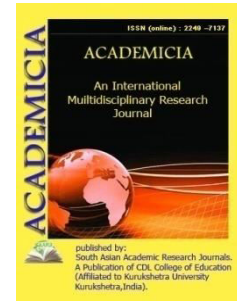




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UNJUST VERDICT, DECISION, DETERMINATION AND RULING AS AN OBJECT OF CRIME

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ABSTRACT

In the article the author disclosed the objects of the crime of unjust verdict, decisions, definitions and rulings and presents proposals for ensuring justice. It should be noted that as a result of interference in the investigation or resolution of a case of "unjust judgment, decision, ruling or decision", direct interference in the interests of someone in the inquiry, investigation or judicial activity, as well as inquiry, investigation and court prevents him from achieving his goal. Normal activity aimed at the administration of justice consists of relations that are affected by the circumstances that determine the core (core) of justice, the basic content of social relations, the fight against the commission of crimes against justice. The object is the social relations that ensure the legal implementation of the activities of the body conducting the preliminary investigation and the judiciary and their reputation. Also, the objective aspect of this crime is expressed in an unjust sentence, decision, ruling or decision.

KEYWORDS: *Unjust Verdict, Unjust Decision, Unjust Determination, Unjust Ruling, Justice.*

INTRODUCTION

We know that the means of determining the criminality of a socially dangerous act, that is, criminalizing it, is only the content of the crime. The composition of the crime, on the other hand, consists of a set of objective and subjective features of the crime. Objective signs are understood as the object and the objective side of the crime.

The object of the crime is a social relationship protected by the Criminal Code, which is aimed at criminal aggression and can be harmed by this aggression[1].

Based on the definitions of these criminal law representatives, interference in the investigation or resolution of court cases, in turn, harms certain social relations prohibited by the Criminal Code

or poses a real risk of such damage. For this reason, based on the content of Article 14 of the Criminal Code of the Republic of Uzbekistan, such a socially dangerous act is considered a crime. Therefore, in the legal analysis of the crime of interference in the investigation or resolution of court cases, it is considered expedient, first of all, to study in depth the problems of the object of the crime. The object of the crime determines the socio-political content of criminal law, the nature of the social danger of aggression[2].

Objects of crime are classified on various grounds. In the literature of criminal law, the theory of classification of objects on the following grounds is more widely used in practice: 1) "vertical" classification, ie classification according to the degree of generalization of social relations protected by criminal law; 2) "horizontal" classification, ie classification according to the degree of importance of the protected social relations, directly affected by a particular crime[3].

N.G Kadnikov in his textbook "Qualification of criminal offenses and issues of judicial interpretation: theory and practice" talks about the classification of the object of the crime, according to the vertical classification of the object of criminal aggression into four types: general, special, related and direct as well as horizontal. according to three types, namely, basic, additional and optional[4]. It is this classification that we take as the basis for our research work.

The second group is that some scholars believe that sections and chapters of criminal law should be structured according to the specific and related objects of the crime. In this regard, the opinion of A.S Yakubov that "a special object should be the basis for the creation of the system of the Special Part of the Criminal Code" is of great importance.[5]

Some say that sections of the Criminal Code should be structured according to a specific object, a chapter based on a related object, and an article based on a direct object. According to NI Vetrov, the norms of the special part of the Criminal Code are systematized on the basis of the specific object of the act. Each chapter or even chapter has its own special object, he says. According to our national legislation, crimes similar to a special object are divided by the legislator into sections of the Special Part of the Criminal Code, and crimes similar to a similar object are divided into chapters. In this regard, we agree with N. Salaev: "All relations protected by criminal law are called the common object of the crime. The legislature separates the special relationship from the general relationship (common objects or all objects) protected by the Criminal Code and places it in the sections of the Law. Special relations, in turn, are divided into several types, and the legislator places these types of relations in the relevant sections of the Law, and such objects are called related objects in science. This or that type of relationship (related objects) is further subdivided into a number of subgroups. Relationships in this subgroup are placed directly by the legislator in a particular article of the law, which is why in science the concept of direct object is applied to such relations. For example, the Fifth Section of the Criminal Code of the Republic of Uzbekistan, entitled "Crimes against the order of power, administration and public associations", Chapter XVI, entitled "Crimes against justice", Article 231, "Unfair sentence, decision, ruling or decision criminal liability has been established for.

It should be noted that as a result of interference in the investigation or resolution of a case of "unjust judgment, decision, ruling or decision", direct interference in the interests of someone in the inquiry, investigation or judicial activity, as well as inquiry, investigation and court prevents him from achieving his goal. As a result, the ultimate goal of this activity is not the expected result of justice, and the interests of the individual, society and the state are harmed. As for the

general object of this type of crime, many scholars have given many definitions in their textbooks. For example, according to B. Akhmedov, the special object of such crimes is "the normal functioning of the state apparatus or public organizations", and

M. Kadyrov, as a special object of this type of crime, "is the normal functioning of the state or public apparatus established by law". B.V Zdravomyslov also expressed a similar opinion, noting that "social relations that constitute the normal functioning of the state and its apparatus" constitute a special object of such crimes.[6]To clarify these points, we can say that the common object of the crime of interference in the investigation or resolution of court cases is the social relations that regulate and ensure the normal functioning of justice.[7]

Because this is a crime Placed in the section "Crimes against justice" of the Special Part of the Criminal Code.

Creating the necessary conditions for the effective functioning of justice is one of the guarantees of the successful functioning of the state and civil society. After gaining its independence, the Republic of Uzbekistan has identified the reform of public administration as one of the most important priorities.

In this process, the protection of the interests of the authorities and public associations from criminal encroachment is assessed as one of the priorities in the fight against crime. Indeed, the protection of the interests of government and public associations from criminal encroachment is an indispensable condition for the effective implementation of the policy of democratization of state power and administration. In this regard, the protection of social relations from criminal encroachment, which ensures the normal functioning of government, administration and public associations, is one of the most important activities of law enforcement agencies.[8]

The criminal legislation of the Republic of Uzbekistan, in addition to establishing criminal liability for crimes against justice, also protects the normal functioning of the bodies and individuals authorized to carry out the tasks facing justice. All crimes in this category are directed against the normal functioning of these bodies, depriving them of the opportunity to effectively perform the tasks facing the judiciary or making it difficult to exercise such capabilities. Normal activity aimed at the administration of justice consists of relations that are affected by the circumstances that determine the core (core) of justice, the basic content of social relations, the fight against the commission of crimes against justice. The disruption of these social relations is committed by encroaching on specific relationships that fall into this group, resulting in a complete disruption of the functioning of certain social relationships.[9]

In the legal literature, the concept of justice is considered in a broad and narrow sense. In the broadest sense of justice, it means persons (experts, defense counsel, interpreters, impartial, etc.) who are called upon to enforce the decisions and rulings of the courts of first instance involved in assisting the courts in resolving and reviewing certain categories of cases and in administering justice in accordance with the law. the legal activities of public authorities. The state bodies assisting in the administration of justice include: the prosecutor's office, inquiry and investigation bodies, as well as the bodies executing court decisions, judgments, decisions and rulings. Narrow understanding of justice means the legal activity of the court to resolve civil, criminal, administrative, economic and other categories of cases within the law.

Crimes against justice in the Republic of Uzbekistan include inquiries, preliminary investigations, trials, and inquiries, investigators, prosecutors, and courts that infringe on the interests of justice by obstructing the performance of civil, administrative, and criminal functions by violating the legislation governing the execution of sentences. the intentional actions of other persons. This means that the common object of this type of crime is to ensure the prompt and complete disclosure of crimes under Article 2 of the Code of Criminal Procedure, to expose the perpetrators so that everyone who commits a crime is given a fair punishment and no innocent person is prosecuted and convicted. establishes social relations that enforce court judgments and decisions, inquire, investigate, prosecute and ensure the normal functioning of the judiciary, aimed at demanding the implementation of the tasks of ensuring the implementation of the law.

Thus, this type of state activity is the main group of social relations that fall into the general (special) object of crimes against justice only when it is carried out by the court and other bodies assisting it in achieving justice (inquiry and preliminary investigation).

The general object of crimes against justice also includes social relations, which constitute the activities of the court in dealing with cases of administrative offenses and cases of civil law and economic relations. In this type of crime, the correct identification of the object is not only theoretical but also practical, as not all crimes committed by law enforcement and judicial officials may be crimes against justice, as they are within their jurisdiction. may have committed other crimes against the order of management or similar within the scope of his official powers, using his official authority to perform other duties.

The issuance of unfair judicial documents by a judge (judges) is one of the most dangerous crimes against justice. The crime in question is a separate type of abuse of office, which forms a separate crime structure based on the specific subject and object characteristics of the crime. The crime in question disrupts the normal functioning of the judiciary, undermines the authority of the judiciary in the state, violates the legitimate rights and interests of citizens and legal entities, such as civil, economic parties, participants in administrative proceedings and accused or other legal entities in criminal proceedings. .

The object of this crime is the interests of justice and the judiciary in the exercise of judicial power, the authority of the judiciary, the legal rights and interests of citizens, as well as the interests of enterprises and institutions.

Interfering with the investigation or resolution of a case, ie obstructing the inquiry officer, investigator or prosecutor or obtaining an unfair verdict, decision, ruling or decision in order to prevent a thorough, complete and impartial examination of the case. The object is the social relations that ensure the legal implementation of the activities of the body conducting the preliminary investigation and the judiciary and their reputation. Also, the objective aspect of this crime is expressed in an unjust sentence, decision, ruling or decision. However, the question of which active actions are unfortunately not defined in Article 231 of the Criminal Code or in the Glossary of Terms of the Eighth Part of the Criminal Code, nor the decision of the Plenum of the Supreme Court, does not clarify this article.

Based on this, the Plenum of the Supreme Court of the Republic of Uzbekistan should provide clarifications in this regard.

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