



## COMPARATIVE LEGAL ANALYSIS OF CRIMINAL LIABILITY FOR NON-ENFORCEMENT OF COURT DOCUMENTS

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**ABSTRACT:** - In this article, the author discusses the concept of liability for non-execution of a court document, its legal nature and social significance; The history of the development of the institution of liability for non-execution of a court document in the criminal law and the development of proposals and recommendations for determining the prospects for improving the norms of the criminal law of the Republic of Uzbekistan on criminal liability for non-execution of court decisions are analyzed.

**KEYWORDS:** Court, judgment, court document, non-execution, crime, sentencing, liability, judgment and decision, act, qualification.

### INTRODUCTION

In general, the concept of non-execution of a court document includes failure to execute a court document and responsibility for it.

According to the legal scholar M.H. Rustambaev, the term "deferral" refers to any action by a person to delay the execution of

the requirement of a legal document of a legal nature.

In the provision of Article 232 of the Criminal Code of the Republic of Uzbekistan, the term "judicial document" means a legally binding

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court order, judgment, decision, resolution, sentence<sup>1</sup>.

Non-execution of a court document is one of the widespread crimes. The Criminal Code of the Republic of Uzbekistan explains the reason why crimes against justice are separated into a separate chapter, the activity of justice bodies is extremely necessary for the state and society, and the need to protect justice separately from criminal attacks. The successful performance of judicial duties depends not only on the full compliance with legal norms by these bodies, but also on the execution of the verdict, decision, verdict or decision issued by them.

Non-execution of a court document is included in the series of crimes against the judiciary that attack the reputation and activity of investigative and judicial authorities<sup>2</sup>.

The fact that the violation of judicial documents is enshrined in the Criminal Code as a dangerous act is explained by the fact that it can seriously harm the interests of the society, more precisely, the independent branch of the division of powers, a separate branch of the state power, the institution of justice, which is the defender of citizens.

It is necessary to understand that the person involved in the service of the execution of the court document received for execution shall not take measures for their execution within the time limits established by the law. For example, allowing the defendant to continue to hold this or that position despite the decision to deprive him of his position.

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<sup>1</sup> Clause 1 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 7 of April 10, 2009 "On some issues of the application of laws on criminal liability for obstructing the execution of judicial acts and obstructing their execution".

<sup>2</sup> Gulyamov Z.Kh. Crime against justice / / Under the editorship. i s predisloviem d.yun.n., prof. U. Tajikhonov. - Tashkent, 1997.-S.40-41.

Non-execution of court documents is committed in the form of criminal inactivity, that is, a person charged with the obligation to execute a court decision willfully does not execute them or does not take measures to ensure their execution<sup>3</sup>.

As a general concept of non-execution of a court document, it takes into account the intentional execution of a legally binding court order, verdict, decision, decision, sentence.

However, according to the requirements of Article 232 of the Criminal Code of the Republic of Uzbekistan, criminal responsibility is taken into account only if he commits actions such as "Committing certain actions or continuing to disobey the execution of a court document imposing an obligation on him to do so after the application of administrative punishment." It can be seen from this that failure to comply with any form of court order does not result in criminal liability. From this, we can conclude that all court documents are not court documents imposing the obligation to perform certain actions or to refrain from performing them, or that they are not legal documents of a property nature.

Thus, in the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated April 10, 2009 No. 7 "On some issues of application of laws on criminal liability for disobeying the execution of judicial acts and obstructing their execution", "It should be noted that criminal liability has a special nature It is created for disobeying the execution of a court document, i.e. a document that imposes the obligation to

<sup>3</sup> Ёғли Эшқуватов Б. А. ТРАНСПОРТ ҲАРАКАТИ ВА УНДАН ФОЙДАЛАНИШ ХАВФСИЗЛИГИГА ҚАРШИ ЖИНОЯТЛАРИДА ЎЗБЕКИСТОН РЕСПУБЛИКАСИ ОЛИЙ СУДИ ПЛЕНУМЛАРИНИНГ ЎРНИ //Eurasian Journal of Academic Research. – 2022. – Т. 2. – №. 1. – С. 7-11.

perform certain actions or to perform them. "A person shall not be held criminally liable after execution of a court document of a property nature, i.e., a document on recovery of money or property."

In the disposition of Article 232 of the Criminal Code of the Republic of Uzbekistan, two different components are taken into account.

"In the disposition of the first part of Article 232 of the Criminal Code, the following criminal elements are taken into account:

they continued to commit certain actions or to comply with a court document that obliges them to do so after the administrative punishment was applied."

In Article 232 of the Criminal Code of the Republic of Uzbekistan, there is a difference between the disposition and non-execution of a court document in the general case, and it is clear that both are not the same concept.

The head of the Department of Enforcement of Judicial Acts and Acts of Other Bodies of the Bureau of Compulsory Enforcement and the Heads of the Departments of Enforcement of Judicial Acts and Acts of Other Bodies of Territorial Administrations are the deputies of vacant state executives. Employees of the Department of Enforcement of Judicial Acts and Acts of Other Bodies of the Compulsory Enforcement Bureau and Departments of Enforcement of Judicial Acts and Acts of Other Bodies of Territorial Administrations have the status of state enforcers.

Article 1981 of the Criminal Code of the Republic of Uzbekistan consists of two parts, the first part of the 2nd part takes into account the responsibility for the execution of

executive documents of a property nature, and in the second part of this part, the performance of certain actions on the debtors or non-performance of the executive document that obligates them to perform these actions, It is necessary for a person to be responsible for the actions specified in the second part of part 2 of this article within one year, and the deliberate continuation of this act by that person is the basis for finding that a crime has been committed.

"Continuation of action (inaction) by a person to evade the execution of a court document after receiving an administrative penalty and a written warning about criminal liability is considered a mandatory condition for criminal liability for failure to execute a court document."<sup>4</sup>

In short, "Defending the execution of a court document should be understood as any action taken by a person to avoid the fulfilment of the requirement of a legally binding court document of a non-proprietary nature."

The legal nature of non-execution of a court document is that the commission of this act is illegal in itself. Committing this act poses an operational threat to society<sup>5</sup>. That is why the legislation has adopted the norms of responsibility for this act.

The Law of the Republic of Uzbekistan "On the Execution of Judicial Acts and Acts of Other Bodies" states that business is dangerous by its legal nature. "...If the state bailiff does not fulfil the requirements of the debt execution document within the specified time for no valid reason, the state bailiff will apply administrative punishment to the debts, and in the case of disobeying the execution of the

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<sup>4</sup> Clause 4 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 7 of April 10, 2009 "On some issues of the application of laws on criminal liability for obstructing the execution of judicial acts and obstructing their execution"

<sup>5</sup> Отабоев Б. ИНЫЕ МЕРЫ УГОЛОВНОГО ПРАВОВОГО ВОЗДЕЙСТВИЯ: ТЕОРЕТИЧЕСКОЕ ОБОСНОВАНИЕ НА ПРИМЕРЕ РЕСПУБЛИКИ УЗБЕКИСТАН //Eurasian Journal of Law, Finance and Applied Sciences. – 2022. – Т. 2. – №. 2. – С. 1-6.

debt document, the court will warn him in writing about criminal liability. If the debtor refuses to execute the executive document even after that, the state executive will take measures to bring him to criminal responsibility in accordance with the procedure established by law.

The social importance of non-execution of court documents is that non-execution of court decisions causes citizens to lose respect for the court, and thereby the law and the state. Where the law reigns, peace and justice reign, and people live prosperously.

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