

## APPLICATION OF PROCEDURAL ACTION TOWARDS THE PERPETRATOR OF THE CRIME

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### **Annotation:**

Public policy of securing juvenile rights today has been designated as one of the priority tasks at the level. Notable is the basis of all the tasks set, and above all, human right unconditional provision of guarantees of protection, the rule of law.

**Keywords:** Fine, punishment, restriction of freedom, imprisonment. deprivation of Liberty, compulsory public works, correctional work.

### **Introduction**

From the principles of humanity and righteousness established in criminal law in the sixth section of the Criminal Code of the Republic of Uzbekistan " adult features of failure liability", this section provides Includes chapters XV-XVI. In relation to minors in these chapters the system of criminal penalties to be imposed, the rules for the appointment of punishment, from criminal liability and issues of exemption from punishment are reflected. M.H.Rustamboev believes that the former Union prevention and fight against juvenile delinquency during given sufficient (ignoring some of its shortcomings) attention also, but aimed at preventing such crime in criminal law norms are systematized even once before that time in a separate section was not given. When crimes are committed by minors, the state the punishment given to adults by the punishment for their act relatively much softer, the fact that it was also typical of the former slave states of Rome we also meet in the "laws of schedule XII" of the state.

It must be said that in criminal penalties imposed on minors there are imbalances. Crimes committed by minors include punishment assignment is a complex process. Article 81 of the JC states that an adult the system of criminal penalties assigned to the immature is defined, that is, in this case fines imposed on them, mandatory public works, morality corrective action, restriction of freedom, punishment of imprisonment provided holds.

Provisions of Article 82 of the Criminal Code regarding the use of a fine penalty marked. Penalty of fine from the guilty to state income in the Criminal Code the specified amount is the collection of money. This penalty is for minors from twice to twenty times the amount of the relative base calculation assigned in quantity.

Evasion to pay the amount of a convicted fine for a period of six months in case of extortion, the court shall impose this type of punishment on compulsory public works or correctional work commutes punishment. In this case, the court considers the basis calculation of the amount of the unpaid fine two mandatory public works of a fine of one time of the amount calculated equal to an hour, replacing it with a penalty on the basis of mandatory public works or a fine of twice the amount of the base

calculation corrective action, calculated equal to one month of correctional works replace with punishment.

The penalty of a fine imposed on minors is also known is problematic in meaning. The reason is, between the ages of thirteen and sixteen for crimes committed to persons, in general, minors if a fine is imposed, the amount of the fine is determined by their parents, legal representatives pays, in our opinion, in this the purpose of discipline of punishment loses its importance. We mean, to the educational process of minors in our country the main attention is paid to the fact that they work without affecting the lessons can deal with. The mechanism of execution of a fine penalty is also it is not clearly established in our legislation, so in most cases it will not be possible to achieve the goal of punishment. It can be said that this to ensure the execution of the sentence, a minor is subject to another crime beat, for example, can commit a crime of theft or minor the fact that the execution of a fine penalty for a person is not a problem, then to get rid of this punishment, even if something else happens, as a result of which the punishment is intended the goal may not be achieved.

Some of the application of the penalty of fines by the court to minors features available. According to him, the appointment of a fine to minors there are different opinions about each other that are contradictory. M.D.Shargorodsky: "...the fine of the people with an increase in the total income, especially less significant conditions are created for wider use for crimes, " said.

All minors of this type of punishment in the appointment of a fine criminals cannot be supported. An adult without personal income or property the appointment of a fine to an absent person, the convicted person paying such a fine legal measure in order to restore its material conditions after becoming the risk of committing a new crime again arises if one cannot find it. Fine as punishment at the time of application, the court, like any criminal punishment, in relation to minor persons separately take into account the fact that the punishments that are also assigned are of a personal nature needed. M.I.Kolsov believes that a minor in the appointment of a fine it is taken into account that it has an independent income, salary or property. Therefore, at the time of the appointment of a fine penalty against a minor it is necessary to pay attention to his personal funds.

In determining the amount of the penalty, the court said that the amount of this penalty is a minor deprived of the necessary conditions for the normal living conditions of the offender it should be taken into account that it should not. Application of the fine to the judicial authorities punishment as much as possible when prescribing punishment for acts with no greater social risk and assistance in the differentiation of responsibility and the implementation of a separate approach gives.

A large fine was imposed only on the convicted person, not his family objections that also affect the material condition are inappropriate, since the same person is the appointment of a sentence of relative deprivation of Liberty would cost his family even more more severe calamity can lead to consequences.

Ethics applied to minors in Article 83 of the JC the relating to remedial work are defined. Correctional work is the trial of a convicted person his work by engaging in forced labor for a period established by the verdict a punitive measure on the basis of charging a certain amount of interest in favor of the state from the fee is. This type of punishment also applies only to working minors appointed. In this regard, the plenum of the Supreme Court of the Republic of Uzbekistan is as follows clarifying: "correctional work has reached retirement age, to sixteen years to persons who are not full, incapacitated, pregnant women, young child in relation to women and military personnel on vacation

to feed not assigned"" The guilty of serving this sentence is at the place of the minor's own work,if it does not work anywhere, the authorities that control the execution of this penalty are prescribed the border passes in other places in the area where it lives. A.Ibragimova in his opinion, a person is considered to be able to work after reaching the age of sixteen it was noted that correctional work was carried out on a person under the age of sixteen at the appointment of his sentence, the court noted that the accused can fulfill his labor obligations clarification of the application of punishment if there is no desire of the individual to fulfill this punishment it should be taken into account that there will be no effect. The problem with practice is that, a minor will be primarily a College, Lyceum student, or schoolboy,against the principle of compulsory education, if the punishment for moral correction is imposed on him can come.

As an offer at this point, we can say that to underage persons in the mandatory procedure for the place of his studies when prescribing the punishment for moral corrective work concatenation, for example, being in class at a certain time, at a certain time obligations such as being in the library must be loaded.

JK 841- restriction of freedom in relation to minors the punishment was established, this type of punishment was carried out by the Republic of Uzbekistan in 2015 The OORQ of 10 August was introduced by Law No. 389. This punishment is carried out by the court completely abandon the place of residence in relation to the convicted person for one reason or another from the ban or restrictions on the exit from the place of residence at a certain time of the day consisting of a term of one month to five years, it is appointed by the court it is passed under the supervision of the designated authorities. This punitive measure, which pays attention to in the case of minors, from one month to five years, to minors a relatively six-month to two-year appointment is established.

Further democratization and liberalization of the judicial system, Justice of the population increase confidence in Justice, ensure the rule of law in society, and adopted on October 21, 2016 in order to strengthen legitimacy "Further reform of the judicial system, the rights and freedoms of citizens PF"on measures to strengthen guarantees of reliable protection –In paragraph 6 of the decree of the president of the Republic of Uzbekistan No. 4850, an adult liberalization of criminal penalties provided for minors, procedural strengthening their legal protection in the implementation of actions, as well as deadlines and grounds for termination of a conviction and removal of a conviction review provided. In order to ensure the implementation of this decree JK 841- article in the following wording, i.e.: restriction of freedom minor for a period of one month to two years as the main punishment for convicts it is desirable to be described as appointed.

According to Article 50 of the JC, deprivation of Liberty-convict separation from the community consists of placement in a penal colony or residence being a type of punishment, this punishment is, as a general rule, from one month to twenty fixed for a period of up to year. According to Article 85 of the Criminal Code, an adult negligence, having committed a crime of no great social risk before reaching a misdemeanor that is not particularly severe in consequence of a misdemeanor or a misdemeanor and the punishment of deprivation of Liberty in relation to persons who have done so not assigned. Notable is that in relation to minors the penalty for deprivation of Liberty in Article 85 of this code is six months to ten appointed for a period of up to year, second, third of Article 86 of the Criminal Code and is defined as except where provided for in parts four.However, the minimum level of this

punishment assigned to minors is it is considered even more than the minimum level that is assigned to adult individuals.

Also, imprisonment in the JK at the time of committing a crime is thirteen in relation to persons between the ages of ages and sixteen:

b) for a serious crime-up to six years;

v) for a very serious crime — a term of up to ten years.Imprisonment from sixteen to ten at the time of committing a crime in relation to persons under eight years of age:

b) for a serious crime-up to seven years;

C) for a very serious crime — a term of up to ten years<sup>5</sup>

Deprivation of Liberty applicable to minors punishment is of particular importance in relation to other punishments, that is, committed in this to separate a person from society for a crime, to deprive him of his freedom, his limitation of certain rights, application of measures of coercion to it on behalf of the state is implied. Deprivation of Liberty can be attributed to a minor convict, especially very strong to persons sentenced for the first time to imprisonment affects, restoring social justice, preventing the commission of new crimes helps to get. In addition, there are serious restrictions on this punishment, that is, in addition to separating the individual from society, this punishment is free movement, rest choosing the time of receipt, the type of labor activity, with loved ones and relatives it is associated with restrictions on the rights to communicate.

According to Article 85 of the JC, imprisonment against minors the penalty for making is appointed for a period of one to ten years, 86 of this code the exception is holla, which is provided for in the second, third and fourth Qim of the article. Imprisonment at the time of committing a crime from thirteen to sixteen in relation to persons under age:

b) for a serious crime-up to five years;

C) for an extremely serious crime — appointed for a period of up to seven years.Imprisonment from sixteen to ten at the time of committing a crime in relation to persons under eight years of age:

b) for a serious crime-up to six years;

v) for a particularly serious crime — a term of up to eight years.

Committed a crime without great social risk while underage,negligence resulted in a misdemeanor or a negligent premonition punishment in the history of imprisonment for persons who committed crimes not assigned.

In relation to persons under the age of eighteen at the time of sentencing that the punishment of imprisonment is assigned to serve in the colonies of upbringing it is desirable to be stated.

It must be said that deprivation of Liberty is another to the goals of punishment it should be applied only when it is not possible to achieve with (lighter) means.Three of the convicts on sentences that have entered into legal force in the current conditions more than a part have been sentenced to imprisonment.

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