



POLITICAL AND LEGAL FOUNDATIONS OF FIGHTING EXTREMISM AND TERRORISM IN UZBEKISTAN

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ABOUT ARTICLE

Key words: Extremism, terrorism, Constitution of the Republic of Uzbekistan, law, normative legal document, normative contract, source of law, form of law, decision of the Plenum of the Supreme Court of the Republic of Uzbekistan, code, Global Terrorism Index, legal custom, legal precedent.

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Abstract: The article highlights the political and legal foundations of the fight against extremism and terrorism in Uzbekistan on the example of the Constitution and laws of the Republic of Uzbekistan, which are regulatory legal documents, and the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan, which is considered a court document.

INTRODUCTION

As you know, extremism and terrorism are one of the global threats facing humanity, the significance, and level of danger of which are increasing every day. In particular, according to the 2023 report of the Global Terrorism Index (GTI), compared to the previous period, terrorist attacks were deadly, the death rate increased by 26%, although the number of victims of terrorism decreased by 9% (due to the transition of the Taliban from a terrorist group to a state), the number of victims of terrorism in the rest of the world outside Afghanistan increased by 4%, ISIS (Islamic State) and its affiliates "Linma" continues to be the most dangerous and deadly terrorist group in the world, having carried out attacks in 21 countries for 8 years in a row, the number of victims of attacks by unknown jihadists around the world is 8 times more than in 2017, terrorism is developing in countries suffering from environmental problems and climate problems, and the use of drone technology and its use by terrorist groups such as ISIS, Boko Haram, and the Houthis is on the rise [1]. For information, we should mention that the Global Terrorism Index (GTI) is a comprehensive and reliable indicator that analyzes the impact of terrorism for 163 countries covering 99.7% of the world's population. The Global Climate Index report is produced by the Institute for Economics and Peace (IEP). This institute develops a composite score to provide an orderly ranking of countries on the impact of terrorism. The Global Climate Index rates each country on a scale from 0 to 10; in this case, 0 means that there is no effect of terrorism, and 10 means that there is the highest measurable effect of terrorism. Given the vast resources allocated by

governments around the world to combat terrorism, it is important to analyze and synthesize existing data to better understand its various characteristics. One of the main goals of the Global Terrorism Index is to study trends in the development of terrorism. According to the Global Terrorism Index in 2022, Uzbekistan is ranked 70th out of 163 countries, with a score of 1.73 on a 10-point scale [1]. From the above analysis, we can understand that no country is safe from global threats such as extremism and terrorism. Here, it is no exaggeration to say that the President of the Republic of Uzbekistan Sh.M. Mirziyoyev, during his speech at the conference on "Ensuring social stability, preserving the purity of our holy religion - the need of the times" on June 15, 2017, emphasized the following rightful points, which should serve as a program in the fight against extremism and terrorism, and it is no exaggeration to say: "Muslimism is in the hearts of each of us, conscience it should be with us. If a person has faith and serves his country faithfully, he becomes a true patriot. If he is unfaithful, illiterate, treacherous, and, as I said, I will "play" with both sides, if this country leaves, if such and such people come, he will make a deal with them, then let me know that such "numbers" will not pass to us... The time has come to say that white is white, black is black. We don't need such idiots... After all, only yesterday these young people were our own black-eyed people, our neighbor, our son, our daughter, or our niece! When did they go astray, when did they go astray? Why are we oblivious? When and where did we make a mistake? When did our children fall into the hands of strangers? Why did they become enemies of their parents and their country? If we don't prevent this terrible disaster today, if we don't mobilize all our energy, tomorrow will be too late [2]". This, by itself, is one of the most important and urgent tasks facing the state in the fight against extremism and terrorism in Uzbekistan. Based on the above, it can be noted that the political and legal foundations of the fight against extremism and terrorism in Uzbekistan are important and urgent.

LITERATURE ANALYSIS AND METHODOLOGY

Political and legal foundations of the fight against extremism and terrorism in Uzbekistan G. Abdumajidov, Q.R. Abdurasulova, Z.Kh. Gulyamov, Z.S. Zaripov, R.A. Zufarov, B.E. Zakirov, Z.F. Inogomjonova, I. Ismailov, K. Mirzajonov, H.T. Odilqariyev, M.H. Rahmonkulov, M.H. Rustamboyev, A.Kh. By Saidov, R. Qabilov, M. Kadirov, Y.M. Antonyan, R.S. Belkin, I.A. Vozgrin, V.P. Emelyanov, G.M. Kerimov, A.V. Korovikov, I.M. Luzgin, E.G. Lyakhov, L.A. Modjaryan, V.E. Petrishchev, and in foreign countries by A. Cassesse, A. Schmidt, A. Jongman, M.C. Bassiouni, P. Kovack, V. Schlaefler, S. Abi-Saab, B. Saul, de Frias A.S., Samuel K., N.D. White has been thoroughly and sufficiently studied by scientists.

DISCUSSION AND RESULTS

Before elucidating the political-legal foundations of the fight against extremism and terrorism in Uzbekistan, we should first dwell on the concept of legal sources that form the core of the political-legal foundations. In particular, according to the foreign legal scholar G. Kelzen, the source of law has a wide content. The concept of the source of law means moral standards, political principles, legal doctrines, and opinions of legal experts [3]. The well-known Russian jurist G.F. Shershenovich uses the term "form of law" instead of the term "source of law" and defines it as follows: "The form of law is, in a certain sense, a reflection of the right, its source issued in the past, that is, its basis [4]." According to N. Saburov and Sh. Saidullayev, the source of law means the form of expression of law in a general sense. As a legal phenomenon, the source of law represents the forms of law in a special legal sense. There are the following forms of law: legal custom, regulatory legal document, legal precedent, and regulatory contracts [5]. From the above opinions, in our opinion, the opinions of G.F. Shershenovich, N. Saburov

and Sh.Saidullayev are of great importance. That is, when we think about the legal foundations of a process or social relationship, it is appropriate to use the terms sources or forms of law that regulate this process or social relationship. So, when we talk about the political and legal foundations of the fight against extremism and terrorism in Uzbekistan, we should understand normative legal documents, normative contracts and other judicial documents that are considered forms of law.

According to Article 3 of the Law of the Republic of Uzbekistan "On Normative-Legal Documents" of April 20, 2021 ORQ-682, a normative-legal document is an official document aimed at defining, changing or canceling legal norms as mandatory state instructions. According to Article 6 of this Law, the types of regulatory legal documents are as follows:

- Constitution of the Republic of Uzbekistan;
- Laws of the Republic of Uzbekistan;
- Decisions of chambers of the Oliy Majlis of the Republic of Uzbekistan;
- Decrees and decisions of the President of the Republic of Uzbekistan;
- Decisions of the Cabinet of Ministers of the Republic of Uzbekistan;
- orders and decisions of ministries, state committees, and agencies;
- decisions of local state authorities [6].

From the above types of legal documents, we will highlight the political and legal foundations of the fight against extremism and terrorism in Uzbekistan based on the Constitution, laws, and court documents of the Republic of Uzbekistan.

Constitution of the Republic of Uzbekistan. According to Article 1 of the Constitution of the Republic of Uzbekistan, Uzbekistan is a sovereign, democratic, legal, social, and secular state with a republican form of government. The fact that our country is a democratic, legal, and secular state in this legal norm serves as a constitutional-political-legal basis for the fight against extremism and terrorism in Uzbekistan [7]. Also, Articles 35, 71, and 75 of the Constitution of the Republic of Uzbekistan are among them.

Laws of the Republic of Uzbekistan. We can conditionally divide the laws that are the political and legal foundations of the fight against extremism and terrorism in Uzbekistan into two groups: the first - laws that regulate social relations related to the fight against extremism and terrorism, and the second - laws that directly define responsibility for the implementation of extremism and terrorism. In particular, the Law of the Republic of Uzbekistan No. ORQ-489 dated July 30, 2018 "On Combating Extremism" deals with relations in the field of combating extremism, that is, measures to combat extremism, the relations of responsibility for the subjects of the fight against extremism for partially carrying out extremist activities, Law No. ORQ-167-II of the Republic of Uzbekistan dated December 15, 2000, and "The Law on Combating Terrorism defines the powers of state bodies in the field of combating terrorism, conducting anti-terrorist operations, compensation for damages caused by terrorism, and social rehabilitation of victims. The Law of the Republic of Uzbekistan dated August 26, 2004 No. 660-II of the Republic of Uzbekistan "On Combating Legalization of Proceeds from Criminal Activities, Financing of Terrorism, and Financing of the Distribution of Weapons of Mass Destruction" The laws that form the first group above are considered to be the laws that regulate relations such as organizing the fight against money laundering, terrorist financing and the financing of the distribution of weapons of mass destruction, operations related to money or other property and the organizations that implement them, and information related to the fight against the legalization of the proceeds from criminal activities, the financing of terrorism and the financing of the distribution of weapons of mass destruction. Article 1793 of the Code of Administrative Responsibility of the Republic of Uzbekistan provides for administrative

responsibility for violations of the legislation on combating the legalization of proceeds from criminal activities, the financing of terrorism, and the financing of the distribution of weapons of mass destruction, Article 155 of the Criminal Code of the Republic of Uzbekistan provides for terrorism, Article 1553 for financing terrorism, and Article 243 for legalizing proceeds from criminal activities Article 2441 of the Code stipulates criminal liability for preparing, storing, distributing or displaying materials that threaten public safety and public order, and Article 246 for smuggling.

Court documents. Pursuant to Article 25 of the Law of the Republic of Uzbekistan "On Courts" No. 703 of July 28, 2021, the explanations of the Plenum of the Supreme Court of the Republic of Uzbekistan on the issues of application of legislation are mandatory for courts, state bodies and other bodies, enterprises, institutions, organizations and officials applying the legislation to which this explanation was given [8]. In particular, according to Clause 1 of the Decision No. 32 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated November 27, 2021 "On some issues of judicial practice in criminal cases related to the financing of terrorism and extremism", timely and high-quality consideration of criminal cases related to the financing of terrorism and extremism is one of the important conditions for ensuring national security [9]. From this point of view, the above Plenum Decision of the Supreme Court is considered the only existing Plenum Decision of the Supreme Court on the fight against extremism and terrorism.

CONCLUSIONS

First of all, when talking about the political and legal foundations of the fight against extremism and terrorism in Uzbekistan, we should understand the normative legal documents, normative contracts and other judicial documents that are considered forms of law. Secondly, it is important to conditionally divide the laws that are the political and legal bases of the fight against extremism and terrorism in Uzbekistan into the following two groups: the first - laws regulating social relations related to the fight against extremism and terrorism, and the second - laws that directly define responsibility for the implementation of extremism and terrorist activities. Thirdly, the obligation to annually improve the political and legal foundations of the fight against extremism and terrorism in Uzbekistan, taking into account the analysis and recommendations of the Global Terrorism Index (GTI), should be included in the law and bylaws. After all, as the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, said: "If we do not prevent this terrible disaster today, if we do not mobilize all our forces, tomorrow will be too late" [2].

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