

Technologies for Healthening the Socio-Spiritual Environment in Uzbekistan

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Abstract

In this scholarly article, the fight against corruption in the criminal law sense is primarily about the disclosure, investigation, and prevention of bribery, which is one of its manifestations.

Key words: corruption, regulatory legal acts, budget, customs codes, organizational and legal mechanisms

Introduction

From the very first period of our country's independence, the fight against corruption was considered a nationwide task, and consistent and systematic work was carried out to prevent it and cleanse the state apparatus of corrupt officials. In this regard, separate structures and departments have been formed within law enforcement agencies to combat corruption and organized crime. At the same time, a number of legislative acts were adopted to combat corruption. In particular, the ratification of the Republic of Uzbekistan of the UN Convention against Corruption on July 7, 2008 or the accession of Uzbekistan to the Istanbul Anti-Corruption Action Program since March 2010 was one of the important steps taken in the fight against corruption.

In recent years, a number of important regulatory legal acts aimed at improving the legal mechanisms of combating corruption have been adopted, including the Budget and Customs Codes (new edition), the laws "On Prevention of Offenses," "On Social Partnership," "On Openness of the Activities of State Authorities and Management," "On Operational-Search Activities," "On Electronic Government," "On Internal Affairs Bodies."

The adoption of the Law of the Republic of Uzbekistan "On Combating Corruption" on January 3, 2017, became a logical continuation of the ongoing reforms in this area.

Materials and Methods

The Republican Interdepartmental Commission on Combating Corruption is formed in an authoritative composition headed by the Prosecutor General of the Republic of Uzbekistan. The inclusion of members of parliament, heads of a number of ministries and departments, scientists and members of civil society in the commission's composition creates the basis for the effectiveness of the commission's activities, the identification and elimination of corruption cases in state organizations. The adoption of these legislative acts is another example of consistent efforts aimed at achieving the stated goals.

The State Program for the Implementation of the Action Strategy for the Five Priority Directions of Development of the Republic of Uzbekistan in 2017-2021 in the "Year of Dialogue with the People and Human Interests," approved by the Decree of the President of the Republic of Uzbekistan dated February 7, 2017, "On the Strategy of Actions for the Further Development of the Republic of Uzbekistan," defines measures to improve organizational and legal mechanisms for combating corruption and increase the effectiveness of anti-corruption measures.

In practice, corruption remains a serious obstacle to the implementation of reforms in the country and the achievement of our goals. Specifically, in the criminal law sense, the fight against corruption primarily involves the disclosure, investigation, and prevention of bribery crimes, which are one of its manifestations. Bribery is a fairly common but difficult-to-discover and investigate crime. Bribery crimes are usually committed in the form of "gifting," "lending," hiring as employees, employees, and payment of salaries or material incentives. For this reason, crimes of this category are committed in most cases without witnesses and with disguised traces of the crime.

In many cases, a bribe is given to expedite the commission of legal actions, or from the outside, it is given the character of a legal action. In the absence of witnesses, this circumstance also complicates the process of revealing a bribery crime.

In cases of this category, due to the predominance of false arguments, establishing the truth requires a multi-stage proof process.

Article 11 of the Criminal Procedure Code of the Republic of Uzbekistan states: "A judge, prosecutor, investigator, inquiry officer, defense attorney, as well as all persons participating in criminal proceedings are obliged to strictly comply with the Constitution of the Republic of Uzbekistan, this Code and other laws of the Republic of Uzbekistan and to fulfill their

requirements." Any deviation from the exact implementation of laws and their observance, regardless of the reasons for which it occurred, is considered a violation of the law in the criminal process and entails established liability.

President of our country, Sh. Mirziyoyev, at the VIII Congress of the Movement of Entrepreneurs and Businessmen - the Liberal Democratic Party of Uzbekistan, held in Tashkent on October 19, 2016, outlined his pre-election program and said:..."For the full implementation of the principle of equality of the parties, which is an important condition of fair trial, a special place is occupied by reforming the legal profession. If we look at international experience, the lawyer is the owner of the most prestigious, prestigious and reliable profession. Despite the fact that all the foundations for the effective functioning of lawyers have been created in our national legislation, we should regretfully note that in practice these norms do not work at all. At the same time, we will need to take a number of additional and effective measures to further increase the role and place of the bar in the judicial and legal sphere, expand the powers of the lawyer" .

By the time of the former Soviet Union, the development of the institution of the bar continued, but the fact that the bar associations operating during this period were largely dependent on state authorities, in turn, hindered the independent functioning of the bar, the full protection of the rights and legitimate interests of citizens.

The adoption of the Law "On Advocacy" in the Republic of Uzbekistan on December 27, 1996, gave impetus to the formation of the institute of advocacy.

The Law "On Guarantees of Advocacy Activity and Social Protection of Lawyers" adopted on December 25, 1998, is of particular importance as a logical continuation of the aforementioned Law. Because this law strictly defines the personal inviolability and guarantees of the activities of an attorney.

The Decree of the First President of our country I. Karimov "On measures to further reform the institute of advocacy in the Republic of Uzbekistan" of May 1, 2008, became an important stage in the further development of the institute of advocacy and ensuring the guarantees of advocacy activities.

Results and Discussion

Article 26 of the Constitution of the Republic of Uzbekistan states: "Every person accused of committing a crime is not considered guilty until his/her guilt is established by the court in a legal and transparent manner." In court, the accused is provided with all conditions for self-defense...."

Indeed, the right to protection of every person, regardless of who he is and what crime he has committed, is sacred.

The defendant's defense process involves the defense counsel's skillful application of procedural rights and duties in a criminal case with good knowledge of them, otherwise a defense counsel who does not have these knowledge may perform the requirements of the law poorly and create an opportunity for the full fulfillment of the defense counsel's requirements specified in Article 24 of the Criminal Procedure Code .

A defender is the main means of realizing the right of citizens to protection and the right to qualified legal assistance, guaranteed in Article 116 of the Constitution and Article 10 of the Law "On Courts" (New edition).

It should be noted that the institution of lawyer participation in pre-trial stages of criminal proceedings began to develop only after Uzbekistan gained independence. In particular, neither the first Criminal Procedure Code of Uzbekistan of June 16, 1926, nor the Criminal Procedure Code of June 29, 1929, provided for the right of a lawyer to participate in the preliminary investigation. During this period, the activities of the lawyer were limited to the exercise of the protective function, as the law (until 1960) did not provide for the participation of the lawyer as a victim, civil plaintiff, and civil defendant .

After gaining independence, our country has implemented consistent reforms aimed at reforming the institution of advocacy, including further expanding the forms of lawyer participation in the criminal process, ensuring adversarial proceedings in criminal proceedings, and mutual equality of procedural rights of the prosecution and defense parties. In this regard, with the adoption of the Criminal Procedure Code on September 22, 1994, the authority of the lawyer to participate in the preliminary investigation as a defense attorney was strengthened.

In bribery crimes, which form the basis of corruption-related crimes, a person is primarily detained as a result of operational measures taken by law enforcement agencies, that is, on the crime. At the same time, the lawyer should pay attention to whether the documents prepared before the detention of the protected person comply with the requirements of the provisions of the "On operational search activities" and the criminal procedure law.

Clarifying whether a client suspected of committing a bribery crime is an official or not, whether the fact of demanding a bribe from the applicant has been confirmed, the presence of evidences, whether the client is authorized to resolve a case in exchange for this bribe, the criminal law aspect of the situation and past relations between the applicant and his client (conflict, enmity) will help to organize protection in a high-quality manner.

An official may be accused of committing crimes related to corruption in the following cases:

abuse of power

abuse of power or official authority

careerism

inactivity

forgery of office

Receiving bribes,

bribery

bribery mediation, etc.

Also, the defense attorney should pay attention to the fact that the investigator correctly qualified the act of his client in bribery crimes. For example, in some cases, a person who does not have official authority may receive money as a bribe to solve a certain case. For example, if he does not actually work at the institute, he introduces himself as if he is working at this institute and promises to enroll his applicant in the study of a close relative. In such cases, his actions lead to the composition of the crime of fraud.

The task of an attorney is to protect a person suspected or accused of committing a crime or convicted by any means and achieve an acquittal against his client, not to cover up the crime, save the guilty from a just punishment, but to help determine the truth in the administration of justice, prevent the use of illegal methods by the judicial and investigative bodies against the person, to achieve the correct legal qualification of the actions of the accused person and the appointment of a fair punishment in accordance with his crime, and to help raise the legal awareness of citizens .

Defending the accused does not mean acquitting the crime. A lawyer never defends a crime, but protects a person accused of committing a crime from being subjected to unjustified or unsuitable punishment. While the protection of the accused and the service of justice at the same time seem to be opposite activities, in reality they are not. If the lawyer cannot find any evidence to justify the defendant's guilt in the case, even if the defendant confesses to his guilt, he must use all his knowledge and experience to identify circumstances that mitigate his guilt.

All citizens suspected or accused of committing a crime also need the assistance of a lawyer because they do not fully understand their rights. In some cases, the suspect and the applicant may engage in past disputes or defamation of a crime committed by a third party or criminal group for the purpose of concealing a crime. This is a natural phenomenon that can happen in life. In such cases, a person who has been slandered may not be able to concentrate or speak

at all due to a complete loss of self and fall into a state of intense emotion or depression. In such situations, the presence of an attorney next to this person will encourage and give hope to him. People are not the same by nature. Someone's nervous system is able to tolerate slander and defend itself, and someone else is completely stressed in such situations.

Another important issue is that it is necessary to pay serious attention to the petitions of the lawyer submitted to the investigation and the court in the criminal process. A defendant detained in a temporary detention center or in a pre-trial detention center must be granted a request to leave a close relative who is seriously ill and is on his death bed, attend the funeral, and watch his wedding online (except for those who have committed serious and especially serious crimes) .

According to Article 52 of the Criminal Procedure Code of the Republic of Uzbekistan, a suspect, accused or defendant has the right to renounce a defender at any time during the proceedings. A protocol is drawn up, signed by the suspect, accused, defendant, as well as the lawyer, investigator, or investigator, or recorded in the protocol of the court session.

In conclusion, it should be noted that during the years of independence, the institution of the bar has proven its necessity for citizens and legal entities. The role of the advocacy in protecting the rights and legitimate interests of citizens, strengthening legislation and law and order is increasing day by day. Therefore, the presence of a strong advocacy in the system of law enforcement agencies, in a broad sense, will yield positive results not only for lawyers, but also for society and the state. A defense attorney must earn the trust of the suspect or defendant under their protection. To do this, an attorney must be a master of their craft and possess the following characteristics:

upon entering into a criminal case, he must first understand the details of the criminal case, the crime in which the defendant is suspected or accused of committing;

- establishing mutual trust with the suspect or accused;
- The ability to conduct in-depth legal analysis of the situation;
- a sincere and responsible approach to the work in which they participate;
- high level of research;
- constantly improving their literacy, such as proper document composition and writing;
- to be highly knowledgeable and eloquent;
- constant self-improvement and continuous professional development;
- Patience and courage;

- new laws adopted in all areas

awareness;

- the defender must be truthful and honest;

- Be a good psychologist;

- regularly familiarize himself with the texts of petitions and speeches of well-known domestic and foreign lawyers in courts.

- regular participation in seminars-trains, conferences on advocacy activities.

Conclusion

For the best lawyers, there are no problems that cannot be solved. In the course of the case, they can make the right decisions and reconcile the parties. Of course, a defense attorney cannot release a criminal from punishment, but he can manage to mitigate the punishment. A lawyer must always provide assistance to a person under his protection in any way within the framework of the law. The fact that the person under his protection can still find him when he searches for him and wants to meet him strengthens his respect and confidence in the protection.

REFERENCES

- Ш.М.Мирзиёев. Миллий тараққиёт йўлимизни қатъият билан давом эттириб, янги босқичга кўтарамиз. – Т.: Ўзбекистон, 2017. – Б. 51.
- Ички ишлар идоралари тергов аппаратларини бошқарш: Маърузалар курси. Муаллифлар жамоаси. -Тошкент: Ўзбекистон Республикаси ИИВ Академияси, 2012. - Б. 41.
- Базарова Д.Б. Адвокат как участник в досудебных стадиях уголовного процесса: Авторсф. дисс.... канд. юрид. наук. -Ташкент: ТГЮИ, 2011. -С. 11-12.
- Саломов Б. Ўзбекистонда адвокатлик фаолияти. - Тошкент: Адолат, 2000. - Б. 8.
- Тўлаганова Г. Жиноят процессида ҳимоячининг ишгиروي: Ўқув қўлланма. / Ўзбекистонда хизмат кўрсатган фан арбоби, ю.ф.д., проф. Ғ.А.Абдумажидовнинг таҳрири остида. - Тошкент: ТДЮИ, 2005. -Б. 12-13.
- Ўзбекистон Республикасининг “Адвокаглик фаолиятининг кафолатлари ва адвокатларнинг ижтимоий ҳимояси тўғрисида”ги Қонуни // Ўзбекистон Рсспубликаси Олий Мажлис Ахборотно- маси 1999 й. 1-сон, 12-модда