

Cases to be proven when investigating crimes related to extremism.

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Annotation: In the article, articles 244¹, 244², 244³ of the Criminal Code of the Republic of Uzbekistan told about the characteristics of cases that should be proven in finding, identifying and evaluating relevant evidence for the case, and gave relevant recommendations for investigative practice by officials, investigators or interrogators of the iadar investigation body.

Key words: extremism, extremist activity, investigator, participant of the proceedings, prohibited religious materials, data, assessment of evidence, interrogation.

The Criminal Procedure Code of the Republic of Uzbekistan

Article 85 states that "proof consists of the collection, examination and evaluation of evidence for the purpose of determining the truth about circumstances that are relevant to the legal, justified and fair resolution of a case"¹. Criminal liability is established in articles 244¹, 244², 244³ of the Criminal Code of the Republic of Uzbekistan in order to maintain public order in our country, ensure peace and tranquility, protect society from various threats to public security, and ensure inevitable responsibility for such actions.

O.P. Gribunov argues that every criminal case that is reasonably timely will be closely related to conducting a preliminary investigation and making its results productive².

According to F.N. Fatkullin, "Proofing is the only way to know the circumstances and facts that need to be determined in a criminal case"³.

¹ <https://old.lex.uz/m/acts/111460>

² Грибунов О.П. Теоретические основы и практика реализации криминалистического предупреждения преступлений экстремистской направленности // Известия ТулГУ. Экономические и юридические науки. 2017. №3-2.

which confirmed this point R.V. Kuleshov notes that it is necessary to provoke a criminal case in a timely manner, paying attention to the sufficient level of material collected for the initiation of a criminal case, comparing it with the norms set out in the law, assessing the actions and assessing the materials received by the employees of the investigating authorities prior to the investigation.

In our opinion, if the criminal case is not brought on time and there are no preliminary delaying investigative actions, the existing traces of evidential power in public places will disappear, and the criminal will also escape criminal liability, as a result of which the escaped criminal can also commit other crimes. Therefore, in the process of investigating criminal cases, it is necessary to give a legal assessment of the actions of the person and pay special attention to the following situations that should be identified in the case of crimes related to extremism in the process of finding guilty by the court:

- - *information on the person of the person who committed the crime;*
- - *his general worldview and level of religious knowledge;*
- - *changes in attitude and behavior towards those around them;*
- - *the most important thing is precisely to what extent he realized or did not realize that this act was a crime;*
- - *full or iisman acquaintance with the material of religious content, in which the suspect was influenced by watching or listening to exactly the part of the material indicated in the examination summary, which was absorbed by the ideas of religious fanaticism, and then consciously disseminated it by sending it to another social network user.*

The correct identification of the scope of circumstances to be proven serves to determine the scope of matters of significance in a criminal case when there are grounds for conviction and conviction during the investigation of this type of crime⁴.

Article 244¹ of the Criminal Code of the Republic of Uzbekistan provides for the preparation or distribution of materials inspired by the ideas of religious extremism, separatism and fanaticism, inciting extermination or forced displacement of citizens, or aimed at creating

³ Фаткуллин Ф.Н. Общие проблемы процессуального доказывания. –Казань: Изд-во Казан. Ун-та, 1973. – С. 17-18.

⁴ А.К.Закурлаев. Терроризмга қарши қураш: назария ва амалиёт (криминалистик жиҳатлар).// Монография. Масъул муҳаррир: Ю.С.Пулатов –Т.: ЎзР ФА ФҲИ ноширлик бўлими, 2011. – 392 бет.

panic among the population, as well as the attributes of religious-extremist, terrorist organizations or preparation, storage for the purpose of distribution or display of symbolic signs" crimes are given.

In the surveys conducted among the investigative staff, 40% of the respondents said that they have information about the circumstances that need to be proven in the investigation of crimes related to extremist activities, 16% "have partial information about it that it is not", 44 percent "do not have this information at all". Therefore, in investigative practice, if it is necessary to prosecute crimes related to extremist activities, the investigator should focus on the circumstances that must be proven, and most importantly, develop a sequence of circumstances that must be proven in the investigation. crimes related to extremist activity, it is desirable to solve this problem from a criminalistic point of view and to introduce it in a way that is consistent with theory and practice.

After the initiation of the case, the investigative actions are carried out by the investigator based on the plan for the above-mentioned actions that need to be proven.

In addition to assessing the information identified as a result of the actions specified in the above algorithm of provable cases in the process of investigating criminal cases provoked by the fact of dissemination of materials with ideas of religious fanaticism by investigators, it is necessary to record the information obtained in the statements of relevant interrogation, facilitation and other investigative actions⁵.

In order to trace the evidence base of necessary information and formations on crimes – professional and domestic experiments, information from special literature, information from other criminal cases, but not generalized, reports from criminalistic and other accounts, evidence from the preliminary investigation process conducted in other criminal cases, generalized knowledge of personnel specialized in the opening and investigation of this category of crimes can be

⁵ Ражабова М.А. Диний экстремизм ва терроризмга қарши курашнинг жиноий-ҳуқуқий муаммолари: Ю.ф.д. доктори... дис. автореферати. –Т.2002. – 49 б.

used⁶.

We believe that the broad and appropriate use of forensics and other techniques is critical to the successful investigation of crimes related to extremist activity. It would be desirable if the processes of arresting criminals, releasing hostages (if any), negotiating with them, and inspecting the scene (virtual world) are recorded in detail with the help of video equipment.

In the event that an official or other persons using their official powers to help organized criminal structures in crimes related to extremist activities are identified, it is necessary to pay serious attention to determining the line of agreement between the interests of the official and other persons and the interests of the representatives of the criminal structure. This is done not only by monitoring, identifying and checking the connections of active persons, but also their family members, other relatives, and close acquaintances. A large amount of property with income that does not correspond to their names may be registered, they may be included in various commercial organizations without actually working or only in appearance, and may own a huge package of shares, receive income from other securities, etc⁷.

In many cases, it is related to attempts to directly buy officials, threats, and in some cases their implementation. In this activity, there is a need for the members of the organized criminal structure to be in constant communication with each other through technical means of communication. With this in mind, it is necessary to provide monitoring and recording of conversations as far as possible in advance according to the procedure established by law. It is possible to reveal the meaning of the conversations even in the conversations of the highest level of secrecy, and to determine the nature and direction of their anti-investigation actions. Among the officials who can be bought along the way, extras can be identified. However, it

⁶ Ражабова М.А. Диний экстремизм ва терроризм. –Т, 2000. –Б.112- 119.

⁷ А.Закурлаев. Терроризм жиноятларини тергов қилишнинг айрим хусусиятлари. Монография. Масъул муҳаррир: Ю.С.Пўлатов. –Т.: ЎзР ФА ФҲИ ноширлик бўлими, 2011. – 168 бет.

does not mean that it is possible to contact this or that official, that is, to buy the official?! When the members of the organized criminal structure look for possible contacts, intelligence traces are created in the systems of the authorities, first of all, by means of surveillance, checking and recording of conversations, obtaining information from technical channels of communication. In other words, in the investigation of this category of criminal cases, the members of the investigation team and the investigative agencies should be able to choose the officials in order to ensure the speed of the investigation.

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