



PECULIARITIES OF CONDUCTING CERTAIN PROCEDURAL INVESTIGATIVE ACTIONS IN COMBATING JUVENILE DELINQUENCY

Ummatov Muxammadrasul Tursunovich

Senior Staff Member of the Institute for Advanced Training under the Ministry of Internal Affairs of the Republic of Uzbekistan

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Abstract: The article presents an analysis of crimes committed by minors on a national scale in the Republic, as well as examines the state of ensuring the rights and freedoms of minors and its specific aspects when applying preventive measures against those accused of committing offenses. The state of ensuring the rights and freedoms of minors and its specific aspects are considered..

Keywords: minor, offense, crime prevention, guilt, victim, suspect, precautionary measure, criminal punishment, public influence.

Today, as a result of the large-scale reforms being implemented in the Republic, a number of targeted measures are being carried out to combat crimes committed by minors, implement preventive measures, and protect the rights of minors. These include: early prevention of offenses among minors and youth; raising legal awareness and legal culture of minors; further liberalization of criminal penalties imposed on them; and comprehensive systematic work to protect their rights.

The fact that the work being carried out in this direction is under the personal control of the head of state encourages everyone to conscientiously and wholeheartedly fulfill their duties. In his Address to the Oliy Majlis and the people of Uzbekistan, the President stated: "We will not allow any radicalization in our society, the poisoning of our youth's minds with destructive alien ideas, the use of religion for political purposes, or the replacement of enlightenment with ignorance. For this, not only responsible organizations but all of us together must work in families, neighborhoods, and educational institutions to reveal the humanistic essence of our sacred religion and educate our children in the spirit of national and universal values.

We will adopt a separate National Program on this important issue" [1]. Through these words, it can be observed that specific measures are being determined to achieve effectiveness in preventing offenses among minors and youth in our Republic. Despite the ongoing efforts to ensure children's rights and legitimate interests, crimes committed by minors have not decreased significantly.

In particular, in the first 12 months of 2021, 2,262 crimes were committed by 2,595 minors. For reference: compared to 2020, crimes committed by minors increased by 1,128 or 99 percent (1,134/2,262), crimes committed by minors - by 1,019 or 103 percent (1,276/2,595). Of these crimes, 60 percent (1,367) were property crimes, and almost every second crime (971) was committed on the streets and in public places. For information: Minors committed 9 murders, 79 grievous bodily injuries, 19 sexual assaults, 24 robberies, 112 robberies, 141 frauds, 1,081 thefts, 18 vehicle thefts, and 173 hooligan acts. According to the crime scene, 629 crimes were committed in households, 101 in markets, 30 in parks, 960 in other public places, 78 in educational institutions, and 464 in other areas. Most regrettably,

2,131 minors who committed crimes, or 82%, were students of secondary and specialized secondary educational institutions (1,855 schools, 276 lyceums and colleges) [3].

Analysis shows that today the necessary results have not been achieved in the fight against crimes committed by minors, or the effectiveness of the activity is insufficient. The history of the development of the methodology for investigating crimes committed by minors has not been sufficiently studied. President of our country Sh. Mirziyoyev, from the first days of his activity as head of state, paid special attention to juvenile delinquency in our republic. At a videoconference meeting on August 9, 2017, dedicated to the renewal of all spheres of state and public life in accordance with the Action Strategy, the liberalization of the economy and the creation of decent living conditions for the population, the fulfillment of the goals and objectives set during the dialogue of the head of state with the people on the ground, it was noted that "despite the introduction of new working methods for conducting door-to-door visits and involving the general public in improving the spiritual environment in all regions, in every mahalla and family, the expected results have not yet been fully achieved. For example, in the Fergana region, crime among minors has increased. In total, over the past 7 months, 129 crimes were committed by minors in the region. Cases of clandestine religious education of minors at home have been identified in 10 cities and districts of the region" [4], in this regard, each responsible agency and organization set specific goals and tasks to intensify work and achieve the necessary effectiveness in preventing crimes committed by minors. The work carried out in this area over the past period is yielding positive results, however, along with the manifestation of new stages of development and progress in society, new types and forms of crimes committed by minors are also emerging.

Therefore, today there is a need to demonstrate new, effective methods and forms of combating juvenile delinquency. It should also be noted that today, when ensuring human rights and freedoms is defined as the most important priority goal in our state, ensuring humanitarian principles in assessing offenses committed by minors, combating and preventing crimes committed by them should be considered as the primary task. It should also be noted that when considering offenses committed by minors, it is necessary to emphasize the need to improve their legal culture in all aspects of society as a participant in social relations.

In this regard, A.A. Tashtemirov emphasizes the need to "develop in young people, primarily students of general education institutions, the necessary knowledge, training, and skills of safe and law-abiding behavior within the framework of road traffic" [5]. Because a person, including a representative of the younger generation, who has developed a legal culture and understands that harming the rights and interests of others is an offense, strives to respect the rules of conduct in society. The activity of applying preventive measures to minors accused of committing offenses is of great importance in the legal assessment of ensuring the rights and freedoms of minors.

If unjustified, the subsequent release of the accused from prison may further provoke public outrage. Public opinion and the pacification of victims cannot be considered as an independent goal of preventive measures. When organizing and managing activities related to the application of preventive measures against minors, the goals and grounds for applying preventive measures are universal, that is, they also apply to measures not related to imprisonment of the accused. In this regard, the aspects of improving the methodology for investigating crimes committed by minors are described in detail by O.D. Allanazarov in his

scientific research[6]. If there are real grounds for applying a preventive measure, the investigator, inquiry body, and court are not only entitled but also obligated to apply it. When there are grounds for choosing a preventive measure, representatives of the body applying it must comply with a number of legal conditions. The application of preventive measures against minors may be chosen only in cases where a criminal case has been initiated. This protects the person from unjustified, arbitrary arrests and other measures of coercion, guarantees their inviolability.

Not only detention, but also other preventive measures, such as a promissory note, personal and public guarantees, etc., cannot be applied to minors if a criminal case has not been initiated. A preventive measure cannot be harsher than the criminal punishment that threatens the minor accused. The choice of detention as a preventive measure is not permitted unless the articles of the criminal code applicable to the accused provide for imprisonment for up to three years[7].

The law allows for exceptions to this rule, but only in cases where the law provides for punishment in the form of imprisonment for the given crime, and if imprisonment cannot be imposed as punishment, this exception is not applied, i.e., in all such cases, a less severe preventive measure than detention should be chosen.

Every time the legal aspect of the charge changes during the investigation or trial, it is necessary to discuss the issue of changing the preventive measure so that it corresponds to the new charge. Involvement as a minor defendant is a condition for the application of any type of preventive measure. It would be advisable to exclude from the legislation the court's right to apply a preventive measure to new persons initiating a criminal case. Such persons are not accused, since no decision or ruling has been issued against them to involve them as accused, no charges have been brought against them, and they have not been interrogated as accused. As long as there is no accusation, no preventive measure should be applied.

There is a point of view that by initiating a criminal case against a specific person, the court thereby involves him as an accused, and in this case, the preventive measure is also applied to the accused. The function of prosecution was not assigned to the court, and it would be incorrect to grant the court the right to involve citizens as defendants. In essence, it can be said that two independent preventive measures are provided: 1) transferring the minor accused to parents, guardians, trustees for observation and 2) transferring the minor accused to the administration of a children's institution for observation. Both are not used simultaneously. When transferring minors for observation, parents, guardians, trustees, or the administration of a children's institution are obligated in writing to ensure the timely appearance of the minor accused before the investigator, prosecutor, and the court and their proper behavior. Persons undertaking such an obligation are warned about the nature of the charges brought against the minor accused and their liability in case of untimely appearance of the accused in the investigative bodies or court (Part 1 of Article 556 of the Criminal Procedure Code). We consider it important to draw attention to the problem of the responsibility of the administrations of children's institutions for failure to fulfill their obligations to ensure the proper behavior of the minor and his appearance upon summons. For the purposes of the law (Article 556 of the Criminal Procedure Code), a written obligation to place an accused being raised in a children's institution under observation is taken from the head of this institution or other representatives of the administration authorized by him.

Article 556 of the Criminal Procedure Code does not establish liability for the violation of obligations undertaken by children's institutions. This leads some authors to conclude that the administrations of children's institutions that fail to fulfill their monitoring obligations are not responsible. Persons of the administration who have not fulfilled the obligation to observe may be subjected to disciplinary or public measures in accordance with the submission of the investigative body or a private court ruling.

The commission of a crime by a minor being raised in a closed children's institution, errors made in the process of continuous upbringing, indicate insufficient individual work with him. This should encourage the administration of the specified institution to seek more effective means of influence, ensuring appropriate behavior towards the minor. Such measures of influence should be applied to a minor accused placed under administrative supervision. Disciplinary or public action may be applied to the accused, who committed a procedural offense as a result of improper performance by the administration of official duties to monitor the accused's behavior.

In conclusion, it can be said that the opinion in legal literature that "the resolution of the issue of the possibility of accepting the obligation to place a minor under observation falls under the jurisdiction of the scientific and educational council of the children's institution, the meeting of pupils, and others" is correct. Such a procedure increases the responsibility of the administration, educators, and teachers for ensuring the proper behavior of the pupil who committed the crime. This, in turn, serves to have a positive educational influence not only on the accused, but also on other minors being raised in a children's institution, whose spirituality is just beginning to form. In this regard, it would be advisable to make the following addition to paragraph 1 of Article 239 of the Criminal Procedure Code as a proposal: "A preventive measure may be applied to a person only after the indictment is made and he is interrogated as an accused." When deciding on such an additional preventive measure, it would be possible to take into account the defendant's arguments, prevent the incorrect application of preventive measures, especially detention, and calculate the term of detention from the moment the defendant was actually detained. From the proposed rule, only one exception should be made for a number of cases when the accused is hiding from the investigation and a search has been announced. In these cases, the decision to choose a preventive measure may be made before the indictment and interrogation of the person as an accused.

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