



SOME LEGAL ISSUES OF IMPROVEMENT OF INVESTIGATION OF CRIMES OF RESISTANCE TO A REPRESENTATIVE OF A GOVERNMENT OR A PERSON WHO IS PERFORMING A CIVIL DUTY IN UZBEKISTAN

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Today, one of the most common cases in our country is resistance to a government official or a person performing a civic duty. Proof of this can also be seen in the statistics. Recently, the mood of aggression against human rights activists in our country is growing. "24.1 thousand Cases in 2018 increased to 39 thousand in 2020".

In addition, in 2018, 24,185 administrative offenses were registered by law enforcement officers for non-compliance with legal requirements, such as stopping offenses, submitting documents for verification, stopping the vehicle. This figure was 29,575 in 2019 and 38,911 in 2020.

Also, despite the penalties applied, 972 administrative offenses were committed by citizens in 2018, 2,265 in 2019, and 4,169 in 2020. According to the report, 248 criminal cases were sent to court in 2018, 243 in 2019 and 251 in 2020 under the relevant article of the Criminal Code for active resistance to the authorities. According to the Ministry of Justice, the number of crimes of active resistance to the authorities in Uzbekistan has increased in recent years, including 243 in 2019 and 251 in 2020. The mood of aggression against law enforcement officers has also increased, from 24.1 thousand cases in 2018 to 39 thousand cases in 2020.

Stopping this type of crime and improving them methodically is neglected. Today, in many countries around the world, special attention is paid to the study of the causes of the investigation of crimes against a government official or a person performing a civic duty, the fight against crime, the scientific improvement of investigative methods in this area. If we take a critical approach, we are lagging behind scientifically and legally in this area. Today, the issue of improving the methodology of investigation of crimes against resistance to a government official or a person performing a civic duty has not been studied in our country as an object of independent research.

In addition, no separate monographic study has been conducted in our country aimed at improving the methodology of investigating crimes of resistance to a government official or a person performing a civic duty.

If the victim was inflicted moderate or severe bodily injury in the course of the resistance, the perpetrator was charged under Article 219, Part 1 of the Criminal Code and Article 105 of the Criminal Code (intentional infliction of moderate bodily harm). infliction of bodily injury or Article 104 (intentional infliction of grievous bodily harm). Violent intimidation is defined as the words and actions of an offender that indicate his intention to use physical force against a person performing his official or civic duty. If the offender is threatened with murder or the use of force, his actions are punishable under Article 112 (intimidation with murder and use of force) and Article 219 (1) of the Criminal Code. should be qualified. According to Article 219, the representatives of the authorities include the responsible officials who have the right to give legal instructions, which are binding.



These include law enforcement, oversight bodies: prosecutors, law enforcement officers, SSS, tax officials, etc., as well as persons who, by law, perform basic or additional law enforcement duties. For this reason, resisting a responsible official who is not a representative of the authorities does not constitute a criminal offense if he or she fails to perform his or her civic duty. Article 220 of the Criminal Code (actions disrupting the work of penitentiary institutions) or Article 221 of the Criminal Code in the presence of appropriate signs of resistance to law enforcement agencies, employees of penitentiary institutions acting as representatives of the authorities. (Disobedience to the lawful requirements of the administration of the penitentiary institution).

It should be noted that the legality and legitimacy of the activities of a government official or a person performing a civic duty is a necessary feature of the objective aspect of the crime being interpreted. This means that the government official and the citizen must be acting legally, otherwise the resistance against them will not constitute a crime. If they are engaged in one of the following activities, their activity is considered legal.

1. Activity on protection of a public order - prevention and fight against offenses (including crimes) concerning interests of unknown persons (on streets, squares, parks, highways, railway stations, airports and other places) legal activities aimed at maintaining public order, monitoring compliance with the established rules of the passport system, identifying situations that contribute to the commission of offenses, etc.).
2. Social security activity - a way to maintain the necessary level of protection of vital interests of various groups of unidentified persons from various threats (assistance to those who are helpless or otherwise, whose life or health is in danger, legal activity aimed at monitoring compliance with traffic safety regulations, monitoring compliance with the rules of handling firearms, ammunition, explosives, etc.).

Truthfulness is the conformity of the activities or results of a legal entity to the events of social life. Integrity is reflected not only in the behavior of legal entities, but also in law enforcement documents. Truthfulness means not deviating from the rule of law in any way. Its opposite is a violation of the law.

To properly qualify a crime, you need to determine: - first, whether the resistance is directed at the lawful activity of a government official in the performance of his official duties or at the performance of a civic duty; - Second, to determine whether the resistance occurred during the performance of a service duty or civic duty.

Only after these circumstances are identified will the offender's actions be qualified under Article 219 of the Criminal Code. It is not a crime to oppose a government official or person who is committing an illegal act. It is the legitimate actions of government officials and citizens that are criminally protected. A criminal offense shall be deemed to have been committed from the moment of the active opposition to the lawful activity of the acting official or to the person performing the civic duty, regardless of the consequences. In this case, the act of the perpetrator is classified as a set of crimes, as a result of which the legal activity of the official in charge of the service or the life or health of the person performing the civic duty is harmed or other socially dangerous consequences.

The legal regulation of the above cases is very important for the state to fully perform its functions in maintaining peace and tranquility in society. Article 219 of the Criminal Code of the Republic of Uzbekistan establishes criminal liability for resisting a government official or a person performing a civic duty. As far as the content of this article is concerned, the immediate object of this crime is the protection of the interests of society and the state, the state power and administration, the functioning of the public sphere, and the protection of personal integrity in connection with the performance of public authority.



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