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Procedural Aspects Of Suspect Apprehension As Procedural Coercion Measure In Criminal Process

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ABSTRACT

This article deals with the rights and obligations of the suspect, measures of procedural coercion applied to him, grounds for apprehension of the suspect, protection of the rights of apprehended person. At the same time, it also reflects debate among procedural scholars on theoretical basis of restriction of individual freedom.

KEYWORDS

Suspect, evidence, apprehension, defense, offense, procedural coercion measures.

INTRODUCTION

The Constitution of the Republic of Uzbekistan enshrines the right of everyone to liberty and security of person. Democratic rights and freedoms of the person are protected by the Constitution and laws. Many international and domestic legal instruments also set basic standards and guarantees of personal inviolability. At the same time, as long as there is crime in society and its worst types are committed, the state cannot give up its coercive measures [1]. State coercion is a measure aimed at subjugating a person, which

is carried out by its competent state bodies and officials in the form of special documents and within legal norms of psychological and physical influence on the person.

The state empowered law enforcement agencies to use various coercive powers to combat crime. Among them, criminal procedural coercive measures are aimed at further restricting human rights and freedoms. The reason is that a crime is a socially dangerous act and combating it requires strict measures. The procedure for applying coercive procedural measures is clearly defined in the Criminal Procedure Code of the Republic of Uzbekistan. There is a separate (IV) section for them that is divided into types in the following sections:

1) Detention;
2) Precautionary measures;
3) Suspension of the passport (travel document);
4) Dismissal from office;
5) Compulsory summon;
6) Placement of a person into a medical institution.

Grounds for suspecting a person of a crime are set out in Article 359 of the CPC. According to it, if a person is detained on suspicion of committing a crime on the grounds provided by Article 221 of the CPC, or if the case contains information that gives enough grounds to suspect a crime, he will be involved in the criminal case as a suspect. Article 221 of the CPC sets out grounds for detention of a person suspected of committing a crime:

1) If the person has been arrested for a crime or directly after its commission;
2) Witnesses of the crime, including victims, directly identify him as the person who committed the crime;
3) There are obvious traces of the crime on him or on his clothes, near or at home;
4) There is information that a person is reasonably suspected in committing a crime, if he intends to flee or has no permanent residence or his identity has not been established.

However, Article 359 does not specify "information that gives grounds for suspicion of a crime in the case ", i.e. exactly what information is the basis. However, Article 82 of the CPC clearly states the grounds for accusing a person. Therefore, we believe that it is necessary to clarify the grounds for suspicion with a separate article in our criminal procedure legislation.

Today, the term "detention" is used in practice, law and scientific literature in various senses: 1) actions related to arrest a person who committed a crime; 2) placement of the suspect in custody; 3) keeping him in custody; 4) administrative detention. In order not to confuse concepts that are different in legal nature and used in different areas of law, but names of which are almost indistinguishable from each other, in our research work we deal with criminal-procedural detention (detention). Detention as a duration of action in any case should be carried out only in cases clearly specified in the legislation (Article 221 of the CPC of the Republic of Uzbekistan). Sources referred to in this article may contain various information. In order to use them, the information must serve as a basis for suspecting a person of a crime. In this case, two grounds for suspicion can be seen: procedural - existence of a reasonable suspicion, factual -

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presence of information indicating the need to restrict freedom of the suspect. It is self-evident that the grounds for detaining a person are at the same time the grounds for suspecting him of having committed a crime. Our current legislation does not provide a clear boundary between grounds for suspicion and grounds for detention. Although these concepts are interrelated, they are completely different institutions of criminal procedure law. Reasons for detention and suspicion are different. Therefore, legal framework established for them should also be different [2]. Ignoring this situation creates a risk of repressive nature in activities of law enforcement agencies.

In many developed foreign countries, when a person is suspected of committing a crime, they go to court before being arrested. If the police can convince the judge that the detention is justified, they will receive a warrant from the court. There is no such procedure in the criminal procedure legislation of the Republic of Uzbekistan, i.e. judicial consent is not required for detention of a person. Court permission is required only when certain precautions (arrest or house arrest) need to be applied. This practice does not comply with international human rights standards [3] and could lead to abuse of power by investigators. Habeas Corpus standards guarantee that every person deprived of his or her liberty has the right to sue for the legality and validity of his or her detention. This rule is reflected in the eighth commentary of the UN Human Rights Committee. Mandatory assessment of legality of detention by a court ensures individual's right to inviolability [4] and drastically reduces the number of unjustified restrictions on freedom of expression in criminal proceedings. **Therefore, it is necessary to support introduction of the institution of "investigative judge" in our national criminal procedure legislation, who will exercise judicial control in pre-trial period and give this judge the power to study the legality of detention of the suspect.**

Detention of persons suspected of a crime is directly related to the person's right to inviolability. This measure is based on the task of investigating and exposing crimes and is a necessary measure aimed at restricting freedom of movement of the suspect. Study of the Code of Criminal Procedure suggests that a “suspect” (Article 222 of the CPC) as well as a “suspect in the commission of a crime” (Article 220 of the CPC) were identified as persons subject to coercive detention. In general, a person subject to coercive measures of criminal procedure may or may not have the status of a suspect [5]. Based on Article 360 of the CPC, we conclude that the status of “a person suspected of committing a crime” exists until the case is initiated, and after initiation of a criminal case, he becomes a "Suspect". However, Article 224 of the CPC denies this conclusion. In general, our criminal procedure legislation does not provide a clear distinction between these concepts, which has led to a number of confusions in norms of the law. While these concepts do not pose a serious problem in law enforcement process, we need to combine them into a single concept or show clear differences. In our opinion, it is necessary to unite these concepts. The reason lies in suspicion at the heart of both concepts. In world practice, a suspect in a crime participates in the process as a "suspect". On December 19, 2003, the Plenum of the Supreme Court of the Republic of Uzbekistan in its Decree No. 17 “The suspect and application of laws to protect the rights of the

accused persons with disabilities" established that Article 221 of the CPC detainee is considered a suspect from the moment of detainment on the grounds of his right to freedom of movement is limited in practice. From that point on, the detainee is expected to enjoy all the rights granted to the suspect. This means that the "suspect in commission of a crime" has no rights and obligations and his procedural status has not been established.

It is clear from the content of Article 47 of the Code of Criminal Procedure that although there is information that a suspect has committed a crime, this information is not sufficient to involve him in the case as an accused. While recognition as a suspect depends on the decision of inquiry officer, investigator or prosecutor, in reality it is a matter of putting on paper previous suspicions as suspect. That is, suspect appears when there is information about commission of a crime and this information confirms that the person is involved in the crime. It should not be tied to a decision to admit that he is entering the process. Given that this decision is made after initiation of criminal proceedings or simultaneously, whereas suspect exists even before initiation of criminal case, the definition provided for in Article 47 of the CPC does not cover the actual status of the suspect.

Today in the Republic of Uzbekistan there are two types of coercive measures of detention on suspicion of committing a crime due to uncertainty in the legislation: physical detention aimed at restricting a person's freedom of movement (Article 91 of the CPC) and procedurally enforced legal detention [6]. Our criminal procedure legislation regulates grounds and procedure for criminal-procedural detention, as well as the process of apprehension of an individual (Article 224 of the CPC). However, this measure requires a certain amount of time from physical detention to legal detention and this issue currently creates a gap in the legislation. According to our criminal procedure legislation, detention is a short-term imprisonment of a person suspected of committing a crime in order to prevent him from engaging in criminal activity, escape, concealment or destruction of evidence. The grounds for apprehension are also provided, which are as follows

1) A person is seized for a crime or directly after its commission;
2) Witnesses of the crime, including victims, directly identify him as the person who committed the crime;
3) There are obvious traces of the crime committed on him or on his clothes, near or at home;
4) There is information that a person has grounds to be suspected in commission of a crime, if he intends to flee or has no permanent residence or his identity has not been established.

Other information that may be the basis for a person's suspicion of having committed a crime may also be the basis for his apprehension [7]: the person to whom a petition has been sent to the court to apply a measure of restraint in the form of arrest. In general, apprehension of a person suspected of having committed a crime occurs at the initial stage of criminal prosecution without the permission of the court or prosecutor [8] and this coercive measure can be applied to a person only once on the above grounds. There are also procedural scholars who propose to conditionally divide the grounds for apprehension in order to prevent occurrence

of unfounded facts: grounds for suspicion and grounds for apprehension [9]. In this case, the grounds for suspicion indicate involvement of the person in the crime committed and give the right to apprehend him and hand over to law enforcement agencies. Grounds for detention indicate the need for short-term imprisonment.

Article 110 of the Code of Criminal Procedure stipulates that "an inquiry shall be conducted in the course of the preliminary investigation, immediately or no later than twenty-four hours after the suspect, accused has been apprehended, summoned for questioning or forcibly brought in". This provision of the law is controversial, and it is understood that a person who has been forcibly brought may also be detained for up to twenty-four hours in the building of investigative body conducting the interrogation. The police officer who enforced it shall introduce the person to the decision and record the time he was found. However, norms governing compulsory extradition do not specify length of time between the time of extradition to the investigating authority and the time of conducting investigative actions against him (with the exception of Article 110 of the CPC). It follows that a person who is brought in for questioning may be detained by the investigating authority for up to twenty-four hours. The above grounds are not specified in the grounds for detention set forth in Article 221 of the CPC. There are also proponents of setting an immediate interrogation time for a suspect who has been arrested or summoned for questioning. According to them, if the interrogation is delayed, this should happen within twenty-four hours and the reasons for the delay should be stated in the protocol [10]. In our view, immediate establishment of time limit should also apply to compulsorily brought suspects and by doing so the constitutional right of the suspect will be further guaranteed.

Rather than verbally explaining his rights to the suspect, it is preferable to give them a special note listing all the rights and criminal procedural measures that can be applied to them. The reason is that some of them can be forgotten when the rights are explained orally. According to our current legislation, the process of explaining the rights of a detainee will be videotaped. This is definitely a sign that a very good practice has been put in place. But at the same time, the process is not without some shortcomings. The psychological condition of the detainee was not taken into account. The purpose of compulsory videotaping is to ensure that the person is aware of his or her rights. The process of detention has a negative psychological effect on the suspect, in other words, the person has no imagination and at the same time his rights are explained to him. The result is unlikely to be as expected. That is why the European Union developed a special directive in 2012 [11] , according to which detainees are provided with a special written letter (Letter of Rights) stating their rights. This practice is used in almost all European countries. Therefore, we believe that it is necessary to include this procedure in our national legislation.

The right to liberty and security of person is enshrined in many universal and regional international human rights instruments. If there is a need to restrict this right by the state, it must be exercised in strict accordance with the procedure established by law. Also, such restrictions should be subject to judicial review. It should be borne in mind that deprivation of liberty affects not only the individual's freedom, but also his right to freedom of

movement. Therefore, it is necessary to strictly regulate the powers of detention and arrest by means of legal norms and bring them in line with international standards. Execution of a person's apprehension is the prerogative of law enforcement officers, who deprive a person of the right to move freely in clearly defined cases. Employees must conduct their actions based on universal principles that must be followed in their work.

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Views On The Implementation Of Criminal Procedure Standards In Time

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ABSTRACT

This article provides feedback on the timeliness of criminal procedure law and develops scientific conclusions based on the analysis of problems and shortcomings.

KEYWORDS

Crime, legislation, time, inquiry, investigation, prosecution, court, precautionary measures.

INTRODUCTION

The country is carrying out large-scale reforms to ensure the rule of law, timely detection of crimes, comprehensive, complete and impartial investigation, the creation of effective mechanisms for the unconditional implementation of the principle of inevitability of responsibility.

This requires changes and additions to the criminal and criminal procedure legislation, as

well as their improvement in line with modern requirements.

As life goes on, it is natural for offenses and crimes to be committed in society, which strengthens the participation and role of the judiciary and law enforcement agencies in their activities.

The direct responsibility of these bodies is to identify, investigate, expose the actions of the perpetrators and resolve the issue of liability.

There are some problems in the process of determining and prosecuting the crimes committed and the perpetrators of these crimes.

Criminal law clearly defines the time of commencement and completion of a crime.

In particular, the Criminal Code of the Republic of Uzbekistan

Article 13 stipulates that the criminality and punishability of an act shall be determined by the law in force at the time of the commission of the act. If the act or omission was considered the time of the crime, the time of the socially dangerous act shall be recognized as the time of the crime. Article of this Code stipulates that if the crime is considered to have ended with the occurrence of a criminal consequence, the time of the criminal consequence shall be recognized as the time of the commission of the crime.

Also, the law repealing the crime, mitigating the punishment or otherwise improving the condition of the person is retroactive, ie it applies to persons who have committed a relevant crime before the entry into force of this law, including those who are serving or have already served a sentence, if they are still convicted. failure to do so, a law that criminalizes an act, increases the penalty, or otherwise worsens the condition of the individual, has no retroactive effect.

According to Rustambaev, "The content of Article 13 of the Criminal Code is to define not only the most important and stable social relations and a number of important and strict social relations documents adopted by the Oliy Majlis of the Republic of Uzbekistan or through a referendum, but also criminal and punitive cases. fully covers the normative legal acts that affect it [1].

In our opinion, it is the same, that is, the timeliness of the adopted laws should include the norms of criminal and criminal-procedural law.

Of the Criminal Procedure Code of the Republic of Uzbekistan

Article 3 stipulates that criminal proceedings shall be instituted in accordance with the legislation in force at the time of inquiry, preliminary investigation and trial, unless otherwise provided by the treaties and agreements of the Republic of Uzbekistan with other states, regardless of the place of the crime.

Legal documents regulating criminal-procedural relations, like any other objective reality, are valid over time. The time of entry into force is determined by the date of their entry into force. Determining this point is an important aspect of both criminal procedure law and the procedural law enforcement process. After all, the entry into force of the law means that from that moment until the investigation, all officials of the investigation, prosecution, court and advocacy, as well as citizens must comply with it, it will become a

mandatory document for its implementation [2].

We know that until 2008, the application of pre-trial detention as a precautionary measure against defendants was the exclusive prerogative of the prosecutor.

However, as a result of reforms aimed at ensuring the rule of law, strengthening the image of the judiciary as the most important guarantee of effective protection of human rights, ensuring the true independence of the judiciary, strengthening their role in building a democratic state governed by the rule of law, As of January 1, 2008, the right to sanction arrest was transferred to the courts.

However, there are some cases in our legislation that need to be addressed in the application of legal norms in the implementation of procedural actions over time and territory.

For example, in 2007 a person who had been convicted of a felony and absconded from a preliminary investigation and ordered to participate in absentia as a defendant was sanctioned and declared wanted by a prosecutor in absentia. If a person is detained several years later, the precautionary measure imposed on him by the prosecutor's sanction in 2007 may not be in force or he may not apply to the court to initiate a detention measure under the new law. we can see that the rest.

In addition, the precautionary measure may be applied, revoked or changed by the decision of the inquiry officer, investigator, prosecutor and the court, if the precautionary measure in the form of arrest or house arrest applied during the pre-trial stage is not grounds for further detention or house arrest. can be revoked or changed by the procurator, as well as with the consent of the procurator by the inquiry officer or investigator, with the obligatory notification of the court that issued the decision on precautionary measures, with the request to apply the precautionary measure Article 240 of the Criminal Procedure Code of the Republic of Uzbekistan stipulates that it does not preclude repeated appeals to the court.

The application of precautionary measures to a person during the period when it was the exclusive prerogative of the prosecutor, and after a period of detention, when there are no grounds for detention, the procedure for inquiry officers and investigators to keep the matter is not clearly defined in criminal procedure law.

This necessitates clarifications in the system of time-based application of criminal procedure law.

According to the research, it is advisable to add the word “prosecutor or” before the words “with the obligatory notification of the court” in the first part of Article 240, which is called a decision or ruling on the application, revocation, amendment or precautionary measure of the Criminal Procedure Code.

In conclusion, it should be noted that in the process of judicial reform, if we identify such cases and make appropriate changes and additions to our legislation, we will contribute to the regulation of investigative and judicial bodies and the prevention of misunderstandings in their activities.

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Trends In Ensuring Gender Equality: The Practice And Legal Reforms Of Advanced Foreign Countries

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ABSTRACT

In the article, the author analyzed the global ranking of gender equality, the legal framework and the national experience of advanced foreign countries. The author notes that the leading positions of these countries in the world in terms of gender equality are associated not only with the national legal and institutional framework, but also with public life, consciousness and worldview of people. Based on this, the author notes the importance of developing proposals for the implementation of the experience of these countries by analyzing constitutions, special laws and strategies to ensure gender equality in Uzbekistan.

KEYWORDS

Gender, gender equality, specially authorized body, global ranking, women's movement, public associations.

INTRODUCTION

According to the United Nations, one in three women in the world was abused physically or sexually during their lifetime, and someone close to them usually perpetrates this violence [1]. Every day, 137 women and girls around the world die because of various forms of violence. Every year, 15 million girls get married before the age of 18. That means 28 girls every

minute[2]. Many of these negative data can be cited.

In order to overcome the negative aspects in this regard, the UN suggests a number of ways to achieve gender equality. In particular, the United Nations notes that creating equal opportunities for women and girls to receive education, health, decent work and participate in political and economic decision-making from an early age will help achieve economic stability and benefit society and humanity as a whole.

In developing countries, about a quarter of girls do not go to school. Usually, families with disabilities who cannot afford to pay for school and clothing for their children pay as much attention to their sons' education as possible [3].

Achieving gender equality and empowering women and girls requires a number of efforts by states. These include the improvement of national legal norms, the creation of an institutional framework for combating sexual discrimination, which in many cases is the result of patriarchal attitudes and related social norms.

The international ranking of gender differences published annually by the World Economic Forum shows that there is a huge difference between countries in the world in this area.

The best results in this area belong to the EU countries. This indicates that the countries of the region have effective legal and institutional mechanisms for gender equality.

The development of feminism[4] in European countries was strongly influenced by Theodore von Gippel's "On Improving the Civil Status of Women", published in Germany in 1792, and "Protection of Women's Rights", published in England in 1792[5].

The analysis showed that the leading countries in reducing gender discrimination not only recognize gender equality as a constitutional principle, but have also incorporated it into sector legislation. In particular, the development and implementation of a special plan to combat gender discrimination in organizations with more than 25-30 employees is an important requirement of the legislation of the leading countries in the ranking.

These countries have established an effective mechanism to monitor the implementation of the principle of gender equality, which ranges from administrative sanctions to criminal liability in some countries [6].

The principle of gender equality is an integral part of the system for respect for human and civil rights and freedoms. This issue is always studied with special attention in foreign research[7].

The principle of gender equality is one of the components of the third generation concept of human rights. The European experience is especially important in this regard.

The Council of Europe's norms and mechanisms for ensuring gender equality cover a wide range of mandatory and recommended documents, the scope of which is growing from year to year, as well as covering the activities of a number of bodies and organizations.

The European Institute for Gender Equality[8] (hereinafter - EIGE) is an independent body of the European Union, a special body established to conduct policies to ensure the

implementation of the principle of gender equality.

Among EIGE functions, it collects, analyzes, processes and disseminates information and data on gender equality issues that are reliable and accessible to all stakeholders.

As an independent body, the EIGE operates within the framework of EU policies and initiatives.

The European Parliament and the Council of the European Union have given this organization a key role in addressing gender issues and ensuring equality between women and men throughout the EU.

The EIGE provides expert opinions on gender equality to the European Commission, the European Parliament and EU member states. If another important issue is to be addressed, one of the conditions for joining the European Union is the recognition of this principle of gender equality and its consolidation in national legislation.

In addition to the law that is to be adopted specifically for gender equality, States wishing to join the EU must also designate the competent authority responsible for this area.

At the same time, various punitive measures can be applied to violators of the law, which makes the purpose of this legal norm a real tool for monitoring the equality of women and men in society.

Each EU country solves this problem in its own way, based on the characteristics of its political system and legal framework. Depending on the level of recognition of the importance of striving for gender equality at the state level, various national mechanisms for the implementation of policies to achieve women's development and gender equality are being created [9].

The national legislation of most European countries has adopted specific gender laws.

In Denmark, for example, in 2007 Act on Gender Equality [10], in 2006 Act on Maternity Equalization in the Private Labor Market [11], in 2006 Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave [12], and in 2008 Act Respecting Equal Wages for Men and Women [13] was adopted. Sweden adopted the Abortion Act [14] (amended in 2005), the Act on the Equality Ombudsman [15] in 2008, and the Ant-Discrimination Act [16] (amended in 2012).

In Austria, there is the Federal Act on the Equal Treatment Commission (amended in 2013), the Federal Act Establishing Parental Leave for Fathers [17] (amended in 2015) and the Maternity Protection Act [18] (amended in 2015). Other EU countries have also adopted special laws to ensure gender equality [19].

The general unifying aspect of the legislation on gender equality in the legislation of these countries is strengthened by the fact that it is a constitutional legal norm, as well as the presence of regulatory bodies at the national level.

This includes a ministry (Iceland, Norway), a special institute (Belgium, Spain, the Netherlands), a federal agency (Germany), a commission (Bulgaria, Ireland, Malta, Portugal), a department (Hungary, Latvia), a center (Luxembourg, Slovakia), or council (Denmark, Romania, Czech Republic).

The most common form as a special authority is the national ombudsman / supervisor /

advocate for equality for women and men, minister or adviser on equality (Austria, Hungary, Greece, Denmark, Italy, Cyprus, Lithuania, Poland, Slovenia, France, Croatia, and Estonia). In some cases, a collegial oversight body and an authorized person simultaneously [20].

It should be noted that some of the problems of European integration are also directly related to the problems of ensuring gender equality.

Moreover, the reduction of gender inequality is one of the important conditions not only for the protection of democracy and human rights, but also for the development of the economy and the well-being of society.

Given that women make up half of the world's workforce, women today and in the future have a major impact on the growth, competitiveness and development of the world economy and enterprises.

International organizations have developed a number of indicators to assess gender inequality and its level, the most popular of which is the Global Gender Gap Index.

The World Economic Forum first presented it in 2006 as a basis for measuring the level of gender inequality and tracking progress in this area.

This index compiles a ranking of countries that allows them to compare gender differences by economic, educational, medical, and political criteria, and to compare effective gender equality across regions. The latest report is dedicated to 2020 and it provides information on 153 countries [21].

Today, the global gender gap in the world averages 68.6%. This means that 31.4% remain to ensure gender equality.

Based on the analysis of this report, 101 out of 149 countries have slightly improved their position over the past year. However, no country in the world has yet achieved full gender equality, and only the top five countries in the ranking have covered at least 80 percent of this gap.

If we look at the global rankings for gender equality, four Northern European countries (Iceland, Norway, Finland and Sweden) and one Latin American country (Nicaragua, 5th place) occupy the first places. From a regional perspective, Western Europe is in the lead, followed by Central Asia and North Africa.

Among the top 20 countries are 10 countries of the European Union. This indicates the effectiveness of efforts to ensure gender equality in the region. In the 2020 ranking, the United States ranked 53rd, the Russian Federation - 81st, and China - 106th.

The fact that African, Asian and Latin American countries are among the leaders in the ranking indicates that there is no direct correlation between the level of economic development and the gender gap in society. For example, the status of women in Nicaragua is better than in Germany, the United Kingdom or the United States.

In general, the analysis of gender differences and its dynamics in countries shows that the experience of countries around the world is very different in this area. The main reason for this is directly related to the fact that this area is regulated by different laws [22].

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Therefore, there is a need to develop proposals for the application of their effective legal practice in national legislation by analyzing the experience of leading EU countries (Iceland, Norway, Sweden and Finland) in ensuring the legal and institutionalization of gender equality.

Each of these countries: 1) has a law on equality between men and women or on the prevention of discrimination; 2) there are special bodies that monitor the observance of the principle of gender equality; 3) a special plan for gender equality shall be developed and implemented in each organization with more than 25 (30) employees; 4) sanctions for non-compliance with the legislation in the field of gender - from administrative fines to criminal liability.

Effective results on gender equality in the Scandinavian countries are primarily the result of significant changes and reforms in life, as well as a clear reconstruction of public consciousness [23].

In Finland, for example, women were the first in Europe to win not only the right to run in parliamentary elections, but also the right to be elected. Norwegian women have had the right to vote since 1913, and Swedish women since 1919. In addition to their participation in the political life of society, Scandinavian women are also active in social, economic, cultural and other spheres.

Political parties played an important role in the formation of the women's movement in the Scandinavian countries. Although women did not form independent parties (they represented their interests through special women's sections), it was political parties that incorporated women's basic demands into their slogans and made them the goals of their programs.

The issue of women's participation in parties is largely determined by the fact that gender quotas are guaranteed in the process of political representation. It should be noted that Norway has made significant progress in this direction. Four of the six major parties have been using gender quotas for many years.

Institutional systems are an important factor in addressing gender issues. In Norway, for example, the Equal Status Council was established in 1972.

Similar councils were later established in Finland and Sweden. These bodies are organized as an advisory structure in the government apparatus and parliaments. For example, the focus of the Council in Finland is on the situation of women in the family and in the workplace, in education, government and administration [24].

It should be noted that the fight against gender discrimination is an integral part of the fight against discrimination in the field of universal human rights. Therefore, the countries under analysis have adopted the Equality and Anti-Discrimination Act (Norway) [25] or the Act Prohibiting Discrimination (Sweden) [26].

Sweden, for example, has adopted five key pieces of legislation to ensure gender equality. These include Act respecting Equality between Women and Men at Work (1991) [27]; The Act on the Prohibition of Ethnic Discrimination (1999); Act on the Prohibition of Discrimination against Persons with Disabilities (1999) [28]; The Act on prohibiting discrimination based on sexual orientation (1999) [29]; The Prohibition of Discrimination of Employees Working Part

Time and Employees with Fixed-term Employment Act (2002) [30].

On January 1, 2009, a new Discrimination Act [31] came into force. This law was aimed at merging the five laws currently in force in Sweden into a single piece of legislation.

As a result, discrimination was completely prohibited in the following areas: "gender, expression or self-expression, non-specific gender, ethnicity, religion or belief, disability, sexual orientation, age characteristics"[32].

Scientific research shows that gender inequality is directly related to other types of inequality in practice. Therefore, in order to eliminate gender inequality, it is "necessary to simultaneously address different types of discrimination and influence the use of common rights and opportunities through their comprehensive provision" [33]. While fully supporting these views, ways to ensure gender equality should be implemented on a variety of grounds - through the fight against discrimination on the basis of race, religion, language, country of origin, and so on.

The World Economic Forum recently ranked the United States 19th in the world in terms of gender inequality. The report found that while one-fifth of elected members of Congress are women, women's political opportunities in the United States have the highest level of gender equality. It is known that the United States has the highest economic potential in the world. It follows that even in a country where women's rights are widely recognized, women's political and social participation in society is not large enough [34].

In addition to the legal and institutional framework for ensuring gender equality in the U.S. experience, it is important to note the role of the judiciary in ensuring women's rights. In particular, the courts, using the economic incentive method, pay special attention to the issue of recovering large sums of money for non-pecuniary damage caused to women because of discrimination.

Another important issue is that the U.S. Supreme Court has made a number of important decisions in order to ensure the fact of sexual discrimination in society. In 1971, the U.S. Supreme Court ruled in the Reed v. Reed case that it was unconstitutional for men to give priority to women in managing property without a will. In this way, the judiciary has taken an effective path to guaranteeing women's rights in society by ensuring gender equality.

The interaction between the executive, legislature, and judiciary in ensuring gender equality has led to significant positive results in ensuring gender equality in the United States.

As some studies have pointed out [35], the problem of gender equality in America has not been radically solved, and although there are problems in many areas, this area is actively developing. Therefore, there is every reason to say that the United States is a country where women's rights are respected and guaranteed by law.

In England, the birthplace of parliamentarism, the women's movement is very active in protests, although the conservative patriarchal method has always been retained in social life. The development of parliamentarism based on popular representation has provided an opportunity to expand reforms to achieve women's equality in society.

The main direction in the field of gender equality was, of course, the issue of reforming

the electoral system. Only after L. George, a supporter of the women's movement, was elected leader of the Liberal Party in 1916, on her initiative, a law was passed to ensure the right of women to vote in elections [36].

Although the law stipulates that women can only run in parliamentary elections from the age of 30 and men from the age of 21, the event is seen as a cornerstone of gender equality in British history. Unlike the Liberals, the Conservatives, while formally supporting feminism, in practice did not allow the passage of bills on women's rights [37].

The EU's system of gender equality has led to some progressive reforms in the field of gender equality in the UK, such as equal opportunities in childcare and employment and family reconciliation, wage gaps and the elimination of women's representation on company boards, among others [38].

A brief conclusion from the UK experience is that gender equality in this country has not been achieved in a year or so. There has been a long struggle to implement this process, and the fact that political parties and parliaments have played a key role in ensuring gender equality is a feature of this country in this area.

Based on the above, the following conclusions can be made.

First, in European practice, the fight against gender discrimination is not always positive. There have also been cases of citizens abusing their rights by making unfounded claims to employers in the hope of receiving material compensation under the pretext of gender equality.

Second, there is a certain asymmetry in the protection of women's rights; in these cases, men often remain the object of discrimination, especially in family law. This situation makes it necessary to take into account that gender equality does not violate the rights of women as well as men.

Third, it should be noted that new forms of guaranteeing women's gender equality are also developing in European countries. At the same time, the electronic (digital) inequality associated with the lack of access to information for women in the field of IT technologies and modern workplaces deserves special attention. This new form is only now being reflected in European legislation and will be considered as the subject of our further research on the chosen topic.

Fourth, it can be understood that all states in ensuring gender equality stem from their economic and social identity, with the need to focus on changing the mindset of society.

Fifth, in addition to the specially authorized state bodies on gender issues, it can be seen that in some countries the positive results in this area are also directed at addressing the problems in this area by non-governmental organizations, the public, and the media.

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Ensuring Inevitability Of Liability For Corruption Offences In The Republic Of Uzbekistan

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ABSTRACT

In 2017, Uzbekistan approved the Strategy of development of the country for five years,[2] which included improvement of organizational and legal mechanisms for combating corruption, raising legal culture of the population, expanding interaction of the state with civil society institutions and the media, strengthening international cooperation in this area.

KEYWORDS

Corruption, law, Administrative Liability

INTRODUCTION

In order to implement this priority area for the first time in the history of the country, **Law "On Combating Corruption"** was adopted in 2017 [3] that defines state policies in this sphere.

Taking into account the requirements of the UN Convention against Corruption[4] , recommendations of the OECD Anti-Corruption Network for Eastern Europe and Central Asia[5] , as well as analysis of best foreign practices (Great Britain, USA, France, Germany, Singapore, etc.), the State Anti-Corruption Program for 2019-2020 was adopted. [6]

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Thus, within the program framework, mechanisms of informing state bodies about the facts of corruption have been improved, including through mobile applications, helplines and other "hot lines", as well as organizational and legal mechanisms for protection of persons reporting corruption offenses have been improved.

In 2019 alone, "helplines" of the prosecutor's office received 161,970 complaints, including complaints about facts of corruption.

For the purpose of immediate and timely notification of corruption offenses in bodies and institutions of the Ministry of justice, a special bot "@antikorbot" has been launched.

The Law "On Combating Corruption" establishes liability of officers and workers of state bodies, non-commercial and other non-governmental organizations for corruption offenses. It may be criminal, administrative, civil and disciplinary one.

Criminal liability for corruption crimes can be realized by conviction, as well as application of other measures of influence provided by the criminal law.

Although legislation of Uzbekistan does not contain notion of **corruption-related crimes**, in order to introduce a uniform classification practice of criminal offenses **joint decision of the General Prosecutor's Office and other bodies of criminal prosecution of 30.12.2019** attributed 13 crimes to the category of corruption. These include embezzlement, fraud using official position, bribing officers of both non-governmental organization and government agency, state-owned or self-government bodies, abuse of powers by officials of non-state commercial and other non-governmental organizations, receiving, giving a bribe and intermediation in bribing, as well as legalization of income derived from the crimes listed above.

Persons who have committed crimes of corruption can be applied such punishment as **fine, restriction of freedom, mandatory public work, deprivation of certain rights and imprisonment for up to fifteen years. In addition, instruments, objects of crime and proceeds of crime are subject to confiscation.**

Over the past 3 years, within fight against corruption, **4,969** officials by **3.441** criminal cases were brought to justice (including 2018 - 1907, 2019 - 1339, 2020 - 1723).[7] (see Figures 1-2)

Law enforcement agencies are taking measures to ensure liability for crimes regardless of suspect's social status and position.

So, out of 4,969 officials prosecuted for corruption offenses, **97** were employees of republican level, **351** – employees of regional and **4,521** employees of district (city) departments of ministries, departments and organizations.[8] (see Figures 1-2)

To prosecute perpetrators of such crimes as embezzlement (2,522 persons), fraud (462), bribery of (67), abuse of power (23) , abuse of power (82), negligence (69), forgery (51) and other crimes (979). [9] (see Figures 3-4)

Taking into consideration significant damage of corruption crimes caused to interests of society and the state, law enforcement agencies pay special attention to seizure of corruption proceeds or property in an equivalent value. So, in 2018-2020, reimbursement of damage of 2 trillion 626 billion 528 million soums, which accounted for

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90 percent of the damage caused by corruption crimes.[10] (see Figures 1-2)

The **Code of the Republic of Uzbekistan On Administrative Liability**[11] considers bribing employee of state bodies, state-owned organizations or self-government institutions to the category of corruption administrative offenses. Over the past four years, over 3 thousand people have been brought to administrative responsibility for the above offenses.

Due to the fact that officials allowed cases of violation of legislation on the prevention of conflicts of interest, the Code of the Republic of Uzbekistan on Administrative Liability was supplemented by Art. 1758 that provides for liability for violation of public procurement legislation. [12]

Corruption crimes are latent and often associated with imperfection of existing institutional and legal basis. In this regard, a number of systemic reforms designed to shift away from a purely repressive to proactive measures responding preventive nature.

So, based on the requirements of Art. 6. Of the UN Convention Against Corruption, as well as experience of more than 40 foreign countries and recommendations of the Organization for Economic Cooperation and Development (OECD) , the UN Office on Drugs and Crime (UNODC UN) , the Council of Europe (CE and other international organizations **the Anti-corruption Agency** was formed as a body responsible for formation and implementation of state policy in the sphere of prevention and counteraction of corruption [13] .

In terms of ensuring inevitability of punishment for corruption Agency is empowered to redirect materials to law enforcement agencies to initiate criminal cases against individuals in case there are indications of corruption offenses, submit to state bodies, organizations and their officials warnings on the inadmissibility corruption offenses, as well as taking measures to eliminate causes and conditions conducive to corruption.

Proceeding from the fact that ensuring inevitability of responsibility for corruption crimes cannot be ensured without active participation of civil society institutions, system and mechanisms of public control are being improved.[14] , as well as protection of victims, witnesses and other participants of criminal process .[15]

Thus, in May 2020, the Academy of the Prosecutor General's Office organized international web conference with the support of UNDP for national non-governmental non-profit organizations on the interaction of state bodies and NGOs in the fight against corruption, where experts representing national branches of Transparency International in Kazakhstan, Latvia, Russia and Slovenia informed participants about the experience of carrying out public control in the field of public procurement, observance of civil servants ethical standards, check their income tax returns, conducting anti-corruption expertise of legal acts and other issues related to the participation of civil society in promoting integrity and zero tolerance for corruption.

Also, in order to expand interaction of the academic community and civil society in the field of combating corruption and strengthening public control in this area, in November 2020, the Academy of the Prosecutor General's Office jointly with the Development Strategy Center and the National Movement “Yuksalish”, with the participation

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of leading international experts of the INGO "Regional Dialogue, UNODC, University of Cambridge (UK), Hertie School of Governance (Germany), Transparency International, representatives of academia and civil society institutions held an international online videoconference "The Role of Applied Research in Anti-Corruption: Issues of Interaction between the Academic Community and Civil Institutions of the society".

Based on analysis of best international practices (UK, USA, Italy, Singapore, France, Germany and others.) the Government adopted decree providing for **encouraging persons reporting corruption offenses or being otherwise assistive in the fight against corruption .[16]**

Due to the fact that ensuring inevitability of punishment for corruption is impossible without a well-functioning independent judiciary, a number of changes have been carried out within judicial system of Uzbekistan .

Based on the recommendations of the OSCE, OECD, UNODC and a number of other international organizations, the Supreme Court of the Republic of Uzbekistan adopted a number of acts aimed at ensuring strict observance by judges of the principle of inevitability of liability for committing criminal offenses of corruption.[17]

Law enforcement bodies pay special attention not only on providing inevitability of punishment for corruption, but also on the issues of early prevention of officials' illegal actions.

In 2020, the prosecutor's office within supervision activities to ensure compliance with the rule of law, carried out 15021 inspections, 22783 protests, 11238 submissions, 13460 decisions and 19359 warnings (4814 for civil cases and administrative cases, 1641 for economic cases).

Based on World Bank recommendations, the International Monetary Fund, of Global Insight, as well as analysis of indicators of Uzbekistan in the Doing Business ranking, we approved Roadmap to reduce shadow economy and improve efficiency of tax authorities' activities "on the implementation of departmental action to fight shadow economy and corruption". [18]

With the assistance of UNDP and KMPG international consulting firm (Italy) Anti-Corruption Compliance system is being implemented in state bodies and organizations with state participation from November 2020, as well as provision of disciplinary measures for employees. [19]

In ensuring inevitability of responsibility for corruption offenses, an important role is assigned to the implementation of international anti-corruption standards into the legislation of the Republic of Uzbekistan.

In particular, in the framework of implementation of the recommendations given to Uzbekistan in the results of **the fourth round of monitoring within Istanbul Action Plan to combat corruption OECD ACN**, administrative responsibility for making decision with conflict of interests, such mandatory elements as bribe intangible, promise and offer of bribe and others are being included in the framework of the new edition of Criminal Code. [20]

Based on the recommendations of the UNODC, UNDP and other international organizations regarding implementation of the requirements

of Article 20 of the UN Convention against Corruption, the new edition of the Criminal Code provides criminal liability for illegal enrichment. [21]

In ensuring inevitability of punishment for corruption offenses, an important role is played by training and advanced training of law enforcement and judicial bodies personnel. To this end, special courses on combating corruption, identifying corruption crimes and ensuring inevitability of liability have been introduced into the curricula of law enforcement advanced training educational institutions.

In order to strengthen expert potential of government agencies, the Academy of General Prosecutor's Office launched targeted master's program "Combating Corruption" since 2019 with the participation of leading international experts from Austria, Georgia, Slovenia, the USA, France, Sweden, the Republic of Korea, Ukraine and support of international partners (INGO "Regional Dialogue", UNDP, World Bank, UNODC UN, OECD, UNESCO, OSCE, the Council of Europe, Tetra Tech project of USAID, JICA, INL, German Foundation for international legal cooperation (IRZ), International Anti-Corruption Academy (Vienna), the Institute of law initiative of Central and Eastern Europe (CEELI), Berlin Graduate School of Democracy and Good Governance (Germany), Cambridge (Great Britain), Lund (Sweden) universities and others).

At the same time, we believe that there are still problems of both institutional and legal nature in the field of combating corruption. In particular, activities of state civil servants and law enforcement officers are not sufficiently regulated:

No established uniform requirements to the order of service;

No restrictions and prohibitions for public servants;

No order of declaring civil servants and their families' assets, income and large income;

Such offenses as abuse of influence, illicit enrichment are not criminalized;

Conflict of interest prevention mechanism is not established or sufficiently regulated;

System of competitive selection for civil service is not introduced;

Insufficient attention is paid to the issues of preventing primary manifestations of corruption such as nepotism, crownism, favoritism, clientism, lobbyism, protectionism.

Uzbekistan is quitting practices of criminal-legal response to corruption cases and using the model of early prevention of corruption offenses, identification of risks of officers' antisocial behavior, minimization of discretionary of their powers, maximum involvement of civil society, the media and citizens in the fight against corruption offenses, radically improving quality of governance, transparency of activities of state bodies, expertise of public anti-corruption bodies and that it is important to maximize the involvement of every leader, every public authority in the systematic struggle against all manifestations of corruption.

Analysis of international standards and best foreign practice in the field of ensuring the inevitability of liability for committing corruption crimes showed that activities in this area can be optimized by:

Improving the activities of investigative bodies to investigate corruption offenses,

Introduction of the latest ICTs for effective investigation and prosecution of complex financial crimes, improvement of financial investigation of corruption and official crimes,

Establishing criminal liability for any unlawful advantages, both material and non-material,

Introduction of modern means and methods of disclosing modern forms and methods of committing corruption crimes,

Strengthening mechanisms to protect whistleblowers,

Development of international cooperation in this area,

Active involvement of citizens and civil society institutions in the processes of identifying corruption offenses, etc.

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Issues Of Improving Civil Litigation

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ABSTRACT

This article presents the specifics, advantages and disadvantages of considering labor disputes in court and out of court, as well as suggestions for improving the norms governing the existing situation in our legislation in this regard.

KEYWORDS

Employee, employer, court, judge, trade union, term, state duty, decision, ruling, labor dispute, commission, executive document.

INTRODUCTION

The main purpose of the introduction of modern information and communication technologies in the judiciary is to ensure openness, transparency and efficiency of the judiciary, increase the quality of court proceedings and access to justice.

The role of the courts among the national institutions for the protection of human rights is of special importance in ensuring the rights and freedoms, the legitimate interests of citizens and in this regard, along with other areas, effective reforms are being carried out in

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the judiciary. In particular, the Resolution of the President of the Republic of Uzbekistan dated August 30, 2017 "On measures to further improve the introduction of modern information and communication technologies in the judiciary". Based on this decision, the creation of a modern information and communication infrastructure in the judicial system, the development of information resources and information systems, the introduction of electronic document management systems and the provision of interactive services to citizens through the websites of judicial authorities in connection with the application of information and communication technologies which allows you to do your work quickly and easily, without unnecessary hassle.

Also, in order to further strengthen the positive results of these changes, further improve the judicial activity and the widespread introduction of modern information and communication media, on September 3, 2020 the President of the Republic of Uzbekistan adopted a resolution "On measures to digitize the judiciary"[1]. The resolution noted that the exchange of information with ministries and agencies in the course of court proceedings is carried out mainly in paper form. The existence of such a procedure in itself requires more time to make a final decision on the case, which leads to a faster resolution of disputes by the courts and an increase in the volume of cases considered by the court. In his Address to the Oliy Majlis on December 29, 2020, the President noted that the effectiveness of our reforms is closely linked with the ongoing reforms in the judicial sphere and said: "As you know, judicial reform over the past 4 years. We have taken bold steps in this regard. More than 40 laws, decrees and decisions have been adopted on priority issues in this area. Justice is a solid foundation of statehood. The judiciary plays a key role in ensuring justice and the rule of law. From this perspective, we still have a lot of work to do in this regard.

The digitalization of the judiciary will be further expanded, allowing our citizens to apply "online" without having to go to the courthouse and citizens will be able to monitor the processing of their applications remotely"[2] noted.

Of course, as a result of the above reforms, there is an optimization of the judicial procedure in civil proceedings. It should be noted that the optimization of judicial proceedings is directly related not only to the involvement of information technology in the process of applying regulatory mechanisms, but also to the process of unification of normative legal acts. Researcher E.A.Tsaregorodtseva notes that the simplification of litigation is also achieved through the unification of normative documents[3].

The outcome of any reform will depend directly on the knowledge and skills of the applicant and this will require the courts to apply not only the ability to use modern media but also the clear and uniform application of the requirements established by law. Only then will the decision-making process and decisions made at the end of the process, carried out with the help of information technology, serve to be lawful, fair and reasonable, which means that the set tasks and goals can be achieved only when the mechanisms and legislation are harmonized.

A separate and comprehensive type of civil process is labor disputes, as employment is a

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constitutional right of everyone and Article 37 of the Constitution of the Republic of Uzbekistan states that everyone has the right to work, to free choice of job, to just and favorable conditions of work and to protection from unemployment.

A number of mutually beneficial projects are being implemented in our country with international organizations to create new jobs. In particular, in December 2020, on the basis of a project of the Ministry of Employment and Labor Relations, the Asian Development Bank approved a loan of $ 93 million for a project aimed at reducing unemployment in Uzbekistan[4]. According to the project, developed jointly by the Ministry of Employment and Labor Relations and the Ministry of Higher and Secondary Special Education, 60,000 citizens, including 48,000 unemployed people, will have the opportunity to improve their professional skills.

At the same time, such issues are relevant and the problem in this process is not only the increase in unemployment due to lack of jobs, but also the unjustified dismissal of employed citizens. As a result, there are many disputes between employers and employees over the issue of reinstatement. The fact that there are a number of problems in seeing these types of disputes in the courts prevents them from being resolved properly and fairly.

In particular, the fact that labor disputes related to the termination of the employment contract are subject only to the courts, which means that such disputes are seen only in civil cases, imposes a greater responsibility on the part of the courts.

As a general rule, labor disputes have specific features of labor dispute resolution (pre-trial and out-of-court) and are considered by the Judicial and Labor Disputes Commission, so in this article we present some of our author's suggestions and conclusions on the existing problems in this regard.

An important procedural feature of the preparation of labor disputes for trial is the introduction of special deadlines for the preparation of this category of cases for trial. In particular, in accordance with Article 202 of the Criminal Procedure Code, the preparation of civil cases for trial must be carried out no later than ten days from the date of receipt of the application and the initiation of civil proceedings. In some cases, this period may be extended to twenty days by a reasoned ruling of a judge on extremely complex cases, including claims for alimony, compensation for disability or other damage to health, as well as the death of a breadwinner, as well as labor relations, except for cases on.

It should be noted that there are specific procedural features in the timing of court proceedings in cases arising from labor relations. In particular, according to Article 207 of the Criminal Procedure Code, labor cases must be considered by the court of first instance no later than twenty days from the date of preparation for trial. The establishment of such a requirement in the legislation implies the prompt protection of the violated rights of the parties to the employment relationship through the courts. However, it should be noted that the fulfillment of the above task can be achieved when the requirement of this norm is fully complied with by the courts with other requirements of substantive law. Because no matter what law is enshrined in law, failure to comply with substantive or procedural law during the proceedings will

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lead to an increase in the time and expense of the parties to the dispute in the future. In particular, a collective contract or collective bargaining agreement provides for the prior consent of a trade union committee or other employee representative body to terminate an employment contract at the initiative of the employer, but in some cases this rule is enforced and non-compliance leads to further confusion. For example, G.M. filed a lawsuit against the defendant institute, finding the order of the rector of the institute to be illegal, revoking it and reinstating him in the job, collecting wages and moral damages for the days of compulsory probation.

The lower courts' decisions denied the claim.

The plaintiff's claim for annulment of the order to terminate the employment contract, reinstatement and recovery of wages for the days of compulsory termination as a basis for non-compliance with a number of norms of labor law in his dismissal, the joint trade union committee of the institute no consent was obtained, and he was not notified in writing of the date and place of the meeting.

In dismissing the claim, the lower courts relied on the fact that the order to terminate the employment contract with the plaintiff was legally issued. Paragraph 9.2 of the Model Regulations on the organization of primary trade unions in the system of the Federation of Trade Unions of Uzbekistan, approved by the Presidium of the Council of the Federation of Trade Unions of Uzbekistan on January 26, 2013 No 9-15, within the powers of the primary trade union committee it is noted that whether or not to agree to terminate the employment contract with the employee will resolve the issue between the administration of the institute and the trade union organization.

Clause 3.4 of the collective agreement for 2017-2020 stipulates that the termination of the employment contract at the initiative of the employer can be done only with the prior consent of the trade union committee.

The Board of the Joint Trade Union Committee of the Institute of Education, Science and Culture of March 12, 2018, No 1-3 "O" agreed to terminate the employment contract with the plaintiff.

However, the Civil Court of the Supreme Court concluded that the law explicitly provides for the consent of a trade union to terminate an employment contract at the initiative of the employer, in which case the union delegates the statutory authority to the presidium on the basis of the minutes of the trade union committee meeting.

According to Article 100 of the Labor Code of the Republic of Uzbekistan, termination of both an employment contract for an indefinite period and a fixed-term employment contract at the initiative of the employer must be justified.

Accordingly, the Civil Court Judicial Panel ruled that the employment contract with the plaintiff was terminated in violation of labor law and by its ruling of July 30, 2019, annulled the court documents and issued a new decision to satisfy the plaintiff's claim[5].

Another problem in our legislation in this regard is that in accordance with the requirements of Article 184 of the Code of Administrative Offenses, a court ordering the termination of an employment contract or reassignment of an employee whose employment contract has been illegally terminated or who has been illegally transferred to another job as a third party, the

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defendant must be involved on his own initiative to participate in the case. Because in most cases, employers terminate employment contracts with employees who do not meet their personal interests or illegal requirements in violation of the law. However, in accordance with the requirements of paragraph 52 of the 12th decision of the Supreme Court of the Republic of Uzbekistan "on the application of laws regulating the termination of the employment contract by the courts"dated 17 April 1998, the issue of attracting an official who has carried out the termination of an employment contract or the transfer of an employee, this issue can also find its solution in the process of being seen in the courtroom of the case. Such involvement of an official shall not deprive him of the right to speak as a representative of the defendant in the case. If an official who has been duly notified of the time and place of the hearing does not appear in the courtroom for unjustified reasons or is not informed of the reasons for his absence, the court may hear the case without his presence[6].

It follows from the above that the involvement of an official in the case remains at the discretion of the court, although the requirements of Article 184 of the CPC are conditional, so it is advisable to bring paragraph 54 of the Plenum decision into line with Article 184 of the CPC to prevent further recourse, would have done.

In the experience of developed foreign countries, the most appropriate tool in the settlement of labor disputes in the courts is mainly the conclusion of a settlement agreement, which serves to reduce court costs. Another feature of our labor disputes is the non-collection of state duties from the plaintiff. In accordance with Article 19 of the Law of the Republic of Uzbekistan "On State Duty", if the plaintiff is exempted from paying state duty, the state duty is collected from the defendant

(if he is not exempted from paying state duty) in accordance with the amount of the claim. There is no provision in this article or any other norm for the refund of a certain part of the state duty if the parties enter into an amicable agreement. This is one of the circumstances that prevents the parties from reaching an agreement, albeit in part.

As mentioned above, labor disputes can be considered not only by the courts but also by the labor dispute commission, where the question of which labor disputes are directly subject to the court is determined by law. Admittedly, although the Labor Code regulates the powers of the labor dispute commission and the settlement of disputes on the basis of the rules set out in Articles 262-267, in practice it is not possible to ensure the activities of this body and the legal force of its decision. This is directly related to the lack of a direct body to organize the work of the labor dispute commission, at least its activities are not coordinated by its higher bodies, such as a trade union committee, or its activities are not controlled by a specially authorized body (for example, the Ministry of Employment and Labor Relations). Second, the lack of a separate normative document guaranteeing the labor rights of members of the labor disputes commission, as stipulated in the Labor Code and the Law on Trade Unions, guarantees the future employment of trade union committee members, as well as their legal knowledge. The main reason is that in any case, the members of the commission are both

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materially and morally dependent on the employer. In addition, the fact that the decision made by them is not binding on the employer also creates the same negative conditions as above.

A number of scholars have made proposals to improve the procedure for resolving labor disputes in court, including M.M. Mamasiddikov, who has raised the issue of specialization of courts and the establishment of separate courts for labor disputes. In his opinion, the establishment of special labor courts to resolve disputes arising from labor relations is an important factor in the effective protection of the legitimate rights and interests of citizens[7]. Without denying Mamasiddikov's views, the specialization of courts is a complex process in terms of time and money, as well as the fact that court proceedings depend not only on the procedure, but also on the knowledge and skills of judges. We argue that the formation of a separate corps of judges is expedient. In this case, the judge will be able to constantly master the regulations governing labor disputes and the mechanisms for their implementation in practice and improve their practical skills in this area. In this way, in the future, we will be able to create a collegial system of judges who will look into labor disputes, such as France and Germany, that is, judges who are represented by employers and employees.

At the same time, one of the factors that negatively affects the improvement of reforms in the short-term review of cases in civil proceedings is the gaps identified in the mechanisms for the implementation of the law. In particular, in accordance with Articles 17-18-19 of the Law of the Republic of Uzbekistan "On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the improvement of the activities of certain state bodies and organizations"[8]

No. 536 of May 10, 2019, the fifth part of Article 165 of the EPC. The first sentence and the first sentence of the fourth part of Article 143 of the Code of Administrative Procedure were amended to read that "participants in court proceedings and those present in the courtroom have the right to make written notes, transcripts and audio recordings". The amendment to the new version of the Code stipulates that in 2018 the “right to make written notes” [1] is the right of those present in the courtroom. In this regard, in accordance with Article 23 of the Law of the Republic of Kazakhstan "On Improving the Activities of Courts and Prevention of Excessive Expenses" of June 10, 2020 No. 342-VI, a new Code of Civil Procedure "Electronic Protocol" Article 133-4 was introduced and it is now stipulated that audio and video recordings be recognized as electronic minutes in court proceedings. In our opinion, in the civil justice system of our country, participants in civil proceedings, as well as participants in economic proceedings and administrative proceedings, should have the right to transcripts and audio recordings, to avoid time and unnecessary costs in the process.

[1] On amendments and additions to the Civil Procedure Code of the Republic of Kazakhstan on the implementation of modern formats of the work of courts, reduction of unnecessary court procedures and costs. June 10, 2020 No. 342-VI ZRK

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The Concept, Content, Specifics Of Alimony And Some Issues Of Liability For Non-Performance Of Alimony Obligations

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ABSTRACT

This scientific article analyzes the concept, content, specifics of alimony and some issues of liability for non-fulfillment of alimony obligations with the help of legal documents and scientific literature as well.

KEYWORDS

Alimony, family, liability, marriage, legal relationship, obligation.

INTRODUCTION

The current level of development of society is characterized by a number of complex socio-economic problems. At the same time, mutual care between family members, mutual support, mutual financial assistance are of particular importance. The deepening of today's economic reforms, as in many countries around the world, is leading to serious changes in the institution of the family

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and marriage, and people's perceptions of these issues are changing.

The expansion of the global information space, the influx of different views and approaches requires the creation of special legal mechanisms and rules in the field of family values. As a result of changes in Uzbekistan's national values, which were once alien to divorce and annulment, couples are increasingly living apart from each other due to divorce, migration and living in other regions in search of work.

In addition, there are a growing number of cases where alimony recipients are in a difficult financial situation and even have no means of subsistence as a result of delays or non-payment of alimony payments by their dependents for various reasons. It is sad and intolerable that such vital cases occur mainly against minors and mothers, who are the main source of income for the vulnerable population - alimony payments.

METHODS

In this case, alimony and obligations to pay them are of great scientific and practical importance. The correct definition of alimony obligations, the introduction of effective mechanisms for determining the income of the alimony payer, the application of prompt and effective measures in the recovery process serve to effectively protect the rights and interests of minors and their mothers. It is known that the word "alimony" is derived from the word "alimentum", which means "food, food, supply". The term originated in ancient Rome, where the state provided financial assistance to the poor and orphans. At that time, alimony was aimed at providing for the daily needs of minors and supporting them until they reached adulthood and self-sufficiency.

RESULTS AND DISCUSSIONS

Opinions about this institution of family law have changed in terms of specific circumstances and legal regulation. In particular, in the 1920s, with the development of the social security surrogate and the social security system, there was an idea that alimony obligations would disappear as a legal mechanism [1]. This theory was rejected at the time, but it should be noted that there is a link between alimony obligations and the level of development of the social security system, both of which have the same goal, namely to provide benefits to the disabled.

Today, alimony is one of the most important categories of modern family law. Although the importance of this institution is high, there is no legal definition of alimony obligations in the Family Code and other legislation. At one time, a number of legal scholars expressed different views on the "Category of alimony obligations". Many authors who have analyzed this problem have interpreted the meaning of the term "alimony obligations" in terms of obligations. In particular, A.I. Pergamint interpreted alimony obligations as a statutory obligation by a family member to provide for a needy family member [2, p.6]. N.M. Ershova suggested not to use the term "obligation" in relation to alimony. He notes that the law sets rules on duty, not on obligation [3, p.19].

Nowadays, experts are proposing a new modern definition of alimony obligations. According to E.Yu. Kostyuchenko, it is expedient to use the term "obligation" rather than "duty" in relation to alimony legal relations. Because obligation is one of the

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manifestations of duty. The concept of obligation allows to express the subjective right of one person to another person - the right to demand funds from the obligor [4, p.7].

S.P. Grishaev interprets alimony obligations as a special type of obligation that arises on the basis of imperative norms of family law and is characterized by a complex subjective structure and an element of publicity. According to him, alimony obligations are a legal relationship arising from the agreement of the parties or a court decision, in which one member of the family must provide maintenance to another member, and a member of the needy family has the right to demand such provision [5]. According to O.A. Davydova, alimony obligations are a legal relationship, according to which one member of the family (debtor-alimony payer) has the right to claim alimony for the benefit of another family member (creditor - age, disability or need - alimony recipient) undertakes certain actions to provide funds for maintenance (alimony) in the amount specified in the agreement: payment of money, transfer of other property or other means of alimony, and the creditor has the right to demand from the debtor to fulfill this obligation [6, p.10].

This definition more broadly reflects the essence of alimony obligations, and thus allows a comprehensive coverage of the subjective structure of alimony relations, as well as the definition of the rights and obligations of the parties.

The concept of "obligation" in family law and civil law differs on a number of grounds.

1. In civil law, an "obligation" is a legal relationship in which the participants are strangers, as well as legal entities and public organizations. The parties to this legal relationship are always the debtor and the creditor. In alimony relations, the "obligation" is the right and the obligatory party, not any foreign citizens, but only family members (needy or incapable of work).
2. The basis of civil liability is contracts, damages, unjust enrichment, unilateral actions, etc. Alimony legal relationship between relatives, spouses is required to comply with a number of conditions: the age of majority, incapacity for work or the need for a entitled subject and the ability to provide support by the compulsory subject.
3. Civil legal obligation may be changed. For example, an innovation (cancellation of an obligation with renewal), as well as a transfer, cancellation in the payment of waiver fees. Alimony legal relations cannot be changed or terminated on these grounds. In the first instance, alimony obligations may be terminated on the grounds of the child's coming of age, the death of the payer or alimony recipient, and other grounds beyond the control of the parties.
4. A civil legal obligation, as a rule, acquires a fixed term. Family law relationships, on the other hand, are characterized by longevity. Due to the fact that claims for the payment of alimony are personal and long, they are not subject to the statute of limitations.

The legal norms of some foreign countries, such as the Chinese Civil Code, which came into force on January 1, 2021, do not include the generally accepted concept of alimony obligations. However, this code provides for the obligation of a able-bodied member of the family to provide for the needy and disabled

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members of the family. Such a structure of family law (the absence of a separate institution called alimony obligations) is traditional for China. The obligation to provide, that is, to provide for the need for accommodation, food and other necessities of life, arises in able-bodied members of the family in respect of children and the elderly. In Germany, the concepts of "alimony" and "supply" are used interchangeably [7, p.410].

According to the legislation of the Republic of Uzbekistan, alimony relations are, by their nature, property relations. Because it implies the transfer of certain property. The concept of alimony obligations implies the provision and financial support of certain categories of persons and arises from the family-legal relationship for the payer. Therefore, these relations will have the property of personal property value and free realization. This implies the transfer of funds from the payer to the recipient, if there are appropriate grounds. The parties to the legal relationship of alimony are the payer and the recipient. This requires the payer to be able and able to pay certain amounts independently. That is why the obligation to pay alimony is imposed on adults who are able to work. Based on the grounds established by law, if necessary, the obligation to pay alimony may also be imposed on minors who have entered into marriage or are emontsipated.

As a rule, the object of alimony obligations is the voluntary or compulsory transfer of the relevant funds by the payer. The right to demand maintenance by the alimony recipient represents the content of alimony obligations. Depending on the category of subjects participating in alimony obligations, alimony obligations can be divided into the following types.

1. Alimony obligations between parents and children;
2. Alimony obligations between a spouse and an ex-spouse;
3. Alimony obligations between other relatives (sisters, brothers, grandparents and grandchildren, as well as step-parents and step-sons) [8, p.450].

Alimony is collected from the payer's funds and includes:

1. Income;
2. Cash available on the account of the credit institution;
3. Funds provided to commercial and non-commercial legal entities on the basis of civil law contracts, except for contracts providing for the transfer of property rights.
4. Any other property of the alimony payer [9, p.300].

One of the problematic aspects of the alimony relationship is that the legislation does not set a minimum amount of alimony. This is primarily due to the fact that the state does not have appropriate mechanisms to force people who do not want to work or do not have adequate working hours to work. M.V.Antokolskaya stressed that if parents do not have sufficient income and property, it is not allowed to force them to work for alimony. Because it leads to a violation of the Constitution and human rights.

In this regard, there is a problem with the existence of a mechanism for the implementation of this obligation, if the obligation of parents to provide for their children is enshrined in legal documents, which are very serious. The fact that there is no

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sanction for non-fulfillment of an obligation has become not a legal obligation, but a moral obligation to feed and clothe children. The disparity is that under current law, parents who fail to comply with this obligation cannot be deprived of parental rights.

In our opinion, it is necessary to take the following measures to get out of this situation and eliminate this imbalance. The grounds for deprivation of parental rights should be that the parent fails to fulfill his or her obligations to his or her children without good reason and refuses to do so.

In this regard, it is expedient to clarify the rules of refusal to pay alimony in Article 79 of the Family Code, and to provide for cases of inability to pay alimony for valid reasons.

Motherhood and childhood, the family is under the protection of the state, and therefore the state should set a minimum amount of alimony in the legislation. For example, the minimum amount of alimony payments for the maintenance of one child should be equal to the minimum value of the marriage, taking into account the fact that he is a minor [10, p.230].

In practice, the increase in the number of unregistered marriages requires special provisions in the legislation to protect the rights of mothers and children born out of wedlock (without a legal marriage). At the same time, it is necessary to equate the rights of children born out of wedlock with the rights of children born in legal marriage in all respects. This should take into account the pregnancy of the mother who is not legally married to the child's father and the right to child support until the child reaches the age of three, when the child's father acknowledges his paternity or the paternity is determined by a court [11]. The purpose of this procedure is to equate the rights of children born out of wedlock with the status of children born out of wedlock. In this way, not only the right of children born out of wedlock to receive financial support from their biological father is protected, but also his standard of living and upbringing will change to a certain extent for the better.

Current family law provides for the obligation of the child's father to provide for the mother during pregnancy and until the child reaches the age of 3, as well as during or after the marriage. The mother, who is not legally married to the child's father, does not have the right to file a claim for maintenance in this situation, regardless of the period of cohabitation [12, p.210]. In this regard, the Family Code should include a provision providing for the right of an unmarried woman to claim alimony during pregnancy and until the child reaches the age of 3, if the father recognizes paternity or paternity is established by a court order. This measure also serves to ensure the rights of women living today without legal marriage.

A number of authors in their research have focused on the comprehensive legal regulation of the legal status of the stepfather (stepmother) in the family. Such an arrangement is especially relevant in families where the parents are incomplete, that is, when the child is not the mother (father). Because the child's relationship with the stepfather (stepmother) may go beyond the scope of family law regulation. Therefore, it is expedient to include in the legal norms governing the registration of marriages the provision that spouses must provide information about the presence of children

when applying, and that one of the spouses must have a minor child. Such information may include:

- Information about the child's second legal father (mother) (survival, death, deprivation of parental rights, participation in the maintenance and upbringing of the child, etc.);
- Information about other persons involved in the maintenance and upbringing of the minor (grandmother, grandfather, etc.) and the place of residence of the child (living with his father, grandmother or other relatives or in an orphanage, boarding school);
- A joint decision with the future spouse on the maintenance and upbringing of the child (only upbringing, only maintenance) or, conversely, the decision to perform such an obligation in the future by the child's mother (father).

In this case, the information about the participation of the spouses in the upbringing and maintenance of the child (only upbringing, only maintenance) of the future stepfather (stepmother) should be recorded in the civil status record book. At the same time, the record of the upbringing and maintenance of the child, together with the record of the marriage, serves as the basis for the emergence of the relevant right in the relationship between the stepfather (stepmother) and the stepchild. These records also play an important role in certain situations (in the absence of a second legal parent) and when a stepfather (stepmother) is recognized as a surrogate parent for a minor.

In this regard, the following amendments should be made to the Family Code:

1. Establishment of the rights and obligations of the stepfather (stepmother) on the upbringing and maintenance of minor stepchildren during the marriage of the child with the mother (father). At the same time, it is necessary to clearly define the voluntariness, scope and duration of rights and obligations;
2. Grounds for recognition of a stepmother (stepfather) as a surrogate parent and determination of the legal status of such persons. The Family Code of the Republic of Uzbekistan, in contrast to the previous family legislation, does not provide for the payment of alimony in the event that the foster parents in practice waive the obligation to further care and support. There are some opinions in this regard in the legal literature. In particular, V.M. Antokolskaya supports such an approach, emphasizing that educators who are not relatives are not obliged to bring up the child financially. They carry out the work of raising a child in the way of their own free will and noble purpose. Therefore, the law should not allow someone to use his human actions against himself [13, p.30].

Another problematic aspect related to alimony obligations is related to non-enforcement of court decisions on alimony.

According to Article 122 of the Criminal Code of the Republic of Uzbekistan, a parent refuses to comply with a court decision on the payment of child support, disability and incapacity for work for more than two months, despite the imposition of administrative penalties. is punishable by up to two years of correctional labor or up to one year of imprisonment.

However, the current legislation does not provide for clear criteria for intentional evasion

of the obligation to pay alimony, and those who evade the payment of alimony are not prosecuted. In addition, the current legislation provides for the refusal to pay alimony only in connection with the non-fulfillment of the obligation to collect alimony on the basis of a court decision or order. However, the liability of a debtor who is required to pay alimony under a notarized agreement for non-performance of this obligation is not provided for in the legislation on criminal and administrative liability. In our opinion, such a norm should be taken into account in the Code of Administrative Responsibility and the Criminal Code of the Republic of Uzbekistan.

However, in the event that the debtor is not working or unable to find a job, there are insufficient legal mechanisms for the bailiff to send him to the appropriate employment centers for employment. If a person who refuses to pay alimony wants to get a job in order to ensure the payment of alimony after being prosecuted, this situation will have a negative impact. In addition, the presence of a conviction in the debtor may also have a negative impact on the future of the child of his close relative. In this regard, the relevant organizations will need to establish a system of creation and maintenance of separate states for individuals who are obliged to pay alimony in state-owned enterprises and institutions.

CONCLUSION

It should be noted that the protection of the rights and legitimate interests of children is one of its important tasks before the state. Thus, temporary restriction of the right to drive a vehicle (until alimony is paid) by parents who have not fulfilled their obligation to provide for their child can be an effective and efficient measure. After all, today it is known that alimony debtors drive a car on the basis of a power of attorney, registering it in the name of others. In international practice, there is a practice of restricting the non-property rights of serious debtors, including the right to drive vehicles, under video surveillance.

Therefore, it would be expedient to introduce in our national legislation a procedure for suspension of the debtor's driver's license for alimony obligations until the payment of alimony.

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The History Of Provenance Of Law-Defensive Institution In Uzbekistan

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ABSTRACT

The article considers the emergence and phases of development of the law-defensive institution from the history of the ancient world to the present day, as well as the contribution of our great ancestors to the more effective use of this institution is explored.

KEYWORDS

Law-defensive institution, sponsorship, attorney, law, reform, criminal process.

INTRODUCTION

The systematic affairs have been carried out to strengthen the organizational-legal framework for the protection of human rights, to implement the international human rights standards into national legislation system and fulfillment of international obligations, as well as works on human rights protection in the recent years [1].

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It is perceptible that the main goal of the reforms being carried out in our country today is to protect the individual, to ensure his free and prosperous life. According to the philosopher, Lichtenberg, "It is necessary to consider whether is it possible to justify before condemning someone" [2].

Indeed, this idea is very relevant, and following to it can be the solution to many current problems in the sphere of forensics-investigation. In our view, we must study its history first, namely, its provenance in order to fully understand the essence of everything. The history cultivates us a lot of matters. Therefore, it is no coincidence that it is called the "great teacher". Everything has its own origin, or history. This rule is also relevant to the institution of protection in the criminal proceedings.

Advocate participates as defense counsel in the criminal process. Therefore, the history of the establishment of the institution of defense is inseparable from the history of the establishment of the advocacy.

The term "protection" in the explanatory dictionary of Uzbek language is expressed as: 1. Assistance, support, sponsorship; 2. The acts of bias towards the accused, in the sense of the opinion expressed is the acquittal [3], the term "advocate" is taken from the Latin word «advocatus» which means that, someone who conducts in the court, a subject who carries out defence in the trial [4].

Secondly, advocacy was formerly known as a series of lawyers, that is, a group of individuals who have dedicated themselves to this profession [5]. The emergence of the institution of protection in law is directly related to the emergence of right in human being. There is no institution of protection without rights.

Turan in ancient period, Movarounnakhr in the Middle ages, later called Turkestan, Central Asia, Middle Asia was one of the first centers of human civilization in the region.

The system of crime and punishment in the ancient states of the Republic was regulated on the basis of customary law until the VI-V centuries BC [6] and the main source of Zoroastrianism, the "Avesto", was the miracle created by our ancestors for the first time in the history of humanity. The ideas about national statehood, spirituality, and the protection of human rights emerged in the ancient Zoroastrian state, too [8].

The tribes were participated as a victim of the crime if we look back to ancient times [9]. This idea leads us to the conclusion that in ancient times an entire tribe participated in the trial on behalf of one person, and that this custom was the first manifestation of family representation. With the development of the institution of defense, independent lawyers, who practiced law gradually began to emerge in ancient Greece (Athens) and Rome. Athenian lawyers prepared citizens to make speech in court or to speak with them simultaneously in court in ancient Greece. Their speeches were very coherent and fluent. Well-known senator Cicero was the quintessence of orator in court at the time. Lawyers rewarded for their assistance, on behalf of money.

Ancient Roman lawyers (advocates) were open to all layers of society, and it was possible to stop them anywhere and even on the street and ask for their advice as an assistance. Working as an advocate was considered prestigious at that time, and many even

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emperors Caesar and Pompey instigated their careers with this profession.

The most ancient law institution, the development of the advocate profession in Uzbekistan, began with family representation, in which the head of the family defended the interests of each member of the family in court as in most countries of the world.

The kinship relationship was commonly developed in Germans, Czechs, Poles, Slovaks, Bulgarians, Serbs, Croats, Slovenes, Montenegrins, Macedonians, Bosnians, Russians, Ukrainians, and Belarusians in the middle ages.

The kings had the right to use their representatives in court proceedings in most countries of the world, in the middle ages. This privileged right was given only to kings and could not be exercised by other persons. In the middle ages churches also use their own representatives in the process of the court. Such representatives were chiefly selected from among the priests. The consent of the king was required for the vulnerable persons, i.e., women, minors, and the physically handicapped, who were unable to defend their rights independently, to assert their rights with the help of representatives. The person has the opportunity to hire another person who knows the law to protect his/her rights according to the agreement in case the king agrees that a helpless person has given this opportunity. The range of users of representatives in court expanded, and eventually the entire nation was enabled to exercise such right over the time. The time when each person is allowed to be represented in court is the time when the advocacy (institution of advocates) appears.

The plenty of lawyers (political zeal and savvy) appeared from our country during the Awakening epoch in Central Asia. They studied Islamic law (fiqh) and incentivized others to do the same, to protect their own and other people`s rights. Among such scholars were Ibn Sina, Beruni, Farobi, Ulugbek, Navoi, al-Bukhari and others. The foremost scholar among them, Burkhanuddin al-Marghinani with his great masterpiece "Khidoya" (the right way) made a valuable great contribution to today`s Muslim jurisprudence.

Extensive attention was paid to the protection of human rights, protection of man, respect for someone`s dignity even during the reign of the Timurids dynasty. It is obvious that man, his/her dignity, honor and freedom were the highest values at that time comparing the "Temur`s rules", which is regarded as the legal source of the Uzbek statehood, with the above-mentioned documents.

Many lawyers and philosophers have expressed their views and opinions on the human rights in the later stages of development [10].

In addition to conducting judicial proceedings, Kazikalon (in fact, the chairman of the Supreme Court in present days) supervised the protection of the rights of the bereaved and widows in the Emirate of Bukhara, in the middle ages. Medieval judges are distinguished by the presence of special servants, scientists of Muslim law - muftis (according to the Islamic religion, the Mufti is the highest rank and someone who controls all the other relevant Islamic leaders) and scholars, they made the narrative, namely, the model resolution of the dispute or an accusation according to Shariat law, on the instructions of the judge (ancient kazi), plaintiff, accuser, defendant or accused.

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For instance, 12 muftis served under the Chief Judge of the Emirate of Bukhara (Kazikalon), who provided pecuniary service to visitors, the complainant in the preparation of complaints and other practical records.

Changes in its judiciary since Russia invaded Central Asia had a direct impact on its colonies, including the Governor-Generalship of Turkestan, established in 1867. Therefore, it would be logically expedient to study the history of the development of the institution of protection in Uzbekistan and Russia in relation to each other simultaneously.

As a result of changes in the Occidental countries, Russia adopted the new Judicial Charter in 1864, which embodied the idea of regulating the relations of the individual, society and state on the basis of legal equality and mutual interest. The absolute independent advocacy based on the French model has emerged in Russia in accordance with this Charter. Consequently, 1864 was considered as the year of the emergence of professional advocacy in Russia.

All citizens of both genders, who have civil rights and have not tarnished their honor have the right to participate as the defense counsel in the courts in accordance with the Decree I of the Courts dated on November 24, 1917. The counsel of advocates and defendants in the civil proceedings was established under the executive committee of the Soviets in accordance with the Charter "On the Unique People`s Court", adopted on November 30, 1918. The task of protection was assigned to government agencies from that time onwards. A person who participated as a defense counsel in one case was entitled to participate as a defendant in another case.

It can be observed that the rights of the individual are better protected in the Criminal procedural code (CPC) of the former Uzbek SSR adopted in 1959, than in the Criminal procedural code of the former Uzbek SSR in 1926.

This is because the defense attorney (advocate) could not take part in the preliminary investigation in the CPC of the Uzbek SSR, adopted in 1926.

Advocate had the right to meet with his client (the accused person) in the CPC adopted in 1959. However, the code did not stipulate that this meeting should take place separately (without attendance of third side). The defense counsel were also enabled with the right to review all the materials in the case, present evidence, appeal against the actions of the investigator, prosecutor and the court, and other rights according to the Article 46 of this CPC.

It should be highlighted that the Republic of Uzbekistan was one of the first after independence to adopt the new appropriate Code of criminal procedure on September 22, 1994, embodying democratic and humane ideas regulating criminal procedure, and to implement it on April 1, 1995. The advocate`s ability to participate in the criminal proceedings has greatly expanded in this CPC.

The law "On advocacy" was adopted on December 27, 1996, and the law "On guarantees of Advocacy and social protection of advocates" was adopted in December 1998. 2 laws and more than 10 legal acts related to the institution of advocacy are systemized with the adoption of the Law "On Advocacy and the activity of advocate". In 1999, the rights of the advocate were expanded, and the lawyer now

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has the right to participate in the review of the case too. The Decree of the President of the Republic of Uzbekistan "On further reforming the advocacy institution in the Republic of Uzbekistan" was adopted on May 1, 2008.

The need to develop the institution of advocacy, increase the role of advocates in the criminal, civil, administrative and economic cases is indicated in the paragraph 2.6 of the Decree of the President of the Republic of Uzbekistan dated on February 7, 2017 № 4947 "The Strategy of actions on five priority areas of development of the Republic of Uzbekistan in 2017-2021". The procedure for obtaining separate licenses for civil, criminal and economic cases introduced in accordance with the Decree of the President of the Republic of Uzbekistan dated on May 12, 2018 № 5441 "On measures to radically increase the efficiency of the advocacy institution and expand the independence of advocates". New procedure that the staff of operational-investigative organs shall obtain an application, explanation or testimony from the suspect, accused or defendant with the written permission of the interrogator, investigator, prosecutor or judge and only in the presence of the advocate (except in cases of dismissal of the advocate in the prescribed manner) in order to ensure reliable protection of the rights of the person from the moment of detection of the offense was introduced.

The badge "For the protection of human rights" was established in connection to the Decree of the President of the Republic of Uzbekistan "On approval of the National strategy of the Republic of Uzbekistan on human rights".

Uzbekistan was elected to the UN Human Rights Council for the first time in its history for the three-year term - 2021-2023 in the elections to the UN General Assembly on October 13, 2020. It should be emphasized that it is an international recognition of the fact that 169 out of 191 UN member states voted for our country, shows human rights are highly protected at the national level in our country.

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Development Of The Legislative System Of Non-State Pension Provision In The Republic Of Uzbekistan

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ABSTRACT

This article highlights the world experience of developed countries in non-state pension provision, also the way of development of the legislative system of non-state pension provision, forms and methods of organizing and implementing of pension provision in the Republic of Uzbekistan. As well as the essence of new forms and means of social protection of the population and given suggestions for improving legislative system of pension provision.

KEYWORDS

Non-state pension system, pension, social protection, social assistance, accumulative pension fund, accumulative pension provision, pension fund.

INTRODUCTION

In the conditions of market relations, as a result of the aggravation of social competition and the implementation of the principle «everything for oneself», there are limited opportunities for some citizens by age or health status, that leads to a deterioration in their financial situation and a decrease in living standards. These factors require the search for

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new forms and means of social protection of the population in this regard it becomes necessary to study this issue, using the world experience of developed countries as an example. Accumulative pension provision of citizens, introduced in the Republic of Uzbekistan since January 1, 2005, can be taken into account as one of such forms of pension provision. On December 2, 2004, the Oliy Majlis of the Republic of Uzbekistan adopted the law «On accumulative pension provision of citizens», which entered into force on

January 1, 2005 [1].

METHODS

Accumulative pension provision of citizens is widely used in world practice as one of the demonstrations of social protection, and in most cases it gives its positive effect. To date, it is worth noting that in a number of countries entering into the Commonwealth of Independent States, accumulative pension provision is established and efficiently functioning. However, the forms and methods of organizing and implementing this pension provision in different countries are different, and this issue will depend on the political situation in the country, the political and legal activity of society and, of course, on the economic situation of the state and society. In order to further ensure the protection of the population, it is necessary to emphasize their involvement in this process.

RESULTS AND DISCUSSIONS

As noted above, accumulative pension provision according to its form and method, although it has a different appearance in the national legislative systems of different countries in terms of its managerial or other characteristics, according to its original essence, citizens receive that part of their income which they accumulate while they are young, economically active and able to work, for the future in case of social risk (old age, disability, etc.) as assistance.

Citizens can organize their work in different ways, accumulating and spending a part of the income they receive. This task is carried out by state or public bodies with different legal status in different states. For example, in article 1 of the Law of the Republic of Kazakhstan «On Pension Provision in the Republic of Kazakhstan» dated June 21, 2013 №105-V (provided for in the new edition by the Law of the Republic of Kazakhstan dated 02.01.2021 №399-VI (shall be enforced from 01.05.2021)) it says that «voluntary pension contributions are money contributed by contributors on their initiative to a unified accumulative pension fund and (or) a voluntary accumulative pension fund in favor of the recipient of pension payments in accordance with the procedure determined by the legislation of the Republic of Kazakhstan and the agreement on pension provision at the expense of voluntary pension contributions». In addition, the Law establishes that an accumulative pension fund is a legal entity carrying out activities to attract pension contributions and pension payments, and, where applicable, transferring funds from that savings account to recipients.

The legislation of the Russian Federation also provides for the Federal Law dated 07.05.1998 № 75-FL (as amended on 30.12.2020) «On non-state pension funds», which defines the implementation of pension provision, additional accumulation to state pensions from the account of voluntary contributions of legal and physical entities [2].

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In accordance with article 2 of this Law, the Non-State Pension Fund is a non-commercial social security organization and its field of activity is:

- Activities carried out in accordance with the agreements of the fund participants in the field of non-fixed pension provision;
- Performing the functions of an insurer for compulsory pension insurance;
- Participation as a professional insurer in accordance with federal legislation and agreements on the professional pension system.

This law also provides for voluntary participation in the activities of a non-state pension fund.

The purpose of the Law [3] of the Republic of Uzbekistan «On accumulative pension provision of citizens» dated December 2, 2004 is also to provide citizens with material resources in addition to social security issued from state pension provision systems when a certain social right is established on the basis of substantive accumulation of funds.

The above-mentioned Law, adopted in Uzbekistan, has certain peculiar features.

As such in the Law of the Republic of Uzbekistan «On accumulative pension provision of citizens» the following features can be indicated:

1) compulsory and voluntary payment of contributions to the accumulative pension fund, that is, the condition about a compulsory payment in some cases, and in other cases, that payments made by some persons are voluntary (for example, by individual entrepreneurs, farm enterprises);
2) money resources are collected not only in a special accumulative pension fund, but also in the institutions of the Xalq Bank, while payments are also made through this bank;
3) the accumulative pension fund is completely individualized and a special settlement account is opened for each payer;
4) investing accumulative pension funds into sectors of the economy;
5) contributions to the accumulative pension fund do not have a negative impact on the payer's earning. Despite the fact that contributions are paid by each employee from his or her monthly salary, this payment does not have a negative impact on his or her earning (decrease in income), since the amount paid for the accumulated pension provision is paid from the account of the income tax withheld from the employee (on the account of tax cuts);
6) account owners can dispose of the accumulated money resources for pension provision after the emergence of the right to receive state pensions;

However, we consider that the amount (size) of pension contributions collected from employees for accumulative pension provision is insignificant.

Currently, the relationship between the fund and its payers consists of civil - legal relations, and physical and legal entities paying the fee form a mutual covenant with the institutions of the Xalq Bank - an agreement. This agreement essentially consists of a postponed transaction, the condition of which is the condition of regular payment of contributions by physical and legal entities who are account holders provided for by law and determined by what happened in the future (life situations: old age,

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disability, loss of a breadwinner) upon its occurrence, aimed at ensuring their additional material resources.

It should be noted that the law «On accumulative pension provision of citizens» does not reflect the civil nature of this type of pension and emphasizes that this is a public law relationship. For this reason, the parties (mutual rights and obligations, responsibility of payers and institutions of the Xalq Bank) have a one-sided nature.

Since the task is to build a state regulated by law and order and civil society, its main goal is to build a developed state, a society which is not inferior in its characteristics to developed countries in order to ensure high living conditions for the citizens of the Republic of Uzbekistan. It is unambiguous that it consists in creating an opportunity for the full realization of one's physical potential. In the process of building a civil society, the gradual transfer of state functions to non-state structures should be considered as a necessary stage of an integral part of the development of Uzbekistan.

Citizens receiving pension payments (account owner, or his or her heirs, legal representatives, etc.), enterprises and organizations, carrying out the payment of contributions, institutions of the Xalq Bank take part in the accumulative pension provision system. The legal status of each of them is determined by legislation.

Accounting for citizens participating in the accumulative pension system is compulsorily carried out in accordance with the application of the employer in the branch of the Xalq Bank according to the main place of work of these citizens.

Accounting for citizens participating in the accumulative pension system on a voluntary basis is carried out in accordance with their application in the branch of the Xalq Bank according to the place of residence of the indicated citizens.

The need for non-state pension funds is based on two criteria:

Firstly, market relations and democracy, in addition to giving citizens more freedom and more access to the state authority, also impose on them a great responsibility for a comfortable life, including a social one. Every citizen should seriously approach the issues of social protection of himself or herself in case of disability;

Secondly, there is a limit to the financial capabilities of any state, no matter how developed and economic potential it has. The state determines the level of social protection of citizens based on its capabilities. The state is unable to provide those in need with a standard of living above average.

In the formation of market relations, these two factors certainly affect the social security system as the ratio between the public and private sectors of the economy changes. For the above-mentioned two main reasons, it becomes necessary to create a non-state pension system in the Republic.

Reform in the social sphere requires, first of all, a new legal framework which meets the requirements of market relations. It is necessary to distinguish between state and non-state concepts of the social security system on the basis of legislation, to determine what should be understood in the context of these concepts. In this regard, it is necessary to

develop and adopt laws which will include the following:

- The Law «On non-compulsory social insurance», which should determine the list of non-compulsory social systems, their rights and responsibilities, their interaction and relationship with the state;
- The Law «On Non-State Pension Funds», which should determine the procedure for the formation and functioning of non-state pension funds, their responsibility to the state and society, relations with the participants in these funds.

CONCLUSION

Taking into account the socio-economic changes in the republic, it is necessary to strengthen the legislative base and create conditions for additional social protection in old age. In order to ensure full social protection of citizens in the future, it is advisable to create private pension funds, pension funds which are not run by Xalq Bank, which are also accumulative in the presence of large companies or other banks, and to provide them with legal opportunities for receiving a wide range of social assistance.

This is also envisaged by the Concept of reforming the pension system in the Republic of Uzbekistan. The concept defines the goals, objectives of the implementation of state policy and the main directions of long-term development in the sphere of the pension provision system in particular:

- Implementation of measures to ensure social justice of the pension provision system;
- Development of an optimal pension formula, strengthening the relationship between the size of the pension and paid social taxes to the off-budget Pension Fund under the Ministry of Finance of the Republic of Uzbekistan, encouraging the continued participation of citizens in the pension insurance system;
- To increase interest in paying social taxes by switching to a three-tier pension system;
- Achieving a balance between receipts and expenditures of the state pension system;
- Improving the institution of the accumulative component of the pension system;
- Contactless assignment of pensions by increasing the efficiency of information and communication technologies in the system of state pension provision of citizens.

It is for this purpose that explanatory measures in the sphere of pension provision should be carried out in the mass media, short-term readings should be organized for responsible persons working in this field. To do this, it is necessary to consider and introduce simplified rules for drawing up contracts, which would clearly and intelligibly define the purpose of non-state pension provision.

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The Improvement Of Exploiting Public Assistance In Investigator`S Crime Prevention Activities

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ABSTRACT

The article canvasses the role and importance of public participation in investigator`s crime prevention activities, and the proposals for exploiting the general public in these activities are developed. Moreover, it clarifies the role of the citizen in preventing or disclosuring the crime, and its importance in pre-trial proceedings, the system of encouraging on the basis of the investigator`s recommendation for his/her superior consciousness, courage, exemplary performance of social duty is thoroughly analyzed.

KEYWORDS

Public, investigator, submission, condicting the case pre-trial, encouraging norms, crime prevention.

INTRODUCTION

14 percentages more crimes were registered than in the same period last year in the 12 months of 2020, according to the data of the Ministry of internal affairs of the Republic of Uzbekistan [1]. The increase of crime commission was observed in all administrative territorial units of the Republic.

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This, in sequance, requires law enforcement organs to increase the effeciency of preventive affairs. Improving the quality of preventive affairs can be accomplished through the direct involvement of the general public in these activities. This issue is at the center of attention not only of our country, but also of the international community.

In particular, the adoption of the Doha Declaration on ensuring public participation in conduct of the crime prevention and justice at the XIII Congress of the United Nations Organization in Doha on April 12-19, 2015 determines the importance of this issue.

It was mentioned that measures should be taken to ensure the participation of civil society to support the development of processes aimed at involving all members of society in this area, to perform propagation among the general public and support for the development of processes with the aim of activating public participation, as well as to increase the objectivity and effectiveness of such strategies,in order to increase the efficiency of efforts to prevent crime and increase public beliefs in law enforcement bodies were emphasized.

The Article 121 of the Constitution of the Republic of Uzbekistan also stipulates that public organizations and citizens may assist law enforcement bodies in protecting the rule of law, public order, the rights and freedoms of citizens [3, p. 67]. Undoubtedly, the successful fight against crime cannot be imagined without the application of preventive measures that can lead to crime. This requires that the person conducting the criminal investigation have an impartial and comprehensive knowledge of the reasons for the crime. Therefore, it is obvious that the preventive functions of the investigator do not end with the criminal-legal tasks of general and special prevention, which are solved in the framework of the quality investigation of the criminal case.

In this regard, it is incumbent upon the investigator to take other preventive and auxiliary-characterized measures to assist in the investigation of the criminal case: to make submission to eliminate the causes and conditions of the crime commission, conduct individual interviews, interact with the mass media and the public and so forth [4].

The following are reflected in connection with the cooperation of public associations and communities with their governing bodies in the preventive activities of the investigator and interrogator in the Criminal procedural code:

- The interrogator and investigator determine the causes of the crime and the circumstances that led to its commission, and take measures to eliminate these causes and conditions to the relevant state organ, citizens` self-government body, public association, community or authoritative official by submission of the review application during the investigative action of the criminal case (Article 297 of the CPC);
- There are the stipulation on the possibility of submission of recommendation to the chiefs of the relevant enterprise, establishment and organization on the basis of the investigator`s initiative about the citizen`s superior consciousness, courage, exemplary performance of social duty in preventing or disclosuring the crime (Article 300 of the CPC).

We firmly believe that it is expedient to use not only imperative, but also incentive methods in

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ensuring the active participation of the public in the pre-trial phase of criminal proceedings. Particularly, the second type of submission is a submission by the interrogator, investigator or prosecutor to the Chief of the relevant enterprise, establishment or organization and the community about the citizen`s superior consciousness, courage, exemplary performance of social duty in preventing or disclosuring the crime. The first time such an incentive norm was introduced in the current criminal procedural legislation. It aims to encourage citizens to be active in crime prevention and detection. Unfortunately, such submission is rarely introduced in practice [5, 484-485 6].

In this regard, inadequate application and ineffectiveness of incentive norms and measures of public influence, insufficient of legal mechanisms for crime prevention and detection, as well as instilling in citizens high legal culture and respect for the law are indicated as shortcomings and problems in judicial practice in the Decree of the President of the Republic of Uzbekistan "On measures to radically improve the system of criminal and criminal procedural legislation" dated on May 14, 2018 № PD-3723 [6].

Furthermore, the consideration of assessment of crime and crime prevention as the sole responsibility of law enforcement bodies, the ineffectiveness of identifying the causes and conditions of systematic occurrence of offenses and the futility of the development of measures aimed at an attempt to yield to elimination does Not provide the expected results as indicated in the Decree of the President of the Republic of Uzbekistan dated on March 14, 2017 № PD-2833 "On measures to further improve the system of crime prevention and fight against crime". It is necessary to improve the mechanisms for involving citizens and public organizations in crime prevention, including through financial and other incentives to address these shortcomings [7].

In our opinion, our laws and legal documents set norms for the use of general public in the pre-trial investigative actions, and as a result of their proper application, we can incentivize citizens and public organizations to actively participate in the conduct of pre-trial phase.

For instance, the rule to award with the letter of appreciation, commemorative gifts and cash prizes for the active participation and direct implementation of propaganda activities among citizens and public organizations in the prevention of crime and the fight against crime, the implementation of proposals and initiatives to address the causes of crime and the conditions that allow it is reflected in the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated on January 8, 2018 № 15 "On approval of the Regulation on the procedure for incentives of citizens and public organizations for active participation in crime prevention and fight against crime" [8].

Likewise, special attention is paid to ensuring public participation not only through pre-trial proceedings, but also through incentives at the trial stage.

Notably, courts should introduce the practice of sending notices to the place of work, study or residence, as well as the use of the mass media in order to incentivize the citizens to prevent or stop offenses, the attempts to catch criminals and so forth are thoroughly indicated in the Resolution of the Plenum of the Supreme Court dated on December 19,

2020 № 34 "On increasing the role of courts in determining the causes of crime and the conditions that led to their commission" [9].

It is expedient to financially support and ensure the safety of the persons assisting law enforcement bodies in maintaining legitimacy and order, protection of the rights and freedoms of citizens, to involve the general public extensively in the processes of crime prevention and fighting against them are of paramount importance [10, p. 144].

We believe that the prevalent use of this opportunity by the pre-trial organs conducting the criminal case will effectively strengthen the cooperation between law enforcement bodies and the public, as well as the prevention of crimes that are the decisive purpose.

The President Shavkat Mirziyoyev fittingly states that: "In present, the effectiveness of our reforms depends in many respects on four important factors – to provide the rule of law, to ruthlessly fight against corruption, to increase institutional capacity and to form strong democratic institutions" [11].

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Signs Of The Subjective Side Torture Of The Individual

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ABSTRACT

The article discusses the required and necessary elements of a crime, subjective symptoms mentioned in criminal legal norms, independent elements of torture, to be separate study, highlights the subjective aspect of torture, the behavior of persons, including illegal, its external (physical) and internal (mental) side, the processes in the psyche of the perpetrator, the act or omission, committed socially dangerous acts intentionally or negligently, the circumstances of guilt as mental attitudes, analyzes the circumstances of mental attitude as consisting of 1) smart time 2) the date of the will, 3) emotional, the differentiation of the two forms of guilt – deliberate and careless, differentiation of types of retaliation in volitional element, optional (proper retribution) or conscious conceded (twisted retribution), the motives and goals of torture, personal animosity.

KEYWORDS

The subjective side of torture, torture, subjective signs, personal behavior, illegal behavior, action, inaction, intentional, careless, volitional behavior, intellectual moment, moment of will, emotional moment, direct intent, curve motives and goals of intentional torture.

INTRODUCTION

Part two of article 16 of the Criminal Code of the Republic of Uzbekistan of 1994 for the first time in principle defined the grounds for bringing to justice, that is, the basis for bringing

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to justice is the commission of an act that has all the signs of a crime provided for by the Criminal Code. In turn, in order to qualify the committed socially dangerous act as a crime, it is necessary to establish not only the presence of an objective or objective side of the composition of this crime, but also to determine its subjective signs specified in the criminal law norms. Based on a comprehensive and multi-faceted analysis of torture, it is necessary to analyze the subject and the subjective side of this crime.

The next of the independent elements of torture to be studied is the subjective side of this crime.

The subjective side of the corpus delicti is understood as the mental attitude of a person who has committed a socially dangerous act, defined by the criminal law as a crime, to his act and its consequences [1].

Personal behavior, including illegal behavior, embodies the external (physical) and internal (psychological) sides. As A. I. Rarog notes, crimes are characterized not only by external signs, but also by signs inherent in their internal side. Namely, the clarification of the subjective side of the crime creates difficulties in law enforcement practice as a result of complex mental processes [2].

In the theory of criminal law, the components of criminal behavior that directly manifest the internal mental activity of a person associated with the commission of a crime are studied from the subjective side of the corpus delicti. In contrast to the objective side, the subjective side studies the processes in the psyche of the guilty. It is determined by analyzing and evaluating the behavior of the offender, the conditions for committing the crime [3].

The subjective side of the composition of the crime of torture is a set of essential features that characterize the mental attitude of a person to the crime being committed at the time of committing the crime provided for in Article 110 of the Criminal Code of the Republic of Uzbekistan.

The subjective side of the crime consists of such features as guilt, motive and purpose. At the same time, guilt is a necessary sign of the subjective side of the crime, and the motive and purpose are optional signs [4].

However, with regard to this approach, A. I. Rarog approached the subjective side of the crime from a critical point of view. He refers to the mental state of the individual as one of the signs of the subjective side of the crime [5].

This approach to the legal nature of the mental state, in our opinion, is justified, since the mental state can not act as a characteristic of the mental progress associated with the crime committed.

Guilt is an essential feature of the subjective side of any crime. Guilt in the form of intent or negligence is a subjective condition of criminal liability. Therefore, in each specific case, when the question of criminal liability is raised, the mental attitude of a person to the socially dangerous act committed by him and the consequences that occurred on its basis should be determined, and in cases where the article of the Criminal Code does not specify the origin of the consequences (including Article 110 of the Criminal Code), to the action or inaction itself [6].

In accordance with article 20 of the Criminal Code of the Republic of Uzbekistan, a person who intentionally or negligently committed a socially dangerous act provided for by the

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Criminal Code may be found guilty of committing a crime. This article of the Criminal Code and other norms contained in this chapter emphasize the importance of «guilt» as an element of the subjective side of the composition of the crime under investigation.

H. R. Ochilov notes that the circumstances of guilt as a mental relationship are mental and volitional, which together form guilt, while 1) the mental state is when a person expresses that he is aware of the nature of a socially dangerous act committed by him; 2) the volitional state - assumes the ability of an individual to control his actions [7]. Supporters of this classification are also V. N. Kudryavtsev,

A.V. Naumov [8].

However, P. Bakunov argues that guilt as a mental attitude consists of 1) an intellectual moment, 2) a moment of will, 3) an emotional moment. At the same time, in contrast to the above points, it is recognized that all human activity should include not only volitional, but also cognitive and emotional processes, because without them, as shown in the psychological literature, neither goal setting nor the implementation of the activity itself is possible [9].

In accordance with the current criminal law, there are two forms of guilt – intentional and negligent (Article 20 of the Criminal Code). The division of guilt into forms is of great legal importance. Because it is the form of guilt that determines the qualification of crimes, the individualization of criminal responsibility and punishment, etc. It is for these reasons that it is important to determine the form of guilt in the crime provided for in Article 110 of the Criminal Code of the Republic of Uzbekistan.

In accordance with the first part of article 21 of the Criminal Code of the Republic of Uzbekistan, the time of committing a crime in the article of the Criminal Code is considered the time of committing a socially dangerous act, which is recognized as committed intentionally, if the person who committed it realized the socially dangerous nature of his act and wanted to commit such a crime.

This rule also applies to torture. Despite the fact that the wording of the first part of Article 110 of the Criminal Code does not contain a form of guilt in the commission of torture, based on the fact that the main sign of the use of physical violence is the intentional commission of this violence, the fact of intentional commission of torture does not raise any doubts.

In accordance with the second part of Article 21 of the Criminal Code of the Republic of Uzbekistan, acts recognized in the article of the Criminal Code as completed at the time of the onset of socially dangerous consequences can be committed with direct or indirect intent.

Part three of article 21 of the current criminal law establishes that such a crime can be recognized as committed intentionally if the person was aware of the socially dangerous nature of his act, its socially dangerous consequences and wanted them to occur.

Such crimes are recognized as committed intentionally if the person was aware of the socially dangerous nature of his act, its socially dangerous consequences and allowed them to occur.

According to the current criminal legislation, both types of intent are common to the mental state – the ability of a person to realize the public danger of their actions. The types of

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intent differ according to the volitional element-desire (direct intent) or conscious permission (indirect intent) [10].

The intellectual moment of direct intent is manifested, first of all, in the awareness of the public danger of the act committed by the guilty person. In addition, the intellectual moment of direct intent is expressed in the individual's ability to see the real occurrence or possibility of the occurrence of a socially dangerous consequence.

In turn, the volitional state of direct intent manifests itself in the desire of the guilty person for the occurrence of visible consequences [11].

Based on the above, we have considered that from the subjective side of the torture is a deliberate crime, and the motive and purpose of the commission do not matter in the qualification of the crime. However, in the legal literature, opinions about the form of guilt through which the crime of torture is committed are divided.

While a number of authors claim that torture can only be committed with direct intent [12], others do not deny that torture can also be committed with indirect intent [13].

In our opinion, since, as we noted above, torture is a crime of formal composition, and in crimes of formal composition, the person realized the socially dangerous nature of his act and wanted to commit such an act, then by virtue of the recognition of the crime committed with direct intent, torture is committed only with direct intent.

When committing torture with direct intent, the perpetrator is aware of the social danger of torture by systematic beatings or other actions, and also foresees the occurrence or possibility of torture in the form of physical or mental suffering and wants it.

The motives and goals of committing torture can be different – personal hostility, revenge, jealousy, hatred, etc. However, they do not act as signs that form the corpus delicti specified in part one of Article 110 of the Criminal Code of the Republic of Uzbekistan.

At the same time, certain motives and goals are recognized in the legislation as qualifying signs of the crime of torture. These are tortures committed, as specified in part two of article 110 of the Criminal Code of the Republic of Uzbekistan, a) against a minor; b) a woman who was known to the perpetrator to be in a state of pregnancy; c) a person who was known to the perpetrator to be in a helpless state.

P. N. Kabanov, in contrast to the above points, proposed to attribute the presence of physical and mental suffering to the number of necessary signs of the crime of torture [14]. In his opinion, such an amendment to the criminal law will facilitate the differentiation of torture from intentional infliction of light bodily harm and other violent crimes.

Concluding the study of the subjective signs of the crime of torture, we can draw the following conclusions:

1. The subject of torture may be a physical sane person who has reached the age of sixteen at the time of the commission of the crime. Based on the complex form of the crime of torture, it should be taken into account that at the time of the commission of torture with systematic beatings or other actions from the facts forming

complicity, the person must be sixteen years old.

2. On the subjective side, torture is committed through a deliberate form of guilt. When qualifying the crime specified in article 110 of the Criminal Code of the Republic of Uzbekistan, since torture is a formal crime, it is committed only with direct intent, there is no indirect intent.
3. The motive and purpose of the commission of the crime are not among the main signs of the composition of the torture. The separate motives and goals specified in the second part of Article 110 of the Criminal Code of the Republic of Uzbekistan determine the qualifying signs of the crime of torture committed a) against a minor; b) a woman who was known to the perpetrator to be in a state of pregnancy; c) a person who was known to the perpetrator to be in a violent state.

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The Psychology Of The Search Investigative Action

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ABSTRACT

The article develops proposals and recommendations on the solution of problems related to the protection of human rights and freedoms, comprehensive analysis of the application of investigative search action in the criminal proceedings, the literal interpretation of their essence by practitioners and, most importantly, the nature of the investigative action by revealing the meaning of the investigative action on the basis of existing regulations and analysis of judicial activity are considered.

KEYWORDS

Search, innocent person, termination of criminal proceeding, accusation, criminal accident, components of crime, uninvolved to the crime.

INTRODUCTION

The interrogator and investigator shall have the right to conduct the search in case of existence of sufficient information to think that one has something or documents relevant to the case in a dwelling, service, production building or other place. It`s possible to perform the search to find out the wanted person, as

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well as the corpse (Article 158 of the Criminal Procedural Code).

The grounds for initiating the search operation are the objects and documents found in the criminal way that are important in a criminal case, and the valuables that are known and stored in any person or place, or if there is any suspicion about it. On the other hand, the goals of the search are: to identify (find) and obtain items, documents of evidentiary value in the case; to find and apprehend wanted persons or to identify and obtain materials indicating where these persons are hiding; identify, find and receive significant tangible assets (money, valuables, stocks, precious metals and stones); to find and confiscate property that provides for future confiscation or compensation for damage caused by the crime, etc. The clear location of the object to be searched in order to perform the search is not required and this circumstance separates it from the seizure.

Conducting the search in contrast to the search of the scene where the accident takes place, is carried out under conditions of amicable mental resistance of those who have the opportunity to assess the effectiveness of the investigator`s actions, individual psychological, professional and other aspects of his or her personality, engaging in direct conversation with persons who are not interested in finding the items during the search of the investigator`s search activities [1].

The search is a psychologically complex and specific investigative action. One of the main elements of the search is the application of coercive measures against the wanted person (to be searching person) [2].

During the search, the investigator and other authoritative officials involved in the search shall conduct the search in case of existence of sufficient information to think that one has something or documents relevant to the case in a dwelling, service, production building or other place.

The search is a search for hidden (often deliberately consciously hidden) objects, and unlike the inspection, the investigator or interrogator is aware of the purpose of the action, as well as the extreme uncertainty of ways to determine the location of the desired object. The search is an investigative action that contains analyzing and synthesizing information that is then actively and purposefully perceived in the discovery of consciously hidden objects, persons, items, rooms.

Conducting the search requires various psychological qualities, professional knowledge, skills and qualifications from the investigator or interrogator. The investigator or interrogator must be able to take the advantage of the circumstances that facilitate the search. It is crucial to have the certain purpose and to accurately analyze the situation at the search scene, to be aware of the psychology of the person being searched or the person who is hiding the item or document, to observe the behavior of the person being searched.

In this regard, the search is multi-stage activity that requires coordination of the actions of the participant personnel, and comprehensive and thorough preparation in general, and work planning. Therefore, it appears necessary to contemplate in advance the forthcoming object to be searched and the order of the search, to define the responsibilities of each participant, and to provide eyewitnesses. The organizational work is usually assigned to the

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investigator (as responsible person) during the search. The investigator must ensure the accuracy, complementarity, continuity and effectiveness of their actions and the actions of other participants.

In particular, the investigator assigns the time of the search, gathers the participants of the investigation, prepares the necessary technical means, engages specialists if necessary, organizes the study of the identities of the owners of the place to be searched, determines the most appropriate search tactics [3].

One of the main methods of obtaining information during the search is to observe and immediately analyze its results. More to the point, the behavior of the person being searched can illuminate more. It is necessary to be fully aware of the psychological laws of behavior of the person being searched in the direct search situation in an effort to achieve the fullest and most impartial results possible from such observation.

The search should also involve specialists in various spheres, who are able to understand the essence of everything, the field of application, its shortcomings, its specific features. It is advisable to illuminate the rooms for search more than the light used by the landlord (house-owner), to create conditions for the better perception and observation of the environment. This enables to find out invisible, indiscernible signs and inconspicuous traces in ordinary light and in the meanwhile of the person being searched.

The search chiefly takes place in hazardous situations, nervous tension, complex psychological surroundings, abhorrence, and harassed anger in most cases. In the event of conflict situation during the search, one of the methods of influence - command subordination - can also be used. This immediately leads to behaviorial change and the process of neuro-humoral regulation of the organism of the person being searched.

The second important task of the investigator is to establish contact the owner of the place where the search is conducted during the search. It is also essential to interview the person being searched as much as possible, asking questions about the necessity of this or that item during the search. His/her words make sense of his/her inner state, his/her reaction to certain actions of the investigator, or his/her attitude towards the ongoing conversation. The tone of voice, the style of speech can give relatively more information about the person`s real experiences, attitudes.

Various actions of the owner of the place (landlord/lady) where the search investigative action is carried out:

- Distracting the participants of the search from certain places or objects, obstructing the search and attempting to stop it;
- Try to take some things away or keep people away from them;
- The ineffectiveness of the search is manifested in the persuasion that some objects are of no importance, and requires the sensitive approach to them.

The investigator must not deviate from the framework of common ethical norms, act politely from the beginning to end, do not allow rudeness, insults, coercion during the search. The investigator should be able to conceal the feelings of hatred, anger, and disgust toward the person whose house being searched, and to behave in the way that does

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not offend other family members, especially through his or her actions by accusing glance. It is highly required to follow the etiquette of the investigator when inspecting documents, certificates of personal life of the searched person, correspondence, photos, and diaries during the search. Psychologically-natured problems may arise from the onset of the search. It is therefore necessary to use such the method at the entrance to the house of the accused or suspect that it makes no possible to resist or conceal or destroy criminal weapons, valuables, important evidence.

It is significant to take into account the education, culture, profession, knowledge, intelligence, ability of the accused during the search. This is a considerable assistance in estimating the location and method of concealment of evidence. It should be emphasized that the search for firearms or explosives is one of the main conditions for the safety of the search participants and other people there, so the personal search is required as soon as the investigation sets out.

It is expedient to conduct thorough search of the accused and his family members at the end of the search process, in order to find anything and documents that may be important for the case. The discovery of objects that expose the accused during the search puts him in a serious psychological situation, disrupts many psychological processes and weakens his voluntary actions, including attempts to prove his innocence in the crime committed. From this perspective, it would be a good idea to conduct an interrogation and confrontation immediately after the search in order to consolidate the information not found during the search with new facts.

Strict discipline should be created in the search area, excessive distractions from the main work should be avoided, and room-to-room visits should be forbidden. The search differs from the search of the scene in that its object geography is extended. The complete actions of law enforcement bodies` staff during the search, are focused on finding what the perpetrator deliberately hide. The searcher must have a full basis for conduction before conducting the search.

The psychological features of the search operation are the followings:

1) Compulsory nature of the search;
2) Occurrence of conflicting circumstances during the search;
3) The presence of specific stressful situations during the search;
4) The presence of problematic situations in the search.

The search is a struggle of contradictions in the psychology of the “concealer” (host) and the “searcher” (investigator). Therefore, the search is one of the most psychologically difficult and specific investigative actions.

The investigator must perform two types of activities to find out the hidden item:

- To mentally address the task of finding the location of the certain object, for further revealing the probable sequence of thinking processes and actions of the person hiding it;
- To attempt to find out the hidden items by the investigator.

Absorbing the way the person being searched thinks upon deciding on the method and location of the object by investigator is extremely important. Typically, any person

addresses the issue of concealment of the object, by taking into account the available practical possibilities, the characteristics of the object, his profession, professional knowledge and, finally, his specific mental state. It indicates from the above that to study in advance the identity and all the conditions of his/her life of the person being searched is crucially vital. Collected information increases reflex thinking in many ways - the ability to identify ways to search for hidden objects.

To summarize, it should be highlighted that the effective conduct of the search investigative action depends in many respects on the preparation for the investigation, the correct selection of participants in the process, thorough and comprehensive study of the object and subjects of the search and, most importantly, the investigator`s closely related psychological knowledge of the search. Therefore, the investigator must focus on the abovementioned circumstances in order to conduct the search investigative action in each case.

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Legislative Practice Of Countering Illegal Lobbying In Foreign Countries

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ABSTRACT

The article researches into fundamental approaches to legal regulation of lobbyist activity in democratic countries. Analyzing transformation of lobbying into one of the most important socio-political institutions, it reveals the role of lobbying in the democratic process of political decision-making, considering professional features, organizational structures and approaches to the regulation of lobbying activities.

It is concluded that lobbying as an institutuion takes an important place in the life of modern democratic societies. Legal regulation of lobbying activities helps to minimize risks of corruption between government bodies and civil society institutions.

KEYWORDS

Lobbying, lobbyist activity, group interests, political decision-making, democracy, interest representative, exposure to government policies, corruption risks.

INTRODUCTION

According to expert current opinion, lobbying as an element of political process is present in the structure of any state, playing a positive role in the democratization of the political

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activeness in processes & relationships between government and civil society institutions.

In a broad sense, lobbyism is understood as "activities aimed at influencing politicians and officials"[1] , "any attempt by individuals or private interest groups to influence government decisions" [2] .

Lobbying as the most common type of functional representation of interests is an effective means of expressing existing interests in their impact on public policy.

It is believed that the term "lobby" acquired a political meaning in the United States in the first half of the 19th century and denoted a group of people united by common interests (business, regional, professional, etc.), and derivatives of the word "lobby" as "lobbyism" and "lobbying" began to be used for determination of informal influence on the votes of legislators in corridors of parliament (in the lobby) outside the legislative chamber [3] .

Legal registration of lobbying activities also took place in the United States where **Foreign Agents Registration Act (FARA)** was adopted in 1938 [4] and introduced compulsory registration of foreign lobbyists, and **Lobbying regulation Act** [5] adopted in October 1946, established requirements that a lobbyist needs to have a law degree, 8 years of work experience in the federal government bodies, to be registered, to timely (every quarter) submit to the Department of State necessary information (about the customer , the hiring period, the fees).

The next act regulating lobbying at the federal level was the **Law on Disclosure of Lobbying Activities** of January 1, 1996 [6] . It introduced the concept of a "lobbyist" - a former or current politician who spends more than 20% of his time promoting the interests of one or another pressure group. The law introduced the concept of "lobbying contact" - an oral or written appeal of an individual or organization on certain issues .[7]

The law required both foreign and American lobbyists to register and introduced fines for violating registration procedures.

In 2007, after a corruption scandal involving a well-known lobbyist Jack Abramoff, regulation of lobbying was tightened. The Congress adopted **The Honest Leadership and Open Government Act** of 2007**,** that limited lobbyists' activities by introducing a ban on lobbying activity of senators (they could do it only 2 years after retirement), the Secretary of State and Minister of defense (they were banned for life from lobbying in the area that they oversaw in the government) [8]

The provision allowing congressmen to accept gifts up to $50 was suspended, and the circle of persons who can fund their travel was limited.

Fines for violators of these legal regulations were considerably risen (from 50 thousand to 200 thousand USD), along with introduction of up to 5 years imprisonment.

Congressmen, been convicted in connection with bribery, perjury and other crimes in the sphere of illegal lobbying, were deprived of their pension. Similar restrictions were introduced towards highly paid employees of Parliament, with an income of not less than 75% of a congressman salary.

In the United States, where there are about **12.3 thousand lobbyists** in the federal government and their total expenditure

exceeds $ 3 billion per year, lobbyism is recognized as a separate type of activity regulated by both a special regulatory legal act and codes of ethics for officials, rules, guidelines, parliamentary resolutions and other documents[9] .

Based on the experience of the US law enforcement, special laws on lobbying have been adopted in more than 20 countries around the world by 2021. Their exact number depends on what criteria to use when attributing a document to law, the depth and content of which varies depending on goals and objectives of legal regulation.

In Canada, lobbying is regulated at two levels: federal and regional.

At the beginning of 2021, there were more than 5,000 lobbyists at the federal level, most of whom were active in the field of industry (1221) and taxation (945).

The Act On the registration of lobbyists was adopted in 1989 which regulated status of subjects of lobbying activities - customers, performers (lobbyists, lobbying firms), established also system of public control over it, measures to prevent illegal lobbying, basis and measures liability for violators. [10] The law gave foundation to the post of **The Commissioner of Lobbying** who can conduct investigations on the observance of the Act on lobbying and the lobbyists' Code of Conduct.

The Lobbyist Code of Conduct (1997) divides lobbyists into three categories:

Paid consultants on government relations who are required to register every transaction with a client.

Employees of corporations, or in-house lobbyists**.** The law requires a corporation to be registered as a lobbyist if the time spent lobbying by its employees exceeds 20% of the working time of a full-time employee. [11] In the business environment and in scientific literature, they are called GR-managers and corresponding departments in organizations are called GR-departments.

Employees of non-profit organizations. The law requires a non-profit organization to register as a lobbyist if the time spent lobbying by its employees exceeds 20% of the working time of a full-time employee.

Violation of the federal registration procedure for a lobbyist is subject to a fine of up to 50 thousand Canadian dollars and imprisonment up to 6 months, for providing false information (or forged documents) - a fine of up to 200 thousand Canadian dollars and imprisonment up to 2 years.

European countries that adopted lobbying laws include Germany (Bundestag Regulations. Register of Interest Groups and their Representatives, 1972), Lithuania (Law on Lobbying, 2000), Poland (Law on Lobbying in the Legislative Process, 2005), Macedonia (Law on Lobbying, 2008), Slovenia (Law on Integrity and Prevention of Corruption, 2010), Austria (Law on Transparency in Lobbying and Representation of Interests, 2012), Netherlands (Law on lobbying registration, 2012), the United Kingdom (Lobbying, Non-Party Campaigning and Trade Union Governance Act, 2014), Montenegro (Lobbying Act, 2014), Ireland (Lobbying Regulation Act, 2015) and others.

Continental (European) lobbying system is characterized by the fact that it has no institutionalized forms. [12] A vivid

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confirmation of this is the practice of lobbying in Germany.

In Germany, the authorities have developed consultations with representatives of large commercial organizations. Unions and associations (**Vsrbande und Vsreine**) are considered "classical" lobbyists in the FRG [13] . On the basis of regulations of executive authorities, representatives of these organizations are "assigned" to ministries and other state structures on a permanent basis.

Today, more than 100 German firms, industrial unions and scientific foundations have about 300 "own" employees participating in consultations in the adoption of public-power decisions, including in drafting laws in almost all federal and state ministries. Under the President of the Bundestag, an open registration list of unions and associations that wish to receive information and influence the work of parliament is maintained. Their total number is over 2000.

Members of the Bundestag can simultaneously be on the staff of commercial organizations as consultants or lawyers, or lead industry unions and associations, and be on the boards of directors of corporations. Deputies are obliged to report their activities and income to the chamber. If, during the discussion of the draft law in the parliamentary commission, a conflict of interest arises, the interested deputy resigns for the duration of the discussion. If a parliamentarian does not do this, he will be held liable under the Bundestag Rules of Procedure, including criminal prosecution[14] .

Due to strong and stable positions of the government and the Federal Chancellor, the executive branch has become the object of lobbying there. Direct interaction between them in the form of consultation, creation of various kinds of advisory bodies under federal departments (most of them are concentrated under the ministries of economy and labor), allowed interest groups to participate in the process of political will- formation. The result of this cooperation is obvious: about three quarters of the adopted federal laws are based on projects prepared by the government.

Thus, the “image” of the lobby (“interest groups”) that developed in the FRG - their organizational power, possession of vast information resources - serves to bring national and group interests closer together.[15]

Of course, not all is good in the field of lobbying and in the FRG. There are also scandals related to this field of activity. In the course of one trial, one of the politicians noted with indignation that unions (interest groups) "are seizing power into their own hands and the state is turning into a notary who only certifies the results of backroom deals."[16]

In other words, it is hardly justifiable to idealize or belittle the role of lobbyism. Not being a universal institution that can help avoid negative phenomena in politics, lobbyism has a number of advantages that allow it to work in the interests of democracy under appropriate conditions.

The most important and significant legal act regulating lobbying in Germany can be considered the "Uniform Regulation on Federal Ministries".[17] According to this document, ministries have the right to involve departmental experts, consultants and other representatives of “interested professional circles” when drafting laws. This Regulation gives the heads of a ministry the right to organize, on a temporary or

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permanent basis, various advisory bodies to solve their internal tasks in the process of drafting laws.

It should be noted that in Germany direct interaction between interest groups and public administration bodies takes place in the form of consultations as a rule. Various conferences, councils, committees and commissions operate under almost all federal departments, but most are still under the ministries of economy and labor.

Advisory bodies under government agencies do not have a specific legal status; they do not require any unified administrative procedure for creation and abolition, which makes them a convenient and practical form for contacts of interest groups with the state apparatus.

In turn, for the government, ministries and other administrative structures, importance of these groups is determined by their organizational power and vast information resources that they have at their disposal. The use of this potential significantly facilitates preparation and practical application of laws and decrees, thereby significantly increasing the efficiency of administrative activities.

Legislators in Germany proceed from the fact that promotion of interests of various social groups as a system of organized formalization, expression and representation of certain interests through legislative and executive institutions of power is an integral and most important element of a democratic country. There must be a continuous and free communication exchange between civil society and the state. Without such an exchange, majority of the country's citizens may find themselves isolated and alienated, deprived of the opportunity to exert any effective influence on the process of developing and adopting decisions that affect their vital interests. In turn, state authorities would be threatened by the loss of feedback from society, loss of necessary ability to adjust their activities in accordance with dynamics of social needs.[eighteen]

In Austria and Holland, they took the path of creating a corresponding structure, a special institution - the "socio-economic council", which, having a very clear legal status, plays the role of a kind of alternative parliament. It can act as an advisory advisory body, or it can have a decisive vote in the legislative process.[19]

French approach radically differs L Xia from the American and German. Lobbying in France on the basis of the Rules of the National Assembly of the French Republic counting familiarize illegal . Here the Socio-Economic and Environmental Council, provided for by the 1958 Constitution, operates . The Council consists of representatives of professional groups and is called upon to give opinions to the government on all draft laws of an economic and social nature. [20]

In accordance **with the French Law "On the financial transparency of political life"** (the norms are included in the Electoral Code), each parliamentarian must submit a declaration of his property status within 15 days after taking office and no later than one month before the expiration of the mandate. The Bureau of the National Assembly evaluates changes in the property status of the deputies on the basis of declarations and changes submitted by the deputies.[21]

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In 2009, a Code of Conduct for Representatives of Interests in the French National Assembly and a Code of Conduct for Interest Groups in the Senate were adopted, which regulate various aspects of lobbying in the chambers of parliament.

In 1947, the Italian Constitution established the National Council of Economy and Labor, also formed on a corporate basis and being an advisory body to parliament and government (Article 99 of the Constitution of the Italian Republic).[22] He has the right to initiate legislation and can participate in the development of legislation on economic and social issues in accordance with the principles and within the limits established by law.

In the UK, in comparison with many other countries, special attention is paid to ensuring traditional mechanisms for taking into account public opinion - for example, the right to appeal, through which, by and large, private interests can be promoted.

According to the famous English lawyer P. Green, Great Britain does not have a formal structure of lobbyists, as in the United States.[23] . As a rule, those who were previously associated with parliament, for example, former deputies, are employed in this area. And today's members of parliament can act in all sorts of advisors.

Formalization of contacts between public institutions and authorities is based on legal and ethical requirements for the actions (inaction) of officials who come into contact with public institutions, as well as prohibitions on a number of their actions.

A special place in the system of regulation of the promotion of private interests is occupied by codes of conduct for members of parliament, ministers, employees and reports of the Committee on Public Life Standards, which is formally part of the structure of the Administration of the Cabinet of Ministers.[24] .

It is possible that institutional conditions for the work of bodies, focused on a broad dialogue with society, legal and ethical requirements for the behavior of officials, make it possible to do without formalization of lobbying. In addition, the UK relies on self-regulation of activities of public institutions to promote interests. Lobbyists are united in associations and alliances of political consultants who develop codes of conduct for representatives of their professional community and try to independently exercise control in this area.

British parliamentarians are required to register their financial interests (work or other activity in the private sector) on a regular basis. Maintenance of the register is entrusted to the Committee on the interests of members of parliament.

It should be noted that today in European countries the issue of improving relations between the subjects of lobbying activity in the process of decision-making in the interests of certain socio-economic groups is being increasingly discussed.

In the publication Legislative Toolkit on Lobbying Activities, subjects of lobbying activities include:

Individual lobbyists - any individual who lobbies for their own business interests;

Lobbyist-consultant - any natural or legal person engaged in lobbying in the framework

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of their business activities in the interests of a third party;

Full-time lobbyists - individuals hired by third parties or similarly authorized and engaged in lobbying the interests of these third parties from time to time or on an ongoing basis.

In European countries **control of lobbying activities is carried out by various bodies.**

This may be **one specially authorized body**: Public Service Commission Standards Authority and the monitoring of compliance with integrity (Ireland); Ethics Commission for Senior Officials (Lithuania); State Commission for the Prevention of Corruption (Macedonia); Agency for the Prevention of Corruption (Montenegro); Commission for the Prevention of Corruption (Slovenia).

One or more institutions that deal with lobbying: Parliament (France, Germany, Netherlands).

Executive bodies: Australia (Office of the Prime Minister and Cabinet), Austria (Ministry of Justice), Hungary, Poland (public authorities).

Regarding institutionalization of lobbying activities in the EU countries, it should be noted that legal regulation of lobbying activities is carried out at the supranational level. So-called advisory and consultative institutions and mechanisms have become widespread in the EU.

In particular, **expert councils are** involved in development of draft acts and their approval. According to preliminary estimates, the European Commission has about 1,800 expert committees which include 80 thousand people. The easiest access to the European Commission belongs to European federations that unite commercial organizations by industry, in second place - European transnational corporations, in third - national companies and associations [25] .

Intergroups are also involved in the rule-making work of the European Parliament - specialized associations of European parliamentarians who have common interests in various fields. Within the framework of consultative meetings (forums summits, round-tables etc.) there are held regular meetings of European officials with representatives of civil society and business. [26]

The largest European and multinational corporations organize their own permanent missions in Strasbourg or Brussels[27] .

Summing up, we note that scientists and experts have different notions about the essence of lobbying and its impact on the system of democracy in the state. A number of authors believe that lobbyism is one of the leading institutions of market-type democracy.[28] The most important features of this democracy, without which it cannot exist, are openness, flexibility, high dynamism of power institutions. Based on the fact that the mechanisms of non-formalized interaction between citizens groups and the authorities are still largely secretive and chaotic, there is a high risk of corruption.

Supporters of legitimation of lobbying activities believe that it is characterized by a number of common features:

Firstly, lobbyism as a mechanism for promoting nterests of various social groups exists in all social formations.

Secondly, lobbying activities are carried out in specific interests.

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Thirdly, lobbyists act as mediators between citizens, organizations and government bodies (legislative and executive authorities).

Fourth, lobbying provides citizen groups with the opportunity to indirectly participate in the adoption and implementation of legal and political decisions, which is very important, since most of these groups may not have their representatives in parliament or government bodies.

An Important trend of lobbying is that lobbyists are using three types of organizational forms:

1) Lobbying with the help of individual firms specializing in provision of lobbying services;
2) Lobbyists leverage organizational capacity of conventional campaigns and associations of which staff members they are;
3) Creation of professional associations of lobbyists.

Other specialists are very wary of lobbying in the socio-political system. In their opinion, it erodes foundations of people and turns democratic institutions into instruments of influence on the power of certain groups of interests.[29] . Moreover, it is argued that in a number of transitional states, mechanism for promoting private interests has actually merged with corruption, and they propose to consider lobbying as a form of its formal manifestation.

Summing up, we can state that in countries where democratic traditions are strong and the rule of law is ensured, lobbying is legally regulated and controlled by specially authorized bodies.

The peculiarity of the continental (European) system of legal regulation of lobbying is that there are no uniform laws regulating lobbying activity in European countries as a rule, it is regulated by different normative acts that regulate spheres of activity directly or indirectly related to lobbying.

In countries where lobbying is institutionalized, in addition to purely legal mechanisms, other mechanisms for promoting private interests are also used. Promotion of interests of business and non-governmental organizations is carried out on the basis of regulatory legal acts and through various channels of influence on the adoption of public-power decisions.

These channels are formalized as:

1) Regular consultations between government officials and public institutions;
2) Functioning of expert councils at the authorities;
3) Organization of public examinations on a broad social basis;
4) Adaptation of the right to appeal and the principle of transparency of power to the actual promotion of private interests.

These mechanisms are similar to lobbying in their social and legal nature. Systematic regulation of the dialogue between business, NGOs and the state means that several different mechanisms of "lobbying" have been established and none of them is considered exclusive. The above mentioned provides lobbying subjects the opportunity to choose channels of influence on public-power decisions, sets flexibility and potential for

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development of legal mechanisms for promoting private interests.

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Some Reflections On The Consideration By The Body Of Internal Affairs Of Appeals Of Mentally Ill Persons Or Persons With Mental Disorders

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ABSTRACT

This article discusses the specifics of dealing with complaints from the mentally ill or mentally ill, the differences between the mentally ill or mentally ill, and the specifics of dealing with the incapacitated or disabled. The Law of the Republic of Uzbekistan "On Appeals of Individuals and Legal Entities" also stipulates that appeals of mentally ill or mentally ill persons, as well as incapacitated or partially incapacitated persons shall not be considered unless addressed by their guardians, trustees or legal representatives suggestions put forward.

KEYWORDS

Mentally ill, a person with a mental disorder, legal capacity, limitation of legal capacity, natural person, internal affairs body, appeal

INTRODUCTION

An appeal is an action that is communicated orally, in writing, and electronically to another person or public authority to satisfy a person's material or intangible (especially legal assistance) needs. People have been trying to meet their diverse needs throughout their

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lives. One of these is the need to protect their rights and legitimate interests. Individuals and legal entities apply to public authorities in the form of applications, complaints and proposals for the exercise of their legal rights and protection of their rights and legitimate interests. These individuals and legal entities enter into social relations through their appeals to public authorities. The legal literature defines social relations as follows: Social attitudes are relationships that people use in different areas of their life activities. Legally regulated social relations are considered as legal relations [1]. These social relations in our society are regulated by laws, by-laws, and such relations are legal relations. According to the literature, a legal relationship is the implementation of social relations through legal norms, subjects with rights and obligations. At the same time, it is a relationship between two specific individuals (individuals, legal entities) based on law and law [1]. In other words, a legal relationship is a relationship between individuals (i.e., citizens and legal entities) based on mutual legal subjective rights and obligations based on legal norms and specific legal facts. The main thing in the definition of a legal relationship is, first of all, to reflect the relationship between these parties. In such a relationship, at least two parties - the right holders - participate and enter into a dialogue [2].

MATERIALS AND METHODS

According to the spheres of law, that is, depending on the specificity of the norms of law to a particular field of law, legal relations are divided into the following types: state-legal (constitutional) relations; civil law relations; criminal relations; labour relations; administrative-legal relations; financial and legal relations, etc. [2].

Appeals of individuals and legal entities to government agencies are divided into administrative-legal or civil-legal relations according to their content. Because as a result of appeals of individuals and legal entities to state bodies on any issue, the parties (state bodies and individuals and legal entities) have rights and obligations. Appeals of individuals and legal entities to law enforcement agencies are regulated by the Law of the Republic of Uzbekistan "On appeals of individuals and legal entities", the Law of the Republic of Uzbekistan "On law enforcement agencies" and other laws and regulations [3, 4].

According to Article 6 of the Law of the Republic of Uzbekistan "On appeals of individuals and legal entities", several requirements are set for appeals. In particular: the application of an individual must contain the surname (name, patronymic) of the individual, information about his place of residence, the application of the legal entity must contain information about the full name of the legal entity, its location (postal address). The application of an individual or legal entity must contain the exact name of the state body, organization, position and (or) surname (name, patronymic) of the official to whom the application is addressed, as well as the essence of the application. Applications may include e-mail addresses, contact telephone numbers and fax numbers of applicants. Appeals may be submitted in the state language and in other languages.

The written application must be certified by the signature of the applicant individual or the signature of the authorized person of the applicant legal entity. If it is not possible to

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confirm the written application of an individual with the signature of the applicant, this application must be certified by the signature of the person who wrote it, and his surname (name, patronymic) must be additionally written. Documents confirming the authority of the applicants are attached to the applications submitted through the representatives of the applicants [3].

The Company divides applicants (individuals and legal entities) according to their citizenship status into citizens of the Republic of Uzbekistan, stateless persons, foreign citizens, and legal entities are divided into legal entities registered in the territory of the Republic of Uzbekistan or registered abroad.

Individuals can also be divided into mentally retarded individuals, persons with temporary mental disorders (with limited legal capacity), and individuals with absolute mental disorders (incapacitated) based on their mental state. Human voluntary behaviour is generally regulated and controlled by the mind. A person's actions have a certain legal effect only when they are of a conscious nature. A person in a state of mental health can and must assess the circumstances in which his or her actions took place, understand the requirements placed on him or her, and decide whether or not to take a particular legal action. A person is considered sane if his mental state does not prevent him from making such a choice.

The sanity of a person is of great legal importance. Because the full understanding of the content of their appeals by individuals is of paramount importance in the timely consideration of appeals of individuals and legal entities by government agencies, the determination of the truth. After each appeal, government officials take certain actions. The sanity of the applicant is important not to waste time on the consideration of appeals by law enforcement officers, as well as to allow law enforcement officials to take the time to consider appeals of other individuals and legal entities in a timely manner. The sanity of individuals is important in all areas of law: especially criminal, administrative, civil, labour, and others. In criminal and administrative law, the sanity of a person is a criterion that must be taken into account when prosecuting and punishing a person.

The concepts of sanity and insanity are defined differently in legal literature. In particular, professors R. Kabulov and M. Usmonaliev say that "sanity is the ability of a person to understand the socially dangerous nature of his actions and control their actions during the commission of a crime." they assert that a person who is mentally aware of what he is doing and is able to control himself is rational. In this regard, B.O. Sarmanova also notes that mental sanity should be understood as a state of mind in which a person should understand the social significance of his actions at the time of the crime and be able to control them [6]. In our view, the authors have come to the above conclusions by approaching the concept of sanity only from the point of view of criminal law. However, mental retardation is also very important in civil law. Because in civil law, individuals and legal entities enter into contractual relations. In this case, the parties have certain rights and obligations. A conscious understanding of rights and obligations, and the exercise of them, requires a person's sanity. Mental retardation is a disorder of brain function. Mental infertility has legal and medical criteria. The legal criterion is formed in the law as the inability to feel or control the danger and evidence of their

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actions (inaction) to society, it has intellectual and volitional characteristics. The basis for finding a person mentally retarded depends on the medical criterion. It consists of chronic mental illness, temporary mood swings, mental retardation, and other types of mental disorders [7].

In our view, sanity is the state of mind of an individual at a certain stage of development, the age of socialization and self-awareness, self-awareness and self-management for mental health and actions, and then the ability to respond legally. The criteria of a person's sanity are based on two criteria, the first being a legal criterion and the second a medical criterion. The medical criterion is a generalized list of forms of mental illness, which consists of four groups that cover all cases of mental activity disorders:

1) Chronic mental illness;

2) Temporary mental disorder;

3) Mental weakness;

4) Other mental disorders.

Chronic mental illness combines persistent mental illness that tends to progress, i.e., the symptoms of the disease tend to grow more slowly or more rapidly. This group also includes diseases that can be similar to seizures, and in which the development of the disease process can stop, leaving a permanent mental defect. Diseases associated with this symptom of the medical criterion include schizophrenia, brain injury, epilepsy, and progressive paralysis. Temporary mental disorders are mental illnesses that last for a period of time and end in full recovery. Examples include reactive psychoses, alcoholic psychoses and emergencies (pathological intoxication, pathological affect, pathological sleep, etc.) [5].

The medical criteria for mental retardation also include mental retardation. These conditions are based on oligophrenia (congenital) or dementia (acquired), that is, mental retardation that develops as a result of a developing mental illness [5].

Other mental disorders include psychopathy and infantilism, that is, mental bondage. A person who, as a result of mental illness or mental disability, cannot realize the significance of his actions or control them, is recognized by the court as incompetent. In this case, a guardian or curator has appointed in relation to the person declared incapable. Guardians and trustees perform all actions on behalf of incapacitated persons. In particular, in accordance with the Law on Appeals of Individuals and Legal Entities, appeals in the interests of minors, incapacitated and partially incapacitated persons can be submitted by their legal representatives in the manner prescribed by law and considered in the manner prescribed by law [3].

Treatment failure, like mental retardation, is determined only when medical and legal criteria are met. Just as the legal criterion in criminal proceedings supplements and regulates the medical criterion, the presence of mental illness or mental retardation in civil proceedings does not give grounds to assert that a person is incapable of self-medication. Only the mentally ill or mentally retarded and unable to reasonably perform their work are considered incapacitated. The medical criteria for mental retardation also include mental retardation. These conditions are based on oligophrenia (congenital) or dementia (acquired), that is, mental retardation that

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V.P. Serbian about legal capacity is nothing more than a legal phrase designed to reflect a certain state of mind. He argues that a person who does not understand the meaning of the action he is performing may not be able to act. In our opinion, the scientist came to this conclusion only from the criminal-legal point of view [5].

The legal capacity of citizens is studied in the following groups:

- Completely incapacitated (children under 6 years old, recognized by the court as mentally ill and mentally retarded);
- Artial legal capacity (minors from 6 to 18 years old);
- Limited legal capacity;
- Full legal capacity (sane citizens over 18 years old and emancipated and married before 18 years old).

Kh. Rakhmonkulov divides minors under 18 into two categories, considering them partially suitable for treatment. Some authors propose to divide the legal capacity of citizens into groups with full legal capacity, persons with direct legal capacity (14-18 years old), persons with limited legal capacity, partially capable persons (young children under 14 years of age), persons with full legal capacity. legal capacity [7].

Completely incapacitated, that is, children under the age of 6, are persons who are recognized by the court as mentally ill and mentally retarded and are not fully aware of their behaviour. Therefore, actions taken on their behalf must be carried out by guardians or trustees.

Partial legal capacity is the partial legal capacity of minors between the ages of 6 and 18. In this category of everyday life, people enter into small transactions, in some cases related to labour social relations, and, of course, turn to the state. agencies. The presence of a legal representative in the applications of this category of persons is mandatory since persons between the ages of six and eighteen do not fully understand and do not understand their actions. Thus, the condition for the

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participation of legal representatives is enshrined in the law. Disability means that the legal capacity of a person whose social life is violated, and the category of a person who puts his family in a difficult financial situation as a result of alcohol or drug abuse, can be limited by the court in accordance with the civil procedural law. It is sponsored. Such a citizen has the right to independently conclude small business transactions. He can enter into other agreements with the consent of the sponsor, as well as receive and manage wages, pensions and other income. However, such a citizen is independently responsible for the transactions he has made and for the damage caused to him. In case of cancellation of the grounds for restricting the legal capacity of a citizen, the court shall cancel the restriction of his legal capacity. Sponsorship of a citizen is cancelled by a court decision [8].

Behaviour is a legal concept based on a specific mental state of the subject. A citizen cannot be treated for mental illness or mental incapacity, or limitation of legal capacity falls within the competence of only the court, and the participation of a prosecutor in such cases is mandatory. If there is sufficient evidence of mental illness or mental retardation, the court orders a forensic psychiatric examination to determine the mental state of the person in preparation for the case before the issue is resolved. According to the conclusion of the expert examination, the citizen is recognized by the court as incapable or partially incapable, and a guardian or curator is appointed in relation to him. Although the law guarantees the right of minors, guardians or legal representatives to apply to state bodies in the interests of incapacitated or incapacitated persons, the law does not regulate cases of incapacitated persons turning to their state bodies.

RESULTS AND SUGGESTIONS

In practice, there are cases today when a mentally ill or mentally ill person turns to the police. Although in practice such appeals are rare, the procedure for their consideration is not stipulated by law. In this regard, in our opinion, it is advisable to make the following amendments to part 1 of article 29 of the Law of the Republic of Uzbekistan "On appeals of individuals and legal entities". “The following appeals are not considered:

- Anonymous appeals;
- Applications submitted through representatives of individuals and legal entities, in the absence of documents confirming their powers;
- Appeals of persons recognized as mentally ill or mentally ill by a court decision, as well as incapacitated or partially incapacitated (if their guardians, trustees or legal representatives did not apply);
- Applications that do not meet other requirements established by this Law.

Because civil law provides that a court can invalidate a contract concluded by a citizen who has become incapacitated or incapacitated as a result of alcohol or drug abuse, without the consent of his guardian or trustee.

CONCLUSION

Thus, as a result of the proposed amendment of part 1 of article 29 of the Law of the Republic of Uzbekistan "On appeals of individuals and legal entities", the following can be achieved:

First, the legislation establishes the procedure for considering appeals of the mentally ill or

mentally ill, as well as incapacitated or partially incapacitated persons, fills in the gaps in the law and unifies the law with the norms of civil law.

Secondly, as a result of the rule that government agencies do not consider appeals of the mentally ill or mentally ill, as well as incapacitated or incapacitated persons, civil servants do not spend too much time considering such appeals, but instead consider appeals from other citizens. appeals in a timely manner and in full, sufficient withdrawal time is ensured.

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On Current Problems And Solutions In The Implementation Of State Youth Policy In Uzbekistan

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ABSTRACT

The article examines the existing issues in the implementation of state youth policy in Uzbekistan and ways to solve them. The processes of globalization, the need for an innovative society, scientific and technological progress create many opportunities for young people, as well as many requirements for them quick decision-making, the formation of innovative thinking, and an increase in intellectual potential.

KEYWORDS

Innovative thinking, opportunities, young people, technological progress, requirements, responsibility.

INTRODUCTION

Muchwork is being done in Uzbekistan in the field of state youth policy. Over thepast period, a special system has been created for comprehensive support ofyoung people, the protection of their rights and legitimate interests, theupbringing of initiative and courageous young people who are able to takeresponsibility for the future of our country.

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The country's population is estimated at 18.9 million. or 54 percent are youth and children under 30 years of age. 9.5 million of the youth are male and 9.4 million are female[1].

In order to strengthen the legal framework of state youth policy in the country in 2017-2020, more than 50 laws and regulations were adopted, June 30 - declared "Youth Day"[2].

The Agency for Youth Affairs of the Republic of Uzbekistan was established as a public administration body that systematically implements socio-economic, organizational and legal measures in the framework of state youth policy[3].

Youth Parliaments under the Chambers of the Oliy Majlis of the Republic of Uzbekistan and the Youth Academy under the Ministry of Innovative Development of the Republic of Uzbekistan have been established. "Project Factory" has started operating in the regions [4].

There are more than 830 non-governmental non-profit organizations and public associations representing the interests of young people in the country[5].

Effective work has been done to ensure the healthy growth, quality education and harmonious development of the younger generation, as well as the introduction of the "Five Important Initiatives" to fully support the interest of young people in culture, arts, sports, information technology and reading. being increased[6].

Implementation of "Youth Programs" in all districts (cities) on the basis of a new system to ensure employment of young people through vocational training, vocational training, entrepreneurship, as well as the development of culture, arts, sports, information technology and reading among them through "Mahallabay" studies set in motion[7].

THE MAIN FINDINGS AND RESULTS

In each district, city and region, a system of "Youth Book" has been introduced, which includes unemployed youth in need and desire for social, legal, psychological support, knowledge and vocational training[8].

Huge changes are taking place in the education system, which plays a key role in educating the younger generation. Over the past four years, the number of higher education institutions in the country has increased by 50% (43 new) to 121, and the coverage of young people in higher education has increased from 9% to 25%. 4 Presidential schools, 5 "Temurbek schools" and 9 creative schools are being built and the "Modern School" program is being introduced[9].

In order to radically reform and further develop the system of youth support, 2021 has been declared in our country as the "Year of Youth Support and Health Promotion".

The development of effective solutions to problems in the field of youth, as well as bringing the state youth policy to a new level, stated in the Youth Forum of Uzbekistan in December 2020 and the Address of the President of the Republic of Uzbekistan to the "Oliy Majlis" and the people on December 29, 2020.

In order to effectively use foreign experience in youth policy, to develop systematic cooperation, cooperation has been established with 13 foreign youth organizations. Uzbekistan became an equal member of the

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Youth Council of the Shanghai Cooperation Organization in 2018, the Council on Youth Affairs of the Commonwealth of Independent States in 2020 [10].

At the same time, there are still a number of problems in ensuring the employment of young people through the formation of modern entrepreneurial skills and job creation, effective prevention of juvenile delinquency and crime, prevention of family divorces, strong patriotism and strong citizenship in the younger generation.

1. The quality of education at all stages of education is not at the required level.

The current education system in Uzbekistan is focused on memorizing information and not on developing young people's creative and logical thinking, critical analysis, independent thinking and innovation. As a result, young people are making independent decisions in life, adapting to rapid changes in society, and finding their place is complicated.

2. The coverage of young people with education in pre-school and higher education does not meet the real need.

In particular, the coverage of children aged 3-6 in preschool education is 60% (as of January 1, 2021), the coverage of youth in higher education is 25%[11].

3. Vocational guidance of young people is not organized in a systematic way, the training of specialists in the system of higher and secondary special education is not carried out in accordance with the requirements of the labor market, ie vocational education is disconnected from the practice.

As a result, the majority of young graduates do not work in their field, in particular, according to the analysis of the Institute for Youth Studies and Prospective Training, only 26.2% of graduates are confident that they will work in their field[12].

4. Problems remain in expanding the economic opportunities of young people, providing employment, creating decent working conditions for them.

In particular, the unemployment rate among young people at the beginning of 2021 was 17% (844 thousand people)[13]. At the same time, there are cases of artificial barriers in the employment of young people, women, especially women returning from childcare leave, who are looking for a job for the first time after graduating from an educational institution.

5. Due to the ineffectiveness of measures aimed at educating young people in the spirit of respect for national and universal values, devotion to the motherland, they follow various alien ideas, delinquency and crime, premature births and weddings at excessive costs.

In the country, 39,088 young people live in troubled families, 368 young people are exposed to various harmful informal groups, currents. In particular, out of 39,244 crimes registered in January-November 2020, 11,469 or 34.8% were committed by young people[14].

The work of educating young people in the spirit of loyalty to the family and preparing them for family life is not systematically organized. In particular, there are cases of early marriages, illegal marriages and divorces

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among young people, including, according to the State Statistics Committee, as of January 1, 2021, 28.2 thousand divorces were registered in the Civil Registry Offices, most of them young people[15].

6. The activity and participation of young people in public organizations and political parties remains weak.

The electoral process of the youth, the state of participation of political parties in the activities of the youth wings require further intensification of work in this direction.

In order to address the above-mentioned problems and bring the state youth policy to a higher level, the Concept of Development of the State Youth Policy in Uzbekistan until 2025 was adopted[16].

The concept sets out the following priorities:

1. Towards improving the legal framework aimed at protecting the legitimate rights and interests of young people:

Ensuring the formation and updating of a single electronic database of youth regulations;

Ensuring systematic maintenance of statistical data on youth policy in government agencies;

Monitoring the full implementation of the adopted regulations;

Organization of effective public control over the implementation of normative documents on youth in the field;

To monitor the experience of foreign countries in the adoption of youth laws and regulations, to take measures to apply effective experience in national practice;

Creation of an electronic platform "Youth Appeal", which serves to establish direct communication between young people, especially their non-organized strata and officials;

Formation of expert groups based on current issues of youth, with their help to make changes and additions to existing norms, as well as the development of new draft legal documents;

Strengthening the activities of governmental and non-governmental organizations to guarantee, strengthen and protect the legitimate rights and interests of young people[17];

Ensuring the close participation of young people in lawmaking.

2. To increase the role of youth in ensuring security, justice and environmental sustainability in the country:

Support and ensure equal rights and opportunities for young people, regardless of gender, race, nationality, language, religion, social origin, personal and social status;

Development of legal awareness and culture of youth;

Development of effective mechanisms for the prevention of crime and delinquency among young people, including minors;

Promoting social adaptation of juveniles released from penitentiary institutions or returning from specialized educational institutions;

Develop specific measures to prevent young people from being exposed to human trafficking, corruption, various harmful alien ideas and currents;

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Raising the level of ecological culture among young people, educating them in the spirit of caring for nature and its resources;

Strengthening the participation of youth in ensuring the environmental sustainability of the country.

3. To ensure quality education for young people at all stages of education, to create conditions for the development of inclusive education in the regions:

Strengthening measures to increase the number of preschools, secondary schools and higher education institutions in the private sector;

Systematic organization of vocational guidance for young people, assistance in employment of young people who have graduated from higher and vocational education in their specialty;

Development of effective mechanisms to improve the quality of teaching in general education and higher education institutions;

To increase the financial literacy of young people, to develop curricula aimed at teaching the fundamental knowledge required for this;

To establish a system of determining the interest of students in secondary professions from the 7th grade;

To take measures to create the infrastructure for vocational training of schoolchildren, to acquaint students of grades 8-9 with promising professions and to form the necessary knowledge and skills for this purpose;

Gradual introduction of a system of selection of young people for higher education on the basis of intellectual potential, personal skills, logical and creative thinking skills and volunteerism;

Support activities aimed at improving the education and skills of young people in leading educational institutions of developed countries;

To establish the widespread use of electronic media products (electronic textbooks) in the educational process;

Strengthening the system of incentives for graduates of higher education institutions in remote mountainous and desert areas, where there is a great need for teachers;

Implementation of special programs aimed at increasing the activity of women in postgraduate research, especially in the exact and technical sciences.

4. In the direction of educating young people in the spirit of love and devotion to the motherland, family, the idea of independence, respect for national and universal values:

"From national revival to national uplift!" takes measures to unite around the idea;

formation of spiritual and moral qualities in young people, such as patriotism, courage, bravery, national pride, determination, perseverance, contentment, diligence, willpower, responsibility;

Strengthening effective measures to promote the values of family loyalty, respect for the elderly, kindness, etc.;

Introduction of clear and effective mechanisms aimed at preparing young people for family life, supporting young families, preventing conflicts between them;

Establish an effective mechanism of cooperation between the family, community and educational institutions, as well as the

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media and other social structures in educating young people;

Organization of preventive measures aimed at improving the socio-spiritual environment in society, raising children, the formation of ideological immunity against various spiritual threats that contradict our family values;

Increasing the participation of youth in strengthening solidarity, solidarity, interethnic friendship and harmony, religious tolerance in our society;

Implementation of comprehensive measures aimed at strengthening the atmosphere of good neighborliness, friendship and tolerance in the border, enclave and exclave areas of Uzbekistan.

5. In the direction of creating decent working conditions for young people, expanding their economic opportunities, developing entrepreneurship:

Employment of young people not covered by higher and vocational education;

Wide development of freelance activities among young people;

Introduction of vocational training system from the upper grades of school;

Implementation of special programs to support young people in various fields, such as "Youth in export", "Youth in investment", "Youth in farming", "Youth in construction";

Involvement of teenagers in mahallas in handicrafts and family business within the tradition of "Teacher-Apprentice";

Accelerated development of youth tourism and promotion of tourism-based business among them;

To teach young professionals how to demonstrate their professional skills through international electronic platforms in order to ensure their competitiveness in the international labor market as an intellectual workforce;

Increase programs and funds in higher education institutions (business incubator, accelerator) to support innovative ideas and projects of young people;

Establishment of "Youth Small Industrial Zones", placement of all necessary infrastructure facilities to assist in the implementation of youth projects;

Development of regional specialized programs aimed at attracting young people to entrepreneurship and farming;

Development of specific programs and plans for the organization of youth entrepreneurship clusters and consulting services on the ground;

elimination of artificial barriers to employment of young people, women, especially women returning from childcare leave, looking for a job for the first time after graduating from educational institutions;

Legalization of youth employment in the informal sector, assistance in the exercise of the rights of young people to work abroad, fair and safe working conditions, ensuring their social and legal protection, as well as their reintegration into society after returning home.

6. In the direction of wide involvement of youth in culture, arts, physical culture and sports, the formation of skills in the use of information technology in youth, the promotion of reading among them, the implementation of the "Five Important

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Initiatives" to ensure women's employment:

Implement special programs to increase the interest of young people in music, painting, literature, theater and other arts, to reveal their talents;

Search for talented young people in the field of music, painting, literature, theater and art, create their database;

Implementation of organizational measures to systematically prepare talented young people for prestigious international competitions and contests in the field of culture and arts and ensure their participation;

Physical training of young people, creation of necessary conditions for them to show their abilities in sports;

Increase the total number of young people who regularly engage in physical education and sports;

Strengthen the number of children and youth sports schools and the material and technical base of sports education institutions and increase the efficiency of financial support;

Creation of conditions in physical culture and sports facilities and provision of special sports equipment for persons with disabilities and persons in need of social protection;

Organization of effective use of computer technologies and the Internet among young people;

Development of the basics of innovative entrepreneurship in the field of computer programming, robotics, information technology and e-commerce;

Gradual establishment of IT-parks and Digital Technology Training Centers in the regions;

Creating conditions for young people to use quality, fast and affordable Internet services;

Enrichment of material and technical base of computer rooms of educational institutions;

Implementation of comprehensive measures to publish and distribute book products, create, translate new works and encourage authors;

Government support for the publication of socially important books, especially children's books, Braille-based literature for the blind;

Ensuring the systematic organization of projects and competitions aimed at developing the culture of reading;

Development and implementation of programs for the employment of women;

Comprehensive support for women who want to start a business;

Vocational training, retraining and advanced training of women from low-income families and the unemployed;

Training of women in modern professions, wide development of freelance activities among them.

7. In order to increase the social activity of young people, support youth public organizations and volunteerism:

Stimulation of social activity of youth, formation of a single system of support and coordination of volunteer groups;

Implementation of targeted programs aimed at supporting the activities of youth public organizations, youth wings of political parties;

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Raising the political awareness of young people, supporting their active participation in political processes;

Creation of institutional structures of volunteering, promotion and support of all areas of volunteering among young people;

Implementation of advanced foreign experience in the development of youth public organizations and volunteer movements, strengthening international cooperation.

CONCLUSION

In a word, educating young people as physically healthy, spiritually mature people, promoting their scientific and creative potential, effectively protecting their rights, freedoms and legitimate interests, actively participating in democratic, social and economic reforms in the country have become a priority of state policy.

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Strong Emotional Arousal (Effect) As A Criminal Law Norm

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ABSTRACT

This scientific article will address strong emotional arousal as the norm in criminal law. It also analyzes the views and opinions of scholars in this regard and provides relevant recommendations for improving the theory of criminal law.

KEYWORDS

Strong emotional arousal, effect, crime, punishment, liability, legal and socially dangerous act, human, physiological effect.

INTRODUCTION

Indeed, human life is the highest blessing.No one has the right to deprive him of life. Lawyer M. H Rustambaev expresses "the principle of humanity and justice in criminal law in two different ways.In particular, 1) the principle of humanity and justice establishes criminal liability to those who have committed a socially dangerous act that encroaches upon human rights.2) The principle of humanity and justice in the legislation of Uzbekistan includes all

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aggravating and mitigating circumstances against the accused"[1].

"Mitigating circumstances are added as a criterion when the courts take specific measures under criminal law"[2]. In the section on crimes against the personality in the Criminal Code, the violation of a person's life, health, sexual freedom, family interests, youth morals, dignity, constitutional rights and freedoms of citizens is written as socially dangerous acts. Everyone has the right to live, liberty and to own a private property.

The right to exist is the inalienable right of every human being. Attempts on anyone's life shall be regarded as the gravest crime.Thus homicide can be intentional or reckless.Murder-related, all crimes are considered to have resulted in the death of the person, usually homicide is the result of active behavior. Such behavior is manifested in the actions of stabbing the human body, falling him from a height, poisoning, and so on. Deprivation of human life can also occur through inaction. In this case, the failure to take advantage of the opportunity to prevent the death of another person, for example, the neglect of a newborn baby, the death of a patient as a result of failure to carry out the necessary treatment by a doctor.

There must be a causal link between a socially dangerous act and death.The absence of such a causal link means that there is no criminal liability for death. Under current criminal law, the following are included as crimes against a person; Intentional homicide (Article 97 CC), intentional homicide in a state of intense emotional arousal (Article 98 CC), intentional homicide of a baby his own mother (Article 98 CC), intentional homicide beyond the bounds of necessary defense, (Article 101 CC), cases of negligent homicide, (Article 102 of the Criminal Code) to the level of suicide (Article 103 of the Criminal Code). It should be noted that crime rate in the state of effect has increased significantly over the last decade.Intentional homicide, assault, and other crimes are common, especially in the state of effect.

In the sciences of psychology, psychiatry, strong mental arousal is called a physiological affect[3].

The fact that the crime was committed in a state of physiological affect is the basis for the mitigation of criminal liability, as strong emotional arousal appears in response to the victim's illegal behavior.

During intense emotional arousal, emotional outbursts occur, reducing the stability of mental functions and adversely affecting a person's behavior.

Negative aspects cannot affect well-educated individuals because such individuals can understand the consequences of their behavior even in a state of strong emotional arousal or strong anger, only those who are not well-mannered are able to kill during strong anger.

Criminal behavior is the emotion appearing in the emergence of a character and, moreover, the higher the emotional depression, the more it affects his perception and will.

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Therefore, how emotions affect the human mind depends on various factors. A person's emotional behavior affects some of his organs. Human behavior is connected not only with the causal link of his personality, but also with biological, psychophysiological conditions.

Human curiosity is emotional and includes followings:

Firstly, sensitivity is an effective state of a person's sensitivity to emotions, movements

Secondly, impulsivity is speed, which is embodied as a force that arouses such emotions and behavior, which has a strong effect on the human mind;

Thirdly, emotional variability is an emergency condition in which a person's emotional state is stopped.

Because of the features mentioned above, curiosity is determined by the stability of the emotional arousal and the speed at which it occurs.

The jealous type commits a crime in certain situations, and such jealousy has an impact on the commission of a crime. This is especially true of a situation of anger.

Taking the individual capabilities into account, they are able to adequately assess the situation.

According to German lawyers, "criminals always falls into a state of choleric affect, excluding the state of sanity"[4].

Types of curiosity, other psychophysiological factors determine the shape and characteristics of a person with the onset of emotion.

In the study of highly emotional offenders, the difference in crime between women and men is more significant. This is because when comparing the characteristics of women's crime with crimes committed by men, it was found that there is a significant difference in the psychological characteristics of women in this regard.

Persons, who are attacked, in most cases, are in a state of fright, in a state of strong emotional excitement, that is, passion. That is why the person is not able to fully assess the current situation. In addition, you cannot demand from him to correctly measure the nature and danger of an attack. It proceeds from this that it is always necessary to take into account the mental state of the person, which was caused precisely by the encroachment[5].

The motive for women's crime is tension, aggression, impulsivity. In addition, a stable and definite period of mental process was found to increase in women. That is why the commission of a crime by a pregnant woman is included in the criminal law as a mitigating circumstance[6].

It is also "recognized as a mitigating circumstance, given the particular psychophysiological condition of the mother, whether intentionally killing her infant, directly during birth or after birth"[7].

The emotional sphere of a person changes during the process of growth and development, which is a legitimate process and is a condition for the physical and mental development of a person. An increase or

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decrease in the impulse is observed at different times of the growth period.

Naturally, the occurrence of an affective emotional state varies. The focus is on juvenile delinquency. (11-12-15 years old) adolescent's character is formed and during this period injustice or insult can be deeply broken by them.

M.H.Rustambaev states that "it is difficult to control the actions of a minor under the age of 16 when he has an effective state"[8].

The emergence of a strong emotional state in the effect leads to a deterioration of human health, the development of a serious illness. It creates anger towards healthy people. It is important to note the impact of alcoholism on the human emotional sphere.

"Alcohol affects the central nervous system, arouses negative emotions in a person and enhances the qualities of revenge, anger, violence".

All of the above factors do not in themselves reduce a person's emotional potential and lead to unlawful behavior.

"In practice, it has been observed that there are cases of physical violence that cause strong emotional excitement"[9].

Most crimes stem from mutual quarrels between relatives. Until recently, effect was viewed in the legal literature as an element of crime and has been studied in determining the subjective aspect of the crime. However, such an approach meets the level of development of modern legal science, as well as the requirements of practical jurisprudence. Legal science implies an emotional attachment as a condition that determines the nature of an unlawful behavior. Strong mental arousal does not change the content of the crime, but rather explains the circumstances in which the crime was committed.

The peculiarity of crimes committed in the state of effect is that not only the victim but also the accused need legal protection in committing a crime.

The distinguishing feature of effective crimes is that the person who commits the crime is in a state of particular emotional distress and is unable to control his or her behavior.

The main reason for the strong mental arousal of the perpetrator is the victim's illegal action. That is why the legislature recognizes the sudden onset of emotional arousal as a mitigating circumstance. At the same time the sanction of certain articles of the Special Part of the Criminal Code for liability for certain crimes in the above case is significantly lower.

An affect is a state of mind that is very strong, appears quickly, and is strong, lasting for a short time. What happens when a person is in a state of affect is like an "explosion".

Affect is as different as a person's mental state. There are many types of effects such as anger, rage, fear, grief, joy, and so on. The existence of this or that species depends on the situation that led it to it.

Physiological effect is short-lived but intense emotional arousal, overt, short-lived seizures, and at the same time, extremely intense, intense experiences, anger that turns into intense anger, fear that turns into panic, grief at the level of despair, resulting in guilt loses the ability to control their own movements and

[8] M.X.Rustamboev. Responsibility for a crime against health under the legislation of the Republic of Uzbekistan. Nukus. 1992, – P. 71-72.

[9] Experimental psychology \ red Sost P Fress, J.Piage Vip 5, – M.1975.

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the ability to control them in the short term[10].

In turn, S.Eloyan says that "when a crime is committed in an emotional state, the commission of the crime is a surprise for the guilty person, his relatives and acquaintances, and is incompatible with the usual behavior of the guilty person. Effect can develop in anyone, but not all people allow it to develop"[11].

In this regard, according to NS Volkov, in assessing whether a state of effect has arisen, the actions of the victim do not have to be defined as a crime, such actions can be any attempt to discriminate, insult, otherwise provoke anger of the person[12].

In a state of physiological effect, it is difficult for the offender to control and direct his or her actions. However, as he is able to control and manage his actions, he will be the basis for criminal prosecution. In turn, it is required to prove that the person has committed a crime in a state of effect.If we look at the case law of foreign countries, the Criminal Court of the Supreme Court of the Russian Federation considered the criminal case of Shilov's murder of his wife and concluded that Shilov was in a state of physiological effect at the time of the crime. During all the interrogations, Shilov did not remember how he hit his wife, where he got the knife, where the children were at the time, whether they shouted or not, and the police officer immediately told the police that Shilov had killed his wife, that is, Shilov immediately reported to the police station that he had killed his wife, citing his testimony that he was barefoot at the time and told what had happened in a state of tremor[13].

In turn, in order to find a person guilty of a crime in a state of intense emotional arousal, in addition to proving that he was in such a state at the time of the crime, it is necessary to prove that the person's emotional state arose suddenly as a response to the victim's illegal actions. This requires that the time between the victim's illegal behavior and the onset of an affective state be kept to a minimum.

In turn, MI Kovalev believes that "strong emotional arousal should be caused by sudden, illegal actions of the victim (violence, discrimination, insults) established by law, and remembering these actions when meeting the victim does not cause effect. Judicial practice should be based on this decision[14].

In turn, the effective state may result from discrimination or severe insult committed by the victim. It can be expressed in a sense of patriotism, in laughter over physical defects.

Crimes committed in a state of intense emotional excitement spread over a long period of time. An example of this, we can take the ancient Roman law. It is also known from the practice of Russian jurisprudence that according to Article 18 of the Russian Act, a person is given a lenient sentence for committing a crime of insult.

The concept of strong mental arousal itself was different in jurisprudence. For example, "Russian criminal law in its time, under the influence of psychophysiological, psychological advances, has given up the terms primarily curiosity and anger. For example,

[10] M.X.Rustamboev. Course of criminal law of the Republic of Uzbekistan. Volume 3. Special Section. Crimes against the person. Crimes against peace and security. Textbook. 2 edition, supplemented and revised. – T.: Military Technical Institute of the National Guard of the Republic of Uzbekistan, 2018. –Page 76; M.X.Rustamboev Comments on the Criminal Code of the Republic of Uzbekistan. (Special section). – T.:ILM ZIYO, 2006. – B. 41.

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Section 48 (2) of the 1903 Penal Code provides for liability for aggravated assault by a victim or use of force against a person for the purpose of killing a person as a result of strong emotional arousal"[15].

Since then, the concept of strong emotional arousal has been firmly entrenched in criminal law theory and is used in criminal law.

It is necessary to propagate among the population the provisions of necessary defense in the legislation of the Republic of Uzbekistan. Raising public awareness is an important aspect. Citizens should not have fear of unjustified criminal prosecution[16].

CONCLUSION

Based on the above, the following conclusions can be drawn:

1) A strong emotional excitement can put a person in a state of sudden effect, regardless of whether the betrayal of a partner is suddenly known or has long been suspected of that;
2) To pay attention to the need to conduct a forensic psychiatric examination of each criminal case in order to determine the status of effect in order to avoid possible errors in the classification of the act committed by the courts under Article 98 of the Criminal Code;
3) Intentional homicide committed in a state of sudden strong emotional arousal due to infidelity may be qualified by Article 98 of the CC.

Because, firstly, the infidelity that gave rise to the crime is of a demonstrative nature, committed in order to irritate the sexual partner, to insult his honor and dignity, to damage his reputation, in such cases infidelity is a serious insult and the act is punishable under the Criminal Code. There will be sufficient grounds to conclude that it was committed in a state of intense emotional excitement as provided for in Articles 98 and 108.

Secondly, the recurrence of infidelity is a sign of immorality, and it leads to a situation that hurts the nerves. It is possible to impose a lighter sentence for the crime of premeditated murder, committed in a state of mental excitement under the influence of such a situation. In all other cases, sexual intercourse with a third party, the transfer of emotions to other persons, is considered a moral violation, taking into account the current rules of sexual intercourse, the crime committed in response to such behavior is a case of strong emotional arousal under Article 98 of the Criminal Code. It would not be correct to qualify it as an act committed .

On the basis of the implemented reforms and the agreements reached between the parties, various barriers existing at the state borders with neighboring countries have been eliminated. As a result, from 2017 to 2018, there was a sharp decline in crime in this area[17].

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[15] Code of punishment 1845-1855 (Article 1455,Part 2) Russion True. - Regulations on Punishments 1845-1855, in particular, to alleviate liability for murder for jealousy. This sentence is similar to the term in Russion reality.

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Problems And Prospects Of Green Legislation In The Republic Of Uzbekistan

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ABSTRACT

In Uzbekistan, importance of legal environmentalism has been developing over the past 10 years. So, as a result, environmentalism on both industry and agriculture or individuals' daily life has become actual. For this purpose, it has also been adopted one of the most essential documents of the Republic of Uzbekistan, which is called a "The concept of environmental protection of the Republic of Uzbekistan until 2030" on a basis of 17 goals of sustainable development of the UN. Which means, until 2030 Uzbekistan will have developed eco protection system. This concept is one of the very example of ecological reformation that have conducted in Republic of Uzbekistan.

KEYWORDS

Green legislation, environmental issues, duties of citizens, Renewable Energy Sources, Law on Public-Private Partnerships, Environmental Code, Regulations for Connecting Businesses, National Green Tribunal (NGT), the Unified Electric Power System.

INTRODUCTION

The government of Uzbekistan is going ahead in a way of green politics in order to remain pristine landscape in Central Asia and find out more alternative means of utilizing of environment. In this way, environmental

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legislation of Republic of the Uzbekistan was built on these following crutial principles:

- Comprehensible approach in all environmental issues;
- Enhancing to control system over the utilization of natural recourses correctly;
- Being legal on environmental legislation.

In addition, President of Uzbekistan, Shavkat Mirziyoyev, has told on stage of the United Nations in 72nd session on 22th September of 2017 " one of the most difficult issues in Central Asia is the problem of Aral sea. Drying of this huge sea can cause unpleasant outcomes. In fact, it has forced us to strive forward together. This is an only way to cope with". After, this speech, President and the government of Uzbekistan defected most of their attention to make Aral area more unspoiled enough to either gardening or farming. However, this environmental trouble of whole Central Asia is so taxing that seem to be unattainable since it will take more technology, more financial support, high knowledgeable scientists that ever before.

On the one hand, the importance of environmental legislation usually confront with problems related to rights of citizens. In other words, changing the environment in the devastating way unavoidably impact on the some rights based on land, adequate condition to live, in fact, the 1st principles of the 1972 Stockholm declaration highlighted that "people have fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being, we bear a solemn responsibility to protect and improve the environment for present and future generations". In that, our duties, plans regarding our future environmentalism have been defined properly that never been before, moreover, it has also been marked create and apply more less damaging innovation in society provide population with sustainable environment, more importantly, being environmentally-friendly is growing, sustainable cooperation with other foreign countries such as: Japan, Norway, Germany in which already have more relevant experience.

So, human rights actually depend upon the environmental protections. In this way, there is strong connection between nature and individuals. In order to regulate and improve importance of legal environment, it has been adopted in main law. In other words, in constitutions What is more, today more than 130 countries incorporate environmental protections in their constitutions. Particularly, in constitution of the Republic of Uzbekistan, it is properly shown in chapter of "Duties of citizens" that "Citizens of Uzbekistan are obliged to treat the environment with care".The integration of environmental principles at a constitutional level recently is being so important that it might seem to play the link to change environment in a positive way, able to regulate legal system of green legislation in which is more the essential of the today's world. But it is not always enough.

Furthermore, the new era of renewable energy has affected our country. So, scientists have considered that finding an renewable energy is simple way to tackle ecological issues and key to the future, also, Uzbekistan has a great potential on using solar energy as there are almost 320 of a year is sunny. In addition, very beginning of the national anthem of Uzbekistan is this word "sunny". However, it is a real fact that Uzbekistan has no industrial scale solar power plants, as well as a wind

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potential in spite of those opportunities. Uzbekistan government therefore has been establishing legal framework for development of these energy. In this way, The Law on the Use of Renewable Energy Sources and the Law on Public-Private Partnerships have been adopted, as well as the Regulations for Connecting Businesses that Produce Electricity, Including from Renewable Energy Sources, to the Unified Electric Power System. Also, citizens are encouraged with some of the ways of taxing. However, that is only enough. Therefore, government of Uzbekistan should focus immensely on encouraging people to be more environmentally friendly and work on improving the innovations, which can help us to use renewable energy I suppose.

To enhance the green aspect of Uzbekistan's legislation, learning and protecting the precise experience of the world is essence I suppose. In doing so. For instance, one of the largest emerging economies in the world, India, has an experience of green trials (NGT) that the Supreme Court of India declared, "issues of environment must and shall receive the highest attention from this court". In doing so, Indian government has planned to be able to achieve expediency of justice, set the foundation for the emergence. National Green Tribunal (NGT) is specialized environmental tribunal in India, NGT exercises jurisdiction over matters involving substantial questions relating to environment. It may provide for certain reliefs, which inter alia include relief and compensation to the victims of pollution and other environmental damage; restitution of property damaged; and restitution of environment areas. Unlike a country Uzbekistan has no this kind of eco related courts. So, it will develop or allow to ease the process of court on environmental protection. As Uzbekistan is considered the developing country of Asia, these kind of green trial would be one of the best options that have a positive influence on green aspect of Uzbekistan's politics and could regulate community in a way that to be more environmentally friendly.

From my perspective, importance of Environmental Code has also been increasing as far as environmental process is changing in a way that more complicated. It is becoming more and more important that legitimizing the field of ecology in today's rapid industrial growth, improving eco related laws in globalization. Thus, nowadays, many experts have been working on those issues. The main is that improving law enforcement practices in the field of economy and environmental protection as well. Since we will look at some countries, they have Environmental Code. For instance Estonia, Kazakhstan. They will help to regulate all issues like preservation of ecology or protection.

CONCLUSION

To conclude, it is clear that Uzbek nation has been appreciating at environment as precious gift of life. Nevertheless, in order to protect it, we ought to attract more attention on green legislation, which is an important factor of development of Uzbekistan. I can be pointed out that one of the priorities of the modern world, which is considered one of 17 goals of sustainable development of the UN, is climate action, plus life on land act. Uzbekistan has undoubtedly a vital role in that as a subject of the international public law and equal member of the UN. In this way, it has been showing that Uzbekistan is ready to support the green economy as well as invest money in sustainable solutions for these. Through this globally important project, we might be able to

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recognize that we just need extremely strong operation that ever existed since these are kind of difficult problems that are impossible to solve lonely. We all need to give our potential to reshape the world into better ones.

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State Of Stress In Legal Situations

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ABSTRACT

The article discusses various scientific concepts of emotional states, considered as stress. This state in legally significant situations is related to situations in which control of the will and the ability to predict one's behavior are lost. The above circumstances are equated to the emotional states of a person in legally significant circumstances, when a person is provoked by circumstances exceeding the limit of his adaptive endurance.

KEYWORDS

Mental state, stress, frustration, anxiety, object of research, emotional experience.

INTRODUCTION

In numerous literary sources, the concept of "stress" is presented as a polysemantic concept. Moreover, the values can be divided according to several criteria, which include:

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a) A situational feature, where stress is viewed as events;
b) Sign - experiences, considering stress as a reaction;
c) A sign, where stress is considered as an intermediate variable.

In the context of our research, stress is viewed as a transactional process, i.e. as a process of human interaction with the outside world. R.S. Lazarus et al. Note that the transactional process begins with a specific assessment of an event and one's own coping resources, resulting in sometimes stressful emotions that have a legal significance determined by our research position [1].

If we consider events as stressors and systematize these stressors by the size of negative significance and by the time required for adaptation, then the object of our research interest can be stressors of critical life events, like the events of criminal incidents, or events related to the adoption of legal decisions in extreme situations. choice.

Many existing models of the complex interaction of various psychological factors influencing stressful experiences are taken into account in a combination of internal and external stress factors leading to unsuccessful adaptation. And in a criminal incident, this unsuccessful adaptation almost always leads to destructive actions that have legal consequences for the individual, the threshold of adaptive capabilities of which does not coincide with the requirements of the real environment

In literary sources, stress syndrome is given special importance, which is added to various conceptual provisions considering the phenomenology of the stress state. So, according to the provisions of M.I. Enikeeva, a stressful state inevitably occurs in all cases of a sudden appearance of a threat to life or to a person's social prestige. The author also attributes the cause of the stressful state, which is generated by systematic life failures. Considering the options for a person's stressful reaction to the harmfulness of the external or internal environment, the author identifies the possibilities of getting out of a stressful state in accordance with the adaptive capabilities of a person. According to L.A. Kitaeva-Smyk, the qualitative difference in human adaptation to stressful conditions is determined by the state of his life experience, as well as the innate qualities of the nervous system [2].

For all the danger of stress to life, according to the concept of G. Selje, "good stress" (mobilizing) allows to work out individual's adaptation mechanisms. However in the context of legally significant situations, adaptive mechanisms when mobilizing energy resources of a person in legally significant circumstances, acquire a different quality, and this quality has to do with destructive mobilization, eventually leading to actions of destructive nature.

In the formulation of V.F. Engalychev and S.S. Shipshin, mental tension (stress) is a condition arising at the person in an extreme (unusual, new or threatening) situation. And in this case, the impact of this state on the mental activity of a person is ambiguous and depends on the features of the stressful situation and the individual psychological qualities of the stressed person. On some people mental tension acts mobilizingly, others, on the contrary, feel its disorganizing influence [3].

According to the authors, the specificity of the state of mental tension differs from the state

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of affect, and these differences have to do primarily with the dynamics of occurrence. Whereas affect has an "explosive" dynamic and a short duration, the increase in mental tension can be relatively long, and the decline is not so rapid. The state of mental tension itself may also not be as short-lived as affect. Further, if affect unambiguously causes significant disorganization of mental activity, then, as noted above, mental tension may not only have a destructive effect on mental activity, but may also improve its quality, i.e. adaptation to negative influences is possible (it should be noted, however, that the adaptation syndrome is not limitless, and disorganization of mental activity will follow sooner or later).

As the main change of stress are changes in the functional level of activity, so it is manifested in the tension of this level, which causes its decrease and can contribute to the disorganization of activity in general. Involvement of intellectual processes and personality traits of an individual in the experience of adversely affecting stimuli on the body is conditioned by subjective features of human perception of stressogenic circumstances, which are the consequence of some uncharacteristic human behavior. And these harmful (stressogenic) circumstances for a person may be the circumstances of legal significance, when deciding an issue related to the implementation of the rights of a citizen.

According to V.L. Vasilyev's concept, it is impossible to allocate universal psychological stresses and universal situations causing psychological stress equally in all people. So, for example, even the weakest stimulus under certain conditions can play a role of psychological stress for a certain person, on whom another and even very strong stimulus has no influence. These circumstances are important in assessing the emotional state of a person during the period of interest to the civil court.

For those who, like Z. Freud, are inclined to explain mental manifestations by organic causes, anxiety is an extremely interesting problem because of its close connection with physiological processes

According to our understanding, anxiety is often accompanied by such physiological symptoms as: palpitations, perspiration, diarrhea, and rapid breathing. These physical signs appear in both lucid anxiety and unconscious anxiety. In our opinion, the aforementioned signs that determine anxiety have certain conditions that manifest themselves in emotional states responsible for the onset of anxiety status.

In our opinion, different individuals consider completely different things to be their vital values. State: acceptance of life, freedom, status of children - depends on what is the highest value for a person: body, property, situation, beliefs, work or love relationships?

As a primary link in the development of mental stress is frustration - a mental state that occurs when there is a blockage of meaningful needs, which is manifested in feelings of dissatisfaction and mental tension arising from the inability to realize certain goals.

So, the concept of frustration is definitely connected with the concept of needs, the range of unsatisfied needs can be very wide, as well as unconscious in its entirety. According to observations from our practical experience, the blockage of needs satisfaction is more often determined not by the quality of the outwardly manifested obstacle, but by the

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presence of competing needs in a person, i.e. by the internal conflict that leads a person to one or another degree of his reaction. From the above it follows that the probability of mental stress development at the increase of frustration tension depends on individual-psychological abilities of a person and the degree of stability of this person to the mental stress. In this case we are talking about "personal endurance", understood as a potential ability to actively overcome difficulties, which depends on the personal resources of a person who finds himself in these or those circumstances.

Also it is possible to note influence of emotional stress on certain behavioral features of the person, a special importance and role of previous experience and features of the personality which determine individual vulnerability.

The study of anxiety as a personal factor is the subject of the works of K. Horney [4]. According to the author, anxiety, like fear, is an emotional response to danger. Unlike fear, anxiety is characterized by vague and uncertainty. According to Goldstein, anxiety is caused by such a danger that threatens the very essence or core of the person. What explains the anxiety or helplessness of a person in the face of danger, or what is being threatened?

In the studies of F.B. Berezin formed views in favor of the "single nature" of anxiety. According to the author's position, all phenomenological manifestations of anxiety can be noted with the participation of the same hypothalamic structures and arise independently of premorbid personality traits, replacing each other when the severity of anxiety disorders changes.

According to the author, "anxiety-fearful excitement" is "the need for a motor discharge with a sense of the inevitability of impending disaster, the panic search for help manifests itself in anxiety-fearful excitement, which is the most pronounced of the disorders of the anxiety series. In anxiety-fearful agitation, the anxiety-induced disorganization of behavior reaches a maximum, and the possibility of purposeful activity disappears.

Accordingly, the anxiety series in the order of increasing severity includes the following phenomena: feelings of internal tension-hyperesthetic reactions-anxiety itself-fear-a sense of the inevitability of an impending catastrophe – anxiety-fearful excitement. With a paroxysmal (paroxysmal) increase in anxiety, all these phenomena can be observed during one paroxysm. In other cases, their change occurs gradually, and in relatively stable conditions, each of the elements of the alarm series is noted for a long time. As a rule, there is an inverse relationship between the stability of the state and the severity of anxiety disorders: the most stable states are those characterized by internal tension, the least stable are those whose picture is determined by a sense of the inevitability of an impending catastrophe and anxiety-fearful excitement.

The completeness of representation of elements of anxiety series depends on anxiety severity and intensity of its growth: at low intensity of anxiety its displays can be limited to a feeling of internal tension, at prompt growth of intensity the initial elements of a series can not be caught, at gradual development and sufficient intensity all elements of a series can be traced" [5].

According to the author's concept, anxious-fearful excitement is a "critical" manifestation

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of anxiety as such. The author also testifies that this factor is phenomenological for all types of individuals, regardless of their individual psychological properties.

Taking into account our research position, F. B. Berezin, representing the "anxious-fearful" stage of arousal, speaks of the culminating phase of the state experienced by the person who committed the crime in the state of affective tort.

In our opinion, the degree of experience of danger or threat (with an alarming component) is determined by the essence of the person himself, his individual psychological inclinations, as well as the genotype and the environment of education, which include: both the family atmosphere and the social environment.

Since our interest is devoted to the emotional states that determine a person's behavior in circumstances of crisis significance, whether it is a criminal incident or the circumstances of a civil lawsuit, it is necessary to consider such a concept as psychosomatics, and its influence on certain affective manifestations of a person. Psychosomatics (from the Greek psiho – "soul" and "soma" – "body") is [6]:

- A field that studies the interaction between behavior and somatic disease;
- Science, the objects of research of which are the soul and the body in their interaction.

Some authors (S. P. Botkin, M. Ya. Mudrov, G. A. Zakhar'in) have conducted studies of the dependence of the emotional state on health. They believed that the psychosomatic health of people is most affected by the personality itself, its emotional state, and not by biological factors. In turn, to make a correct somatic diagnosis, it is necessary to take into account the characteristics of the individual, the probability of which is determined by individual psychological properties.

The subject of our research is also the emotional states of the individual, whose somatic states in one way or another influenced the decision-making in legally significant circumstances of civil law.

Considering the strategies of personal behavior under stress, we will take as a basis the theory of coping with difficult life situations – the theory of coping.

Coping refers to the constantly changing cognitive behavioral attempts to cope with specific external and internal demands that are assessed as stress, or exceed the ability of a person to cope with them. Coping behavior is a form of behavior that reflects an individual's willingness to solve life problems, adapt to circumstances with the ability to use certain means to overcome emotional stress.

According to A. Maslow, the following methods of coping behavior are distinguished [7]: a) problem solving; c) search for social support; c) avoidance.

Coping behavior is realized through the use of various coping strategies based on the resources of the individual and the environment. One of the important environmental resources is social support. Personal resources include: positive self-esteem, low neuroticism, internal locus of control, optimistic outlook, empathic potential and other psychological constructs. Since coping processes are a part of the emotional response, the maintenance of emotional equilibrium through the reduction, elimination

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or removal of the acting stressor depends on them.

According to R. S. Lazarus (1991), at this stage, a secondary assessment of the latter is carried out. The result of the secondary assessment is one of three possible types of coping strategy:

a) Direct active actions of the individual in order to reduce or eliminate the danger (attack or flight, delight or love pleasure);
b) An indirect or mental form without direct influence, which is impossible due to internal or external inhibition, for example, displacement ("this does not concern me"), reassessment ("this is not so dangerous"), suppression, switching to another form of activity, changing the direction of the emotion in order to neutralize it, etc.;
c) Coping without emotions, when the threat to the person is not assessed as real (contact with means of transport, household appliances, everyday dangers that we successfully avoid).

Protective processes seek to rid the individual of the mismatch of motives and ambivalence of feelings, to protect him from the awareness of unwanted or painful emotions, and most importantly-to eliminate anxiety and tension. The effective maximum of protection is at the same time the minimum of what a successful coping is capable of. "Successful" coping behavior is described as: increasing the adaptive capabilities of the subject, its realism, flexibility, awareness, activity, including arbitrary choice.

In the context of our research, we will consider the concept of "unsuccessful coping" (in our terminology, anti – coping), which uses non-constructive, but psychologically understandable (taking into account the personality and circumstances) strategies that deprive a person of the opportunity to make decisions taking into account all the necessary conditions.

According to our assumptions, there is a relationship between the personal constructs with which a person forms his attitude to life's difficulties and what strategy of behavior under stress (coping with the situation) he chooses.

According to the humanistic position of E. Fromm, a person has the instinct of overcoming, one of the forms of manifestation of which is search activity, which ensures the participation of evolutionary and programmatic strategies in the interaction of the subject with various situations.

According to observations from our practical experience, the preferred ability and inability to cope are also influenced by individual psychological characteristics, including both temperament, level of anxiety, type of thinking, and orientation of character. The severity of certain ways of responding to difficult life situations is not only dependent on the self-actualization of the individual, but also depends on the degree of loss of this self-actualization. Also, according to the results of our empirical research (acts of forensic psychological examinations) in civil cases, the resolution of the situation of a complex legally significant period mostly depends on the degree of adequacy of the assessment of what is happening, and on the significance of the subjective assessment of the circumstances of the stressful period.

According to Scherrer, systematic errors in the assessment of the situation, which are

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observed in depressed individuals, can be defined by the term "evaluative pathology". A detailed diagnosis of the described condition can be of great importance both for the analysis of the conditions for the occurrence of the problem, and for the analysis of the legal consequences of "evaluative pathology" [1].

In the research aspect of E. D. Sokolova, F. B. Berezin, T. V. Barlas, the concepts of physiological and emotional stress are distinguished. According to the authors, physiological stress occurs in connection with direct physical impact, and emotional stress is caused by a complex stressful situation that affects a person through complex mental processes.

The subjective attitude to the stimulus, according to the authors, depends on: the unique individual experience, personal characteristics, the nature of cognitive processes-together determining the individual significance of the stressor [9].

Taking into account the topic of our research, the individual significance of the stressor is also fixed by a set of factors, including both age parameters and parameters of somatic health. The practical experience of our research allows us to express the opinion that no situation causes stress for all people without exception.

These statements are based on the meaning of a person's individual predisposition to adapt to a particular environmental impact, and moreover, to extreme circumstances perceived from the point of view of their subjective experiences. In the present context, we rely on the research criteria of experimental experience, determined by the position of the" individual predisposition " of the subject to experience events through the prism of subjective attitudes.

Hypothetical developments within the framework of research topics allow us to identify the following parameters:

a) Not every emotional impact leads to stress of the events experienced;
b) Not every stressful state leads to a state of frustrated tension;
c) Not every frustrated state leads to an affect that has (in behavioral terms) destructive consequences.

In our opinion, the center of gravity in assessing the emotional state, in particular, mental stress can not be transferred to the characteristics of the environment. In other words, stress is not a set of environmental influences, but an internal state of the individual (taking into account the state of the body), in which the implementation of the integrative functions of the body is complicated. It is also necessary to refer to "stressors", and their connections with mental deformities that have variable effects.

The research parameters determined by the framework of civil proceedings allow us to diagnose stressful states when making transactions of different nature, taking into account the psychological definition of deficit of volitional organization of behavior. Specificity of this diagnostics consists in qualitative characteristics defined by "stress" as a transition to "distress", essentially influencing behavioral parameters in view of acceptance of certain decisions.

In our opinion, a stress condition can both mobilize human resources and demobilize them. And if there is a question about influence

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of stress on behavioral features of the person in legally significant situations, it is necessary to reveal diagnostic criteria of "distress" state. Possibility of division of situations into normal, extreme and hyperextreme allows us to reveal in the person a level of extreme tension or overstrain. Extreme situations, in our opinion, are integral phenomena in the form of a temporary confluence of negative circumstances, expressed in special unfavorable conditions for human activity. An extreme situation presupposes that a subject is included in it. And this involvement can be objective (as complicated conditions), and subjective (attitudes, ways of action in sharply changing circumstances).

In our opinion, an extreme situation is a tense, complex and difficult situation, and therefore requires resolution. The consequences of such a situation, according to our assumptions, are both affective reactions leading to a violation of self-regulation, and to states of dissociation (disstress), leading to behavioral defectiveness, which determines the right to an untenable (with limited ability to act adequately) transaction of various complexity categories.

Thus, according to our research concept, a person who is in a state of hopelessness (taking into account the existing stressful circumstances, as well as taking into account his age and behavioral characteristics), suffers from a lack of cognitive abilities to make adequate decisions in accordance with the norm of law. And in this case, it is possible to diagnose a state of" distress " that leads a person to a defect in the volitional regulation of behavior that differs from the behavior that does not correspond to the legal characteristics of behavior in a frustrated state.

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Significance And Necessity Of Digitalization Of Citizens' Control Over The Activities Of State Bodies

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ABSTRACT

This article proposes a modern, new idea of increasing the effectiveness of citizen control. This is "electronic citizen control". As digitalization leads to a positive outcome in all areas, this method further enhances public scrutiny. Increases practical significance. So far, the scientific basis for the digitization of citizen control has not been studied in depth. Because this is a new direction. This research was conducted on the basis of observation, generalization and axiomatic methods. Public oversight practices were followed. The existing legal framework and their practical implementation were studied. As a result, some problems with the implementation of citizen control were identified. In particular, the failure of laws and its causes. Simple and effective methods of citizen control have not been implemented. Legal mechanisms for electronic reporting are not fully formed. The practice of organizing public discussions through digital technologies has not been formed. In general, real-life situations were not taken into account in the exercise of public control. Public control needs to be digitized to address these issues. Convenience should be created for ordinary citizens. Strong control over the activities of the state body, its official must be established. This ensures the rule of law. The article makes suggestions and recommendations based on the analysis of existing problems in this area.

KEYWORDS

Citizen control, electronic citizen control, electronic reporting, public discussion, digital technology, objects and subjects of citizens' control.

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INTRODUCTION

There is a growing need for the widespread introduction of modern information technologies in public administration [1]. Another such topical issue today is the introduction of modern digital technologies into public scrutiny.

First of all, let's think a little about public control and its practical significance. Public control is a special type of control over the activities of government agencies by citizens and the general public [2]. It is a relatively modern, democratic, and effective control [3]. It is effective against state control [4].

Public oversight plays an important role in ensuring the rule of law [5]. The effective implementation of citizen control ensures the legitimacy of the activities of government agencies [6].

Information and communication technologies, digitalization are developing rapidly. New forms of their application are emerging. Citizen access to technology is expanding. This highlights the need to digitize public scrutiny.

So far, this issue has been virtually unexplored. True, in the research of the Russian scientist S.M.Zubarev one can find opinions related to this topic. It mainly analyzes the public discussion of the law-making process and the use of digital technologies in these processes [7].

In contrast, we have focused more on the digitization of public control over the activities of government agencies and their officials. The role of electronic public oversight in ensuring the rule of law has been the subject of our research.

The rapid, wider development of technology, according to some scholars, is greatly influenced by the global information network - the Internet, which "claims to enter the law as a new entity." [8] "From a global perspective, humanity today is going through an interesting period of change in the world economy, in people's lives, in the fundamentals of life. All this technology is explained by the fact that computers are connected to each other via the Internet. It is estimated that today about five billion devices are connected to the global "spider web". Their number is expected to reach twenty billion in the next five years. "[9]

The study analyzed the results of public oversight conducted in recent years. It was carried out using information and communication technologies. As a result, it was observed that they are more comprehensive, effective and efficient than those conducted in traditional methods. In particular, the most effective means of influencing government officials today are electronic resources, digital technologies and social networks.

In this regard, the digitization of citizens' control control is becoming a necessity. There is also a need to study the scientific, theoretical and practical aspects of "electronic citizen control".

Electronic citizen control is the introduction of modern information technologies in the process of public control. This is a new form of control over the activities of public authorities and their officials by the subjects of public control, using the opportunities of digital technology.

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The introduction of digital technologies in the process of citizen control is widely observed in practice today. For example, there is a growing attempt to constantly monitor, evaluate and monitor the compliance of citizens with the rule of law in the activities of government agencies and their officials. Recently, there has been a widespread discussion of the activities of employees of various government agencies through social networks, expressing their views on the legitimacy of their actions.

Or, the illegal actions of some officials are spreading through social media and causing great controversy. The population demands an official response from government agencies. In turn, officials of government agencies are adapting to comply with the legal requirements of the subjects of citizen control, to take appropriate measures, to go out through the media and make explanations and statements on the relevant situation.

As long as the state body pays serious attention to these processes, responds quickly to public opinion, effectively uses modern approaches in working with citizens, their prestige among the population is growing.

Such new social relations, which are emerging in practice, also contribute to the formation of the legal framework of the industry. A practical example is the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 16, 2020 No 444 "On measures to further develop the system of e-government, as well as the introduction of electronic reporting of government agencies and organizations".

According to him, from September 1, 2020, the procedure for electronic reporting to the public on the activities of public administration bodies, their territorial divisions, governors on a semi-annual and annual basis has been introduced. Reports: first posted on the official website, official pages on social networks, published in the central (regional) print media; then online broadcasts in the form of briefings and press conferences are organized through the official website of the organizations and the social media accounts of their first leaders [10]. This is a very important reform, which will create a wide range of conditions for public oversight of the activities of public administration bodies, as well as local government officials. Allows subjects of public control to monitor, analyze and evaluate the activities of public officials.

The following is another example of the formation of organizational and legal mechanisms of electronic public control in practice. On August 12, 2020, the draft resolution of the President of the Republic of Uzbekistan "On measures to radically improve the system of use of service vehicles in public authorities" was posted on the electronic portal for discussion of normative legal acts [11]. Item 7 reads: “The Anti-Corruption Agency of the Republic of Uzbekistan together with the Ministry of Information Technologies and Communications has until January 1, 2021 to post photos and videos on violations in this area, which will allow the public to exercise public control over the use of service vehicles. create a special web portal and introduce a system of rapid response to each reported case. This also means the implementation of public control through electronic means through the creation of a special electronic web portal.

Or, Uzbekistan has created an electronic platform "E-Anticor.uz", which allows you to

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monitor and evaluate the activities of public authorities in the fight against corruption.

An important step in this direction is the establishment of special mobile software that allows the Anti-Corruption Agency to report corruption cases.

In recent years, Uzbekistan has begun a serious fight against corruption. A special law was passed. A separate agency was established. Incentives have been introduced to report corruption.

On December 31, 2020, the Regulation "On the Procedure for Incentives for Persons Reporting Corruption Offenses or Other Assistance in Combating Corruption" was adopted. This Regulation was submitted for public discussion before its adoption. Citizens showed great interest in it and many supported the project.

Article 37 of the UN Convention against Corruption provides for incentives for those who report corruption-related crimes.

Legislation in the United States, the United Kingdom, Canada, Korea, Romania, Serbia, Kazakhstan, Kyrgyzstan, and other countries also provides incentives for those who report corruption-related offenses.

Such measures taken by these countries to combat and prevent corruption have had a positive impact on the broad involvement of citizens, increasing their activism, as well as a sharp decline in the number of corruption-related crimes.

In Kazakhstan alone, 708 people were fined 99 million tenge for reporting corruption offenses from the state budget in 2017-2019. tenge (2.4 billion soums), in the 1st quarter of 2020, 44 people received 7.2 million soums. tenge (176.6 million soums) [12].

The following procedure has been established in Uzbekistan: Incentives for citizens, non-governmental commercial organizations, government agencies and citizens' self-government bodies for reporting corruption offenses. According to him, citizens and civil servants can report to the relevant authorities about corruption offenses that are being prepared, committed or have been committed in any area.

The incentive is based on the social risk of corruption offenses, from 3 to 25 times the basic amount of the budget, and up to 15 percent of the bribe (damage) if the amount of bribe or damage exceeds 100 times the BHM [13].

Information technology should also be widely used in these reporting and incentive processes. It then expands further under public scrutiny. In general, the procedure for reporting and encouraging violations should be digitized.

We believe that the forms of control over the activities of government agencies and their officials should continue to be digitized. In particular, it is important to create opportunities for public control entities to implement the forms of public control reflected in the law on the basis of digital technologies [14].

Article 6 of the Law of the Republic of Uzbekistan "On Public Oversight" defines the following eight forms of public oversight: appeals and inquiries to government agencies, participation in open board meetings of government agencies; public discussion, public hearings, public monitoring, public expertise, public opinion research, hearing reports of

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public officials by citizens' self-government bodies [15].

If we analyze the digitization of appeals and inquiries sent to government agencies as a form of public control. First of all, it is necessary to create conditions for the content and quantity of requests to be tracked on the basis of digital technologies. To do this, it is necessary to create a separate page or a special electronic platform on the official websites of each government agency. It should cover the content of the appeals and inquiries received through it and the results of their resolution.

If the process of sending appeals and inquiries to government agencies is systematically digitized, practical work in this area will be open to the general public. When the population is informed about the results, the current issues and concerns of the population will be resolved quickly.

So far, there are many problems in areas where public control is not digitalized. For example, a study by the Center for Development Strategy found that the use of legal forms of public oversight and the achievement of tangible results were unsatisfactory. In particular, norms such as public hearings, public monitoring, public expertise are almost not implemented. Also, the practice of hearing reports of executive authorities, other organizations and institutions by mahalla citizens' assemblies has not yet been established [16].

In our opinion, the reasons for this are that no liability has been established for non-compliance with the law. For example, in 2017, amendments were made to the Law of the Republic of Uzbekistan "On Local Government" to "hear reports of relevant prosecutors, heads of territorial divisions of the Ministry of Internal Affairs". However, due to the lack of liability, these legal norms almost do not work in practice. The reports of the officials are presented only in name, and in some places, these rules have been completely forgotten.

We believe that special attention should be paid to this issue in electronic reporting mechanisms. First of all, the legal mechanisms for electronic reporting should be strengthened at the level of laws, not in by-laws. At the same time, it is necessary to establish measures of inevitable legal liability for untimely fulfillment of the obligations set out in them.

The emergence of various social networks is creating opportunities for the digitization of some forms of public control as the level of their use by citizens increases. For example, modern technologies can be used effectively in the process of holding public hearings to analyze current issues in public life, the rule of law in the activities of public authorities [17].

It is worth noting the experience of public discussion of draft regulations, which can be considered as the most positive practice in this area today. A special electronic platform created for this purpose - the portal for the discussion of regulatory legal acts of the Republic of Uzbekistan (https://regulation.gov.uz.) Is becoming a very important forum for discussion in this regard.

As of January 20, 2021, 8532 draft normative legal acts have been posted on this portal, 570 of which are Laws; 251 - Presidential Decree; 692 - Presidential Decree; 2442 - Resolution of the Cabinet of Ministers; 3036 - Governor's

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decision; 1441 is a draft order or decision of various government agencies.

If we analyze them by sectors, 908 - on education, science and culture, 887 - on transport, 668 - on labor and employment, 248 - on housing, 241 - on taxes and fees, 237 - on banks. , 239 - on business and more than 3400 on various other issues. During the discussion of these documents, a total of 35,478 suggestions were received from the public [18].

It is worthwhile to identify and publish a list of citizens who submit the most and meaningful proposals on draft regulations through this electronic portal, as well as a list of the most exemplary and non-exemplary government agencies to consider the proposals of the participants [19].

In the practice of Uzbekistan, a special portal of electronic collective appeals has been created. In particular, in accordance with the Resolution of the President of the Republic of Uzbekistan dated January 22, 2018 No PF-5308, the introduction of electronic collective appeal to the chambers of the Oliy Majlis, regional, district and city Kengashes of People's Deputies through a special web portal "My opinion" [20]. The web portal "My opinion" was created to expand the opportunities for citizens to participate in the management of public and state affairs in Uzbekistan, to ensure the transparency of the representative bodies of state power, the viability and effectiveness of laws.

Launched on April 20, 2018, the web portal "My Thoughts" once again demonstrated the socio-political activity of our citizens. This can also be seen in the nearly three years of operation of the web portal.

As of January 20, 2021, 4,173 applications have been submitted for posting on the My Opinion web portal. 89 of them were put up for vote. Of the applications received, 19 were in the process of support and 40 were in the process of examination [21].

The fact that 26,838 comments were made by citizens on the issues submitted for discussion through the web portal shows the interest of citizens in important issues of public life. In general, the above indicators increase the importance of public discussion, as well as the need to further improve its legal framework [22].

Of course, it is important to determine the prospects for the implementation of public control through information technology, taking into account the digitalization of all sectors in the future [23]. However, it is necessary to analyze some of the factors that hinder these processes and take appropriate measures to eliminate them.

It should be noted that the quality of Internet communication in Uzbekistan is not at the required level [24]. There are problems with digitization, especially in remote areas [25].

Another shortcoming is the incomplete provision of material and technical base and electronic resources of the subjects of public control. Modern technologies are required for quality electronic control. This issue also needs to be addressed.

Imperfect legal framework and organizational and institutional structures. Although there is a separate law on public oversight, most of its norms are declarative in nature. For example, the composition of objects, subjects is not fully defined. Or, this law is not in line with current practice, the requirements of digitization. The

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basic and most effective types of public oversight in place are not regulated by law.

Another problem is the fact that there are still officials in public administration who do not count on the population and the public. Of course, their number is declining day by day. However, it must be acknowledged that it exists.

It is also possible to point out shortcomings in some government agencies, such as transparency and incomplete cooperation with the public.

In our opinion, in the current situation in Uzbekistan, it is important to address the following issues for the widespread introduction and implementation of electronic public control, the development of its organizational and legal framework:

First, Appropriate amendments to the Law of the Republic of Uzbekistan "On Public Oversight", taking into account the introduction of relatively effective, modern forms of public oversight (eg, electronic, remote, etc.) due to updates in public life, the widespread use of modern information technology in governance and additions should be made.

At the same time, the legal mechanisms for the electronic implementation of citizen control, the order of use of various electronic platforms should be clearly defined in this law. The law should also reflect the rights and obligations in the field of public control through special web portals for posting photos and videos of violations in this area, as well as the procedures and rules for electronic reporting of government agencies.

Secondly, Given the growing need to strengthen the legal framework for public hearings, as well as the need to do so electronically, it is advisable to develop and adopt a new draft law on public hearings, aimed at its perfect legal regulation. we think. First of all, it should regulate the procedure for conducting and participating in the electronic public discussion, the main directions and scope of issues to be discussed, the time and duration of the discussion, the rights and obligations of participants and other important social relations.

Third, In order to increase the effectiveness of the "reporting" form of public control, the Code of Administrative Responsibility of the Republic of Uzbekistan should be supplemented with measures for "failure of officials to report to local councils, citizens' assemblies in a timely manner."

Fourth, To further develop the organizational and technical base of electronic public control, it is necessary to create special electronic platforms, software systems. It should create all the necessary facilities and opportunities for the subjects of public control to establish control over the activities of public administration bodies and their officials.

In short, the introduction of modern information and communication technologies in the process of citizen control, the development of its organizational and legal framework serves to ensure the rule of law in public administration, further increase the responsibility of government agencies and their officials and protect the rights and legitimate interests of citizens [26].

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Experience Of Uzbekistan And Prospects For Development In Improving The Mechanisms Of Public Control

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ABSTRACT

This article analyzes the content and essence of public control and its role, importance and necessity in the prevention of corruption, its organizational and legal basis and prospects. The legal experience of Uzbekistan in introducing strong social aspects of public control to fight against corruption has been studied. Comments were made on the development of state bodies and the mechanisms of public control in it, and grows of democratic factors. Specific suggestions and recommendations have been made on some of the problems in this area and ways to solve them.

KEYWORDS

Prevention of corruption, public control, objects and subjects of public control, forms of public control.

INTRODUCTION

The Republic of Uzbekistan is currently experiencing a unique period of development. We can see new reforms in our state in all spheres. It is especially distinguished by the

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rule of law, law enforcement, the role and active participation of citizens in them, its vitality in the field of legal practice and its equal impact on all, and occupies a special place. In each state, laws are important in regulating the social and political relations of citizens. The President of the Republic of Uzbekistan Sh.M.Mirziyoev in his Address to the Oliy Majlis on January 24, 2020 stated that "The movement towards democratic reforms is the only and the right path for us." After all, all the new normative document defines the capabilities of any industry, and on the other hand imposes certain restrictions. At present, we can see that in the reforms of the social sphere in our country, many opportunities have been created for public control over the definition of the principles of order, and it is developing. The period of independence has a special significance in the history of statehood of the Republic of Uzbekistan. In the process of building the rule of law and the formation of civil society, the selection of its promising directions, the development of civil society institutions, their analytical, critical review, further intensification of these institutions, including strengthening public control over the activities of civil society institutions The issue is topical. In our country, we can see that the fight against corruption has developed rapidly in the reforms of the social sphere, in the definition of its principles of order, and in this regard, many opportunities have been created for public scrutiny. In this regard, the Decree of the President of the Republic of Uzbekistan dated June 29, 2020 No. 6013 "On additional measures to improve the anti-corruption system in the Republic of Uzbekistan" is of great importance. This decree defines the establishment of the Anti-Corruption Agency and its functions. It was one of the first organizations in the Republic of Uzbekistan established on the basis of international standards and recommendations of international research institutes. The decree also provides for the establishment and composition of the National "Anti-Corruption Council". In the fight against corruption, the principles of regulation and accountability of public authorities are being adapted to democratic principles in all respects.

We believe that the rapid development of public control in Uzbekistan is the responsibility of the executive bodies and their leaders to the people's legislature, the Oliy Majlis, which is considered necessary, and its legal framework is being formed and existing norms are being amended. We can see that a full-blooded transition to democracy has begun, especially through the Prime Minister and the General Procurator, who report annually to Oliy Majlis on their work and responsibilities. These cases mean that systematic and large-scale work on public control is being carried out. The concept of public oversight was largely introduced in 2014 with the introduction of amendments to our Constitution on public oversight. Later, many normative legal acts dedicated to public control or regulating its means were created, which we will discuss in more detail later. Public hearings are a special form of public oversight, in which officials report to the public on their authority. At the same time, the development of mechanisms for improving public control is based on the following aspects: In our opinion, the study of aspects that serve to improve public control in Uzbekistan and the development of proposals for its introduction into national practice is of great importance in public control. This is determined to some extent by the fact that

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citizens are free to express their views on their lives, issues and problems, to demand their legitimate interests and that there are no obstacles, and that citizens play an active role in resolving social relations. The stronger and more influential the public control in the society, the more development factors will be provided in the society and the cases of corruption will never be tolerated, because the stronger the society and the more developed the public control, the more illegal actions citizens do not allow. and realize the negative impact on their lives, their role in society.

To determine the main aspect of strong public control and the effective aspects of the mechanism, the following should be done. (instead of a proposal!)

- Creation of a new ideology of public control over our citizens, especially the younger generation, and the creation of a nationwide system of collecting views.
- Development of specific measures and a draft law of a recommendatory nature on the existing norms in the field of public control and ways to improve them.
- Analysis of ways to develop national experience in the field of public control and ensure the active role of citizens and other social and legal institutions in it.
- Adequate study of the areas of public control in international practice, the creation of a single system for analytical, critical review and its adoption in accordance with our statehood, social policy.
- It is necessary to interpret the international experience and national practice, to develop a system of conclusions based on a comprehensive study of proposals and developments, public opinion, proposals and to develop public control, to determine its prospects, to study and analyze in depth new social aspects. It is necessary to study the existing obstacles in the way and develop an effective program of measures to overcome them and regulate it from a normative point of view.
- A complete theoretical justification of the aspects and problems that are facing scientific public scrutiny and may occur in the future.
- To identify and develop proposals for the development of civil society in our country, public control over its effective construction, strengthening its regulatory framework and the development of new ones.

The current XXI century is a period of new technologies, new social relations. As our lives develop, it will become a vitally important to create new norms, to create mechanisms to regulate them, to improve them, to implement international experiences. Public oversight is an important condition for the development of civil society. The basis of civil society is determined mainly by the factors of public control, the rule of law in the country and the role of the population in it, the degree of influence. In this regard, its legal basis can be seen in the Law of the Republic of Uzbekistan dated April 12, 2018 No. 474 "On Public Control". This law consists of 21 articles and defines the place of public control in almost all social aspects. In particular, the law provides for the "study of public opinion", which sets out the rules for the organization of all important social aspects. On this basis, in order to study public opinion, suggestions and complaints on the legislation, the portal regulation.gov.uz was created at the initiative of the government and at the suggestion of the

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public, and its legal basis was determined. At present, this portal plays an important role in defining the role of the public in our national legislative system, public control and is one of our great achievements in the field of public control.

Primary norms of the Republic of Uzbekistan on public control:

- Law of the Republic of Uzbekistan dated December 9, 2015 No. 395 "On E-government".
- Law of the Republic of Uzbekistan dated April 12, 2018 No. 474 "On public control". This law consists of 21 articles and is the basis for regulating this area.
- Decree of the President of the Republic of Uzbekistan dated January 9, 2019 No PF-5618 "On radical improvement of the system of raising legal awareness and legal culture in society." (Concept)

At present, the specificity of e-government in international practice is one of the most important sectors in strengthening public control, ensuring its effective mechanisms, and the media play an important role in this.

In the world experience, almost all areas are covered by the e-government network. We can see the specific public control of e-government in our country being introduced in the media (hereinafter referred to as the media). In this regard, the Law of the Republic of Uzbekistan dated December 9, 2015 No. 395 "On E-government" is of great importance. The media has been responding quickly to any event of social significance, providing a unique public scrutiny.

Public control can be exercised not only by citizens, but also by citizens' self-government bodies, legal organizations, the media. In a few words, we must take the specifics of the international experience of developed countries and promote it in a way that suits our national social environment. At the same time, of course, our national values and Uzbek culture play a key role. As a new social spirit, a new worldview, the principle of intolerance based on justice are formed and developed in our society, in our people, we will move forward to a new era, to the construction of civil society. To do this, our citizens living on this land must live a new life and a deep sense of social responsibility in building it together. Public control and its forms of implementation, public opinion is its practical aspects, aspects of international experience of public control and their application in terms of national principles, and all social relations that cover this area. In today's developed world, public control is the basis of national practice and international experience, the specific aspects and existing problems associated with the creation and improvement of legislative systems based on the Constitution. Another aspect of strengthening public control is that the Concept on Radical Improvement of the System of Raising Legal Awareness and Legal Culture in the Society states. In general, the aspects of legal ideology, legal consciousness and public control within them, which should be formed in the younger generation, are also socially relevant. It is also necessary to consistently organize the existing problems in this area, and we would suggest them to create a new system for finding solutions and developing recommendations based on the conditions of Uzbekistan. The basis for the development of new specific proposals in the field of public control, including the study of active proposals of citizens and the selection and analysis of

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experiences that have been found to be effective, and on this basis "Create a model of Uzbek public control ". To do this, first of all, the country must have democratic and diversity of opinion, freedom, mutually beneficial cooperation between government agencies and the people. No matter how hard the law enforcement agencies try, we will not be able to organize an effective fight against this scourge unless our people are intolerant of this abomination and establish effective public control. It is also clear from the report of the President that one of the most effective ways to combat corruption is public control. At the same time, it is necessary to strengthen public control and create its mechanisms, and, above all, to support the process of government agencies and their immediate superiors. Our people must understand that this situation is one of the most important factors in improving society and development. It would be said that the more public control we develop, the more we will continue to build civil society. Public control acts as a powerful "weapon" in the hands of the people.

As our society and people develop a new social spirit, a new worldview, the principle of intolerance based on justice, we will move closer to the new era of building a new "Civil Society". live with a sense of responsibility for building a socially prosperous civil society. President Sh.M.Mirziyoev, as the head of the reformist state, is doing a great job here. We believe that our people (all patriots who feel involved in the development of this country) must unite and work for the development of unity and solidarity of the Uzbek people, and contribute to the vital reforms of the head of our state. We believe that this will be a new period in the development of our statehood and will have a special place in our history and become one of the most recent developments, a period of legal reforms.

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International Civil Society Initiatives In The Fight Against Corruption And Their Demands

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ABSTRACT

The article provides an overview of the literature on corruption relations in civil society, and then - the relationship between public administration, institutions and civil society.

The study examined cooperation with civil society in the fight against corruption and its solution, as well as its eradication at the national and international levels, as well as the activities of international organizations in the fight against corruption, their objectives and goals.

A comprehensive analysis of the international legal framework of civil society in the fight against corruption, the specifics of international legal regulation based on universal mechanisms, legal regulation of regional structures, as well as the level of interaction and powers of international NGOs in the fight against corruption was carried out.

KEYWORDS

Corruption, civil society, regulation, international cooperation, international mechanism, active participation, international agreement.

INTRODUCTION

The fight against corruption is a long-term process that requires profound structural changes in the country's institutions, its legal framework and culture.

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Therefore, at a time when confidence in government commitments to fight corruption is declining, it is important to encourage and enable the participation of civil society[1].

From the second half of the twentieth century, we can say that it is precisely the specific foundations for anti-corruption mechanisms. It is from this period that the formation of international organizations in the fight against crime and the growth of their place and role have led to the creation of various international and national mechanisms to combat corruption.

It is also important to understand the meaning of corruption. For the first time in international documents, the concept of corruption is defined in the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly Resolution of 17 December 1979, in which "corruption is defined as whether or not to perform certain actions in the interests of the awardee, with or without violation of the rules of the job description"[2].

MATERIALS AND METHODS

The fight against corruption is taking place in many interrelated areas. In this regard, Transparency International spokesman **Jeremy Pope** gave a good description of anti-corruption governance: according to him, the fight against corruption consists of the following ten "pillars of integrity":

1.Legislation, 2.Executing, 3.Judicial power, 4.Auditor general, 5.Ombudsman, 6.Guardian agencies, 7.Civil service, 8.Private sector, 9.International actors and 10.Civil society. [3]

To date, there is no generally accepted definition of "civil society" in terms of combating corruption, but we believe that this should be interpreted subjectively.

The CIVICUS Global Alliance for the Development of Civil Society, established in 1993, defines "civil society" as "the space created by organizations, institutions and institutions, the promotion of the common good, individual and collective action, the promotion of common interests" [4].

The theorist, John Locke, embodied the principles of "conciseness" or "trust" for the state - a model based on the consent of civil society and advanced the theory of the struggle against unjust rule[5].

The United Nations Convention against Corruption (UNCAC) recognizes the role of civil society in the fight against corruption, calling on governments to increase transparency, ensure public education, and contribute to public decision-making [6].

In recent years, a number of international organizations have taken initiatives in the fight against corruption, and the international community has been calling for cooperation in preventing this scourge.

The UN Convention against Corruption (UNCAC) on July 19, 2013 recognizes the role of civil society in the fight against corruption and calls on governments to increase transparency, improve public access to information, and contribute to public decision-making. UNODC will strengthen the capacity and activism of civil society, especially in developing countries, by providing the necessary tools for constructive work with the government and the private sector in implementing UNCAC.

The European Union is a world leader in supporting civil society. Over the years, it has

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helped civil society in Central Asia and elsewhere around the world through a variety of thematic initiatives, including the European Initiative for Democracy and Human Rights. On June 19, 2017, the conclusion of the Council of the European Union on work with civil society organizations in the framework of the EU's activities abroad was issued. The document reiterates that "relations with civil society play a more important role in the EU's overseas partnerships and that the EU's strategic participation in this area should be included in all foreign initiatives and programs" [7].

Since the 1990s, international agreements on combating corruption have been adopted at the international and regional levels. It can be said that today the fight against corruption remains one of the priorities of every state policy. Building a successful anti-corruption system requires extensive international cooperation in this area and the study of best practices of foreign countries and their critical application in national legislation and practice.

In particular, the so-called global problem in the fight against corruption requires a thorough study of international experience, not only to create conditions for the comprehensive and rapid development of state and society, its modernization, but also to implement priorities. For example, the European Union, UNODC (United Nations Office on Drugs and Crime), UNDP (United Nations Development Program), OSCE (Organization for Security and Cooperation in Europe), OECD (Organization for Economic Co-operation and Development), FATF (Organization for Combating Money Laundering) EGMONT It is desirable to build an anti-corruption system through successful cooperation with a number of international organizations, such as the GROUP (Association of Financial Intelligence).

The UN Convention on the Suppression of Transnational Organized Crime and Corruption (2000) and the Convention against Corruption (2003) can be included in the category of multilateral international documents on the prevention and fight against corruption. These documents call for the active participation of civil society, non-governmental organizations and community-based organizations.

Including Article 13 of the 2003 UN Convention against Corruption dedicated to "community participation", according to this, each participating state within its capabilities and in accordance with the basic principles of its domestic legislation, civil society, non-governmental organizations to prevent and combat corruption and to better understand the existence of corruption, its causes, dangers and threats and take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as community-based organizations. They believe that such participation should be strengthened through the following measures:

- Assistance in involving the population in decision-making processes and increasing its transparency;
- Providing effective opportunities for the population to have access to information;
- Carrying out activities aimed at providing the population with information that will create an environment of intolerance to corruption, as well as the implementation of state educational programs, including curricula in schools and universities;
- Respect, encourage and protect the freedom to seek, receive, publish and disseminate information on corruption.

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Certain restrictions on such freedom may be imposed, but they will be provided for in the legislation and are necessary for:

- To respect the rights and dignity of others;
- To protect national security or public order, or health, or morals.

Many countries have strengthened and adopted their legal and institutional frameworks, and have begun to develop comprehensive anti-corruption strategies[8]

Civil society assistance in the fight against corruption is also widely recognized and included in many international anti-corruption conventions, for example: Articles 5, 13 and 63, (4), (c) of the UNCAC clearly state the role of civil society in the fight against corruption[9]. However, in practice, civil society is not able to take full advantage of access to UNCAC and its processes.

Another foreign experience is the Transparency International Handbook, which analyzes the forms of participation in the collective action against corruption. The results of these analyzes suggested that the implementation process should consist of: initiative, facilitator, participant / shareholder, and monitoring.

In the field of anti-corruption, there is an international alliance dedicated to strengthening the civil movement and civil society around the world (CIVICUS). The union has a membership alliance with more than 9,000 members in more than 175 countries, working to strengthen the civil movement and civil society, as well as where citizens 'freedom of association is under threat.

The World Bank has identified the **"Social Report"** as an approach based on citizen activism aimed at preventing and combating corruption. This, in turn, has been recognized as a broad-based action and mechanism that can be used by citizens, communities, independent media, and civil society institutions to hold government officials and civil servants accountable[10]

As a continuation of activities in this area, it is possible to present the results of the OECD's **"Thirteen Years of Experience Report"** on working with civil society in the fight against corruption. The OECD experience recognizes that civil society emphasizes that countries can play a major role in anti-corruption initiatives, and suggests a critical study of the idea that civil society is crucial in the fight against corruption[11]

In Sweden, the church and civil society have a special role to play in tackling corruption. The mentality of Swedish citizens is shaped in such a way that anyone who has acquired a large amount of money or valuable property in a short period of time is questioned. If there is a lack of confidence in an official or a civil servant, then their chances of success in society and subsequent employment in civil service positions or in private companies are reduced to zero[12]

In 2019, the Republic of Kazakhstan established Special Monitoring Groups (MMG) to combat corruption. This monitoring group has become an effective tool of public scrutiny. More than 3,000 specialists and public figures were involved in their activities. They conduct an external evaluation of the implementation of the Anti-Corruption Strategy. MMG also contributes greatly to the formation of an anti-corruption culture in society[13].

It is also worth noting that a number of regional documents have been adopted to

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combat corruption globally. For example, the American Convention against Corruption, adopted by the Organization of American States on March 29, 1996, and the Convention against Corruption, adopted by the Council of the European Union on November 21, 1997, against officials of the European Union or EU member states. Convention for the Suppression of Bribery of Foreign Officials in International Trade Practices, adopted by the Organization for Cooperation and Development on 21 November 1997, the African Union Convention on the Prevention and Combating of Corruption of 12 July 2003, and the CIS Legislation on Anti-Corruption Policy Model Laws of November 15, 2003

It should be noted that within the European Union, the Conventions on Criminal Liability for Corruption were adopted on January 27, 1999, and on November 4, 1999, on Civil Liability for Corruption.

Over the past 40 years, it has adopted a number of important resolutions that provide for political and legal restrictions to ensure cooperation among states aimed at tackling corruption.

Paragraph 12 of the OECD Recommendations of the Economic Cooperation and Development Organization of March 2020 is entitled The Control System, which strengthens the fight against corruption by strengthening impartiality, in particular the role and control of the external public oversight system.

Paragraph 13 of this Resolution stipulates that the process of policy formulation and implementation in order to encourage the involvement of stakeholders at all stages of political transparency, as well as to encourage accountability and affirm the public interest, should include:

Ensuring transparency and openness of governing bodies, including the use of information and public data, as well as timely response to information requests;

Providing opportunities for all stakeholders, including the private sector, civil society and individuals, to participate in the development and implementation of public policy;

Prevention of usurpation of public policy by narrow groups through the financing of political parties and election campaigns and the introduction of transparency in lobbying, as well as the management of conflicts of interest;

Non-governmental organizations "watch dogs" - organizations, civic groups, trade unions and independent media.

The Assembly of the Council of Europe stressed that in addition to the traditional standards of the Council of Europe on the parameters for assessing the democratic development of each country, the following indicators should be included[14].

- Transparency of the political decision-making process;
- The level of non-parliamentary political activity of the public and its impact on the functioning of the parliament as a platform for democratic discussion and decision-making;
- The degree to which civil society structures and organizations are free from state control and, at the same time, do not act as clandestine opposition parties deprived of democratic legitimacy;

- Measures to protect democracy from non-democratic initiatives.

At present, a system of international legal cooperation has been formed in the fight against corruption, which is a comprehensive mechanism of cooperation between states at the global, regional, subregional and bilateral levels. The formation of such a system allows the existence of independent traditional and institutional mechanisms to combat corruption, their interdependence and cooperation, as well as the complex application of specific forms of cooperation to prevent and combat corruption.

The norms governing the mechanisms of civil society's fight against corruption, which directly define the goals and objectives, can be divided into the following groups:

- Universal international agreements on combating corruption in civil society **(United Nations, Organization for Economic Cooperation and Development, World Bank);**
- International agreements of a regional **(European Union and African Union)** nature in the fight against corruption in civil society;
- Normative and legal documents of international non-governmental civil society anti-corruption organizations (Transparency International, International Chamber of Commerce, International Anti-Corruption Academy);
- Domestic legislation of states on combating corruption in civil society, etc.

In summary, based on the above discussions, although civil society and its structure have an impact on mitigating corruption, such an impact is related to a number of factors.

First, an environment that clearly regulates government attempts to repress civil society institutions is important in the anti-corruption impact of civil society.

Second, it is important to shape the political-legal institutional environment as well, relying on institutionalism as a basic theory. Consequently, the existence of transparent laws is important in considering the impact of civil society on curbing corruption. Because the contribution of civil society in the fight against corruption is useless without the important mechanisms discussed above.

CONCLUSION

Therefore, the role of international organizations and their influence on the domestic legislation of states play an important role in the fight against corruption in civil society. Their analysis, recommendations and reports are a "mirror" of the state's anti-corruption legislation and its implementation.

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