

## CRIMINAL-LEGAL ASPECTS OF SOME CRIMES AGAINST JUSTICE

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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.

**KEYWORDS:** 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 .

In the world, special attention is paid to the expansion of interventions in inquiry, investigation and judicial processes and the improvement of the established criminal law norms of responsibility for this, the prevention of these crimes, including strengthening criminal liability for unlawful interference in judicial and investigative processes, the correct qualification of these types of crimes and the prevention of their commission. the appointment of a fair punishment, the determination of the causes and conditions of the commission In this regard, the issue of ensuring justice is one of the main criteria ensuring the rule of law. Of the 8 factors in the (Rule of Law Index) published annually by the World Justice Project, 5 are directly related to activities in the field of justice. According to the results of the study, Denmark, Norway, Finland, Sweden, the Netherlands ranked high in the 2022 ranking, while Uzbekistan ranked 78th in this ranking. This situation explains the need to strengthen

the guarantees of justice, the need for regular improvement of this area, further deepening the fight against crimes against justice. [1]

## 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

In the process of establishing a democratic rule of law in the world, special attention is paid to the timely detection of all crimes against justice that pose a real threat to the state, society and citizens, their prevention and the appointment of fair and inevitable punishment to persons who have committed crimes, as well as scientific research to improve the effectiveness of the fight against crime, improving legislation.

The fact that the liberalization of criminal and criminal procedure legislation, the decriminalization of certain criminal acts, the humanization of criminal penalties and procedures for their execution in our republic are identified as one of the priorities of ensuring the rule of law and further reform of the judicial system indicates the need for research in this area. Strengthening the principle of "Law – priority, punishment – inevitability" in the development strategy of the new Uzbekistan for 2022-2026 was identified as the main criterion for reforms in this regard. [2]

In addition, the decrees of the President of the Republic of Uzbekistan "On measures to further reform the judicial system, strengthen guarantees of reliable protection of citizens' rights and freedoms" (2016.), "On additional measures to strengthen guarantees of citizens' rights and freedoms in judicial and investigative activities" (2017), "On measures to further improve prevention of offenses and the system of combating crime" (2017), "On measures to radically improve the structure of the judicial system of the Republic of Uzbekistan and increase the effectiveness of its activities" (2017), "On measures to strengthen guarantees for the protection of individual rights and freedoms in judicial and investigative activities" (2020), the Court of Justice of the Republic of Uzbekistan (2021), the laws "On additional measures to further improve judicial activities and increase the efficiency of justice" (2022), "On the development strategy of the New Uzbekistan for 2022-2026"

(2022), decrees, The Resolution "On measures to radically improve the system of criminal and criminal Procedure legislation" (2018) and other sectoral legislative acts significantly contribute to the further improvement of legislation in this area.

The judicial reforms carried out in our republic today assume the importance and role of the court, the prosecutor's office and other law enforcement agencies in ensuring human rights and freedoms, protecting the interests of the state and society. The successful administration of justice directly depends on the full compliance with the law by these bodies. Today, serious attention is paid to interference in the investigation and resolution of court cases. Because the investigative body and the court are bodies that take their rightful place in public relations related to justice. These bodies are already entities that directly administer justice within their competence.

Interference in investigation or in the resolution of court cases not only affects the reputation of the court or the body of investigation, but also, a huge amount of economic damage to the state can lead to a loss of citizens' confidence in Justice. In particular, a citizen who was a former official in 2019 by the jury of the Tashkent City Court for criminal cases. It is criminalized by Section 2 of Section 236 of the Criminal Code. From this person, a total of 8 million for the benefit of the state in all episodes. Us \$ 949,999 .3 in damages were levied. [3]

Interference in the investigation or judicial proceedings is a socially dangerous act. The reason for the allocation of crimes against justice in the Criminal Code in a separate chapter is also explained by the extreme necessity of judicial activity for the state and society, as well as the need for special protection of justice from criminal offenses. Chapter XVI of the Criminal Code is called "crimes against justice", and in the theory of criminal law, these crimes are distinguished as crimes that infringe on the normal functioning of the bodies that administer justice. According to the Constitution of the Republic of Uzbekistan, it is established that justice is carried out only by courts.

Z.H.Gulyamov characterized the concept of crimes against justice as intentional acts that harm the interests of justice and the individual by violating the laws governing inquiry, preliminary investigation, trial and punishment by the inquirer, investigator, prosecutor, court, as well as other citizens, and thus hinder the performance of the duties of the court to administer justice in criminal or civil cases. [4] B.F.Yusupov came to the conclusion that as a result of the study of crimes against justice, "this is a set of intentional socially dangerous acts that harm the interests of

justice and the individual by violating the laws on the procedure of inquiry, preliminary investigation and judicial proceedings by the investigator, investigator, prosecutor, judge, as well as other participants in criminal proceedings, as well as officials and citizens." [5]

In our opinion, crimes against justice are a set of intentional socially dangerous acts that harm the interests of the individual, society and the state by violating the laws on pre-investigation inspection, preliminary investigation and judicial proceedings by the investigator, investigator, prosecutor, judge, as well as other participants in the judicial process. the process, as well as officials and citizens.

It is known that criminal legislation provides for liability for criminal acts that harm public relations, gross violation of human rights and freedoms and legitimate interests, and also provides for punitive measures. These include crimes directed against the interests of justice. Unlike other groups of criminal assaults, crimes against justice can be classified according to their subjects. In particular, in some legal literature, crimes against justice are divided into three groups:

- 1) crimes committed by persons authorized to exercise the functions of justice;
- 2) crimes committed by persons against whom measures of procedural coercion are applied;
- 3) crimes committed by persons whose duty to administer justice is a civil duty or assigned to them by law.

Z.H.Gulyamov studies crimes against justice in four separate groups:

- 1) crimes against justice that infringe on the image and activities of investigative and judicial bodies. These include articles on interference in the investigation or resolution of court cases (Article 236 of the Criminal Code), non-execution of a court decision (Article 232 of the Criminal Code);

- 2) crimes against justice committed by persons conducting an inquiry, an investigative prosecutor or judges. These include: prosecution of an innocent person (Article 230 of the Criminal Code), unfair judicial decision, resolution, resolution or ruling part (Article 231 of the Criminal Code), illegal detention or arrest (article 234 of the Criminal Code), torture and other cruel, inhuman or degrading treatment or punishment (Article 235 of the Criminal Code);

- 3) crimes committed by persons involved in the administration of justice. They include illegal disposal of seized property (Article 233 of the Criminal Code), false report (Article 237 of the Criminal Code), perjury (Article 238 of the Criminal

Code), request or disclosure of information of the preliminary investigation (Article 239 of the Criminal Code;

4) crimes against justice committed by other persons. This group covers the following crimes: failure to report a crime (Article 241, Part 1 of the Criminal Code), criminalization of concealment (JK 241, part 2). In our opinion, the final definition is much more perfect than that of the previous authors. [6]

In our opinion, it is advisable to study crimes against justice, dividing them into three groups:

1) the activities of the investigative body and judicial authorities and crimes against justice that infringe on reputation: interference in the investigation or resolution of court cases (Article 236 of the Criminal Code), non-execution of a court decision (Article 232 of the Criminal Code), deliberate concealment from criminal records (Article 241<sup>1</sup>);

2) crimes against justice committed by subjects directly exercising justice: bringing to justice an innocent person (Article 230 Criminal Code), unfair judgment, settlement decision, judicial decision or decision-making (Article 231 of the Criminal Code), illegal detention or arrest (Article 234 of the Criminal Code), the use of torture and other cruel, inhuman or degrading treatment or punishment (Article 235 of the Criminal Code;

3) crimes committed by persons involved in the administration of justice: illegal disposal of seized property (Article 233 of the Criminal Code), false report (Article 237 of the Criminal Code), perjury (Article 238 of the Criminal Code), request or disclosure of information of the preliminary investigation (Article 239 of the Criminal Code), failure to report a crime (Article 241, Part 1 of the Criminal Code), concealment of a crime (Article 241, part 2 of the Criminal Code).

Justice has long been the criterion of the peaceful and prosperous life of our people, the source of all good, our grandfather was the noble Emir Temur following the proverb "justice is in power", noting that the organization of public administration, ensuring the peace and prosperity of el-Yurt, today remains the most important task to ensure the rule of law and justice in the formation of a rule-of-law democratic state, civil society in our country. In this regard, the role and importance of the judicial system, an independent branch of State power, are noteworthy. We feel this fact more and more deeply today, in the process of large-scale reforms aimed at bringing the development of our country to a new level. [7] According to him, the President of Uzbekistan Shavkat Mirziyoyev said: "Everyone who comes

to the courthouse should leave, believing that there is justice in Uzbekistan. Justice must be done in front of the people, openly, and justice must be predetermined." [8]

Full-fledged successful fulfillment of the duties of justice is directly related not only to strict compliance with the law by judicial and investigative bodies, but also to obtaining internal or external interference in the legitimate activities of these bodies.

In our republic, the legal framework of responsibility for the crime of interference in the investigation and resolution of court cases has been created and is being improved. In particular, article 112 of the Constitution of the Republic of Uzbekistan establishes that judges are independent, subject only to the law, that judges are not allowed to interfere in any way with their activities in the administration of justice and that responsibility for such interference is provided for in accordance with the law. In addition, according to article 14 of the CPC, judges and people's advisers are independent in the administration of justice and obey only the law. Judges and public advisers consider criminal cases and make decisions on them in accordance with the law. Similar norms are defined in the CPC (Article 9) and the EPC (Article 8).

According to article 66 of the Law on Courts, hindering the consideration of a particular case in all respects, in full and impartially, or any influence on judges in any way in order to obtain the issuance of an illegal court order is the basis for criminal prosecution in accordance with the law. It is also prohibited to require a judge to provide any explanations on the nature of the cases under consideration or during the trial, as well as to submit cases for review, regardless of to whom, except for the circumstances and procedures provided for by law. At the same time, the law also provides that the mass media do not have the right in their reports to determine in advance the results of a hearing on a particular case or to influence the court in any form. The fact that judges are independent in their activities is also enshrined in article 9 of the Law "On the Constitutional Court of the Republic of Uzbekistan". [9]

The legislation also establishes guarantees that the Prosecutor's Office also acts independently. In particular, according to article 5 of the Law "On the Prosecutor's Office", prosecutor's offices exercise their powers independently of any State bodies, public associations and officials, only in accordance with the law, and it is prohibited to interfere in their activities. [10]

In order to prevent the prosecutor from exercising any influence or activity in any form, in order to achieve an illegal decision, encroach on his inviolability, as well as disclose the results of the investigation and information of the preliminary investigation without the permission of the prosecutor or investigator, failure to comply with the prosecutor's requirements will entail liability in accordance with the established procedure. [11]

Joint resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan and the Supreme Economic Court of the Republic of Uzbekistan "On judicial power According to paragraph 3, in accordance with the law, it is not allowed to restrict the judicial proceedings in any way, directly or indirectly influence, threaten or interfere in the judicial activities of an official or citizen, from which side and on which issue. [12]

The above-mentioned legislative acts establish legal norms concerning decisive measures to combat the crime of interfering in the investigation or resolution of court cases. The establishment of such measures of responsibility in connection with the crime of interfering in the investigation or resolution of court cases is important when obtaining information about the commission of these acts. [13]

Interference in the investigation or in the resolution of court cases falls under the category of crimes against justice that infringe on the reputation and activities of investigative and judicial bodies. The strengthening of this crime as a dangerous act in the Criminal Code is explained by the fact that it can seriously harm the interests of society, or rather, the independent branch of the distribution of powers, a separate branch of government, the defender of citizens – the Institute of Justice. [14]

#### **IV. CONCLUSION:**

Based on the above analytical considerations, we can conclude that the concept of crimes against justice can be defined as follows:

Crimes against justice are intentional socially dangerous acts committed by an inquirer, investigator, prosecutor, judge, as well as other participants in the judicial process, as well as officials and citizens in violation of the laws on pre-investigation verification, preliminary investigation and judicial proceedings to the detriment of the interests of justice, the individual, society and the state, preventing the performance of the duties of the court on administration of justice

It is advisable to study crimes against justice by dividing them into three groups:

- 1) the activities of investigative bodies and judicial

authorities and crimes against justice that infringe on reputation. These include the categories of interference in the investigation or resolution of court cases (Article 236 of the Criminal Code), non-execution of a court decision (article 232 of the Criminal Code).;

2) crimes against justice committed by entities directly exercising justice. These include: prosecution of an innocent person (Article 230 of the Criminal Code), unfair judicial decision, resolution, resolution or ruling part (article 231 of the Criminal Code), illegal detention or arrest (article 234 of the Criminal Code), torture and other cruel, inhuman or degrading treatment, as well as the use of punitive measures (article 235 CC);

3) crimes committed by persons involved in the administration of justice. They include illegal disposal of seized property (Article 233 of the Criminal Code), false report (Article 237 of the Criminal Code), perjury (Article 238 of the Criminal Code), request or disclosure of information of the preliminary investigation (Article 239 of the Criminal Code); failure to report a crime (Article 241, section 1 of the Criminal Code), concealment in the commission of a crime (Article 241, section 2 of the Criminal Code).

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