

ON THE HISTORY OF THE AMNESTY INSTITUTE AND THE MECHANISM OF OPERATION

Dumaev Fayzullokhon Suvankhanovich

Andijan State Institute of foreign languages Head of the Department of affairs

ANNOTATION

amnesty and pardon are among the oldest legal institutions. Legal scholars report that these institutions date back to antiquity, when the laws of Hammurabi were in force (18th century BC). For example, Hammurabi, the son of the king of the Babylonian state, is known to have applied the institution of Pardon to him by saving his slave from the death penalty.

Looking at the path taken by the Republic of Uzbekistan, judging by the analyzes, a total of 36 documents have been adopted in our country since the day our country reached independence. More than a dozen of them were issued in connection with the declaration of the independence of our country. About ten amnesty acts were published in connection with the adoption of the Constitution of the Republic of Uzbekistan, and the rest on the eve of the dates that played an important role in the socio-economic and political life of our country.

KEYWORDS: amnesty, pardon, legal institution, lawyer, law, independence, authority, decree, parliament, document, court, state, society

It should be noted that in the early years of our independence, the amnesty act was issued by the president of the Republic of Uzbekistan, while in the later stages the procedure for its adoption by the Senate of the Supreme Assembly was introduced. In particular, in the Constitution of the Independent Republic of Uzbekistan (paragraph 20 of Article 93), adopted on December 8, 1992, the norm was expressed that the authority to accept amnesty acts belongs to the president of the Republic of Uzbekistan. On this basis, amnesty decrees of the president of the Republic of Uzbekistan were adopted fifteen times until 2005.

In connection with the transition to a bicameral parliamentary system in our country, in order to further strengthen the prestige of Parliament in the life of the state and society, more effectively organize the principle of separation of powers, a number of powers of the president of the Republic of Uzbekistan, including the authority to adopt amnesty acts, were also transferred to the

According to amendments and additions to the Constitution (to chapters XVIII, XIX, XX) on the basis of the law "on amendments and additions to the Constitution of the Republic of Uzbekistan", adopted on April 24, 2003, the amnesty act (according to paragraph 10 of Article 80 of the Constitution of the Republic of Uzbekistan and paragraph 23 of Article 93), shall be adopted by the Senate of the The Senate will consider the issue of the adoption of the amnesty document at its next meeting on the presentation of the president of the Republic of Uzbekistan . As a matter of its competence, the Senate of the House of Commons decides on the adoption of the amnesty act. The resolution is adopted by a majority vote of the total number of members of the Senate (Constitution of the Republic of Uzbekistan,

Article 82) and is signed by the president of the Senate (Constitution of the Republic of

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Uzbekistan, Article 86 Part 5 paragraph 7). The amnesty document must be published within five days from the date of adoption of this document.

At the same time, legal scholars of our country noted that the granting of the amnesty act to the authority of the Senate and the introduction of the judicial procedure for the application of the Amnesty Act were another important step in the establishment of judicial control at the stage of pre-trial proceedings.

In our country, it should be recognized that most amnesty acts were adopted by the Senate of the Supreme Assembly, and it will be advisable to conditionally divide these decisions into three parts.

The first part provides for the benefits established by the amnesty act. The second part defines the circumstances in which these benefits do not apply. The third part provides for provisions for the implementation of this decision.

Referring to the essence of the first part of the decision on amnesty, which provides for benefits, according to Paragraph 1 of the decision, taking into account the limitations specified in Paragraph 8 of this decision: women; persons under the age of 18 at the time of committing a crime; men over 60; citizens of a foreign state are provided for exemption from punishment.

As we can see, the Amnesty resolution paid special attention to women. Also, the fact that the amnesty decree provides for the release from punishment of persons under the age of 18 at the time of committing a crime is considered an important opportunity given to young people who are just entering an independent life and get lost in the path of the crime.

The resolution provided that persons who commit crimes behind negligence would be exempted from punishment for first-time convictions for crimes of greater social risk or less severe severity.

The resolution also establishes that all cases of crimes committed by the above-mentioned persons will be terminated. This, in turn, is a derivative of the humanitarian policies that are being pursued in our state, our historical views, of course. In addition, pain in our country has long been associated with respect and self-esteem for the elderly, women and young people, and our national characteristics, such as forgiveness, tolerance and humanity, are embedded in our blood and psyche.

The resolution also stipulated that people with disabilities of the first and second groups; persons deemed to have been severely ill who were deemed to have been affected by a severe illness that prevented them from serving their sentence as prescribed by law within a period not exceeding one year before the amnesty resolution came into force. This clause does not apply to persons who have committed the crime of intentional homicide in circumstances that aggravate liability.

The Amnesty Act also stipulates that convicts (except for those who commit the crime of intentional murder in cases of aggravating liability), whose sentence is not more than two years in prison, whose sentence has entered into legal force by the date of publication of this decision.

The resolution provided for the release from punishment of persons whose participation in the activities of prohibited organizations, in which they were sentenced to imprisonment for the first time for committing crimes against peace and security or against public security, and who went strictly on the path of recovery.

The third part of the Senate resolution on amnesty provides for provisions on the implementation of this resolution, according to which the relevant committees and commissions of the Senate of the Supreme Assembly are determined to ensure the direct participation of the Corps of Deputies in the implementation of public control and transparency in the procedures for the application of this amnesty act. In addition, the responsibility for the implementation of this decision was placed on the Cabinet

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of Ministers of the Republic of Uzbekistan.

The third part of the amnesty decision also provides for deadlines related to the entry into force and enforcement of this decision, according to which this decision will take effect from the date of publication and must be executed within three months.

The following points can be cited on the analysis of criminal procedural codes in force on the territory of the Republic of Uzbekistan:

First, in practice, the application of the amnesty resolution in the laws that existed in the territory of Uzbekistan in the periods before the acquisition of independence, the crime was not regulated processually.

Secondly, with the issuance of each amnesty decision, its execution, as well as its processual application, was adopted by the amnesty decision-making body in a one-time directive manner.

At the same time, special attention should be paid to the legislative framework adopted in 2008, which marked a new stage in the application of the amnesty act in our country. In particular, in accordance with the amendments and additions to the Criminal Procedure Code of the Republic of Uzbekistan on December 22, 2008, Chapter 63 of the new code "application of the amnesty act in the pre-trial stage of proceedings" was introduced into the code. It includes the following five articles that complement each other in a logical sequence: (Art. 587. Procedure for sending pre-investigation examination materials or criminal proceedings to the prosecutor by the Inquirer, investigator, section 588. Application for amnesty decision, article 589. Procedure for consideration by the prosecutor of the issue of refusal to initiate a criminal case, the inclusion of a petition about or for the termination of a criminal case in the court, article 590. Court session, article 591. Judgment) covered.

In our opinion, it is proposed to include Part 5 of Article 590 of the CPC, known as the "court session", in the content of "the court will determine the issues related to compensation for damage caused", relying on the practice of the above legal scholars and foreign countries and historical grounds. Through this, the amnesty act is applied only if the damage caused on all crimes, and not on articles 167,168, is covered and, in turn, the violated rights of citizens are guaranteed.

From the above, it can be concluded that during the years of independence, amnesty was widely used in our country for such purposes as strengthening peace, celebrating major socio-political events, humanizing all spheres of social life, stabilizing the economy.

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