

## **THE HISTORY OF THE DEVELOPMENT OF THE NORMS OF THE CRIMINAL CODE PROVIDING FOR PUBLIC NECESSITY AND RESPONSIBILITY FOR INTERFERENCE IN INVESTIGATION OR CONSIDERATION OF CASES IN COURT IN UZBEKISTAN**

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### **ABSTRACT**

This article discusses the social need to intervene in the interference in investigation or consideration of cases in court in Uzbekistan and the history of the development of the norms of the Criminal Code, for which liability is established. Chapter XVI of the Criminal Code of the current Republic of Uzbekistan is called "crimes against Justice", and in the theory of criminal law these crimes are highlighted as crimes that encroach on the normal functioning of bodies carrying out justice. According to the Constitution of the Republic of Uzbekistan, it is established that justice is carried out only by courts. Particular attention is paid to the fact that illegal interventions in the activities of investigative or judicial bodies are prohibited by law. As a result, theoretical and practical solutions for effective and short-term prevention of crimes of this category are proposed in Uzbekistan.

### **I. INTRODUCTION**

The judicial and legal reforms carried out in our republic today require increasing 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 implementation of justice directly depends on the full compliance with the law by these bodies. Today, serious attention is paid to the investigation and interference in the resolution of court cases. Because the investigative body and the court are bodies that take their place in public relations related to justice. Indeed, these bodies are entities that directly administer justice within their powers.

As a result of interference in the investigation or resolution of court cases, not only the reputation of the court or investigative body suffers, but also major economic damage can be caused, and damage to citizens can also be caused. trust in justice. In particular, in 2019, the Criminal Code of the Russian Federation

against citizen M.H., a former official of the Tashkent City Court, He was brought to criminal responsibility under part 2 of Article 236. A total of 8 million in favor of the state for all episodes against this person. 949 thousand 999.3 US dollars of losses were reimbursed. [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 were used .

## III.DISCUSSION

Obstructing the investigation or resolution of court cases is considered a socially dangerous act. In the Criminal Code of the Republic of Uzbekistan, crimes against justice are allocated in a separate chapter, which is explained by the need for judicial activity for the state and society, as well as the need for special protection of justice from criminal encroachments. Chapter XVI of the Criminal Code of the Republic of Uzbekistan 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 justice system. According to the Constitution of the Republic of Uzbekistan, it is determined that justice is carried out only by the courts.

Some legal scholars define this concept as follows: crimes against justice are violations of justice and personal interests by an investigator, investigator, prosecutor, court, as well as other citizens, by violating the laws governing the investigation, preliminary investigation, judicial proceedings and execution. punishments are intentional acts that cause harm and thereby obstructing the performance by the court of the duties of justice in criminal or civil cases. [2]

As a result of the research conducted by Yusupov B.F., trying to explain crimes against justice, "the investigator, investigator, prosecutor, judge, as well as other participants in the criminal process, as well as officials and citizens related to the procedural inquiry, preliminary investigation and trial " is a set of deliberately socially dangerous actions that harm justice and personal interests by violating the law, as well as preventing the court from exercising the duties of justice in criminal, civil or economic cases." [3]

In our opinion, crimes against justice are "judicial justice by violating the laws on pre-investigation investigation, preliminary investigation and trial by an investigator, investigator, prosecutor, judge and other participants in the judicial process, as well as officials and citizens". . . is a set of intentionally committed socially dangerous acts

that harm the interests of society and states that prevent the court from fulfilling its obligations to administer justice in criminal, civil, economic or administrative cases.

It is known that the criminal law provides for liability for criminal acts that harm public relations, grossly violate human rights and freedoms, legitimate interests, and establishes penalties. These include crimes against the interests of justice. Unlike other groups of criminal offenses, crimes against justice can be classified by their subjects. In particular, in some legal literature, crimes against justice are divided into three groups:

- 1) crimes committed by persons entrusted with judicial functions;
- 2) crimes committed by persons to whom measures of procedural coercion have been applied;
- 3) crimes committed by persons who, as a civil duty, are charged with the duty to administer justice or who have been charged under the law. [4]

Legal scholar Z. H. Gulyamov investigates crimes against justice, dividing them into four independent groups:

1) crimes against justice that infringe on the reputation and activities of investigative and judicial bodies. Among them are articles on obstruction of 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 investigator, a prosecutor or judges. These include: persecution of an innocent person (Article 230 of the Criminal Code), unlawful sentence, resolution, resolution or resolution (Article 231 of the Criminal Code), unlawful detention or arrest (Article 234 of the Criminal Code), use of torture and other cruel, inhuman or degrading treatment, discriminatory treatment and types of punishment

(Article 235 of the Criminal Code of the Russian Federation);

3) crimes committed by persons involved in the administration of justice. These include illegal disposal of seized property (Article 233 of the Criminal Code), knowingly false report (Article 237 of the Criminal Code), perjury (Article 238 of the Criminal Code), disclosure of investigation or preliminary investigation data (Article 239 of the Criminal Code of the Russian Federation). Code). ;

4) crimes against justice committed by other persons. This group includes the following crimes: 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). In our opinion, the latter definition is more perfect than that of earlier authors. [5]

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

1. Crimes against justice that infringe on the activities and reputation of investigative bodies and judicial authorities. These categories include articles on obstruction of 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 subjects directly exercising justice. These include: bringing to justice an innocent person (Article 230 of the Criminal Code), an unjust sentence, resolution, resolution or decision (Article 231 of the Criminal Code), illegal detention or arrest (Article 234 of the Criminal Code), torture and the use of other cruel, inhuman or degrading treatment and punishment (Article 235 of the Criminal Code of the Russian Federation);

3. Crimes committed by persons involved in the administration of justice. These include illegal disposal of seized property (Article 233 of the Criminal Code), knowingly false report (Article 237 of the Criminal Code), perjury (Article 238 of the Criminal Code), disclosure of inquiry or preliminary investigation data (Article 239 of the Criminal Code of the Russian Federation). Code), on the crime of non-reporting (Article 241, part 1 of the Criminal Code), concealment of a crime (Article 241, part 2 of the Criminal Code).

Justice has always been the criterion of a peaceful and prosperous life of our people, the source of all virtues. Our grandfather Amir Temur followed the wisdom of "Strength in Justice" and noted that he managed to organize public administration, ensure peace and prosperity of the country, and today ensuring the priority of law and justice remains the most important task of establishing a rule-based democratic state and civil society in our country. In this regard, the role and importance of the judicial system, which is an independent branch of State power, is extremely important. We feel this fact more and more deeply today, in the process of large-scale reforms aimed at raising the development of our country to a new level. [6] According to the President of Uzbekistan Shavkat Mirziyoyev, "Every person who comes to the courthouse should leave with the belief that there is justice in Uzbekistan." This is the president's demand! Justice must be done openly before the people, and justice must be done. [7]

The full and successful exercise of judicial functions is directly dependent not only on the strict observance of legal documents by judicial and investigative bodies, but also on the prevention of internal or external interference in the legal activities of these bodies.

In our republic, the legal framework of responsibility for the crime of obstructing the investigation and resolution of court cases has been created and is being improved. In particular, according to article 112 of the Constitution of the Republic of Uzbekistan, judges are independent and obey only the law. Any interference with the activity of judges in the administration of justice is not allowed, and such interference is

prosecuted by law. Also, according to article 14 of the CPC, judges and people's advisers are independent and obey only the law in the administration of justice. Judges and people's councillors consider and resolve criminal cases on the basis of the law.

Any interference in the activities of judges and people's advisers in the administration of justice is not allowed, and such interference is prosecuted by law.

In article 9 of the CPC, judges are independent and subject only to the law in the administration of justice in civil cases. Any interference with the activity of judges in the administration of justice is not allowed, and such interference entails liability in accordance with the law. According to article 8 of the EPC, judges are independent and obey only the law in the administration of justice.

The Law of the Republic of Uzbekistan "On Courts".

Article 69 is entitled "Inadmissibility of interference in the resolution of court cases", according to which:

Interference in the activity of judges in the administration of justice is not allowed.

Any influence on judges in order to prevent a comprehensive, complete and impartial examination of a particular case or to obtain an illegal court decision entails criminal liability in accordance with the law.

It is prohibited to require a judge to give any explanations on the merits of the cases he has heard or to submit cases for review to anyone, except in cases and in accordance with the procedure provided for by law. It is established that the mass media have no right to predetermine the results of a court session on a specific case or otherwise influence the court. [8]

Article 9 of the Law of the Republic of Uzbekistan "On the Constitutional Court of the Republic of Uzbekistan" states that the Constitutional Court and its judges are independent in their activities and are subject only to the Constitution of the Republic of Uzbekistan.

When adopting a document, the judges of the Constitutional Court express their legal point of view, free from considerations of practical expediency, political bias and other external influences.

Interference in the work of the Constitutional Court is not allowed and such interference entails liability in accordance with the law.

The Law of the Republic of Uzbekistan "On the Prosecutor's Office".

According to article 5, the Prosecutor's Office exercises its powers independently of any State bodies, public associations and officials, only in accordance with the law. It is prohibited to interfere in the activities of the Prosecutor's Office.

In order to achieve an illegal decision of the prosecutor, to exert any influence on him or to prevent him from carrying out his activities, encroachment on his personal life, as well as conducting inspections without the permission of the prosecutor or

investigator and disclosing the data of the preliminary investigation, to fulfill the requirements of the prosecutor entails responsibility in accordance with the established procedure.

Pursuant to paragraph 3 of the joint resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan and the Plenum of the Supreme Economic Court of the Republic Uzbekistan "On Judicial Power", in accordance with the Law, in judicial proceedings, direct or indirect influence, threats or activities of the court by an official or a citizen, from which side and in what way interference in the case is not allowed. [9]

In the norms of the above-mentioned normative legal documents, legal acts have been developed regarding the adoption of preventive measures in relation to the crime of obstructing the investigation or resolution of court cases. The establishment of such measures of responsibility for the crime of obstructing the investigation or resolution of court cases is of great importance in preventing the commission of these acts.

Obstruction of the investigation or resolution of court cases is one of the crimes against justice that encroach on the reputation and activities of investigative and judicial bodies. [10] The strengthening of this crime as a dangerous act in the Criminal Code is explained by the fact that it can cause serious harm to the interests of society, more precisely, to an independent link in the distribution of powers, a separate branch of state power, the defender of citizens - the Institute of justice. [11]

Criminal liability for crimes against justice developed mainly under the legislation of the former USSR. In 1917, the newly adopted criminal law norms in Russia began to be reflected in the legislation, especially on crimes against justice. After the October revolution of 1917, the courts of Kozi and Biy were temporarily preserved. The Bukhara Emirate and the Khorezm Khanate were abolished in 1920 in connection with the invasion of the Soviets, and the Bukhara People's Republic and the Khorezm People's Republic, which are part of the Soviet state, were created, and sharia operates in these countries. the laws were stopped, and Soviet laws were fully introduced.

During the time of tsarist Russia, part of Central Asia, which was directly part of the territory of Russia as the Turkestan province, became part of the RSFSR as the Turkestan Autonomous Republic, after the October Revolution of the RSFSR

Resolutions, instructions and other acts of the CEC and the SNK on the general and special part of criminal law were put into effect on the territory of the Turkestan ASSR at that time by a special resolution of the CEC and the Council of People's Commissars or directly to the autonomous republic. [12]

In December 1919, the Main Manual on Criminal Law of the RSFSR was published. The main Criminal law Statute 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, "those who did not directly participate in the implementation of criminal activity, but contributed to its implementation by their word or deed, advice and instructions, removed obstacles, hid the criminal or traces of the crime, or reacted coldly, that is, prevented the commission of a crime by persons who are not considered accomplices."

It should be noted that above in this law, the concealment of a crime is not divided into pre-promised and non-promised types. In the jurisprudence of that time, any concealment referred to the partnership. Already at that time, some scientists of their time deeply analyzed these cases and emphasized that only a kind of concealment promised in advance from the point of view of the law could be included in the partnership.

In particular, A. N. Trainin explained that since article 24 mentions complicity in the commission of a crime, then we are talking about a pre-promised arrest, since in the sense of an unannounced arrest is not considered complicity in the commission of a crime. In this case, the opinion of A. N. Train is essentially correct.

However, the opinion on the division of this concealment into two separate types was not accepted by the majority of scientists and representatives of the judicial investigation body. This (the main manual of the RSFSR on criminal law of 1919) consisted only of norms relating to the General part of the criminal Law. Completed edition of the basic handbook 1920

On April 20, it was published under the title "The Basic Handbook of Criminal Law of the Turkestan ASSR 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 punishments for false accusation", criminal liability for false accusation of crimes was established for investigative or judicial bodies. The public danger of this act is that it causes false suspicions against individual citizens and officials, provoking unjustified investigative actions of law enforcement agencies. [13] On May 24, 1922, the Criminal Code of the RSFSR was adopted, and on July 21, 1922. The Turkestan CEC adopted a resolution on the introduction of this Code into effect in the Turkestan Republic. This code was introduced on the territory of the Bukhara and Khorezm People's Republics. [14]

The Criminal Code of the RSFSR of 1922 did not have a separate independent chapter "Crimes against justice". The norms of such crimes are contained in various chapters. In particular, the unjust sentence of judges on the basis of malicious intent or personal hostility (Article 111), illegal arrest, delivery to law enforcement agencies, coercion to testify at the investigation, detention as a preventive measure on the basis of personal malicious intent or malicious intent (Article 112-art. .), creating an artificial

situation for receiving a bribe in order to subsequently expose the bribe-giver, that is, creating an environment that encourages an official to offer a bribe (provocation) (Article 115), for example, disclosure of information by an official, must be kept secret (Article 117) crimes against justice were placed in the chapter "Professional crimes".[15]

By October 16, 1924, the Central Executive Committee abolished the criminal liability of a prisoner deprived of liberty for escaping from the place of execution of a sentence, explaining this decision by the poor conditions in the place of imprisonment provided for escaping from the place of serving a sentence. execution of the sentence and weak control over the prison guards. In 1924, the USSR was formed, and Uzbekistan became part of the USSR as a union republic. After the formation of the USSR on October 31, 1924 The "Basic Rules of the Criminal Legislation of the USSR and the Union Republics" were adopted, which set out important norms of the General part of criminal legislation. .

On June 16, 1926, the first Criminal Code of the Uzbek SSR was adopted, which came into effect on July 1, 1926. [16] (This Code was in force at that time in the Tajik ASSR). This Criminal Code consisted of General and Special Parts, the General Part consisted of four sections, and the Special Part consisted of ten chapters. This Code is considered a federal law adopted in accordance with the "Fundamentals of Criminal Legislation of the USSR and the Union Republics", adopted on October 31, 1924.

The first section of the main part of the Code covers the scope of criminal liability, that is, issues of responsibility for crimes committed by citizens of the USSR and citizens of foreign states on the territory of Uzbekistan, circumstances precluding the criminality of the crime. the act describes the terms of bringing to criminal responsibility, consideration of extrajudicial and other norms.

The third section provides for measures of judicial correction of persons who have committed a crime, medical and medical-pedagogical measures, mitigating and aggravating circumstances.

The fourth section establishes the procedure for early release from social protection measures.

The special part of the Code consists of the following chapters:

1. Crimes against the State (counter-revolutionary and administrative crimes;
2. Military crimes;
3. Official crimes;
4. Crimes related to the violation of the laws on the separation of religion from the state;
5. Economic crimes;



6. Crimes against human life, health, freedom and reputation;
7. Crimes against property;
8. Violation of the rules of health protection, public safety and family order;
9. Local domestic crimes;
10. Water crimes. [17]

It can be seen from this that crimes against justice were not allocated to a separate chapter in the first Criminal Code of the Uzbek SSR, which was in force from July 1, 1926, but were included in various chapters listed above.

The crime of obstructing the investigation or resolution of court cases, which is part of crimes against justice, did not exist as a separate article. Crimes against justice included the following: illegal release of a prisoner from custody or prison or assistance in his escape (Article 105), refusal of the presence or testimony of a witness, expert, interpreter or neutral persons from the presence or refusal to fulfill their obligations (article 119 of the article), inquiry without the permission of the prosecutor, investigator or person entrusted with the proceedings inquiries (audits), disclosure of the data of the preliminary investigation or audit investigation (Article 120), unfair judicial decision, decision or determination of judges based on personal hostility or other malicious intent (Article 146), illegal detention or delivery (to law enforcement agencies) (147) - the substance. [18]

The Criminal Code of the RSFSR, adopted in 1922, operated on the territory of Uzbekistan until 1926, when the Criminal Code of Uzbekistan was put into effect. [19] Even in the Criminal Code of the USSR of 1926, a special chapter on crimes against justice was not reflected. These types of acts were included in chapters II "Crimes against the administrative order" and III "Official crimes".

In particular, the category of crimes against just investigation, preliminary investigation or audit without the permission of the investigator or the person entrusted with the investigation (audit) (Article 120), the imposition of an unfair sentence, decision or decision of judges based on personal hostility or other malicious intent (article 146), including illegal detention or delivery to law enforcement agencies (article 147) and others.

However, the chapter on crimes against justice was not reflected in the editions of the Criminal Codes of the Uzbek SSR of 1947-1958. This Criminal Code of Uzbekistan was in force until January 1, 1960. This criminal code was mainly aimed at protecting the state, the state system that existed at that time, from class enemies, if we speak from the point of view of that time. In the second part of the General Part of this Code, it was provided that a person may be brought to criminal responsibility using the rules of analogy. According to the rule of analogy, if an act was considered socially dangerous for that time, but responsibility for such an act was not defined in the Criminal Code,

the perpetrator could be prosecuted under a specific article of the Criminal Code, which is more similar to the same act.

By the end of the 1950s, the Soviet state had entered a new stage of development, from the point of view of that time, the landlords (landlords) as a class were completely abolished, and the members of society consisted of peasant workers, intellectuals, that is, workers. Accordingly, the need to revise laws, including criminal ones, was adopted on December 25, 1958.: [20]

1. Fundamentals of criminal law of the Union of Soviet Socialist Republics and Union Republics;
2. The Law on Criminal Liability for Crimes against the State;
3. The Law on Criminal Liability for War Crimes.

The "Fundamentals of the Criminal Legislation of the USSR and the Union Republics" are a common part of criminal law, and all the Union republics had to develop and adopt their own Criminal Codes accordingly. The laws of the Commonwealth of Nations defining responsibility for crimes against the State and war crimes were to be included in the Criminal Code of the Union Republics without any changes. The Union Republic had no right to make additions and amendments to this law.

In addition to them, decrees of the Presidium of the Supreme Soviet of the USSR were issued, which defined responsibility for crimes against the interests of the USSR as the law of the Union, and they were also considered an act of the Union and were valid simultaneously and uniformly on the territory of the Union republics. These include, for example, the Decree of February 20, 1962 "On tightening criminal liability for violent libel", of February 20, 1962 "On tightening criminal liability for bribery".

February Resolution, July 26, 1966 The decree "On strengthening responsibility for hooliganism" and others.

If the article of the Criminal Code of the Union Republic had been brought into line with this decree, then this article of the Criminal Code could have been changed only on the basis of federal law. As can be seen from the above, although the former USSR was officially considered a federal state, in fact it was governed as a unitary state. On May 21, 1959, on the basis of the above-mentioned laws, which are the laws of the Union, a new Criminal Code of Uzbekistan was adopted, and in 1960

It was introduced on January 1. The general part of this Criminal Code consists of four sections, the first section contains the general rules of the criminal law, the second section - on the crime, the third section - on punishment, the fourth section - the rules of sentencing and exemption from punishment. The special part will consist of eleven chapters:

the first chapter of crimes against the State;

Chapter two crimes against life, health, freedom and dignity of a person;  
Chapter three crimes against socialist property;  
Chapter four crimes against private property of citizens;  
Chapter five crimes against the political and social rights of citizens;  
Chapter six official crimes;  
chapter seven crimes against justice;  
Chapter eight economic crimes;  
crimes against the administrative process of the fifth chapter;  
Chapter ten crimes against public order and public safety;  
the first chapter consisted of war crimes.

In particular, the chapter on crimes against justice includes 15 articles (articles 156-170), which enshrine the norms of punishment for crimes of officials and other entities obstructing justice. This type of crimes includes: knowingly criminal prosecution of an innocent person (Article 156), imposition of an unjust sentence, decision, resolution or determination (Article 157), knowingly unlawful arrest or detention (Article 158), coercion to testify (Article 159), knowingly giving false information (Article 160), giving knowingly false testimony (Article 161), refusal or evasion from giving testimony of a witness (Article 162), intimidation or bribery of a witness or expert (article 163), disclosure of the data of an inquiry or preliminary investigation (article 164) and others.

This system of crimes against justice has the same structure as above, with the allocation of actions related to the abuse of official powers or evasion of them by persons authorized under the law in the administration of justice. The system of crimes against justice and criminal justice has been developed for many years. In the development of the criminal legislation of the Republic of Uzbekistan, almost at all stages, there were norms providing for responsibility for crimes against justice.

In particular, in the Criminal Code of the USSR, adopted in 1959, crimes against justice were mentioned in a separate chapter. The rise to a new level of the role of law enforcement agencies in the fight against crime, the granting of special additional rights to them 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 allocation of crimes against justice in separate groups.

It would not be an exaggeration to say that the reforms carried out by the Republic of Uzbekistan to combat "crimes against justice" have reached a "new stage" in the years of independence. The reason is that after Uzbekistan gained independence, great changes took place in all spheres of our country. In particular, on December 8, 1992, one of the first historical documents was adopted in our country – a Constitution that fully meets all international standards.

The adoption of this Constitution is the building of a democratic and legal state and civil society, as well as the observance of human rights and legitimate interests, a new page has opened in the way of ensuring. The Constitution of the Republic of Uzbekistan defines guarantees of justice as follows: "The judicial power of the Republic of Uzbekistan acts independently of legislative and executive authorities, political parties and other public associations. The procedure for the formation of courts and their activities are determined by law. The creation of extraordinary courts is not allowed" (articles 106 to 107).

To date, this provision indicates that attention is paid to the activities of the judiciary at the level of state policy. After all, state guarantees and legal protection of judicial activity are the main criteria for ensuring the effective implementation of judicial activities that protect human rights.

Article 236 of the Criminal Code of the Republic of Uzbekistan, adopted on September 22, 1994, establishes criminal liability for obstructing the investigation and resolution of court cases. Criminal liability was provided for unlawful influence on the investigator, investigator or prosecutor or judge in various forms in order to obtain an unfair verdict, resolution, resolution or resolution. The peculiarity of responsibility for this act is that the subject of this crime can be both citizens and officials.

In order to further improve criminal legislation, ensure the independence of the judiciary, increase its authority, as well as increase citizens' confidence in justice, the following amendments and additions have been made to the sanction of Article 236 of the Criminal Code of the Russian Federation[1]:

"Article 236. Interference in an investigation or judicial process

Obstruction of the investigation or resolution of court cases, that is, unlawful influence on the investigator, investigator or prosecutor, or on the judge in various forms in order to obtain an unfair verdict, resolution, ruling or resolution, in order to prevent a comprehensive, complete and impartial investigation of the case -

is punishable by correctional labor for up to three years, or restriction of liberty for a term of up to three years, or imprisonment for up to three years.

If this act was committed by an official, -

it is stipulated that he is punished by imprisonment for a term of up to six months or deprivation of certain rights, restriction of liberty for a term of three to five years or imprisonment for a term of three to five years."

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

It can be seen that the act specified in Article 236 of the Criminal Code of the Russian Federation can be divided into two types:

1) obstruction of the investigation; 2) interference in the resolution of court cases.

Taking into account the above, it is possible to point out some signs of the crime of obstructing the investigation or resolution of court cases:

- 1) unlawfully influences the administration of justice in various ways;
- 2) committed intentionally;
- 3) is considered a formal crime;
- 4) obstruction of the investigation or resolution of court cases may be committed either by action or inaction;
- 5) committed by officials, is a case of aggravating punishment;
- 6) causes a decrease in the authority of investigative and judicial bodies;
- 7) may lead to a loss of citizens' trust in justice and investigative bodies.

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