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Mukhitdinova Firyuza
Professor, Department of Law, Tashkent State University of Law, Tashkent, Uzbekistan

Corresponding Author:
Mukhitdinova Firyuza
Professor, Department of Law, Tashkent State University of Law, Tashkent, Uzbekistan

The appointment of a fair punishment in the history of political and legal teachings of Uzbekistan

Mukhitdinova Firyuza

Abstract
Annotation in this article the author highlights the issues of the appointment of fair punishment in the history of political and legal doctrines in Russia Uzbekistan and from ancient times to the present day. Crime and criminal punishment as actual phenomena were covered quite well in the Avesta and in other sources, and attention is paid to this. Theаскрыто scientific heritage of our great scientists is revealed. Thehistorical and theoretical aspects ofthea principle of justice in the sentencing of crimes in historical sources are analyzed. This approach to this issue will serve as additional material to previously published works in international scientific circles.

Keywords: History, state, principle, justice, punishments, crimes

1. Introduction

Topicality

Changes in a certain area of social life cause necessary changes in other areas of social life, since society is a dynamically developing organism. The reforms have not spared one of the traditional branches of law - criminal law. The main reason for changes in criminal law is to update the content and essence of public relations that are under criminal law protection. The emergence of new priority social values requires their appropriate legal protection from possible anti-social actions. In this sense, the criminal law protection of these values and the fight against crime in general undoubtedly comes to the fore. At the present stage of development of modern Uzbekistan, when the country is following the path of a new Renaissance, criminal punishment remains a necessary and at the same time quite acute means of state response to the crime committed. Therefore, its appointment requires careful legal regulation and scientific justification so that the perpetrators are punished as they deserve, the requirement of justice is met, and that criminal law measures are used only to the extent necessary to achieve the goals and objectives set for punishment. This is the essence of one of the main directions of the Message of the President of the Republic of Uzbekistan to the Parliament of December 29, 2020 of the new humanistic criminal policy. For example, we learn from the speech that “in the new year, we will continue our reforms aimed at ensuring the protection of human rights and freedoms, the rule of law. As you know, over the past 4 years we have taken decisive steps to reform the judicial and legal system. More than 40 laws, decrees and resolutions on priority issues in this area were adopted.

Justice is a solid foundation of statehood. The judiciary plays a crucial role in ensuring justice and the rule of law. From this point of view, we still have a lot of work to do in this direction. Work will continue on wider implementation of the principle of humanism in the system of execution of sentences. In particular, based on international standards, 25 colonies-settlements will be gradually reduced. Henceforth, if the sentence imposed on a person sentenced to imprisonment for the first time is commuted to a more lenient one, then instead of being sent to a penal colony, he will be sent under probation supervision. As a result of this relief, 6 thousand persons currently serving sentences will be given the chance to live at home with their families under the supervision of the mahalla.

At the same time, the authority to commute a sentence to a more lenient one and apply for parole is transferred from penitentiary institutions to newly created humanitarian commissions." [1].

[1] Послание Президента Республики Узбекистан Шавката Мирзиёева Олий Мажлису. 29.12.2020. https://president.uz/ru/lists/view/405

2. Methods and degree of study of the problem

The article is based on the principles of generally accepted historical methods-historical, comparative-logical analysis, consistency, objectivity. In most cases, the comparative, historical and legal method was used as a complex one.

The problem posed in this article is also analyzed on the basis of scientific works of many of our scientists. In particular, in the field of scientific research of the history of state and law, Academician of the Academy of SciencesRUz, Professor Sulaimonova Kh. S., jurist A. I. Ishanov, academician Sh. 3. Urazaev [2], A. Kh. Saidov, as well as the works of legal scholars, professors Kh. B. Babayev, Z. Mukimov, Kh. Adilkariev, Ya. T. Tashkulov [3], A. Sh. Zhuzzhani deserve a high assessment.

Also presented are scientific papers devoted to the analysis of the development of legal institutions in different periods of the history of law in Uzbekistan. Azamkhadzhayeva, G. A. Akhmedova, I. B. Zokirov. Sh. Ulzhayevs, N. Yusupovs, and others [4] already in the years of independence, new works appeared in which researchers turned to certain aspects of the history of political and legal doctrines.

Hundreds of articles and books are devoted to them, which mainly used and analyzed historical sources.

In particular, new research, such as the great legal scholars Maverennahra of its period as Burhan uddin they demand the relevance of studying the 30th anniversary of our independence, the history of new legal doctrines on the threshold of a new Renaissance. Historian and legal expert of the Chess Player Ulzhayeva analyzed the practical expression of the ideas of public administration and the judicial system, human rights and justice in the state of Amir Timur.

Over the years of independence in Uzbekistan, a new approach to the protection of human rights, gender equality, children's rights, disability and social protection is waiting for researchers, which increases the relevance of the topic. And in recent years, much attention has been paid to studying the history of the law of the peoples of Central Asia, including Uzbekistan. Therefore, the topic we are studying, as it turned out in the process of determining the degree of study of the problem, requires a fundamentally new methodological approach, which we tried to do.

3. Research results

Yes, it is true that the imposition of punishment for a committed crime is one of the most important tasks of justice. Thus, when assigning a sentence for a set of crimes, it is often not clear what the court should be guided by when choosing one of the rules for assigning the final penalty. This circumstance creates difficulties for the court in the administration of justice, while simultaneously raising doubts, both for the convicted person and for society, about the justice of the sentence imposed, since sometimes the punishment in the aggregate differs slightly in its size from the punishment imposed for a single crime. The results of studying criminal cases with sentencing based on the totality of crimes indicate that courts do not always take into account the nature and degree of public danger of crimes committed, and make mistakes when assigning final punishment by absorbing or partially adding punishments. Analysis of judicial errors indicates that these errors are not always the result of a judge's inattention or ignorance of the law. Scientists studying problems in this area sometimes come to the conclusion that the cause of an error may also be an unsuccessful revision of the rule of law, which allows us to interpret its meaning in two ways.

Therefore, the problems of sentencing for a set of crimes have always been and are in the area of attention of the scientific community, but the degree of their study remains insufficient from the point of view of political and legal doctrines. Thus, to date, there is no unambiguous approach to determining the time from which the commission of a new crime entails the imposition of punishment according to the totality of sentences - from the moment of pronouncing the sentence or from the moment it enters into legal force. It is not clear in which cases it is necessary to apply the rule of absorption of a less severe penalty by a more severe one, and in which cases it is necessary to apply partial addition of these punishments.

As we recall in December 2019 the Ministry of Justice proposed an initiative to remove two articles from the Criminal CodeУзбекистана"and the fact that violation of the rules of trade threatens with administrative penalties, financial sanctions of the Tax Code, huge fines based on bylaws. In addition, the perpetrator is held criminally liable when it comes to articles 189 ("Violation of the rules of trade or provision of services") and 192 ("Discrediting a competitor"). "This leads to the fact that two or more punitive measures are applied for the same offense, which in practice leads to a violation of the established procedure for the administration of justice and justifying the need to exclude Article 192, the Ministry of Justice reminded that in Uzbekistan, public relations related to the formation of a competitive environment and the fight against monopolistic activities are regulated by the Article 27 of this law provides for administrative liability for violations of competition laws, but the issue of criminal liability is not specified there. Therefore, it should be taken into account that modern jurisprudence shows that it is desirable to regulate relations in this area not within the framework of criminal law, but within the framework of economic and legal or civil law relations, depending on the damage [2] caused.

The existence of the institute of multiple crimes in the criminal law of Uzbekistan is conditioned by the need to implement the principle of the inevitability of criminal responsibility for each crime committed, as well as to ensure social justice through additional legal justification for a more severe punishment for a person who has committed several crimes, which is being studied by young legal scholars at the present stage. As a researcher of the history of state and law, as well as the history of political and legal doctrines, I wanted to draw attention to the historical sources and ways of solving crimes and punishments in our country.

The purpose of this work is to classify criminality and criminal punishment as actual phenomena that have been covered quite well in the political and legal teachings of Uzbekistan, the oldest of which is the Avesta. On the eve of the celebration of the 30th anniversary of independence, we think about the relevance of studying the Avesta, where there are often norms that strictly prohibit many criminal acts for which criminals were brought to punishment. The categories of crimes in Avesta and Zoroastrianism were determined from the object of crimes, the composition of the objective side of the crime. At the same time, we have identified real legal institutions based on well-reasoned data. When writing this article, we set ourselves the following tasks::

- track the degree of knowledge of the problem.

[2] https://uz.sputniknews.ru/society/20191201/12914069/Iz-Ugolovnogo-kodeksa-Uzbekistana-mogut-isklyuchit-dve-stati.html

- make a list of names of all crimes and punishments "Avesta";
- if possible, create an overall picture of the study of the problem with the historical significance of the problem.

All this determines the nature of our research as a source analysis and we hope that it will serve in the future for a comparative analysis of new research works of young scientists, masters, and students.

So, if we pay attention to our analysis, one of the historical sources about the state and its administration in ancient Turan is the Zoroastrian holy book "Avesta", according to which the family was called nman. The family also included incomplete members - vira, Vaisa and pariaytar. Vira usually means "man", "warrior", but can also be understood in the sense of "slave". Gender ("vis") it consisted of several agnatic groups, the head of the family was called "vispati". Many of the most important issues were resolved by the tribal council, which included the heads of agnatic groups. The Council dealt with issues of internal life, both industrial and social, including those related to the administration of worship and justice, as well as issues of relations with other tribal groups. Zoroastrianism is the oldest of the revealed religions, and it seems to have had a greater impact on humanity, directly or indirectly, than any other faith that emerged in the first millennium BC and became widespread in a number of Central Asian countries. «Avesta"in Russian means" firmly established laws and regulations". «Avesta" was created in Khorezm 2700 years ago.... Now "Avesta" is studied as an ancient written source about the historical past, traditions and customs of the peoples of Central Asia and, above all, Uzbekistan. Nevertheless, it can be argued that it was located on the territory of Central Asia or its border areas. The geographical horizon of the Avesta itself and the composition of the countries listed in it are quite reliable evidence of this.

The most detailed list of these countries can be found in the first chapter "Videvdata". Here among the "best of regions and countries" created by Ahura Mazda, in particular, refers to: Aryanam-vaychah, "Gava, the abode of the Sogdians","Mouru [region Merva] mighty, faithful","Bahdi [Bactria] beautiful, with banners held high","Nisaya, what's between Mouru and Bahdi", Haroiwa [Herat region] and other areas up to Indus and Harakwati districts [Arachosia] in the southeast, Haitumanta in the Hilmend Valley in the south, the Gurgan countries гурганцевand Par [in the northeast of Mussel] in the west. Thus, the geographical outlook of the compilers of this Avestan text covered almost all the main historical regions of Central Asia, as well as the adjacent territories of Uzbekistan. It also describes the country where Zarathustra was born and began his activities. It is " a country where brave leaders rule and lead numerous armies, where high mountains abound in pastures and waters, producing everything necessary for cattle breeding, where deep lakes with vast waters, where navigable rivers with wide channels rush their stormy waters through the countries: Iskata (Scythia),Pouruta, Mouru (Merv), Hareva (Aria), Gava (Sogd region),Sughda (Sughd), Khvayrizema (Khorezm)". There is no doubt that the"navigable rivers with wide channels" are the Amu Darya and Syr Darya, and this fact, together with the list of countries through which they flow, firmly substantiates the Central Asian theory of the origin of the "Avesta" and therefore Zoroastrianism.

When forming his religion, Zoroaster pays деликтноspecial attention to tort and legal relations. Such actions were generally considered to be those that, based on the worldview and миросознанияworld consciousness of ancient people, encroached on the values on which order and stability in society were based. In view of the above, in order to define an offense or crime in Zoroastrianism, it is necessary to understand the concept of the worldview and world order of this religion, which defines value relations, interests, and objects subject to special protection. In the Avesta and Zoroastrianism, there are often norms that strictly prohibit many acts. Violation of these prohibitions is punishable. At the same time, we note that these actions and their content are very difficult to classify on any basis. In most cases, they do not coincide with a single classification framework. But the punishment of acts with rods and the prohibition of these acts are in any case clear proof of the recognition of the act as a tort. If we compare the concepts of crime in the modern sense with the ancient institution, then they do not differ much. Modern criminal law and legislationon crimes means " ...guilty committed a socially dangerous act prohibited by criminal law under the threat of punishment [3]." 2 Zoroastrian law and the Avesta also recognize crimes for a socially dangerous act that encroaches on the life of a person, animal, angels, religion and the environment, which is prohibited by the Avesta and other sources of Zoroastrian law under threat of punishment. The Avesta focuses on categories of guilt. Classification of crimes the categories of crimes in Avesta and Zoroastrianism are defined according to various grounds. For example, depending on the composition of the objective side of the crime in the Avesta can be divided into simple and complex.

It is interesting that the Avesta and Zoroastrianism quite well represent the types of crimes depending on the form of guilt. Guilt, as a special part and element of offenses, in Zoroastrian law acts as the basis for sentencing. According to Zoroastrian law, putting a corpse on the ground8 or its contact with any other clean object, wood, water, etc., was considered a grave sin and was severely punished. Even a person who knew, for example, about the contamination of firewood or other objects, but used them in the service of the gods, was considered a criminal. If such contamination occurred independently of the person's will and knowledge, then he was not considered guilty. For example, in lines 1-3 of fargard 5, it says: "When the remains of the dead bird are brought to the tree, after a while someone will make firewood from this tree for the son of fire -Ahura and if he burns them in the Fire, what is his punishment?" Ahura Mazda responds: "The remains of the dead brought by a bird, a dog, a wolf, a wind, and a fly do not incriminate anyone."

According to the Zoroastrian canon, a criminal act can only encroach on one object by committing one act of the criminal. For example, fargard 4 line 34: "When someone causes bodily harm to another, causing blood to flow from the victim's body, the offender is punished with 50 lashes and 50 blows with a staff." 3 This act is simple from the point of view of the objective side of the crime. In it, a criminal causes injury to an innocent person by one of his actions. There are cases when an action of a criminal entails several consequences, and such an action is recognized as a single form of crime from the

[3] Уголовное право. Словарь-справочник. Автор – составительдок.юрид.наук. Т.А. Лесниевски-Костарева.-М., 2000.-С.270. 3 Дустхох Дж. Авеста.-С.444. 4 Вендидад Перев. с авестийского, комментарий и словарь Х.Рази. В 4-х томах. - Техрон, 1376х.- Фаргард15 строки 5-6. 5 Вендидад, Фаргард 4. строка 1.

classification basis. For example, according to fargard 15, line 5, “when someone hits or drives a pregnant dog so hard that it falls into a ravine, pit, or canal and dies as a result, the perpetrator becomes a peshutanu."4 Or, according to fargard 4, line 1: "When someone enters into a contract of employment, and as a result, the recipient of the hire refuses to return what they have taken, then the violator of the contract is equated to a thief and is punished...".5 In all these cases, the criminal's actions are complex. Classification of crimes, according to the Avesta, can also be carried out depending on the degree of their severity. Crimes against people and animals are divided into several groups. For example, part 3 of fargard 4The Vendidad is dedicated to the protection of human health. It defines the degree of threat and actual harm to human health. There are 4 types of crimes listed here, depending on the severity of the criminal's act. These are the crimes of Oherepta, Avaurishta, Aredush and Peshutanu18. Depending on the object of the crimes, the Avesta mentions crimes against people, property, the environment, land, water, animal and plant life, crimes against religion, against angels, against saints, fire, etc.

Crimes in the Avesta also differ depending on the composition of the criminal's act - a completed crime or an unfinished one. According to Zoroastrian law, preparing and attempting to commit a crime and committing a crime are punishable. Search, manufacture and adaptation of means and instruments...for the commission of a crime or other deliberate creation of conditions for the commission of a crime, even if the crime was not completed due to circumstances beyond the control of the person, are recognized as preparation for a crime. Line 17 provides for preparation for a crime by inflicting bodily harm with a military instrument. "Whoever gets up from his seat for the purpose of causing bodily harm to another is an ogerepta criminal." Ogerepta- a criminal who, for the purpose of harming the health of another, will pick up a military tool, even if it is blunt or protective, but for unknown reasons does not commit a crime. Most likely, we are talking here about those cases in which the criminal cannot commit a crime against his own will. In the case when he approaches the object of the crime with a military instrument and for the purpose of a crime, i.e. another person, then his guilt in the attempt as a more real threat to human health is qualified more strictly and punished more harshly [4].

If we analyze today, the guilt of a person in premeditated murder in a state of strong emotional excitement is expressed in the sudden intention to commit this act, that is, the person understands the danger of encroachment on life, allows causing death. According to article 17 of the Criminal Code of the Republic of Uzbekistan, in such cases, a person who is sane (mentally healthy) and has reached the age of 14 can be brought to justice. The penalty for premeditated murder in a state of strong emotional excitement is not so high-restriction of freedom from two to five years or imprisonment for up to five years. According to the classification of crimes, according to article 15 of the Criminal Code of the Republic of Uzbekistan, this crime is less serious. Less serious crimes are: * premeditated crimes for which imprisonment for a term of 3 to 5 years is provided; • reckless crimes for which imprisonment for a term of more than 5 years is provided.

The study of the criminal law norms of the Avesta and Zoroastrianism led us to the conclusion that even in ancient times many types of crimes and methods of punishment for them were provided on the basis of more developed provisions of state criminal law. And here the opinions of researchers differ. J. Dusthokh believes that this is about the murder of a man who was sentenced to death- "Tarzan" by the will of God. Hashim Razi believes that this is about killing a believer and about killing by witchcraft. Generally Hashim Razi is inclined to believe that all these crimes are the actions of a person who committed them before joining the Zoroastrian faith. Most likely, we are faced with the problem of “a law that worsens the situation of believers has no retroactive effect." This feature is even more pronounced when analyzing other types of crimes. At that time, many institutions of criminal law were still established, such as repetition of crimes, recidivism of crimes, punishments, amnesties and pardons, penalties, attempted crimes, suspended sentences, and many other things that require special attention in modern criminal law. The recognition of the principle "the law has no retroactive effect", limiting the actions of the tort-legal norms of the Avesta within the framework of Zoroastrianism, made it possible to actively spread the new Mazdayasni religion. J.Dusthoh it understands these lines in a different way, which gives the Avesta's legal regulation mechanism a different quality - "need knows no prohibition". Thus, the exemption from punishment has a purely historical character, and it mainly refers to the actions that people did before joining Zoroastrianism. Therefore, initially this principle, as a special method of spreading Zoroastrianism, contributed to the development of this young religion. Later, this principle was used in relation to the captured peoples. The most acceptable is the classification of crimes depending on the object of encroachment: crimes against people: causing bodily harm, harm to health, murder, restriction of freedom, etc.; crimes against the animal world and the environment; crimes against religious cults. And today, a person's guilt in intentional serious injury is expressed in a premeditated intention to commit this act, that is, the person understands the danger of encroachment on health, wants or consciously allows such damage to the victim. According to article 17 of the Criminal Code of the Republic of Uzbekistan, a person who is sane (healthy) and has reached the age of 14 is brought to responsibility under this article. The penalty for intentional grievous bodily harm is high-it is restriction of liberty from three to five years or imprisonment from three to five years (according to the first part), imprisonment from five to eight years (according to the second part), imprisonment from eight to ten years (according to the third part). According to the classification of crimes, according to article 15 of the Criminal Code of the Republic of Uzbekistan, this crime is less serious (part one of Article

[4] Халиков Абдурахим Гаффорович. Зороастрийское право и проблема классификации преступлений, д.ю.н. профессор кафедры прав человека и сравнительного правоведения. Таджикский национальный Университет, юридический факультет. Пробелы в российском законодательстве. 6'2013.- С.52-56.

Пешутану, как преступление, в многочисленных местах Авесты и Вендидада интерпретируется по разному. В Авесте пешутану - это преступник, который наказывается смертной казнью. В Вендидаде часто под пешутану понимается преступление, за которое предусмотрено наказание в 200 ударов плетью и 200 ударов посохом. В настоящей строке скорее всего под пешутану понимаются вообще преступники. Аредуш - это преступление, согласно которому преступник военным инструментом наносит удар человеку, в результате которого потерпевший не получает существенного вреда здоровью или получает травму, которая излечивается в течение трех дней.

104) and serious (parts two and three of Article 104). "Special cruelty is manifested, in particular, in tortures and tortures that have caused serious or moderate bodily injury. The torment is taken to mean actions that cause suffering through a prolonged deprivation of food, drink, or heat or a room or abandonment of a person in hazardous conditions, etc., Under torture should understand the actions that are associated with repeated or prolonged pain, including systematic beating, pinching, cross section, causing multiple, but shallow damage with blunt or sharp-stitching (cutting) items the influence of electric or thermal factors, etc. the Decision on the recognition of the way of an intentional serious or moderate bodily damages in the nature of special cruelty is a competence of the investigating authorities and the courts, not the medical examiner. As a circumstance that indicates the manifestation of special cruelty by the perpetrator, it is also necessary to consider the infliction of intentional serious, moderate bodily injury in the presence of persons close to the victim, when the perpetrator was aware that by his actions he was causing them special suffering. Persons close to the victim, along with close relatives, may include persons who were in special friendly relations with the victim." Paragraph 9 of the resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On judicial practice in cases of intentional bodily harm". Thus, special cruelty is determined not by a forensic expert, but by a court or investigative body.

An analysis of the entire set of materials presented in this paper suggests that it presents an almost complete classification of Avestan judicial authorities. The study revealed that even in ancient times, many types of crimes and methods of punishment for them were provided on the basis of more developed provisions of criminal law. The study of the criminal law norms of the Avesta and Zoroastrianism led us to the conclusion that even in ancient times many types of crimes and methods of punishment for them were provided on the basis of more developed provisions of state criminal law. At that time, many institutions of criminal law were still established, such as repetition of crimes, recidivism of crimes, punishments, amnesties and pardons, penalties, attempted crimes, suspended sentences, and many other things that require special attention in modern criminal law. Particular attention is paid to defining the concept of criminal punishment, establishing specific features of criminal liability and punishment, determining the structure and content of each type of punishment, identifying the features of the general principles of sentencing, and analyzing it from a historical point of view. By studying the historical development of this institution, the current criminal legislation is being improved, which requires a theoretical understanding and study of modern international experience in this area for its use in national legislation. Interesting observations about the rule of law and justice in the state of Timur are contained in the published Diary of a journey to Russia. Samarkand to the court of Timur, which was led by the Spanish ambassador Clavijo. In particular, he wrote: In the city of Samarkand, the rule of law is observed, so that no person has the right to offend another or commit (any) violence without the order of the seigneur ... "(i.e. Timur).

Further Clavijo reports that Timur always carried judges with him, who resolved "important cases and quarrels", after listening to the parties, the judges reported cases to Timur, after which they made decisions on six or four cases at once. Moreover, as emphasized in the "Code", judges were strictly forbidden to punish citizens on charges and slanders of suspicious and ill-intentioned people. But according to the conviction based on 4 testimonies, the guilty person was charged with a fine or other punishment commensurate with his crime. According to the certificate According to Clavijo, the judges ' decisions were executed "on the same day, at the same hour, without the slightest delay."

The rules and regulations developed by Timur for his subjects, and the state-legal practice of their application, did not long survive their creator. In the "Autobiography of Tamerlane" there are such words:: "I have heard that if God exalts someone, and that person is guided by justice in all his actions and is merciful to his subjects, then his power will increase, but if such a person deviates to the path of injustice and cruelty, then his power will fall." Timur was also a visionary in this: after his death, the vast empire he created as a result of military campaigns collapsed. However, this is the fate of all empires.

This is also from historical sources, which is of great importance in the state's humanist policy.

Also, on February 7, 2017, the Decree of the President of the Republic of Uzbekistan adopted the Strategy of Actions on five priority areas of development of the Republic of Uzbekistan in 2017-2021. As a logical continuation, 2021 has been declared the "Year of Youth Support and Public Health Promotion" in our country. Also By decree The President approved the State Program for the implementation of the Strategy of Actions in five priority areas of development of the Republic of Uzbekistan in 2017-2021 in the "Year of Youth Support and Public Health Promotion", which defines the tasks to be performed in the priority areas of the Strategy of Actions, procedures and practices to be implemented.

Among the main tasks of the country approved: improving the legal culture and legal awareness of the population, the organization of effective interaction in this area of state structures with civil society institutions and the media. To implement these tasks, it is necessary to form knowledge and ideas about crime in general and about crimes against human life and health, in particular. Work will continue on wider implementation of the principle of humanism in the system of execution of sentences. In particular, based on international standards, 25 colonies-settlements will be gradually reduced.

Henceforth, if the sentence imposed on a person sentenced to imprisonment for the first time is commuted to a more lenient one, then instead of being sent to a penal colony, he will be sent under probation supervision. As a result of this relief, 6 thousand persons currently serving sentences will be given the chance to live at home with their families under the supervision of the mahalla.

At the same time, the authority to change sentences to a more lenient one and apply for parole is transferred from penal institutions to newly created humanitarian commissions.

The tasks include the need for a radical revision in order to improve the system of prevention of torture in operational-search activities, investigation and execution of punishments. Which still cause serious indignation of citizens and harm the international reputation of the country.

The need to establish a system of quarterly monitoring visits to pre-trial detention facilities and penitentiary institutions with the participation of members of the public.

Assigned to the ChambersOly The Majlis should annually hear the report of the Commissioner for Human Rights on the prevention of torture and determine the necessary measures for the complete elimination of this extremely negative phenomenon.

Many changes and reforms have introduced the institution of plea agreements. At the same time, for certain categories of crimes, if a person confessed, sincerely repented, actively contributed to the detection of the crime and made amends for the damage caused, it is provided for concluding a written agreement with the bodies of inquiry and preliminary investigation and assigning a term and (or) the amount of punishment for the act committed by the court that does not exceed half the maximum penalty provided for in the relevant article of the Special Part of the Criminal Code of the Republic of Uzbekistan.

In addition, the procedure for applying the institute of reconciliation in the event of changing the charge against a person to an article or part of an article of the Special Part of the Criminal Code of the Republic of Uzbekistan, which falls under the institute of reconciliation, regardless of the court instance in which the criminal case is being considered, has been introduced.

It should be noted that this provision was not previously included in the Criminal Code. That is, even if the defendant's actions were re-qualified for an article that fell under the institute of reconciliation, the court did not have the right to reconcile the parties. Accordingly, the person should have been found guilty and received a sentence. The same thing could not be done by a higher instance, when the reconciliation of the parties in the first instance was not carried out on any grounds. Today, the legislation will be brought into compliance, and the court at any court instance will be able to terminate the case in connection with the reconciliation of the parties.

According to article 45 of the Constitution of the Republic of Uzbekistan, the rights of minors, disabled people and single elderly people are protected by the State. Evidence of the implementation of this provision of the Basic Law is that the Decree under consideration for the first time establishes the procedure according to which the rule that does not allow exemption from criminal liability in connection with reconciliation of a person who has an outstanding or outstanding criminal record for committing serious or especially serious crimes is not applied to minors, disabled people of the first and second groups, women, men over sixty years of age, as well as persons who have committed a crime by negligence. In addition, it will no longer be allowed to apply a preventive measure in the form of detention in relation to minors, disabled people of the first and second groups and persons of retirement age in cases of intentional crimes for which a penalty of imprisonment is provided and for a term not exceeding three years, as well as crimes committed by negligence for which a penalty of imprisonment is provided and for a term not exceeding five years.

It should be noted that the current Code of Criminal Procedure contains articles 50 and 51, which regulate the procedure for inviting a defence lawyer and their mandatory participation. The assistance of a criminal lawyer is one of the basic guarantees for the exercise of the right to defense, so it is very important that a person from the moment of detention has the opportunity to understand what is happening to him, count on qualified legal assistance and support, so that his rights and interests are protected correctly and in a timely manner.

The principle of respect for fundamental human and civil rights and freedoms is an obligation of every State. This is the relevance of the legal culture of the population.

Improvement of measures to improve the legal knowledge of citizens in a harmonious combination with socio-political transformations in the country is provided for by the Decree of the President of the Republic of Uzbekistan dated January 9, 2019 "On radical improvement of the system for raising legal awareness and legal culture in society". In this Decree, special attention is paid to the formation of a system of consistent communication to the population of the essence and significance of socio-economic reforms being implemented in the country, and legislative acts adopted. The main goal of the state in implementing these tasks is to strengthen in the minds of citizens the idea "establishing a spirit of respect for the laws in society is the key to building a democratic state governed by the rule of law".

4. Key findings

Of courseə, much attention is paid to improving the legal culture and literacy of the population, in particular criminal legislation, is a very urgent task. After all, the fundamental principle of the criminal procedure law, enshrined in the Constitution of the Republic Uzbekistan, is the presumption of innocence, according to which a person is considered innocent until his guilt in committing a crime is proved in accordance with the procedure provided for by law.

Therefore, a correct understanding of the history of the development of the essence of the norms of criminal legislation based on historical sources can contribute to achieving significant results in combating crime at the present stage.

In Modern Uzbekistan and in the Message to the Parliament by the president of the country, every lawyer today thinks about further improving the system of punishments, increasing alternative types of punishments for individual crimes, introducing additional grounds for exemption from punishment, liberalizing punishments, and other issues that require scientific and practical research. Based on the conducted research, it can be concluded that the multiplicity of crimes is still a very relevant topic of research both in the science of criminal law, as well as in the history of state and law, the history of political and legal doctrines in general, and among researchers of the Department of Theory of State and Law of the Tashkent State Law University.

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