

**O‘ZBEKISTON RESPUBLIKASI KRIMINOLOGIYA TADQIQOT INSTITUTI
HUZURIDAGI ILMIY DARAJALAR BERUVCHI DS.03/30.10.2025.Yu.186.01
RAQAMLI ILMIY KENGASH**

**O‘ZBEKISTON RESPUBLIKASI HUQUQNI MUHOFAZA
QILISH AKADEMIYASI**

TAIROVA GULMIRA MURODJONOVNA

**JINOYATCHILIKKA QARSHI KURASHISHNING
MILLIY MODELINI SHAKLLNTIRISH ASOSLARI**

12.00.15 – Kriminologiya (yuridik fanlar)

yuridik fanlar bo‘yicha falsafa doktori (Doctor of Philosophy) dissertatsiyasi
AVTOREFERATI

Toshkent – 2026

Falsafa doktori (PhD) dissertatsiyasi avtoreferati mundarijasi

Contents of the abstract of the dissertation of the Doctor of Philosophy (PhD)

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Юридик фанлар бўйича фалсафа доктори (PhD) диссертация мавзуси О‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasi B2024.3.PhD/Yu1567 raqami bilan ro‘yxatga olingan.

Dissertatsiya O‘zbekiston Respublikasi Huquqni muhofaza qilish akademiyasida bajarilgan.

Dissertatsiya avtoreferati uch tilda (o‘zbek, ingliz, rus (rezyume)) www.proacademy.uz sayti va “ZiyoNET” ta’lim axborot tarmog‘ida (www.ziynet.uz) joylashtirilgan.

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Dissertatsiya himoyasi O‘zbekiston Respublikasi Kriminologiya tadqiqot instituti huzuridagi ilmiy darajalar beruvchi DSc.03/30.10.2025.Yu.186.01 raqamli Ilmiy kengashning 2026 yil “23”-yanvar soat 11.00 dagi majlisida bo‘lib o‘tadi. (Manzil: "Mirzo Ulug'bek" tum., "Buyuk ipak yo'li" ko'chasi, 243-uy. Tel.: (99871) 231-39-77, e-mail: info@uzkti.uz)

Dissertatsiya bilan O‘zbekiston Respublikasi Kriminologiya tadqiqot instituti Axborot-resurs markazida tanishish mumkin (1-raqam bilan ro‘yxatga olingan). (Manzil: Toshkent shahri Mirzo Ulug‘bek tumani, Buyuk Ipak yo‘li ko‘chasi, 143-uy. Tel.: (99871) 231-39-77)

Dissertatsiya avtoreferati 2026 yil “9”-yanvar kuni tarqatildi.
(2026 yil “9”-yanvardagi 1-raqamli reestr bayonnomasi).

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Kirish (falsafa doktori (PhD) dissertasiyasi annotasiyasi)

Dissertasiya mavzusining dolzarbligi va zarurati. Dunyoda jinoyatchilikka har qanday davrda insoniyatning farovon turmushi uchun tahdid soluvchi salbiy hodisa sifatida qaralib, unga qarshi kurashish barcha davlatlarning ustuvor va dolzarb vazifalardan biri bo'lib kelgan. Jinoyatchilik darajasi yuqori bo'lgan mamlakat va shaharlarning dunyo reytingi yuritilib, unda hatto sayyohlar ham bormasligi tavsiya etiladigan, har kuni odamlar o'g'irlanadigan, o'ldiriladigan, zo'rlanadigan, jinsiy qullikka sotiladigan, aholisining aksariyat qismi qashshoqlik chegarasida yashab, bolalari qo'lga o'yinchoqlar o'rniga qurol, granata, bomba ushlaydigan ... eng xavfli hisoblanuvchi o'nlab davlatlardagi jinoyatchilik holatini aks ettirilib borilishi mavjud dolzarblikni yanada oshiradi¹. Bugungi kunda jinoyatchilikning ommaviy salbiy hodisaga aylanib ulgurgani, aksariyat davlatlarda u oshib borish tendensiyasiga ega ekanligi, qolaversa, globallashtirish, raqamlashuv va ijtimoiy tarmoqlashuv sharoitida uning kiberterrorizm, kiberbulling, kiberribgarlik kabi murakkab ko'rinishlarining faollashuvi jinoyatchilikka qarshi kurashishda optimal yondashish, zamonaviy innovatsion usul va vositalarni ishlab chiqish zaruratini yuzaga keltirmoqda.

Ayni vaqtda, jahonda jinoyatchilikka qarshi kurashish, shuningdek uning oldini olishda o'ziga xos modellardan foydalanish, masalaga aniq maqsadli, tizimli va kompleks yondashish, bunda mahalliy omillarni hisobga olish, jarayonga yangicha ishlash usullarini joriy qilish bilan bog'liq muammolarning ilmiy asoslangan yechimlarini topishga qaratilgan tadqiqotlar muhim ahamiyat kasb etmoqda. Bu o'rinda jinoyatchilikka qarshi kurashish – jamiyatdagi siyosiy-huquqiy, ijtimoiy-iqtisodiy, ijtimoiy-psixologik jarayonlar ta'sirida o'zgaruvchan kechadigan murakkab ijtimoiy faoliyat ekanligini inobatga olib, uni tizimli yondashuvga tayangan hamda kognitiv (ilmiy) modellashtirish usullarini qo'llagan holda tadqiq etish mazkur faoliyat samaradorligiga ijobiy ta'sir qilishi alohida e'tirof etiladi. Zero bejizga, bir qator mamlakatlarda jinoyatchilikka qarshi kurashishning ijtimoiy, iqtisodiy, shuningdek kriminologik tizimlarning anglo-amerika, g'arbiy yevropa (kontinental), osiyo-tinch okeani, sotsialistik, rossiya, musulmon va aralash kabi moddellari qo'llanib kelinmagan.

Mamlakatimizda so'nggi yillarda jinoyatchilikka qarshi kurashish sohasida amalga oshirilayotgan jadal islohotlarga qaramay, birgina 2024 yilda sodir etilgan jinoyatlar 2023 yilda ro'yxatga olingan jinoyatlarga nisbatan 104 096 tadan 132 298 taga yoki 27%ga, har 100 000 aholi boshiga 283 dan 352 ga yoki 24%ga² ortishi kuzatildi. Xususan, 2024 yilda sodir etilgan jinoyatlarning 45 545 ta yoki 34%ini "oldini olish mumkin bo'lgan", 27 953 ta yoki 21%ini esa "aniqlanadigan" jinoyatlar tashkil etgan bo'lsa, 58 800 ta yoki 45%ini axborot-texnologiyalaridan foydalanib sodir etilgan jinoyatlar tashkil etdi. 2024 yil natijalariga ko'ra, O'zbekiston xalqaro reytinglarda 30.5 jinoyatchilik indeksini^{3*} qo'lga kiritmada, World Justice Project tashkiloti tomonidan shakllantirilgan qonun ustuvorligi indeksida 0.49, ya'ni ijobiy bo'lmagan (xususan, odil

¹Уровень преступности в мире в 2024-2025 году // URL: <https://visasam.ru/emigration/vybor/prestupnost-v-mire.html> (murojat vaqti: 23.08.2025).

²URL: <https://www.gazeta.uz/uz/2025/03/03/crime-stats/> murojat vaqti: 13.03.2025).

sudlov tizimi hukumatning noqonuniy ta'siridan xoli ekanligi subfaktori bo'yicha 0.19, xolisligi subfaktori bo'yicha 0.34, ayblanuvchining huquqlari va protsessual normalarga rioya etish subfaktori bo'yicha 0.40 kabi anchayin past) ko'rsatkich qayd etildi⁴. Shuning uchun ham Prezident Sh.Mirziyoev 2024 yilda ichki ishlar organlari xodimlari va faxriylariga yo'llagan bayram tabrigida "jinoyatlarga qarshi kurashishda ta'sirchan mexanizmlarni qo'llash, ilmiy yondashuvlar asosida jinoyatchilikni jilovlash yuzasidan manzilli ish olib borish, tergov sifatini oshirish orqali aholi o'rtasida bu sohada adolatga bo'lgan qat'iy ishonchni shakllantirish lozimligini"⁵ alohida ta'kidladi. "Ilmiy yondashuv" – jinoyatchilikka qarshi kurashishning muhim omili ekanligi ilmiy hamjamiyat vakillari tomonidan ham e'tirof etildi.

Mazkur dissertatsiya tadqiqoti O'zbekiston Respublikasi Prezidentining "Jamoat xavfsizligini ta'minlash va jinoyatchilikka qarshi kurashish sohasida ichki ishlar organlari faoliyatini sifat jihatidan yangi bosqichga ko'tarish chora-tadbirlari to'g'risida"gi (2021), "O'zbekiston Respublikasi Jamoat xavfsizligi konsepsiyasini tasdiqlash va uni amalga oshirish chora-tadbirlari to'g'risida"gi (2021), "O'zbekiston – 2030" Strategiyasi to'g'risida"gi farmonlari (2023), "2025 yilda respublika mahallalarida xavfsiz muhitni yaratish va huquqbuzarliklarning barvaqt oldini olish tizimi samaradorligini yanada oshirish bo'yicha chora-tadbirlar to'g'risida"gi PQ–1-son Qarori (2025) hamda sohaga oid boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishga muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga mosligi. Mazkur dissertatsiya ishi respublika fan va texnologiyalarini rivojlantirishning "I.Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishiga muvofiq hisoblanadi.

Muammoning o'rganilganlik darajasi. O'zbekiston Respublikasida jinoyatchilikka qarshi kurashishning ayrim jihatlari, xususan ma'lum toifadagi jinoyatchilikka qarshi kurashish yoki uni oldini olish masalalari N.Abidova, Z.Zaripov, M.Usmonaliev, Y.Karaketov, M.Radjapova, M.Rustambaev, Q.Abdurasulova, I.Ismailov, A.Zakirova, B.Bekmatova, M.O'razaliev, M.Fazilov, N.Salaev, R.Altiev, Sh.G'ofurov, G'.Qarshiev, S.Niyozova, G.Nurmammedova, B.Umirzakov, M.Eshnazarov, Ye.Kolenko, S.Xujakulov, U.Ashurov kabi huquqshunos olimlar tomonidan o'rganilgan.

Xorijiy davlatlarda I.Karpets, Yu.Antonyan, N.Kuznetsova, S.Borodin, V.Luneev, S.Inshakov, A.Chislov, O.Vedernikova, S.Starostina, A.Gorshenkov, V.Larichev, A.Dolgova, Ya.Gilinskiy, D.Malkov, A.Varigin, N.Morozov, Ye.Yanush, V.Kudryavsev, V.Tulyakov, A.Trefilov, V.Tolebekov, R.Uolker, J.McCormick-

⁴URL: <https://worldjusticeproject.org/rule-of-law-index/country/2023/Uzbekistan/Criminal%20Justice/> (murojat vaqti 23.05.2025).

*Izoh: Numbeo tahlillariga ko'ra, indeks ko'rsatkichlarining 0-20 – o'ta past, 20-40 – past, 40-60 – o'rta, 60- 80 – yuqori va 80-100 – o'ta yuqori darajadagi jinoyatchilikni anglatadi

⁵ URL: <https://president.uz/uz/lists/view/7646> (murojat vaqti: 23.04.2025).

Watson, K.Kuns kabi olimlar jinoyatchilikka qarshi kurashishning muayyan nazariy jihatlarini tadqiq etishgan.

Mazkur dissertatsiya boshqa tadqiqot ishlaridan “jinoyatchilikka qarshi kurashish”ni muayyan davlat (O‘zbekiston)da uning samarali kechishiga ta’sir qiluvchi jarayonlar, sohalar va tizimlar (xususan, qonunchilik)dan kelib chiqib shakllantirilishi lozim bo‘lgan alohida kriminologik tizim hamda funksional tizim sifatida o‘rganilgani bilan farqlanadi. Shu jihatdan ham mustaqil O‘zbekistonda amalga oshirilayotgan sud-huquq islohotlari negizida jinoyatchilikka qarshi kurashishning milliy modelini shakllantirish asoslari “12.00.15 – Kriminologiya (yuridik fanlar)” ixtisosligi doirasida yaxlit tadqiqot ishi sifatida ilk marotaba tadqiq etilmoqda.

Dissertatsiya tadqiqotining u bajarilgan oliy ta’lim muassasasi ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Ushbu dissertatsiya O‘zbekiston Respublikasi Huquqni muhofaza qilish Akademiyasining 2023-2025 yillar uchun mo‘ljallangan ilmiy-tadqiqot ishlari rejasidagi “Jinoyatchilikka qarshi kurashish, jinoyatlarni profilaktika qilish va uning oldini olish tizimini takomillashtirish muammolari”ni o‘rganishga qaratilgan ilmiy tadqiqot yo‘nalishi doirasida bajarilgan.

Tadqiqotning maqsadi mamlakatimizda jinoyatchilikka qarshi kurashishning ijtimoiy adolat mezonlariga asoslangan va tizimlashgan milliy modelini shakllantirishga xizmat qiluvchi taklif va tavsiyalar, shu jumladan milliy modelning asosiy (tashkiliy) komponentlarni ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

“Jinoyatchilikka qarshi kurashish” kategoriyasining ilmiy talqiniga aniqlik kiritish va mazmunini ochib berish;

jinoyatchilikka qarshi kurashishga doir kriminologik yondashuvlarni tahlil qilish; ayrim davlatlarning tajribasi asosida jinoyatchilikka qarshi kurashish modellarini tadqiq etish;

O‘zbekistondagi jinoyatchilik holatini o‘rganish va o‘ziga xos xususiyatlarini aniqlashtirish;

jinoyatchilikka qarshi kurashishga oid milliy (jinoyat, jinoyat-protsessual, jinoyat-ijroiya, profilaktika to‘g‘risidagi) qonunchilikni takomillashtirish bo‘yicha taklif va tavsiyalar ishlab chiqish;

O‘zbekistonning jinoyatchilikka qarshi kurashish amaliyotini tizimli tahlil qilish;

O‘zbekistonda jinoyatchilikka qarshi kurashish tizimining rivojlanishini tadqiq etish;

milliy tizimni takomillashtirish uchun taklif etilayotgan modelning mazmunini yoritish;

Milliy modelning asosiy yo‘nalishlari va tuzilmaviy komponentlarini aniqlashtirish hamda konsepsiyasini ishlab chiqish.

Tadqiqot ob’ekti jinoyatchilikka qarshi kurashishning milliy modelini shakllantirish bilan bog‘liq ijtimoiy-huquqiy munosabatlar hisoblanadi.

Tadqiqot predmetini jinoyatchilikka qarshi kurashishga doir nazariy yondashuvlar, ilmiy nashrlar, normativ-huquqiy hujjatlar, ularni qo‘llash amaliyoti,

jinoyatchilikning miqdor va sifat ko'rsatkichlari hamda ayrim davlatlarning kriminologik modellari tashkil etadi.

Tadqiqot usullari. Dissertatsiya ishida tizimli tahlil, qiyosiy tahlil, retrospektiv tahlil, statistik tahlil, tanqidiy tahlil, modellashtirish, ekspertlik so'rovnomasi kabi tadqiqot usullaridan foydalanildi.

Tadqiqotning ilmiy yangiligi quyidagilarda aks etadi:

dissertatsiya tadqiqoti natijasida ishlab chiqilgan "Jinoyatchilikka qarshi kurashishga doir milliy kriminologik tizim modelining asosiy (tashkiliy) komponentlari konsepsiyasi"dagi taklif va tavsiyalarning Jinoyat kodeksiga o'zgartirish va qo'shimchalar kiritish, jinoyatchilikka qarshi kurashishga doir milliy modelni shakllantirish hamda bu borada olib boriladigan tadqiqot ishlarining yo'nalishi va maqsadlarini belgilashda muhim ahamiyat kasb etishi asoslantirilgan;

jinoyatlarni situatsion oldini olish (jinoiy vaziyatga yo'l qo'yimaslik) – jinoyatchilikka qarshi kurashish faoliyatining alohida bosqichi ekanligi va uni ichki ishlar organlarining muhim faoliyat yo'nalishi sifatida belgilash lozimligi haqidagi taklif asoslantirilgan;

"jinoiy jazodan ko'zlangan asosiy maqsad ijtimoiy adolatni ta'minlash" ekanligini jinoyat qonunchilikda aniq belgilash, shu asosda jinoiy jazolar tizimini qayta ko'rib chiqib, undan "axloq tuzatish ishlari" kabi mohiyatan eskirgan jazo turlarini chiqarib tashlash, ularning o'rniga "ish haqidan ushlab qolish" kabi yangi jazo turlarini kiritish zarurligi asoslantirilgan;

jinoyat-protsessual qonunchiligida prinsiplar fundamental ahamiyatga ega bo'lgan qoidalar ekanligini alohida e'tirof etib, jinoyat ishlarini hay'atda yoki yakka tartibda ko'rib chiqish kabi tashkiliy xarakterga ega bo'lgan masalalarni prinsiplar qatoridan chiqarish, jinoyat protsessini yuritishga mas'ul bo'lgan sub'ektlarning aniq huquqiy maqomini belgilash, jinoyat protsessida jabrlanuvchiga yetkazilgan moddiy va ma'naviy zararlarning qoplanishini ta'minlash, jinoyat ishlarini yuritayotgan davlat organlari va mansabdor shaxslarning harakatlari va qarorlari ustidan keltirilgan shikoyatlarni ko'rib chiqish tartibi va muddatlarini belgilash lozimligi asoslantirilgan;

jinoyat ishlarini yuritishda nafaqat sudning balki boshqa mas'ul sub'ektlar, jumladan prokurorning mustaqilligini ta'minlash muhimligi, bu borada prokuratura organlarida kollegial boshqaruv organlari, shuningdek malaka va odob-axloq kengashlarini faoliyatini yo'lga qo'yish lozimligi asoslantirilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

"Jinoyatlarni situatsion oldini olish"ni ichki ishlar organlarining jinoyatchilikni oldin olish faoliyatidagi muhim yo'nalish sifatida belgilash zarurligi asoslantirilgan;

jinoyatchilikka qarshi kurashishga doir milliy modelning asosiy komponentlari tizimida birinchi komponent sifatida axloqiy tarbiya bo'lishi lozimligi isbotlangan;

"Jinoyatchilikka qarshi kurashishning nazariy asoslari" nomli ilmiy risola nashr qilingan;

Jinoyatga nisbatan "konsensus" va jazoga nisbatan "retrebutiv" kabi aniq yondashuvlarga tayanish, shuningdek jinoyatchilikni oldini olishga doir strategiya va

dasturlarni ishlab chiqishda jinoyatchilik sabablari va jinoyatchilikni oldini olishga doir yondashuvlarni inobatga olish zarurligi isbotlangan;

“Jinoyatchilik tahliliga oid ma’lumotlar to‘plami” tayyorlangan;

“Jinoyatchilikka qarshi kurashishga doir milliy kriminologik tizim modelining asosiy (tashkiliy) komponentlari konsepsiyasi” ishlab chiqilgan;

“Jinoyatlarni oldini olish kodeksini” ishlab chiqish zarurati mavjudligi asoslantirilgan;

Jinoyat kodeksi, Jinoyat-protsessual kodeksi va “Prokuratura to‘g‘risida”gi qonunlarning yangi tahrirdagi loyihalari uchun takliflar ishlab chiqilgan;

jinoyatchilikka qarshi kurashishda jinoyat qonunchiligi “javobgarlikning muqarrarligi” prinsipiga tayanishini unutmazlik, “javobgarlikdan ozod qilish” institutining esa zarurligi va ahamiyatini qaytadan tanqidiy ko‘rib chiqish zarurligi isbotlangan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalari milliy qonunchilik normalariga, amaliy faoliyat natijalarini o‘zida aks ettirgan empirik va statistik ma’lumotlarga hamda nazariy g‘oya va qarashlarni o‘zida ifodalagan ilmiy manbalarga asoslangan. Xulosa va takliflarni shakllantirishda 312 nafar jinoyatchilikka qarshi kurashishga mas’ul xodimlar (profilaktika inspektorlari, tergovchilar, prokuror xodimlar, advokatlar, JIEM xodimlari va jinoyat ishlari bo‘yicha sudyalari) o‘rtasida o‘tkazilgan ekspertlik so‘rovnomasi natijalari inobatga olingan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati shundan iboratki, ushbu natijalar mamlakatimizda kriminologiya fanining mazmunan boyishiga hamda jinoyatchilikka qarshi kurashish milliy tizimining ilmiy-nazariy (doktrinal) asoslarini ishlab chiqishga hissa qo‘shadi.

Tadqiqot natijalarining amaliy ahamiyati ishlab chiqilgan “Jinoyatchilikka qarshi kurashishga doir milliy kriminologik tizim modelining asosiy (tashkiliy) komponentlari konsepsiyasi” jinoyatchilikka qarshi kurashishning milliy modelini shakllantirishga, shuningdek boshqa taklif va tavsiyalar esa jinoyatchilikka qarshi kurashish amaliyotini ilmiy ta’minlash va sohaga doir qonunchilikni takomillashtirishga xizmat qilishida namoyon bo‘ladi.

Tadqiqot natijalarini joriy etilishi. Tadqiqot ishi bo‘yicha olingan ilmiy natijalar quyidagilarda o‘z ifodasini topgan:

“Jinoyatchilikka qarshi kurashishga doir milliy kriminologik tizim modelining asosiy (tashkiliy) komponentlari konsepsiyasi” O‘zbekiston Respublikasi Kriminologiya tadqiqot instituti (2024 yil 20 noyabrda 40/653-son xat) hamda O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari instituti (2025 yil 8 iyulda 3/dn-142-son xat) tomonidan e’tirof etilgan va ilmiy g‘oya sifatida qo‘llab-quvvatlangan, kelgusida jinoyat qonunchiligini takomillashtirish, shuningdek Jinoyat kodeksiga o‘zgartirish va qo‘shimchalar kiritishda inobatga olinishi bildirilgan;

jinoyatlarni situatsion oldini olish tushunchasi, jinoiy vaziyatlarni oldini olish usullari va vositalariga doir ilmiy qarashlar Huquqni muhofaza qilish akademiyada yaratilgan “Kriminologiya” darsligida o‘zining ifodasini topdi hamda o‘quv jarayonida

foydalanilishi ta'minlandi (*O'zbekiston Respublikasi Huquqni muhofaza qilish akademiyasining 2025 yil 07 noyabrdagi 30/23-416/25-son dalolatnomasi*). Bu soha mutaxassislarining kasbiy tayyorgarligini takomillashtirishga xizmat qiladi;

“jinoiy jazodan ko‘zlangan asosiy maqsad ijtimoiy adolatni ta‘minlash” ekanligini jinoyat qonunchilikda aniq belgilash, shu asosda jinoiy jazolar tizimini qayta ko‘rib chiqib, undan “axloq tuzatish ishlari” kabi mohiyatan eskirgan jazo turlarini chiqarib tashlash, ularning o‘rniga “ish haqidan ushlab qolish” kabi yangi jazo turlarini kiritish haqidagi takliflar O‘zbekiston Respublikasi Jinoyat kodeksi (Umumiy qismi)ning yangi tahrirdagi loyihasi X-bobi 48-moddasi 2-qismini hamda X-bobi 49-moddasi 2-qismini shakllantirishda inobatga olingan (*O'zbekiston Respublikasi Bosh prokuraturasining 2024 yil 12 oktyabrdagi 27/2-269-24-son dalolatnomasi*). Mazkur takliflarning inobatga olinishi Jinoyat kodeksining yangi tahrirdagi loyihasida ijtimoiy adolat tamoyillariga asoslangan yangicha yondashuvlarning yuzaga kelishiga xizmat qiladi;

jinoyat-protsessual qonunchiligida prinsiplar fundamental ahamiyatga ega bo‘lgan qoidalar ekanligini alohida e‘tirof etib, jinoyat ishlarini hay‘atda yoki yakka tartibda ko‘rib chiqish kabi tashkiliy xarakterga ega bo‘lgan masalalarni prinsiplar qatoridan chiqarish, jinoyat protsessini yuritishga mas‘ul bo‘lgan sub‘ektlarning aniq huquqiy maqomini belgilash, jinoyat protsessida jabrlanuvchiga yetkazilgan moddiy va ma‘naviy zararlarning qoplanishini ta‘minlash, jinoyat ishlarini yuritayotgan davlat organlari va mansabdor shaxslarning harakatlari va qarorlari ustidan keltirilgan shikoyatlarni ko‘rib chiqish tartibi va muddatlarini belgilash haqidagi takliflar O‘zbekiston Respublikasi Jinoyat-protsessual kodeksining yangi tahrirdagi loyihasi 2-bobi 5-moddasi 1-qismi, 4-bobi 37-moddasi 1-qismi, 4-bobi 41-moddasi 1-qismi, 46-bobi 350-moddasi 1-qismi, 54-bobi 393-moddasi 1-qismi hamda 394-moddasi 1-qismini shakllantirishda inobatga olingan (*O'zbekiston Respublikasi Bosh prokuraturasining 2024 yil 12 oktyabrdagi 27/2-270-24-son dalolatnomasi*). Ushbu takliflarning inobatga olinishi Jinoyat-protsessual kodeksining yangi tahrirdagi loyihasida jinoyat-protsessual jarayonlarni ijtimoiy adolatni ta‘minlashga yo‘naltirilishi, optimallashtirishi va jinoyat ishlarini yuritishga mas‘ul sub‘ektlarning funkcionallashtirishini ta‘minlashga xizmat qiladi;

jinoyat ishlarini yuritishda nafaqat sudning balki boshqa mas‘ul sub‘ektlar, jumladan prokurorning mustaqilligini ta‘minlash muhimligi, bu borada prokuratura organlarida kollegial boshqaruv organlari, shuningdek malaka va odob-axloq kengashlarini faoliyatini yo‘lga qo‘yish lozimligi haqidagi takliflardan O‘zbekiston Respublikasining “Prokuratura to‘g‘risida”gi qonuni yangi tahriri loyihasini ishlab chiqishda foydalanilgan (*O'zbekiston Respublikasi Bosh prokuraturasining 2024 yil 17 iyuldagi 27/2-174-24-son dalolatnomasi*). Mazkur taklifning inobatga olinishi jinoyatchilikka qarshi kurashish faoliyati uchun mas‘ul sub‘ektlardan biri bo‘lgan prokuratura organlarining mustaqilligini ta‘minlashga, shuningdek prokuratura xodimlarining kasbiy va axloqiy mas‘uliyatini oshirishga xizmat qiladi.

Tadqiqot natijalari aprobatsiyasi. Dissertatsiyaning mazmuni va ilmiy natijalari 2 ta xalqaro va 2 ta respublika miqyosidagi ilmiy-amaliy konferensiya hamda davra suhbatlari muhokamasiga kiritildi.

Tadqiqot natijalarini e’lon qilganligi. Tadqiqot doirasida jami 18 ta ilmiy ish, jumladan 1 ta ilmiy risola, 1 ta tahliliy to‘plam, 16 ta ilmiy maqola (shundan 2 tasi xorijiy nashrlarda) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya ishi kirish, uchta bob (9 ta paragraf), xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat bo‘lib, dissertatsiya matnining hajmi 156 betni tashkil etdi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** qismida dissertatsiya mavzusining dolzarbligi va zarurati, respublikasi fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi asoslantirilgan, tadqiq etilayotgan muammoning o‘rganilganlik darajasi, dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy tadqiqot ishlari bilan bog‘liqligi bayon etilgan, tadqiqotning maqsad va vazifalari, ob‘ekti va predmeti, tadqiqot usullari tavsiflangan, tadqiqotning ilmiy yangiligi va amaliy ahamiyati ochib berilgan, tadqiqot natijalarini amaliyotga joriy etilishi, nashr etilgan ishlar va dissertatsiyaning tuzilishi bo‘yicha ma‘lumotlar keltirilgan.

Dissertatsiyaning **birinchi bobi “Jinoyatchilikka qarshi kurashishning nazariy jihatlari”** deb nomlanib, mazkur bobda jinoyatchilikka qarshi kurashish kategoriyasining talqini va mazmuni, jinoyatchilikka qarshi kurashishga doir kriminologik yondashuvlar hamda jinoyatchilikka qarshi kurashishning ayrim modellari (muayyan davlatlar tajribasi misolida) tadqiq etilgan.

Ushbu bobning *“Jinoyatchilikka qarshi kurashish” kategoriyasining talqini va mazmuni*” deb nomlangan **birinchi paragrafida** jinoyatchilikka qarshi kurashish atamasi fanlararo kategoriya sifatida talqin etilib, uning mazmunini ochib beruvchi bir qator ilmiy ta‘riflar tahlil qilingan.

Tadqiqotchi tomonidan jinoyatchilikka qarshi kurashishni funksional tizim sifatida ifodalovchi quyidagi ta‘rifi shakllantirilgan: *“jinoyatchilikka qarshi kurashish – bu, davlat hamda jamiyatning jinoyatchilik illatiga murosasiz munosabati bo‘lib, u davlat va nodavlat tashkilotlari, shuningdek, jamoatchilik tomonidan jinoyatchilikni oldini olish va javobgarlik muqarrarligini ta‘minlash shaklida amalga oshiriladigan ko‘p bosqichli faoliyatdir”*.

Shuningdek, jinoyatchilikka qarshi kurashish shartli ravishda quyidagi to‘rt bosqichdan iborat bo‘lishi ilmiy asoslantirilgan:

1-bosqich: jinoyatchilikni profilaktika qilish (umumkriminogen omillar ta‘sirini neytrallash)”;

2-bosqich: jinoiy vaziyatga yo‘l qo‘ymaslik (jinoyatlarni situatsion oldini olish);

3-bosqich: yuz bergan jinoyatni fosh etish (tergovga qadar tekshiruv va tergov qilish);

4-bosqich: jinoyat oqibatlarini bartaraf etish va/yoki odil sudlovni ta‘minlash (ixtiyoriy kompensatsiya, sud tomonidan ishni ko‘rish va jazo tayinlash, jinoiy jazolar ijrosi).

Shu o'rinda, tadqiqotchi "jinoyatchilikni oldini olish" tushunchasini talqin qilishdagi tushunmovchiliklarga oydinlik kiritish maqsadida quyidagi mazmundagi ta'rifni ishlab chiqqan:

"Jinoyatchilikni oldini olish – bu jinoyatchilikka qarshi kurashish faoliyatining barcha bosqichlarida amalga oshiriladigan, kelgusida va ayni vaqtda jinoyat(lar) va u(lar)ning zararli oqibatlariga yo'l qo'ymaslik maqsadini ko'zlaydigan, jinoyatchilik profilaktikasi (umumkriminogen omillar ta'sirini neytrallash), jinoiy vaziyatga yo'l qo'ymaslik (jinoyatlarni situatsion oldini olish), shuningdek yuz bergan jinoyat uchun javobgarlik muqarrarligini ta'minlash orqali qayta jinoyat sodir etilishining oldini olish kabi jarayonlarda aks etadigan davlat va nodavlat tashkilotlari hamda jamoatchilikning zaruriy kuch va vositalari safarbar etiladigan umum-kriminologik va maxsus-kriminologik choralarni o'z ichiga olgan ijtimoiy-huquqiy faoliyat".

Shu asosda tadqiqotchi "jinoyatlarning oldini olish" jinoyatchilikka qarshi kurashishning alohida shakli ekanligini va uni jinoyatchilikni profilaktika qilish bosqichida birlamchi ko'rinishda, jinoiy vaziyatga yo'l qo'ymaslik bosqichida ikkilamchi ko'rinishda hamda yuz bergan jinoyatni fosh etish hamda odil sudlovni amalga oshirish bosqichida uchlamchi (hosila) ko'rinishda talqin etish zarurligini ta'kidlangan. Va ular bo'yicha quyidagicha to'xtamga kelgan:

Jinoyatchilik profilaktikasi – bu jinoyatchilikka qarshi kurashish faoliyatining jinoyatlarni birlamchi (erta) oldini olishga qaratilgan ilk bosqichi bo'lib, u umumiy yoki alohida toifadagi jinoyatchilikning kriminogen omillariga (shu jumladan, jinoyatga moyil yoki viktimologik xulq-atvor shakllanishiga) antikriminogen ta'sir ko'rsatishda ifodalanadigan asosan umum-kriminologik chora-tadbirlar tizimini o'z ichiga olgan umumijtimoiy faoliyat hisoblanadi.

Ushbu faoliyat umumjamiyat oldidagi vazifa, davlat ijtimoiy-iqtisodiy siyosatining ajralmas qismi bo'lib, unda jamiyatning barcha qatlamlari, sohalari va institutlari ishtirok etishi, xususan birinchi galda ta'lim-tarbiya sohasi, siyosiy-ma'rifiy, ijtimoiy-gumanitar, iqtisodiy, san'at va madaniyat, jurnalistika kabi sohalar safarbar etiladi.

Jinoyatlarni situatsion oldini olish – jinoyatchilikka qarshi kurashishning alohida bosqichi hamda jinoyatchilikni oldini olishning maxsus shakli va ikkilamchi ko'rinishidir.

Javobgarlik muqarrarligini ta'minlash – jinoyatchilikka qarshi kurashishning maxsus shakli hamda jinoyatchilikni oldini olishning uchlamchi (hosila) ko'rinishi hisoblanib, u jinoyat ishlarini yuritishga vakolatli bo'lgan maxsus sub'ektlar tomonidan amalga oshirilishi bilan tavsiflanadi hamda jinoyat haqidagi ariza va xabarlar, shuningdek boshqa ma'lumotlar yuzasidan tergovga qadar tekshiruvni amalga oshirishdan boshlab to sud qarorlari ijrosini ta'minlash kabi jarayonlarni ham qamrab oladi.

Birinchi bobning "*Jinoyatchilikka qarshi kurashishga doir kriminologik yondashuvlar tahlili*" deb nomlangan **ikkinchi paragrafida** kriminologik yondashuvlar quyidagi to'rt guruhga ajratib tahlil qilingan:

1-guruh: jinoiy hodisaga nisbatan yondashuvlar (*konsensus nazariyasi, konfliktlar nazariyasi, ijtimoiy interaksionizm nazariyasi*);

2-guruh: jinoyat sodir etilishining sabablariga doir yondashuvlar (*teologik, klassik va postklassik, pozitiv, sotsiologik, radikal yo‘nalish*);

3-guruh: jinoyat uchun jazoga nisbatan yondashuvlar (*retributiv, konsekvensial*);

4-guruh: jinoyatchilikni oldini olishga doir yondashuvlar (*tizimli; maxsus-preventiv; situativ; viktimologik; prognostik*).

Tadqiqotchining fikricha, jinoiy hodisaga konsensus nazariyasi (jinoyat qonunchiligi ijtimoiy kelishuvning mahsuli ekanligi) asosida yondashish, jinoyat uchun jazo tayinlashda o‘zini birmuncha oqlagan retributiv yondashuvga tayanish hamda shaxsning aybli qilmishiga yarasha adolatli jazo tayinlash va uning zimmasiga o‘z qilmishining oqibatlarini bartaraf etish (zararni qoplash, kompensatsiyalash) vazifasini yuklash to‘g‘ri hisoblanadi.

Zero, jinoyat sodir etilishining sabablariga doir yondashuvlarni: teologik yo‘nalish, klassik va postklassik yo‘nalish, pozitiv (fiziologik, genetik, psixologik) yo‘nalish, sotsiologik yo‘nalish, radikal (tanqidiy) kabi yo‘nalishlarga ajratgan holda tadqiq qilish ularning farqli jihatlarni anglashga xizmat qiladi. Qolaversa, barcha yo‘nalishdagi ta‘limotlar ma‘lum kuzatuvlar oqibatida yuzaga kelgan va muayyan ob‘ektiv asoslarga ega bo‘lgani uchun ham, ular jinoyatchilik yoki uning alohida turlarini oldini olishga doir strategiya va dasturlarni ishlab chiqishda inobatga olinishi lozim bo‘ladi.

Jinoyatchilikning oldini olish bo‘yicha tizimli, maxsus-preventiv, situativ, viktimologik, prognostik kabi asosiy yondashuvlar mavjud bo‘lib, jinoyatchilikning oldini olish ishlarini tashkil etishda ushbu yondashuvlarning barchasiga o‘z o‘rnida murojaat etish zarurati yuzaga keladi.

Birinchi bobning “*Jinoyatchilikka qarshi kurashish modellari: ayrim davlatlar tajribasi asosida*” deb nomlangan **uchinchi paragrafida** tizim va uning modeli, jinoyatchilikka qarshi kurashishga doir kriminologik tizim tushunchasi hamda kriminologik tizimlarning ayrim modellari va ularga xos xususiyatlar tadqiq etilgan.

Tadqiqotchi tomonidan ma‘lum davlatda muayyan bir davrda shakllangan jinoyatchilikka qarshi kurashish tizimi haqida dastlabki va birlamchi tasavvurlarning hosil bo‘lishi uchun jinoyatchilikka qarshi kurashish tizimlarini *islom, anglo-amerika, kontinental, sovet, postsovet kabi modellar, shuningdek alohida davlatlarning milliy modeliga* ajratgan holda o‘rganish mumkin deb xulosa qilingan.

Dissertatsiyada *islom modeli* (shar‘iy-islomiy me‘yorlar va o‘rta asrlarda O‘zbekiston hududida qozilik mahkamalarining faoliyati), *anglo-amerika modeli* (Buyuk Britaniya va AQSh tajribasi), *kontinental model* (Shvetsariya va Yaponiya tajribasi), *postsovet modeli* (Qozog‘iston va Xitoy tajribasi kabi) alohida davlatlar tajribasini o‘rganish asosida tadqiq etilgan va ularning o‘ziga xos xususiyatlari aniqlashtirilgan.

O‘rganish natijalariga asoslanib, zamonaviy dunyoda davlatlar aynan o‘ziga xos bo‘lgan modelni ishlab chiqishi va shakllantirishi maqsadga muvofiq, degan xulosaga kelingan.

Dissertatsiyaning empirik qismi hisoblangan **ikkinchi bobi “O‘zbekistondagi jinoyatchilik va unga qarshi kurashish holati”** deb nomlanib, mazkur bobda O‘zbekistondagi jinoyatchilikning o‘ziga xos xususiyatlari, jinoyatchilikka qarshi kurashishga oid milliy (jinoyat, jinoyat-protsessual, jinoyat-ijroiya, profilaktika

to'g'risidagi) qonunchilikni takomillashtirish masalalari hamda mamlakatda jinoyatchilikka qarshi kurashishga doir amaliy faoliyat tahlili natijalari o'rin egallagan.

Ushbu bobning "*O'zbekistonda jinoyatchilikning holati va o'ziga xos xususiyatlari*" deb nomlangan **birinchi paragrafida** mamlakatdagi jinoyatchilik ko'rsatkichlarining uzoq davrda (1960-2024 yillar oralig'ida)gi dinamik o'zgarishi tahlil qilingan hamda tendensiyaviy xususiyatlarini aniqlashtirish masalalariga urg'u berilgan.

Ma'lumki, jinoyatchilikni diagnostika qilish jinoyatchilikka qarshi kurashish faoliyatida birlamchi ahamiyatga ega bo'lib, jinoyatchilikni oldini olish choralarining sifatli va samarali bo'lishi jinoyatchilik holatini lozim darajada tadqiq etilganligiga bevosita bog'liq hisoblanadi.

Shu bois, tadqiqotchi statistik tahlillar so'nggi o'n yilda yurtimizda jinoyatchilik nostabil kechganligiga e'tiborini qaratib, ayni vaqtda, jinoyatchilikka qarshi kurashish ishlarini tashkil etishda jinoyatchilikning quyidagi xususiyatlarini inobatga olish lozim, deb xulosaga kelgan:

birinchidan, umumiy jinoyatchilik tarkibida ijtimoiy xavfi katta bo'lmagan jinoyatlar ulushi 1\3 bir qismni tashkil etayotganligi mazkur toifadagi ishlarni sudga qadar hal etish yoki soddalashtirilgan tartibda yuritishga doir jinoiy-protsessual institutlarni takomillashtirishga undaydi;

ikkinchidan, og'ir va o'ta og'ir jinoyatchilik tarkibida firibgarlik ($\approx 40\%$), o'g'rilik ($\approx 16\%$), o'zlashtirish yoki rastrata ($\approx 8\%$), giyohvadlik ($\approx 8\%$) jinoyatlarining ulushi yuqoriligi ushbu toifadagi jinoyatchilik omillarini chuqurroq tadqiq qilish va ularga qarshi maqsadli dasturlar ishlab chiqishni taqozo qiladi;

uchinchidan, shaxsga qarshi jinoyatchilikning salmoqli qismi sog'liqqa qarshi ($\approx 57\%$) hamda oila, yoshlar va axloqqa qarshi ($\approx 21\%$) jinoyatlardan iboratligi ushbu turdagi jinoyatlar uchun javobgarlikning ta'sirchan (kompensatsion) mexanizmlarini ishlab chiqish zaruratini yuzaga keltiradi;

to'rtinchidan, iqtisodiyot sohadagi jinoyatchilik (ayniqsa o'g'rilik va firibgarlik) ulushi ($\approx 60\%$ dan ziyodga tomon) oshib borish tendensiyasiga egaligi jinoyatchilikka qarshi iqtisodiy mexanizmlarni takomillashtirishni talab etadi; jamoat xavfsizligi va tartibiga qarshi ($\approx 20\%$) hamda boshqaruv tartibiga qarshi ($\approx 10\%$) jinoyatlarning umumiy jinoyatchilikdagi ulushi yuqori ekanligi fuqarolarda tartib-intizomli hulq-atvorni shakllantirishga doir tadbirlarni yo'lga qo'yishni hamda kiberjinoyatlarning keskin oshishi (2024 y. umumiy jinoyatlarning 44%i), ularga qarshi kurashishning maxsus axborot-texnologik va protsessual (tezkor-elektron) choralari hamda xalqaro hamkorlik yo'nalishlarini ishlab chiqish zaruratini yuzaga keltiradi.

Ikkinchi bobning "*Jinoyatchilikka qarshi kurashishga oid milliy (jinoyat, jinoyat-protsessual, jinoyat-ijroiya, jinoyatlar profilaktikasiga doir) qonunchilikni takomillashtirish masalalari*" deb nomlangan **ikkinchi paragrafida** mamlakatimizdagi jinoyatchilikka qarshi kurashishga oid asosiy qonunchilik – profilaktika to'g'risidagi qonun hamda jinoyat, jinoyat-protsessual va jinoyat-ijroiya kodekslarining mazmun xususiyatlari, ularni takomillashtirishning ayrim jihatlari tadqiq qilingan.

Tadqiqot jarayonida jinoyatlar profilaktikasi masalasi milliy qonunchilikda turli normativ-huquqiy hujjatlarda tarqoq holda huquqiy tartibga solingani, hozirda tizimlashtirishga ehtiyoj mavjudligi, "Huquqbuzarliklar profilaktikasi to'g'risida"gi

qonunning o'zida ham ayrim nomuvofiqlik va bo'shliqlar uchrashi aniqlashtirilgan. Shuningdek, ushbu qonunda "profilaktika" atamasiga noto'g'ri ta'rif berilib, uning tarkibiga huquqbuzarliklarni aniqlash va bartaraf etish chora-tadbirlari noo'rin kiritilgani, profilaktik faoliyatni muvofiqlashtirish mexanizmlari yetarlicha tartibga solinmagani haqida xulosalar qilingan.

Qolaversa, tadqiqotchi tomonidan jinoyatchilikka qarshi kurashish faoliyatida "huquqbuzarlik profilaktikasi" emas, "jinoyatchilik profilaktikasi" atamasini qo'llash o'rinli ekanligi bildirilgan. Boisi, *birinchidan*, ma'muriy huquqbuzarliklar qator davlatlar jinoyat qonunchiligida nojo'ya qilmish sifatida o'rin olgan; *ikkinchidan*, ma'muriy huquqbuzarliklarga jinoyatchilikning omili sifatida baho berish mumkin bo'lib, jinoyatchilik profilaktikasi ma'lum ma'noda ma'muriy huquqbuzarliklarga qarshi kurashish lozimligini ham nazarda tutadi; *uchinchidan*, respublikamizda ma'muriy huquqbuzarliklar jinoyatchilik soniga nisbatan bir necha o'n barovar ko'p qayd etiladi va bu holat ularning determinantlarini aniqlashni murakkablashtiradi.

Mazkur paragrafda amaldagi Jinoyat kodeksining vazifa va prinsiplari, og'irlik darajasiga ko'ra jinoyatlar tasnifi va jazolash institutining ayrim jihatlari, 1996-2024 yillarda Jinoyat kodeksiga kiritilgan o'zgartirish va qo'shimchalar tahlil qilingan, jinoyat qonunchiligida konseptual nomuvofiqliklar mavjudligi aniqlashtirilgan.

Jinoyat qonunchiligining adolatli bo'lishi jinoyatchilikka qarshi kurashish faoliyati samaradorligini oshirishga bevosita xizmat qiladigan muhim omillardan ekanligiga alohida urg'u berilgan. Ayni vaqtda, amaldagi jinoyat qonunchiligining maqsad va prinsiplari, undagi jinoyatlar tasnifi hamda jazolar tizimini qayta ko'rib chiqish zarurati mavjudligi bildirilib, jinoyat qonunchiligini takomillashtirish yuzasidan qator takliflar ishlab chiqilgan.

Shuningdek, amaldagi jinoyat-protsessual qonunchiligida ham qator nomuvofiqliklar mavjudligi, xususan, ayblov yondashuvi birmuncha saqlanganligi, ayrim protsessual jarayonlarda takroriylik va dualizm (ikki yoqlamalik) kuzatilishi, muayyan protsessual bo'shliqlar hamda jinoyat ishlarini yuritishni murakkablashtiradigan jarayonlar ko'zga tashlanishi isbotlanib, jinoya-protsessual qonunchiligini takomillashtirishga qaratilgan konseptual fikr-mulohazalar ilgari surilgan.

Jinoyat-ijroiya qonunchiligi bo'yicha esa xalqaro ekspertlarning tanqidiy fikrlari o'rganilgan va bayon etilgan.

Paragraf so'nggida jinoyatchilikka qarshi kurashishga doir qonunchilikni takomillashtirishdan avval ularning mustahkam ilmiy-doktrinal asoslarini ishlab chiqish lozim, degan xulosaga kelingan.

Ikkinchi bobning "*O'zbekistonda jinoyatchilikka qarshi kurashish amaliyotining tahlili*" deb nomlangan **uchinchi paragrafida** jinoyatchilikni profilaktika qilish, jinoyatlarni aniqlash va qayd etish, jinoyatlarni sudga qadar yuritish, odil sudlovni amalga oshirish hamda jinoiy jazolarni ijro etish amaliyotlari tizimli tahlil qilingan.

Bu borada ichki ishlar organlarining profilaktik faoliyatiga alohida urg'u berilib, ushbu yo'nalishida 10 mingdan ziyod (katta) inspektorlar faoliyat ko'rsatishi va ular faoliyati keng qamrovli ekanligi aniqlashtirilgan.

Ekspert sifatida so'rovga jalb etilgan profilaktika inspektorlarining 62 foizi jinoyatchilikka qarshi kurashishda ijtimoiy-huquqiy choralarga nisbatan jinoiy-huquqiy choralar samarali ekanligini ta'kidlashgan bo'lsada, ammo ularning 43 foizi faoliyatlarining eng ustuvor vazifalari nimalar ekanligini anglashda tushunmovchiliklar mavjudligini (19 variantda javob berilgan), 36 foizi yakka tartibdagi profilaktika choralarni, 33 foizi esa ilgari sudlangan shaxslarga nisbatan amalga oshiriladigan maxsus profilaktik choralarni qo'llashga faoliyatlari davomida juda ko'p va tez-tez murojaat qilsalarda, ushbu choralar orasidan samaralarini aniqlashtirishda turli qiyinchiliklarga uchrab kelishayotganliklarini bildirishgan. Ayni vaqtda, Bosh prokuratura tomonidan o'tkazilgan tahlillar natijalariga ko'ra, oldini olish mumkin bo'lgan jinoyatlarni profilaktika qilish yoki aniqlanadigan jinoyatlarni tezkor fosh etish orqali kamaytirish tadbirlari o'z samarasini bermayotganligi haqida xulosaga kelingan.

Tahlillarga ko'ra, so'nggi yillarda jinoyat haqidagi ariza va xabarlar oshib borish tendensiyasiga ega bo'lib, o'tgan yilga nisbatan 2021 yilda 87,1 foizga, 2022 yilda 67,5 foizga va 2023 yilda 64,7 foizga ko'paygan.

Shu bilan birga, jinoyatga oid ariza, xabar va boshqa ma'lumotlarni qabul qilish, ro'yxatdan o'tkazish yoki ko'rib chiqish amaliyotini tahlil qilish jarayonida bir qator jiddiy nuqson va kamchiliklarga yo'l qo'yib kelingan.

Jinoyat ishlarini sudga qadar yuritish amaliyotida esa 2019 yilga nisbatan 2023 yilda ish yurituvdagi jami jinoyat ishlar 2 barovarga (54350 tadan 110450 taga), tamomlangan ishlar 1,9 barovarga (38724 tadan 75232 taga), to'xtatilgan ishlar 3.2 barovarga (4478 tadan 14171 taga) va qoldiqdagi ishlar 1.6 barovarga (4079 tadan 6478 taga) ko'paygani ko'zga tashlangan.

Bu borada ekspertlik so'roviga jalb etilgan tegovchilarning 31 foizi "tergovchilarning mustaqilligini ta'minlash uchun nazorat tadbirlarini kamaytirish lozim"ligini bildirishga bo'lsa, 87 foizi "tergov ishlarini tergovchining bir o'zi emas, balki tergov guruhi (*yordamchi tergovchi, tezkor xodim, kriminalist, ekspert, IT mutaxassis kabilardan tashkil topgan*) yordamida amalga oshirish", 64 foizi "ishni sudga qadar yuritish davomida shaxsni gumon ostidagi shaxs maqomida qoldirish", 71 foizi esa jinoyat protsessiga nooshkora tergov harakatlari institutini kiritishga oid fikr va g'oyalarni qo'llab-quvvatlashgan.

Ushbu paragrafda sud amaliyoti ham tahlil qilinib, bir qator mummolar mavjudligi aniqlangan. Ular orasidan sud tizimidagi eng og'riqli muammolardan biri sifatida sudyaning ish yuklamasi ko'pligi keltirib o'tilgan.

Darhaqiqat, birgina 2022 yilda jinoyat ishlari bo'yicha birinchi instansiya sudi sudyasiga bir oyda o'rtacha 181 ta ish to'g'ri kelgan. 2018-2023 yillardagi tahlillarga ko'ra, birinchi bosqich sudida ko'rilgan jinoyat ishlarining ≈ 30.1 foizi apellyasiya yoki kassatsiya instansiyasida qayta ko'rib chiqilgan, ularning ≈ 8.8 foizi bo'yicha sud qarorolari bekor bo'lgan bo'lsa, ≈ 19 foizi o'zgartirilgan (*ya'ni, qariyb 28 foizi o'zgartirilgan yoki bekor qilingan*).

Sud hukmlarining bekor bo'lishi va o'zgarishi uchun qariyb 48 foiz holatda jazoning adolatsizligi hamda deyarli 32 foiz holatda qilmish noto'g'ri kvalifikatsiya qilingani asos qilib olingan.

Sudyalar o'rtasida o'tkazilgan ekspertlik so'rovnomada esa ularning 13 foizi "sudyalarni isbotlash sub'ektlari ro'yxtidan chiqarish" fikrini qo'llab-quvvatlagan bo'lsa, 39 foizi "ishni sudga qadar yuritish davomida shaxsni gumon ostidagi shaxs maqomida qoldirish" g'oyasini ijobiy baholagan, 51 foizi "jinoiyat protsessiga nooshkora tergov harakatlari institutini kiritish" hamda 69 foizi "sudlarda ish hajmining ko'pligini inobatga olib, yarashuvga tushadigan, zararlari qoplangan ijtimoiy xavfi katta bo'lmagan va uncha og'ir bo'lmagan jinoyatlarni sudgacha hal etish institutini joriy etish" takliflariga qo'shilishgan, 29 foizi "tergovga qadar tekshirish, tergov va surishtiruv organlari tomonidan dalillarni to'plash va rasmiylashtirishda kamchiliklarga yo'l qo'yilayotganligini hamda 37 foizi "ozodlikni cheklash" va 26 foizi "majburiy jamoat ishlari" jazolari samaradorligi va mexanizmini qayta ko'rib chiqish zarurligini ta'kidlashgan.

Paragraf so'ngida jazoni ijro etish muassalarining jazoni ijro etish amaliyoti tahlil qilinib, ushbu muassasalarda saqlanayotgan mahkumlar tomonidan 2021 yilda 22 holatda, 2022 yilda 124 ta holatda va 2023 yilda 115 ta holatda qayta jinoyatlar sodir etilishiga yo'l qo'yilgan penitensiar tizimda jinoyatlarning profilaktikasi maqsadli, manzilli va tizimli yo'lga qo'yilmagan deb xulosa qilishga asos yaratgan. Bu kabi salbiy tendensiya probatsiya xizmati hisobida turib jazo o'tayotgan shaxslarning 2021 yilda 293 nafari tomonidan 285 ta, 2022 yilda 845 nafari tomonidan 844 ta, 2023 yilda 601 nafari tomonidan 601 ta qayta jinoyat sodir etilganida ham kuzatilgan va tadqiqotchi tomonidan jinoyat sodir etgan shaxslarni jamiyatga moslashtirish, axloqan tarbiyalash ishlari yetarli tarzda tashkil etilmagan, deb xulosa qilingan.

Dissertatsiyaning **uchinchi bobi "Jinoiyatchilikka qarshi kurashishga oid milliy modelni shakllantirish masalalari"** deb nomlanib, unda O'zbekistonda jinoiyatchilikka qarshi kurashish tizimining rivojlanishi o'rganilgan, milliy tizimni takomillashtirish uchun taklif etilayotgan model hamda uning asosiy yo'nalishlari va tuzilmaviy komponentlari konsepsiyasi mazmuni ochib berilgan.

Ushbu bobning "*O'zbekistonda jinoiyatchilikka qarshi kurashish tizimining rivojlanishi*" deb nomlangan **birinchi paragrafida** O'zbekistonda o'z mustaqilligini qo'lga kiritganidan boshlab to shu kunga qadar jinoiyatchilikka qarshi kurashish tizimining rivojlanishi (sohasida qabul qilgan qonunchilik hujjatlarini tahlil qilgan holda) shartli ravishda quyidagi 4 ta bosqichga ajratib tadqiq etilgan:

birinchi bosqich (1992-1999-yillar) – jinoiyatchilikka qarshi kurashish tizimining *huquqiy poydevorini yaratishda* ifodalanib, davlatimiz Konstitutsiyasi, Jinoyat kodeksi, Jinoyat-protsessual kodeksi, Jinoyat-ijroiya kodeksi, Prokuratura to'g'risida, Sudlar to'g'risida, Advokatura hamda Advokatlar faoliyatining kafolatlari va advokatlarning ijtimoiy himoyasi to'g'risida qator qonunlar qabul qilingan;

ikkinchi bosqich (2000-2009-yillar) – jinoiyatchilikka qarshi kurashish faoliyatida *insonparvalik tamoyilining amal qilishiga urg'u berish, jinoyat qonunchiligini liberallashtirilishida* ifodalanib, ushbu davrda "Terrorizmga qarshi kurashish to'g'risida" (2000 y.), "Jinoiy jazolarning liberallashtirilishi munosabati bilan O'zbekiston Respublikasining jinoyat, jinoyat-protsessual kodekslari hamda ma'muriy javobgarlik to'g'risidagi kodeksiga o'zgartirish va qo'shimchalar kiritish haqida"gi (2001 y.), "Odam savdosiga qarshi kurashish to'g'risida"gi (2008 y.), "O'zbekiston

Respublikasi Jinoyat-protsessual kodeksining 49-moddasiga o'zgartirish kiritish to'g'risida"gi (2008 y.) Qonunlari, Prezidentning "O'zbekiston Respublikasida o'lim jazosini bekor qilish to'g'risida"gi (2005 y.) Farmoni qabul qilingan;

uchinchi bosqich (2010-2016-yillar) – jinoyatchilikka qarshi kurashish tizimidagi "bo'shliq"larni to'ldirish, sohadagi muayyan faoliyat turlari uchun qonunchilik asoslarini yaratishda ifodalanib, ushbu davrda "Voyaga yetmaganlar o'rtasida nazoratsizlik va huquqbuzarliklarning profilaktikasi to'g'risida" (2010 y.), "Jinoyat ishlarini yuritish chog'ida qamoqda saqlash to'g'risida" (2011 y.), "Tezkor-qidiruv faoliyati to'g'risida" (2012 y.), "Huquqbuzarliklar profilaktikasi to'g'risida" (2014 y.), "Ichki ishlar organlari to'g'risida" (2016 y.), "Korrupsiyaga qarshi kurashish to'g'risida" (2017 y.)gi qator qonunlar qabul qilingan;

to'rtinchi bosqich (2017-2024-yillar) – jinoyatchilikka qarshi kurashish borasida shakllangan tizimni *tanqidiy tahlil qilish*, qonunchilikni takomillashtirish hamda amaliy faoliyat samaradorligini oshirishga e'tibor qaratilib, bu davrda sohadagi islohotlar bilan bog'liq 20 taga yaqin muhim qonunosti hujjatlari, jumladan Prezidentning farmon va qarorlari qabul qilingan.

Shuningdek, ushbu paragrafda, O'zbekistonning amaldagi jinoyatchilikka qarshi kurashish tizimidan chiqarib tashlanishi kerak bo'lgan postsovet modeliga xos ayrim xususiyatlar tahliliy o'rganilgan.

Uchinchi bobning "*Milliy tizimni takomillashtirish yuzasidan taklif etilayotgan modelning mazmuni*" deb nomlangan **ikkinchi paragrafida** milliy modelni ishlab chiqishning ahamiyati hamda taklif etilayotgan milliy model mazmunini ochib beruvchi elementlar – faoliyat ob'ekti, sub'ekti, maqsadi, prinsiplari, yo'nalishlari, usul va vositalari, faoliyat mexanizmi, baholash mezonlariga izohlar berilgan.

Bu borada tadqiqotchi "*jinoyatchilikka qarshi kurashishning milliy tizimi*" deganda, ma'lum jamiyatdagi jinoyatchilik xususiyatlari, unga ta'sir ko'rsatuvchi ijtimoiy-iqtisodiy, siyosiy-huquqiy omillarni inobatga olgan holda ilmiy asoslantirilgan va tizimlashgan nazariy bilimlar (jinoyatchilikka qarshi kurashish doktrinasi) asosida jinoyatchilikka qarshi kurashish faoliyatini tashkil etish va amalga oshirishga doir qonunchilikni ishlab chiqish hamda mazkur qonunchilikka muvofiq jinoyatchilikka qarshi kurashish faoliyatini samarali tashkil etish, amalga oshirish va muvofiqlashtirib borishdan iborat bo'lgan muayyan mamlakat doirasida (yoki u bilan bevosita bog'liq ravishda boshqa hududlarda) o'zaro aloqadorlikda kechadigan jarayonlar yig'indisini tushunish to'g'ri bo'lishini, ta'kidlaydi.

Jinoyatchilikka qarshi kurashishning milliy modelini shakllantirish har bir davlat va jamiyat uchun muhim ahamiyatga ega bo'lib, bu o'rinda bir davlatning tajribasi boshqa bir davlatning amaliyoti uchun mos kelavermasligini e'tiborga olish lozim.

Milliy modelni shakllantirishda, avvalo, jamiyatdagi jinoyatchilik xususiyati va unga ta'sir ko'rsatuvchi ijtimoiy-iqtisodiy omillarni tadqiq qilish hamda bu borada mavjud vositalar – ilmiy-amaliy tadqiqotlar, qonunchilik, amaliy faoliyatni tashkil etish va amalga oshirishga qodir bo'lgan kadrlar salohiyati, moddiy va nomoddiy resurslar holati, amaliy faoliyat natijalari kabilarni inobatga olish zarurligi asoslantirilgan.

Uchinchi bobning **uchinchi paragrafi** “*Milliy modelning asosiy yo‘nalishlari va tuzilmaviy komponentlari konsepsiyasi*” deb nomlangan va unda tadqiqotchi tomonidan shakllantirilgan milliy modelning tashkiliy komponentlari o‘rin olgan.

Tadqiqotchi milliy kriminologik tizim modelining asosiy (tashkiliy) komponentlari tizimini quyidagicha shakllantirgan:

1) tarbiyaviy-axloqiy komponent; 2) iqtisodiy komponent; 3) ijtimoiy komponent; 4) siyosiy-g‘oyaviy komponent; 5) fuqarolik-huquqiy komponent; 6) ma‘muriy-huquqiy komponent; 7) preventiv-huquqiy komponent; 8) jinoiy-huquqiy komponent; 9) jinoiy-protsessual komponent; 10) tezkor-qidiruv komponenti; 11) jinoiy-ijro komponenti; 12) boshqaruv komponenti.

Shuningdek, mazkur komponentlarning 1–5-lari jinoyatchilikka qarshi kurashishning “ijtimoiy-huquqiy”, 6–11-lari “jinoiy-huquqiy”, 12 chisi “tashkiliy-boshqaruv” mazmunidagi yo‘nalishlar sifatida tasniflangan. Ushbu komponentlarning har biri jinoyatchilikka qarshi kurash faoliyatining (muayyan jarayonlari) samarali kechishiga bevosita ta‘siri ko‘rsatishi asoslantirib berilgan.

XULOSA

Amalga oshirilgan ilmiy tadqiqot natijalariga ko‘ra mamlakatda jinoyatchilikka qarshi kurashishning milliy modelini shakllantirish yuzasidan quyidagi xulosa, taklif va tavsiyalar ilgari surilmoqda.

I. Jinoyatchilikka qarshi kurashishga oid ilmiy-nazariy xulosa va tavsiyalar:

1. *Jinoyatchilikka qarshi kurashishni quyidagi ikki xil aspektda talqin etish lozim:*
a) uch yirik komponent – jinoyatchilikka qarshi kurashishga doir ilmiy-nazariy asos (doktrina), qonunchilik, amaliy faoliyatdan iborat *kriminologik tizim sifatida*; b) davlat va nodavlat tashkilotlari, shuningdek, jamoatchilik tomonidan jinoyatchilikni oldini olish va javobgarlik muqarrarligini ta‘minlash shaklida amalga oshiriladigan hamda jinoyatchilikni profilaktika qilish, jinoiy vaziyatga yo‘l qo‘ymaslik, yuz bergan jinoyatni fosh etish; jinoyat oqibatlarini bartaraf etish va/yoki odil sudlovni ta‘minlash kabi bosqichlarni o‘z ichiga olgan faoliyat, ya‘ni *funksional tizim sifatida*.

2. Jinoyatchilikka qarshi kurashishda ilmiy yondashuvlar muhim ahamiyatga ega bo‘lib, jinoyatga nisbatan konsensus va jazoga nisbatan retrebutiv kabi aniq yondashuvga tayanish hamda jinoyatchilik sabablari va jinoyatchilikni oldini olishga doir turli yondashuvlarga o‘z o‘rnida murojaat qilish, jinoyatchilikni oldini olishga doir strategiya va dasturlarni ishlab chiqishda inobatga olish tavsiya etiladi.

3. *Jinoyatchilikka qarshi kurashishga doir milliy tizim modeli* – bu muayyan davrda ma‘lum bir davlatda shakllangan yoki shakllantirilishi lozim bo‘lgan jinoyatchilikka qarshi kurashish tizimining bayoni bo‘lib, unda ushbu tizimga xos asosiy komponentlar hamda ular o‘rtasidagi aloqadorlik aks etadi.

4. Qiyosiy-kriminologik tahlillar asosida jinoyatchilikka qarshi kurashish tizimlarini islom, anglo-amerika, kontinental, sovet, postsovet modellari hamda alohida davlatlarning milliy modeliga ajratgan holda o‘rganish mumkin. Zamonaviy dunyoda davlatlar jinoyatchilikka qarshi kurashish bo‘yicha aynan o‘ziga xos bo‘lgan milliy modelni ishlab chiqishi va shakllantirishi maqsadga muvofiq hisoblanadi.

5. “*Jinoyatchilikni oldini olish*” jinoyatchilikka qarshi kurashishning alohida shakli bo‘lib, uni jinoyatchilikni profilaktika qilish bosqichida *birlamchi ko‘rinishda*; jinoiy vaziyatga yo‘l qo‘ymaslik bosqichida *ikkilamchi ko‘rinishda*; yuz bergan jinoyatni fosh etish hamda jinoyat oqibatlarini bartaraf etish va/yoki odil sudlovni ta‘minlash bosqichida *uchlamchi (hosila) ko‘rinishda* talqin etish taklifi bildiriladi.

6. *Jinoyatchilik profilaktikasi* – bu, jinoyatchilikka qarshi kurashish faoliyatining jinoyatlarni birlamchi (erta) oldini olishga qaratilgan ilk bosqichi bo‘lib, u umumiy yoki alohida toifadagi jinoyatchilikning umumkriminologik omillariga (shuningdek, jinoyatga moyil yoki viktimologik xulq-atvor shakllanishiga) antikriminogen ta‘sir ko‘rsatishda ifodalanadigan asosan kriminologik chora-tadbirlarni o‘z ichiga olgan umumijtimoiy faoliyat hisoblanadi. Jinoyatchilik profilaktikasi – umumjamiyat oldidagi vazifa bo‘lib, unga avvalo ta‘lim-tarbiya sohasi, shuningdek, siyosiy-ma‘rifiy, ijtimoiy-gumanitar, iqtisodiy, san‘at va madaniyat, OAV va jurnalistika kabi sohalar safarbar etilishi lozim bo‘ladi.

7. *Jinoyatlarni situatsion oldini olish* (jinoiy vaziyatga yo‘l qo‘ymaslik) – jinoyatchilikka qarshi kurashish faoliyatining alohida bosqichi bo‘lib, u jinoyat sodir etish uchun imkon yaratadigan (yaratgan) shart-sharoit va holatlarni bartaraf etishga doir kompleks choralarni ko‘rishda ifodalanadi.

8. *Javobgarlik muqarrarligini ta‘minlash* – jinoyatchilikka qarshi kurashishning klassik shakli bo‘lib, ayni shaxs va boshqalar tomonidan qayta jinoyat sodir etilishini oldini olishga xizmat qiladi. U jinoyat ishlarini yuritishga vakolatli bo‘lgan maxsus sub‘ektlar tomonidan amalga oshirilishi bilan xarakterli hisoblanib, yuz bergan jinoyatni fosh etish, jinoyat oqibatlarini bartaraf etish va odil sudlovni ta‘minlash kabi jarayonlarda aks etadi.

II. Jinoyatchilikka qarshi kurashish bilan bog‘liq qonunchilikni takomillashtirishga oid konseptual taklif va tavsiyalar:

1. Jinoyatchilikka qarshi kurashish faoliyatidagi islohotlar, milliy konsepsiyalar va qonunchilik uchun huquqiy poydevor vazifasini o‘tashi, o‘z navbatida amaliyotni barqaror va samarali kechishiga xizmat qilishi lozim bo‘lgan “O‘zbekiston Respublikasining jinoyatchilikka qarshi kurashish doktrinasi” akademik hamjamiyat tomonidan yaratilishi lozim.

Jinoyatchilikni oldini olishga doir qonunchilik yuzasidan:

2. Jinoyatchilikni oldini olishga doir ishlarni tizimli va ratsional tashkil etilishini ta‘minlash hamda sohadagi qonunchilikni yaxlit holatga keltirish maqsadida O‘zbekiston Respublikasining “Jinoyatchilikni oldini olish kodeksi”ni ishlab chiqish va amaliyotga joriy etish maqsadga muvofiq.

Jinoyat qonunchiligi yuzasidan:

3. Jinoyat qonunchiligining maqsadini ijtimoiy adolatni ta‘minlashga yo‘naltirish, ushbu maqsaddan kelib chiqib, Jinoyat kodeksida faqat jinoyat qonunchiligiga xos bo‘lgan maxsus prinsiplarni aks ettirish;

4. Tayinlanadigan (ozodlikdan mahrum qilish) jazo xususiyatidan kelib chiqib, jinoyatlarni og‘irlik darajasini tasniflash amaliyotini tanqidiy ko‘rib chiqish. O‘z navbatida, jinoyat tufayli yetkazilgan ziyon, ya‘ni ijtimoiy xavfli oqibat hajmini

inobatga olgan holda jinoyatlarni og'irlik darajasini belgilash uslubiyotini ishlab chiqish;

5. Jinoyat qonunchiligi "javobgarlikning muqarrarligi" prinsipiga tayanishi hamda ilg'or xorijiy davlatlar tajribasini inobatga olib, moddiy qonunchilikdagi "javobgarlikdan ozod qilish" institutidan voz kechish hamda jinoyat oqibatlarini bartaraf etilganligi munosabati bilan jinoyat ish yurituvini tugatish yoki soddalashtirilgan tartibga o'tkazishning protsessual mexanizmlarini ishlab chiqish;

6. Jinoiy jazolar adolatli, ya'ni jinoyat oqibatlarini bartaraf etishga yo'naltirilgan bo'lishi hamda unda iqtisodiy jazo choralari asosiy jazo sifatida belgilanishi, xususan jinoyatning zararli oqibatlarini qoplovchi kompensatsion jarima (*shuningdek, uning alternativ ko'rinishlari*)ni restitutsiya institutining o'ziga xos ko'rinishi sifatida amaliyotga kiritilishi;

7. Jinoiy jazodan ko'zlangan maqsadga jinoiy jazo qo'llangunga qadar erishilgan (*jinoyat oqibatlarini ixtiyoriy bartaraf etilgan yoki kompensatsiyalangan*) taqdirda – rag'batlantiruvchi omil sifatida jinoyat ishini tugatishning huquqiy mexanizmini ishlab chiqish;

8. Jinoyat kodeksining maxsus qismida jinoyatlarni sub'ektiv va ob'ektiv xususiyati, shuningdek, jazoni og'irlashtirish yoki yengillashtirishga asos bo'la oladigan holatlarga tayanib tavsiflash amaliyotidan voz kechish, uning o'rniga jinoyatlarni tajovuz ob'ekti bo'yicha qat'iy tizimlashtirish hamda jinoyat turlarini optimallashtirish taklif etiladi.

Jinoyat-protsessual qonunchilik yuzasidan:

9. Jinoyat-protsessual qonunchiligining maqsadi – "*haqiqatni aniqlash va jinoyatni fosh etish, jinoyat ishlarini xolis va adolatli yuritilishini ta'minlash*" ekanligini belgilash;

10. Jinoyat protsessining prinsiplari tizimini qayta ko'rib chiqish va unda jinoyat ishlarini yuritishda xolislik va adolatni ta'minlashga xizmat qiladigan maxsus prinsiplarni aks ettirish (*jinoyatga nisbatan murosasizlik va javobgarlik muqarrarligini ta'minlash; jinoyat-protsessual ishlarini yuritishga mas'ul shaxslarning professionalligi va axloqliligi; jinoiy odil sudlov tizimining mustaqilligi va unga har qanday aralashuvlarni taqiqlanishi; ayblovning yetarli dalillar bilan asoslantirilganligi va dalillar mustahkamlanishi; jinoyat qonunchiligi bilan qo'riqlanadigan ijtimoiy ob'ektlarga yetkazilgan ziyonni bartaraf etilishini ta'minlash; jinoyat ishlarini yuritishda oqilona muddat va ijtimoiy adolatni kechiktirmaslik kabi*);

11. Jinoyat ishlarini yuritishda konstitutsion qoida hisoblangan "aybsizlik prezumtsiyasi"ni amalda to'laqonli ta'minlash maqsadida jinoyat ishiga gumon qilinuvchi shaxs sifatida jalb etilgan shaxsni ayblov hukmi kuchga kirguniga qadar ushbu maqomda qolishi, unga nisbatan ehtiyot chorasi sifatida "qamoq" emas, balki "ushlab turish" qo'llanishini ta'minlash;

12. Jinoyat ishini yuritishga mas'ul bo'lgan har bir sub'ektning funksiyasini jinoiy odil sudlovning maqsadlaridan kelib chiqqan holda aniq chegaralash, o'z navbatida takrorlanish va o'zaro qarama-qarshilikka yo'l qo'ymaslik (xususan, tergovchi – ish bo'yicha haqiqatni aniqlash hamda jinoyatni fosh etuvchi dalillarni to'plash va mustahkamlash; prokuror – to'plangan dalillarni baholash, dalillar yetarli

va mustahkam bo‘lgan taqdirda ayblov aktini tuzib jinoyat ishini sudga oshirish; sudya – taqdim etilgan ayblov asosida sud muhokamasini o‘tkazish va ish bo‘yicha adolatli qaror qabul qilish);

13. Jinoyat-protsessual kodeksida “dalil” (shuningdek, “guvohlik”) tushunchasiga aniqlik kiritish, dalillarni mustahkamlash tartibi va ularning yetarlilik mezonlarini belgilash, shuningdek, isbotlash jarayonlarini optimallashtirish (jumladan, *dalil* – bu jinoiy hodisa yur bergan yoki bermaganligi hamda ma’lum shaxsning unda aybli yoki aybsiz ekanligini tasdiqlovchi yoki inkor etuvchi haqqoniyligi tekshirilgan faktik ma’lumotlardir; dalillarning turlari: *guvohlik, raqamli, ashyoviy, matnli dalil*; jinoyat protsessida isbotlash – daliliy ahamiyatga ega bo‘lgan ma’lumotlarni olish va qayd etish; ma’lumotni dalil deb e’tirof etish va mustahkamlash kabi jarayonlardan iborat; shaxsni ayblash uchun kamida 2 ta bevosita dalil hamda bevosita dalilni mustahkamlovchi 2 tadan bilvosita dalil bo‘lishi);

14. Tergov faoliyatining mustaqilligi, ixtisoslashuvi va professionallashtirishini ta’minlash, jumladan faoliyatda kriminalistika xizmati va laboratoriyasi hamda boshqa zaruriy resurslardan samarali foydalanish imkoniyatini yaratish, shuningdek protsessual harakatlar tizimiga nooshkora tergov harakatlarini kiritish;

15. Ortiqcha ovoragarchiliklarga barham berish uchun ishni sud instansiyalarida ko‘rish bosqichlarini soddalashtirish, xususan xalqaro tajribada o‘zini oqlagan sud qarorlarining 2 bosqichi (apellyasiya, kassatsiya)ni qoldirish hamda yuqori bosqich sudlov hay’atlarini xolisligini ta’minlovchi mexanizmlarni shakllantirish (xususan, sud tizimining ichki idoraviy ta’siridan himoyalash) takliflari bildiriladi.

III. Jinoyatchilikka qarshi kurashishga oid milliy modelni shakllantirishga oid tashkiliy taklif va tavsilar:

1. Avvalo, amaldagi jinoyatchilikka qarshi kurashish tizimida mavjud bo‘lgan postsovet modeliga xos xususiyatlarga to‘liq barham berish lozimligi e’tirof etiladi.

2. “*Jinoyatchilikka qarshi kurashish faoliyatining ob’ekti, sub’ekti, maqsadi, prinsiplari, yo‘nalishlari, usul va vositalari, mexanizmi, baholash mezonlari kabilari*” – jinoyatchilikka qarshi kurashishga doir milliy tizim faoliyatining mazmunini tashkil etuvchi asosiy elementlar hisoblanadi hamda ularning ilmiy talqinini to‘g‘ri shakllantirish muhim ahamiyat kasb etadi.

3. “Jinoyatlarning situatsion oldini olish”ni ichki ishlar organlarining muhim faoliyat yo‘nalish sifatida belgilash hamda hududiy birliklarda situatsion markazlar va tezkor-patrol xizmatlari faoliyatini takomillashtirish choralarini ko‘rish maqsadga muvofiq hisoblanadi.

4. *Axloqiy tarbiya, iqtisodiy, ijtimoiy, siyosiy-g‘oyaviy, fuqarolik-huquqiy, ma’muriy-huquqiy, preventiv-huquqiy, jinoiy-huquqiy, jinoiy-protsessual, tezkor-qidiruv, jinoiy-ijro, boshqaruv kabilari* jinoyatchilikka qarshi kurashishga doir milliy modelning asosiy komponentlari sifatida taklif etiladi. Mazkur modelning milliylik jihati – uni shakllantirishda O‘zbekistondagi jinoyatchilik (shuningdek, unga ta’sir ko‘rsatuvchi ijtimoiy-iqtisodiy omillar) xususiyati, qonunchilik mazmuni va amaliy faoliyat natijalari inobatga olinganligida aks etadi, asosiy komponentlar orasida axloqiy tarbiya komponentiga ustuvorlik beriladi.

**SCIENTIFIC COUNCIL No. DSc.03/30.10.2025.Yu.186.01 ON AWARDING
SCIENTIFIC DEGREES AT THE RESEARCH INSTITUTE OF
CRIMINOLOGY OF THE REPUBLIC OF UZBEKISTAN**

**THE LAW ENFORCEMENT ACADEMY OF THE REPUBLIC OF
UZBEKISTAN**

TAIROVA GULMIRA MURODJONOVNA

**FOUNDATIONS FOR THE FORMATION OF A NATIONAL
MODEL FOR COMBATING CRIME**

12.00.15 – Criminology (Legal Sciences)

ABSTRACT

of the dissertation of the Doctor of Philosophy (PhD) on science in Law

Tashkent – 2026

The theme of the Doctor of Philosophy (PhD) dissertation was registered at the Supreme Attestation Commission at the Ministry of Higher Education, Science and Innovations of the Republic of Uzbekistan with number B2024.3.PhD/Yu1567.

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The abstract of the dissertation is posted in three languages (Uzbek, English and Russian (summary)) on the website www.proacademy.uz and Information educational portal "ZiyoNET" (www.ziyo.net).

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The dissertation is available at the Information Resource Center of the Research Institute of Criminology of the Republic of Uzbekistan (registered under No.1). (Address: 100190, Tashkent city, Mirzo Ulugbek district, Buyuk Ipak yuli Street, 243. Phone: (99871) 231-39-77, e-mail: info@uzkti.uz).

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Introduction (Abstract of the PhD thesis)

Relevance and importance of the dissertation of the topic. Throughout history, crime has been universally regarded as a negative phenomenon threatening the well-being of humanity. Combating crime has consistently remained one of the highest and most pressing priorities for all states. Today, global crime indices rank countries and cities according to their crime rates, often warning that even extreme tourists should avoid certain areas. These include places where kidnappings, murders, sexual violence, and trafficking occur daily; where the majority of the population lives below the poverty line; where children carry weapons, grenades, and bombs instead of toys; and where women and men—are exposed to high levels of danger. Such portrayals further highlight the urgency of addressing crime.

In the modern world, crime has evolved into a widespread social threat. In many countries, crime is increasing at an alarming rate. Furthermore, under the conditions of globalization, digitalization, and the proliferation of social networks, complex phenomena such as cyberterrorism, cyberbullying, and cyber fraud are becoming more active. These challenges demand optimal approaches and the development of modern, innovative methods and tools to effectively counteract crime.

In this context, scientific research aimed at identifying effective, evidence-based solutions to combat and prevent crime—by employing distinctive models, goal-oriented and systematic strategies, and context-sensitive policies—is of critical importance. These efforts must take into account local socio-cultural factors and introduce novel operational approaches. Given that crime prevention and control is a dynamic and multifaceted social activity influenced by political-legal, socio-economic, and socio-psychological processes, it is essential to study it through a systemic approach. Applying cognitive (scientific) modeling methods can significantly improve the effectiveness of crime prevention strategies.

Indeed, it is no coincidence that countries across the globe have adopted a variety of social, economic, and criminological frameworks to address crime, including the Anglo-American, Western European (continental), Asia-Pacific, socialist, Russian, Islamic, and hybrid models.

Despite the ongoing rapid reforms in the sphere of combating crime in Uzbekistan in recent years, official statistics reveal a concerning upward trend. In 2024 alone, the number of recorded crimes increased from 104,096 in 2023 to 132,298, marking a 27% rise. The crime rate per 100,000 populations also grew from 283 to 352—an increase of 24%. Notably, of the crimes committed in 2024, 45,545 cases (34%) were considered “preventable,” 27,953 (21%) were classified as “detectable,” and 58,800 cases (45%) were crimes committed through the use of information technologies.

Unfortunately, in 2024, Uzbekistan ranked relatively low in international assessments with a Crime Index score of 30.5, but also received a Rule of Law Index score of 0.49, as measured by the World Justice Project. This is considered suboptimal, especially given particularly low sub-indicator scores such as 0.19 for protection from undue influence on the judiciary, 0.34 for impartiality, and 0.40 for adherence to procedural safeguards and the rights of the accused.

In light of these challenges, President Shavkat Mirziyoyev, in his 2024 holiday address to employees and veterans of the internal affairs system, emphasized the need to “apply effective mechanisms in combating crime, adopt scientifically grounded approaches to restrain criminality, and carry out targeted initiatives to strengthen public trust in justice by improving the quality of criminal investigations.” This call for scientific approaches has also been supported by representatives of the academic community, who regard it as a critical factor in modern crime control.

Clearly, there remains an urgent need to build a solid scientific and doctrinal foundation for crime control efforts in Uzbekistan. This need was already evident when, despite being among the first CIS countries to adopt comprehensive criminal legislation in the mid-1990s—including the Criminal Code, the Criminal Procedure Code, and the Penal Enforcement Code—Uzbekistan faced the necessity of updating this core legal framework by 2018. These and other factors reinforce the imperative of developing a distinct, nationally tailored model of crime control within the framework of New Uzbekistan.

This dissertation research contributes, to a certain extent, to the implementation of the tasks set forth in several key normative-legal documents of the Republic of Uzbekistan, including: the Presidential Decree “On Measures to Qualitatively Advance the Activities of Internal Affairs Bodies in Ensuring Public Safety and Combating Crime” (2021), the Presidential Decree “On the Approval and Implementation of the Concept of Public Safety of the Republic of Uzbekistan” (2021), the Presidential Decree “On the Strategy ‘Uzbekistan – 2030’” (2023), and the Cabinet of Ministers Resolution No. PQ-1 “On Measures to Further Improve the Effectiveness of the System for Creating a Safe Environment and Timely Prevention of Offenses in Neighborhoods (Mahallas) of the Republic in 2025” (2025), as well as other regulatory and legal acts relevant to this field.

Alignment of the research with the main priorities of national science and technology development. This dissertation corresponds to the national priority direction of developing science and technology, particularly the strategic area titled “I. Formation and implementation of a system of innovative ideas in the social, legal, economic, cultural, spiritual, and educational development of an information-oriented society and democratic state”.

Degree of study on the problem. Certain aspects of crime prevention in the Republic of Uzbekistan, especially issues related to combating or preventing specific types of crimes, have been studied by legal scholars such as N.Abidova, Z.Zaripov, M.Usmonaliev, Y.Karaketov, M.Radzhapova, M.Rustambayev, Q.Abdurasulova, I.Ismailov, A.Zakirova, B.Bekmatova, M.Urazaliev, M.Fazilov, N.Salaev, R.Altiyev, Sh.Gofurov, G.Qarshiyev, S.Niyozova, G.Nurmuhammedova, B.Umirzakov, M.Eshnazarov, E.Kolenko, S.Khojaqulov, and U.Ashurov.

In foreign countries, theoretical aspects of crime prevention have been researched by scholars such as I.Karpets, Yu.Antonyan, N.Kuznetsova, S.Borodin, V.Luneev, S.Inshakov, A.Chislov, O.Vedernikova, S.Starostina, A.Gorshenkov, V.Larichev, A.Dolgova, Ya.Gilinsky, D.Malkov, A.Varygin, N.Morozov, E.Yanush,

V.Kudryavtsev, V.Tulyakov, A.Trefilov, V.Tolebekov, R.Walker, J.McCormick-Watson, and K. Kunz.

This dissertation differs from other research works in that it examines “combating crime” in the context of Uzbekistan as a distinct criminological and functional system that must be formed on the basis of processes, sectors, and mechanisms (particularly legislation) influencing its effectiveness. In this regard, for the first time within the framework of the specialty *12.00.15 – Criminology (Legal Sciences)*, the foundations for developing a national model of combating crime under the ongoing judicial and legal reforms in independent Uzbekistan are studied as an integrated research project.

Connection of the dissertation research with the research plans of the higher education institution. This dissertation has been carried out within the framework of the scientific research agenda of the Academy of Law Enforcement of the Republic of Uzbekistan for the years 2023–2025, specifically under the research priority: “Challenges in combating crime, improving crime prevention, and enhancing the crime control system.”

Aim of the research. The aim of the research is to develop proposals and recommendations that will serve to form a systematized national model for combating crime in our country based on the criteria of social justice, including the development of the principal (organizational) components of the national model.

Task of the researcher. The objectives of the research include:

Clarifying the scientific interpretation and conceptual content of the category “combating crime”;

Analyzing criminological approaches to crime control;

Examining crime control models based on the experiences of selected countries;

Studying the current state of crime in Uzbekistan and identifying its specific characteristics;

Developing proposals and recommendations for improving the national legislation related to crime control (including the Criminal, Criminal Procedure, Penal Enforcement Codes, and the Law on Crime Prevention);

Systematically analyzing Uzbekistan’s crime control practices;

Exploring the development trajectory of the crime control system in Uzbekistan;

Presenting the content of the proposed model for improving the national system;

Defining the main directions and structural components of the national model, and formulating its conceptual framework.

Object of the research. The object of this research is the social and legal relations associated with the formation of a national model for combating crime.

Subject of the research. The subject of the research includes theoretical approaches to combating crime, normative-legal documents, their practical application, quantitative and qualitative indicators of crime, as well as criminological models of selected countries.

Research methods. This dissertation employs a range of research methods, including systematic analysis, comparative analysis, retrospective analysis, statistical analysis, critical analysis, modeling, and expert surveys.

The scientific novelty of the research includes the following:

1) The Conceptual framework of the main (organizational) components of the national criminological model for combating crime, developed as a result of this dissertation research, provides a well-founded set of proposals and recommendations. These proposals are of significant importance for: introducing amendments and additions to the Criminal code of the Republic of Uzbekistan, developing a comprehensive national model of crime control, and determining the future directions and objectives of research in this area.

2) The proposal substantiates that situational crime prevention (the prevention of criminogenic situations) constitutes an independent stage of activity within the overall system of combating crime and should be recognized as a key functional direction of law enforcement agencies.

3) It is substantiated that the primary purpose of criminal punishment should be the attainment of social justice, and this principle should be explicitly enshrined in criminal legislation. On this basis, the current system of criminal penalties should be revised—specifically, outdated forms of punishment such as “corrective labor” should be eliminated and replaced with modern alternatives such as “wage deduction” penalties.

4) The dissertation also emphasizes that principles in criminal procedure law must represent fundamental legal norms, and that issues of an organizational nature—such as whether criminal cases are adjudicated by a panel or by a single judge—should not be categorized as legal principles. It is essential to: clearly define the legal status of actors responsible for conducting criminal proceedings, ensure the compensation of material and moral damages to victims in criminal proceedings, and establish specific procedures and timeframes for the review of complaints against actions and decisions of law enforcement bodies and officials involved in criminal cases.

5) Additionally, it is argued that ensuring the independence not only of the courts but also of other responsible actors—particularly prosecutors—is critical in criminal justice. To this end, it is proposed that collegial management bodies, as well as qualification and ethical councils, should be established and actively function within the prosecutorial system.

The practical outcomes of the research include the following:

It is substantiated that situational crime prevention should be formally recognized as a key direction in the crime prevention activities of internal affairs bodies;

It is demonstrated that the first and foundational component in the national model of combating crime must be moral education;

A scholarly monograph entitled “*Theoretical Foundations of Combating Crime*” has been published;

The research confirms the necessity of relying on clearly defined theoretical approaches such as the “consensus” model of crime and the “retributive” model of punishment, while also emphasizing the importance of taking into account the causes of crime and existing crime prevention strategies and approaches when developing national strategies and programs;

A data compendium for crime analysis (“*Crime Analysis Data Set*”) has been compiled;

A Conceptual framework of the main (organizational) components of the national criminological system model for combating crime has been developed;

The study justifies the necessity of drafting a Code on Crime Prevention;

Proposals have been formulated for the revised drafts of the Criminal code, the Criminal procedure code, and the Law “On the Prosecutor’s Office”;

It is argued that in the fight against crime, criminal legislation must remain grounded in the principle of the inevitability of liability, while at the same time calling for a critical reevaluation of the institution of exemption from criminal liability, reaffirming its relevance and importance.

The reliability of the research result. The findings of the research are grounded in the norms of national legislation, empirical and statistical data reflecting practical activities, and scholarly sources expressing theoretical ideas and concepts. In formulating conclusions and recommendations, the results of an expert survey conducted among 312 professionals responsible for combating crime—including preventive inspectors, investigators, prosecutors, and judges in criminal cases—were taken into consideration.

Scientific and practical significance of the research lies in its contribution to the enrichment of criminological science in Uzbekistan and the development of scientific-theoretical (doctrinal) foundations for the national crime control system.

The practical significance of the research is demonstrated in the development of the “Conceptual Framework of the Main (Organizational) Components of the National Criminological System Model for Combating Crime,” which is intended to support the formation of a national model for crime control. Moreover, the broader set of proposals and recommendations contributes to the scientific substantiation of crime control practices and to the improvement of sector-specific legislation.

Implementation of research results. Developed according to research results:

The scientific results obtained from this dissertation have been reflected in the following outcomes:

1) The “Conceptual framework of the main (organizational) components of the national criminological system model for combating crime” was formally acknowledged and supported as a scientific concept by both the Criminological Research Institute of the Republic of Uzbekistan (letter No. 40/653 dated november 20, 2024) and the Parliamentary Research Institute under the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan (letter No. 3/dn-142 dated july 8, 2025). These institutions confirmed the potential of this concept to inform future improvements to criminal legislation, including amendments to the Criminal code.

2) The concept of situational crime prevention, as well as scholarly views on the methods and means for preventing criminal situations, has been reflected in the “Criminology” textbook developed at the Academy of Law Enforcement and incorporated into the educational process (Record No. 30/23-416/25 of 7 November 2025 issued by the Academy of Law Enforcement of the Republic of Uzbekistan). This contributes to enhancing the professional training of specialists in the field.

3) The proposal to explicitly define the primary purpose of criminal punishment as ensuring social justice in the Criminal code, and to revise the system of criminal

penalties—in particular, removing outdated punishments such as “corrective labor” and introducing modern alternatives like “wage deductions”—was taken into account in the drafting of the new version of the Criminal code of Uzbekistan. Specifically, these proposals informed the content of chapter X, article 48(2) and article 49(2) of the General part of the draft code (as confirmed by the Office of the Prosecutor General, protocol No. 27/2-269-24, dated October 12, 2024). The incorporation of these proposals will contribute to the emergence of a justice-oriented approach in the updated draft.

4) The proposals emphasizing that principles in criminal procedural law must constitute fundamental legal norms, and that organizational issues—such as adjudicating criminal cases by a panel or a single judge—should not be considered principles, were also incorporated. These recommendations included: clearly defining the legal status of actors involved in criminal procedure, ensuring compensation for material and moral damages to victims, and establishing specific procedures and deadlines for reviewing complaints against actions and decisions of law enforcement authorities. These were reflected in the drafting of the new version of the Criminal procedure code of Uzbekistan—specifically in chapter 2, article 5(1); chapter 4, articles 37(1) and 41(1); chapter 46, article 350(1); and chapter 54, articles 393(1) and 394(1) (as documented in protocol No. 27/2-270-24 of the Prosecutor General’s Office, dated October 12, 2024). These incorporations will ensure that the new draft Criminal procedure code would promote social justice, procedural efficiency, and functional clarity among responsible actors.

5) The recommendation that independence be guaranteed not only for courts but also for other key actors, especially prosecutors, in criminal proceedings, and that collegial governing bodies, as well as qualification and ethics councils, be introduced within the prosecutorial system, was taken into consideration during the drafting of the new version of the Law “On the Prosecutor’s Office” (Protocol No. 27/2-174-24, dated July 17, 2024, of the Prosecutor General’s Office). The integration of this recommendation into the draft will contribute to strengthening the institutional independence of the prosecution service and enhancing the professional and ethical responsibility of its personnel in the context of national crime control efforts.

Approbation of the research results. The content and scientific results of the dissertation were presented and discussed at two international and two national scientific-practical conferences and roundtable discussions.

Publication of the research results. A total of 18 scholarly works were published as part of the research, including 1 monograph, 1 analytical compilation, and 16 scientific articles, 2 of which appeared in international journals.

Structure and volume of the dissertation. The dissertation consists of an introduction, three chapters (containing ten paragraphs), a conclusion, a list of references, and appendices. The total length of the dissertation manuscript is 156 pages.

MAIN CONTENT OF THE DISSERTATION

The Introduction of the dissertation substantiates the relevance and necessity of the research topic, its alignment with the priority areas of scientific and technological

development in the Republic of Uzbekistan, and examines the degree of scholarly attention previously given to the problem under study. It also explains the research's connection to the scientific research agenda of the higher education institution in which the dissertation was conducted. Additionally, the purpose and objectives, as well as the object and subject of the research, are defined, along with a description of the research methods employed. The introduction also highlights the scientific novelty and practical significance of the study, provides information on the implementation of the research findings in practice, lists the published works, and outlines the structure of the dissertation.

Chapter One of the dissertation is entitled “**Theoretical Foundations of Combating Crime**”. This chapter explores the definition and content of the category of combating crime, examines various criminological approaches to crime control, and analyzes selected models of crime control based on the experience of specific countries.

The **first section** of this chapter, titled “*Definition and Content of the Category of Combating Crime*”, interprets the term as an interdisciplinary category and analyzes a range of scientific definitions that reveal the conceptual essence of combating crime.

As part of this research, the author has developed the following definition of “combating crime” as a *functional system*: “*Combating crime is an uncompromising stance of the state and society against the phenomenon of criminality, carried out in the form of a multi-stage activity aimed at crime prevention and ensuring the inevitability of accountability, implemented through the coordinated efforts of state and non-state organizations, as well as the public.*”

The researcher also scientifically substantiates that the process of combating crime may be conditionally divided into four functional stages:

1. Crime prevention – neutralization of general criminogenic factors;
2. Avoidance of criminal situations – situational crime prevention;
3. Detection and investigation of the crime committed – pre-investigation inquiries and criminal investigation;
4. Elimination of the consequences of the crime and/or administration of justice – including voluntary compensation, judicial proceedings and sentencing, and enforcement of criminal sanctions.

In order to clarify existing ambiguities surrounding the concept of “crime prevention”, the researcher proposes the following comprehensive definition:

“*Crime prevention* is a form of socio-legal activity carried out across all stages of crime control, aimed at preventing crimes and their harmful consequences both in advance and in real time. It encompasses general and special criminological measures implemented by state and non-state organizations and the public, through the mobilization of necessary resources and tools. These measures include the neutralization of general criminogenic factors (crime prevention in the broader sense), the prevention of criminal situations (situational crime prevention), and the prevention of re-offending by ensuring the inevitability of accountability for committed crimes.”

Based on this framework, the researcher argues that crime prevention constitutes an independent and distinct form of combating crime, and must be interpreted in three sequential manifestations:

as a primary form during the stage of crime prevention (criminological prevention);

as a secondary form during the stage of preventing criminal situations (situational prevention); and

as a tertiary (derivative) form during the stages of crime detection and administration of justice.

Accordingly, the researcher draws the following conclusions:

Crime prophylaxis – this represents the initial stage of crime control activities and is aimed at the primary (early) prevention of crimes. It is carried out through a system of general criminological measures that are designed to exert anti-criminogenic influence on the criminogenic factors associated with general or specific categories of crime (including behavioral patterns indicating criminal tendencies or victimological risks). This type of prevention is defined as a broad socio-social activity, regarded as a public responsibility and an integral component of the state’s socio-economic policy. It requires the engagement of all segments, sectors, and institutions of society—particularly the fields of education and upbringing, political education, social sciences and humanities, economics, arts and culture, and journalism.

Situational crime prevention – this is considered a distinct stage of crime control as well as a special form and secondary manifestation of crime prevention. It is focused on creating conditions that prevent specific criminal situations from arising—through targeted interventions in time, space, and opportunity structure.

Ensuring the inevitability of accountability – this is regarded as both a special form of crime control and a tertiary (derivative) form of crime prevention. It is carried out by designated legal authorities empowered to process criminal cases. This stage encompasses the full spectrum of actions from conducting preliminary inquiries into crime reports or notifications, to ensuring the enforcement of judicial decisions. Its function is to maintain the principle of inevitability of punishment, which serves as a deterrent against repeat offenses.

In the **second section** of chapter one, titled “*Analysis of Criminological Approaches to Combating Crime*”, the researcher classifies and analyzes criminological approaches under four main groups:

1. Approaches to the phenomenon of crime – including the consensus theory, conflict theory, and social interactionism theory;
2. Approaches to the causes of crime – including theological, classical and post-classical, positivist, sociological, and radical (critical) schools of thought;
3. Approaches to criminal punishment – primarily retributive and consequentialist models;
4. Approaches to crime prevention – including systemic, special-preventive, situational, victimological, and predictive (prognostic) models.

According to the researcher, an appropriate methodology involves adopting the consensus theory in understanding the nature of crime (where criminal law is viewed as the product of social consensus), relying on the retributive approach in the application of criminal punishment (which has proven effective in certain contexts), and ensuring the assignment of proportionate, fair punishment based on the offender’s culpable

conduct. Moreover, the offender should be held responsible for eliminating the consequences of their actions, such as through restitution or compensation.

The study also emphasizes the importance of analyzing various theories of criminal causation—including the theological, classical and post-classical, positivist (physiological, genetic, psychological), sociological, and radical (critical) schools—as each offers unique perspectives on the factors contributing to crime. Understanding these distinctions is essential for the development of nuanced, targeted crime prevention strategies and programs. Given that each school of thought emerged through sustained observation and has an empirical or conceptual foundation, they should be considered when formulating crime prevention policy, including with respect to specific crime types.

Furthermore, there are several principal approaches to crime prevention—namely, systemic, special-preventive, situational, victimological, and prognostic approaches. The researcher underscores the necessity of utilizing all of these approaches in an integrated and context-specific manner when organizing crime prevention efforts.

In the **third section** of Chapter One, titled “*Models of Combating Crime: Based on the Experience of Selected Countries*”, the dissertation explores the concept of systems and models, the notion of a criminological system in the context of crime control, and examines several existing models of such systems along with their defining characteristics.

The researcher concludes that in order to form a preliminary and foundational understanding of the crime control system developed within a particular country during a specific period, it is appropriate to study crime control systems by categorizing them into broad models such as the Islamic, Anglo-American, Continental, Soviet, and Post-Soviet models, in addition to country-specific national models.

In the dissertation, the following models are examined in detail based on the experience of individual countries:

the Islamic model, including *Shari’a-based norms* and the activities of Qadi (Islamic judge) courts during the medieval period on the territory of present-day Uzbekistan;

the Anglo-American model, as reflected in the practices of the United Kingdom and the United States;

the Continental model, based on the experiences of Switzerland and Japan;

the Post-Soviet model, with a focus on Kazakhstan and China.

These models were analyzed comparatively to identify their distinctive features and systemic components. Based on the findings, the researcher concludes that in the modern world, it is advisable for each state to develop and implement its own context-specific crime control model.

The empirical part of the dissertation is presented in **Chapter Two**, titled “**The state of crime and combating crime in Uzbekistan**”. This chapter analyzes: the characteristics of crime in Uzbekistan, the issues related to improving national legislation on crime control (including the Criminal Code, Criminal Procedure Code, Penal Enforcement Code, and Law on Crime Prevention), and the results of practical activities in combating crime across the country.

In the **first section** of this chapter, titled “*The state and distinctive features of crime in Uzbekistan*”, the researcher analyzes long-term dynamics of crime rates in Uzbekistan over the period from 1960 to 2024, with a focus on identifying longitudinal trends and characteristics.

As is well known, accurate diagnostics of crime play a foundational role in crime control activities. The quality and effectiveness of preventive measures are directly dependent on the extent and depth of analytical research conducted on the nature and scope of crime.

Therefore, based on statistical analyses, the researcher notes that crime trends in Uzbekistan have remained unstable over the past decade. Consequently, the researcher concludes that the organization of crime control efforts must take into account the following characteristics of contemporary criminality:

1. First, approximately one-third of all recorded offenses fall under the category of minor crimes with low social danger, which indicates the need to further develop criminal procedure institutions for pretrial resolution or simplified adjudication procedures for such cases.

2. Second, within the structure of serious and especially serious crimes, the proportion of fraud ($\approx 40\%$), theft ($\approx 16\%$), embezzlement or misappropriation ($\approx 8\%$), and drug-related crimes ($\approx 8\%$) remains high. This underscores the need to conduct deeper criminological studies of the causes behind these offenses and to develop targeted prevention and control programs for these categories.

3. Third, a significant share of crimes against the person consists of offenses against health ($\approx 57\%$) and against the family, youth, and morality ($\approx 21\%$). These figures point to the necessity of introducing effective (compensatory) mechanisms of accountability for such crimes.

4. Fourth, the share of economic crimes (especially theft and fraud) is trending upward toward over 60%, which suggests the need for improved economic crime control mechanisms. Additionally, the relatively high incidence of crimes against public safety and order ($\approx 20\%$) and against administrative governance ($\approx 10\%$) in the overall crime structure calls for the promotion of lawful and disciplined behavior among the population.

Moreover, the sharp increase in cybercrime, which accounted for 44% of all registered crimes in 2024, necessitates the development of specialized information-technology and procedural (rapid electronic) countermeasures, as well as mechanisms for international cooperation in this domain.

The **second section** of Chapter Two, titled “*Issues related to the improvement of national legislation on combating crime (including Criminal, Criminal procedural, Penal enforcement, and Crime Prevention Laws)*”, focuses on analyzing the core legal framework governing crime control in Uzbekistan—namely, the Law on Crime prevention, the Criminal code, Criminal procedure code, and Penal enforcement code. The section evaluates the substantive characteristics of these laws and proposes specific areas for improvement and reform.

During the course of the research, it was identified that the issue of crime prevention in national legislation is regulated in a fragmented manner across various

normative-legal acts, and that there is currently a need for systematization. It was also found that even the Law “On the Prevention of offenses” contains certain inconsistencies and gaps. Specifically, the law provides an inaccurate definition of the term “prevention”, inappropriately including within its scope measures for detecting and eliminating offenses, and fails to adequately regulate the mechanisms for coordinating preventive activities.

Furthermore, the researcher argues that in the context of crime combating, it is more appropriate to use the term “crime prevention” rather than “offense prevention.” This position is substantiated by the following considerations:

First, many administrative offenses are treated as criminal acts under the criminal laws of various countries;

Second, administrative offenses may be viewed as factors contributing to criminality, and therefore, crime prevention in a broader sense encompasses combating administrative offenses as well;

Third, in Uzbekistan, administrative offenses are recorded dozens of times more frequently than crimes, which complicates the task of identifying their criminogenic determinants.

This section also analyzes: the purpose and principles of the current Criminal code; the classification of crimes based on severity; and several key aspects of the institution of punishment.

The research includes a review of amendments and additions made to the Criminal code between 1996 and 2024, identifying a number of conceptual inconsistencies within the legislation.

The dissertation places special emphasis on the idea that fair and coherent criminal legislation is one of the key factors that directly contributes to the effectiveness of crime control efforts. It is argued that the current goals, principles, crime classifications, and sentencing system in criminal law require critical reevaluation and conceptual reform, and several proposals for improving the Criminal code are put forward.

In addition, the study identifies several inconsistencies within the current Criminal procedure code, including: the continued dominance of accusatorial bias in procedural design; the presence of duplication and dualism in certain procedural processes; and a number of legal gaps and complexities that hinder the effective administration of criminal justice.

Based on this analysis, the researcher advances conceptual suggestions for improving the criminal procedure framework.

Regarding penal enforcement legislation, the study reviews and presents critical opinions of international experts on the shortcomings and challenges within Uzbekistan's current system.

The section concludes by stating that prior to any reform of crime control legislation, it is essential to first develop a robust scientific and doctrinal foundation upon which such reforms may be based.

The **third section** of Chapter Two, titled “*Analysis of crime control practices in Uzbekistan*”, provides a systematic examination of practices related to: crime

prevention, the detection and registration of crimes, pretrial criminal proceedings, the administration of justice, and the execution of criminal penalties.

Particular attention is given to the preventive activities of internal affairs bodies, which currently employ more than 10,000 (senior) preventive inspectors across the country. The research establishes that these inspectors carry out a wide range of responsibilities within the crime prevention framework.

An expert survey involving preventive inspectors revealed the following: although 62% of respondents considered criminal-legal measures to be more effective than social-legal measures in combating crime, 43% demonstrated uncertainty in identifying their core responsibilities, providing 19 different interpretations in response, 36% reported frequent reliance on individual preventive measures, and 33% indicated frequent application of special preventive measures targeted at previously convicted individuals, yet many acknowledged difficulties in identifying which measures were actually effective.

According to assessments conducted by the Prosecutor General's Office, preventive and rapid response measures aimed at reducing preventable or detectable crimes have so far failed to yield the desired results.

Statistical data shows that in recent years, the number of crime-related complaints and reports has continued to increase. Compared to the previous year, the number of reports rose by: 87.1% in 2021, 67.5% in 2022, and 64.7% in 2023.

However, the analysis also reveals serious flaws and shortcomings in the procedures for receiving, registering, and processing such complaints and reports.

In the area of pretrial criminal proceedings, the data indicates a sharp rise in case volumes over recent years: the total number of pending criminal cases doubled from 54,350 in 2019 to 110,450 in 2023; the number of completed cases increased 1.9 times, from 38,724 to 75,232; suspended cases rose 3.2 times, from 4,478 to 14,171; the number of cases remaining unresolved at year-end increased 1.6 times, from 4,079 to 6,478.

In expert surveys involving investigators: 31% recommended reducing oversight mechanisms in order to strengthen investigators' independence; 87% supported the idea that investigations should be conducted by a team (including assistant investigators, operational officers, criminalists, forensic experts, and IT specialists), not by a sole investigator; 64% favored maintaining the status of "suspect" throughout the pretrial process; 71% supported the introduction of covert investigative procedures into the criminal justice system.

This section also analyzes judicial practice, identifying several systemic issues within the court system. Among the most pressing challenges, the excessive workload of judges is highlighted as one of the most serious problems.

Indeed, in 2022 alone, a first-instance criminal court judge handled an average of 181 cases per month. According to an analysis of the period 2018–2023, approximately 30.1% of first-instance criminal cases were reviewed on appeal or cassation, with around 8.8% of verdicts being reversed, and 19% being amended—resulting in nearly 28% of judgments being altered or annulled.

In approximately 48% of these cases, verdicts were reversed or changed due to unjust sentencing, while in 32% of cases, the primary reason was incorrect legal qualification of the offense.

An expert survey conducted among judges revealed the following: 13% supported the idea of removing judges from the list of parties responsible for proving guilt; 39% approved the proposal to retain the status of “suspect” throughout the pretrial process; 51% favored the introduction of covert investigative procedures into the criminal process; 69% supported the introduction of a pretrial resolution mechanism for minor or less serious offenses where harm had been compensated or reconciliation achieved, particularly in light of excessive judicial workloads; 29% pointed out that evidence collection and documentation by investigative bodies often contained procedural flaws; 37% emphasized the need to reassess the effectiveness and mechanisms of the punishment of restriction of liberty, and 26% suggested reconsidering the sanction of compulsory community service.

The section concludes with an analysis of penal enforcement practices in correctional institutions. The data show that repeats offenses by inmates in these facilities numbered: 22 cases in 2021, 124 cases in 2022, and 115 cases in 2023, which suggests that the penitentiary system lacks a targeted, individualized, and systematic approach to crime prevention.

Similar negative trends were observed among individuals serving sentences under probation supervision: in 2021, 293 probationers committed 285 new crimes; in 2022, 845 probationers committed 844 new crimes; in 2023, 601 probationers committed 601 new crimes.

Based on this evidence, the researcher concludes that the processes of social reintegration and moral rehabilitation of offenders are not being adequately organized.

Chapter Three of the dissertation is titled “**Issues in the formation of a national model for combating crime**”. This chapter examines the development of the crime control system in Uzbekistan, explores the proposed model for improving the national system, and presents the conceptual framework, core directions, and structural components of the model.

The **first section**, titled “*Development of the combating crime system in Uzbekistan*”, analyzes the historical evolution of the system from independence to the present, based on legal reforms, and conditionally divides it into four distinct phases:

Phase One (1992–1999): Establishing the legal foundation of the crime control system. This period is characterized by the creation of the legal infrastructure for crime control, marked by the adoption of foundational documents such as: The Constitution of the Republic of Uzbekistan, the Criminal code, the Criminal procedure code, the Penal enforcement code, the Laws “On the Prosecutor’s office,” “On the Courts,” and the Laws “On the Bar” and “On Guarantees of advocacy and the social protection of lawyers.”

Phase Two (2000–2009): Emphasis on Humanism and Liberalization of criminal legislation. This phase emphasized human rights values and the liberalization of criminal law. Key legislative acts during this period include: The Law “On Combating Terrorism” (2000), the Law introducing amendments to the Criminal, Criminal

Procedure, and Administrative liability codes in connection with the liberalization of criminal penalties (2001), the Law “On Combating Human Trafficking” (2008), the Law amending article 49 of the Criminal procedure code (2008), and the Presidential Decree “On Abolishing the Death Penalty in the Republic of Uzbekistan” (2005).

Phase Three (2010–2016): Addressing Gaps and Expanding Legal Bases for Specific Activities. This stage focused on filling legal gaps and developing regulatory frameworks for particular crime control functions. Key legislative developments include: The Law “On the Prevention of neglect and juvenile delinquency” (2010), the Law “On Custody during criminal proceedings” (2011), the Law “On Operative-Search Activities” (2012), the Law “On the Prevention of offenses” (2014), the Law “On Internal affairs bodies” (2016), and the Law “On Combating corruption” (2017).

Phase Four (2017–2024): Critical review, legislative reform, and increased effectiveness. This recent phase is marked by critical reassessment of the existing crime control system, efforts to improve legislation, and strategies to enhance the effectiveness of practical enforcement. During this period, nearly 20 major subordinate legal acts were adopted, including Presidential decrees and resolutions directly aimed at reforming the crime control sector.

At the same time, the current system of combating crime in Uzbekistan still retains certain features characteristic of the post-Soviet model, which, as argued in the dissertation, should be gradually phased out.

The second section of Chapter Three, titled “*The Content of the proposed model for improving the national system*”, explores the importance of developing a national model and offers a detailed explanation of its key structural elements. These elements include the object and subject of activity, its purpose, principles, directions, methods and tools, mechanisms of implementation, and evaluation criteria.

In this regard, the researcher defines the concept of a “national system for combating crime” as the legislatively regulated and coordinated set of processes within a particular state (or in territories directly connected with it), which are aimed at organizing and carrying out crime control activities based on the characteristics of crime in that society and the socio-economic and politico-legal factors influencing it, within a scientifically grounded and systematized doctrinal framework (i.e., the *doctrine of crime control*).

The author emphasizes that the formation of a national crime control model is of strategic importance for every state and society. However, the experience of one country cannot be simply replicated in another due to differing social realities and crime patterns.

In shaping the national model, it is essential to conduct a comprehensive analysis of: the nature of crime in the society, the social and economic factors influencing it, and the available means and tools, including scientific and practical research, the legal framework, the capacity and qualifications of human resources, the state of material and non-material infrastructure, and the effectiveness of current crime control practices.

The third section of Chapter Three, titled “*The Conceptual framework of the main directions and structural components of the national model*”, presents the

organizational components of the proposed national criminological model developed by the researcher.

The author formulates the core (organizational) components of the national crime control model as follows: moral-educational component, economic component, social component, political-ideological component, civil-legal component, administrative-legal component, preventive-legal component, criminal-legal component, criminal-procedure component, operative-investigative component, penal enforcement component, management component.

These components are then categorized into three major functional domains: components 1 to 5 represent the socio-legal direction of crime combating; components 6 to 11 represent the criminal-legal direction; component 12 reflects the organizational and administrative direction.

Each component is argued to play a direct and essential role in ensuring the effectiveness of specific processes within the overall activity of combating crime.

CONCLUSION

Based on the results of the conducted scientific research, the following conclusions, proposals, and recommendations are advanced regarding the development of a national model for combating crime in the country.

I. Scientific and theoretical conclusions and recommendations on combating crime:

1. Combating crime should be interpreted in two distinct aspects: a) as a criminological system consisting of three major components—scientific-theoretical foundations (doctrine), legislation, and practical activity; b) as a functional system implemented by state and non-state organizations, as well as the public, in the form of preventing crime and ensuring the inevitability of liability, and encompassing stages such as crime prevention, avoidance of criminal situations, detection of committed crimes, elimination of the consequences of crime, and/or ensuring justice.

2. Scientific approaches play an essential role in combating crime. It is recommended to rely on clear theoretical perspectives—such as the consensus approach to crime and the retributive approach to punishment—and to apply various approaches to the causes of crime and crime prevention as appropriate, taking them into account in the development of crime-prevention strategies and programs.

3. The national model of the system for combating crime represents a description of the system formed, or to be formed, within a state during a specific period, reflecting the core components characteristic of this system and the interrelations among them.

4. Based on comparative-criminological analyses, systems for combating crime may be studied by distinguishing Islamic, Anglo-American, Continental, Soviet, post-Soviet models, as well as individual national models. In the modern world, it is

advisable for states to develop and adopt their own unique national models for combating crime.

5. “Crime prevention” is an independent form of combating crime. It is proposed to interpret it in three forms: as primary prevention at the stage of crime prophylaxis; as secondary prevention at the stage of avoiding criminal situations; and as tertiary (derivative) prevention at the stage of detecting committed crimes and eliminating consequences and/or ensuring justice.

6. Crime prophylaxis constitutes the initial stage of crime-control activity aimed at the primary (early) prevention of crime. It encompasses criminological measures expressed in the anti-criminogenic influence exerted on general criminogenic factors of crime (as well as the formation of criminal or victimological behavior) within certain groups or the population as a whole. Crime prophylaxis is a task of society as a whole and requires the mobilization of education, political-ideological, socio-humanitarian, economic, art and cultural sectors, as well as the mass media and journalism.

7. Situational crime prevention (avoidance of criminal situations) is a specific stage of crime-control activity, characterized by the implementation of comprehensive measures aimed at eliminating the conditions and circumstances that enable the commission of a crime.

8. Ensuring the inevitability of liability is the classical form of combating crime and serves to prevent recidivism by the same individual or others. It is characterized by the involvement of specialized entities authorized to conduct criminal proceedings and is reflected in the processes of detecting the committed crime, eliminating its consequences, and ensuring justice.

II. Conceptual proposals and recommendations for improving legislation related to combating crime:

1. The “Doctrine of Combating Crime of the Republic of Uzbekistan,” which should serve as the legal foundation for reforms, national concepts, and legislation in the field of crime control and ensure the stability and effectiveness of practice, must be developed by the academic community.

Regarding crime-prevention legislation:

2. To ensure the systemic and rational organization of crime-prevention activities and to consolidate legislative provisions in a unified framework, it is advisable to develop and implement the “Crime Prevention Code of the Republic of Uzbekistan.”

Regarding criminal legislation:

3. Align the purpose of criminal legislation with ensuring social justice, and based on this, reflect in the Criminal Code only those principles that are specific to criminal law.

4. Critically reassess the current practice of classifying crimes according to the type of punishment imposed (e.g., imprisonment). Instead, develop a methodology for classifying crimes based on the extent of harm caused, i.e., the degree of socially dangerous consequences.

5. Rely on the principle of “inevitability of liability” in criminal legislation, and, taking into account the experience of advanced foreign states, abandon the institution of “exemption from criminal liability” in substantive law. With respect to crimes whose consequences have already been remedied, develop procedural mechanisms for terminating criminal proceedings or transferring them to a simplified procedure.

6. Ensure that punishments are fair—that is, directed at remedying the consequences of crime—and that economic sanctions constitute the primary form of punishment, including the introduction of compensation-based fines (and their alternatives) as a specific form of restitution.

7. Develop a legal mechanism for terminating a criminal case as an incentive measure when the aims of criminal punishment have been achieved prior to its application (i.e., when the consequences of the crime have been voluntarily remedied or compensated).

8. Abandon the practice of describing offenses in the Special Part of the Criminal Code based on the subjective or objective characteristics of the offender or on circumstances aggravating or mitigating punishment. Instead, systematize offenses strictly according to the object of infringement and optimize offense categories.

Regarding criminal-procedural legislation:

9. Define the purpose of criminal-procedural legislation as “establishing the truth and detecting the crime, and ensuring the impartial and just conduct of criminal proceedings.”

10. Revise the system of principles governing criminal procedure and incorporate principles that ensure impartiality and justice in criminal proceedings (e.g., intolerance of crime and ensuring the inevitability of liability; professionalism and integrity of officials responsible for criminal proceedings; independence of the criminal justice system and prohibition of interference; substantiation of charges with sufficient and verified evidence; ensuring compensation for harm to legally protected social interests; ensuring reasonable time limits and preventing delays in justice).

11. To fully implement the constitutional presumption of innocence in practice, ensure that a person involved as a suspect remains in this procedural status until a conviction enters into force, and that “detention,” rather than “arrest,” is applied as a preventive measure.

12. Clearly delimit the functions of each entity involved in criminal proceedings in accordance with the objectives of justice, preventing duplication and contradictions (e.g., the investigator—establishing the truth and collecting and securing evidence that reveals the crime; the prosecutor—evaluating the collected evidence and, if sufficient and reliable, drafting the indictment and forwarding the case to court; the judge—conducting the trial based on the indictment and rendering a fair decision).

13. Clarify the concept of “evidence” (as well as “testimony”) in the Criminal Procedure Code, establish the procedure for securing evidence and the criteria for its sufficiency, and optimize evidentiary processes (e.g., evidence is factual information

verified for authenticity that confirms or refutes the occurrence of a criminal event or the guilt or innocence of a particular person; types of evidence include testimony, digital evidence, physical evidence, and documentary evidence; proof in criminal proceedings encompasses obtaining and recording information of evidentiary significance, recognizing and securing this information as evidence; and at least two direct pieces of evidence and two indirect pieces corroborating each direct evidence must be present to establish guilt).

14. Ensure the independence, specialization, and professionalization of investigative activity; create effective conditions for using forensic services, laboratories, and other necessary resources; and introduce covert investigative actions into the system of procedural measures.

15. Simplify the stages of judicial review to eliminate unnecessary procedural burdens, retaining the two-tier system (appeal and cassation) that has proven effective in international practice, and establish mechanisms ensuring the impartiality of higher-instance judicial panels (including protection from internal administrative influence within the judiciary).

III. Organizational proposals and recommendations for forming a national model of combating crime:

1. It is recognized that characteristics of the post-Soviet model currently present in the system of combating crime must be completely eliminated.

2. Elements such as “the object, subject, purpose, principles, directions, methods and tools, mechanisms, and evaluation criteria of crime-control activity” constitute the essential components of the national system for combating crime, and it is important to provide their accurate scholarly interpretation.

3. It is advisable to designate “situational crime prevention” as a key functional direction of internal affairs bodies and to develop situational centers and rapid-patrol units at territorial levels.

Moral education, economic, social, political-ideological, civil-legal, administrative-legal, preventive-legal, criminal-legal, criminal-procedural, operational-search, penal-execution, and managerial components should be recognized as the primary elements of the national model for combating crime. The national character of the model is reflected in the consideration of the specific features of crime in Uzbekistan (as well as the socio-economic factors influencing it), the content of legislation, and the outcomes of practical activity. Among these components, priority should be given to the moral-education component.

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КРИМИНОЛОГИИ РЕСПУБЛИКИ УЗБЕКИСТАН**

**ПРАВООХРАНИТЕЛЬНАЯ АКАДЕМИЯ
РЕСПУБЛИКИ УЗБЕКИСТАН**

ТАИРОВА ГУЛМИРА МУРОДЖОНОВНА

**ОСНОВЫ ФОРМИРОВАНИЯ НАЦИОНАЛЬНОЙ МОДЕЛИ
ПРОТИВОДЕЙСТВИЯ ПРЕСТУПНОСТИ**

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диссертации доктора философии (PhD) по юридическим наукам

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Введение (аннотация диссертации доктора философии (PhD))

Актуальность и необходимость темы исследования. Актуальность и необходимость темы диссертации. Во все времена преступность рассматривалась как негативное явление, угрожающее благополучию человечества, и борьба с ней являлась одной из приоритетных и актуальных задач государств. Составляются мировые рейтинги стран и городов с высоким уровнем преступности, в которых отражаются ситуации в десятках государств, где даже экстремальным туристам рекомендуется не посещать территории, где ежедневно происходят похищения, убийства, изнасилования, сексуальная эксплуатация, где большая часть населения живёт на грани нищеты, где дети вместо игрушек держат в руках оружие, гранаты или бомбы, и где для женщин, а в некоторых государствах — и для мужчин, уровень опасности особенно высок. Всё это усиливает практическую значимость исследования. В наши дни массовый характер преступности во многих государствах и тенденция её роста, а также активизация сложных форм преступности в условиях глобализации, цифровизации и социальной сетевой интеграции — таких как кибертерроризм, кибербуллинг, кибермошенничество — порождают необходимость разработки оптимальных подходов и современных инновационных методов и средств борьбы с преступностью.

В то же время исследования, направленные на теоретически обоснованные решения проблем применения специфических моделей противодействия преступности, на целенаправленный, системный и комплексный подход к проблеме с учётом местных факторов и внедрение новых методов работы, приобретают особую значимость. При этом учитывается, что борьба с преступностью представляет собой сложную социальную деятельность, изменяющуюся под влиянием политико-правовых, социально-экономических и социально-психологических процессов, и её исследование в рамках системного подхода с применением когнитивных (научных) методов моделирования признаётся перспективным и способствующим повышению эффективности этой деятельности. Не случайно в ряде стран для противодействия преступности применяются различные социо-правовые и криминологические модели — англо-американская, западноевропейская (континентальная), азиатско-тихоокеанская, социалистическая, российская, мусульманская и смешанные модели.

Несмотря на проводимые в нашей стране в последние годы активные реформы в сфере борьбы с преступностью, лишь за 2024 год число зарегистрированных преступлений увеличилось по сравнению с 2023 годом с 104 096 до 132 298 — на 27 %, а на 100 000 населения — с 283 до 352 — на 24 %. В частности, в 2024 году на «профилактически предотвращаемые» преступления приходилось 45 545 (34 %), на «раскрываемые» преступления — 27 953 (21 %), тогда как 58 800 преступлений (45 %) совершены с использованием информационно-технических средств. По итогам 2024 года Узбекистан в международных рейтингах получил индекс преступности 30,5*, а по индексу верховенства закона, сформированному организацией World Justice Project, — 0,49, что нельзя считать положительным показателем (в частности, по субфактору

«независимость системы правосудия от незаконного влияния со стороны правительства» — 0,19; по субфактору «беспристрастность» — 0,34; по показателю соблюдения прав обвиняемого и процессуальных норм — 0,40 — показатели достаточно низкие). Поэтому Президент Ш. Мирзиёев в 2024 году в поздравлении сотрудникам и ветеранам органов внутренних дел особо отметил необходимость применения эффективных механизмов в борьбе с преступностью, проведения адресной работы по обузданию преступности на основе научных подходов, повышения качества расследований для формирования у населения твёрдой уверенности в справедливости в этой сфере. Роль «научного подхода» как важного фактора борьбы с преступностью также была отмечена представителями научного сообщества.

Данное диссертационное исследование служит реализации задач, указанных в ряде нормативно-правовых актов, в том числе указах и постановлениях Президента Республики Узбекистан: «О мерах по выведению деятельности органов внутренних дел в новое качественное состояние по обеспечению общественной безопасности и борьбе с преступностью» (2021), «Об утверждении Концепции обеспечения общественной безопасности Республики Узбекистан и мерах по её реализации» (2021), Указе «О Стратегии «Узбекистан — 2030» (2023), а также постановлении ПП-№1 (2025) «О мерах по дальнейшему повышению эффективности системы создания безопасной среды в населённых пунктах и оперативного предупреждения правонарушений в 2025 году», и другим нормативным документам.

Соответствие исследования приоритетным направлениям развития науки и технологий республики. Диссертационная работа соответствует приоритетному направлению развития науки и технологий Республики по теме «Формирование системы инновационных идей и путей их реализации в информационном обществе и демократическом государстве в целях социального, правового, экономического, культурного и духовно-просветительского развития».

Цель исследования — разработка предложений и рекомендаций, направленных на формирование систематизированной национальной модели борьбы с преступностью в нашей стране, основанной на критериях социальной справедливости, включая разработку основных (организационных) компонентов этой национальной модели.

Задачи исследования:

уточнение научного понимания категории «противодействие преступности» и раскрытие её содержания;

анализ криминологических подходов к борьбе с преступностью;

изучение моделей борьбы с преступностью на примере отдельных государств;

исследование состояния преступности в Узбекистане и выявление её специфики;

разработка предложений и рекомендаций по совершенствованию национального законодательства, регулирующего борьбу с преступностью (уголовного, уголовно-процессуального, исполнения наказаний и профилактики);

системный анализ практики противодействия преступности в Узбекистане;
исследование развития системы борьбы с преступностью в стране;
раскрытие содержания предлагаемой модели для совершенствования национальной системы;

определение основных направлений и структурных компонентов национальной модели и разработка её концепции.

Объект исследования — общественно-правовые отношения, связанные с формированием национальной модели борьбы с преступностью.

Предмет исследования — теоретические подходы к противодействию преступности, научные публикации, нормативно-правовые акты и практика их применения, количественные и качественные показатели преступности, а также криминологические модели отдельных государств.

Научная новизна исследования выражается в следующем:

обосновано, что разработанные в диссертации предложения и рекомендации, содержащиеся в «Концепции основных (организационных) компонентов модели национальной криминологической системы борьбы с преступностью», имеют важное значение для внесения изменений и дополнений в Уголовный кодекс, формирования национальной модели борьбы с преступностью и определения направлений и целей дальнейших исследований в этой области;

обоснована необходимость выделения ситуационного предотвращения преступлений (предотвращения криминогенных ситуаций) как самостоятельной стадии борьбы с преступностью и признания её важным направлением деятельности органов внутренних дел;

обоснована потребность в чётком закреплении в уголовном законодательстве положения о том, что «основная цель уголовного наказания – обеспечение социальной справедливости», и в пересмотре системы уголовных наказаний с исключением морально устаревших видов наказаний, таких как «исправительные работы», и введением новых видов наказаний, например, «удержание из заработной платы»;

обоснована необходимость признания в уголовно-процессуальном законодательстве принципов как правил фундаментального значения, исключения из числа принципов организационных вопросов (например, рассмотрение уголовных дел коллегиально или единолично), чёткого определения правового статуса субъектов, ответственных за уголовный процесс, обеспечения возмещения материального и морального вреда потерпевшим, установления порядка и сроков рассмотрения жалоб на действия и решения государственных органов и должностных лиц, ведущих уголовные дела;

обоснована важность обеспечения независимости в уголовном судопроизводстве не только суда, но и других ответственных субъектов, включая прокурора, а также целесообразность внедрения в органах прокуратуры коллегиальных органов управления и квалификационно-этических советов.

Внедрение результатов исследования. Научные результаты исследования нашли отражение в следующих документах:

«Концепция основных (организационных) компонентов модели национальной криминологической системы борьбы с преступностью» признана и поддержана в качестве научной идеи Институтом криминологических исследований Республики Узбекистан (письмо № 40/653 от 20 ноября 2024 г.) и Институтом парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан (письмо № 3/dn-142 от 8 июля 2025 г.), и указано, что она будет учитываться при совершенствовании уголовного законодательства и внесении изменений и дополнений в Уголовный кодекс;

научные взгляды на концепцию ситуационного предотвращения преступлений, методы и средства предотвращения криминогенных ситуаций нашли отражение в параграфе учебника «Криминология», подготовленного в Академии правоохранительных органов, и были внедрены в учебный процесс (акт Академии правоохранительных органов Республики Узбекистан № 30/23-416/25 от 7 ноября 2025 г.). Это способствует повышению уровня профессиональной подготовки специалистов в данной области;

предложения о чётком закреплении в уголовном законодательстве положения о том, что «основная цель уголовного наказания — обеспечение социальной справедливости», о пересмотре системы наказаний с исключением морально устаревших видов наказаний, таких как «исправительные работы», и введении новых видов наказаний, например «удержание из заработной платы», были учтены при формировании статей 48(2) и 49(2) главы X проекта новой редакции Уголовного кодекса (Общая часть) Республики Узбекистан (акт Генеральной прокуратуры № 27/2-269-24 от 12 октября 2024 г.). Учёт этих предложений способствует появлению в проекте новой редакции Уголовного кодекса подходов, основанных на принципах социальной справедливости;

предложения о признании принципов фундаментально важными правилами уголовно-процессуального законодательства и исключении из числа принципов организационных вопросов (например, рассмотрение уголовных дел коллегиально или единолично), о чётком определении правового статуса субъектов, ответственных за уголовный процесс, об обеспечении возмещения материального и морального вреда потерпевшим, а также о регулировании порядка и сроков рассмотрения жалоб на действия и решения государственных органов и должностных лиц, ведущих уголовные дела, были учтены при формировании отдельных положений проекта новой редакции Уголовно-процессуального кодекса (глава 2, ст. 5(1); глава 4, ст. 37(1); глава 4, ст. 41(1); глава 46, ст. 350(1); глава 54, ст. 393(1) и ст. 394(1)) (акт Генеральной прокуратуры № 27/2-270-24 от 12 октября 2024 г.). Учёт этих предложений способствует ориентированию уголовно-процессуальных процедур на обеспечение социальной справедливости, их оптимизации и повышению функциональной эффективности субъектов, ответственных за ведение уголовных дел;

предложения о важности обеспечения независимости в уголовном судопроизводстве не только суда, но и других ответственных субъектов, включая прокурора, и о создании в органах прокуратуры коллегиальных органов управления, а также квалификационных и этических советов были использованы

при разработке проекта новой редакции Закона Республики Узбекистан «О прокуратуре» (акт Генеральной прокуратуры № 27/2-174-24 от 17 июля 2024 г.). Учетывание этих предложений способствует обеспечению независимости прокуратуры как одного из субъектов, ответственных за борьбу с преступностью, и повышению профессиональной и этической ответственности работников прокуратуры.

Публикация результатов исследования. В рамках исследования опубликовано 18 научных работ, включая 1 научную монографию, 1 аналитический сборник и 16 научных статей (из них 2 — в зарубежных изданиях).

Структура и объём диссертации. Диссертация состоит из введения, трёх глав (десяти параграфов), заключения, списка использованных источников и приложений. Общий объём текста диссертации составляет 156 страниц.

E'LON QILINGAN ISHLAR RO'YXATI
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I- bo'lim (I part; I часть)

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2. Tairova G.M. Jinoyatchilikni ommaviy axborot vositalarida yoritilishining ayrim masalalari // O'zbekiston milliy axborot agentligi Ilm-fan bo'limi (elektron jurnal). №6, 2021 y. 108-120 b.
3. Tairova G.M. Jinoyat sodir etilishining sabablariga doir klassik va postklassik yo'nalishdagi nazariyalar // O'zbekiston milliy axborot agentligi Ilm-fan bo'limi (elektron jurnal). №9, 2023 y. 62-66 b.
4. Tairova G.M. Jinoyatchilikka qarshi kurashishning sof islom modeli // “Huquqiy tadqiqotlar” ilmiy elektron jurnali. №10, 2023 y. 100-108 b.
5. Tairova G.M. Jinoyatchilikka qarshi kurashishning Shvetsariyacha usuli // “Odillik mezoni” jurnali. №10, 2023 y. 15-17 b.
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<https://doi.org/10.24412/2181-7294-2023-3-125-129>
9. Tairova G.M. “Jinoyatchilikka qarshi kurashishning Buyuk Britaniya modeliga xos xususiyatlar” // TDYuU “Yurisprudensiya” huquqiy ilmiyamaliy jurnali. №5, 2023 y. 82-88 b. Doi.
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10. Tairova G.M. “Jinoyatchilikni oldini olish” va “jinoyatchilikni profilaktika qilish” tushunchalarining o'zaro farqli jihatlarini // IIV Akademiyasi “Huquqiy olam” jurnali. №4, 2023 y. 119-123 b.
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12. Tairova G.M. Adolat prizmasi ostida jinoyat-protsessual qonunchiligining tahlili // Jamiyat va innovatsiyalar ilmiy elektron jurnali. №2-maxsus son, 2024 y. DOI:
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16. Tairova G.M. The category and mechanism of combating crime / Huquqni muhofaza qilish akademiyasi. “Yuridik fan va huquqni qo‘llash amaliyotining dolzarb masalalari” mavzusidagi respublika ilmiy-amaliy konfrensiya materiallari to‘plami // Mas'ul muharrirlar yu.f.d., prof. M.M.Mamasiddiqov, yu.f.f.d., dots. Sh.I.Shayzakov. – T. 2024 y. 342-348 b.

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Avtoreferat “O‘zbekiston Respublikasi Huquqni muhofaza qilish akademiyasi axborotnomasi” jurnali tahririyatida tahrirdan o‘tkazilib, o‘zbek, ingliz va rus tillaridagi matnlar o‘zaro muvofiqlashtirildi.

Bosishga ruxsat etildi: 06.01.2026-yil.
Bichimi 60x84 ¹/₁₆, “Times New Roman”
garniturada raqamli bosma usulida bosildi.
Shartli bosma tabog‘i 3,4. Adadi 90 ta. Buyurtma №16

“COLOR STAGE” nashriyoti bosmaxonasida chop etildi.
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