

Principles of interstate cooperation on combating crimes

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Annotation: This article focuses on the fundamental principles of international law as well as the fundamental principles of international law, as well as the principles of non-repudiation, inevitability of punishment, protection of human rights, the protection of the rights of its citizens in a foreign country as a result of the co-operation among countries, attempts to disclose the essence and essence of the international agreements.

Key Words: Combating crime, international cooperation, United Nations, Organization for Security and Co-operation in Europe, rule of law, basic principles of international law, specific principles, conventions, mutual agreements.

As in all areas, States also have the basis of cooperation in the fight against crime, and its fundamental principles are principles. Because "the principles of law are a specific foundation which is based not only on the legal norms, institutions or networks, but on the entire legal system. These guidelines serve as a reference point for government agencies in all aspects of law enforcement, law enforcement and law enforcement activities."¹ It should be noted that, when considering the principles of law, it was agreed to incorporate its principles into principles in a number of general, specific, cross-sectoral, sectoral groups. In this context, just as in all areas of

¹ Odilkoriev X., Yakubov Sh. National legal system and legal values. Monograph. – T.: SMI-ASIA, 2010. – p 305

² Odilkoriev X., Yakubov Sh. National legal system and legal values. Monograph. – T.: SMI-ASIA, 2010. – p 312

law, the international legal cooperation of States in the fight against crime is based on specific principles.² It originally came from the principles of international law. These principles are primarily principles based on ideas of peace and cooperation, humanism and democracy as ideological principles. At the same time, there are sectoral principles of international law and the existence of these principles is a necessary feature of the international law. Principles of the formation and functioning of the principles are often determined by this method that reflects and strengthens the most important principles of international law and international law. They appear as the right *jus necessitatis*³.

The system of basic principles in international law is a new reality in relation to the emergence and development of the industry. The main idea of international law is to have a peer-to-peer interaction of sovereign states.⁴ The fundamental principles of the right international law are formulated and reflected in the following documents, but we are proud to say that sovereignty, international co-operation, *pacta sunt servanda*, i.e. conscientious fulfillment, are the first principles of these interstate relations. Because, as we look at the history of international law, states are emerging as states and develop on the basis of their relationship with other countries. This process, first of all, is based on the protection of its sovereignty, cooperation in various

³ Lukashuk I., Saidov A. Current international law basics. Textbook. – T.: Adolat, 2006.

⁴ Course of International law. V 7 t T.2. Basic principles of international law/ G.V.Ignatinko, V.A.Kartashkin, B.M.Klimenko and others. – M.: Science, 1989. – C.13

⁵ United Nations Charter and International Court. – T.: Adolat, 2002; – 58-p

⁶ International Law in Documents N.T.Blatova – M.: Leg. ent., 1982, – Ch.4.



fields and mutual agreement. Otherwise, the states are either dissolved or occupied by other states.

According to the 1945 United Nations Charter⁵, the Declaration on Principles of International Law in 1970⁶, the 1975 Helsinki Final Act Security

and Cooperation in Europe⁷, all States should develop cooperation with each other, as well as all States should adopt the principles of the United Nations Charter and other in accordance with international legal documents and obligations.

As it can be seen from this, international cooperation among States is, on the one hand, a form of independent activity, which, in its turn, includes a joint work on economic, social, cultural, humanitarian and other issues⁸, and on the other hand, as a general principle of international law

⁷ Human Dimension of the Organization of Security and Co-operation in Europe / Responsible editor, doctor of juridical sciences, professor A.X.Saidov, – T.: National Human Rights Center of the Republic of Uzbekistan, 2002, – 10-p

⁸ Panov.V.P. Cooperation of states in the fight against international crimes. – M.: Lawyer, 1993, – Ch.5

⁹ Lukashuk.I.I. International Law. A common part. – M.: Bek, 1996, – C. 285-288. International public law / edited by K.A.Bekyasheva. – M.: A new lawyer, 1998, – C. 67-68; International criminal law / edited by V.N.Kudryavtseva. – M.: Standart – M, 1999. – C. 181; Bastrikin. A.I. Interaction of Soviet criminal procedure and international law. – L.: LGU, 1986, – C. 6-8

¹⁰ International law / edited by G.I.Tunkina – M.: Leg. ent., 1974, – 178; International Law / edited by Y.M.Kolosov, V.I Kuzietsov. – M.: International community, 1995. – C. 51

participates. Most international law experts are considering international cooperation among nations as one of the principles of international law⁹. There is an objective international legal basis for it has been approved at the XXV session of the UN General Assembly on October 24, 1970, the Declaration on Principles of International Law on Friendly Relations and Co-operation between the States and approved by the United Nations Charter on Cooperation and Friendly Inter-State Relations, including the principle of cooperation.

In the process of analyzing the content of the principle of international co-operation between the States, it should be said that it is based on the pursuit of this activity irrespective of the various political, economic and social systems of the states¹⁰. Such co-operation should lead to such progress, which should be compulsory for all States,

which should include the goal of promoting peace and security in the world, developing and maintaining friendly relations¹¹.

At the same time it is necessary to consider the principle of international co-operation between the principalities of the international law of modern world (for example, the non-interference in the internal affairs of states or the principle of sovereign equality of states), and recognizing that

¹¹ Galenskaya L.N. Legal problems of co-operative states in combating criminal. – L.: LGU, 1978. – C. 15.; see: Lukashuk.I.I. International Law. A common part. – M.: Bek, 1996, – C. 286

¹² See: Lukashuk.I.I. International Law. A common part. – M.: Bek, 1996, – C. 286

¹³ See: Galinskaya.L.N. International fight against crime. – M.: International relationship, 1972 – C. 6



cooperation in all spheres is compulsory does not exist. In particular, it deals with cooperation in social and cultural spheres. Because each country defines the form, level and boundaries of its participation in this area. It is noteworthy that I. Lukashev's call to the state for certain cooperation is as complicated as compelling one or the other to friendship¹². The same is true of L.Galenskaya¹³.

When we look at the two aspects of the international cooperation in combating crime (scope of action and scope), let's focus on its direction of action. International cooperation in combating crime appears to be a part of a broader partnership for the solution of global social problems and is, in turn, a matter of international crime.

The legal literature specifies different interpretations and different uses of the term of international cooperation in combating crime. In particular, he has been described as "combating international crime", "legal cooperation in combating crime", "legal aid in criminal matters",



"criminal proceedings", "mutual assistance in criminal matters."¹⁴ These statements, in our opinion, are not interconnected and cannot fully explain the nature and essence of the event in question.

International cooperation in combating crime is one of the key areas of international relations, which in its turn promotes international law and the domestic legal system, as well as regulates international and national security. Such cooperation implies the specific activities of subjects and states of the international community in the field of crime prevention, combating it and dealing with offenders. At the same time, the forms, the main dimensions and dimensions of cooperation are determined on the basis of the international and domestic criminal law, the policies of different countries in the fight against crime, the legal system of these states, and the level of membership in international relations.

International cooperation in combating crime is based on the principles of existing international law and national legislation, on the basis of reciprocity and mutual assistance of the States Parties involved in the interests of the world community or of several nations, to stop the commission of an offense, to investigate and file a criminal case for consideration, as well as to deal with offenses and to impose penalties.

According to Kh.Saidov, the main problem of cooperation in combating crime is divided into civil, administrative, criminal and other types depending on the category.¹⁵

¹⁴ See: Course of international law/ edited by F.I.Kojevnikov. – M.: International relationship, 1972 – C. 193; Batrikin.A.I. Cooperation of Soviet criminal procedure and international law. – L.: LGU, 1986. – C. 24-25; Garodetskiy L. International cooperation in criminal matters // Soc. legitimacy. 1979. №6. – C.61

¹⁵ Saidov A.X. International law. Textbook. – T.: Adolat, 2001. -222-p



States' anti-crime legislation is primarily governed by their national law and, in some cases, by international law recognized by that State. Criminal jurisdiction is based on the principle of territoriality. According to him, the offense committed in the territory of a State is within the jurisdiction of the State of that jurisdiction. But this is not an absolute rule.

In identifying jurisdictions, various inconsistencies in national legislation lead to the collision of two or more states jurisdictional proceedings against specific offenses. These conflicts can be resolved by agreement between states¹⁶.

International cooperation in combating crime is directly implemented by the actions of states or their governing bodies. Obviously, this can be said as a political aspect of the state's fight against crime. The same idea is supported by such specialists as P.F.Grishanin, G.Minkovsky, V.P.Revin¹⁷.

A.Mamatkulov's opinion on this issue is as follows: the emergence and functioning of the partnership is directly expressed in the actions of those who have international offenses of a

¹⁶ For more information, see: Saidov A.X. International law. Textbook. – T.: Adolat, 2001. -222-p

¹⁷ See: Grishanin P.F. Modern problems of criminal policy and criminal law practice. – M.: legal entity., 1994. – C. 18-19; Minkovskiy G.N, Revin V.P. Criminal policy and its implementation in the activities of internal affairs. – T.: Lawyer, 1996. – C. 12-13; Criminal justice: Problems of international cooperation. – M.: International relationships, 1995. – C. 28.

¹⁸ Mamatkulov A. International law. Textbook. – T.: Adolat, 1997. -264-p

particular state. These individuals have pursued a policy of contravention of the given state and cause international crime. In this case, along with the State responsible for the infringement, certain individuals are also subject to international criminal responsibility.¹⁸ This issue refers only to crimes that are not directly linked to the criminal policy of a given state,

but are subject to national law and international law, which are considered to be a social danger to several or all nations. These crimes are classified as crimes of international character. Preventing, stopping, and punishing criminals requires joint action by various states¹⁹.

The legal literature lists two groups of principles that are based on international cooperation in combating crime²⁰:

1. General (fundamental) principles of international law reflected in the Declaration on the Principles of International Law on Friendly Relations and Co-operation amongst States acceded to at the twenty-first session of the UN General Assembly on 24 October 1970.

These principles include:

- non-use of force and threat of force;
- peaceful settlement of international conflicts;
- non-interference in domestic affairs;

¹⁹ There. -264-465-p

²⁰ Saidov A.X. International law. Textbook. – T.: Adolat, 2001. -87-p

²¹ For more information, see: Galinskaya L.N. Legal problems of cooperation of states in the fight against crime. – L.: LGU, 1978, – C. 7-28; Batrikin A.I. Cooperation of Soviet criminal procedure and international law. – L.: LGU, 1986. – C. 6-18.



- international cooperation of states;
- determination of nations and nationalities;
- sovereign equality of states;
- Compliance with international commitments.

Second, special principles of combating crime include:

- not to return political migrants (political criminals);
- Inevitability of punishment (criminal liability);
- humanity;
- protection of the rights of its citizens in the territory of another foreign country²¹.

It should be noted that the principle of "arrest or sue against international pirates" should be emphasized.

It should be noted that States and their law enforcement agencies should recognize the generally recognized principles of international law in the field of international cooperation in combating crime, the principles of states in the criminal law policy, the constitutional principles of states, as well as domestic law. All of this requires a tremendous amount of complex work on organizational governance and law enforcement, as well as on legislative, external and internal policies.

A broad range of international cooperation in the fight against crime involves a number of complex relationships. These relations include the conduct of coordinated policies, legislative, legal and organizational governance, scientific and practical and information activities of States,

the activities of state bodies and officials, as well as the activities of international organizations in the prevention and combating of crime, included.

According to A. Bogatirev, one of the areas of international relations is international cooperation in the fight against crime and, in turn, acts as a means of guaranteeing and strengthening legal and international law and legal order of the state²².

Within the framework of the above-mentioned system, there is already a mechanism for international cooperation in the fight against crime.

This mechanism includes conventional (conventional) and institutional (institutional) elements for co-operation.²³ The mechanism of conventional elements of international cooperation in the

²² See: Bogatiriv A.G. International cooperation of states in the fight against crime. – M.: MIA USSR, 1989. – C. 5.

²³ See: Panov V.P. Cooperation of States in the fight against international criminals. – L.: Lawyer, 1995. – C. 5.

²⁴ International law in documents / N.T.Blatova. – M.: Legal entity, 1982, – C. 826.

²⁵ International conventions for the protection of human rights and the fight against crime: (International documents) / Y.S.Pulatov, – L.: Shark, 1995, – C. 95

²⁶ International conventions for the protection of human rights and the fight against crime: (International documents) / Y.S.Pulatov, – L.: Shark, 1995, – C. 62

²⁷ Bagatiriv A.G. Conventions on fighting against crimes of international characters. – M.: MIA USSR, 1990. – C. 27.

²⁸ For more information, see: International conventions for the protection of human rights and the fight against crime: (International documents) / Y.S.Pulatov, – L.: Shark, 1995, – C. 369.

fight against crime includes a set of interstate agreements, which envisages the co-ordination of treaty-legal actions of States in the fight against crime. These include:

1. Multilateral universal conventions (contracts and agreements). Their content is the responsibility of international law violations and institutional responsibility for international crimes and common ground. For example: The Charter of the International Military Tribunal (8 August 1945)²⁴, the Convention for the Non-Provision of War Crimes and War Crimes (26 November 1968)²⁵ and other similar documents.
2. Multilateral Targeted Conventions (Agreements and Agreements). Their content is the responsibility of institutions responsible for specific types of crimes and common norms that involve the interests of the international community or several nations. In particular, the Convention on the Prevention of Crime and the Crime of Genocide (9 December 1948)²⁶, the Convention for the Suppression of the Illicit Trafficking of Narcotic and Psychotropic Substances (20 December 1988)²⁷, the International Convention for the Suppression of Hostilities (1979)²⁸ and so on.
3. Multilateral regional conventions (contracts, agreements). These are typically targeted and include issues in the fight against crime in a particular region, as well as institutional responsibility for specific types of crime. These include the European Convention for the Suppression of Offenders (1957)²⁹ and its supplementary protocols (1975 and 1978)³⁰, the

²⁹ Lukashuk I.I, Naumov A.V. International criminal law. – M.: Spark, 1999, – C. 218.

³⁰ There . – C. 220.

European Convention for the Protection of Cultural Property (1985)³¹, on civil, family and criminal law and legal assistance the CIS Treaty (January 22, 1993)³² and others.

4. Bilateral Agreements (Agreements). They include legal assistance in criminal matters, the return of criminals, and the fight against certain types of crimes that are in the interests of several nations. These documents include the Treaty on cooperation in combating crime between the Government of the Republic of Uzbekistan and the Government of the Russian Federation (1995)³³, the Treaty on Legal Assistance and Legal Relations in Civil and Family Affairs between the Republic of Uzbekistan and Ukraine (1998)³⁴, the Republic of Uzbekistan and the Kyrgyz Republic Treaty on Legal Assistance and Legal Relations in Civil and Family Relationships (1997)³⁵,

the Republic of Uzbekistan and Lithuania Blix between the civil and family work agreement on legal assistance and legal relations (1997)³⁶, for example.

³¹ The protection of human rights and the fight against crime. Documents of the Council of Europe. – M.: A new lawyer, 1998. – C. 148-160.

³² International conventions for the protection of human rights and the fight against crime: (International documents) / Y.S.Pulatov, – L.: Shark, 1995, – C. 393.

³³ See: International legal acts of states-participants of the CIS in the field of fighting against crime. – M.: Norm-INFRA– M., 1999; The protection of human rights and the fight against crime. Documents of the Council of Europe. – M.: A new lawyer, 1997; Operating international law: V 3-x t, – M.: NMIMP, 1997.

³⁴ Bulletin board of Oliy Majlis of Republic of Uzbekistan . – 1998. – № 12. – 105-clause.

³⁵ Bulletin board of Oliy Majlis of Republic of Uzbekistan . – 1998. – № 12. – 134-clause.

³⁶ Bulletin board of Oliy Majlis of Republic of Uzbekistan . – 1998. – № 12. – 135-clause.



It is possible to conclude from this that the interstate cooperation in combating crime is primarily based on the fundamental principles of international law and its non-violent principles. These principles of international law serve as a programmatic reference to the norms of international treaties to combat the classification of the above mentioned crimes.