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SOME THOUGHTS AND COMMENTS ON THE CRIMINALISTIC DESCRIPTION OF BRIBERY

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ABSTRACT

In the article, the method, situation, time, reasons and conditions, mechanism of committing extortion crimes are highlighted, the concept of criminalistic description and the opinions of scientists who have conducted research in this regard, the specific differences in the use of criminalistic knowledge in the detection and detection of this type of crime are highlighted.

KEYWORDS

Forensic, fast-search, state, society, law, corruption, bribery, bribery, criminal property.

INTRODUCTION

It is known that one of the most important means of combating crime[1] is to ensure the principle of inevitability of responsibility, ensuring this principle is achieved through the implementation of rapid search measures at one or another level of crime prevention. pre-investigation check is carried out by conducting rapid search activities.

Therefore, in accordance with Article 3 of the Law of the Republic of Uzbekistan "On Emergency Search Activity" No. ORQ-344,

"Emergency search activity is a type of activity that is carried out by the operational units of state bodies specially authorized by this Law by conducting emergency search activities" shown as[2].

Forensic science plays an important role in detecting and solving any crime, including bribery. Therefore, scientifically based methodological recommendations developed on the basis of this science, especially the criminalistic description of crimes, are considered very important.

When detecting and uncovering this type of crime, before the investigation, the employees of the investigation, inquiry and investigation department try to prove the basis of the person's interest in exchange for a certain benefit or financial resources, using the possibilities of criminal science in the process of proving the guilt of the persons who may have committed this type of crime .

for the criminalistic description of this crime to determine the circumstances such as the place and time of the crime, to use special knowledge and criminalistic methods to solve crimes quickly and completely, to determine the range of cases that need to be proven, and to determine the sequence of actions (algorithm) that can be carried out on them. becomes important. The set of important aspects and methods listed above means the detection and investigation of the crime of bribery using the capabilities of OSA.

At this point, scientists have expressed different opinions and comments on the concept of "criminalistic description". In particular, G.A. Abdumajidov defined the criminalistic description of crimes as "consisting of the generalized evidentiary data on the most important aspects of the considered types of crimes, as well as a system of scientific conclusions and recommendations based on them"[3]. Also R.A. Alimova and A.N. Norboev also expressed similar opinions about the criminalistic description[4].

N.R. Yablokov finds "the interrelated features of criminal activity, which includes the criminological knowledge necessary to make the most optimal decisions aimed at quickly solving the relevant crime[5], solving all the tasks of the investigation". This definition is very broad and uses general concepts.

V.K. According to Gavlo, the criminalistic description of crimes "takes into account the main features of the method, mechanism and state of the committed crimes, the formation of traces, the identity of the criminal, his reasons and goals in cases of preparation, commission and concealment of identified crimes in the investigation methodology, which can be expressed as a typical data system. will be taken." This definition reflects the content of the criminalistic description of the crime and has its own elements.

L.Y. Drapkin "it includes the typical signs and characteristics of the event, the situation, the method and mechanism of committing socially dangerous behavior of a certain skill group, the process of forming evidence, the typological qualities of the personality and behavior of criminals, victims, as well as other objects of aggression stable features", he describes [6]. This criminalistic description of the crime of bribery also serves to determine the truth, ensure the inevitability of punishment for the guilty persons and the economic development of the country.

I.V. Panteleev defines the elements of the criminalistic description of crimes as "typical cases of this type of crime, the most common ways of committing them, technical tools used by criminals, sources of obtaining these tools, characteristics of typical traces of a crime, physical evidence, their detection, concealing traces of a crime methods, characteristics of "professional" skills of criminals, criminal connections, etc., he believes. According to Vozgrin, the criminological description of crimes" includes information about the

subject of criminal aggression to the typical personal characteristics of criminals and victims, methods of preparing, committing and concealing crimes, and information about the typical consequences of criminal actions, generalized information about the most common causes of crime".

According to Gerasimov, this concept includes "a collection of information and knowledge about a certain type or group of crimes obtained as a result of special research, which is an important structural element of the investigative methodology, determines methodological recommendations and ultimately contributes to disclosure, inquiry and investigation". According to this scientist, its constituent elements are: "spread of criminal activity; the peculiarity of its identification and identification; typical characteristics of a criminal event, crime situation; track formation mechanism; method of committing a crime as a set of actions of the subject to prepare, commit and hide the crime; the personality and conduct of the accused; summary information about the identity of the victims; other information".

Based on the opinions and practical experience of the above scholars, the criminalistic description of bribery crimes means " the method, situation, time, reasons and conditions, mechanism, identity of the suspect and the victim, methods of hiding the traces of this crime, inquiry, investigation, as well as a set of criminalistic actions and results aimed at exposing this type of crime in court " can be concluded.

As a criminological description of this type of crime, the motive for committing the crime is mainly material or profit needs, and it can be seen in cases related to the abuse of official authority in exchange for a material or certain benefit.

Also, when the causes and objectives of bribery crimes were studied, the following were found:

Extortion is committed by an official who does not understand the criminal-legal consequences of extortion, who is in financial need for certain reasons, or in exchange for the interests of a certain organization.

As a result of the study of criminal cases and conducted questionnaires, it became clear that this type of crime was committed by the responsible leaders of the preschool educational organization because they did not understand the criminal-legal consequences of the crime of bribery.

Therefore, the knowledge about the mechanism of committing this type of crimes and their characteristics will not have a complete meaning without criminological information, therefore, it is impossible to imagine the perfect implementation of research in this field without the huge developments collected by criminologists.

Prior to the investigation, some possibilities of criminalistics (forensic photography, dactyloscopy, inspection, search, interrogation, recognition, etc.) took a wide place in the practice of investigation and investigation.

Based on the above-mentioned points, it can be concluded that criminalistic techniques, criminalistic tactics and criminalistic methodology developed by criminalistics can be used by introducing the features of OSA theory and practice into its components.

It is important to assess the immediate situation in the detection of bribery crimes, in which it is necessary to analyze which branches are being committed by the representatives of the public services, and aspects such as its situation and dynamics are also important.



In some cases, disputes arise regarding the subject of the bribe by the units implementing OSA. When defining the subject of bribery in the criminal law norms of several foreign countries, tangible and intangible benefits are not distinguished. For example, according to US jurisprudence and the opinion of most criminologists, services or generally "anything of value" can be the subject of a bribe (the same explanation is used as the only general definition of a bribe in the current federal JC No. 201). The bribe does not have to have a specific monetary value. It should be of sufficient value in the eyes of the bribe taker. Most theoretic criminologists are against the recognition of non-material services as the object of bribery¹ and put forward the point of view that the object of bribery can be money or material wealth. Such solution of the issue should be recognized as correct[7].

That is why bribery is a crime that can be exposed later. At the time of the crime, the bribe giver , recipient , sometimes to them mediator is also encouraged . In many cases it is event since it does not happen in front of people , it becomes a problem to find a witness. Therefore, this crime has a high level of latency, and the bribe giver's notification of the fact of giving the bribe is considered an important means of uncovering bribery.

When examining the statistics related to bribery crimes in 2021 alone, the highest bribe amount was 200,000 US dollars, and the lowest bribe amount was 50 US dollars. 75 of the 91 bribery crimes were detected during the investigation, while 16 were detected before the investigation. Bribe money was received by intermediaries in 5 cases and directly by officials in 86 cases. Out of 91 crimes, 20 were recruiting, 8 were not taking administrative measures, 6 were allocating land, 4 were building permits, and 3 were based on land rent. permission to use, 3 cases of removing a motor vehicle

from the penalty area, 2 cases of allowing it to pass through the post office without a permit, 2 cases of assigning a pension, 2 cases of requesting a share for signing a contract on state procurement, 2 cases of crossing the border. In the remaining 39 cases, crimes were committed based on the use of other powers. In this case, 22 percent of bribery crimes were committed by using the power of recruitment, 15 of them were related to the recruitment of technical and executive employees to educational institutions (11 cases of preschool education, 4 cases of public education). 8 cases were committed using the power of not taking administrative measures. 5 of the crimes of taking bribes were committed by internal affairs officers, 3 of them were road patrol inspectors, 2 were preventive inspectors. In addition, 4 of the 6 bribery crimes related to the sale of land were committed by local hokims (3 by district hokims deputy), 2 of them are employees of the construction department [8].

According to the above, in the investigation of bribery crimes, its criminalistic and rapid search description helps to expose this type of crimes, to determine the circumstances that need to be proven in it, and to solve such important issues.

In cases where there is not enough evidence for the full disclosure of the crime, the investigator of this crime develops investigative leads in cooperation with the employees of the criminal investigation units, and it is considered important to advance and verify these leads, and the content of each investigative lead is determined by the specific investigation situation and the current situation.

G.A. Abdumajidov divided the investigation sample into three important features: "they should be compiled based on the study of real and evidential data; does not contradict scientific data; logically structured and not have contradictions, finally, from

the point of view of the theory of modeling, figures are a logical model that provides complete information in all aspects of the phenomenon under investigation", he says [9].

Currently, investigative activities and criminalistics offer different forms of classification of the current situation, providing different grounds for their differentiation: a) depending on the stages of the investigation (initial, subsequent, final); b) depending on the level of complexity (problems of the investigative process); c) depending on the level of conflict between the subject of the investigation and the persons against whom the criminal case is being initiated, [10] etc.

Depending on the state and volume of forensic information, there are several typical cases in the detection and detection of bribery crimes. Based on the results of the research, we divided these cases into two groups and called them usual (repeated) and complex cases, if the officer of the criminal investigation department has reliable information about the criminal event, the person who committed it, other circumstances that need to be proven, it is usual cases. Also, poor-quality collection of evidence during the pre-investigation investigation and lack of full coverage of the participants of the criminal process in the investigative actions during the investigation of the crime may lead to the incomplete disclosure of this crime.

According to what we learned during our research, the most common types of typical quick-search situations are:

1) Appeal by the victim to law enforcement agencies with sufficient evidence to prove his guilt against the criminal.

2) In the situation related to the return of the bribe given by the victim to the criminal, the person who took the bribe should contact the law enforcement authorities with sufficient evidence to prove his guilt.

In both of the above cases, the fact that the person who received a bribe from the victim turned to the JQB staff with evidence proving his guilt, created the basis for an effective action. In such cases, JQB employees will have direct information about the identity of the criminal, witnesses of the incident, physical evidence. The JQB officers are advised to conduct the following rapid-search activities and procedural actions in these situations:

- checking the personal information of the person who applied and asked for a bribe;
- issuing a decision on the transfer of pre-investigation check (the decision must reflect the grounds for its implementation, the type of event, to whom or under what circumstances, the conducting body and the place, time and period of its implementation, as well as information about the department or official who was entrusted with the execution).
- use of the forces and means of the specially authorized state body, as necessary (For example, to listen to conversations conducted through telephones and other telecommunication devices, etc).
- inspecting or searching the detained person at the scene of the incident or in the internal affairs body, office room or car, seizing physical evidence;
- to initiate a criminal case against the detained person and to obtain an immediate investigation by an investigator about the circumstances of the crime;
- questioning witnesses;

- appointment of relevant court expertise;
- to achieve the application of the procedural coercive measure of detention against the suspect.

The most common situations in the origin of such situations are:

1) As a result of incomplete investigation of the identity of the payer and giver of the bribe, the evidence obtained during the investigation and court process is considered inadmissible.

2) In the situation related to the return of the bribe given by the victim to the criminal, a prompt action should be taken in situations where there is insufficient evidence to prove the guilt of the person who took the bribe.

According to the results of the law enforcement practice studied during the research, such situations are expressed by the presence of intent by the victims against the officials, and complex typical situations arise as a result of the inexperience of operatives.

3) Appeals by the victim several years after the crime, etc.

The development of the private sector remains important for the reforms being implemented in New Uzbekistan today. In recent years, Uzbekistan aims to transfer 20% of public services to the private sector and to increase the share of the private sector in the GDP to 80% by 2026[11]. Therefore, no one guarantees that officials in the private sector will not receive bribes. At this point, a natural question arises, why the same punishment is not applied in the law if the head of a private preschool education organization performing the same task and the head of a state preschool education organization use their official position to perform a specific action for the benefit of the briber.

It is the first part of Article 210 of the Civil Code, i.e. "Taking a bribe, i.e. in exchange for the performance or non-performance of a specific action by an official of a state body, an organization with state participation, or a citizen's self-government body using his official position, for the benefit of the person giving the bribe." knowing that it is against the law, he himself or through an intermediary receives material values or has a property interest"[12] should be revised.

In our research work, we excluded the words "state body, state-participated organization, or self-government body of citizens" in this norm, and the disposition of this norm is "the performance of a specific action that an official should or can perform using his official position for the benefit of the person giving the bribe, or We suggest to change it to "receiving material values or having a property interest, knowing that it is against the law, personally or through an intermediary, in return for non-fulfilment", serves to prevent the commission of bribery crimes in the private sector and to ensure the principles of legality, equality of citizens before the law, justice, responsibility for guilt, and the inevitability of responsibility defined in the criminal code[13].

Therefore, in this research, a sequence (algorithm) of pre-investigation check aimed at timely detection of crimes, exposing them from their hot tracks and proving the actions of guilty persons was developed.

Based on the above-mentioned analyses, opinions and considerations, the following author's definitions were developed in order to improve the mechanism for identifying and exposing this type of criminal cases:

A whistleblower is any conscientious, honest person who claims his or her rights under the law, who contributes to the economic development of the



society and ensures the inevitability of punishment for any illegal act or omission.

A person who constantly has sufficient information about bribery and does not report it is a person who is inclined to receive, give and mediate bribes, has constant contact with officials in society, has a certain level of respect and reputation among them, acts for his own benefit, is known a person who has a negative impact on the development of a field.

CONCLUSION

As a conclusion, the following subjective opinions and considerations were developed.

The following conclusions were drawn up through the theoretical and legal analysis of detection and disclosure of criminal cases related to bribery:

- 1) Taking into account the high role and importance of rapid search activities in the detection of bribery crimes, we developed the stages of effective implementation of rapid activities during our research.
- 2) It was justified that the word "state body, state-participated organization or self-government body of citizens" in Article 210 of the Civil Code of the Republic of Uzbekistan should be deleted.
- 3) The author's definitions of the concepts of a person who reported bribery and a person who had sufficient information about bribery and did not report it were developed.
- 4) Criminological description of crimes related to bribery means criminalistically important information about the motive, methods, time, place, identity of the suspect and the victim of this category of crimes.

5) Detection and detection of crimes related to bribery were divided into typical and complex typical situations, and a sequence of investigative actions (algorithm) that should be carried out for each of them was developed.

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