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LEGAL ISSUES OF ANTICORRUPTION AUTHORITIES OF THE REPUBLIC OF UZBEKISTAN OVER THE IMPLEMENTATION OF LEGISLATION ON LEGAL ASSISTANCE

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ABSTRACT

This scientific article provides a systematic analysis of the international legal foundations of cooperation in the fight against crime. In the article, the author tried to highlight the theoretical aspects of the issue of international cooperation of law enforcement agencies in the system of combating crime. It also analyzes the content and essence of the concepts of “international criminal group” and “international criminal community”, which are considered relevant today. The author's comparative analysis on international conventions, declarations and legislation of foreign countries reflected the specifics of this article. Moreover, the relevance of the research topic is because the commission of such crimes is characterized by the use of modern technical means and high-tech facilities of air and land transport, a high transcontinental level of organization and real support of many, including illegal, financial sources. The predicted result of such activities was a significant increase in the number of serious crimes of a transnational nature.

KEYWORDS

International standard, anticorruption policy, legal assistance, international organizations.

INTRODUCTION

International cooperation in the field of combating crime is one of the priority directions of the foreign policy of states. It should be noted that to ensure the safety of a person and a citizen from criminal encroachments, as well as to protect state interests, most countries of the world interact in the field of

criminal justice based on international multilateral and bilateral treaties and agreements, as well as the principle of reciprocity.

Such interaction makes it possible to provide various legal assistance in criminal cases, transfer criminal

proceedings, request extradition and extradite persons for criminal prosecution or execution of a sentence, as well as transfer persons suffering from mental disorders for compulsory treatment [1].

For cooperation in criminal matters, states communicate with each other through their competent authorities, which they determine independently, based on their powers.

The identification of these bodies is of great importance for the successful implementation of the provisions of international treaties and national legislation in the fight against crime, as well as the protection of the rights of both the victim and the accused (suspect) [2].

In the course of international cooperation in this area, other problems arise. Therefore, for example, when criminal cases come from foreign states, difficulties arise in calculating the timing of the investigation. It is known that there are differences (sometimes significant) in the national legislation of the parties. Therefore, when a criminal case is sent, it is necessary to focus on the procedural decision, which served as an analogue of the decision to initiate a criminal case.

This allows you to determine the stage of criminal proceedings under the legislation of the Republic of Uzbekistan [3].

Often the suspect (accused) has dual citizenship. However, according to the legislation of the Republic of Uzbekistan, a petition for criminal prosecution against a citizen of the Republic of Uzbekistan cannot be sent to another state.

After the final decision on the criminal case is made, the General Prosecutor's Office of the Republic of Uzbekistan checks the legality of this decision

(including the verdict of the court) [4]. Then, following the provisions of the international treaty, the competent authority of the requesting party is informed. At the same time, a copy of the procedural decision is sent.

In case of disagreement with the adopted decision, the criminal case is sent for additional investigation or a new judicial review. The current state of cooperation between the competent authorities of foreign states in the field of criminal prosecution testifies to mutual trust and the desire to increase its effectiveness. Issues related to the implementation of criminal prosecution are relevant and are constantly discussed during international events with the competent authorities of foreign states.

Currently, the problem of international cooperation in the field of combating crime is acquiring special urgency [5]. This is because crime is increasingly becoming interstate in nature, in other words, globalization is to the greatest extent realized precisely in the criminal sphere of life of states.

This applies, first, to such dangerous phenomena as terrorism, human trafficking, drug trafficking, but also to more “everyday” crimes, the so-called general criminal orientation: murder, rape, bodily harm, etc.

In this regard, international cooperation between law enforcement agencies of different states is becoming increasingly important.

There may be several goals of establishing such cooperation, as well as the tasks that law enforcement agencies solve in the process of their implementation, as well [6]. The main goal of all states trying to fight crime is to identify and punish criminals, wherever they are, in their own country or abroad.

In this regard, treaties concluded between states in the field of combating crime are of paramount importance. Such treaties can be considered international treaties in the form of conventions signed by most states, in particular European ones, as well as bilateral treaties on the provision of legal assistance between the law enforcement agencies of specific states.

Let us consider the advantages and disadvantages of both. The extradition of persons to a foreign state for criminal prosecution or execution of a sentence is one of the most common examples of international legal cooperation in the fight against crime and one of the most controversial issues.

The problem of applying a preventive measure to ensure the possibility of such extradition is directly related to it [7]. There are many contradictions and inconsistencies in the application of preventive measures and the extradition of criminals. There is no single scheme in this matter.

Thus, the legal assistance provided under international treaties in practice sometimes raises many questions. In this regard, it becomes possible to solve them with the help of intergovernmental agreements on cooperation between law enforcement agencies of various states in the fight against crime and agreements on cooperation and legal assistance of an interdepartmental nature.

Such agreements have been concluded by the law enforcement agencies of the Republic of Uzbekistan with many law enforcement agencies of other states. However, not all of them work efficiently and quickly, and many of them cease to operate without prior notice.

The latter directly relates to the agreement between the law enforcement agencies of the Republic of

Uzbekistan and the Ukrainian law enforcement agencies. A similar agreement between the Republic of Uzbekistan and Latvia does not work well enough.

Once again, we have to state that the political interests of this or that state prevail over the realization of the rights and legitimate interests of ordinary citizens, even if they have committed crimes [8]. By not returning such persons to their country because of political sympathies or antipathies, the leadership of these states violates not only the rights of these persons, even if they have committed a crime, but also the rights of their relatives and friends, who are deprived of the opportunity to find a relative or loved one.

There are two ways to get out of this situation. The first suggests itself based on the analysis of the practical application of multilateral agreements in the field of combating crime.

These agreements contain a large number of discrepancies and contradictions, references to national legislation, which has its characteristics in each country.

It is impossible to bring the procedures for the extradition and suppression of criminals in different countries to uniformity. There remains a second way - to work on bilateral agreements. Nevertheless, as practice has shown, it does not always give a positive result.

In this regard, it is necessary to bring our legislation in the field of international cooperation in the field of combating crime to a more perfect form and specificity to extradite both our and foreign criminals with the least loss of time and effort.

In our opinion, all the activities of law enforcement agencies to conclude both bilateral and multilateral international treaties in the field of combating crime should be accumulated in the prosecutor's office.

Summing up the above, it should be noted that in the conditions of widespread international criminal activity in order to increase the effectiveness of the fight against it, the issue of adopting a law supplementing the current Law of the Republic of Uzbekistan «On the Prosecutor's Office» with a new section devoted to the international interaction of prosecutors to ensure protection human and civil rights and freedoms, the fight against crime, and other offenses.

The adoption of this law will increase the legal status of the prosecutor's office of the Republic of Uzbekistan in countering international crime and strengthen measures to combat it on the part of our state.

Also, in the field of the international fight against crime, an essential part of which is the issue of extradition of criminals and the suppression of crime, considerable attention should be paid to bilateral government agreements between states.

Currently, the Republic of Uzbekistan is a party to more than 300 multilateral and bilateral treaties on international cooperation [9]. These treaties define the general conditions and obligations of the parties in the fight against crime, the procedure and forms of providing legal assistance in all criminal cases or cases of terrorism, drug trafficking, human trafficking and corruption, as well as the grounds and procedure for the extradition of persons for criminal prosecution and execution of sentences.

If the Republic of Uzbekistan is simultaneously a participant in multilateral and bilateral treaties, then in

the event of a discrepancy between the rules established in them, the provisions of the multilateral treaty take precedence over the procedures of the bilateral treaty.

The main directions of international legal cooperation of the prosecution authorities of the Republic of Uzbekistan include interaction with the competent authorities of foreign states on issues of extradition (extradition), direction (execution) of orders for criminal prosecution.

Constructive interaction with the National Central Bureau (NCB) of Interpol under the Ministry of Internal Affairs of the Republic of Uzbekistan is of great importance for tracing criminals and creating conditions for their extradition.

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