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Research Article

ISSUES FOR IMPROVING INCENTIVE STANDARDS IN CRIMINAL LAW

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ABSTRACT

This article aims to analyze issues and normative legal documents aimed at further improvement of incentive norms in criminal law. Some democratic principles aimed at liberalizing punishments in criminal law were also discussed.

KEYWORDS

Incentive norm, liberalization of criminal punishments, exemption from punishment, crime, guilty socially dangerous act.

INTRODUCTION

Creation of an effective system of criminal law is one of the priority tasks of the state to ensure legality and law and order, human rights and freedoms, the interests of society and the state, and reliable protection of peace and security. The analysis of judicial investigation practice, as well as the results of direct communication with the people, showed the existence of a number of systemic problems and shortcomings in this field. That is, the inconsistency of sanctions for the commission of certain types of crimes with the nature and level of social danger, including the insufficient use and ineffectiveness of alternative types of punishment,

incentive norms and measures of public influence, unsatisfactory quality of conducting rapid-investigative activities, and as evidence from information obtained in violation of the requirements of procedural legislation. use, insufficient implementation of criminal legal institutions recognized in international practice, including the absence of criminal liability of legal entities.

The Criminal Code of the Republic of Uzbekistan, adopted in 1994, created a legal foundation for effective protection of a person from criminal

aggression, protection of the rights and freedoms of citizens, and the interests of society and the state, as well as ensuring legality and legal order. Over the past years, there have been significant changes in the criminal and criminal-procedural legislation of our country aimed at improving its norms, implementing advanced international standards and foreign practice in order to ensure the rights and freedoms of citizens involved in criminal proceedings.

In particular, criminal legislation was further liberalized and certain categories of crimes were removed from criminal jurisdiction, and the list of non-custodial punishments was expanded.

Comprehensive measures were implemented to expand the scope of application of the "habeas corpus" institution, to introduce a simplified procedure for proceedings in criminal cases, as well as to further strengthen the guarantee of the rights and freedoms of citizens in judicial investigation activities.

The organization of law enforcement activities was fundamentally revised, based on the implementation of the noble idea of "serving the interests of the people" by every employee.

It will be necessary to review the system and criteria of crime classification by introducing alternative indicators that determine the level and nature of social danger of a criminal act. It is necessary to provide a reliable guarantee of the inevitability of responsibility for the persons who committed the crime.

Revising the system of punishments and the mechanisms of their appointment, removing outdated forms and types of punishments that do not meet modern requirements is becoming a demand of the times. Measures are being taken to educate persons found guilty of committing crimes, as well as to

introduce types of punishment and other legal measures aimed at preventing possible crimes.

It is desirable to improve the institutions of unfinished crime, participation in crime and several crimes by clarifying their criteria and characteristics, as well as eliminating existing conflicts between them. The Criminal Code requires the expansion of the incentive norms, including the reduction of the punishment or the norms establishing the conditions for the release of a person from criminal responsibility or punishment, and the improvement of the norms defining the circumstances excluding the criminality of the act.

At this point, one of the priorities of the liberalization of the criminal law is related to the expansion of the sphere of application of incentive norms. Because the theory of criminal law, the strengthening of motivational norms in the criminal legislation and their correct application in practice have a significant impact on the drastic reduction of the latency level of the committed crime and the reduction of the costs of fighting against crime.

In particular, M. Rustamboyev notes that the criminal law not only ensures responsibility for the committed crimes, but also performs the task of applying encouraging norms to the person who actively participates in the fight against crime and for positive behavior that seriously reduces the social danger of the committed crime.

these are the implementation of liability against certain types of crimes and forced labor that did not exist in our national legislation before, more than ten articles were filled with encouraging norms aimed at exempting a person from responsibility, the minimum age of criminal responsibility was set at 14, and the penalty of "prison" was abolished.

DP-4848, adopted on October 5 of this year, " On additional measures to ensure the rapid development of entrepreneurial activity, comprehensive protection of private property, and quality improvement of the business environment " and " Court- In the Decree of the President of the Republic of Uzbekistan No. DP-4850 on measures to further reform the legal system and strengthen the guarantees of reliable protection of the rights and freedoms of citizens, reducing the punishment measures for crimes of low social risk, transferring them from criminal jurisdiction to administrative jurisdiction, deprivation of liberty issues of expanding the use of alternative punishments and incentive norms related to

In particular, these Decrees provide for a number of encouraging norms, which include the following:

firstly, in the event that the violations committed for the first time by the entities of the business activity are voluntarily eliminated within the terms specified by the law and cover the material damage caused, in the absence of cases of damage to human health and life, from administrative and criminal liability, fines and financial sanctions (except fines) exemption from application;

secondly, incentives related to exemption from administrative and criminal liability in the event that persons who have committed offenses related to the implementation of illegal business activities for the first time voluntarily compensate for the damage, register as a business entity and issue the necessary permitting documents within one month from the date of detection of the offense introduction of norms;

non-application of the penalty of deprivation of a certain right in the form of deprivation of the right to carry out entrepreneurial activity against business

entities for committing crimes related to entrepreneurship and economic activity .

Judging from the above, it can be said that the wide application of incentive norms in the mentioned Decrees in imposing punishments for crimes committed by business entities means the liberalization of criminal punishments.

In our opinion, it is time to apply incentive norms in imposing criminal punishments not only to business entities, but also to persons who have committed crimes of low social risk and not so serious. After all, "instead of being re-educated, convicts sent to places of execution of punishment are learning all the rules of the criminal world and becoming "professional" criminals . "

In developed foreign countries, including Japan, the United Kingdom, the United States, France, and Switzerland, the measure of deprivation of liberty is rarely used against persons who have committed a crime for the first time . In most cases, incentive norms are widely used when a person voluntarily compensates for the damage caused as a result of his crime and takes measures to eliminate the socially dangerous consequences.

In the institutions of the General part of the Criminal Code, only the committed crime and the social danger of the guilty person are required to be taken into account when imposing a punishment.

In conclusion, it can be said that the use of incentive norms in the national criminal legislation in the imposition of criminal penalties ultimately results in the criminal punishment system to deprive of liberty the widespread use of alternative punishments serves to improve, expand the types of alternative punishments, including the possibility of wider use of punishments

that allow moral correction without separating a person from society.

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