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# On The Issue Of Improving The Current Criminal Legislation Of The Republic Of Uzbekistan

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**Abstract:** The article, based on the analysis of criminal policy aimed at liberalizing criminal punishment, substantiates the conclusion about the development of the institution of reconciliation of the parties, incentive norms in criminal law, the establishment of criminal liability of legal entities, the harmonization of the sanctions of articles of the Special Part of the Criminal Code of the degree and nature of social danger committed crimes, as well as the exclusion of a conflict of sectoral legislation.

**Keywords:** institution of reconciliation of the parties, incentive norms, liability of legal entities, sanction, degree and nature of social danger of a crime, conflict.

## INTRODUCTION

In modern Uzbekistan, the humanization of responsibility is increasingly taken into account in the field of improving criminal legislation and law enforcement practice. It can be stated with confidence that over the years after the adoption of the 1994 Criminal Code, which laid the legal foundation for the effective protection of the individual from criminal encroachments, the protection of the rights and freedoms of citizens, the interests of society and the state, ensuring the rule of law and law and order. Criminal legislation has undergone significant changes aimed at improving its norms, implementing advanced international standards and foreign practices in order to unconditionally ensure the rights and freedoms of citizens. Further liberalization of criminal legislation and decriminalization of certain categories of crimes have been carried out, the list of punishments not related to imprisonment has been expanded. In general, positively assessing the reforms carried out in the country, the President of the Republic of Uzbekistan Sh.M. Mirziyoyev in the Resolution of the President of the Republic of Uzbekistan "On measures to radically improve the system of criminal and criminal procedural legislation" dated May 14, 2018 No. PP 3723, emphasized: "The creation of an effective system of criminal and criminal procedural legislation is one of the priority tasks of the state in ensuring the rule of law and law and order, reliable protection of human rights and freedoms, the interests of society and the state, peace and security" [1].

## MATERILAS AND METHODS

At the same time, the head of state pointed out some shortcomings in judicial and investigative practice, which indicate: - Legal gaps in the system of criminal legislation that impedes the effective protection of the rights, freedoms and legitimate interests of citizens; - disproportion of sanctions for committing certain types of crimes to the nature and degree of public danger of acts, including insufficient and ineffective use of alternative types of punishment, incentive norms and measures of social influence; - Insufficient implementation of internationally recognized criminal law institutions, including the lack of criminal liability of legal entities[2] . Based on the foregoing, it is necessary to highlight a number of issues of criminal policy, which, as we see it, should find their perception in the process of lawmaking in the development of criminal legislation. I. To ensure the development of the institution of reconciliation of the parties and simplify the mechanism of its application.

## RESULTS AND DISCUSSION

The presence of the institution of reconciliation of the parties in criminal legislation has become the embodiment of such centuries-old traditions of the people as mercy and the ability to forgive. Since the introduction of this institution into the criminal legislation, the number of articles according to which the institution of reconciliation of the parties is allowed has increased from 26 (32 corpus delicti) to 46 (61 corpus delicti). The results of a survey of scientists and practitioners of the country conducted by the Department of Criminal Law of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan allow us to state that the release of perpetrators from criminal liability, in connection with the reconciliation of the parties, is evidence of a huge step made in the field of humanization and liberalization of criminal penalties[3] . Along with the development of the institution of reconciliation of the parties, it is necessary to increase the number and expand the scope of application of criminal law incentive norms. The implementation of the criminal policy in the field of liberalization of criminal penalties, of course, presupposes the development of the institution of incentive norms. The choice of the way of liberalization of criminal policy by our state led to the introduction of new special criminal-legal incentive norms into a number of articles of the Special Part of the Criminal Code. So, in practice, the introduction into the Criminal Code of an incentive rule on the non-use of punishment in the form of restriction of freedom and imprisonment in cases of compensation for material damage is positively assessed. (h.h. 4 article. 167, 168, part 5 of article 1852 of the Criminal Code), threefold (part 4 of article 173, 175, 198 of the Criminal Code) or full exemption from criminal liability (part 3 of article 180 , 181, 1811, part 6 of article 1852 of the Criminal Code) provided that the person first committed a crime and he, within thirty days from the date of detection of the crime, compensated for the material damage caused. The existence of such incentive legal norms in criminal legislation is due to the desire of the legislator to restore the powers of the owner, while stimulating the positive behavior of the subject of law. The implementation of positive behavior in the form of compensation for material damage caused, as a rule, testifies to personal and psychological processes aimed at correcting the culprit, which allows the judiciary to come to the conclusion that it is inexpedient to impose a punishment in the form of restraint of liberty or imprisonment. This technique expands the scope of criminal law relations, within which it is possible to stimulate positive behavior by providing an opportunity to avoid the non-application of punishment in the form of restriction of liberty or imprisonment. II. Establish criminal liability for legal entities. In the theory of criminal law, proposals on the possibility of recognizing a legal entity as a subject of criminal liability began to be seriously discussed since 1992. This issue was positively resolved in the draft Criminal Code adopted in 1994. However, during its discussion, this proposal did not pass, and the new Criminal Code in this regard remained on the same positions. In connection with the ratification by Uzbekistan on July 7, 2008 of the United Nations Convention "Against Corruption", the relevance of the analysis of this issue has significantly increased [4]. This international document obliges the statesparties to this Convention to obligatorily establish criminal liability of legal entities for crimes related to corruption. Therefore, the Department of Criminal Law of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan conducted a special scientific research. As a result of the study, a dissertation was prepared on the topic: "Criminal and legal characteristics of the subject of a crime and its characteristics", in which the conclusion is scientifically substantiated that legal entities should be recognized as a subject of criminal liability if a crime related to corruption is committed by individuals of the relevant organizations [5] . III. Bring the sanctions of the articles of the Special Part of the Criminal Code in line with the category of crime provided for in the disposition. There is no proper system of sanctions in the current Criminal Code, since it was "broken" in the process of repeated discussions at different levels during the preparation of the draft Criminal Code in the period 1993-1994, as well as the introduction of repeated amendments and additions to the current

criminal legislation. So, for example, the sale and purchase of a person by kidnapping, committed repeatedly or by a dangerous recidivist or by prior conspiracy by a group of persons forms a qualified type of human trafficking and is subject to qualification only under the relevant paragraphs of Part 2 of Art. 135 of the Criminal Code, for which, according to the sanction of the same article of the Criminal Code, imprisonment from five to eight years is provided. At the same time, only for the abduction of a person by prior conspiracy by a group of persons in accordance with Part 2 of Art. 137 of the Criminal Code provides for imprisonment from five to ten years. A comparative analysis of the sanctions of these articles of the Criminal Code allows us to conclude that the punishment for trafficking in persons by means of abduction is determined without taking into account the level of nature and degree of public danger of such an act in comparison with the level of danger of only kidnapping. The problem under consideration is even more vividly highlighted in the process of a comparative analysis of the sanctions of Part 3 of Art. Art. 135 and 137 of the Criminal Code. And there are many such examples, which necessitate a return to the scientifically grounded theory of the system of sanctions in criminal legislation, a thorough analysis and adjustments of the current criminal legislation. In addition, the number of types of criminal punishments should be clarified, which will allow for a more differentiated individualization of responsibility. The system of punishments fixed in the current criminal legislation, taking into account the amendments and additions made to it, generally reflects the basic principles of modern criminal law, primarily the principles of legality, justice and humanism, as well as the main trends in the fight against crime in our time: the strengthening of criminal law measures in the fight against grave and especially grave (especially violent) crimes and the limitation of coercive measures related to imprisonment for less dangerous crimes. This requires an active search for new types of punishments not related to imprisonment for persons who have committed less dangerous crimes. IV. Overcome the "inconsistency" in the norms of sectoral legislation through systemic unification. This is connected not only with the terminological systematization of the conceptual apparatus, but also with the observance of ensuring the proper balance between the branches of law in accordance with their hierarchy, grounded in the general theory of law. Here is just one example of non-compliance with the principle of consistency of sectoral norms of law, which is one of the fundamental principles of the construction and functioning of the national legal system.

## CONCLUSION

Thus, in criminal law and criminal procedure the victim is defined differently. There is no definition of a victi in the criminal law, and within the framework of the theory of the composition of a crime, he is traditionally regarded as an “animated object”, which is absolutely inaccurate. Based on the objectives of the Code (Art. 2), not only a person can act as a victim, i.e. an individual, but also legal entities and even society and the state. So, for example, in case of tax evasion or other obligatory payments (Article 184) or violation of budgetary and budgetary and staff discipline (Article 1841), the victim should be recognized as the state represented by state bodies. It is hardly possible to represent an individual or even a legal entity as a victim of crimes against the peace and security of mankind (Chapter VIII of the Special Part), since, undoubtedly, the interests of society and (or) the state are affected. At the same time, if we turn to the criminal procedural legislation, then when determining the victim and it is only in the Criminal Procedure Code (Art. 54), only an individual who has suffered moral, physical or property damage is recognized as such. This approach is quite pronounced when defining the essence of such a category as the subject of proof, compared with the corpus delicti (Art. 82 of the Criminal Procedure Code), where it is only about the “personality of the victim”. There are no grounds for such oppositions in the understanding of the victim under criminal law and criminal procedure, since the victim becomes not by virtue of the issuance of an appropriate procedural document, but because a crime has been committed against him (an individual, legal entity, society, and state). In conclusion, it should

be noted that the consideration by the legislator in the legislative activity of the recommendations put forward by us aimed at improving the current criminal legislation will help to increase the effectiveness of the fight against crime.

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