



ANALYSIS OF CRIMINAL AND LEGAL RELATIONS IN THE STORIES OF GHAFUR GULAM

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Abstract: In the works of Gafur Ghulam, the difficult life of orphans during the war years, problems of unemployment of the population, abuses of officials are raised. Gafur Ghulam's 1930 story "An Ox that Passed to Witness" also describes a number of criminal activities. Also, in the story of "Chorbozorchi", the criminal acts related to "Kirovurlik" and "Samosud" were committed, as a result of the fact that the fight against crime was not sufficiently carried out at that time, and the legal consciousness and legal culture of ordinary people were always violated as a result. it is emphasized that they have become individuals.

Key words: Court, witness, jury, corruption, fight against crime, improper performance of professional duties.

G‘AFUR G‘ULOMNING HIKOYALARIDA MAVJUD JINOIY-HUQUQIY MUNOSABATLARI TAHLILI

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Annotatsiya: G‘afur G‘ulom asarlarida urush yillarida yetimlarning qiyin hayot tarzi, aholining ishsizlik muammolari, mansabdor shaxslarning suiste‘molliklari kabi dolzarb masalalar ko‘tarilgan. G‘afur G‘ulomning 1930-yilda yozilgan “Guvohlikka o‘tgan ho‘kiz” hikoyasida ham bir qator jinoiy faoliyatlar



tasvirlanadi. Shuningdek, “Chorbozorchi” hikoyasidagi “kirovurlik”, “samosud” bilan bog‘liq jinoiy qilmishlarning sodir etilganligi o‘sha davrda jinoyatchilikka qarshi kurash yetarlicha amalga oshirilmaganligi, oddiy aholining esa huquqiy ong va huquqiy ma‘daniyati past bo‘lganligi natijasida doimo huquqi tobtalغان shaxslarga aylanib qolganligini ta’kidlangan.

Kalit so‘zlar: Sud, guvoh, samosud, kisovurlik, jinoyatchilikka qarshi kurash, kasb yuzasidan vazifalarni lozim darajada bajarmaslik.

(Kirish qism)

O‘zbekistonning taniqli yozuvchisi G‘afur G‘ulom she‘riyati va nasrida o‘zbek xalqi tarixi o‘zining badiiy timsolini topgan. Uning asarlarida dolzarb huquqiy muammolari yaqqol ko‘rsatib berilgan. G‘afur G‘ulom tuzumning yolg‘onlari, insofsizliklarini asarlari orqali ko‘rsatib bera olagan. Uning asarlarida urush yillarida yetimlarning qiyin hayot tarzi, aholining ishsizlik muammolari, mansabdor shaxslarning suiste‘molliklari kabi dolzarb masalalar ko‘tarilgan. G‘afur G‘ulomning 1930-yilda yozilgan “Guvohlikka o‘tgan ho‘kiz” hikoyasida ham bir qator jinoiy faoliyatlar tasvirlanadi. Shuningdek, “Chorbozorchi” hikoyasidagi “kirovurlik”, “samosud” bilan bog‘liq jinoiy qilmishlarning sodir etilganligi o‘sha davrda jinoyatchilikka qarshi kurash yetarlicha amalga oshirilmaganligi, oddiy aholining esa huquqiy ong va huquqiy ma‘daniyati past bo‘lganligi natijasida doimo huquqi tobtalغان shaxslarga aylanib qolganligini ta’kidlangan.

(Metodlar)

Mazkur maqolada kuzatish, analiz, sintez, mantiqiylik, qiyosiy-huquqiy hamda ilmiy bilishning boshqa usullari qo‘llaniladi. Shuningdek, hikoyalar yozilgan davr va bugungi kunning statistik tahlili amalga oshiriladi. G‘afur G‘ulomning nasr va nazm yo‘nalishidagi ijod namunalari bilan chuqur tanishib



chiqish va ularni bir-biriga ma'no va adabiy uslub jihatidan qayta qiyosiy-tahlil qilish orqali maqola yozildi.

(Muhokama va natijalar)

Har qanday davlatlar jinoiy-huquqiy munosabatlarni tartibga solmas ekan, aholi ushbu davlatda tinchlik va hotirjamlik topa olmaydi. Bilamizki, davlatni davlat qilib turuvchi besh elementning orasida “aholining mavjudligi” asosiy elementlardan biri hisoblanadi. Aholi mavjud ekan davlatning iqtisodiy-ijtimoiy hayoti bir tizimga tushib oladi. Negaki, turli texnikalardan tashqari barcha ishchi kuchi aholidir. Agarda biron-bir davlatda jinoyatchilik nihoyatda ko'payib ketib, oddiy aholi hattoki erkin harakatlanishga qo'rqadigan vaziyat bo'lsa, u davlat tanazzulga yuz tutishi aniq. Shunday ekan bugungi kunda ham dunyo davlatlari va xalqaro tashkilotlar jinoyatchilikni oldi olish uchun harakat qilib kelmoqda. O'zbekistonda ham jinoyatchilikning oldini olish mexanizmlari ishlab chiqilgan bo'lib, bu bo'yicha bir nechta normativ-huquqiy hujjatlar qabul qilingan. Xususan, Prezidentimizning “Huquqbuzarliklar profilaktikasi va jinoyatchilikka qarshi kurashish tizimini yanada takomillashtirish chora-tadbirlari to'g'risida” gi qarori qabul qilingan. Ammo G'afur G'ulom yashagan davrda mutlaqo boshqacha vaziyat bo'lganligini, adib yozgan hikoyalardan bilib olish mumkin. Masalan, “Guvohlikka o'tgan ho'kiz” hikoyasida ma'muriyat vakili bo'lgan kooperativ mudirining noqonuniy harakatlari haqida so'z boradi. Asarda quyidagi suhbat kishining e'tiborini o'ziga jalb qiladi.

-Bundan rosa ellik yil burun “X” qishloqlik kambag'al bir dehqon qishloqning bozorida o'tib borar edi. Uning yo'li “X” qishloq chorvadorlar shirkatining kooperativi yonidan o'tdi. Kooperativ mudiri Ashirqul degan dehqonni chaqirib, to'satdan:

-Qani, Ashirqul aka uch so'm olmish tiyin chiqaring, - dedi. Ashirqul hayron bo'lib sababini so'ramoqchi bo'lgan edi, kooperativ mudiri og'zini qoqib:

- Qo'yavering, biz sizdan bekorga pul olmaymiz. Sizga juda ham qimmatbaho bir



buyum beramiz, - dedi. Mudirning so‘ziga do‘kon yordamchilari ham qo‘shilib: - Obbo, soda odam-ey, siz beravering, qo‘ysangiz biz kafil , - dedilar¹.

Ashirqul aka pulni ikkanib chiqarib beradi. Kooperativdagilar uni aldab yomg‘irda qolib, ivigan hamir bo‘lgan, mog‘orlab, qotib, qayroq toshday bo‘lib qolgan unni mol uchun yem deb sotadi. Bu mansabdor shaxsning o‘z vazifasini ikki tomonlama suiste‘mol qilishi hisoblanadi. Birinchidan, u oddiy xalqni aldab, ularning hokimiyatga nisbatan ishonchini so‘ndirmoqda, ikkinchidan, iste‘molchilar huquqini buzmoqda (boshqa turdagi mahsulotni aldab sotmoqda). Bundan tashqari, Ashirqul akaga hammasi ayon bo‘lgandan keyin bo‘lgan voqeani hech kimga aytmashligini so‘rab, Ocheredsiz choy, sovun, maydachuydalar beradi.

Quvonarlisi, Ashirqul aka o‘z huquqlarini buzulishiga yo‘l qo‘yib bermaydi. Hiyonatni yashirib o‘tirmay, jinoyat qidiruv sho‘basiga xabar beradi. O‘n besh kundan so‘ng namunali ochiq sud bo‘lib o‘tadi. Aniqlanishicha, “X” qishloq chorvadorlar kooperativiga markazdan ikki vagon ikki ming puddan ziyodroq unni dehqonlarga tarqatish uchun yuborilgan. Pudi ikki so‘m o‘ttiz tiyindan – besh ming so‘mdan oshiq bo‘lar edi. Bu unning kelganiga bir oydan ortiq vaqt o‘tgan bir oydan ortiq vaqt o‘tgan bo‘lsa ham kooperativ mudiri va xizmatchilari bo‘shatib olmaganlar. Un ochiq havoda yomg‘ir, qorlar octida qolib ketgan”² . Dehqonlar, kooperativda shuncha un nobud bo‘lib yotgan holda, xususiy korxonalardan unni bir pudina besh so‘mdan sotib olganlar. Mansabdagi shaxslarning yuqoridan kelgan topshiriqni o‘zidek bajarmaganligi natijasida, kambag‘al aholi ehtimol un sotib ololmagan bo‘lishi ham mumkin. Ish yakunida

¹ G‘afur G‘ulom. Tanlangan asarlar. Nazm va nasr. – T.: G‘afur G‘ulom nomidagi nashriyot-matbaa ijodiy uyi, 2021 y. 296-b.

² G‘afur G‘ulom. Tanlangan asarlar. Nazm va nasr. – T.: G‘afur G‘ulom nomidagi nashriyot-matbaa ijodiy uyi, 2021 y. 297-b.



“kooperativ xizmatchilarining bu qilmishlari mutlaqo sinfiy dushmanlik va ko‘ra-bila turib, jinoyatchilikdir” deb baholanadi. Agar xuddi shunday vaziyat bugungi kunda sodir etilganda, O‘zbekiston Respublikasi Jinoyat kodeksi **116-moddasi** bilan kvalifikatsiya qilinadi. Kasb yuzasidan o‘z vazifalarini lozim darajada bajarmaslik hisoblanib, **“Shaxsning o‘z kasbiga nisbatan beparvoligi yoki insofsizlik bilan munosabatda bo‘lishi tufayli kasb yuzasidan o‘z vazifalarini bajarmaganligi yoki lozim darajada bajarmaganligi badanga o‘rtacha og‘ir yoki og‘ir shikast yetkazilishiga sabab bo‘lsa, — uch yilgacha muayyan huquqdan mahrum qilish yoki uch yuz soatgacha majburiy jamoat ishlari yoxud ikki yilgacha axloq tuzatish ishlari bilan jazolanadi.** Qonun yoki maxsus qoidalarga muvofiq kasalga yordam ko‘rsatishi shart bo‘lgan shaxsning uzrli sababsiz shunday yordam ko‘rsatmaganligi badanga o‘rtacha og‘ir yoki og‘ir shikast yetkazilishiga sabab bo‘lsa, — bazaviy hisoblash miqdorining yuz baravaridan ikki yuz baravarigacha miqdorda jarima yoki uch yildan besh yilgacha muayyan huquqdan mahrum qilish yoxud uch yuz soatdan uch yuz oltmish soatgacha majburiy jamoat ishlari yoki ikki yildan uch yilgacha axloq tuzatish ishlari bilan jazolanadi”³. Bu vaziyatda, jinoiy harakatsizlik mavjud bo‘lib, ma’sul shaxslar olib kelingan unni bo‘shatish o‘rniga qoldirib qo‘yadi. Bu esa unni bo‘shatmaslik shaklidagi harakatsizlik hisoblanadi.

G‘afur G‘ulomning yana bir hikoyasida samosud bilan bog‘liq jinoiy-huquqiy munosabat keltirib o‘tiladi. “Chorbozorchi” hikoyasi qahramoni Ahmad Sedobning kisovurlik qilishi natijasida uni aholi olomon qiladi. Bu jinoyat huquqi tilida “samosud”⁴ deb atalib, jazo berish vakolati suddadir. Hech bir shaxs o‘z

³ O‘zbekiston Respublikasi Oliy Kengashining Axborotnomasi, 15.03.2023-y., 03/23/823/0150-son., <https://lex.uz/docs/-111453>

⁴ Самосуд: от запрета до ответственности, (2022) Article., Available at: <https://anhor.uz/society/samosud/>



bilganicha hali isbotlanmagan jinoiy harakatga jazo bera olmaydi. O‘zbekiston Respublikasi Konstitutsiyasi 26-moddasida quyidagicha mustahkamlab qo‘yiladi: **“Jinoyat sodir etganlikda ayblanayotgan har bir shaxsning ishi sudda qonuniy tartibda, oshkora ko‘rib chiqilib, uning aybi aniqlanmaguncha u aybdor hisoblanmaydi. Sudda ayblanayotgan shaxsga o‘zini himoya qilish uchun barcha sharoitlar ta’minlab beriladi”**⁵. Shuningdek, Jinoyat kodeksining 229-moddasida ham samosud holati keltirilgan.

(Xulosa)

G‘afur G‘ulom hikoyalari bilan o‘quvchining huquqiy ongini oshirishga urgan. Masalan, “Guvohlika o‘tgan ho‘kiz” asarida sud muhokamalari, sud orqali aniqlangan dalillar hammasi qisman berilgan. Ushbu hikoya tom ma’noda o‘sha davr kishilariga Ashirqul aka misolida, o‘z huquqlarini qanaqa talab qilishni o‘rgatgandek, go‘yo. Tinch-totuv jamiyat qurish uchun har bir inson huquqlarini bilishi, shuning bilan birga jinoyat qonunchili bilan qo‘riqlanadigan ijtimoiy munosabatlarga zarar yetkazmasliklari kerak bo‘ladi.

Analysis of criminal-legal relations in Gafur Ghulam’s stories

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Abstract: In the works of Gafur Ghulam, the difficult life of orphans during the war years, problems of unemployment of the population, abuses of officials are

⁵ Qonun hujjatlari ma’lumotlari milliy bazasi, 09.02.2021-y., 03/21/671/0093-son., <https://lex.uz/docs/-20596>



raised. Gafur Ghulam's 1930 story "An Ox that Passed to Witness" also describes a number of criminal activities. Also, in the story of "Chorbozorchi", the criminal acts related to "Kirovurlik" and "Samosud" were committed, as a result of the fact that the fight against crime was not sufficiently carried out at that time, and the legal consciousness and legal culture of ordinary people were always violated as a result.

Key words: Court, witness, jury, corruption, fight against crime, improper performance of professional duties.

(Introduction)

The history of the Uzbek people has found its artistic embodiment in the poetry and prose of the famous writer of Uzbekistan, Gafur Ghulam. Current legal problems are clearly shown in his works. Gafur Ghulam was able to show the lies and dishonesty of the system through his works. In his works, the difficult life of orphans during the war years, the problems of unemployment of the population, and the abuses of officials were raised. Gafur Ghulam's 1930 story "An Ox that Passed to Witness" also describes a number of criminal activities. Also, in the story of "Chorbozorchi", the criminal acts related to "Kirovurlik" and "Samosud" were committed, as a result of the fact that the fight against crime was not sufficiently carried out at that time, and the legal consciousness and legal culture of ordinary people were always violated as a result.

(Methods)

This article uses observation, analysis, synthesis, logic, comparative legal and other methods of scientific knowledge. A statistical analysis of the period in which the stories were written and today is also carried out. An article was written by getting to know Gafur Ghulam's works in the direction of prose and poetry in depth and comparing them to each other in terms of meaning and literary style.



(Discussion and results)

As long as any countries do not regulate criminal-legal relations, the population cannot find peace and tranquility in this country. We know that among the five elements that make a state a state, “population” is one of the main elements. As long as there is a population, the economic and social life of the state falls into one system. After all, except for various techniques, all the labor force is the population. If there is a situation in any country where crime has increased to such an extent that ordinary citizens are afraid to even move freely, then that country will surely go into decline. Therefore, even today, world countries and international organizations are working to prevent crime. Mechanisms of crime prevention have also been developed in Uzbekistan, and several regulatory legal documents have been adopted in this regard. In particular, the President’s decision “On measures to further improve the crime prevention and crime fighting system” was adopted. But it is possible to learn from the stories written by the writer that the situation was completely different during the time when Gafur Ghulam lived. For example, the story “An Ox that Passed as a Witness” talks about the illegal actions of the head of the cooperative, who is a representative of the administration. The following conversation in the work attracts one’s attention.

- About fifty years ago, a poor farmer from the village “X” was passing through the market of the village. His path passed by the cooperative of the “X” rural cattle breeders’ company. The head of the cooperative called a farmer named Ashirqul and suddenly:

“Come on, brother Ashirqul, take out three soms and forty pennies”, he said. Ashirqul was surprised and wanted to ask the reason, when the head of the cooperative closed his mouth:

- Let it go, we will not take money from you for nothing. “We will give you something very valuable”, he said. The shop assistants also agreed with the words of the manager:



“Man, give it to us, we will guarantee it”, they said.

Aka Ashirqul takes out the money. The people in the cooperative tricked him into selling the flour, which had been left in the rain and turned into dough, became moldy, hardened, and became like a stone, as fodder for cattle. This is double abuse of the official’s position. Firstly, he is deceiving the common people and losing their trust in the authorities, and secondly, he is violating the rights of consumers (selling a different kind of product by deception). In addition, Ashirqul asked him not to tell anyone about what happened after everything became clear, and gave him tea, soap, and small things without Ochered.

Fortunately, Ashirqul will not allow his rights to be violated. He does not hide the betrayal and informs the criminal investigation branch. A model open court will be held in fifteen days. It was found that two wagons of more than two thousand pounds of flour were sent from the center to the “X” rural cattle breeders cooperative to distribute to the farmers. It would be more than two soums and thirty tishes - five thousand soums. More than a month has passed since the arrival of this flour, but the manager and employees of the cooperative have not been released. It was left in the open air in the rain and snow. “Farmers bought flour from private enterprises for five soums per pound, as there was so much flour lying dead in the cooperative. Poor people may not be able to buy flour as a result of officials’ failure to fulfill the task from above. At the end of the case, it is estimated that ‘these actions of the cooperative employees are absolutely class enmity and deliberate criminality’. If the same situation happened today, it would be qualified by Article 116 of the Criminal Code of the Republic of Uzbekistan. Inadequate performance of one’s professional duties is considered as “Non-performance or improper performance of one’s professional duties due to carelessness or dishonesty in relation to one’s profession, causing moderate or serious injury to the body” - shall be punished by deprivation of certain rights for up to three years or compulsory community service for up to three hundred hours or correctional work for up to two years. If the failure of a person who is obliged



to provide assistance to a sick person in accordance with the law or special regulations causes moderate or severe injury to the body without a valid reason, - in the amount of one hundred to two hundred times the amount of the basic calculation shall be punished by a fine or deprivation of certain rights from three to five years, or compulsory community service from three hundred to three hundred sixty hours, or correctional work from two to three years. “In this situation, there is criminal negligence, and the responsible persons leave the imported flour instead of releasing it. And this is inactivity in the form of not emptying the flour.

In another story of Gafur Ghulam, the criminal-legal relationship related to samosud is mentioned. As a result of the misbehavior of the hero of the story “Chorbazarchi”, Ahmed Sedob, he is mobbed by the population. This is called “samosud” in the language of criminal law, and the authority to impose punishment rests with the court. No person can punish a criminal act that has not yet been proven to the best of his knowledge. Article 26 of the Constitution of the Republic of Uzbekistan stipulates as follows: “Every person accused of committing a crime shall not be considered guilty until the case of a person accused of committing a crime has been considered in court in a legal manner and publicly, and his guilt has been determined. The person accused in the court will be provided with all conditions for self-defense”. Also, in Article 229 of the Criminal Code, the situation of samosud is mentioned.

(Summary)

Gafur Ghulam tried to raise the legal awareness of the student with his stories. For example, in the work, court proceedings and evidence determined by the court are all partially presented. It is as if this story literally taught the people of that time how to demand their rights on the example of Ashirqul. In order to build a peaceful society, everyone needs to know their rights, and at the same time, they should not harm the social relations protected by the criminal law.



Foydalanilgan adabiyotlar

1. G‘afur G‘ulom. Tanlangan asarlar. Nazm va nasr. – T.: G‘afur G‘ulom nomidagi nashriyot-matbaa ijodiy uyi, 2021 y. 296-b.
2. G‘afur G‘ulom. Tanlangan asarlar. Nazm va nasr. – T.: G‘afur G‘ulom nomidagi nashriyot-matbaa ijodiy uyi, 2021 y. 297-b.
3. O‘zbekiston Respublikasi Oliy Kengashining Axborotnomasi, 15.03.2023-y., 03/23/823/0150-son., <https://lex.uz/docs/-111453>
4. Самосуд: от запрета до ответственности, (2022) Article., Available at: <https://anhor.uz/society/samosud/>
5. Qonun hujjatlari ma’lumotlari milliy bazasi, 09.02.2021-y., 03/21/671/0093-son., <https://lex.uz/docs/-20596>