

Issues of Liability for Coercing a Representative of Authority or a Person Performing Civic Duties to Refrain from Performing their Official Duties Or Civic Responsibilities

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Annotation: This article examines the necessity of criminal liability in cases where a representative of the authorities or an individual fulfilling a civic duty is coerced, in any form, to refuse to perform their official duties or civic responsibilities, as well as to commit illegal actions, as outlined in Article 219 of the Criminal Code of the Republic of Uzbekistan. It also addresses the issues related to the correct classification of such offenses.

Key words: Criminal Code, representative of authority, person performing civic duty, coercion, criminal act, qualification.

The Criminal Code of the Republic of Uzbekistan, Article 219, Part 2, establishes criminal liability for coercing a representative of authority or a person fulfilling civic duties to refrain from performing their official responsibilities or civic obligations, as well as to engage in unlawful actions in any form.

Based on an analysis of the article's disposition, this study aims to address the following aspects: coercion to refrain from performing official duties or civic responsibilities and coercion to commit unlawful acts.

Initially, it is essential to consider what coercion entails and how scholars define it. Analyzing the criminal legislation of foreign countries reveals that many states have established criminal liability for compelling an individual to perform actions against their will, including countries such as Austria, Japan, Spain, Bulgaria, and Sweden.

A review of scientific research and academic works indicates that there is no singular consensus among scholars on this issue. Coercion is not only a pertinent subject of inquiry within legal studies but can also be found in social and psychological research.

Local scholar Professor M. Rustambaev defines coercion as "the physical or psychological influence exerted on a representative of authority or a person fulfilling civic duties to compel them to refuse to fulfill their obligations or to engage in unlawful actions for the benefit of the coercive party."

Similarly, S. Tikhonova presents a comparable scholarly perspective, stating that "coercion encompasses social relations involving the physical or psychological influence of one person over another, where the first person compels the second person to act in their favor or refrain from action."

D. Popov elaborates on this by asserting that "coercion is a deliberately inflicted, socially dangerous, and unlawful influence against a person, which involves compelling an individual to perform an act or to refrain from such an act through physical or psychological force, as well as other unlawful actions (omission)."

Additionally, V. Kalugin, who has conducted research on this topic, describes coercion as "an act of violence aimed at compelling an individual to perform an action against their own will."

Analyzing the aforementioned views of scholars, it is acknowledged by most that physical and psychological coercion constitutes the fundamental basis of compulsion. Professor M. Rustambaev

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defines physical coercion as "the act of inflicting physical violence, such as beating or other actions causing physical suffering, as well as restricting the victim's physical freedom against their will," while psychological coercion is understood as "inflicting moral harm expressed through physical violence, causing physical suffering, and threatening, thereby influencing through fear and similar means."

Researcher F. Madlaeva elaborates that "coercion can manifest in both physical and psychological forms. Physical coercion, in turn, can be displayed in two ways: the first being direct mechanical influence on a person's body, and the second being the restriction of a person's will against their desires. Psychological coercion also manifests in two forms, which consist of threats and hypnosis."

It is crucial to accurately classify actions related to an individual's active resistance or coercion to abandon their official duties. Coercion is considered more socially significant and represents a real threat. In the crime under investigation, compelling a representative of authority or an individual fulfilling civic duties to refrain from performing their responsibilities or engaging in unlawful actions can involve both forms of coercion previously mentioned: physical violence or psychological pressure.

During the research, it is essential to highlight a significant aspect in cases where individuals are found guilty under Part 2 of Article 219 of the Criminal Code. This pertains to the termination of the crime in this category. According to criminal law, any acts of coercion directed at compelling an individual to act against their will are considered completed crimes from the moment they occur.

In this regard, it is pertinent to agree with Z. Shamsiddinov's assertion that "the emergence of consequences is only relevant for determining whether a crime has been completed or not; the timing of the law's applicability is not contingent upon the emergence of consequences. The time when a socially dangerous act occurs is determined regardless of when consequences arise. The emergence of criminal consequences is necessary for recognizing an act as a crime, except in cases where this is excluded."

Specifically, Professor M. Rustambaev has also provided clear insights on this matter, stating that "the acts of coercion directed at compelling a representative of authority or an individual fulfilling civic duties are considered completed under Part 2 of Article 219 of the Criminal Code from the moment such acts are committed."

Focusing on the disposition of Part 2 of Article 219, it specifies that "coercing someone to refrain from performing their duties or to engage in unlawful actions" indicates that the mere act of coercion itself constitutes a criminal offense. In this case, the emergence of any consequences, particularly the representative of authority refraining from their duties, is not a prerequisite for establishing guilt.

Considering the above, any actions aimed at compelling a representative of authority or an individual fulfilling civic duties to refrain from their responsibilities or engage in unlawful acts should be understood as any actions that can exert physical or psychological pressure on these individuals. In this context, courts must not rely solely on the basis of coercion when classifying the situation where a representative of authority or an individual fulfilling civic duties has refrained from their responsibilities under Part 2 of Article 219 of the Criminal Code.

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