



CENTRAL ASIAN JOURNAL OF SOCIAL SCIENCES AND HISTORY

Journal homepage: <https://cajssh.centralasianstudies.org>



Cases of Violation of the Law Related to the Honor and Dignity of the Interrogated Persons During the Investigation Period and Grounds of Responsibility

Sarsenbaev Ajiniyaz Mambetkerim Uli

PhD student, Karakalpak state university named after Berdakh, Nukus, Uzbekistan, Karakalpakstan
ajiniyaz445@gmail.com

Abstract:

The article deals with the cases related to the honor and value of the interrogated persons in the preliminary investigation and the presence or absence of criminal elements in these cases, as well as the grounds of responsibility for crimes related to the honor and value of the interrogated persons during the investigation period. This topic delves into the critical issue of cases involving the infringement of the rights, honor, and dignity of individuals subjected to interrogation during the investigation phase. The annotation seeks to examine instances where legal boundaries are breached, resulting in harm to the personal standing and self-respect of the individuals involved. It will explore the various circumstances and contexts in which these violations occur, shedding light on the root causes and motivations behind such actions. The study aspires to offer a comprehensive overview of the challenges and solutions pertinent to this vital aspect of the criminal justice system, fostering a fair and just legal environment that respects the rights and dignity of all individuals involved.

ARTICLE INFO

Article history:

Received 09-Jun-23

Received in revised form 15-Jun-23

Accepted 07-Jul-23

Available online 14-Aug-2023

Key word: Interrogator, honor and dignity, witness, suspect, accused, insult, torture, degrading treatment, mental, psychological, physical pressure.

INTRODUCTION

The paper further aims to elucidate the grounds of responsibility for those found accountable for the transgressions. By analyzing legal frameworks, precedents, and international human rights standards, this study will provide insights into the potential consequences and penalties that should be imposed on individuals and entities responsible for infringing upon the rights and dignity of the interrogated persons. Ultimately, this research intends to contribute to the enhancement of legal safeguards,

institutional reforms, and awareness-raising efforts, aimed at preventing and addressing cases of law violations concerning the honor and dignity of individuals during the investigation period.

A person, his rights and freedoms are the highest values. It is the duty of the state to observe and protect the rights and freedoms of people and citizens. A person's right to honor, dignity, reputation and good name is one of the highest values of a democratic state governed by the rule of law. Civil society: "no one can arbitrarily encroach on his honor and reputation" [Article 12 of the Universal Declaration of Human Rights of 1948].

The Importance of Addressing Cases of Violation of the Law Related to the Honor and Dignity of Interrogated Persons During the Investigation Period and Grounds of Responsibility:

1. **Protection of Human Rights:** Ensuring the honor and dignity of individuals, even during legal proceedings, is a fundamental human right. Treating interrogated persons with respect upholds their rights and safeguards their emotional and psychological well-being.
2. **Presumption of Innocence:** Respecting the dignity of individuals under investigation reinforces the principle of "innocent until proven guilty." Unfair treatment or violations can tarnish the presumption of innocence and compromise the integrity of the legal process.
3. **Reliable Evidence and Confessions:** Coerced confessions or evidence obtained through undignified means are unreliable and can lead to wrongful convictions. Respecting the dignity of the accused promotes the gathering of accurate and credible evidence, contributing to a just legal system.
4. **Public Trust in the Justice System:** Upholding the honor and dignity of interrogated individuals fosters public trust in the justice system. When people believe that their rights are protected, they are more likely to have confidence in the outcomes of legal proceedings.
5. **International Obligations:** Many countries are signatories to international human rights treaties that emphasize the importance of protecting individuals' dignity during legal processes. Addressing violations in this regard ensures compliance with these obligations and enhances a country's reputation on the global stage.
6. **Preventing Abuse of Power:** Explicitly outlining grounds of responsibility for violations helps deter law enforcement officials and investigators from abusing their power. Clear consequences for misconduct act as a deterrent and promote accountability.
7. **Fair Trial and Due Process:** Respecting the dignity of the accused contributes to a fair trial and upholds the principle of due process. A fair trial is essential for justice to be served, and it hinges on the integrity of the entire investigative phase.
8. **Reduction of False Information:** Addressing violations related to the honor and dignity of interrogated individuals can help counteract false information or rumors that may circulate about the investigation process. Transparency and adherence to legal standards reduce speculation and misinformation.
9. **Rehabilitation and Reintegration:** Unlawful treatment during the investigation period can have lasting negative effects on individuals. Prioritizing their dignity supports their potential rehabilitation and successful reintegration into society, should they be found innocent.

10. Overall Rule of Law: Respecting the rights and dignity of individuals during legal proceedings is a cornerstone of a just and equitable society governed by the rule of law. It underscores the commitment to upholding the principles of justice, fairness, and human rights for all citizens.

The concepts of the honor and dignity of the person apply to many norms of the criminal law, which create favorable conditions for ensuring the safety and development of the person in our society. In this regard, the problem of criminal-legal protection of the honor and dignity of a person has risen to a very urgent level.

LITERATURE REVIEW

The concepts of the honor and dignity of the person apply to many norms of the criminal law, which create favorable conditions for ensuring the safety and development of the person in our society. In this regard, the problem of criminal-legal protection of the honor and dignity of a person has risen to a very urgent level. Cases related to the honor, and value of the interrogated persons in the preliminary investigation is considered an important aspect of the criminal process. When a person is involved as a witness in a criminal case, he is required to report all the information about the case and fully answer the questions.

If we refer to the legal literature, it is stated that no matter how strong the subjective suspicion of the interrogator is, the investigator has no right to ask questions revealing that the person has committed a crime during the interrogation, but the case almost always begins with questioning the suspect as a witness to determine his involvement in the crime.

According to the data of L.M. Karneeva, the cases of suspected crime made up 45.7% of the cases closed [2. p. 28-31]. Other authors have repeatedly noted that citizens who have committed crimes are first involved in the process as witnesses [3. p. 122]. In this case, in the Criminal Procedural Code of the Republic of Uzbekistan, the questioning of a witness is mentioned as follows. After the identity of the witness or the victim is determined and the procedural rights and obligations are explained to him, he is warned about the criminal liability for refusing to testify and knowingly giving false testimony, and the interrogation report or the court hearing about this will be recorded in the report.

The close relatives of the suspect, the accused, the defendant are not warned about the responsibility for refusing to testify. In other words, we can see from this that it is impossible for witnesses and victims to refuse to testify.

DISCUSSION

At present, a suspect or an accused person involved in a criminal case has the right not to answer the question asked by the official responsible for conducting the criminal case, and the investigator and the investigator are obliged to explain this right to the person.

The suspect: to be present at the summons of the investigator, investigator and prosecutor, not to refuse to participate in the investigation and preliminary investigation; does not prevent the establishment of the truth by destruction of evidence, falsification, attempts to persuade witnesses and other illegal actions; fulfilling the requirements arising from the precautionary measure chosen against him; not obstructing the execution of the decisions of the investigator, investigator, prosecutor on testimony, taking samples for expert examination, placement in a medical institution for expert examination, and other procedural decisions provided for in this Code; it is necessary to observe the procedure during

the investigation of the case [<https://lex.uz/docs/111460#253585>].

If there is information that a person has committed a crime, and their investigation and determination, not only involving him in a criminal case as a suspect or accused, the investigator and investigator should be fully informed about the rights and obligations of the case. Because, in our opinion, the persons involved in the criminal case begin to act in self-defense only when they have a complete picture of the guilt charged against them. They also try not to allow their honor and dignity to be violated in the preliminary investigation.

From the point of view, the more clearly their right to defense is explained to the interrogated persons, the faster they can be provided with a defense attorney.

As noted by the lawyer N.N. Haydarov, who has conducted many researches on the criminal process: “It should be known that the collection of evidence exposing a person in the preliminary investigation does not constitute a basis for finding him guilty. Because the law denies the guilt of a person without examining the evidence, until the question of the guilt of the suspect and accused person is confirmed in an open trial based on legality, equality of citizens before the law, humanity and democracy, justice and other procedural principles” [5. p. 55-58] .

There is also a norm in the Criminal Procedure Code of the Republic of Uzbekistan in this regard, and the Suspect, the accused or the defendant is considered innocent until his guilt of committing a crime is proven in accordance with the law and determined by a legally binding court sentence.

During the investigation, in some cases, contentious discussions may arise between the investigator and the interrogated person, and at the same time, the cases of human dignity and dignity that we are considering may arise.

In other words, the investigator may use derogatory words, put mental or physical pressure on the witness, suspect or the accused, deviating from the norms of ethics, in order to determine the truth or for subjective reasons. Thus, in the case of such situations, liability is reasonable and should be qualified by which articles of the law? We believe that in the Criminal Code of the Republic of Uzbekistan, punishment can be imposed for this crime through the following two articles. In this case, in the first place, Article 235 of the Criminal Code can be qualified by Torture and other cruel, inhuman or degrading treatment and punishment or Article 140 Insult.

Article 235: Torture and other cruel, inhuman or degrading treatment and punishment, i.e. to a person under administrative detention, as well as to the suspect, the accused, the defendant, the convict, the witness, the victim, another participant in the criminal proceedings or their close relatives in order to obtain a confession from them or another third party, to arbitrarily punish them for the committed act or to force them to commit an act, law enforcement unlawful mental, psychological, physical pressure committed by an employee of the executive body or other state body or by other persons with his or her agency or knowledge or with the tacit consent of other persons by means of intimidation, beating, punching, torture, suffering or other illegal actions , or otherwise exerting pressure, deprivation of a certain right, restriction of liberty for three to five years, or deprivation of liberty for three to five years.

Those actions:

- a) with the use of force that is dangerous to life and health or with the threat of using such force;
- b) for any reason based on national, racial, religious or social discrimination;

- c) by a group of persons;
- d) repeatedly;
- e) against an elderly person or a person in a helpless situation, a minor or a woman whose pregnancy is known to the guilty person;
- f) against two or more persons;
- g) materials that can harm life and health are used;
- h) if committed for the purpose of falsification (forgery) of evidence, shall be punished by deprivation of certain rights and deprivation of liberty from five to seven years.

If the actions referred to in the first or second part of this article cause serious injury to the body or other serious consequences, they will be punished by deprivation of certain rights and deprivation of liberty from seven to ten years [6. Article 235 of the Civil Code].

Torture and other cruel, inhuman or degrading treatment or punishment. In order to enslave the article, we need to pay attention to the necessary sign of the subject and the subjective side of this article, that is, the subject of this crime should be carried out only through special subjects.

Subject:

- the questioner;
- investigator;
- the prosecutor;
- Other employees of law enforcement agencies;
- an employee of a penal institution.

The crime interpreted from the subjective side is characterized by the presence of a special purpose, which is considered a necessary sign of the correct intention and composition of the subjective side. It should be noted that the purpose of committing a crime is determined by law in an alternative order, that is, in order to recognize an act as a crime under Article 235 of the Criminal Code, the subject must try to achieve the following goals:

- getting some information;
- confessing to committing a crime;
- arbitrary punishment for the committed crime;
- forcing the victim to perform certain actions.

From the objective point of view, the crime is committed directly by committing one of the following actions, i.e.:

- to torture;
- use of cruel, inhuman treatment and types of punishment;
- treatment that degrades the dignity of a person and enslavement of punishment nets.

The main and direct object of the crime is the dignity of the person, the humane attitude of each person towards him, as well as the only procedure of inquiry and preliminary investigation established by law [7. p. 667-671].

Article 140: Insulting, i.e. intentionally insulting the honor and dignity of a person with indecency, provided that it is committed after the administrative punishment for such actions has been applied, a fine of up to two hundred times the amount of the base calculation or up to two hundred and forty hours of compulsory community service or a will be punished with correctional work up to one year.

Insulting by publishing or reproducing in any other way, including in mass media, telecommunication networks or the Internet global information network, shall be punished by a fine in the amount of two hundred to four hundred times the amount of the basic calculation, or two hundred forty to three hundred hours of compulsory community service, or one punishable by correctional labor from one to two years.

Insult:

- a) in connection with the performance of the victim's service or civic duty;
- b) if committed by a dangerous recidivist or by a person previously convicted of defamation, shall be punished by a fine in the amount of four hundred to six hundred times the base calculation amount, or correctional work from two to three years, or restriction of freedom for one year.

Insulting a person's dignity and worth is understood as a negative evaluation directed at condemning a person. Bullying comes in many forms and ways. It is only verbal, written, through body movements without direct contact (spitting towards the victim, with ugly gestures and so on) and through body movements with direct contact, but without causing physical harm to the victim (pushing, tearing clothes etc.) can be committed.

For the existence of the offense of insulting, it does not matter whether the negative assessment given by the perpetrator to the victim is false or false. It would be enough to clarify that insulting the honor and dignity of a person is expressed in the form of indecency.

The object of the crime is the social relations that guarantee the respect of the honor and dignity of another person, and ensure the subjective understanding of the dignity of one's own person. From the objective point of view, the crime consists of insulting the honor and dignity of a person with indecency. At the same time, the responsibility arises from being administratively responsible for the same actions under Article 140, Part 1 of the Criminal Code.

From the subjective side, the crime is committed intentionally. The subject of the crime is a sane individual under the age of 16. It is considered that the crime has been completed from the time of committing any shameless actions aimed at insulting the honor and dignity of a person.

If we assume about the mentioned articles, in Article 235, in this crime committed by special subjects, it is necessary to qualify through the necessary signs of the subjective party.

In addition, in the disposition part of the article, we should pay attention to the sentence in order to obtain evidence of a confession of committing a crime. That is, the purpose of committing this crime is to obtain information from the victims against the law and to make them confess their guilt. As for Article 140, from the objective point of view, it is seen as an intentional insult to the honor and dignity of a person, and from the subjective point of view, it is done with the right intention. We can raise the offense of defamation not only during investigation, but mostly in our ordinary life. The difference of

this crime is that it is considered an administrative offense when it occurs for the first time, and if this offense is repeated within a year, it causes criminal responsibility.

CONCLUSION

In conclusion, we must say that our state has taken great steps in recent years to prevent such cases and other violations of the Salvation Law. A good example of this is the presidential decree of August 10, 2020 on “Measures to further strengthen the guarantees of protection of the rights and freedoms of the individual in judicial investigation activities”. As an addition and suggestion, we suggest filling out an anonymous questionnaire on cases of violations of the law by the supervisory authorities after the end of the interrogation process. Thus, addressing cases of violation of the law related to the honor and dignity of interrogated persons during the investigation period and establishing clear grounds of responsibility is vital for upholding human rights, maintaining public trust, and ensuring a fair and effective justice.

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