

International Experience in Further Strengthening the Legislative Framework on the Prevention of Interference in Pre-Investigation, Investigation, and Influence on it

Allanova Azizakhon Avazxonovna

Acting Professor of the Criminal Law, Criminology and Anti-corruption Department of Tashkent State University of Law, PhD in Law, E-mail: aziza9106@mail.ru

Annotation: This article analyzes international experience in further strengthening the legislative framework for preventing interference and influence on pre-investigation checks and investigations. Today identification of the most effective mechanisms influencing interference in the investigation or the resolution of judicial cases.

Key words: Pre-investigation check, investigation, trial, law, punishment

Studying the experience of foreign countries in interference and influence on pre-investigation checks and investigations will undoubtedly allow for a deeper understanding of relations in this area, a comparative analysis of established norms, identification of gaps and shortcomings in current legislation, and the development of specific proposals and recommendations for their elimination.

Article 236 of the Criminal Code of the Republic of Uzbekistan establishes liability for interference in the investigation or the resolution of court cases, according to which interference in the investigation or the resolution of court cases is punishable by unlawful influence in any form on an investigator, inquiry officer or prosecutor in order to obstruct a comprehensive, complete and objective study of the case, or on a judge in order to obtain an unjust verdict, decision, ruling or order - correctional labor for up to three years or restriction of liberty from one year to three years or imprisonment for up to three years.

The same act, committed by an official, - is punishable by restriction of liberty from three to five years or imprisonment from three to five years with deprivation of a certain right.

In this area, the criminal legislation of the CIS member states from foreign countries was studied through analysis.

Article 294 of the Criminal Code of the Russian Federation establishes liability for "Obstruction of the administration of justice and the conduct of a preliminary investigation," and interference in the activities of the court in any form with the aim of obstructing the administration of justice is punishable by a fine of up to two hundred thousand rubles or wages or other income of the convicted person for a period of up to eighteen months, or compulsory labor for up to two years or arrest for up to six months or imprisonment for up to two years.

Interference in any form in the activities of a prosecutor, investigator, or person conducting an inquiry in order to obstruct a comprehensive, complete, and objective investigation of a case is punishable by a fine of up to eighty thousand rubles or wages or other income of the convicted person for a period of up to six months, or compulsory labor for up to four hundred and eighty hours or arrest for up to six months.

Article 295 of the Criminal Code of the Russian Federation establishes liability for "accusation of an attack on the life of a person carrying out justice or preliminary investigation." Commission of an attack on the life of a judge, arbitrator or other person participating in the administration of justice, a

prosecutor, investigator, person conducting an inquiry, a defense attorney, an expert, a specialist, an employee of the bodies of compulsory enforcement of the Russian Federation, as well as their relatives, in connection with the consideration of cases or materials in court, conducting a preliminary investigation or the execution of a sentence, decision or other judicial act, or in revenge for such activity, - is punishable by imprisonment from twelve to twenty years with restriction of liberty for up to two years or life imprisonment or death.

Article 296 of the Criminal Code of the Russian Federation establishes liability for: Threats or violence related to the administration of justice or preliminary investigation - Threats of murder, harm to health, destruction or damage to property of a judge, a witness or other person participating in the administration of justice, as well as their relatives in connection with the consideration of cases or materials in court - is punishable by a fine of one hundred thousand to three hundred thousand rubles or deprivation of liberty for up to three years in the amount of wages or other income of the convicted person for a period of one to two years.

The same act, committed in relation to the prosecutor, investigator, person conducting the inquiry, defense counsel, expert, specialist, employee of the bodies of compulsory enforcement of the Russian Federation, as well as their relatives in connection with the conduct of a preliminary investigation, consideration of cases or materials in court, or the execution of a sentence, court decision or other judicial act, - is punishable by a fine of up to two hundred thousand rubles or wages or other income of the convicted person for a period of up to eighteen months or by compulsory labor for up to two years or by arrest from three to six months or by imprisonment for up to two years.

Acts stipulated by the first or second parts of this article, committed with the use of violence not dangerous to life or health, - are punishable by compulsory labor for up to five years or imprisonment for the same term.

Acts stipulated by the first or second parts of this article, committed with the use of violence, dangerous to life or health, - are punishable by compulsory labor for up to five years or imprisonment from five to ten years.

Article 407 of the Criminal Code of the Republic of Kazakhstan establishes criminal liability for: Article 407. Obstruction of the administration of justice and pre-trial investigation Interference in any form in the activities of the court with the aim of obstructing the administration of justice is punishable by a fine of up to two thousand monthly calculation indices or by corrective labor in the same amount or by community service for up to six hundred hours or by restriction of liberty for up to two years or by imprisonment for the same period.

Interference in any form in the activities of the prosecutor or the person conducting the pre-investigation check in order to obstruct the comprehensive, complete, and objective conduct of the pre-trial investigation is punishable by a fine of up to one hundred and sixty monthly calculation indices or correctional labor in the same amount or community service for up to one hundred and sixty hours or arrest for up to forty days.

Acts provided for in parts one or two of this article, committed by a person using their official position, - are punishable by a fine of up to three thousand monthly calculation indices or correctional labor in the same amount or involvement in community service for up to eight hundred hours or restriction of liberty for up to three years or imprisonment for up to three years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it.

Article 355 of the Criminal Code of the Kyrgyz Republic establishes liability for "threat or violence related to pre-trial proceedings," which is punishable by blackmail or threats of violence, harm to health, murder against an investigative judge, investigator, prosecutor, investigative body employee, lawyer, legal representative or representative, his wife (husband), close relatives, as well as threats of

destruction or damage to property in connection with the conduct and (or) participation in pre-trial proceedings - correctional labor from two months to one year or a fine from 200 to 500 calculation units or imprisonment for up to two years.

The use of violence, causing harm to health, destruction or damage to property in connection with the conduct and (or) participation in pre-trial proceedings - is punishable by a fine from 500 to 1000 calculation units or imprisonment from two to five years.

Article 208 of the Criminal Code of the Republic of Turkmenistan, entitled "Obstruction of the administration of justice, inquiry or preliminary investigation," stipulates that interference in the activities of the court in any form with the aim of obstructing the administration of justice is punishable by a fine of ten to twenty times the basic calculated value or compulsory labor for up to four hundred and eighty hours or correctional labor for up to two years.

Interference in any form in the activities of an investigator, inquiry officer, or prosecutor in order to obstruct a comprehensive, complete, and objective investigation of a case is punishable by a fine from ten to twenty times the base calculation amount or compulsory labor for up to four hundred and eighty hours or correctional labor for up to two years.

Acts provided for by parts one or two of this article, committed by a person using their official position, are punishable by correctional labor for up to two years or imprisonment for up to two years with or without deprivation of the right to hold a certain position or engage in a certain activity for up to three years.

Article 364 of the Criminal Code of Georgia provides for: Unlawful interference in any form with the aim of comprehensively obstructing the activities of a prosecutor or investigator, conducting a full and objective investigation of a case - is punishable by a fine or socially useful labor from one hundred and eighty to two hundred and forty hours or imprisonment for up to one year.

Gross interference in the activities of the court in one form or another in order to influence the administration of justice is punishable by a fine or imprisonment for up to two years.

Unlawful interference in the activities of a person who has taken the oath (person who has taken the oath) in one form or another, influencing the conduct of judicial proceedings of a person who has taken the oath (person who has taken the oath) - is punishable by a fine or imprisonment for up to two years.

The act provided for in part 2 of this article, committed by a state political official, - is punishable by a fine or imprisonment from one year to three years with deprivation of the right to hold or engage in positions, or without deprivation of the right to engage in such activity for the same period.

Acts provided for in parts one, two, or twenty-one of this article, committed using official position, are punishable by a fine or imprisonment from two to four years with deprivation of the right to hold or hold positions.

Improvement of national legislation based on the experience of foreign countries, in our opinion, will allow us to identify the most effective mechanisms influencing interference in the investigation or the resolution of judicial cases, and a single driving mechanism will be created in Uzbekistan to eliminate the negative social consequences of violations of legislation.

References:

1. https://www.consultant.ru/document/cons_doc_LAW_10699/
2. https://online.zakon.kz/Document/?doc_id=31575252
3. <https://mvd.gov.kg/rus/ministry/normative-bases/22>
4. https://online.zakon.kz/Document/?doc_id=31295286
5. <https://matsne.gov.ge/ka/document/download/16426/174/ru/pdf>