

TASKS AND PRINCIPLES OF THE CRIMINAL CODE

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ANNOTATION

The article is based on the generally recognized norms of the criminal law of the republic of uzbekistan, the constitution and international law and describes the tasks, principles and articles of the code.

Keywords: Crime, Article, Principles, Code, Constitution, Law.

INTRODUCTION

The objectives of the criminal code are to protect the individual, his rights and freedoms, the interests of society and the state, property, the environment, peace, human security from criminal encroachments, as well as the prevention of offenses, the education of citizens in the spirit of the constitution and laws.

To implement these tasks, the code determines the grounds and principles of responsibility, which socially dangerous acts are criminal, penalties and other legal measures that can be applied to persons who have committed socially dangerous acts.

The criminal code is based on the principles of legality, equality of citizens before the law, democracy, humanity, justice, responsibility for a crime, and the inevitability of responsibility.

Article 4 principle of legality

Crime, punishability and other legal consequences of the committed act are determined only by the criminal code.

No one can be found guilty of any criminal offense because of any act or omission that did not constitute a criminal act under national or international law at the time it was committed. A person convicted of a crime enjoys the rights and bears the obligations established by law

Article 5 principle of equality of citizens before the law

Persons who commit crimes have the same rights and obligations and are equal before the law, regardless of gender, race, nationality, language, religion, social origin, beliefs, personal and social status.

Article 6 principle of democracy

Public associations, self-governing bodies of citizens or communities may be involved in the correction of offenders in cases provided for by law.

Article 7 principle of humanity

Punishment and other legal measures are not intended to cause physical harm or humiliate human dignity.

The person who committed the crime must be morally rehabilitated and punished to the extent necessary and sufficient to prevent the commission of a new crime, or other legal measures must be taken.

Severe punishment may be imposed only if the purpose of punishment cannot be achieved by applying lighter measures provided for by the relevant articles of the special part of this code.

Article 8 principle of justice

Punishment or other measures of influence imposed on a person guilty of a crime must be fair, that is, proportionate to the gravity of the crime, the degree of social danger of the offense committed and the personality.

No one can be prosecuted twice for the same crime.

Article 9 principle of liability for fault

A person is liable only for socially dangerous acts proven in accordance with the law.

Article 10 principle of inevitability of liability

Any person found guilty of a crime must be held accountable.

Chapter ii. Scope of the code

Article 11 application of the code to persons who have committed crimes on the territory of uzbekistan

A person who has committed a crime on the territory of uzbekistan is subject to criminal liability in accordance with this code.

Action:

A) started, completed or terminated on the territory of uzbekistan;

B) committed outside the territory of uzbekistan, and the criminal consequences occurred on the territory of uzbekistan;

C) committed on the territory of uzbekistan, and the criminal consequences occurred outside the territory of uzbekistan;

G) is a crime committed on the territory of uzbekistan, if it consists of several acts or is committed in conjunction with other acts, some of which took place on the territory of uzbekistan.

If a crime is committed on an air, sea or river vessel flying the flag of uzbekistan or assigned to a port of uzbekistan outside the territory of uzbekistan, which is not considered the territory of a foreign state, such a crime is punished in accordance with this code.

If the issue of liability of foreign citizens in accordance with the current legislation, international treaties or agreements does not fall under the decision of the courts of the republic of uzbekistan, they are recognized as having committed a crime on the territory of the republic of uzbekistan in accordance with international law.

Article 12 applicability of the code to persons who have committed crimes outside the territory of uzbekistan

Citizens of the republic of uzbekistan, as well as stateless persons permanently residing in uzbekistan, are liable under this code, if they were not convicted by the court of this state for a crime committed in the territory of another state.

A citizen of uzbekistan cannot be extradited for a crime committed on the territory of a foreign state, unless otherwise provided by international treaties or agreements.

Foreign citizens, as well as stateless persons who do not permanently reside on the territory of uzbekistan, are liable for crimes committed outside the territory of uzbekistan, only in cases stipulated by international treaties or agreements.

Article 13 timeliness of the law

The criminality and punishability of an act are determined by the law in force at the time the act was committed. If the moment of committing an action or inaction in this article is recognized as the moment of the end of a crime, the moment of committing a socially dangerous act shall be considered the moment of committing the crime. If the crime is considered completed with the onset of the criminal consequences provided for by this article of the code, the time of the commission of the crime shall be considered the time of the commission of the crime.

A law repealing a crime, mitigating a punishment, or otherwise improving a person's condition shall have retroactive effect, that is, it shall apply to persons who have committed the relevant crime before the entry into force of this law, including those serving or already serving a sentence. Have served their sentence if they are still considered convicted.

A law that criminalizes an act, increases punishment, or otherwise worsens a person's situation, has no retroactive effect.

Article 14 concept of crime

A socially dangerous act (action or inaction), prohibited by this code, is a crime that is threatened with punishment.

A socially dangerous act is an act that caused damage to objects protected by this code, or creates a real danger of such damage.

Article 15 classification of crimes

Crimes by their nature and degree of public danger are: low-dangerous; not too heavy; heavy; divided into especially serious crimes.

See previous edit.

Acts punishable by deprivation of liberty for a term of up to three years, as well as by negligence for a term of up to five years, are punishable by deprivation of liberty for a term of up to three years.

Minor offenses are punishable by imprisonment for a term of three years, but not more than five years, as well as negligence and imprisonment for a term of more than five years.

(paragraphs two and three of article 15 as amended by the law of the republic of uzbekistan dated august 29, 2001 no. 254-ii - bulletin of the oliy majlis, 2001, no. 9-10, art. 165)

Serious crimes include intentional crimes punishable by imprisonment for a term of five to ten years.

Serious crimes are crimes committed intentionally and are punishable by imprisonment for more than ten years or life imprisonment.

(clause 5 of article 15 as amended by the law of the republic of uzbekistan dated july 11, 2007 no. Zru-99 - bulletin of the chambers of the oliy majlis, 2007, no. 6, art. 248)

Article 16 criminal liability and its grounds

Responsibility for a crime is a legal consequence of the commission of a crime, which is expressed in the application of a court sentence, punishment or other preventive measure to a person guilty of a crime.

The commission of an act containing all the signs of a crime provided for by this code is the basis for bringing to responsibility.

Article 17 liability of natural persons

Persons who have reached the age of sixteen before the commission of the crime will be held criminally liable.

(part 2 of article 17 has become invalid in accordance with the law of the republic of uzbekistan dated december 7, 2021 no. Zru-735 - national legislation database, july 12, 2021, 03/21/735/1141-son)

Persons who have reached the age of fourteen before committing a crime are subject to criminal liability under articles 97, 98, 104 - 106, 118, 119, 137, 164 - 166, 169, parts two and three of articles 173, 220, 222, 247, 252, 263, 267, 271, parts two and three of article 277 to bring to criminal responsibility.

(part 2 of article 17 as amended by the law of the republic of uzbekistan no. Zru-735 dated december 7, 2021 - national legislation database, december 7, 2021, no. 03/21/735/1141)

Committing a crime under articles 122, 123, 1251, 127, 1271, 1281, 144, 146, 193 - 195, 205 - 210, 225, 226, 230 - 232, 234, 235, 279 - 302 of this code shall be held liable by persons, over the age of eighteen.

(part 4 of article 17 as amended by the law of the republic of uzbekistan no. Zru-673 dated february 12, 2021 - national legislation database, 13.02.2021, 21.03.673/0112 - latest)

Persons who have committed a crime under the age of eighteen years shall be held liable according to the general rules and taking into account the specifics provided for by chapter six of the general part of this code.

Article 18 reasonableness

A sane person is one who, at the time of committing a crime, is aware of the socially dangerous nature of his actions (inaction) and is able to control them.

A person who is mentally ill at the time of committing a socially dangerous act, that is, chronically or temporarily suffering from mental retardation, mentally retarded or otherwise mentally ill, is not able to understand or control the meaning of his actions (inaction) and is not responsible

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