



MITIGATION OF PUNISHMENT AS A CRIMINAL LEGAL CATEGORY

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Annotation

In accordance with the requirements of article 54 of the Criminal Code of the Republic of Uzbekistan, the court shall impose a punishment within the limits established by the sanction of the Criminal Code, in which its crime is qualified when imposing a punishment on the guilty person. The law does not allow the appointment of a punishment that is more severe than the type and term of punishment specified in the sanction of the legal norm, deviating from this general rule. The article will consider issues of mitigation of punishment.

Keywords: punishment, law, court, law, Criminal Code, sanction.

Introduction

The legislative body, when establishing a punishment for a crime, takes into account the degree of social danger of the crime committed, but cannot take into account how the crime was committed. But the court should take into account such cases at the time of appointment of punishment to the guilty person [1].

LITERATURE REVIEW

The study of judicial practice shows that the life situation is diverse and there can be various mitigating circumstances. In some situations, such cases seriously reduce the degree of danger of the act, and even to such an extent that it is possible that there will be injustice even when the court appoints the minimum part of the punishment specified in the sanction, the principle of humanism is not implemented, and the punishment does not correspond to the goal stated in article 54 of the Criminal Code of the Republic of Uzbekistan.

In our view, without referring only to the mitigating circumstances listed in article 55 of the Criminal Code, the law also provides for other situations that are more mitigating. Because if the circumstances that alleviate the punishment are the basis for the imposition of a punishment that is closer to the minimum of the punishment specified in the sanction, article 57 of the Criminal Code states that a punishment that is even lighter than the punishment in the sanction of legal norms can be imposed.

The legal literature says that there are special mitigating circumstances in a crime committed guilty to the appointment of a lighter punishment, which may not be specified in the Criminal Code, and that these circumstances should serve as the basis for the appointment of a punishment that is even lighter than those specified in the law.



Including B. S. Orlov writes: “with the concept of” isolated cases “that reduce the degree of social danger of a crime, one should not place a sign of exactly the similarity between” seriously reducing “ cases [3].

RESEARCH METHODOLOGY AND EMPIRICAL ANALYSIS

It seems to us that such a point of view does not have sufficient legal grounds. The opinion of the authors is correct that there may also be mitigating circumstances in individual cases, that is, cases specified or not in the Criminal Code, in order to impose a punishment that is even lighter than indicated in the law. Such crimes do not enter the framework of such a category of crimes due to the presence of certain circumstances, but rather, its level of social danger is much less than that of such crimes, which should necessitate the appointment of a punishment even lighter than the one provided for by the sanction of the legal norm.

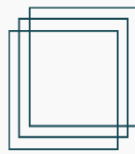
The penalty of imprisonment cannot be replaced even with the least part of the imprisonment, as the appointment of a lighter punishment for being the most severe type of punishment. But the penalty should not be less than six months, when even less than the minimum amount of imprisonment provided for by the sanction of the legal norm is appointed.

When examining the activities of the courts of the Republic of Uzbekistan in this regard, it was found that they strictly adhere to this rule.

When a court upholds the rule of imposing a punishment on persons who have committed a minor crime even lighter than specified in the law, and appoints a fine or correctional labor, the fine should not be appointed for a period less than twice the minimum monthly wage specified in Article 82 of the Criminal Code, and correctional labor should not be appointed for a period

The second type of lighter punishment is the appointment of another lighter type of punishment provided for by the sanction of the legal norm, which establishes responsibility for the crime committed by the guilty person. When applying such a type of lighter punishment, the Court assigns another lighter type of punishment, which is indicated in Article 43 of the Criminal Code of the Republic of Uzbekistan, other than that specified in the sanction of the legal norm in which the guilty act is qualified. In this, which type of punishment is lighter is determined in Article 43 of the Criminal Code in a certain system depending on the turn of the placement of the punishment in a strict order, from the lightest to the most severe. For example, the types of punishments placed in Part 1 of Article 43 of the Criminal Code are considered lighter than those placed in item “J” (imprisonment) with respect to “Ye”, “D”, “G”, etc. towards the top.

In addition to Article 57 of the Republic of Uzbekistan, other articles of the Republic of Uzbekistan indicate the possibility of assigning a lighter punishment.



The provisions of Article 57 of the Republic of Uzbekistan shall be applied to all persons who have committed a crime if there are grounds for this, and in other articles only to persons who have committed a crime specified in the same article. These apply to the penalties specified in Article 47 (restriction on service) and Article 49 (shipment to the disciplinary part) of the Criminal Code of the Republic of Uzbekistan.

CONCLUSION AND DISCUSSION

The aforementioned mitigating circumstances in the First Criminal Code of our independent republic are, of course, a step forward in criminal law.

The consideration of aggravating and mitigating circumstances in the case of people who committed the act by the courts of our country serves as the basis for the appointment of fair punishment. Therefore, the courts of our Republic may impose even lighter penalties established by law, taking into account mitigating circumstances within the framework of the law.

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