

CASES OF LIBERALIZING PUNISHMENT IN JUDICIAL LAW REFORMS IN UZBEKISTAN

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ABSTRACT

In the article, the importance of judicial reforms in the period of changes taking place in our country, further modernization of society, building a civil society based on the rule of law is analyzed with the help of information from scientific literature.

Keywords: judiciary, reform, Uzbekistan, punishment, liberalization, judiciary, social life.

INTRODUCTION

In the period of changes taking place in our country, the importance of judicial and legal reforms in further modernization of society and construction of a civil society based on the rule of law is very great. In these reforms, the reform of the judiciary, which is gaining its place as a separate authority, is of particular importance. Because the principles of justice and humaneness are constantly celebrated in the judicial system, it is one of the main requirements of the legal state.

RESEARCH METHODS

As a democratic institution of our social life, the importance of the court should be seriously increased. Protection of the legal rights and freedoms of citizens should become the main content of the activities of the government and law enforcement agencies. The court should turn from a punitive body into a body that protects the rights and interests of ordinary people and should remain truly independent [1].

RESULTS AND DISCUSSIONS

Since the day our republic gained independence, great attention has been paid to the reform of the judiciary. The first step in this, based on the principle of separation of powers in our Constitution, the court was raised to the level of a separate independent authority. Based on this, even now judicial reforms are being carried out vigorously in our republic. In this regard, several laws, presidential decrees, and government decisions were adopted in the field of judicial law in the following years, and they are being improved [2]. Among them, on August 30, 1995 "On the Constitutional Court of the Republic of Uzbekistan", on September 23, 1999 "On the establishment of the military court of the Republic of Uzbekistan", on September 2, 1993 "On Courts", and on December 14, 2001, this law includes normative documents such as the new version.

Since the first days of independence, much attention has been paid to the liberalization of criminal responsibility. Because in order to improve the courts, make the judges work based on the requirements of a democratic society, and turn the courts into a body that protects human rights and freedoms, it is necessary to humanize the legislation on which the judges should be

based first of all. Because in the judicial system of the autocratic period, the courts appeared only as a punitive body based on the interests of the Communist Party. There have even been cases of people being punished by non-judicial authorities. If we take the years 1930-1950 as an example, our compatriots are among those massacred by non-judicial bodies during the former Soviet Union. Perhaps these numbers are even more than those who were brought to unjustified criminal responsibility, and even 786,098 people were sentenced to death. Also, due to the fact that the investigators of the former SSR Prosecutor's Office of the Uzbek SSR, Gdlyan and Ivanovlar's group could not sufficiently resist lawlessness and arbitrariness, in 1983-89, 4,500 people were prosecuted in the "Cotton case", and later 3,500 people were acquitted by the Supreme Court of the Republic of Uzbekistan. Taking into account how many of our compatriots were victims of political repression as a result of insufficiently fair proceedings in our past without the judicial system, the rehabilitation of victims of political repression at the initiative of the First President I.A. Karimov will be adequately increased. 2,850 people were acquitted by the Supreme Court, and 5,200 more were acquitted within 4 years [3]. Having concluded from these situations, the leadership of our country has been paying close attention to joining international documents based on democratic principles, such as the Universal Declaration of Human Rights of December 10, 1948, and the International Covenant on Civil and Political Rights of 1966, and adapting the national legislation to the requirements of these documents. Today, Uzbekistan has joined more than 60 such international documents in the field of Islamic rights.

These norms and rules are recognized by the international community and are declared in the Constitution of the Republic of Uzbekistan, which meets democratic requirements, and which excludes any restrictions on social status, race and nationality, gender and age, as well as political and religious beliefs. found its expression. These constitutional norms, aimed at protecting human rights and legal interests, serve as the basis for judicial reforms implemented in our country since the declaration of independence [4].

The most important task of the reform of the judicial system implemented in our country is to ensure the effective protection of the constitutional rights and freedoms of a person, first of all, the protection from unjustified criminal prosecution and interference in private life, the right to privacy, and the right to a fair trial.

In the Constitution, which is our main text, it is emphasized that the court is the guarantee of ensuring the protection of the rights and freedoms of citizens. The very existence of the right to defense through the court is evidence that any act or inaction against the law, illegal, unjustified, unjust decisions should be under the control of the court.

It is impossible to strengthen the state independence of Uzbekistan and establish a democratic society without ensuring the rule of law. In the first years of the transition period in our republic, the situation with crime was complicated. There was a sharp increase in the commission of serious crimes, attacks on the foundations of the economy, the lives and health of citizens, and the activation of organized criminal groups [5]. As a result of this reasonable policy, the criminal situation in our republic has improved over the past period, and the criminal legislation is being improved day by day.

At the 6th session of the second convocation of the Oliy Majlis of the Republic of Uzbekistan on August 29, 2001, the President of the Republic of Uzbekistan proposed a legislative initiative

to liberalize the punishment of criminal law based on the principles of humanity and justice. Accordingly, the Oliy Majlis adopted a law on making a number of amendments and additions to the Criminal, Criminal Procedural, and Administrative Liability Codes. As a result of the liberalization of the criminal law, sanctions on 87 types of crimes in the Criminal Code were relaxed, from 26 of them the punishments of imprisonment or deprivation of liberty were removed, the number of crimes of low social risk increased from 86 to 196. Another sign of loyalty to humanitarian principles in the country's legislation is death from our criminal law. In accordance with the decree of the President of the Republic of Uzbekistan dated August 1, 2005 and the Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legal Documents of the Republic of Uzbekistan in Connection with the Abolition of the Death Penalty" adopted in July 2007 as a logical continuation of this decree, 2008 in Uzbekistan from January 1, the death penalty was excluded as a type of punishment [6].

The confiscation of property as a criminal punishment has been completely excluded. The Criminal Procedure Code provides for the right to extend the investigation period from the authority of district (city) prosecutors. Imprisonment as a precautionary measure can be applied only to persons who have committed crimes committed intentionally and punishable by imprisonment for a term of three years, and up to five years for minors. According to 28 crimes, it was noted that it is possible to settle the criminal cases between the victim and the accused. The purpose of introducing these relaxations provided for in the criminal law is to not separate a person from society as much as possible, to create more and alternative opportunities for him to correct his morals in time.

Based on the above, criminal punishments were liberalized by the legislative initiative of the leader of our country in order to further accelerate the legal reforms being carried out in our society. As a result, in our republic, in 2000, the punishment of deprivation of liberty was 47%, by 2006, this situation was 28%, and 72% of alternative types of punishment are carried out by courts. It is of great importance to achieve positive results in judicial and legal reforms during the period of building a legal democratic state, to protect people's rights and to fulfill the principles of justice and humanity in the punishment of crimes committed in society.

CONCLUSION

Based on the above, the factor of justice and humanity should always remain the main issue in our legislation, which is being improved based on our national ideals. Only then, justice will be found in the criminal legislation, it will help to form a legal democratic state, to raise the legal consciousness and culture of every member of the civil society. Therefore, the ultimate goal of judicial reforms in the country is aimed at serving people and their rights, freedoms and legal interests.

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