

# The Essence of the Principle of Humanism in Penal Code of the Republic of Uzbekistan

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**Summary:** in this article are disclosed the essence of the principle of humanism, the system and the aim of penalty which are stipulated in penal code of the Republic of Uzbekistan, as well as the basis of liberalization of criminal penalty.

**Key words:** humanism, the system of penalty, the aim of penalty, education, forgiveness, liberalization.

As it is known, in order to regulate social relations adopted laws and other legal acts.

Violation of the rule of law, in turn, entails harm to the legitimate interests of citizens, society and state. As a result of the offense committed. So, in the Criminal Code of the Republic of Uzbekistan are regulated by the base of responsibility for the crime, which is the most serious offenses views.

Responsibility for a crime have the legal consequence of the commission of a socially dangerous act, which is expressed in the condemnation, the application of the punishment or other measures of legal influence by the court to the person guilty of committing prestupleniya1.

Determining responsibility for the crime is the decision of the tasks defined by the Criminal Code.

It should be noted that Art. 2 defining the objectives of the Criminal Code states: "The Criminal Code has the task of protection from criminal attacks the individual, his rights and freedoms, interests of society and the state, property, the environment, peace, human security and crime prevention, education of citizens in the spirit of the Constitution and the laws Republic1".

Thus, the problem of the Criminal Code is not to punish, but education of citizens in the spirit of the Constitution and laws of the republic.

It should be noted that under article 7 of the Criminal Code of the principle of humanism, also aims to raise the face.

In particular, punishment and other legal sanctions are not intended to cause physical suffering or humiliation of human dignity. A person who committed a crime should be punished or applied a measure the legal effects of which are necessary

and sufficient for his correction and prevention of new crimes.

Strict penalties may be appointed only on condition that the purpose of punishment can not be achieved by the use of softer measures provided corresponding article of the Criminal Code.

Besides, punishment is applied in order to rectify, impeding the continuation of criminal activity, as well as the prevention of new crimes both sentenced and others.

Article 43 of the Criminal Code, which regulates the system of penalties, determines the following basic and additional penalties: wtraf, deprivation of certain right, corrective labor, restrictions on service, the arrest, restriction of freedom, in a disciplinary part, imprisonment, life imprisonment.

Besides the main, to the convicts can apply an additional penalty of deprivation of military or special title.

Deprivation of certain rights may be used not only as the core, but also as an additional punishment.

It should be noted that in the course of the reform of the judicial system in the Republic of Uzbekistan, carried out effective reforms relating to liberalization of criminal punishment.

In particular, August 1, 2005 he was signed by the Decree of the President of Uzbekistan "On the abolition of the death penalty in the Republic of Uzbekistan" 2. July 11, 2007, the Law of the Republic of

Uzbekistan "On introducing amendments and addenda to some legislative acts of Uzbekistan in connection with the abolition of the death penalty" and 1 January 2008 abolished the death penalty as a form nakazaniya<sup>3</sup>. In this regard, the Criminal Code of the Republic of Uzbekistan instead of the death penalty have been introduced such criminal penalties as a long term of imprisonment and life imprisonment.

Note that the long-term imprisonment and life imprisonment be imposed for premeditated murder under aggravating circumstances and terrorism that resulted in death or other serious consequences.

Punishment in the form of a long term of imprisonment and life imprisonment It can not be assigned to a woman, a person who committed a crime before the age of eighteen years of age and men over sixty years.

In addition, there are also certain features on the sentence of imprisonment the woman, the person who committed the crime under the age of eighteen years of age and men over sixty years. In particular, based on Art. 50 of the Criminal Code, sentenced to imprisonment for men over the age of sixty years, and for women the sentence may not exceed two-thirds of the maximum term of imprisonment provided for the corresponding article of the Criminal Code.

Also, a sentence of imprisonment for crimes that do not

pose great danger to society, the crimes committed by negligence, and intentional less serious crimes are not given to pregnant women and women with children aged up to three years, as well as persons who have, in accordance with the law the right to a retirement pension.

In addition, committed a crime, not representing big public danger, a crime of negligence and intentional less serious crimes before reaching the age of majority, to such persons and will not apply a penalty of imprisonment.

It should be noted that Art. 15 of the Criminal Code states that "to not pose a great danger to society are premeditated crimes for which the law prescribes a penalty of imprisonment not exceeding three years, as well as crimes committed by negligence, for which the law prescribes a penalty of imprisonment not more than five years.

Less serious offenses include intentional crimes for which the law prescribes a penalty of imprisonment for a term of more than three years but not more than five years, as well as crimes committed by negligence, for which the law prescribes a penalty of imprisonment for a term exceeding five years".

The presence in the Criminal Code of the Republic of Uzbekistan the above rules shows how humane our system of punishment.

It should be emphasized that the sentencing court take into account the

nature and degree of social danger of the crime committed, the motives of the offense, the nature and extent of harm caused, personality of the perpetrator, the circumstances mitigating and aggravating the punishment.

Accounting for the aforementioned circumstances in sentencing is also one of the signs of the principle of humanism.

It should be noted that the Criminal Code of the principle of humanism is reflected not only in sentencing, but also with the exemption from liability or punishment. The presence in the Criminal Code of institutions such as amnesty institutions, reconciliation, pardon, is also a manifestation of the most important features of humanism.

The importance of institutions amnesty, reconciliation, pardon have in the education of persons who have committed a crime.

It should be noted that all of the penalties provided in the Criminal Code of the Republic of Uzbekistan provide an opportunity to the person to return to society.

Even persons sentenced to life imprisonment, have the right to file a petition for clemency. In particular, the petition for clemency may be submitted by a person sentenced to life imprisonment, after serving twenty-five years of the sentence imposed, and if during the period of serving the sentence the convict firmly embarked on the path of

correction, has no disciplinary penalties for violations of the established regime in good faith refers to the work and training, taking an active part in the educational activities - after actual serving of twenty years of punishment.

The request for clemency can be filed by a person sentenced to a lengthy term of imprisonment, after serving twenty years of the sentence imposed, and if during the period of serving the sentence the convict firmly embarked on the path of correction, has no disciplinary penalties for violations of the established regime, conscientious to work and training, taking an active part in the educational activities - after actual serving fifteen years of the punishment.

The presence of the above rules in the legislation is an important criterion for the return of persons in society, in the family and, most importantly, with the formation on the path of correction.

It should be noted, August 10, 2015, the Criminal Code of the Republic of Uzbekistan introduced a new form of punishment - "restriction of liberty" 4. Restriction of freedom consists in the establishment of the court in respect of a convicted a total ban on leaving the home under one pretext or another, or restrictions on the way out of the home at a certain time of day. The court may impose on under the Criminal Code of additional

prohibitions sentenced to restriction of freedom (restriction).

Note that this species of punishment also plays an important role in correcting face.

In conclusion, it must be emphasized that the penalties under the Criminal Code of the Republic of Uzbekistan, in order to apply fixes, impeding the continuation of criminal activity, as well as the prevention of new crimes both sentenced and others.

#### Literature / sources

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