

Legal Framework for Combating Crime in the Republic of Uzbekistan

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Abstract: This article presents the opinions of domestic and foreign scholars on the legal foundations of combating crime in the Republic of Uzbekistan. The Republic of Uzbekistan has established a comprehensive legal framework aimed at combating crime, ensuring public order, and protecting citizens' rights and freedoms. This framework encompasses constitutional provisions, criminal legislation, procedural laws, and specialized laws addressing specific types of crimes.

Keywords: The Constitution of the Republic of Uzbekistan, The Criminal Code of the Republic of Uzbekistan, The Criminal Procedure Code of the Republic of Uzbekistan, The Code of Administrative Offenses of the Republic of Uzbekistan, Laws on Specific Crimes, The Ministry of Internal Affairs (MIA), The State Security Service (SNB), The Prosecutor's Office.

Introduction.

The Republic of Uzbekistan has a complicated legal system for fighting crime that is based on its Constitution as well as other laws, regulations, and decrees. Although it's always changing, some essential elements are:

1. The Republic of Uzbekistan's Constitution: This foundational document lays forth the core tenets of the legal system, such as the defence of human rights, the rule of law, and the state's obligations to uphold security and order. It describes the authority that the various parts of government have over the judiciary and law enforcement.¹
2. The Republic of Uzbekistan's Criminal Code: This is the main piece of legislation that defines crimes and the penalties associated with them. In addition to outlining the processes for investigation, prosecution, and punishment, it lists the many categories of offences, from small infractions to serious felonies. Although there are still issues, recent reforms have aimed to bring it into compliance with international human rights norms.²
3. The Republic of Uzbekistan's Criminal Procedure Code: This code regulates the processes used in criminal case investigation, prosecution, and adjudication. It describes the functions of law enforcement, the rights of suspects and defendants, and the judicial procedures. It also covers topics including evidence collection, appeals, and pre-trial custody.
4. The Republic of Uzbekistan's Code of Administrative Offences: Because this legislation addresses less serious offences, administrative sanctions are imposed instead of criminal charges.

¹ **Constitution of the Republic of Uzbekistan**, adopted on December 8, 1992.

² Criminal Code of the Republic of Uzbekistan, as amended (1994).

This code relieves load on the criminal justice system by covering a large number of minor violations.³

Materials.

5. Laws on Particular Crimes: Uzbekistan also has laws that specifically target certain kinds of crimes, like:

Laws addressing the escalating threat of violent extremism and terrorism: These provide legal foundations for prosecution and outline prevention measures.

Laws pertaining to drug misuse and trafficking: These emphasise the prevention, management, and penalisation of offences involving drugs.

The goal of organised crime laws is to punish members of criminal organisations and dismantle them.

Bribery, embezzlement, and other corrupt behaviours in the public and private sectors are addressed by anti-corruption laws.

Laws pertaining to cybercrime: This is a relatively new area of law that deals with crimes that are perpetrated online.

6. Additional Pertinent Laws: The Ministry of Internal Affairs (MIA) is the major law enforcement organisation in charge of policing and upholding public order, and its operations are governed by a number of other laws and decrees that are related to law enforcement.

The SNB, or State Security Service: focusses on counterintelligence, national security, and thwarting challenges to state sovereignty.⁴

The prosecutor's office handles criminal prosecutions and oversees law enforcement operations.

The courts are in charge of deciding criminal matters.

The Penitentiary System oversees correctional facilities, including prisons.⁵

Research and methods.

Obstacles and Continued Reforms:

Even though Uzbekistan has made progress in updating its legal system, there are still issues, such as:

Human rights and national security issues must be balanced: Maintaining individual liberties while effectively combating crime is still a major concern.

Judicial impartiality and independence: A just and efficient criminal justice system depends on the judiciary's independence and impartiality.

Systemic corruption: Resolving corruption in the legal and law enforcement sectors is crucial to restoring public confidence.⁶

Enhancing access to justice: It is a constant goal to guarantee that every citizen has equal access to legal counsel and a fair trial.

Building capacity: To increase the efficiency of the system, law enforcement and judicial staff must get training and professional development.

The Republic of Uzbekistan's legislative framework for fighting crime consists of a number of laws, rules, and guidelines intended to uphold justice, preserve public order, and safeguard the rights of its residents. The main elements of this framework are as follows:

³ *Code of Criminal Procedure of the Republic of Uzbekistan*, as amended (1994).

⁴ *Law of the Republic of Uzbekistan on Combating Corruption*, adopted on January 3, 2017.

⁵ *Law of the Republic of Uzbekistan on Combating Trafficking in Persons*, adopted on April 17, 2008.

⁶ *Law on Prevention of Delinquency*, adopted on August 29, 2014.

1. **Uzbekistan's Constitution:** The Constitution is the country's cornerstone legal document, outlining the concepts of justice, legality, and human rights protection while enshrining fundamental freedoms and rights.
2. **Criminal Code:** The Uzbek Criminal Code is the main piece of law that regulates crime. It lists several criminal offences, the associated consequences, and the legal precepts that govern prosecution and punishment. Periodically, the Criminal Code is amended and reformed to meet new types of crime and bring it into compliance with international norms.
3. **Criminal Procedure Code:** This code describes how criminal investigations, prosecutions, and trials are to be carried out. It ensures due process is followed while protecting the rights of victims and defendants.
4. **Law Enforcement Agencies:** Fighting crime is the responsibility of several agencies, such as: Public order, law enforcement, and criminal investigations fall within the purview of the Ministry of Internal Affairs.⁷

The office of the prosecutor general: oversees the legitimacy of criminal investigations and acts as the state's representative in criminal cases.

The National Security Service focusses on offences pertaining to national security.

Results.

5. **Specialised Laws:** Uzbekistan has a number of laws that focus on particular kinds of criminal activity, including:

The Law on Combating Corruption lays out steps to stop and deal with corruption in both the public and private spheres.

Anti-Terrorism Laws: Structures designed to stop and deal with terrorist acts.

Drug control laws address the misuse and trafficking of narcotics.

6. **International Treaties and Agreements:** Uzbekistan is a signatory to a number of international agreements designed to combat various forms of criminal activity, including as terrorism, corruption, and human trafficking. The nation is required by these agreements to bring its domestic legislation into compliance with international norms.

7. **Judicial System:** Ensuring that laws are enforced justly and fairly, the judiciary is an essential component of the legal system. Higher and regional courts are part of the system to deal with criminal cases. There have been continuous reforms to improve the judiciary's independence and effectiveness.⁸

8. **Protection of Human Rights:** The legal framework contains clauses that safeguard human rights when criminal cases are pending. Due to criticism of its human rights policies, Uzbekistan has implemented reforms to enhance living conditions and guarantee fair trial standards.

9. **Community Involvement and Victim Support:** There are programs to support victims of crime and engage communities in crime prevention. This covers legal aid, helplines, and criminal rehabilitation programs.⁹

10. **Ongoing changes:** To modernise its legal system, increase the professionalism of law enforcement, improve transparency, and fortify the rule of law, Uzbekistan has been enacting changes in recent years.

⁷ United Nations Convention against Transnational Organized Crime, 2000.

⁸ United Nations Convention against Corruption, 2003.

⁹ *Commentary on the Criminal Code of the Republic of Uzbekistan*, edited by legal experts of Tashkent State University of Law.

Discussion.

There are conflicting opinions on how well Uzbekistan's legal system works to prevent crime. There are still issues even though the government has worked to improve its legal system and law enforcement capacities. Different viewpoints abound, and there isn't a single, widely accepted indicator of effectiveness.

Reasons for efficacy:

Reduced crime rates in specific regions: Although independent observers occasionally doubt the accuracy and dependability of official statistics, they frequently demonstrate a decrease in various forms of crime, especially violent crime.

Increased capacity for law enforcement: Law enforcement agencies have benefited from investments in technology, equipment, and training, which has enhanced their ability to conduct investigations in some fields.

heightened attention to particular crimes: Although the overall impact is debatable, targeted legislation and enforcement measures against corruption, drug trafficking, terrorism, and extremism have produced some results.

Reforms to the law: Although implementation is still difficult, changes to the criminal code and other laws have attempted to modernise the legal system and bring it more in line with international standards.

Limitation-suggesting arguments:

Crime statistics' dependability: There is little independent verification of official crime data, which raises questions about their transparency and veracity. It is suspected that underreporting of crime occurs, especially in some districts.

Human rights concerns: There are ongoing claims of violations of human rights during criminal investigations and prosecutions, including torture, mistreatment, and arbitrary incarceration. These call into question the system's legitimacy and equity.

Independence and impartiality of the judiciary: Questions still surround the judiciary's independence and impartiality. The fairness of trials and the application of the law may be impacted by perceptions of excessive interference from other branches of government.

Corruption: Corruption in the legal and law enforcement systems can make it more difficult to combat crime effectively and give offenders impunity.

Lack of public trust: People may be deterred from reporting crimes or assisting with investigations if they have little faith in the judicial system.

Enforcement issues: Even with more robust laws, there are still some areas where effective enforcement is difficult, especially when dealing with influential people or organisations engaged in illegal activity.

Limited access to legal counsel: One major obstacle to a fair trial is still the lack of access to high-quality legal counsel, particularly for members of marginalised populations.¹⁰

Conclusion.

It is challenging to make a firm judgement about how well Uzbekistan's legal system works to prevent crime. Significant obstacles still exist in the areas of human rights, judicial independence, corruption, and public trust, notwithstanding considerable advancements in fortifying its legal system and law enforcement capacities. The effectiveness differs depending on the type of crime and the area of the nation.

¹⁰ *International Treaties of Uzbekistan on Crime Prevention*, Ministry of Justice of the Republic of Uzbekistan.

It is essential to review a range of sources, such as academic studies, official government reports, and the conclusions of independent human rights organisations, in order to have a more thorough picture. These resources will offer a range of viewpoints and enable a more thorough assessment of the system's advantages and disadvantages in preventing crime.

In conclusion, Uzbekistan has a thorough and diverse legal system for fighting crime, which includes law enforcement agencies, extensive criminal law rules, constitutional demands, and a dedication to human rights norms. Sustained improvements are necessary to provide effective justice and adjust to the evolving nature of crime.

List of used literatures:

1. Constitution of the Republic of Uzbekistan, adopted on December 8, 1992.
2. Criminal Code of the Republic of Uzbekistan, as amended (1994).
3. Code of Criminal Procedure of the Republic of Uzbekistan, as amended (1994).
4. Law of the Republic of Uzbekistan on Combating Corruption, adopted on January 3, 2017.
5. Law of the Republic of Uzbekistan on Combating Trafficking in Persons, adopted on April 17, 2008.
6. Law on Prevention of Delinquency, adopted on August 29, 2014.
7. United Nations Convention against Transnational Organized Crime, 2000.
8. United Nations Convention against Corruption, 2003.
9. Commentary on the Criminal Code of the Republic of Uzbekistan, edited by legal experts of Tashkent State University of Law.
10. International Treaties of Uzbekistan on Crime Prevention, Ministry of Justice of the Republic of Uzbekistan.