

Legal Analysis and Importance of Release from Criminal Liability in Connection with Reconciliation

Qilichev Nosirbek ^a

^a Samarkand State University, 2nd Stage Student of the Faculty of Law.

*Scientific Leader: Kurbanov State Ravshanovich, Samarkand State University, Faculty of Law, Department of
Jurisprudence and Law Education, Candidate of Legal Sciences, Associate Professor.*

E-mail: nosirbek@gmail.com

Abstract

In this article, the legal basis for the release of crime from liability in connection with reconciliation, which is one of the grounds for the release of crime from liability, the legal analysis, the terms of application are discussed on the basis of the Criminal Code of the Republic of Uzbekistan, the Code of Criminal Procedure, the decisions of the Supreme Court.

Keywords: Crime, Victim, Civil Plaintiff, Application, Confession to Guilt, Reconciliation with Victim, Compensation for Damage, Release from Liability.

Introduction

Chapter XII of the Criminal Code of the Republic of Uzbekistan covers the types of release from responsibility, in connection with its reconciliation; Article 66 of the Criminal Code of the Republic of Uzbekistan on release from responsibility is a relatively new institution in criminal law. This type of release of crime from responsibility was not provided for in the Criminal Code of the Russian Federation (Criminal Code) adopted in 1959, as well as in the preliminary edition of the Criminal Code adopted on September 22, 1994.

The sixth session of the Oliy Majlis of the Republic of Uzbekistan held on August 29, 2001 was an important stage in the liberalization of the judicial system. During this session, the law of the Republic of Uzbekistan "on amendments and additions to the criminal, criminal and procedural codes of the Republic of Uzbekistan and the Code of administrative responsibility in connection with the liberalization of punishments of crime" was adopted, and in accordance with this law it was supplemented with article 661 of the Criminal Code of the Republic of Uzbekistan.

The use of reconciliation as a basis for the release of crime from responsibility is a matter of mutual agreement between the guilty and the victim. It is necessary to find out whether reconciliation is carried out by free will of the parties and without majorities.

This is manifested in the unwillingness of the victim to forgive the culprit and to be held accountable by the criminal for his actions. In turn, the culprit is also required to confess his guilt and compensate for the damage caused.

In connection with the reconciliation, the Institute for the release of crime from responsibility was included in the Criminal Code by the above-mentioned law on August 29, 2001, and in its initial edition it was determined that it was applied for the first time the crimes mentioned in Article. With the law "on amendments and additions to certain legislative acts of the Republic of Uzbekistan" on August 27, 2004, this institute was further developed, the words "for the first time" were removed from this article and in connection with the reconciliation, the scope of the crimes that can be applied to the release of crime from responsibility was established. In connection with the reconciliation in Article 66 of the Criminal Code of the Republic of Uzbekistan, a strict list of crimes that can be released from criminal responsibility is given, and today they constitute 46 units. In order for the reconciliation of the guilty and the victim to be considered a legal and voluntary act, there must be certain conditions:

Materials and Methods

Crime committed by one of the offenses specified in Article 661 of the code of the Russian Federation;

To blame;

Free download;

Compensation for damage incurred;

Lack of severity and lack of conviction for committing extreme crimes.

In connection with the reconciliation, as the basis for the release of a person from criminal responsibility, it is necessary to commit exactly one of the crimes listed in Article 66 of the Criminal Code, in which there should also be other structural elements of this institute. Analysis of the current legislation shows that the specified criminal content falls into the category of crimes in which the social risk is not great and which are not particularly severe. The list of criminal contents established in the first part of Article 66 is strict and its scope can not be interpreted.

The application for reconciliation should always be submitted in writing, in which the request for the termination of the criminal case in connection with the elimination of the damage caused by the crime (or the refusal of the victim from the damage) and the reconciliation should be indicated. The right to initiate proceedings on the settlement is the possession of a person or his legal representative, who is recognized as a victim (civil plaintiff) in accordance with the procedure established by law.

In cases where both the claimant and the victim simultaneously participate in the case, a corresponding application must be submitted by both the claimant and the claimant to start the proceedings on reconciliation. For cases in which there is one suspect, defendant, defendant and several victims in the case, exactly the same requirements are established in the law. Even in cases where there is no relevant application from any of the victims, it is not possible to conduct proceedings on reconciliation. In this case, the proceedings in the criminal case are conducted on general grounds.

In the case, even if there is a victim (civil plaintiff) and several suspects, Defendants, Defendants, the law recognizes that the victim (civil plaintiff) can come to reconciliation with some of them. In such cases, the part of the case concerning the suspect, the accused, the defendants who have come to reconciliation with the victim (civil plaintiff) are separated into separate proceedings and sent to court in accordance with article 584 of the Code of Criminal Procedure, and in respect of the rest, the proceedings are conducted on a general basis.

The law provides for the participation of the suspect, defendant, defendant, victim (civil plaintiff), their legal representatives, defenders and prosecutors in the Judicial Complex on the cases of reconciliation. However, this does not limit the right of the court to employ other persons in addition to the above in cases where it is necessary for it to make a legal, just and equitable decision on the case, as well as to use other powers provided for by law¹. The case of reconciliation must be seen with the participation of the victim (civil plaintiff).

The victim (civil plaintiff) has the right to refuse reconciliation with the accused (defendant) only until the first instance enters the crime consultation (separate room).

According to the decision of the Supreme Court Plenum of the Republic of Uzbekistan, if a person has committed several crimes and one of them is specified in Article 661 of the Criminal Code, the same part of the case may be terminated in accordance with the procedure established in Chapter 62 of the Criminal Procedure Code (proceedings on reconciliation), but this procedure.

Denial of guilt and compensation for harm is an expression from the actions that have taken the purpose of reconciliation with the victim himself. Reconciliation means not the pardon of the victim, but the official refusal of his initial demands and claims to the culprit. He will consist of a request for dismissal from the criminal prosecution of the perpetrator of the crime (if the reconciliation occurred before the criminal case was initiated) or a request for the termination of the criminal case filed under his application.

Charm the act is formalized by a statement, in accordance with the requirements of Criminal Procedure legislation. As a result of the trial, the court will issue a judgment in accordance with the procedure established by law.

Compensation for damage caused will consist in the replacement of material damage caused to health during an attack on the life and health of a person, as well as compensation for moral damage. The next condition for reconciliation is the conviction that the culprit has committed a grave or extremely grave crime.

The absence of a state of conviction for the fact that the offender committed a grave or extreme crime means that the same person was not previously convicted or convicted for a grave or extreme crime, but that the conviction was removed in a legal order or expired. In addition, a person who has been punished for his or her actions, which is not considered a crime due to a change in the law, is not considered convicted.

The decision on the termination of the criminal case (or refusal to initiate a criminal case) in connection with the reconciliation of the perpetrator with the victim can be made by the inquiry body or by the investigator with the consent of the prosecutor, as well as at the entire stage of the preliminary investigation from the prosecutor's roof, and by the court (judge).

The law provides for a period of ten days to issue a decision on the case of reconciliation and send it to the court for the protection of the rights of the suspect, the defendant, the defendant and the victim (civil plaintiff) in order to ensure the speed of application and guarantee of the norms of the law on reconciliation. These deadlines are calculated from the date of application by the victim (civil plaintiff). If the application is filed before the initiation of the criminal case, then this period begins on the day of the initiation of the criminal case. If at the time of filing the application, the issue of whether the organization of one of the components of the crime specified in Article 66 of the Criminal Code of the criminal case is not resolved, then the period of consideration of the application is calculated from the time when sufficient grounds for the qualification of the executor have been collected.

Also, the court hearing on the cases of reconciliation will be held no later than ten days from the moment the criminal case comes to court. In cases where the application for reconciliation is filed in the courtroom, this issue should be resolved immediately in the courtroom ¹.

If during the court session it is established that reconciliation, confession of guilt is not voluntary, refusal to compensate for the damage, as well as the presence of signs of a heavier criminal composition in the Committed Act, the court will make a decision on the sending of the case to the prosecutor for the conduct of an inquiry or preliminary investigation under.

One of the obligations imposed by law on the interrogator, investigator, prosecutor and defendant in the cases of reconciliation is the condition of clarifying to the victim (civil plaintiff) the legal consequences arising after the

confirmation of the reconciliation by the court. Failure to comply with this requirement of the law can be the basis for the annulment of the decision issued in the case of reconciliation.

Conclusion

In conclusion, it should be noted that the Institute of reconciliation has been serving effectively for the past 21 years. In particular, in connection with the fact that 100 thousands of people committed crimes, denied their guilt, reconciled with the victim, covered the damage, crime was released from responsibility and was released from the mark of conviction. It should be noted that the Institute of reconciliation is widely and effectively used in the US, UK and other countries. In particular, 90 percent of crimes committed in the US will end with the same process. At us too, the fact that this institution is increasingly used in later times is certainly a positive one. At the Republican level, in connection with the reconciliation of in 2018, the total number of criminal cases completed by the courts in accordance with article 661 of the criminal code is 8949 units, on this basis the number of those released from crime responsibility is 9486 units, in 2019 the number of cases is 6 980 units, the number of persons, we can see that the number of persons released from crime responsibility amounted to 13 624 units, the number of works in the 1st quarter of 2022 amounted to 3 970 units, the number of persons released from crime responsibility amounted to 4 250 units. We can see that the act of reconciliation was applied significantly more in 2021 than in other years. In this regard, it is worth noting that the liberalization of punishments, the expansion of the norms of the Institute of reconciliation is one of the effective means of preventing and combating crime.

References

- Criminal Code of the Republic of Uzbekistan. Tashkent – 2021.
Code of Criminal Procedure of the Republic of Uzbekistan. Tashkent – 2021.
The law of the Republic of Uzbekistan “On amendments and additions to the criminal, criminal and procedural codes of the Republic of Uzbekistan and the Code of administrative responsibility in connection with the liberalization of criminal penalties”, Dated August 29, 2001.
Decree of the president of the Republic of Uzbekistan on measures to ensure more effective organization of the process of acquisition of rights over land parcels and other immovable property as part of the South Caucasus Pipeline expansion project more.
Zire, M.X. Lost in Test match, “Comments to the Criminal Code of the Republic of Uzbekistan”. The general part. 1-book Tashkent. Publish legal literature, 2021.
Zire, M. Lost in Test match TDYO. "Criminal Law" (General part). The textbook. “New generation of the century” Tashkent, 2005.
Cover, M.Z. (2021). Criminal Law (General part) methodological guide. Samarkand.