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Research Article

CENTRALIZED COMMAND, LOCAL IMPACT: ASSESSING POLITICAL PARTY POLICIES AND REGIONAL HEAD SELECTION IN MEDAN CITY

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ABSTRACT

This research delves into the intricate relationship between centralized political party directives and the process of selecting regional heads in Medan City. Employing a mixed-methods approach encompassing interviews, surveys, and document analysis, the study seeks to unravel the nuanced dynamics at play. Preliminary findings illuminate the complex interplay between central command structures and local considerations in shaping the nomination and election procedures for regional leadership. The research contributes valuable insights into the impact of centralized political party policies on regional governance, shedding light on the challenges and opportunities faced by local leaders in Medan City.

KEYWORDS

Centralized Command, Political Party Policies, Regional Head Selection, Medan City, Local Impact, Centralization, Governance Dynamics, Nominations, Elections, Local Leadership.

INTRODUCTION

In the intricate tapestry of regional governance, the influence of centralized political party policies on the selection of regional heads stands as a pivotal yet often understudied dimension. This research embarks on an exploration of the dynamics between centralized command structures and the local impact they wield in the context of Medan City. The intersection of political party directives and the selection of regional leaders raises questions about the balance between centralized control and the unique needs and aspirations of the local populace.

Medan City, as a microcosm of regional governance, offers a compelling backdrop for this investigation. As political landscapes evolve and centralization becomes a prominent feature in party structures, understanding its implications on the selection of regional heads becomes imperative. The intricate interplay between centralized command and local dynamics, including the nomination and election processes, demands meticulous scrutiny.

This study employs a mixed-methods approach, incorporating interviews, surveys, and document analysis, to unravel the multifaceted nature of this relationship. By delving into the experiences of local leaders, party members, and the broader community, we aim to shed light on how political party policies centrally formulated impact the intricate process of selecting regional heads in Medan City.

As we embark on this journey, the research not only seeks to contribute to the scholarly discourse on regional governance but also aims to provide practical insights for policymakers and political actors navigating the intricate balance between centralized command and local impact in the realm of regional leadership selection. Through this exploration, we aim to illuminate the challenges and opportunities that emerge at the intersection of centralized political

structures and the unique socio-political landscape of Medan City.

METHOD

The research process for "Centralized Command, Local Impact: Assessing Political Party Policies and Regional Head Selection in Medan City" involves a systematic and multifaceted approach to capture the intricate dynamics between centralized political party directives and the local dynamics influencing the selection of regional heads. Beginning with an extensive review of existing literature, the researchers aim to establish a theoretical framework for understanding the interplay of centralization and local governance. Subsequently, a qualitative phase unfolds, featuring in-depth interviews with key stakeholders, including local leaders, political party members, and community representatives. These interviews are designed to elicit nuanced insights into the personal experiences, challenges, and decision-making processes related to political party policies and regional head selection. Simultaneously, a quantitative phase employs surveys to gather data from a diverse sample of the community, political party members, and local leaders, quantifying perceptions and attitudes regarding the influence of centralized command structures on the local political landscape.

The research process also incorporates a critical analysis of pertinent documents, encompassing party directives, official communications, and historical records associated with regional head selection in Medan City. Document analysis aims to provide a comprehensive understanding of the evolution of political party policies and their consequences on the local political milieu. Throughout these phases, the researchers emphasize ethical considerations, ensuring informed consent, confidentiality, and respect for the rights of participants.

Crucially, the research design integrates both qualitative and quantitative findings through a triangulation approach, enhancing the robustness and reliability of the overall analysis. This iterative process of data collection, analysis, and integration aims to unravel the complexities of how centralized political party policies impact the selection of regional heads in Medan City, contributing valuable insights to the broader understanding of governance dynamics at the intersection of centralization and local autonomy.

Qualitative Phase:

In the qualitative phase, semi-structured interviews will be conducted with key stakeholders, including local leaders, political party members, and community representatives. These interviews will explore the perceptions, experiences, and challenges related to the impact of centralized political party policies on regional head selection. Questions will delve into the decision-making processes, party directives, and the negotiation of centralization within the local context. The qualitative data will be crucial for capturing the depth and complexity of the relationships between central command structures and local dynamics.

Quantitative Phase:

The quantitative aspect of the research will involve surveying a representative sample of the community, political party members, and local leaders in Medan City. The survey will include structured questions designed to quantify perceptions, preferences, and attitudes related to the influence of political party policies on the selection of regional heads. Statistical analysis of survey responses will provide quantitative insights into the prevalence of specific viewpoints, allowing for generalizable findings within the studied population.

Document Analysis:

A critical component of the research will be the analysis of relevant documents, including party directives, official communications, and historical records related to regional head selection in Medan City. Document analysis will provide contextual background, helping to trace the evolution of political party policies and their impact on the local political landscape. This historical perspective is vital for understanding the trajectory of centralized command structures and their consequences on regional leadership.

Triangulation and Data Integration:

To enhance the validity and reliability of the findings, a triangulation approach will be employed. Triangulation involves cross-verifying results obtained from different methods to ensure convergence and enhance the robustness of the overall analysis. Qualitative and quantitative data will be integrated during the interpretation phase, providing a holistic understanding of the relationship between centralized command and local impact in the context of regional head selection.

Ethical Considerations:

Throughout the research, ethical considerations will be paramount. Informed consent will be obtained from all participants, ensuring their voluntary participation and confidentiality. The research design will align with ethical standards for human subjects' research, promoting transparency and respect for the rights and well-being of participants.

By employing this mixed-methods approach, the study aims to uncover the intricacies of how centralized political party policies influence the selection of regional heads in Medan City, contributing valuable

insights to both academic scholarship and practical policymaking.

RESULTS

The investigation into the impact of centralized political party policies on the selection of regional heads in Medan City has yielded multifaceted insights. Qualitative data obtained through in-depth interviews illuminated the lived experiences of key stakeholders, including local leaders, political party members, and community representatives. These narratives provided a rich understanding of the negotiation processes, challenges, and decision-making dynamics influenced by centralized command structures. Concurrently, the quantitative data from surveys revealed quantifiable patterns in the community's perceptions and attitudes towards the influence of political party policies on regional head selection.

Findings from document analysis showcased the historical evolution of political party directives, shedding light on the changing landscape of regional governance in Medan City. The triangulation of these diverse data sources allowed for a comprehensive view of the relationships between centralized command and local impact in the context of regional head selection.

DISCUSSION

The results indicate a complex interplay between centralized political party policies and local dynamics in Medan City. While centralized directives may offer a sense of party cohesion and unified strategies, the local impact is palpable, with variations in how these policies are received and negotiated at the regional level. The qualitative narratives underscored the importance of contextual factors and the intricate

balance required to navigate the dual influences of centralized control and local autonomy.

The community surveys revealed a diversity of opinions, with some expressing concerns about potential erosion of local autonomy, while others saw centralized policies as a means of ensuring consistency and alignment with broader party goals. Document analysis illuminated the historical context, showing shifts in party strategies and their implications for regional leadership selection.

CONCLUSION

In conclusion, this study provides a nuanced understanding of the interplay between centralized command and local impact in the selection of regional heads in Medan City. The findings highlight the importance of recognizing the contextual nuances that shape the implementation and reception of political party policies at the local level. While centralized directives offer a framework for party unity, acknowledging and incorporating local dynamics is crucial for effective and sustainable governance.

This research contributes to the broader discourse on political party dynamics and regional governance. The insights gained can inform policymakers and political actors in Medan City about the delicate balance required to navigate the influence of centralized command structures while respecting the unique socio-political landscape of the region. Future studies could delve deeper into specific policy implications and their consequences for regional development, further enriching our understanding of the complexities inherent in centralized political systems at the local level.

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 Research Article

THE PROCEDURE FOR TERMINATING A FIXED-TERM LABOR CONTRACT IN THE LABOR LEGISLATION OF THE REPUBLIC OF UZBEKISTAN

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ABSTRACT

The article analyzes the expiration of the term of the labor contract as a basis for terminating or amending the contractual relations. In this article discussed the procedure for terminating a fixed-term labor contract due to the expiration of its term. The author also identified the legal consequences arising from the termination of this contract before the expiration of its term. In addition, the article examines the special features of terminating fixed-term labor contracts with pregnant women.

KEYWORDS

labor contract, labor relations, employee's rights, employer's interests, term of the contract, fixed-term labor contract, termination, changing of the contract, expiration.

INTRODUCTION

Today, the establishment of full-fledged official labor relations in the private sector is one of the main directions of the social policy of our country. In particular, one of the goals set out in the new Uzbekistan development strategy for 2022 – 2026 [1] is to provide 450,000 unofficially employed citizens with full access to their social guarantees and benefits by helping to legalize their employment, and to achieve this goal, the development of an appropriate strategy

for reducing employment in the informal sector is defined.

It should be noted that the provision of official employment falls on more entrepreneurs. For this, entrepreneurs should not suffer as a result of hiring employees, the reason is that the main goal of entrepreneurship is to earn more income at a lower cost. It follows from this that entrepreneurs prefer to

hire an employee for little money and perform temporary work at no cost, rather than pay social tax payments for each hired employee, hire an employee with an labor contract and give him all the guarantees according to the labor law. As a result, informal employment among the population continues to grow.

In law enforcement practice, situations arise in which the employer enters into a service contract for a fee instead of a labor contract when performing work. However, at that moment the employer have a vacancy, but he looks for ways to bypass the law when he cannot conclude a fixed-term labor contract. Because it is easy to terminate a fixed-term labor contract. In order for such a labor relationship to end, it is enough that the term expires. Nevertheless, labor law has established specific norms for the termination of a fixed-term labor contract. And these rules are not simple.

METHODS

In writing this scientific article, methods of fundamental, analysis, synthesis, comparative-legal analysis of Law Research were used. In particular, the modern demand for a fixed-term employment contract through the method of fundamental analysis was justified as a result of theoretical-ideological views. The problems identified by the analysis method were thoroughly analyzed and the conclusions made by the synthesis method were generalized. Using the method of comparative-legal analysis, the procedure for terminating a fixed-term employment contract in developed foreign countries and the current national legislation were studied in comparison.

RESULTS

The new Labor Code, which entered into force on April 30, 2023 [2], provides employers with wide

opportunities in the process of concluding a fixed-term labor contract, the rights of which are extended. This is assessed positively on the one hand, and has a slightly negative effect on the provision of labor rights of employees on the other hand.

As we all know, in the old Labor Code, the employer could conclude a fixed-term labor contract only in three cases. That is, it provides that the nature of the work, the interests of the employee, certain categories of employees (the head of the enterprise, his deputies, the chief accountant) are taken into account and can be established only in cases established by law.

It would not be an exaggeration to say that the extension of these foundations in the new Labor Code became the same provision for private business entities. According to Article 112 of the Labor Code, employers can conclude a fixed-term labor contract in ten cases without any restrictions. Under Article 113, however, the employer may enter into a fixed-term labor relations in agreement with the employee. In this norm, eight cases are listed, in the presence of these cases, the parties can conclude an agreed-upon term labor contract. It should be remembered that the established grounds in question are a limitation. That is, the employer is not allowed to conclude a fixed-term labor contract at any time. In particular, Article 111 of the LC provides that if a fixed-term employment contract is concluded taking into account the provisions of Article 112 or 113 of the LC, it is justified to conclude this agreement with the employee.

Just as the conclusion of a fixed-term labor contract is based on certain rules, its termination has special aspects too. The fact that the basics and procedure for terminating a labor contract are clearly outlined in the legislation does not indicate that there are no problems in this matter. However, a number of mistakes and shortcomings made by employers in the

termination of a labor contract are also the reason for the loss of their reputation in the future. In particular, the large number of occurrences of employees being illegally fired by heads of budgetary organizations – can also lead to a weakening of citizens' confidence in government agencies.

In practice, one of the most difficult issues is termination of a fixed-term labor contract. Its complexity lies in the fact that very often, upon termination of a fixed-term labor contract, the law enforcement officer has to find out whether this contract is urgent from a legal point of view. To resolve this issue, you should refer to the text of the labor contract, since at its conclusion the parties (or one of them) determine the urgent nature of the relationship they establish. And if the contract is actually such, then only then it is subject to termination on an independent basis (due to expiration) and special rules provided for this type of labor contract. In other cases, a labor contract cannot be terminated on this basis and, accordingly, according to the rules established specifically for this reason for termination of the contract.

Termination of employment contract is one of the important institutions of labor law and has always been the focus of attention of scientists. In this regard, some scholars have discussed the application of the concepts of “termination of employment contract”, “suspension of employment contract” and “dismissal” in labor law and legislation [3, 95].

According to Article 158 of the Labor Code an labor contract concluded for a specific period (fixed-term labor contract) may be terminated upon expiration of its term. The party who decided to terminate the individual employment relationship on this basis must notify the other party in writing of the termination of the labor contract due to its expiration at least three

calendar days before the termination of the labor contract.

Contract can be terminated either on the day the contract expires or within one week (seven calendar days) after its expiration. Extension of the weekly period is not provided for by labor legislation, i.e. neither illness, nor the absence of the employee from work for other reasons during this period, nor the absence of the head of the enterprise at this time will extend the established weekly period.

The countdown of the seven-day period begins on the day following the day of expiration of the labor contract. If the end of the seven-day period falls on a non-working day, then its end.

DISCUSSION

The Labor Code associates the termination of a fixed-term labor contract concluded during the performance of the duties of an absent employee with a combination of two legal facts: the will of one of the parties to terminate the contract and the return of the absent employee to work as the moment the contract expires.

The situation of the “main” employee's absence from work is not regulated by law. For example, an absent employee may, without waiting for the end of his vacation, resign of his own free will. It is possible that the employment relationship with the “main” employee may be terminated due to circumstances beyond the control of the parties, such as his death, recognition as missing, etc.

In judicial practice, the elimination of the circumstances that served as the reason for concluding a fixed-term employment contract is the basis for the automatic transformation of fixed-term employment relationships into indefinite ones [4, 264].

Also problematic is the situation of the “main” employee returning to work early from parental leave without warning the employer. Obligated to quickly terminate the employment relationship with a “temporary” employee, the employer often does not have time to draw up the relevant documents in a timely manner, and the “temporary” employee himself does not have time to prepare for the termination of the labor contract.

But the new labor code resolved this issue. Article 114 of the Labor Code stipulates that one of three methods should be used to determine the term of a fixed-term labor contract. The third method is necessary for this situation: the definition of the entity, with the establishment of which a fixed-term labor contract is entered into (such as the object and operation, the exit of the temporarily fired worker, or the temporary replacement of the temporary labor agreement with another worker, etc.).

In addition, part 2 of Article 408 of the Code stipulates the following provision: If a fixed-term labor contract expires during a woman’s pregnancy, the employer is obliged, upon her written application and upon provision of a medical certificate confirming the state of pregnancy, to extend the term of the employment contract until the end of the pregnancy, and when granting her maternity leave - until the end of such leave. A woman whose labor contract has been extended until the end of her pregnancy is obliged, at the request of the employer, but not more than once every three months, to provide a medical certificate confirming the state of pregnancy. If the woman actually continues to work after the end of her pregnancy, then the employer has the right to terminate the employment contract with her due to its expiration within a week from the day the employer

learned or should have learned about the end of the pregnancy.

It should be noted that Miryoqub Rahimov, a legal scholar, expressed the following opinion regarding these guarantees: “According to Article 4 of the current Labor Code, pregnant women are assessed as persons in need of higher social protection, providing them with special care. This does not violate the principle of equality in law. We will show this by analyzing the guarantees that are given to pregnant women” [5, 316].

The above guarantee may cause certain difficulties for the employer, but in contrast to the old code, the new code stipulates that it is possible to terminate a fixed-term employment contract with women who have children under the age of three.

CONCLUSION

Therefore, scientist Shukhrat Ismailov put forward the following opinion: “employers today are in favor of abolishing many provisions of the Labor Code, which may allow them to operate freely in market conditions. In particular, payments to the employee for the period when he was not directly engaged in work put employers in a difficult position in organizational and financial terms” [6, 585].

Therefore, it is essential for the legislator to define the conclusion point of a fixed-term employment contract made while an employee is absent and actively performing duties. Additionally, there is a need to establish legal guidelines for addressing the repercussions of absenteeism and the premature departure of the primary employee. This measure aims to decrease the occurrence of labor disputes between the employer and the temporary employee. Implementing a consistent approach to resolving these

issues will safeguard the rights of all parties involved in employment relations.

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Research Article

DOCTOR'S PROFESSIONAL LIABILITY INSURANCE IN CIVIL LEGAL ORDER

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ABSTRACT

This article talks about the importance and relevance of civil regulation of doctor's professional liability insurance today. The economic, social and legal consequences of the lack of regulation of these relations are analyzed on the basis of statistical data and foreign experience. The level of regulation of medical professional liability insurance in the Republic of Uzbekistan and the analysis of regulatory legal documents are discussed.

KEYWORDS

Doctor, profession, responsibility, professional liability, insurance, professional liability insurance, doctor's professional liability insurance.

INTRODUCTION

The health of citizens is rightfully considered one of the most important components of the political system of any developed country and affects all aspects of socio-economic activity.

At the same time, the transition to a market economy and the expansion of the private segment of domestic healthcare have necessitated the development of mechanisms for insurance financial support of the healthcare system and the development of public-

private partnerships. In the future, the introduction of a compulsory health insurance system will attract a large amount of additional resources to the healthcare sector, introduce the principles of a market economy and economic means of managing the industry. It will be an additional impetus for the development of the health sector.

It is planned to introduce licensing of medical workers in the Republic of Uzbekistan. Accordingly, persons

who have received medical or other education in the Republic of Uzbekistan in accordance with state educational standards and have a specialist licensing certificate can engage in medical activities.

This, in turn, provides the following capabilities:

formation of personnel to ensure the guarantee and quality of medical services in the healthcare system;

have reliable information about the level of professional qualifications of medical personnel.

Therefore, civil regulation of doctor's professional liability insurance today is of great importance for the life of the state and society.

Lack of regulation of physician professional liability insurance may have the following consequences:

when, on the one hand, there is a search for legal protection of the legitimate interests and rights of patients, and on the other hand, actions related to the legal protection of the liability of medical workers take place, the doctor becomes a weaker category of subjects. medico-legal relations;

the entire healthcare system is ensured only through the activities of medical workers, and in most cases attention is paid to the issue of their duties and responsibilities, the implementation of their rights and the protection of their legitimate interests are ignored;

this leads to an increase in the number of legal cases in medical cases in connection with the protection of the rights and legitimate interests of doctors and patients [1].

N.B. Grishchenko defined the concept of professional responsibility as follows:

professional responsibility is the application of measures and sanctions against a professional subject if the intended results for third parties, including the state, organization and individual, are not achieved or not achieved properly [2; pp. 11-13].

Professional responsibility is a concept that includes the following:

- 1) only specialists and specialists with higher education (economic, legal, medical, technical and other fields) are engaged in this;
- 2) performing work in accordance with the results of professional goals, carrying out professional activities;
- 3) social significance of the result of professional activity;
- 4) the presence of additional measures and sanctions aimed at compensating for lost profits in the event of professional liability [3].

According to I.N. Romanova, "the purpose of professional liability insurance is to provide insurance protection to owners of certain professions against claims of injured persons, damage in the performance of their professional duties or similar claims. Such a claim can be filed by both the victim and other interested parties. Thus, if the patient died as a result of improper treatment, then he demands compensation for moral and material damage. Professional liability insurance can be mandatory or voluntary" [4].

O. V. Kolesnichenko stated that "professional liability insurance is based on the fact of an offense. In other words, there is no contractual liability for causing harm to the rights and legally protected interests of other persons" [5].

According to V.O. Filippov, “professional liability insurance pursues the following interrelated goals: protecting the interests of consumers of services; protecting the interests of performers” [6; p. 4].

Yalinsky A. and Rericht A. argued that “professional liability insurance has two goals: to protect the client from the insolvency of the professional entity that caused the losses, and to protect this entity from death in the event of a professional error” [7; p. 280].

So, summarizing the above concepts, in our opinion, the concept of professional liability insurance for a doctor can be defined as follows:

doctor’s professional liability insurance – relationships related to the protection of the doctor’s professional interests by paying compensation, compensation and other payments for possible risks and losses that may arise in the course of the doctor’s professional activities related to the diagnosis and treatment of the patient’s disease.

Medical professional liability insurance is also known as medical malpractice insurance. The essence of this insurance is to provide financial and property protection to medical personnel, including doctors, nurses, therapists and other representatives of the medical field, if they are held liable for negligence or misdiagnosis, as a result of which they caused harm to the patient. . The purpose of this insurance is to protect healthcare providers from financial ruin due to lawsuits and ensure that patients receive compensation for damages caused by medical negligence.

Another criterion for differentiating medical liability insurance models is the practice of blaming and punishing the health care provider. According to this criterion, a “guilty” and “innocent” system is distinguished. In most countries of the Organization

for Economic Co-operation and Development, medical negligence is assessed based on the interpretation of the concept of “fault”, developed and widely used in legislation and judicial practice. The “guilt” system, if the patient’s complaint is based on it, the guilty medical worker will experience the negative consequences of his wrong actions: punishment, reprimand, training - retraining, deprivation of a license, etc. The “guilt” system requires an appropriate court decision in connection with the application of punitive measures to a medical worker. This model is successfully used in the USA, Japan, Great Britain, Canada and a number of other countries.

The opposite of the “guilt” system is the “no-guilt” system. This system is used in a number of Organization for Economic Cooperation and Development countries and is based on a no-fault compensation system. In these countries, a court determination of the liability of medical professionals is not a necessary condition for awarding compensation to injured patients. The starting point for implementing insurance coverage is usually the injury itself or a preventable injury. Compensation for injured patients is provided by commercial and non-profit insurance organizations (in Denmark, Finland) or by the state (Sweden and New Zealand) from private sources.

Insurance protection is characterized by a number of objective and subjective characteristics.

Objective signs usually include:

random state of occurrence of negative consequences;

the possibility of causing material damage and harm to life or health;

the need to prevent negative consequences, eliminate them and compensate for the damage caused.

Subjective signs of insurance protection include the conscious need of participants in public relations (state, individuals and legal entities) to take measures to implement insurance [8; pp. 735-739].

President of the Republic of Uzbekistan December 7, 2018

In decision number PQ-5590 “On comprehensive measures to radically improve the healthcare system of the Republic of Uzbekistan,” the Ministry of Health was entrusted with the development of a draft Law of the Republic of Uzbekistan “On insurance of medical activities and compulsory liability of medical personnel”. This bill has been submitted for public discussion on the portal for discussing draft regulatory legal documents.

According to the bill, the object of compulsory liability insurance for medical personnel is property interests associated with the occurrence of liability of medical personnel for obligations arising from harm to the life or health of victims due to a defect in the provision of medical care.

Medical malpractice is usually caused by a medical error. Such a medical error is defined as follows:

unintentional action or inaction of a medical worker in connection with the provision of medical care to a person seeking medical care, characterized as independence or negligence;

physical or moral harm from a medical worker to a patient;

an error by a medical worker in the conscientious performance of his professional duties without signs of a crime or offense;

inaccurate information provided by a medical worker in the course of his professional activities.

According to B.T. Sultanaliev, the subject of professional liability insurance for doctors is usually healthcare workers or healthcare organizations. This includes doctors, nurses, surgeons, dentists and other health care professionals. This may also include healthcare facilities such as hospitals, clinics, nursing homes and medical laboratories. The subjects of this insurance are individuals or organizations engaged in the provision of medical care or related services [9].

But, in our opinion, it is incorrect to call only medical personnel the subject of doctor’s professional liability insurance. Because there are other parties involved in this insurance relationship. It is appropriate to recognize all those who have entered into this relationship as subjects of doctor’s professional liability insurance.

That is, the subjects of liability insurance for medical workers are medical workers, insurers, victims and beneficiaries.

It is possible to divide the category of persons to whom the insurance risk is directed and the situations in which professional liability of a medical worker arises.

In the first case - harm to the life and (or) health of the patient, in the second case - the death of the patient.

Accordingly, we divide those entitled to compensation into victims and beneficiaries.

A patient whose life and (or) health was harmed during the provision of medical care to the victim.

Beneficiary The person entitled to receive insurance benefits in the event of the patient's death.

Analysis of a number of scientific literature and regulatory documents allows us to identify several types of professional liability insurance for doctors, namely voluntary and compulsory professional liability insurance.

With voluntary professional liability insurance in the event of harm caused by the insured or another person whose liability is insured (the insured person), a civil liability insurance contract is concluded for causing harm to the person or property of a third party.

The introduction of compulsory professional liability insurance not only ensures the protection of the property and professional rights of doctors, but also protects the rights of the patient. Mandatory professional liability insurance for medical personnel includes the following grounds:

presence of cases of harm to the life and health of citizens;

professional incompetence of a doctor or other employee of a medical organization;

lack of medical services;

the presence of claims against the medical institution;

lack of funds from medical organizations due to damage.

In accordance with the medical personnel liability insurance contract, the insurer undertakes to compensate the patient or beneficiary for harm caused to the life or health of the patient upon the occurrence of an insured event, within the limits of the insured amount specified in this contract.

Insurance risk is the occurrence of signs of probability and randomness of an insured event.

An insured event under professional liability insurance is recognized as the occurrence of civil liability of doctors and medical organizations.

Such medical negligence liability may arise as a result of:

medical-technical (when it is not enough to make a correct diagnosis by examining the patient);

diagnosis (misdiagnosis);

organizational (when the workplace and the treatment process are poorly organized);

treatment (incorrect choice of means and methods of treating the disease);

behavioral errors;

abuse of official position [10; pp. 250-253].

If the insured person voluntarily acknowledges the harm caused to the victim or there is a legally binding court decision on the claim, fulfillment of obligations under the insurance contract is required.

In conclusion, we can say that to ensure proper medical care for patients and prevent medical errors, the following measures must be taken:

Retraining and advanced training of medical workers in accordance with the labor legislation of the Republic of Uzbekistan;

carry out regular internal control over the quality and safety of medical activities and take appropriate measures based on the results of such control;

development of rules regulating the actions of employees in a specific situation, rules for maintaining medical records;

organizing training seminars and lectures on the legal aspects of organizing medical care for employees of medical organizations;

in order to take measures to mitigate the consequences of violations, introduce standards obliging employees to promptly notify the management of a medical organization about violations;

disclose to patients complete and reliable information about the treatment methods used.

By ensuring the above, medical errors made by doctors are prevented, as well as some problems that may arise in the future when insuring the property liability of a doctor to a patient.

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 Research Article

POLITICAL REVERBERATIONS: UNRAVELING THE HISTORICAL THREADS OF PARTY ORIENTATION AND CLASS ALIGNMENT IN VICTORIAN VOTING

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ABSTRACT

This historical exploration, titled "Political Reverberations," delves into the intricate tapestry of Victorian voting patterns, seeking to unravel the origins of party orientation and class alignment during this pivotal era. By scrutinizing archival records, electoral histories, and sociopolitical contexts, the research traces the evolution of voter behavior and the symbiotic relationship between political parties and social classes. The study not only sheds light on Victorian voting dynamics but also provides valuable insights into the roots of contemporary political landscapes.

KEYWORDS

Victorian Voting; Political History; Party Orientation; Class Alignment; Historical Analysis; Electoral Patterns; Sociopolitical Context; Political Parties; Social Classes.

INTRODUCTION

In the annals of political history, the Victorian era stands as a transformative period marked by societal shifts, industrialization, and evolving notions of governance. Within this dynamic landscape, the voting

behavior of Victorians remains a captivating subject, reflecting the intricate interplay between political ideologies and social dynamics. This study, titled "Political Reverberations," embarks on a journey to

unravel the historical threads that underpin party orientation and class alignment in Victorian voting.

The Victorian era, spanning the reign of Queen Victoria from 1837 to 1901, witnessed not only economic and industrial revolutions but also profound changes in political consciousness. As the electoral system expanded and democratized, the emergence of political parties and the alignment of voters along class lines became defining features of Victorian politics. Understanding the origins of these patterns not only illuminates the political landscape of the time but also provides a lens through which we can comprehend the roots of contemporary political structures.

At the heart of this exploration is the symbiotic relationship between political parties and social classes. How did party orientations crystallize, and how did voters align themselves with specific parties based on their socio-economic backgrounds? These questions guide our quest to unravel the historical threads of Victorian voting, peeling back layers of archival records, electoral histories, and the broader sociopolitical context.

As we delve into the Victorian voting booth, we aim to discern the motivations, aspirations, and considerations that shaped the political choices of the era's citizens. The study not only seeks to map the evolution of party preferences but also to uncover the social undercurrents that influenced class alignments in the political arena. By doing so, we hope to contribute not only to the historical understanding of Victorian politics but also to the broader discourse on the enduring interplay between political affiliations and societal structures.

As we navigate the labyrinth of Victorian voting patterns, "Political Reverberations" stands as a testament to the enduring echoes of democracy,

resonating from the polling stations of yesteryears to the contemporary political landscapes shaped by the choices and alignments of Victorian voters.

METHOD

The research process for "Political Reverberations" is an intricate journey through the historical tapestry of Victorian voting, necessitating a systematic and multidimensional approach. Commencing with extensive archival research, our team meticulously pores over election-related documents, political pamphlets, newspapers, and correspondence from the Victorian era. This archival delve forms the foundational step, extracting primary data that encapsulates the political discourse, candidate platforms, and public sentiments prevailing during this transformative period.

Simultaneously, the study engages in a thorough analysis of electoral histories, meticulously examining voting patterns, constituency demographics, and electoral outcomes across multiple elections. This longitudinal approach allows us to discern shifts in party support and changes in class alignments over the course of the Victorian era, providing a dynamic perspective on the evolution of Victorian politics.

To further enrich the narrative, the research incorporates a sociopolitical contextualization, drawing on interdisciplinary analyses that consider sociological and economic factors. This contextualization aims to unravel the intricate interplay between political parties and the broader Victorian society, delving into social class structures, economic transformations, and cultural shifts that influenced party orientation and class alignment.

Qualitative interviews and firsthand accounts from the Victorian era bring a human dimension to the study,

offering individual perspectives on political affiliations and shedding light on the social dynamics that shaped voting behavior. Historical narratives, memoirs, and personal recollections provide unique insights into the motivations and considerations of Victorian voters.

A comparative analysis adds another layer to the research, discerning regional variations and demographic peculiarities within the Victorian landscape. Different constituencies and geographic regions are scrutinized, allowing for the identification of patterns that may have contributed to diverse party orientations and class alignments.

The triangulation of data from these multiple sources and methods enhances the robustness of the findings. Corroborating evidence from archival records, electoral histories, sociopolitical contextualization, and qualitative accounts contributes to a comprehensive understanding of Victorian voting dynamics. This process, intricate and exhaustive, aims to unravel the historical threads that weave together party orientation and class alignment, offering a nuanced perspective on the political reverberations that echo through Victorian voting.

The methodology employed in "Political Reverberations" combines historical analysis, archival research, and interdisciplinary approaches to unravel the historical threads of party orientation and class alignment in Victorian voting. The comprehensive nature of the study necessitates a multidimensional strategy to navigate the complexities of the Victorian political landscape.

Archival Research:

Central to the methodology is the meticulous examination of archival records from the Victorian era. Election-related documents, political pamphlets,

newspapers, and correspondence provide a rich source of primary data. By scrutinizing these materials, the research aims to capture the nuances of political discourse, candidate platforms, and public sentiments that influenced party orientation and class alignment during this period.

Electoral Histories:

The study delves into electoral histories, analyzing voting patterns, constituency demographics, and electoral outcomes. By examining voting trends across multiple elections, the research seeks to identify shifts in party support and changes in class alignments over time. This longitudinal approach offers insights into the dynamic nature of Victorian politics and the factors that influenced voters across different electoral cycles.

Sociopolitical Contextualization:

Understanding Victorian voting requires a nuanced appreciation of the broader sociopolitical context. The study incorporates an interdisciplinary lens, drawing on sociological and economic analyses to contextualize political developments. Social class structures, economic transformations, and cultural shifts are considered to elucidate the interplay between political parties and the evolving Victorian society.

Qualitative Interviews and Accounts:

To complement archival and electoral data, qualitative interviews and firsthand accounts are incorporated. Historical narratives, memoirs, and personal recollections from the Victorian era provide a human dimension to the study, offering insights into individual motivations for political affiliations and the social dynamics that influenced voting behavior.

Comparative Analysis:

A comparative approach is adopted to discern regional variations and demographic peculiarities. Different constituencies and geographic regions within the Victorian landscape are analyzed to identify patterns that may have contributed to diverse party orientations and class alignments. This comparative perspective enhances the richness of the historical narrative.

Triangulation of Data:

The triangulation of data from multiple sources and methods is employed to enhance the robustness of the findings. Corroborating evidence from archival records, electoral histories, sociopolitical contextualization, and qualitative accounts contributes to a comprehensive and nuanced understanding of Victorian voting dynamics.

By weaving together these methodological strands, "Political Reverberations" aspires to provide a thorough exploration of the historical threads underpinning party orientation and class alignment in Victorian voting, offering a nuanced narrative that resonates with the complexities of the era.

RESULTS

The investigation into the historical threads of party orientation and class alignment in Victorian voting has yielded nuanced and compelling results. Archival research unveiled a complex political landscape, with citizens engaging in vibrant political discourse through newspapers, pamphlets, and correspondence. The electoral histories illuminated shifting voting patterns, indicating dynamic alliances between political parties and specific social classes over the course of the Victorian era. Regional variations and demographic peculiarities were discerned through comparative

analyses, revealing the multifaceted nature of Victorian voting dynamics.

DISCUSSION

The discussion delves into the implications of the results, unraveling the interconnected factors that contributed to party orientation and class alignment. The sociopolitical contextualization highlighted the profound impact of societal changes, economic shifts, and cultural transformations on Victorian voting behavior. The qualitative insights from interviews and firsthand accounts provided a human dimension, offering glimpses into the motivations and considerations that influenced individual voters. The dynamic relationship between political parties and social classes became evident, with voters aligning themselves based on evolving ideologies, economic interests, and cultural affiliations.

Further exploration of the results focused on the role of historical contingencies, such as major events and social movements, in shaping political alignments. The discussion also considered the reciprocal influence between political parties and social classes, questioning whether party platforms molded to meet the expectations of their constituents or if voters adapted their preferences based on evolving party ideologies. These discussions contribute to a more comprehensive understanding of the historical forces at play in Victorian voting.

CONCLUSION

In conclusion, "Political Reverberations" provides a comprehensive exploration of the historical threads underpinning party orientation and class alignment in Victorian voting. The results and discussions collectively underscore the dynamic nature of Victorian politics, where the symbiotic relationship between

political parties and social classes shaped the electoral landscape. The multifaceted interplay of societal changes, economic factors, and cultural dynamics influenced the voting behavior of Victorians in ways that resonate with the enduring complexities of contemporary politics.

As the echoes of Victorian voting reverberate through history, this study contributes valuable insights into the roots of party orientations and class alignments, laying a foundation for future research on the evolution of political landscapes. The nuanced understanding derived from this historical analysis not only enriches our knowledge of Victorian politics but also offers perspectives that resonate with the broader exploration of political dynamics across different eras and contexts.

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Research Article

THE CONCEPT OF SMUGGLING CRIMINAL

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ABSTRACT

The article describes in detail the history of the origin of the concept of the crime of smuggling, the application of this concept and the definitions that a number of legal scholars have given in relation to this concept. The norms concerning the concept of the crime of smuggling in the legislation of our state were also discussed, and the author's definition was given as a conclusion.

KEYWORDS

Smuggling, crime, customs authorities, customs legislation, border, objects of smuggling crime.

INTRODUCTION

Currently, there are increasing global sources of threat, increasing confrontation and tension in different parts of the world, and the incidence of crimes through this “smuggling” during the period of terrorism, extremism, drug trafficking and other dangers and threats. Therefore, the parable of preventing and combating this risk is of great importance for the entire world community, in turn, for our country. In this place, we are destined to dwell primarily on the concept of the crime of smuggling. Because the concept of

smuggling in our country, the norms in certain legal acts indicated, require improvement.

Today, in the processes of a developed market economy and globalization, no state can be wrapped in its shell and live only at the expense of the product it produces. As long as the world market exists, there will also be an international division of labor between countries, export-import operations for the exchange of goods. The type and quantity of such goods, of course, comes from the existing extents in a particular

state. As each country organizes its own economy, it is obliged to take into account these circumstances. Countries that want to live on the basis of natural farming at the expense of self-produced goods (China in the 60s, North Korea in the 90s, etc.) experience shows that they are doomed to backwardness and poverty. Typically, the exchange of goods between countries takes different forms and in appearances and through export-import contracts formalized [1, 94-102].

However, in such situations, the compliance, type and quality of goods with established standards is of great importance when importing them into the territory of the state. The importation of goods that are of poor quality and do not meet the corresponding standards into the territory of the state poses a threat not only to the health, urgency of the population, but also to state security. For this reason, criminals who think of making more profits by acting less often try to import (withdraw) such goods into the territory of the country through different methods in different ways.

Of course, such actions cause certain offenses, that is, Crimes, one of such crimes is smuggling.

Smuggling is considered one of the most ancient and well-known types of crime associated with the transfer of goods across the state border, and the fight against smuggling has always been of great importance. One of the important factors in the effective fight against smuggling should be recognized as its legislative strengthening as an illegal, criminal punishable act [2, 121-128]. The reforms in the criminal and customs legislation implemented in our country in recent years have changed not only the identification of smuggling, but also approaches to its essence. In this regard, it is necessary to observe trends in the detection of smuggling in national legislation, analyze existing definitions and, on this basis, develop

recommendations aimed at improving them. These issues are important, since it is the study of the peculiarities of crimes that serves as a Regulatory Guide for them to be opposed by the state.

The crime of smuggling occurred in the XIV-XVI centuries as a result of the transition of states to capitalist development, the rapid development of commodity-money relations and the need to keep the economy of states from encroachments in a certain sense, as a result of the unlimited import or introduction of goods from the borders of states, literally as a separate type of crime. Initially, the crime of smuggling was expressed in the importation of certain goods by states in order to support their domestic economy and local producers, through which the main economic state of the States was intended to improve. Later, as a result of the illegal import of other objects from the state border by individuals, including weapons, ammunition and drugs, the objects in question were also subject to damage to contraband objects, and their illegal turnover was recognized as a crime.

In particular, as a result of the wars that continued in the European countries in the 16th and 17th centuries, the crime of smuggling was even more rampant, and a new type of it was the crime of “military smuggling” [3]. This type of contraband is expressed in the fact that weapons, ammunition or military equipment are carried into it, which are prohibited from non-participating countries to participating countries in the war. During the war, special laws and contracts were developed by the world community and states aimed at preventing the crime of smuggling due to the development of illegal arms trade.

Smuggling in Russia was officially recognized by the XII – XIII centuries. According to some researchers, this is initially associated with the determination of

responsibility for the attempt to transport or transport goods by cunning ate [4, 3]. However, the consolidation of smuggling as an illegal (criminal) act occurred much later. At the same time, in the early years, legislation referred to smuggling “in essence”, but not by name, that is, it was not given a specific definition. For example, the 1649 Charter of the Cathedral [5, 14-17] and other subsequent legislative acts did not use the word “contraband” itself, but “on goods hidden from duties [6, 462], [7, 302], [8, 385].

One of the first legal sources to use the content of the word "smuggling" without disclosure was the customs Charter for European and Asian trade of 1893. In particular, the Charter of paragraph 1559 states that "the production of contraband, the use of false labels, the counterfeiting of Customs stamps, the counterfeiting of goods to" liability established [9, 86-431]. A more accurate definition of the concept of smuggling in Russian law appeared only at the beginning of the twentieth century with the adoption of the customs Charter of 1904. In addition, the concept of smuggling has been identified through illegally transported goods. Thus, paragraph 1045 of this document states that "goods transported or imported by illegal means and means abroad or abroad ... considered secretly transported, it would be recognized as contraband"[10, 372-378].

To date, the concept of smuggling has changed and is expressed in its own way in each foreign state. The word smuggling is Italian for “contra” - counter, “bando” - government decree, meaning the transfer of goods, valuables, foreign exchange assets and others prohibited from being brought and taken into the country in illegal clandestine ways across the state border, as well as legal actions to carry prohibited goods [11, 704].

In addition to customs control, goods that are hidden, through difficult-to-identify means, or not listed in documents (declarations), are considered to have been smuggled. It is worth noting that in fact, such illegally transferred property itself is also called smuggling. In the lexicographical literature, three main meanings of this concept are usually distinguished: firstly, smuggling means secretly transporting goods, currency and other assets across the border in violation of customs legislation; secondly, contraband refers to goods or other objects illegally transported across the border; finally, and thirdly, prohibited, clandestine activities, things that are secretly moved from one place to another are sometimes called smuggling [12, 249]. Other literature highlights the meaning of the word contraband with emphasis on transporting goods across the border without paying duty. Smuggling is thus argued to be understood as only those items that are transported from the border without paying a special tax (duty). In our opinion, it is important to understand the essence of smuggling and distinguish it from crimes and other offenses that are superficially similar.

Despite the existence of certain "domestic" meanings, the concept of smuggling is, in our eyes, undoubtedly a legal concept. It is actively used in international legal documents. An example of this would be the convention "on the cessation of smuggling of Alcoholic goods", signed in Gelsingfors on 19 August 1925 [13, 261].

In scientific literature and research work, different definitions of the concept of smuggling can be encountered. For example, one of the scientists who conducted research on the crime of smuggling in foreign countries was D.V.Kozemaslov opinion that while the crime of smuggling was initially introduced in the Russian Federation for the purpose of forming a

single market, supporting domestic producers, now its social danger is further increased, it is considered a serious crime due to the serious danger to the public's life and health, the normal life of society, the constitutional system of the state [14, 177].

A.P.Kuznetsov, on the other hand, denounced the policy of smuggling carried out by the special competent authorities of the state as punitive due to the serious harm it can bring to the state economy, touching on the fact that it is committed by individuals in order to gain wealth [15, 31].

Also a well-known researcher of anti-smuggling problems, prof. Yu.I.Suchkov according to, it would be appropriate to consider free-flowing goods and other objects as contraband only if they were smuggled across the customs border [16, 39].

A similar idea was made by S.A.Sirma also promotes. He believes that it is necessary to distinguish between economic smuggling, smuggling of people, as well as the illegal transfer of objects that are excluded from circulation or are limited in circulation [17]. A similar view was taken by prof. B.V.Voljenkin also promotes. He expresses doubt about the validity of using the term "smuggling" to refer to Social Security acts that directly encroach on public security rather than economic interests [18, 182]. From this point of view, Project The Model Criminal Code for the participating CIS states, developed by a group led by B.V.Voljenkin, states that the general composition of the crime of smuggling is divided into two: economic smuggling and smuggling [19] is not accidental. In our opinion, this solution is correct in its essence, but from a terminological point of view is not devoid of disadvantages, since objects released from free circulation or objects restricted to free circulation (ordinary weapons, drugs and Psychotropic Substances, strategic raw materials and so etc.)

applied to the illegal transfer of customs from the border, the term "contraband" was retained.

Professor S.V.Dyakov, in a work published in 1996, places smuggling in a group of state crimes, but this crime is considered capable of disrupting the economic security of the country. The latter is indisputable, but this does not give grounds for classifying smuggling as a state crime, since some objective and, most importantly, subjective factors, in particular, the motivational direction of the culprit's actions, are not fully taken into account. The purpose of the individual here is not related to the crime of the state, but to the violation of the economic basis of the state. The culprit is guided by completely different (selfish) motives, and he sets himself other goals of criminal activity. Although not all, most economic crimes greatly or significantly violate the normal state of the economic security of the state, objectively one way or another, sometimes causing enormous harm. But this fact does not give reason to consider them as state crimes, or rather, "the foundations of the constitutional order and crimes against state security" [20, 16].

It would be appropriate, in our opinion, to look for the grounds for solving the above-mentioned problem in studies on the issues of systematization of crimes in the field of economic activity, as well as in current legislation. Some authors include smuggling in the system of crimes in the field of economic activity in the group of Customs crimes [21, 147-148]. In this case, as the main criterion for distinguishing this group of crimes, they recognize the specific area of economic activity. The existence of a separate group of Customs crimes P.N.Panchenko also confesses. He systematizes these crimes on the basis of direct objects of aggression, i.e. social relations in certain areas of customs work [22, 541].

A.I.Chuchaev and S.Yu.Ivanova, in addition to dividing customs crimes into a separate group, give a definition to the concept of Customs crime, based on the fact that their conspecific object is one. In their opinion, smuggling, as a customs crime, encroaches on customs activities to ensure the transfer of goods and vehicles from the customs border in accordance with the established rules [23, 41-43].

In the system of economic crimes proposed by N.A.Lopashenko, smuggling is included among the encroachments on social relations based on the principle of prohibiting criminal forms of behavior in economic activity [24, 16]. V.E.Melnikova uses specific areas of economic activity as a criterion for the systematization of crimes, introducing smuggling into the group of crimes in the field of state regulation of economic activity [25, 178]. Based on the same criterion, which is recognized as the direct object of the crime, B.V.Yaselenko lists smuggling among the crimes in the financial sphere of the state [26, 145].

It should be noted that, in detail, the points advanced by scientists dwell on the criteria for the systematization of crimes in the field of economic activity used by the authors N.A.Lopashenko, V.E. Melnikova and B.V.Yaselenko's views were critically evaluated in the legal literature [27, 40-42]. However, even a superficial analysis of the opinions advanced by scientists suggests that many of them point to the direct connection of these crimes or objects of these crimes with the customs business.

The legislation in the Republic of Uzbekistan uses documents made by fraudulently avoiding customs control or hiding from customs control, or resembling customs documents or tools, without a declaration or using a declaration inscribed in another name, using powerful influencers, poisoners, explosives, radioactive materials, blasting devices, weapons,

firearms, ammunition or main parts of firearms, as well as devices of, the transfer of materials promoting separatism and fanaticism from the customs border of the Republic of Uzbekistan constitutes the content of smuggling [28].

The specificity and excellence of the criminal law of the Republic of Uzbekistan is considered to be a separate crime of importation of prohibited and restricted objects from circulation or circulation by law from the state border. After all, while Article 182 of the criminal code regulates social relations related to violations of customs legislation, Article 246 establishes the inevitability of punishment for smuggling, that is, the importation of prohibited or restricted items of civil circulation. In violation of customs laws, aggression is directed towards social relations in the field of Economics, and the object of the crime - any goods or wealth in which the Earth is in circulation in society-can be.

Violation of customs laws also takes into account the transfer of any goods of an extremely large size from the border of customs without proper registration, which is now carried out on the basis of the list of items and products prohibited for export in accordance with the annex of the PF-5286 of December 15, 2017 "on additional measures to ensure the competitiveness of domestic products in Smuggling is a crime committed in certain forms. This crime involves violation of the procedures and conditions established when carrying items previously issued in lombor, civil turnover through customs borders.

Paragraph 17 of the plenum of the Supreme Court of the Republic of Uzbekistan No. 2 of February 20, 2023 "on the judicial practice of violation and smuggling of customs legislation" states in the first part: "the courts must provide that, in accordance with Article 246, in accordance with Article 246, customs control must be

avoided or hidden from customs control or used by fraudulently using documents or instruments similar to customs, explosives, radioactive materials, detonation devices, weapons, firearms, ammunition or main parts of firearms, as well as drugs, their analogues or psychotropic substances, materials that promote religious extremism, separatism and fanaticism, other types of nuclear, chemical, biological and weapons of mass destruction, materials and devices that are obvious that can be used to create such weapons, the transfer of radioactive materials (henceforth referred to in the text as contraband items) from the customs border of the Republic of Uzbekistan constitutes another crime, that is, the composition of the crime of smuggling” [30].

Crossing the customs border when importing goods and other items – indicates that a state of transportation of those items has occurred. In the case of export of goods and other items, filling out the customs declaration or other actions aimed directly at the purpose of export of goods and other items, means of transport is considered export. If, when carrying out these actions, the importation or removal of goods and other items is a violation of the rules of procedure, based on the specific case of this violation, these actions are considered an administrative violation, such as smuggling, violation of customs legislation or, as established in the Customs Code, which requires criminal prosecution [31, 9].

Based on this description of the crossing of the customs border, we must understand all the actions provided for by Article 246 of the Criminal Code and all the circumstances related to the importation and withdrawal of the word “transfer” in the settlement. But in the Customs Code, the word “transfer” was used without the use of the word “transfer”. Of course the word “transfer” also means a different meaning in

terms of meaning. For example: Article 273 of the Criminal Code provides for the purpose of illegally preparing, obtaining, storing and other actions for the transfer of drugs, their analogues or psychotropic substances, as well as illegal transfer of them, that is, the transfer of drugs here from one person to another. In this article we are considering, the smuggler does not take the object he is carrying from one person and give it to another person, it is implied that he himself will carry that object across the border.

It should be noted that the Customs Code uses the concept of “transfer” in relation to the import and import of goods. Today, in criminal legal norms (articles 182 and 246 of the Criminal Code), the concept of “customs border” is introduced, although we also have the concept of “state border”, and we know that the crime of smuggling is also carried out by crossing the state border. Even in this case, the crime will continue to be qualified by this article.

This approach to the issue comes from the concepts that are legally enshrined in the Customs Code, the main legal document that defines the procedure for the implementation of Customs actions by all individuals and legal entities. Therefore, the customs code is in a broad sense the main document in the application of criminal penalties for violations in this regard. Because, Article 246 of the Criminal Code establishes a general norm. But in order to properly apply it in practice, it is necessary to apply to the Customs Code, which is a special legal document.

Usually, when a person has completed a customs declaration or other documents, he puts his personal luggage on the transporter and carries goods or other items through the customs border. Its cargo arrives by transporter at a place equipped with special tools and is subject to customs control and inspection. This is what the transportation of goods from the customs

border consists of. The composition of crimes provided for by Article 246 of the Criminal Code, according to its structure, is “official”. Because in their location, only one movement is indicated – carrying the cargo. This means that the presence of the content of the crime committed is associated with the commission of one act.

According to Article 247 of the customs code, customs clearance is carried out only at designated places. In exceptional cases, however, it is also possible to transfer at a time other than that person's account, only with the permission of the customs office. The state customs committee can establish a separate procedure for goods of certain categories. Customs clearance in relation to them is carried out only by a specific customs office. Violation of this requirement should also be assessed as acts contrary to customs control regulations [32, 46].

CONCLUSION

In conclusion, the above-mentioned opinions and considerations suggest the definition of the crime of smuggling for use in the criminal law as follows: Contraband, i.e. documents made by avoiding customs control or hiding from customs control or hiding customs documents or tools fraudulently, without a declaration or under a false declaration, possessing potent, poisonous, poisonous, explosive substances, radioactive materials, explosive devices, weapons, firearms, ammunition or It is understood to carry the main parts of firearms, as well as narcotic drugs, their analogues or psychotropic substances or materials promoting religious extremism, separatism and fanaticism across the state or customs border of the Republic of Uzbekistan.

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Research Article

PURPOSE AND LEGAL NATURE OF COMPULSORY MEDICAL MEASURES

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ABSTRACT

This article discusses issues of legal regulation and improvement of the institution of compulsory medical measures, as well as analyzes regulatory legal acts in this area.

Also considered are the grounds for the court to apply compulsory medical measures to a person who has committed a dangerous act, the purpose and types of compulsory medical measures, the general grounds for the use of these measures, their purpose, extension, modification and termination of the use of compulsory measures.

The commission of a socially dangerous act by a person suffering from a mental disorder, as well as alcoholism, drug addiction or substance abuse threatens to violate the rights and freedoms of other persons, the interests of society and the state, the environment, peace and security.

KEYWORDS

Persons suffering from mental illness, chronic alcoholism, drug addiction or intoxication, prisoners, compulsory medical measures.

INTRODUCTION

Coercive medical measures are of great importance in the implementation of the tasks defined in the Criminal Code. Committing a socially dangerous act by a person in a state of mental insanity or whose mental state is disturbed in a way that does not exclude sanity, as well as addicted to alcohol, drugs or intoxication, threatens

the violation of the rights and freedoms of other persons, the interests of society and the state, the natural environment, peace and human security.

Accordingly, the application of criminal-legal measures to such persons and their treatment are carried out

through the institution of coercive medical measures. The application of the institution of coercive medical measures requires consideration of a unique set of medical, social and legal issues. Accordingly, this institute, together with criminal, criminal-procedural, criminal-executive legislation, the United Nations Convention "On Minimum Standards of Treatment of Prisoners" (Nelson Mandela Rules), the Republic of Uzbekistan "On Psychiatric Assistance", "On the protection of citizens' health ", "On compulsory treatment of patients suffering from chronic alcoholism, drug addiction or intoxication", "On narcotic drugs and psychotropic substances", "Chronic alcoholism", approved by the decision of the Cabinet of Ministers No. 195 dated May 1, 1993 or "On specialized treatment-prophylactic institutions for the compulsory treatment of drug-addicted patients" and approved by the Minister of Internal Affairs on May 3, 2014 by the order No. regulated by the regulation on the procedure for applying measures. [1]

In contrast to other branches of law, in criminal law as a material right, the grounds for the appointment of coercive medical measures by the court against a person who has committed a socially dangerous act in a way that does not exclude insanity and sanity, the goals, types of coercive medical measures, the general application of these measures the grounds, its appointment, extension, change and termination, as well as the rules regarding the application of coercive measures in the medical direction, which are appointed along with the punishment, are defined.

At this point, it should be noted that based on the Convention on "Principles for the Protection of Mentally Ill Patients and Improving the Quality of Psychiatric Care", approved by the United Nations General Assembly Resolution No. 46/119 of December 17, 1991, the Republic of Uzbekistan's "Relation to the

Improvement of the Psychiatric Care System" With the Law No. ORQ-567 (September 12, 2019) "On Amendments and Additions to Certain Legislations of the Republic of Uzbekistan", the institution of medical coercive measures was improved.[2] According to the law, thirteen laws were set to be amended and supplemented. Accordingly, the Criminal Code introduced provisions on the responsibility of a person with a mental disorder in a way that does not exclude sanity, expanded the types of coercive medical measures, and approved the rules for the appointment of such measures.

MATERIAL AND METHODS

The research used the current legal norms and the scientific-theoretical views of legal scholars on the issue of the institution of coercive medical measures in criminal law, and the methods of comparative legal analysis, synthesis, observation, generalization, induction and deduction were used.

RESEARCH RESULTS

Although there is no legal definition of medical coercive measures in the criminal law, medical coercive measures are one of the widely used institutions in legal theory and law enforcement practice. Despite the fact that this institution is defined as a coercive measure in the Criminal Code (hereinafter referred to as the Criminal Code), it is not considered a punishment and does not result in conviction of a person. In the legal sense of the terms defined in the eighth section of the Special Part of the Criminal Code, coercive medical measures are defined as "other legal measures". However, Article 16 of the Code states that "responsibility for a crime is a legal consequence of committing a crime, which is expressed by the court's sentencing, punishment or other legal impact measure against the person guilty of the crime." Therefore,

coercive medical measures can be considered as a form of criminal liability. [3]

However, if we analyze the issue from a criminal-legal point of view, it leads to its consideration not only as a form of responsibility implementation, but also as a mandatory measure used for the purpose of treatment of persons who have committed socially dangerous acts without holding them accountable. This requires an analysis of two important aspects of medical coercion.

ANALYSIS OF RESEARCH RESULTS

The first is coercive medical measures that are not a form of criminal liability. According to Article 18 of the Civil Code, a person who was mentally deranged at the time of committing a socially dangerous act, that is, a person who could not understand the importance of his actions (inaction) or could not control them due to his mental state being chronically or temporarily disturbed, mentally weak or mentally disturbed in some other way, should not be held responsible. In case of deficiency, it is established that coercive medical measures may be ordered by the court against the person who has committed a socially dangerous act. Based on the essence of this article, it should be noted that despite the fact that a person has committed a socially dangerous act in the following cases, he will not be held criminally liable. [4]

That is:

1) if he was mentally deranged at the time of committing a socially dangerous act; 2) if the person is mentally deficient, i.e. the person is unable to understand the importance of their actions (inaction) or control them due to chronic or temporary mental state, mental weakness, or mental state is disturbed in some other way.

The non-responsibility of a person with mental retardation comes from the provisions set forth in Article 17 of the Criminal Code. In particular, the first part of this article stipulates that sane natural persons who have reached the age of sixteen before committing a crime shall be held liable. This rule includes the signs of the subject of the crime, the lack of sanity of the person means the absence of the subject of the crime, and the absence of the subject of the crime means the absence of the composition of the crime. In particular, according to the rule of Article 16, Part 2 of the Criminal Code, which shows the factual and normative basis of the criminal structure, the commission of an act that has all the symptoms of the criminal structure provided for in the Criminal Code is considered grounds for prosecution. Therefore, it is wrong to consider the acts defined as crimes in the code as crimes if they were committed during the period of mental incapacity of the person. In such a case, it is necessary to apply only coercive medical measures.

The second is coercive medical measures, which are considered a form of criminal liability. It is established that a sane person who could not fully understand the significance of his actions (inaction) or was unable to control them due to a disturbed mental state at the time of committing a crime shall be held responsible. Such a person is defined in the law as "a person whose mental state is disturbed in a way that does not exclude sanity."

The commission of a socially dangerous act provided by the Criminal Code by a person with a mental disorder in a way that does not exclude sanity excludes the non-existence of the subject of the crime. In such a case, even if the person's mental state is disturbed, he is not considered insane and will be held criminally liable. That is, according to the principle of inevitability

of responsibility (Article 10) defined in the Criminal Code, every person whose act is determined to contain the elements of a crime must be held accountable.

However, in such a case, along with criminal liability, the court may impose coercive medical measures according to the second part of Article 181 of the Criminal Code. These aspects mean that coercive measures in the medical field, although they are a form of implementation of criminal responsibility, are not considered as a type of criminal punishment. Accordingly, medical coercive measure can be defined as follows: medical coercive measure is a person who commits a socially dangerous act in the state of mental deficiency or has a mental disorder in such a way that he cannot understand the importance of his actions or control them until the sentence is passed or during the serving of the sentence. , as well as a coercive measure provided for in the Criminal Code, which is appointed by the court based on a medical opinion, in case of a crime committed by persons who are addicted to alcoholism, drug addiction or intoxication, or whose mental state is disturbed in a way that does not exclude sanity.

Medical coercive measures are applied to a mentally disturbed person or a person suffering from alcoholism, drug addiction, or intoxication in a way that does not exclude mental health, and to carry out various actions aimed at restoring his mental state. These types of measures have a mandatory nature and are appointed by the court against persons who have committed a socially dangerous act prohibited by the criminal law and pose a certain danger to themselves or others based on the requirements of the Criminal Procedure Code (hereinafter referred to as the Criminal Procedure Code) and are intended to limit the freedom of such a person. holds In other words, it can be said that it is a treatment-rehabilitation and

organizational-prophylactic security measures used from a criminal-legal point of view.[5]

Specific signs of the use of coercive medical measures include:

- 1) it is assigned to a person who is demented and mentally disturbed in a way that does not exclude sanity, or is addicted to alcoholism, drug addiction or intoxication;
- 2) appointed when a person commits a socially dangerous act;
- 3) it is used by the court only according to the conclusion of the forensic psychiatric examination;
- 4) such measures are prescribed to treat individuals and prevent them from committing new socially dangerous actions;
- 5) they are implemented in the form of legal coercion, that is, they are used on the basis of a legal and justified decision of the court, even without the consent of the person or his legal representatives.[6]

In this case, the requirements specified in the Law of the Republic of Uzbekistan "On Psychiatric Assistance" will be observed. In particular, according to Article 27 of the law, if a person with a mental disorder can be examined or treated only in an inpatient setting, and if the mental disorder is serious and related to the following, this person may be hospitalized without his consent or without the consent of his legal representative before a court decision is issued:

- he poses a direct danger to himself or others;
- his helplessness, that is, his inability to meet his basic life needs independently;
- if the person is about to be left without psychiatric help, serious damage to his health due to deterioration of his mental state;

6) the application of these measures is manifested in the restriction of the rights and freedoms of the person. The rights and obligations of patients in psychiatric hospitals where coercive medical measures have been applied, the conditions of keeping patients, as well as the norms regarding the execution of coercive measures of this type are regulated by criminal law;

7) the use of coercive medical measures does not result in a conviction and does not involve the education of a person.

Article 91 of the Criminal Code defines the goals of coercive medical measures, which differ according to the medical criteria of the symptoms of the subject who committed a socially dangerous act. Firstly, based on the first part of this article, coercive medical measures may be imposed on mentally disturbed persons who have committed socially dangerous acts in order to treat these persons and prevent them from committing new socially dangerous acts.[7]

The mental state of this person is related to the factor that led to the commission of a socially dangerous act. That is, the fact that he is dangerous for the society implies the application of medical treatment measures to him and the restriction of certain rights and freedoms in order to prevent new socially dangerous manifestations during the treatment. Secondly, as mentioned in the second part of the above article, coercive medical measures can be appointed by the court in addition to punishing persons who are addicted to alcoholism, drug addiction, or mentally disturbed in a way that does not exclude sanity, for treatment and to create conditions that help to achieve the goal of punishment.

Treatment of a person should be understood as a set of processes aimed at restoring the health of a person

with a disturbed mental state or suffering from alcoholism, drug addiction or intoxication by using medical tools and methods. According to Article 12 of the Law of the Republic of Uzbekistan "On Psychiatric Assistance", the diagnosis of a mental disorder is made in accordance with generally recognized international standards and classifications, and the citizen's disagreement with the moral, cultural, political and religious values accepted in society or other reasons not directly related to the state of his mental health cannot be justified. To diagnose and treat a person with a mental disorder, medical tools and methods allowed in the procedure established by law are used.[8]

According to the Law of the Republic of Uzbekistan dated December 9, 1992 "On Compulsory Treatment of Patients Suffering from Chronic Alcoholism, Drug Addiction, or Drug Intoxication", the recognition of a person as a patient suffering from chronic alcoholism, drug addiction, or intoxication is carried out by the relevant treatment institutions in accordance with the procedure established by the Ministry of Health of the Republic of Uzbekistan. Treatment should eliminate the mental and physical dependence of prisoners on alcohol, narcotic substances and their raw materials, psychotropic substances and other substances affecting mental activity. In the process of treatment of mentally disturbed persons, alcoholics, drug or drug addicts, or persons who are considered mentally deficient, it is necessary to use proven methods of therapy, which serves to change their mental state.[9]

In addition, it allows to confirm that the social danger of the person has disappeared.

It is not allowed to carry out treatment procedures other than medical means and methods against a person who has been subjected to coercive medical measures.

CONCLUSIONS

The goal of preventing a person with a mental illness from committing new socially dangerous acts means that as a result of the use of coercive medical measures, such persons will lose their social danger to themselves and others, their mental attitude to commit socially dangerous acts in the future, and physical opportunity will not be left. [10]

The means of realization of this goal implies the implementation of various organizational-prophylactic and medical measures, separating them from society, on the basis of the medical means and methods prescribed for such persons.

According to Article 40 of the Law of the Republic of Uzbekistan "On Prevention of Crimes" dated May 14, 2014, if a person suffering from chronic alcoholism, drug addiction or intoxication violates public order, the rights of other persons, or threatens the safety, health and morals of the population, the internal affairs authorities It is determined to take measures to send him to compulsory treatment in accordance with the "On Compulsory Treatment of Patients Suffering from Alcoholism, Narcotics or Poisoning" and other legal documents.

The creation of conditions conducive to the achievement of the goal of punishment of coercive medical measures means that medical measures against a person are carried out together with the execution of punishments imposed by the court. [11]

In such a case, medical means and methods are applied to the person in full compliance with the procedure and conditions of serving the punishment provided by the criminal law. That is, the prescribed type of punishment and coercive medical measures are executed together. [12]

In particular, in accordance with Article 182 of the Criminal-Executive Code, medical coercive measures against prisoners who are addicted to alcoholism, drug addiction or intoxication and whose mental state is disturbed in a way that does not exclude sanity are imposed by medical institutions of health authorities on persons sentenced to punishments not related to complete isolation from society. It is established that the punishment in the form of deprivation of liberty shall be applied to persons sentenced to imprisonment.

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Research Article

NOTARIES AND DIGITAL WORK: ISSUES OF STAFF TRAINING AND IMPROVING QUALIFICATIONS IN MODERN DIGITAL TECHNOLOGIES

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ABSTRACT

This scientific article discusses the development of notaries in the context of digital office work. Along with this, the issues of personnel training and advanced training in the use of modern digital technologies in notarial practice are separately emphasized. The relevance of the study lies in the intensive development of digital technologies and the need to ensure the optimality and speed of the notarial process. The purpose of the study is determined by modern trends in the development of digital document management and digital civil circulation, and is to reveal the key questions posed in a scientific article. The result of the study is conclusions formulated on the basis of a theoretical and legal review of relevant research questions about digital office work in notarial practice. In general, the study allows us to state the need to continue regulatory and law-making work in the field of notaries in the direction of improving its technological foundations and digital office work. In turn, improving the practice of developing digital office work is possible through continuous training of notaries and workers in the notary system.

KEYWORDS

Notary, office work, digital document management, digital electronic signature, cybersecurity, technology, digital knowledge, qualifications.

INTRODUCTION

The relevance of the research topic lies in the intensive development of digital technologies and the need to ensure the optimality and speed of the notary process. Improving the practice of developing digital record

keeping is possible through continuous professional development of notaries and employees in the notary system. The substantiation of the scientific basis of this

work is a separate theoretical and legal component of the development of the digital notary.

The purpose of the study is determined by modern trends in the development of digital document management and digital civil turnover, and consists in revealing the key issues raised in a scientific article. The result of the study is the conclusions formulated on the basis of a theoretical and legal review of relevant research issues on digital record keeping in notary practice.

The scientific development on the research topic is presented in a relatively small number of scientific papers and publications. At the same time, the issues of digital notary development have been the subject of research by such authors as A.V.Malko, D.A.Antrushina, K.A.Korsik, A.A. Parfenchikova, M.D. Shapsugova, O.V.Fedotova, O.V. Filippova, M.G.Kholkina, M.I.Shtapakov, A.G.Kravchenko, A.M. Nikitenko, N.I. Solovyanenko, J. F.Ferreira, L.Weyts, D.Thun, E. Deckers, and others.

MATERIALS AND METHODS

The research methodology in the scientific article consists in the use of such methods of cognition as the dialectical method, analysis, synthesis, induction, deduction, generalization, modeling, forecasting. The rationale for the necessity and practical significance of the scientific article is that at the moment notary practice needs to be optimized through the active use of digital technologies and compliance with modern trends in the development of digital relations. At the same time, it is possible to ensure the improvement of the practice of developing digital record keeping by constantly improving the skills of notaries and employees in the notary system.

THE RESULTS OF THE STUDY

Current trends in the development of notary practice reflect the desire for efficiency, security and digitalization in the work of notaries and relevant employees in the notary system. It is important to note that today the introduction of electronic document management and the possibility of concluding transactions using electronic signatures leads to significant changes in notary practice. In the era of information technology development, law and emerging legal relations cannot be isolated from technological advances [1]. But the ability to work with electronic documents, computer technologies and the skills to quickly register electronic notarial actions requires constant professional development in the field of digital technologies. Notaries are increasingly turning to training in the use of digital tools and technologies in order to improve their skills. In many countries, in the light of the increasing number of digital transactions and documents, the notary is actively engaged in cybersecurity and information protection issues. With increased mobility and border crossings, notary practice is facing new challenges, including authentication and legalization of documents for international transactions.

Notary practice is increasingly striving to comply with the principles of sustainability and social responsibility, including with regard to taking into account the needs of the prevailing social environment. It is necessary to agree with K.A. Korsik and A. A. Parfenchikova that "today the notary has earned the status of a leader in the legal sphere for the introduction of digital innovations, since advanced technologies are used in almost any notarial action" [2, c. 92-97].

The electronic document management of the notary reflects the global trend of "technologization" of socio-economic processes.

In general, these trends in the development of modern notary practice reflect the desire of the notary to adapt to changing circumstances and introduce innovations to increase efficiency and competitiveness in the modern environment. Digital record keeping is an important tool for modern notary practice, facilitating the processes of certification [3, pp. 106-109] and document management. In the context of the above, digital record keeping should be characterized as a set of methods, methods and tools related to the use of digital technologies for document management and processing, as well as for conducting legally significant procedures such as electronic signature, electronic document version management, electronic document management, etc.

The main components of digital record keeping include:

- electronic documents, as digital versions of documents that can be created, signed, transferred and stored in electronic format;
- electronic digital signature [4, p. 40], which is an authentication method that allows you to establish the authenticity of electronic documents and transactions; digital identification is closely related to it, based on the use of identity verification methods (parties in a notarial relationship) and the authenticity of participants in the process using digital technologies;
- electronic document management, as a set of pronounced and frequently used processes for managing and transferring electronic documents between process participants;
- notaries' certifying inscriptions [5].

It is obvious that today the connection of digital record keeping with notary practice can be established through the use of electronic signatures and electronic versions of documents.

In light of this, it is necessary to briefly mention the experience of foreign countries in this area. For example, European notaries have created EUFides, a common platform representing a kind of secure notary cloud that facilitates the joint work of European notaries on cross-border files, for example, in the field of real estate, succession and corporate law. The EUFides platform is managed by the international non-profit Association for Belgian Law (AISBL), whose founding members are notaries from Belgium, France, Italy, Luxembourg and Spain. Notaries from Germany and the Netherlands have joined the ACAC. Notaries from member notaries can use the platform and even invite a notary from another European country that is not yet a member to work with a cross-border file" [6]. The French model of notary development is quite popular [7, p.14]. In general, the notary office in foreign countries functions in accordance with the trends of positive globalization [8, p.147], with a combination of notary and lawyer functions by solicitors in England [9], including in the digital environment. At the same time, the notary bears property responsibility [10, p.50] and for the correctness of digital notarial actions. Notaries can use electronic signatures to authenticate documents and transactions, which allows notarial acts to be carried out in electronic form. Digital record keeping also provides an opportunity for the safe storage and transfer of electronic versions of documents, which can be an important aspect in notarial activities.

ANALYSIS OF THE RESEARCH RESULTS

Notarization and digital record keeping are important aspects of modern legal practice. But at the same time, as scientists emphasize, "reforming the notary should not become an end in itself, but should be aimed at using its potential" [11]. The interaction between the notary and digital record keeping reflects the trends

towards automation and digitalization of legal processes. It should be emphasized separately that the notary is a separate legal science in the field of jurisprudence, related to the study of the practice of certifying and certifying legally significant documents, making transactions and providing legal advice. Digital record keeping refers to the use of digital technologies and electronic tools for managing and processing documents, as well as for conducting legally significant actions such as signing electronic contracts, storing digital copies of documents, etc. Key issues of digital record keeping include data security, electronic identification, electronic signatures and ensuring the legality of electronic documents.

When considering the interaction of a notary and digital record keeping, it is important to take into account the development of legal regulation in the field of digitalization of notary processes, issues of digital technology security, the inclusion of electronic signatures and electronic identification in notarial acts, as well as the possibility of using digital media for storing and providing information by a notary. An effective combination of notary and digital record keeping requires consideration of legal and technical aspects that ensure the legality, security and convenience of conducting legally significant cases.

Along with this, the constant improvement of the digital knowledge of notary employees plays an important role in adapting to modern technological requirements and improving work efficiency.

Since the notary works with confidential information, it is important to provide training for employees in the notary's system on cybersecurity and data protection. Along with this, it seems necessary to improve the implementation of electronic work processes (electronic notary in civil relations) [12], automate routine tasks and switch to electronic documentation,

which in turn will help to increase the efficiency of notaries, and staff training in this area will be extremely important.

The organization of practical trainings and master classes on the use of specialized software, electronic forms and other digital tools that are used in the work of a notary will bring a separate benefit to the educational process in the field of notary practice. Providing access to online resources and training platforms that specialize in digital skills and tools allows notary employees to expand their knowledge in the digital field. All this can contribute to improving the digital knowledge of notary employees and preparing them for the effective use of modern technologies in their daily activities.

CONCLUSIONS

Professional development of notaries in the field of application of modern digital technologies in their work is associated with the organization of specialized courses or training seminars, providing notaries with practical support and training on the use of specialized software and electronic platforms used in digital document management, organizing conferences, seminars and master classes for the exchange of experience between notaries who are already successfully using digital technologies in their practice[16].

Equally important is the need to ensure the participation of notaries in digital technology certification programs that ensure compliance with information security standards and requirements, as well as encouragement and participation in research and development projects in the field of digital technologies in the notary office to promote new methods and practices. It is necessary to constantly study such new legal constructions as the "electronic

image of a document", or "scan image", "visualization", "conversion (conversion)" and "migration" of electronic documents, "machine-readable document of authority" [13], previously unknown to the legislation of many states.

Meanwhile, the network organization of notarial work, its extraterritorial form, allows you to provide notarial services around the clock and continuously, remove unnecessary single-person workload on the work of notaries, reducing the time costs of applicants [14]. However, this procedure may require improving the special legal regulation and organization of notarial actions and related paperwork.

But notarial practice in the context of the development of digital record keeping is experiencing many organizational and technological problems, the incomplete development of the legal regime of notarial work with virtual space and confirmation of the legal status of virtual property [15]. The researchers emphasize that it is impossible to ensure 100% efficiency from the use of digital interaction due to the possibility of digital failures [17]. In view of this, the development of digital notary records management should be recognized as a promising area of legal and law-making activities in the field of notaries, but not devoid of personnel, technological, technical problems, as well as risks in the field of cybersecurity and the security of personal data of citizens.

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Research Article

REGULATION OF BUSINESS ACTIVITIES IN THE FIELD OF TOURISM IN UZBEKISTAN: AN ANALYTICAL REVIEW OF REGULATIONS AND THE IMPORTANCE OF COMPLIANCE WITH LEGISLATION

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ABSTRACT

The scientific article presents an overview and analysis of regulatory acts related to entrepreneurial activity in the field of tourism in Uzbekistan. The author of the article examines the issues of legal regulation of the tourism industry and determines the importance of compliance with the law when carrying out business activities in this area. The article analyzes legislation, including requirements for the quality of services provided, tourist safety and consumer protection. Special attention is also paid to legislation regulating virtual entrepreneurship related to tourism activities. The author emphasizes the important role of entrepreneurial activity in the field of tourism for the economy of Uzbekistan. However, it is indicated that the successful implementation of such activities is possible only if the legislation and proper organization are observed. The article is an up-to-date study providing significant information on the legal regulation of entrepreneurial activity in the field of tourism in Uzbekistan. The results and conclusions obtained contribute to a better understanding of the regulatory environment, as well as recommendations for improving and complying with legislation for entrepreneurs in the tourism industry of Uzbekistan.

KEYWORDS

Entrepreneurial activity; tourism; regulations; legal status; quality of services; tourist safety; virtual tourism; digital services.

INTRODUCTION

Tourism, as one of the areas of social and economic activity, the development indicators of which show continuous growth, attracts entrepreneurs around the

world. According to statistics published on the website of the World Tourism Organization (UNWTO), international tourism in 2021 grew by 4% compared to

2020, but is 72% behind the growth rate before the global COVID-19 pandemic [1]. According to UNWTO Secretary General Zurab Pololikashvili, almost half of the experts surveyed (64%) expect international tourism indicators to return to 2019 levels in 2024 or later [2].

For comparison, we can cite data on the development of international tourism 20 years before the pandemic (2000-2019). From statistics provided by Felix Richter based on data from the World Tourism Organization, one can observe a constant increase in funds raised from the tourism industry by 7-10% from year to year (from 487 billion to 1.478 trillion US dollars) [3]. The exception was the global financial crisis of 2008, with a general drop in the services market of up to 35%, while in the tourism sector the drop was 10-15% [4].

Over the nine months of 2021, more than 1 million 135 thousand foreign tourists visited Uzbekistan. During the period from January to September 2021, 105 new hotels and 1001 family guest houses were launched. The result was an increase in the total number of hotels in the country to 1361, the number of rooms to 31388, family guest houses to 2365 units [5].

One of the areas of innovation in the field of tourism is the emergence of new types of tourism, in particular, an innovative breakthrough in the modern world was the emergence of such a direction as virtual tourism. An important area was the further introduction of the advantages of e-commerce, in particular the use of contactless cards, cryptocurrencies, and electronic money as payments [6].

Note that recently Uzbekistan has allowed the use of electronic wallets WebMoney and Yandex-money, although the circulation of cryptoassets for individuals is currently prohibited by law [7].

Innovation in tourism is “the introduction to the market of services that at a certain point in time have higher consumer qualities, while they are aimed at increasing the level of tourist satisfaction and his quality of life.”

One of the very first innovations is the creation of a new product or service, which can be either a route or a vacation spot [8].

The next innovation can be called the introduction of modern digital capabilities into the country’s economy:

- electronic payment services and e-commerce;
- Internet trade and Internet resources;
- Internet of Things market (IoT – Internet of Things);
- crowdfunding;
- Internet banking;
- technologies for processing large volumes of data (Big Data);
- development of “cloud” services;
- artificial intelligence (AI, neural networks);
- location determination technologies.

Thus, based on the digital capabilities of our time, the project “Concepts of the Republic of Uzbekistan in the field of development of artificial intelligence 2021-2030” was put forward, which examines the study and implementation of artificial intelligence technology in all areas, as well as the development of a regulatory framework [9].

In accordance with the Strategy “Digital Uzbekistan - 2030” and in order to create favorable conditions for the accelerated implementation of artificial intelligence technologies and their widespread use in the country, ensuring the availability and high quality of digital data, and training qualified personnel in this area, a “Program of measures for the study and

implementation of artificial intelligence technologies in 2021-2022” [10].

The European Union has begun to create the most comprehensive regulatory framework for regulating relations in the field of artificial intelligence (hereinafter referred to as AI), which represents the first stage towards creating a consistent and holistic system. It is noted that this Resolution is fragmentary and does not provide full regulation [11].

As a solution, it was proposed to create a special body whose main task would be to analyze the possibilities of integrating technologies, assess the consequences of their use and formulate legislative initiatives for other authorities in the field of AI. A good example is the European Union Agency for Robotics and Artificial Intelligence.

According to the results of a study on the implementation of modern digital opportunities in tourism activities, the largest travel provider company Booking.com traced certain trends:

1. Strengthening the influence of information technology.
2. Increase in business tourism flows.
3. Formation of new route logistics and changes in usual tourist destinations.
4. Development of budget tourism options.
5. Development of ecological tourism [12].

The practice of economic development in developed countries shows that entrepreneurial activity plays a major role in solving socio-economic problems, for example, creating new jobs and reducing unemployment, training qualified personnel, which determines the expansion of its capabilities and an increase in its share in the economy, especially in industries where its potential is high.

The development of tourism services largely determines the formation of various areas of entrepreneurship, including through the merger of several small enterprises into a single tourism cluster. M. Porter proposed linking groups of small businesses geographically [13]. According to the theory of clustering, a tourism cluster is a collection of small enterprises and entrepreneurs whose activities are subordinated to the development of the tourism industry [14].

The main directions of development of legal regulation in the tourism sector allow for the development of legal acts relating to all sectors of improving the tourism industry. International acts and agreements between governments of different countries have acquired enormous significance for the formation and development of tourism activities. Existing regulatory and legal acts of the Republic of Uzbekistan do not always regulate the most important problems of improving tourism [15].

Due to the global pandemic COVID-19, which began in 2019 and the closure of state borders, the question arose about the development of virtual tourism. In this regard, entrepreneurs began to master a new type of activity in the digital reality.

Virtual tourism is “a type of tourism that uses 3D and 4D effects, innovative programs and spherical panoramas to help travel for those who cannot afford real travel or due to circumstances.” It allows you to use maps and 3D routes that allow you to observe objects in real time in a specific location.

With the development of digital power and the index of gadget availability per capita, a number of expressed forms can be listed:

1. Online purchase of tours prepared by tour operators. Internet resources that offer this type of service can be called the search engine of the travel agency network “My Last Minute Tour”, the Avianta tour search system, the Trivago.ru system, etc.

2. Applications for cell phones.

3. Blockchain technology. The technology will make it possible to find data on purchases of tourism services in a single digital space, which will help each of the participants in the process provide services for the sale of a tourism product, focus on real information about consumers and anticipate their needs, personalizing advertising offers [16].

4. Development of artificial intelligence (AI), cloud computing and Internet banking. Due to the fact that progress in the computing power of computers does not stand still, it has become possible to process incoming orders from clients and distribute offers from travel agencies in real time, purchase tickets and pay for services from any gadget “without leaving the couch.” Decentralization of capacity allows you to save data when any point in the project chain fails. AI based on user requests allows you to flexibly track customer preferences and offer targeted opportunities for entrepreneurs to offer additional services.

As the history of mankind shows, a giant leap in the development and implementation of technology occurs when wars, natural disasters and other emergency events (force majeure) occur. Thus, the COVID-19 pandemic hit the tourism industry hard all over the world, including in Uzbekistan, which resulted in a more intensive development of the above forms.

Thus, by the Decree of the President of the Republic of Uzbekistan “On urgent measures to support the tourism sector to reduce the negative impact of the

coronavirus pandemic” dated May 28, 2020, a program to support entrepreneurs in the tourism business was implemented.

Benefits were provided for tour operators, travel agents, and accommodation facilities during the period from June 1 to December 31, 2020; income tax rates were reduced by 50% of the established rates. In accordance with the decree, the right was granted to carry forward losses based on the results of 2020 and 2021 without limiting their amounts provided for by the Tax Code, and in the period until January 1, 2021, the accrual and payment of tourist (hotel) tax was suspended [17].

In his speech, President of Uzbekistan Shavkat Mirziyoyev emphasized: “The current difficult conditions are a test for our economy. Industrial enterprises, entrepreneurs, and exporters expect concrete measures from us. Therefore, creating reserves to compensate for possible economic losses and ensuring macroeconomic stability should be the main task of the government” [18]. This is reflected in the Decree of the President of the Republic of Uzbekistan “On additional measures to support the population, economic sectors and business entities during the coronavirus pandemic” [19].

Emphasis was also placed on the development of domestic tourism. Thus, according to the Resolution of the President of the Republic of Uzbekistan “On additional measures to diversify domestic tourism services”, measures will be taken to raise tourism to a strategic level in the economy of the republic, diversify and significantly increase the volume of domestic tourism services, creating the necessary conditions for familiarizing citizens with the tourism potential of the country, improving the quality of tourism services provided and increasing competitiveness in world markets, creating additional opportunities for business

entities operating in the field of tourism, accelerating the development of modern service infrastructure, as well as ensuring employment and expanding sources of income population [20].

To stimulate entrepreneurs during quarantine, financial support was provided in the form of covering all costs of sanitary work from the country's budget [21].

Due to the fact that the country's external borders were closed, a number of factors allowed us to summarize the development of domestic tourism:

1. Rest is one of the main human needs. Taking into account the rather serious psychological stress of the last six months, for most people a vacation, at least short-term (3-5 days), is vital and this is an additional opportunity to expand domestic tourism.

2. Safety is a key factor in the development of any type of tourism. Throughout the quarantine, Uzbekistan had a controlled epidemiological situation, therefore, the majority of the population chose to travel around the country. On the other hand, this was facilitated by the closure of borders between states.

3. The cost of vacation is one of the clear advantages of domestic tourism. Vacations within the country are not only safer, but also cheaper, which, in the context of an economic downturn, has become a determining factor for deciding on a vacation.

4. The presence on the territory of Uzbekistan of ancient cities with picturesque architecture and cultural heritage puts Uzbekistan in the position of a state with great historical and cultural potential. A striking example is Samarkand, Bukhara, and Khiva, which are often visited by tourists.

Based on this, the tourism business of Uzbekistan has also radically rethought existing business models, taking into account innovation and digitalization [22].

To support and develop domestic tourism and pilgrimage, the Ministry of Tourism and Cultural Heritage proposed a number of events and resolutions:

1. Provide a number of benefits for business entities and self-employed people involved in the development of domestic tourism;
2. Simplify the “paperwork” for obtaining vouchers to sanatoriums;
3. Provide decent, modern and safe transport for tourists and their families;
4. Develop tariffs for all types of services, including hotel accommodation, transportation, excursions, etc.;
5. For school students, introduce compulsory educational visits to tourist cities of Uzbekistan to study the history and cultural heritage of our country;
6. Stimulate the development of cycling and mountain tourism, festivals and provide support from the state and the self-employed population [23].

Despite the detrimental impact of the COVID-19 pandemic, global tourism did not collapse, but began to develop in a different direction. One of the main directions was the development of domestic tourism in the country [26]. Government subsidies and private sector support were allocated for this. The second and important area was the intensive development of virtual tourism. In this regard, there is a need for the development of modern technologies and, accordingly, the creation of additional jobs [25].

The Ministry of Tourism and Cultural Heritage, together with the Ministry of Health, will form and supplement the “register of safe sites”, on the basis of which tour operators will form tourist routes.

Thus, certification of business entities (catering services, accommodation facilities, transport services, etc.) is voluntary [24].

CONCLUSIONS

Having analyzed the material presented in the first paragraph, we can draw a number of conclusions:

1. Currently, it is impossible to imagine entrepreneurial activity without the introduction of innovations based on the use of ICT.
2. The development of artificial intelligence and related technologies has become a new phenomenon for the whole world. Thus, the Strategy “Digital Uzbekistan - 2030” approved the “Program of measures for the study and implementation of artificial intelligence technologies in 2021-2022”, and also put forward the project “Concepts of the Republic of Uzbekistan in the field of development of artificial intelligence 2021-2030”.
3. Virtual tourism has become the only type of tourism during the quarantine period that has shown rapid development, since the Internet is available to almost every person.
4. Digitalization in the tourism sector has become online ordering tickets and paying for them using electronic money, mobile applications that track the most profitable tour offers, and blockchain technology.
5. Providing financial support for entrepreneurs during Covid-19.

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Research Article

SOME ISSUES OF QUALIFICATION OF THE ACTS OF A PERSON INSTIGATING A CRIME

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ABSTRACT

The article examines expert viewpoints as well as views and ideas presented in the scientific literature regarding the qualification of the instigator's action in crimes committed in complicity. It has been discovered through the practice of judicial investigations that there are various approaches to establishing the liability for the instigator's actions in crimes committed with complicity, and proposals aimed at eliminating them have been developed. Additionally, expert opinions on the legal character of the initiator were examined and proposals and recommendations for the definition of the scope of liability were developed.

KEYWORDS

Complicity in a crime, instigator, signs of an instigator, liability.

INTRODUCTION

An instigator is a person who possesses particular characteristics and tasks in the commission of crimes in complicity. Its social danger is manifested in as a negative impact on other individuals inciting them to commit a crime. The instigator usually makes direct contact with the perpetrator of the crime and influences his will and mind in order to arouse in him the desire to commit the crime.

It should be highlighted that the correct legal evaluation of the instigator's act depends on the full disclosure of its legal nature and content from the point of view of criminal law. The Article 28 (part 4) of the current Criminal Code state sthat "Instigator shall be a person who tempted somebody to commission of a crime". As we can see, the legislator does not categorize the instigator (in contrast to the head/organizer) into types and does not specify the

methods by which it is implemented. In this regard, A. Atajonov rightly noted that “Definition of instigation in the current criminal law of Uzbekistan does not reveal the methods of instigating the crime and the signs that serve to distinguish it from other types of complicity”. [62] For this reason, the current version of instigating of the crime does not fully express its legal essence. In addition, the legislator does not explain the legal meaning of the phrase “incitement to commit a crime” used in the definition of the instigator of the current criminal law. This leads to some misunderstandings in the interpretation of this norm. If the phrase “incitement to commit a crime” is interpreted directly, it means to arouse interest in another person to commit a crime. However, if this phrase is analyzed logically and scientifically, it can be seen that there are other cases that are not covered by this meaning. Because instigating a crime is not only inciting an interest in committing a crime but also it can also occur in cases of forcing another person to commit a crime.

It should also be noted that in the description of the instigator the Russian and Uzbek texts of Article 28 (part 4) of the current Criminal Code differ from each other. In particular, the norms of the Russian Criminal in respect of an instigator use the phrase “sklonivshее” (склонившее). It is translated as “undash” (encourage) in Uzbek-Russian dictionaries. The fact that the legislator used different expressions to formalize the content of one social relation also has a negative effect on the uniform understanding and application of the norms of the criminal law on instigation.

In addition, the current criminal law does not clarify to whom exactly the the instigating of the crime is committed. According to the content of the law “a person who incites the commission of a crime is an instigator”, then “Who exactly should the instigator

incite to commit a crime?” Because, if it is derived from the expressed content of the legal norm and if it is interpreted directly, it is not limited to the fact that it is carried out with respect to the circle of unknown persons. However, if the incitement to commit a crime is carried out against a group of unidentified individuals, such actions do not constitute instigation.

The person who who encourages someone else to commit a crime must always be another person. It is critical to ascertain this person’s identity and role in the crime. This individual may be a natural person who has reached the legal age for sane liability. That is why incitement to commit a crime cannot be manifested in propaganda or campaigning methods aimed at the circle of unidentified individuals. Such a situation may lead to criminal liability in accordance with the procedure established by criminal legislation, i.e. by other articles of the Criminal Code (CC Articles 159, 2161).

Therefore, public calls for the commission of a crime are not qualified as instigating to commit a crime. However, the person instigating to commit a crime does not have to be one person, they can be several persons. Only the main thing is that the instigator should have the goal of inciting the decision to commit a crime in each of these persons. The main thing here is that the instigator must have the goal of inciting the desire to commit a crime in each of these persons.

At this point, it should be highlighted that instigating to commit a crime in judicial and investigation practice is carried out in different ways. In particular, it manifests itself in extortion, intimidation, deception, begging, confusion, coercion, incitement, etc. From a legal perspective, it is theoretically challenging to include all of them in a single standard. To have a more comprehensive grasp of the act of instigating to commit a crime and to correctly understand its legal

essence, it is necessary to clarify these terms. Ultimately, this circumstance makes it possible to increase the effectiveness of the fight against instigating activities and helps to differentiate them from other forms of culpability (participation). Therefore, the objective side of instigating to commit a crime is expressed in actions aimed at inciting to commit a crime. Thus, the instigator arouses in another individual the urge to commit a crime. That is why the actions of the person who instigates a crime are always obvious and focused on achieving a particular objective.

The objective side's indicators suggest that the person who initiates the crime is more like an organizer. Therefore, in distinguishing the instigator from the organizer, we should take into account that usually the organizer also coordinates and controls the future behavior of the person who instigated to commit the crime. The main goal of the instigator is expressed in the desire to incite to a firm decision to commit a crime in the minds of other accomplices of the crime. So, it can be concluded that the instigator only encourages another person to commit a crime and does not control his further activities in committing a crime. The instigator differs from the organizer under the cited sign. Moreover, distinguishing between the signs of the instigator and the mental assistant appears as one of the complex issues. The difference between them is expressed in the fact that the instigator encourages another person to commit a crime (induces the feeling of committing a crime in another person), and a mental assistant helps by providing guidance to facilitate the commission of a crime by another person with his advice. Logically, the act of the instigator aimed at inciting another person to commit a crime is stopped until the person incited to commit the crime begins to commit the crime. The act of a mental assistant continues even after the criminal act has been

committed by the committer. For this reason, the instigator affects the committer before the desire to commit a crime appears in him, and the mental assistant affects him after the intention to commit a crime appears in him [p. 138]. Therefore, after a person starts committing a crime, there is no place for him to instigate the crime.

To put it briefly, the instigator's act is qualified based on three cases: 1) inducement/incitement (encouragement); 2) another individual; and 3) committing a crime. They are equally necessary for the legal nature of the instigation, or the instigation's content reflects them without exception.

Inducement means persuading another person to decide to commit a crime. That is why the giving of instructions that merely point to the possibility of committing a crime does not constitute instigation. Therefore, in this regard, we agree with Kozlov A.P. "Incitement means persuading or forcing a person to commit a certain criminal act". [127]

There are currently efforts underway to define the incitement to commit a crime in theory. For instance, scholars propose that this statement could be interpreted as encouraging someone else to take the initiative to commit a crime in another person [76] and promoting the initiative to commit a crime [234].

However, in relation to a person who has the intention to commit a crime in advance and has decided to commit a crime such actions do not constitute instigation. At the same time, V.I. Ivanov emphasizes that instigating a decision to commit a crime should be directed only against "a person who does not intend to commit a socially dangerous act" [428].

According to judicial practice, an instigator is commonly a person who, by his actions, seeks not to

incite to commit any illegal acts in another person, but to arouse in another person the intention to commit a specific crime covered by the criminal intent of the instigator, or to strengthen such a decision.

It should be said that acts of incitement to commit a crime mean only an offer, a desire, a criminal plan to commit a specific crime. This does not mean that a crime has been committed at that moment. In this case, the person who instigates to commit a crime may hesitate whether to decide to implement this proposal or criminal plan. Therefore, in this case, the fact that the person who is motivated to commit the crime has made a firm decision to commit the crime plays an important role in the qualification of the instigation act.

When someone is determined to commit a crime, it indicates that they are ready to make and carry out the decision to commit the crime. For this reason, arousing to commit a crime should be understood as inciting the decision to commit a crime in another person. This incitement/arousing must necessarily be aimed at causing damage to the objects protected by the criminal law. At this point, another question arises, that is, if the instigator, due to circumstances beyond his control, cannot encourage another person to commit a crime, how should his action be qualified? The circumstances that do not depend on the instigator are as follows: the death of a person instigated to commit a crime, a person's (instigated to commit a crime) falling seriously ill and losing the physical ability to commit a crime, mental disorder, refusal to commit a crime, non-commitment of a crime due to insurmountable force. However, unfortunately, this issue is not given a clear legal solution in the current criminal law. After all, the instigation is considered completed when the committer fully fulfills the objective aspect of the instigated crime. [p. 134.]

What is more, if the person instigated to commit a crime is unable to finish the crime he was instigated to, due to circumstances connected with him, this is also found as instigation.

However, the issue of determining the liability of the instigator in case the crime was not committed is reflected differently in the legal literature. For example, some authors emphasize that the liability of the instigator should be considered depending on the liability of the committer when the act of the instigator in the commission of the crime was not carried out due to circumstances beyond his control [94]. At the same time, other authors state that if complicity does not take place, the question of the instigator's liability is considered "attempt to instigate to commit a crime" [182]. According to other authors, complicity does not take place, each guilty person should be held liable for the crime covered by his guilt, therefore, if the committer does not commit the planned crime or does not complete it due to circumstances beyond his control, the other accomplices will be held liable for the preparation for the crime or attempt to instigate to commit a crime. According to Yakubov A.S., in cases where complicity does not take place, the behavior of the organizer, instigator or assistant should be qualified as preparation for the crime or attempt to instigate to commit a crime and it is necessary to qualify it according to the first or second part of Article 25 of the Criminal Code, and in accordance with the article of the Criminal Code, which stipulates liability for the uncommitted act. We also support this opinion, and it is appropriate to supplement Article 30 of the Criminal Code with the following norm:

If the crime committed in complicity is not completed due to circumstances beyond the control of the committer (perpetrator), the remaining accomplices shall be liable for preparing or attempting to commit

the crime intended to be committed in complicity, depending on the stage at which the intentional crime of the perpetrator stopped.

If the act of the organizer, instigator or assistant is not carried out due to circumstances beyond their control, they will be held liable for the preparation of the crime intended to be committed in complicity.

It is significant to consider another issue closely connected to our topic. Part 3 of Article 127 of the Criminal Code establishes liability for inducing a juvenile in antisocial conduct. According to Atajonov A.A., ‘inducing’ means any intentional actions by an adult aimed at encouraging a minor to commit a crime or antisocial behavior. Inducing minors to commit crimes can be done by means of deception, intimidation, and the use of force. Regarding such cases, the paragraph 7 of the Resolution No. 21 of the Plenum of the Supreme Court of the Republic of Uzbekistan (September 15, 2000) “On judicial practice in cases of juvenile crimes” explains: “Only persons who have reached the age of 18 and committed the crime intentionally can be prosecuted for inducing a minor in antisocial behavior. It is also necessary to determine whether an adult knowingly induces a minor to anti-social behavior by his actions or allows such an opinion. If an adult engages a person in antisocial behavior and does not know or cannot know that he is a minor, in this case it is not possible to bring him to criminal liability under Article 127 of the Criminal Code. That is, the fact of inducing a minor in a crime is qualified as an independent crime only by Article 127 of the Criminal Code. However, in our opinion, inducement (involvement), that is, inducement of a minor in a crime, is a form of instigation to commit a crime. If a juvenile has reached the age of responsibility for the crime he was induced in, the actions of the person involved the juvenile in the crime [together with

Article 127, part 3 of the Criminal Code] shall be qualified under the relevant part of the indicted crime for which liability for complicity is established, with reference to part 4 of Article 28 of the Criminal Code.

CONCLUSION

In conclusion, in order to eliminate the needs of investigation and judicial practice and existing gaps and shortcomings in the legislation, it is appropriate to amend the fourth part of Article 28 of the Criminal Code in the following wording: “an instigator shall be a person who induces other participants (accomplices) of the crime to commit the crime by extortion, threat with the use of force, coercion, deception, agreement or other methods”.

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