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IMPROVEMENT OF THE CRIMINAL LAW AND LIABILITY STANDARD FOR NON-EXECUTION OF COURT DOCUMENTS

G. N. Dilmurodova

Master's student of the Law Enforcement

Academy of the Republic of Uzbekistan

Annotation

This thesis examines the issues of correct qualification of the crime of non-execution of court documents in the Republic of Uzbekistan and improvement of the norm establishing liability for it. The study analyzes the main problems in practice, including the separation of criminal and administrative liability, confusion between debt and enforcement obligations, as well as difficulties in determining punishment fairly and proportionally. The article also presents proposals on the separation of special and general norms, the issuance of systematic instructions to courts, and the application of Articles (232, 233) of the Criminal Code.

Keywords: Failure to execute court documents, criminal liability, qualification, Criminal Code, administrative liability, debt, judicial practice, sentencing, special norm, general norm.

УЛУЧШЕНИЕ УГОЛОВНО-ПРАВОВЫХ И НОРМ ОТВЕТСТВЕННОСТИ ЗА НЕИСПОЛНЕНИЕ СУДЕБНЫХ ДОКУМЕНТОВ

Аннотация

В данной работе исследуются вопросы правильной квалификации преступления неисполнения судебных документов в Республике



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Узбекистан и совершенствования нормы, устанавливающей ответственность за него. В исследовании анализируются основные проблемы на практике, включая разделение уголовной и административной ответственности, смешение долговых и исполнительных обязательств, а также трудности в определении справедливого и соразмерного наказания. В статье также представлены предложения по разделению специальных и общих норм, изданию систематических инструкций судам и применению статей (232, 233) Уголовного кодекса.

Ключевые слова: Неисполнение судебных документов, уголовная ответственность, квалификация, Уголовный кодекс, административная ответственность, долг, судебная практика, назначение наказания, специальная норма, общая норма.

Introduction

The crime of failure to execute court documents is one of the important issues of the judicial system in the Republic of Uzbekistan. The correct qualification of this crime and the establishment of fair liability for it serve not only to improve the quality of judicial practice in criminal cases, but also to strengthen respect for court decisions by citizens and legal entities. In practice, cases of failure to execute court documents are often mixed with other administrative or civil law disputes, which creates difficulties in correctly defining the crime and determining appropriate liability for it.

The process of determining punishment by courts should be carried out taking into account the social danger of the crime, the amount of damage and the personal characteristics of the offender. Therefore, the application of articles of the Criminal Code (especially Articles 232 and 233), a clear separation of special



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and general norms, as well as the provision of systematic instructions to courts are of great importance.[1]

The research practice has revealed that many complex situations arise in connection with the crime of non-execution of judicial documents: evasion of obligations by the debtor, concealment or false information about the seized property, continuation of execution despite the application of administrative liability measures. By analyzing these issues, developing a unified approach in judicial practice, and establishing clear rules for the articles of the Criminal Code, it is possible to create an effective legal mechanism against the crime. At the same time, this study is aimed at correctly qualifying the crime of non-execution of judicial documents on the basis of the articles of the Criminal Code and practical court decisions, establishing fair liability for it, and identifying gaps in the legislation. The results of the research will serve to develop scientifically based recommendations in the field of criminal law, improve judicial practice, and ensure social justice.

Discussion and results

The object of a crime is a necessary sign of the composition of each crime. An attack on an object not protected by criminal law is not considered a crime. The object of a crime is not only an important element of the composition of each crime, but also determines the essence of the crime itself and the degree of its social danger.

Since the object of a crime is part of the composition of a crime, it falls within the scope of the foundations of criminal liability. Therefore, in order to accuse a person of committing a particular crime, it is necessary to determine which object the attack was directed at, that is, to which object damage was caused or may be caused. Correctly determining the object of the attack makes it possible to



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determine the legal nature of a particular crime. In particular, determining the difference between objects in similar crimes is an important condition for the correct qualification of a crime. The object of criminal attack is a necessary element of any crime. Any crime is an attack on a specific object, since by its nature a crime cannot be committed without attacking something.[2]

Every time a crime is committed, a certain social good is harmed; the essence of the crime is expressed in the violation of social relations. In independent Uzbekistan, relations that serve the interests of the entire people are considered a priority. Criminal encroachments aimed at these relations pose a threat to the entire society. Therefore, any crime directly or indirectly affects social relations. The interests of justice are a special object of the crime of non-execution of a judicial act. Justice is understood as the activities of the court in constitutional, civil, economic, administrative and criminal cases. This follows from Chapter XXIII of the Constitution of the Republic of Uzbekistan, entitled “Judicial Power”, as well as from the Law of the Republic of Uzbekistan “On Courts” (ORQ-703) dated July 27, 2021. According to Article 1 of this law, the judiciary in Uzbekistan operates independently of the legislative and executive authorities, political parties and other public associations. Judicial power is exercised exclusively by the courts, and other bodies or individuals do not have the right to assume judicial powers.

Article 11 of the Constitution of the Republic of Uzbekistan states that “the system of state power of the Republic of Uzbekistan is organized on the basis of the principle of the separation of powers into legislative, executive and judicial branches.”[3]

The judiciary is of particular importance in the system of state bodies. The activities of the judiciary have a direct impact on human rights and freedoms; through the implementation of justice, the constitutional rights and freedoms of



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individuals are guaranteed. The constitutional content of the judiciary is such that courts must prevent arbitrariness in the implementation of justice before citizens and legal entities, ensure justice, guarantee rights and freedoms, as well as create the opportunity for citizens to appeal against sentences and decisions, and ensure the independence of judges and strengthen their legal status.

Today, reforms being implemented in all spheres of life in our country are aimed at ensuring a free and dignified life for an individual, full realization of his or her potential, and increasing the well-being of citizens. In this process, improving the system of execution of court decisions is of great importance, since the execution of court decisions is a crucial stage in protecting the violated legal rights and interests of citizens.[4]

State bodies, officials, public associations, other legal entities and individuals are obliged to unconditionally fulfill all requirements and orders of judges related to the administration of justice. At the same time, all information and documents necessary for the administration of justice, copies of which are provided free of charge at the request of judges. Failure to fulfill the requirements and orders of judges entails liability in accordance with the procedure established by law. These norms are enshrined in the Laws of the Republic of Uzbekistan on Criminal Procedure, Civil Procedure, and Administrative Liability.

Ensuring the mandatory execution of judgments, decisions, and other documents issued by the court is of great importance in the activities of the judiciary. The socially dangerous aspect of the criminal activity under study is that the deliberate failure to execute legally binding and legally effective judicial acts by all state bodies, other agencies, organizations, and citizens impedes the administration of justice, undermines the public reputation of these bodies, and limits the possibility of compensating for the damage caused and restoring violated rights.[5]



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Conclusion

In conclusion, it can be said that the crime of failure to execute court documents is a socially dangerous act that directly affects not only personal responsibility, but also the effectiveness of the entire judicial system. This crime hinders the implementation of justice, delays the execution of legally binding decisions and sentences, and limits the ability of citizens and legal entities to restore violated rights. Therefore, identifying and correctly qualifying cases of failure to execute court documents, clearly defining criminal liability, and applying legal measures are necessary to ensure justice in society, strengthen trust in state authorities, and protect citizens' legal guarantees.

Also, by improving the system of execution of court decisions and ensuring their mandatory execution by all subjects, persons who have committed crimes will be held fairly accountable, the constitutional powers of the court will be protected, and the effectiveness of justice will increase. At the same time, clearly defining and implementing legal liability will not only prevent crimes, but also ensure social stability.

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