code, which at that time was considered socially dangerous, but more like an act if the Criminal Code did not establish responsibility for such an act.

By the end of the 1950s, the Soviet state was entering its new stage of development, from the point of view of that time, the exploiters (owners) were completely eliminated as a class, the members of society consisted of peasant workers, intellectuals, that is, workers. Accordingly, the need to revise laws, including criminal law, led to the adoption of three laws on December 25, 1958, which were considered all-Union criminal laws. This: 1) The USSR Union and the fundamentals of the criminal law of the Union republics; 2) the law on criminal liability for crimes against the State; 3) the law on criminal liability for war crimes.

The "Principles of Criminal Law of the USSR and the Union Republics" consisted of the general part of criminal law, and all the Union republics had to develop and adopt their Criminal Codes accordingly. The All-Union republics, whose laws define responsibility for anti-state and war crimes, were obliged to be incorporated into the Union Republics without any changes. The Union Republic had no right to make additions and amendments to this law. [3]

In addition, decrees of the Presidium of the Supreme Soviet of the USSR were issued as a Union-wide law, establishing responsibility for crimes against the interests of the USSR, and they were also considered Union-wide acts and acted simultaneously and uniformly on the territory of the Union republics. In this case, as an example, the decrees of February 20, 1962 "On strengthening criminal responsibility for rape",

ISSN (E): 2181-4570 ResearchBib Impact Factor: 6,4 / 2023

February 20, 1962 "on strengthening criminal responsibility for bribery", July 26, 1966 "On strengthening responsibility for hooliganism" can be cited.

If an article of the Constitution of the Union Republic was coordinated with this decree, then the same article of the Constitution could be amended only on the basis of a Union-wide law. As can be seen from the above, the former USSR, although officially considered a federal state, was actually governed as a unitary state. [4]

On the basis of the above-mentioned laws, which are considered all-Union laws, a New Constitutional Law of Uzbekistan was adopted on May 21, 1959, which entered into force on January 1, 1960. The chapter on these crimes against justice contained 15 articles (articles 156-170), which covered the rules for the application of punishment for crimes of officials and other entities obstructing justice. These types of crimes include: knowingly criminalizing an innocent person (article 156), unfair judicial decision, resolution, ruling part (article 157), knowingly unlawful deprivation of liberty or detention (article 158), coercion to testify (article 159), knowingly false report (article 160), knowingly false instruction (article 161), refusal of a witness or evasion from giving evidence (Article 162), intimidation of a witness or witnesses (article 162), witness or expert or purchase (article 163) - this is a request or disclosure of information of the preliminary investigation (Article 164), etc.

Crimes against justice This system is the same structure as described above, with the division of actions related to abuse of official position or deviation from official authority into separate types by persons authorized under their law at the time of the administration of justice, based on the activities of other persons as a whole, is the basis of criminal education Increasing the role of law enforcement bodies in the fight against crime to a new level, granting them special additional rights in the implementation of special coercive measures, the need for strict observance of the principle of legality in the activities of these bodies led to the separation of crimes against justice into separate groups. [5]

By the years of independence of the Republic of Uzbekistan, the reforms carried out in order to combat "crimes against justice" have reached a new stage of their existence, which is not an exaggeration to say. The reason is that after Uzbekistan gained independence, huge changes took place in all spheres of our state. In particular, on December 8, 1992, our country adopted one of the first historical documents that fully meets all international standards. [6]

ISSN (E): 2181-4570 ResearchBib Impact Factor: 6,4 / 2023

The adoption of this Constitution has opened a new page on the way to building a democratic rule of law and civil society, as well as to the promotion of human rights and legitimate interests. The Constitution of the Republic of Uzbekistan defines guarantees of justice as follows: "The judicial power of the Republic of Uzbekistan acts independently of the legislative and executive branches of government, political parties, and other public associations. The procedure for the organization of courts and their functioning is determined by law. The formation of extraordinary courts is not allowed" . [7]

Today, the above-mentioned rule indicates that attention is paid to the activities of the judicial authorities at the level of State policy. Because the state guarantee and legal protection of the activities of justice is the main criterion in ensuring the effective implementation of judicial activities for the protection of human rights.

Article 236 of the Criminal Code, adopted on September 22, 1994, established criminal liability for interference in the investigation and resolution of court cases and provided for interference in the investigation or judicial proceedings in accordance with the provisions of this article, that is, criminal liability to the investigator, investigator or prosecutor in order to obstruct the investigation of the case. it is studied comprehensively, thoroughly and objectively or unfairly, in order to determine the responsibility for this act is that the subject of this crime can be both citizens and officials.

## IV. CONCLUSION:

In conclusion, taking into account the above, it is possible to point out some signs of a crime related to interference in the investigation or resolution of court cases: 1) unlawfully affects the administration of justice in various forms; 2) is intentional; 3) is a formal crime; 4) interference in the investigation or resolution of court cases may also be committed by inaction; 5) the commission by officials is an aggravating circumstance of punishment; 6) causes a decrease in the image of investigative and judicial bodies.

## REFERENCES

1. Rasulov O.H. Criminal law Soviet Union. General part: a textbook. - Tashkent: Teacher, 1969. – p. 26.

2. SU RSFSR. – 1921. – No. 77.

ISSN (E): 2181-4570 ResearchBib Impact Factor: 6,4 / 2023

3. Suleymanova H.S. History of the Soviet state and Law of Uzbekistan. Vol.2. - Tashkent: Publishing house of your own USSR, 1960. - pp. 405-406.

4. Criminal Code of the RSFSR. - M.: Gosyurisdat, 1922.

5. Criminal Code of the RSFSR. – M.: People's Commissariat of Justice, 1926.

6. Criminal the Code of the RSFSR. – M.: People's Commissariat of Justice, 1926.

7. Imamov R. The history of criminal law of Uzbekistan (mid-19th and 90s of the 20th century). - Tashkent: SCIENTIFIC PROGRESS, VOLUME 2, 2021. – PP. 951-952.