

## Foreign Experience and Issues of Improving of Legislation on International-Legal Cooperation in the Field of Combating Crime

Nosirjon Khojjiyev Komilovich

Faculty of Criminal Justice Lecturer at the Department of Criminal law, criminology and anti-corruption of TSUL

Amit Nagar

Assistant Professor of Law at Asian Law College South Delhi, Delhi, India

**Abstract:** International cooperation in the fight against corruption is a complex process and is regulated by the norms of international and national law. By analyzing the legislation of foreign countries in this regard, we can conditionally classify these countries as follows:

first of all, the relations on international cooperation in criminal matters are regulated at the constitutional level;

secondly, countries where international cooperation in criminal matters is regulated by criminal and criminal-prosensual legislation;

thirdly, the countries that adopted international cooperation in criminal cases, in particular, special legislative acts on extradition.

Below we will dwell mainly on the countries belonging to the third group. After all, the study of the experience of these countries in the field of the mechanism of international cooperation in criminal cases shows that in our country it is also worthwhile to adopt a special legislation to improve this area.

In this article, the theoretical and practical aspects of international cooperation in the field of combating crime are studied in a complex way from the point of view of international treaties and criminal-prosensual law of the Republic of Uzbekistan, and proposals are made to improve the norms of Criminal-prosensual law regulating international cooperation in the fight against crime.

**Key words:** Crime, Punishment, Crime Prevention, international cooperation, crime and crime-prosensual legislation, deterrence, extradition, legal aid, international organizations.

### 1. Introduction.

In Japan, a number of legislative acts have been adopted aimed at regulating relations on international cooperation in the fight against crime. The laws "on the detention of criminals to another country "(1988 year)," on assistance in the investigation of international crimes","on legal cooperation with a foreign state " (1905) are from the following sentence.

Another of the developed countries of the legislation on international cooperation in criminal matters is Great Britain. In this state, the law "on giving hold"was adopted in 1989 year, which has been regularly improved so far. For example, in 2002 year he was included in the amendments on the possibility of extradition of British citizens who refused to pay taxes. This is an important step towards deepening cooperation between the two countries. It is worth noting that the imposition of holding its own citizens is denied in the legislation of many states, and even the failure to hold its own citizens has risen to the level of the constitutional principle. Therefore, this innovation, introduced in the UK legislation, significantly reduced the extradition Institute in relations with the state.

In Finland, too, the relationship with the issue under study is regulated by the law "on the provision of legal assistance in criminal cases". According to Article 12 of this law, legal assistance is not provided if it harms Finland's interests, independence or security, or is against human rights and interests. Of this law

Article 13 provides for another 6 Optional grounds on which the requirement to provide legal assistance is not fulfilled: if the request for legal assistance is subject to political or military crimes, if the term of execution of the sentence has passed, or if there is an act of Amnesty. Even if the case is taken in court or the person has passed the sentence or is justified by Finnish law, the request can be rejected. It should be noted that in the laws of most countries, non-retention for political crimes is strengthened as a strict rule.

In addition, the law "on Extradition (Extradition) of persons committing crimes" in Azerbaijan from the CIS countries establishes a number of important rules on extradition of citizens of Azerbaijan and foreign states.

For example, if, according to Article 1 of the law, there is no agreement between Azerbaijan and the state requesting detention, the provisions of this law shall be applied in accordance with the principle of mutual assistance.

In addition to these countries, special legislation on this sphere was adopted in such countries as Canada, Bulgaria, Vengria, China, Lithuania, Moldova, Sweden, Estonia.

In Uzbekistan, a separate law on this area has not been adopted. Although JPC has a separate section on the regulation of extradition relations, it can not fully regulate these relations according to its size and scope. After all, the existing norms in force are not enough to fully and comprehensively regulate this relationship.

This, in turn, puts the blame on the activities of Uzbekistan in the fight against international crime. Therefore, today, further improvement of legislation on international cooperation in criminal cases is required.

Proceeding from the above and the analysis of the legislation of foreign countries on this issue, as well as the need for normative-legal regulation of legal relations on international cooperation in criminal cases, we consider it necessary to develop in our country a special law "on extradition" or "on legal assistance in criminal cases".

To date, a certain system of international organizations and national bodies of States has been formed, conducting international cooperation in the field of prevention of crime, combating it directly and dealing with offenders. All of them include the direction in the single task in the implementation of the issues in the area under consideration and the achievement of the goal.

## 2. Methodology

Historical, structural, comparative legal, logical, exact sociological, complex research of scientific sources, induction and deduction, and statistical data analysis were used in the research.

## 3. Discussion and Results

Proceeding from the content of the mentioned cooperation, the system of subjects can be conditionally divided into two large groups:

1. international organizations;
2. internal organs and institutions of the state.

Each of the subjects has such characteristics as the scope of his competence, his own system, the peculiarity of his activity and the interdependence between the subjects.

International organizations play an important role in the current international relations as one of the forms of cooperation of states .

In turn, international organizations are distinguished by the scope of their activities of influence (global and regional), the volume of authority (human and target), the sources and characteristics of their powers (state, government). On a global, Global and state scale, the United Nations and its six main bodies are the main subjects of international cooperation in the field of combating crime. These include:

- General Assembly;
- Security Council;
- Economic and Social Council;
- Board of trustees;
- Secretariat, Department on crime prevention and criminal justice (sector);
- International Court.

The General Assembly is a real democratic representative body of sovereign states. Within the framework of the activities of the UN, the General Assembly was given very large powers. He has the right to discuss all Affairs and tasks within the framework of the UN Charter and to make recommendations on them to the participating states or the Security Council. Every year, within the framework of the Third Committee (on social and humanitarian issues), it considers the report of the UN Secretary-General on the main problems of international cooperation in the field of prevention of crime, combating it and dealing with offenders.

The Security Council-considers its complaints about crimes against the peace and security of states, for example, committed aggression, and also discusses the issues of the occurrence of the most dangerous terrorist acts. If necessary, the Security Council shall submit the matter to the appropriate agency for investigation. But the Security Council is not considered a full-fledged subject of international cooperation in the fight against crime.

The UN Secretary-General's Department for crime prevention and criminal justice is engaged in organizational and preparatory work, including preparing the necessary recommendations for the secretary-general on the problems facing international cooperation in the field of combating crime within the UN.

The Economic and Social Council (ECOSOC) conducts its activities on the issues of international economic and social cooperation. The ECOSOC consists of 54 members, elected by the General Assembly for a period of three years, and each year instead of the 18 members whose powers are over, new ones are elected. In addition, the Economic and Social Council (ECOSOC) and the Committee on social development are directly responsible for ensuring the activities of the UN in this area. In order to perform these functions in the structure of the ecosystem, various specialized organs have been operating in different years.

In 1979, The Economic and Social Council of the United Nations established the main functions of the United Nations on the prevention and Combating of crime. They include:

- preparation of UN Congress on prevention of crime and treatment with offenders in order to apply effective measures and methods in the field of prevention of crime and treatment with offenders;
- to prepare and submit to the competent authorities of the United Nations programs for international cooperation in the field of Prevention of crime on the basis of printouts of non-interference in the sovereign equality and internal affairs of states;
- assistance to the ECOSOC to coordinate the activities of the UN bodies dealing with the issues of combating crime, as well as to prepare and present reports, recommendations and decisions to the secretary-general and other bodies of the United Nations;
- Assistance in the exchange of experiences of UN member states in the field of Prevention of crime and treatment with offenders;
- discuss complex and important issues that form the basis of international cooperation in the field of combating crime, including prevention of crime and reduction of crime.

The UN Congress on the Prevention of crime and its treatment with offenders are its specialized conferences and they are called a marotaba every five years. Since the congresses are at the same time considered UN bodies of action, their participants, mode of work, function and legal framework of their decisions are of great importance.

According to the UN Charter, this organization is responsible for carrying out international cooperation on all pressing issues. On his initiative, every five years, the UN Congress on the Prevention of crime and its treatment with offenders was called (1955 year in Geneva ;1960 year in London; 1965 year in Stockholm; 1970 year in Kyoto; 1975 year in Geneva; 1980 year in Caracas;

1985 year in Milan; 1990 year in Gavana). The committee on prevention of crime and criminal justice (Un Congress - 1995 Cairo; 2000 Vienna) was established in 1991.

Within the framework of the international cooperation of the States, Congress develops and adopts programs on prevention and combating crime, as well as leader printouts, makes recommendations on liquidation of individual types of crime and shares experience in this field.

International cooperation in the field of combating crime is a component of the general international cooperation of states in the field of combating crime. At present, special attention is paid to ensuring security in international relations, cooperation in economic, social, scientific, educational spheres by different countries, these issues occupy a leading position in the state sphere. These processes are manifested as a result of the process of globalization, which has become an integral part of the life of every society and state.

As a result of this, the economy of the States has increased, the opportunity of citizens to enter foreign countries for Labor, Education, Tourism and a number of other purposes has expanded. But the process of globalization can not be denied even the presence of negative sides. In particular, under the influence of globalization, one can observe an increase in the number of organized transnational crimes, such as trafficking in people, drug trafficking, terrorism. These crimes are characterized by a profession of complex characteristics, so the struggle against them, the power of one state to end them, is powerless, that is, in order to end organized crime, states are required to cooperate among themselves.

The Fourteenth section of the criminal-prosessual code of the Republic of Uzbekistan is called "international cooperation in the field of criminal proceedings":

- sending a request for the execution of prosessual actions on the territory of a foreign state;
- the content and form of the request for the execution of prosessual actions on the territory of a foreign state;

- legal power of evidence obtained on the territory of a foreign state
- execution of the request for the execution of processual actions on the territory of the Republic of Uzbekistan;
- To call a witness, victim, expert, Civil Plaintiff, civil defendant, their representatives who are outside the territory of the Republic of Uzbekistan;
- sending the materials of the criminal case to the authorized body of a foreign state;
- execution of the request for prosecution of jinoi on the territory of the Republic of Uzbekistan;
- to send a request for the seizure of a person who is on the territory of a foreign state;
- The scope of the criminal liability of the person detained in the Republic of Uzbekistan;
- Execution of the request for the seizure of a person who is on the territory of the Republic of Uzbekistan;
- Complaint on the decision to detain a person who is on the territory of the Republic of Uzbekistan;
- Refusal to hold a person in the territory of the Republic of Uzbekistan to a foreign state;
- Delay and temporary detention of a person on the territory of the Republic of Uzbekistan;
- Arrest and detention of a person in the territory of the Republic of Uzbekistan for detention;
- Release of a person detained or imprisoned in the territory of the Republic of Uzbekistan;
- Find a person who is on the territory of the Republic of Uzbekistan.;
- transfer of the detained person in transit;
- topshirish issues of ingredients regulated.

In our opinion, the issues of this regulation, which exist in our legislation, can not fully cover the relations of the Republic of Uzbekistan with other countries in the field of combating crime.

#### References:

1. Горелик А.С., Лобанова В.Л. Преступления против правосудия. СПб, 2005. – С.67.( Gorelik A.S., Lobanova V.L. Crimes against justice. SPb, 2005. - P.67)
2. Умархонов А.Ш. Одил судловга қўмаклашувчи шахслар хавфсизлигини таъминлашнинг ҳуқуқий чоралари. Ўқув қўлланма. –Т.: ИИБ академияси, 2005. – 12-б(Umarxonov A.Sh. Legal measures to ensure the safety of persons assisting in justice. Study guide. –Т .: MIA Academy, 2005. - 12-p).
3. Айдаров Т. Ёлғон хабар бериш ва ёлғон гувоҳлик бериш // Ҳаёт ва қонун. № 1 2005. 58-60-б;( Aydarov T. False reporting and perjury // Life and law. № 1 2005. 58-60-b);
4. Лазовицкая Г.П. Правовые и криминологические аспекты борьбы с преступлениями, посягающими на участников правосудия // Российский следователь № 3 2006. С 30-33; (Lazovitskaya G.P. Legal and criminological aspects of combating crimes infringing on the participants of justice // Russian Investigator No. 3 2006. P 30-33);
5. Власов И.С., Тяжкова И.М. Ответственность за преступления против правосудия. М.: Юридическая литература. 1998. С.47.( Vlasov I.S., Tyazhkova I.M. Accountability for crimes against justice. М .: Legal literature. 1998.S. 47).