

DISCLAIMER OF LIABILITY IN PLACE OF AMNESTY ACT

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ABSTRACT

In this article, there is a special feature of the amnesty act regulated by the Criminal Code of the Republic of Uzbekistan. The Criminal Code includes the norms of the amnesty act that form the legal basis for exemption from responsibility, the normative legal documents related to this issue and the scientific works that define the theoretical basis.

Introduction

On the basis of the decision of the President of the Republic of Uzbekistan dated May 14, 2018 "On measures to fundamentally improve the system of criminal and criminal procedural legislation", the concept of fundamental improvement of the system of criminal and criminal procedural legislation of the Republic of Uzbekistan was adopted. Part II of this concept is called "Improving the system of criminal responsibility and punishment" and paragraph 6 states that it is necessary to "expand the norms that establish the conditions for exempting a person from criminal responsibility or punishment", including the easing of punishment. It is important to improve the grounds of exemption from responsibility with the amnesty act as a type of exemption from responsibility. Problems of exemption from liability based on the amnesty act M.H. Rustamboev, A.S. Yakubov, I.A. Vasilieva, K.V. Kokotova, O.V. It was studied by scientists such as Semenova.

Material and method

General scientific methods, including special methods, are used in the study of events and processes, their interdependence and connection. In particular, dialectic, system analysis, analysis and synthesis, logicity, historicity, comparison-contrast, formal-legal methods are addressed

Research results

The term "amnesty" means "reconciliation" and "forgiveness" from the war. Amnesty is understood as an act of mercy towards a wide range of people. Amnesty represents forgiveness and mercy and has its origins in three main religions: Christianity, Islam and Eastern religions (Hinduism, Buddhism, etc.). At first, the amnesty was haphazard. Crime is directly related to justice, and the first information about amnesty as a phenomenon of criminal law can be traced back to the history of ancient Greece. During the slave democracy of Athens, the institution of pardoning criminals was introduced. According to E.V. Skutina, the institution of amnesty law is related to various spheres of social relations (constitutional, criminal procedural, social and criminal executive legislation), regulating the system of public relations, implementing the principle of humanitarianism, individual punishment of criminals. is a set of norms related to criminal liability, punishment and exemption from conviction of an unspecified category. The amnesty document, as a legal document, does not amend the criminal law, which stipulates responsibility for a specific crime. It only softens the fate of those who have committed crimes and means that the state shows humanity and mercy towards them. Amnesty can be called a clear expression of humanitarianism in the full sense.

The following features of the Amnesty Institute can be highlighted:

1. Normativeness. The amnesty document, i.e., the rules of conduct established by the highest body of state power, are legal norms related to the implementation of criminal responsibility, which apply to an indefinite number of persons and are binding for all bodies and officials;
2. Application of the territory. The amnesty document applies to the entire territory where the state jurisdiction operates;
3. The amnesty is limited in terms of time;
4. The amnesty is characterized by retroactive effect: the amnesty act is directed to the persons who have committed the crime that was actually and legally terminated when the amnesty document was issued;
5. The procedure for the entry into force of the amnesty document is specified in this document itself (from the date of its announcement to the date of the decision to announce amnesty);
6. According to legal technique, amnesty decisions are divided into two types: amnesty decision and amnesty application procedure decision;
7. The purposes of amnesty are divided into general and specific types. General goals are based on a humanitarian perspective, in which the state provides aid to its citizens who have gone astray. Amnesty acts related to armed conflicts have specific objectives;
8. The universal nature of the amnesty act is reflected in the possibility of using it at any stage of the criminal process, including the stage of execution of the court sentence;
9. An amnesty act is not a rehabilitation of a person. Amnesty is the forgiveness of a person for what he has done;
10. The special feature of the amnesty act is reflected in the fact that the law is equal to the law. However, the amnesty does not change the criminal law, which stipulates responsibility for a specific crime, and does not decriminalize the criminal act [1].

According to the Constitution of the Republic of Uzbekistan, amnesty is announced only by the President, and the act of amnesty is announced by the Senate of the Supreme Assembly based on the

presentation of the President. The issue of implementation of amnesty acts is considered by law enforcement agencies and penal institutions and courts. Since 2008, it has been determined that only the courts will make the final decision on the implementation of the amnesty act. The issue of using amnesty is decided by the special commission on amnesty issues under the President of Uzbekistan. After the amnesty act is issued, it takes a long time to resolve the issue of who to apply it to, and it involves many organizational processes. But using the pardon does not require a lot of time and procedure. It is executed immediately after its acceptance, it is not necessary to go through separate stages [2].

Analysis of research results

All the countries of the Romano-Germanic family of law have the institution of amnesty. Most of the countries of the European Union provide in their laws the exemption from criminal responsibility and punishment, usually by way of amnesty. Although the amnesty is provided by law, it is rarely used in European countries. Amnesty applies to the countries of the Anglo-Saxon legal family, in particular, the USA, Canada, and Great Britain. These countries benefit from a complex institution of state pardons known as "pardons" of criminal liability and impunity. The Criminal Code does not specify the conditions, grounds and procedure for the use of amnesty, and the regulation of the institution is based on precedents. They are completely dependent on the will of the authorities. When releasing a person as a result of the acts of amnesty and amnesty, it is necessary to take into account not only his positive personal characteristics, but also his negative aspects. Because the personality of the guilty person should be reflected as a whole, taking into account his unique characteristics and qualities. Among amnesty and amnesty convicts, some of them are more likely to commit a new crime. They include the following:

- recidivist criminals;
- Persons with negative behavior;
- Persons who have committed the crime of hooliganism, violence and theft; - juvenile criminals.

Scholars and experts have different views on the issue of forgiveness. For example, I. Bekkaria expressed a negative attitude towards him and said that "as the punishment is reduced, the need for mercy and forgiveness decreases." In his opinion, there should be no room for forgiveness in the legal documents, where the punishments are set correctly and the court's decision is ensured to be fair. I. Bekkaria was completely opposed to the inclusion of the "amnestt institution" in the Criminal Code. He believes that showing people that crimes can be forgiven and that their consequences do not have to end with punishment creates a sense of impunity in them, and as long as forgiveness is sought, this situation seems to them to be the violence of the authorities against the person who has not been forgiven, rather than justice. 3]. According to the amnesty act, the criminal cases that were to be completed by the investigative bodies and which were being conducted by these bodies on the day of the amnesty act's entry into force do not apply to the courts. In cases where the case is sent to the court in violation of the amnesty act, the judge must return the case to the prosecutor to fulfill the requirements of Article 385 of the Criminal Procedure Code in accordance with Articles 395 and 396 of the Criminal Procedure Code. The court should also make such a decision in cases where the crime was committed by a group of persons and the case against some of them should be terminated by the investigative body based on the amnesty act. N.W. According to Osmolovskaya, the main point of the amnesty is that it is tool of the state's punishment policy and belongs to the field of criminal law. However, the special procedure for its implementation is considered as a whole system due to its complexity, and is distinguished by its complex, inter-sectoral character. The act of

amnesty has the character of a normative-legal document and is formalized in the form of a decision. The law on amnesty contains legal norms as compulsory rules of conduct, which are intended to be applied to an unspecified group of persons, these norms are implemented in the form of decisions of two state bodies of persons specially authorized to apply the laws. The concepts of amnesty and pardon are frequently mentioned in many literatures. But they are distinguished by several features. Amnesty is a great example of humaneness shown by the state to persons who have committed a crime, and its meaning in the dictionary means "forgiveness". In other words, amnesty is full or partial exemption from criminal responsibility and punishment of persons who have committed a crime, reduction of the term of punishment, and early removal of the conviction of these persons. The main goal of this is to protect the rights and freedoms of citizens through the court, to give opportunities to the people who mistakenly entered the street of crime, to bring them back to their neighborhood, family and children, and to re-educate them without separating them from society [4].

Conclusion

Analysis, synthesis, dialectical, comparative-legal, logical approach, induction, deduction, analysis of current legislation, systematization and other methods of scientific knowledge were used in the research. As a result of the research, proposals aimed at analyzing the norms established in the exemption from criminal liability based on the amnesty act, studying how they are applied in practice, identifying the emerging problems and solving these problems on this basis were prepared. As a conclusion, it was stated that the amnesty act should be used and the trial period should be introduced in the release from criminal responsibility. Conclusion, it can be said that the institution of amnesty is important in the context of the liberalization of criminal laws. Based on the above, the following are suggested. The relevant articles of the Criminal Code of the Republic of Uzbekistan should be amended and supplemented as follows: It is appropriate to introduce new norms and clauses known as "Cases in which the amnesty act is not used" and "Social-economic guarantees for those released on the basis of amnesty". Provision of work and housing by the state based on the state program of persons released from liability based on the amnesty act. It is necessary to guarantee their social and economic rights.

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