

As A Type of Exemption Conditional Sentence

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Annotation: In this article, the institution of impunity concept, history of origin, legal significance, an idea about the types and scope of application is conducted. It is also developed in research work exempt from punishment under the laws of foreign countries specific aspects of doing and milits issues of implementation of our legislation illuminated.

Key words: Punishment, freedom from punishment do, trial, amnesty, pardon, from liability release

Conditional sentencing issue of legal nature among scientists for many years causing heated debate will come Conditional sentencing one or the other of a legal nature the emergence of points of view study the history of our republic 1917 relevant norms in law that it was strengthened after the year allows to come to a conclusion. Belgium at the beginning of the 20th century, France, Switzerland and another in the law of how many countries possibility of cancellation of sentence is implied. Short in this case imprisonment for a term was sentenced to the following punishment a person for a period specified by law new criminal acts during punishment with the condition of not committing will not pass. He committed a new crime in case the convict was appointed earlier to serve both the punishment and the new punishment is correct.

This norm is a crime the need to include in the legislation on expediency the problem is Russian criminalists also heated discussion by will be done. But this institution to understand the legal nature Scientists have a relatively uniform approach did not exist among Forgive him as an exemption from punishment; guilt of the person who committed the crime there are extenuating circumstances the size of the court's punishment as the supreme right of reduction; The punitive essence of punishment is in practice the risk of enforcement remains independent, separate (spiritual-moral having a feature) as a punishment offer an approach.

Meanwhile, N.D. Sergeevsky, N.S. Tagantsev, S.V. Poznyshev and some other scientists conditional sentencing institution in committing a crime all the guilty parties to the severity of the offense request to be punished accordingly of the punishing supreme court that it is completely contrary to its main task¹ they count. Conditional sentencing the norms of the crime Supporters of inclusion in the law in them from freedom for short periods more to the criminal of deprivation stronger moral corrective effect an alternative that is able to show those who saw . However, their ideas realized in the legislation of that time not issued.

Conditional sentencing word about the legal nature while driving, A.N. Rujnikov's conditional to a special legal nature in judging The only remedy available is to control the offender's behavior separately to the opinion that it is possible It is appropriate to dwell on it, in our opinion will be.

Conditional sentencing in parts to the controversy of separation of the author of the presented concept itself draws attention and from this basis not empty. Such separation is specific probation and parole the behavior of the individual control over separately. Assume that there may be allows to do. But control the test that the convict must pass integral part. Test in turn placed on a person's behavior contains certain requirements and conditional sentence is valid as In addition, criminal-legal impact on a person. There are two separate types of measures the application of the moment itself it is also correct to assume that it is possible it wouldn't happen.

Hence the conditional sentence the legal nature of doing proposed definition conditional sentence analysis of options to release from punishment to the conclusion that it is one of the types allows to come. Because of this and the use of conditional sentencing regulate the grounds for cancellation ingredients Uzbekistan "Free from punishment" of the Republic of Kazakhstan XIII summarizing in the chapter, in our opinion, to the goal would be appropriate.

In recent years, the list of penalty types that can be determined in a conditional manner, with a specified degree of conditionality, in the process of issuing verdicts has expanded significantly. According to the first part of Article 72 of the Criminal Code of the Republic of Uzbekistan, punishments related to depriving of liberty, sending to correctional work, imposing service restrictions, or moral rehabilitation works can be determined

conditionally. In 1959, only moral rehabilitation works and conditional deprivation of liberty were subject to conditional sentencing according to the Criminal Code. The delay in executing the sentence for determining penalties related to depriving of liberty could be possible.

In recent years, the majority of individuals subjected to conditional sentencing are in compliance with the requirements of the criminal legislation policy of humanization. One of the directions to implement this policy is to further reduce the use of conditional penalties or imprisonment as a measure against individuals who are subject to moral rehabilitation or conditional sentencing. In this context, the term "freedom is highly valued in the state, and if taken away, such a punishment does not fulfill the task of raising and re-educating convicts". At the same time, individuals sentenced conditionally for crimes of low gravity or not repeated offenses are further subject to wide-scale application of alternative measures, not only to re-educate the convicts.

It is necessary to note that individuals who have been sentenced conditionally for committing new crimes while serving their probation period are subject to the provisions of Article 60 of this Code, which stipulates the rules on imposing penalties related to new crimes. In this case, the court, before determining the penalty related to imprisonment or restriction of liberty, takes into account the norms stipulated in Article 60 of this Code, and these regulations may affect the conditional sentencing. In this case, the court, prior to imposing conditional penalties, reviews the offender's behavior and the presence or absence of a supervisory report from the probation authority. It is worth noting that, the absence of a supervisory report on the offender's behavior may directly impact the decision on the conditional nature of the first sentence.

When a conditional sentence is imposed, a trial period of up to three years is determined, starting from the date the sentence is pronounced. The law does not link the duration of the trial period to the amount of the penalty. This matter is resolved by the court each time, taking into account the specific nature of the committed crime and the individual circumstances of the defendant.

Supervision over the behavior of individuals subjected to conditional sentencing, as well as military service by such individuals, is carried out by internal affairs agencies, and, in the case of military personnel, by the military units (institutions) to which they are assigned (the first part of Article 15 of the Criminal Code of the Republic of Uzbekistan). Taking into account the individual circumstances of the individuals subjected to conditional sentencing, internal affairs agencies set out to monitor, assist in finding employment, provide recommendations to the military units, and perform the necessary duties as defined by the law.

It should be noted that supervision over individuals subjected to conditional sentencing is regulated by Article 32 of the Criminal Code of the Republic of Uzbekistan. Besides, issues related to supervising individuals with conditional sentences are addressed in the Regulations approved by Order No. 298 of the Ministry of Internal Affairs of the Republic of Uzbekistan in 2001, titled "Guidelines on the Execution of Penalties Related to Moral Rehabilitation Works, Deprivation of Certain Rights, and Supervision of Individuals with Conditional Sentences."

The primary responsibilities of the agencies supervising individuals with conditional sentences are as follows: Engaging in dialogue with convicts to explain the terms and conditions of their probation and the punishment regime.

Requesting recommendations from supervisors at the workplaces and educational institutions of the convicts and organizing meetings with members of the workplace or educational institution where the convicts are currently located. Familiarizing with the card file of the department responsible for internal affairs, to determine whether breaches of public order or labor discipline have occurred. Conducting regular checks on the fulfillment of mandatory duties stipulated by the court, and compiling a report with the results.

Completing a report on cases of legal violations, including but not limited to instances where a convict has violated the terms and conditions of probation or has not fulfilled other mandatory duties as defined by the court. The inspection agency must submit a report to the court.

In accordance with Article 72 of the Criminal Code of the Republic of Uzbekistan, the court, if a person subjected to conditional sentencing fails to complete the mandatory duties assigned to them during the probation period, commits a violation of public order or labor discipline, or if other mandatory obligations defined by the court are not met, may decide to revoke the conditional nature of the sentence, provided the behavior of the person and their probation period have been taken into account.

In summary, during the probation period, individuals subjected to conditional sentences are supervised by agencies such as the Main Directorate for the Execution of Punishments of the Ministry of Internal Affairs. These agencies have a range of responsibilities aimed at ensuring that the terms and conditions of the conditional sentence are met and that any violations are reported to the court for consideration.

It is possible to impose the following obligations on a person subject to a conditional judgment, provided that the foundations exist: mitigating damages incurred during a specified time; entering employment or education; informing the supervisory authority responsible for monitoring the conduct of the person subject to the conditional judgment if there is a change of residence or workplace; regularly reporting to these authorities at specific intervals; refraining from residing in certain places, or residing at a designated location within a specified period; undergoing treatment for alcoholism, drug addiction, diabetes, or other diseases, etc.

The significance of the obligations imposed on a person subject to a conditional judgment, with respect to the degree to which they have been fulfilled or not fulfilled, is essential for determining at what level the execution of the imposed sentence or the matter of releasing the person from the punishment should be resolved. In other words, imposing specific penalties on the person subject to a conditional judgment in accordance with Article 1 of the Criminal Code does not mean releasing the person from the punishment right away. The court sentences the person conditionally, specifying the probation period and the conditions to be met.

In our opinion, in cases where a decision to impose a conditional sentence is canceled through the procedural order, it should be done with the appropriate purpose. Crimes committed by individuals outside the bounds of humanity violate not only the principles of social justice but also diminish the rights of those who have suffered from their actions. Restoring humanity to offenders should be the ultimate goal. However, in the criminal process code of the Republic of Uzbekistan, re-examining court decisions in a procedural manner fails to address the situation adequately. It not only fails to rehabilitate the offender's situation but also does not take into account new developments or new circumstances concerning the individual. We believe that this limitation in criminal procedural legislation must be addressed with additional provisions in the code.

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