

Legal Aspects of the Exemption From Criminal Liability Under the Act of Amnesty in the Legislation of the Republic of Uzbekistan

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ABSTRACT

This article will feature some aspects of the amnesty act in the legislation of the Republic of Uzbekistan. The author in this article explains a new interpretation of the content of the criminal release from the liability in the Criminal Code. On the basis of the release of the amnesty act, the person shall consider it necessary to establish the conditions for the next conditions and introduce the range of liability during the conditional period of probation. Comment on the basis of the amnesty act relieves from criminal liability. Four types of amnesty differ: humanistic, corrective, declarative, to solve armed disputes. Based on the amnesty act, the grounds for exemption from liability provides new issues of the grounds for their solution.

KEYWORDS: *act of amnesty, local amnesty, general amnesty, regional, location, individual act, legal sub-institutes.*

I. INTRODUCTION

According to 68 Article of the Criminal Code of the Republic of Uzbekistan, the person who commits a crime may be relited from liability on the basis of the amnesty act.

According to Article 80 of the Constitution of the Republic of Uzbekistan, the absolute authority of the Oliy Majlis of the Republic of Uzbekistan shall include documents on amnesty to the absolute competence of the Republic of Uzbekistan. Under Article 93 of the Constitution of the Republic of Uzbekistan, the President of the Republic of Uzbekistan shall submit a request to the Senate of the Oliy Majlis of the Republic of Uzbekistan. According to the provisions of the Criminal Code, the amnesty act shall determine clear legal consequences for a certain range of persons who have committed this or the commitment of this category of crimes. In the amnesty act, material norms should include on exemption from fully responsibility or punishment. At the same time, parliament defines the procedural norms in amnesty on termination of criminal cases. This process is causing certain inconveniences, as it is affected the cancelation of law enforcement agencies. The procedural decision to be accepted shall be established by law enforcement agencies, taking into account the norms of the Criminal Procedure Code.[2];

II. METHODOLOGY

As components of the methodology, the author used general scientific methods, which involve the study of all phenomena and processes in their development, interconnection and interdependence, as well as special methods. In particular, the methods of dialectical materialism, system analysis, analysis and synthesis, logical, historical, comparative-legal, formal-legal used.

III. DISCUSSION

Amnesty legal institution related to various industries constitutional, criminal procedure, social and

criminal-executive, regulate the system of public relations, the implementation of humanitarian principles is a set of norms related to the release of the unlimited paragraph of persons who have committed a crime, the uninactivated category of criminal proceedings, penalties, and conviction. Amnesty act does not change the criminal law, which provides responsibility for a particular crime as the legislation. This means only the fate of those who have committed a crime and means that humanity and mercy is reflected by the state. Parliament can make amnesty terms to the issued amnesty on the basis of a conclusion that improves or deteriorates. Based on this conclusion, the change in the terms of the previously published amnesty shall not lead to the deterioration of the legal status of the person, for the amnesty act will not eliminate the crime committed. It is also not possible to evaluate forgiveness and compassion from "better" or "worse", the amnesty condition of the amnesty is to return to the person's previous lifestyle. Amnesty act does not occur constitutional prohibition in retrospective application of more criminal law. As an amnesty act is exempt from criminal liability, data should be prepared in the context of data. It should not be allowed to know that the crime is planned or about an already impending amnesty to release a certain crime for a certain crime. Privacy should only belong to the preparation of amnesty acts. You can highlight the following features of amnesty act:

Normality. In amnesty, the rules of conduct in the amnesty is the norms of law, which are obligatory for all bodies and officials, and the right of all authorities and officials, and the criminal liability application according to territorial; unlimited amnesty in terms of time; amnistia acts are characterized by the backward strength: the amnesty act distributes its impact on the amnesty act in practice and legally liquidated individuals; The procedure for the entry into force of the amnesty act shall be established by this ICT from the moment of its publication, or from the moment of decision to declare amnesty. [1] Despite the fact that all crimes can apply to justice and compensation for damages, the problem of ensuring the rights of the victim is not solved in the extraction of amnesty. In addition, legislative and judicial practice do not answer many questions that arise in practice in the application of amnesty acts. The issue of amnesty acts will be considered by the institutions and courts of law enforcement agencies and the courts. Since 2008, the final decision on the use of amnesty act is determined only by courts. The issue of expiration is a special commission on pardon to the President of the Republic of Uzbekistan. After the an amnesty act, the solution to whom it will apply it is long distanced and includes many organizational processes. But applying a pardon does not require a lot of time and order. [2] It is immediately performed by receiving, for which it is not necessary to go through separate stages. Amnesty is traditionally considered as the basis for the exemption from criminal responsibility and criminal punishment. Amnesty is much more old legal phenomenon and pardon since the time when the elimination of the support of individuals infected groups began. Amnesty originates belong to three main religious areas: Christianity, Islamic and Eastern Religues (Industry, Buddhism, etc.). The amnesty belongs to the amnesty, and the first information about the amnesty belongs to the ancient Greek history period as a phenomenon of ancient Greece, Athens, was a habit of forgiving the criminals.

There is an opportunity to use a conditional amnesty in the Belarusia's legislation, which is calculated with a certain probationary period and the person is notified of the amnesty, if not committed a crime during this period. There is an opportunity to use a special amnesty in the Ukrainian legislation, and persons amnestied within a certain period of time shall be exempt from the amnesty act. France, according to the Republic of Belarus, in Ukraine, is an amnesty law. [3] The Criminal Code does not specify the conditions, grounds and procedures for applying amnesty. They are completely related to the political will of power.

The main condition of the amnesty as the individual act of law (legitimate movement of a body with special authority) - committing a crime until the amnesty act enters into force. [4] It is determined by

procedural documents on the use of amnesty, and may be described as general or mandatory.

Amnesty, as a rule, not also applied to persons who have avoided the sentence, regardless of the severity of the crime, can be applied to all individuals. The person's physical data on the basis of humanitarian law is also taken into account. [5]This health status, disability, pregnancy, pregnancy, family condition and others, etc. The amnesty act defines its use criteria. The behavior of the convicts in the process of execution of the convict (in these criteria) is almost not taken to be taken into account.

There are four types of amnesty: corrective; declarative; amnesty announced to solve armed conflicts. Each type of amnesty is divided into two small species. Humanistic; corrective; The declarative acts apply to the entire territory of the country. Similar to structural structure and normative requirements. Therefore, it is advisable to unite these documents with the term "general amnesty". There are currently an amnesty act issued to resolve armed conflicts in the circle of local amnesty. Amnesty includes the goals related to certain will and interests not only as legal but also as political behavior.[7]Amnesty Social Relations are regulated by a specific area of law and depends on its application stage.[8]

The only legal institution of amnesty and pardon in law, or the question of the legal institutions they distinguish between each other was not yet decided.[9]Legal institutions can operate as a combination of institutes and small industries in the field of law.[10]The amnesty law should identify those whose concepts of amnesty, the purposes of issuing the relevant documents, recommendations for categorized persons.

Amnesty is a high standard of the state for the committed persons, and his self-meaning is meant by his sin. In other words, amnesty is to reimburse the commitment of crime and reduce the sentence of the sentence or a pre-termination of the conviction of these persons.

Amnesty concept can be divided into the following elements:

1. This was a special right to state power.
2. Amnesty does not change or cancel the liability and punishment for a crime; The court's sentence against a particular person does not cancel and unknown as illegal.
3. Based on the legitimacy and early release of amnesty shall apply.[11]

IV. CONCLUSION:

Amnesty act is one of the most important types of exemption from criminal liability. Because, amnesty is comprehensive and published in a wide coverage, not a particular person. The sex, race, nationality, language, language, religion accordingly applied. Therefore, the issue of improving the grounds for exemption from this liability is urgent. Based on the above, I suggest the following. "unable to be released from liability on the basis of the amnesty act" Article 68¹ must be specified in the Criminal Code of the Republic of Uzbekistan. In this article, the persons executed on the basis of the amnesty must not be released from liability on the basis of the amnesty when committing repeated crimes. Secondly, Article 68 of the Republic of Uzbekistan is described in the following edition: "The person who commits a crime may be relieved of liability on the basis of the amnesty act. Amnesty is applied to a specific probationary period and the person does not commit during this period, the person is released from liability on the basis of the amnesty. Amnesty is applied to the victim in terms of conditioning of exercise the right to compensate for damage caused by the crime."

REFERENCES:

1. E.V. Skutina. Amnesty in criminal proceedings. Auth. Diss ... can.law.sciences. Ekaterinburg.: 2009.-p.15
2. <https://hordiq.uz>
3. V.A. Lepeshov. Exemption from criminal responsibility and punishment of amnesty act. Auth. Diss ... can.law. scien. Krasnoyarsk.: 2006.-p.12
4. O.V.Levashova. Amnesty and pardon as encouraging norms of the criminal law of Russia. Auth. Diss ... can. law. scien. Tambov.: 2007.-p.20
5. Sh.Berdiyev. Problems of improvement of criminal law in the process of liberalization of criminal law. Diss ... doc.law. sciences.- Tashkent. : 2011.-B.252
6. D.V.Kohman. Legal mechanism for the implementation of amnesty in the Russian Federation and the social consequences of its application. Auth. Diss ... can.law. sciences. Tyumen.: 2019.-p.9
7. Osmolovskaya N.V. Amnesty and pardon as the means of adjusting the punitive policy of the state. Auth. Diss ... can.law. sciences. Tyumen.: 2006.-p.9
8. Z.M.Artikov. The formation and development of amnesty and pardon institutions in Tajikistan (Historical and Legal and Combigion Research). Auth. Diss...can.law.sciences. Dushanbe.: 2010.-p.14
9. L.V. Yakovleva. Institute of liberation from punishment in russian law. Auth. Diss ... can.law. sciences. Moscow.: 2003.-P.35
10. <https://www.gazeta.uz>
11. Mirzajonov K. Theory and Practice of Amnesty and Pardon: Problems and solutions. Diss ... doc.law. science -Tashkent: 1995. - P.50