



 Research Article

GENERAL CONDITIONS FOR RELEASE FROM CRIMINAL LIABILITY IN CONNECTION WITH THE FACT THAT THE GUILTY PERSON HAS ACTUALLY REPENTED OF HIS ACT

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ABSTRACT

The social relations that arise in the release from responsibility due to the fact that the guilty person regrets his act, the conditions for the release from responsibility due to the fact that the guilty person regrets his act, and the criminal law norms regarding the basis of their application are analyzed.

KEYWORDS

Crime, punishment, remorse, liability, term, damage, active assistance.

INTRODUCTION

The general conditions for release from criminal liability due to the fact that the guilty person has actually repented of his act are listed in Part 1 of Article 66 of the Criminal Code, which are as follows; Committing a crime with a low social risk

and not very serious for the first time, filing a guilty plea, showing actual remorse, actively helping to solve the crime, and compensating for the damage.

The diversity of the general conditions of release from criminal liability in relation to the fact that the guilty person, listed in Part 1 of Article 66 of the Criminal Code, has actually repented of his act requires their classification. The classification of the conditions of exemption from criminal liability has theoretical and practical importance: systematization of the accumulated knowledge and comprehensive research of the object of study, and helps law enforcement agencies to more accurately implement the norms established in the criminal law.

In our opinion, it is effective to divide the conditions of exemption from criminal responsibility into objective and subjective conditions. Objective conditions include:

firstly, an objective condition existing before the commission of a criminal act - the first time the crime was committed;

secondly, the objective condition that arises in the process of committing a crime is not to exceed the limits of the damage established by the norm (committing a crime with a low social risk and not very serious).

Subjective conditions that may arise after the commission of a crime, confirming that a person has lost his social danger, are as follows: filing a plea of guilty; to assist in the detection of a crime; compensation for damages.

Part 1 of Article 66 of the Criminal Code defines as an objective condition for exemption from criminal responsibility the first time committing a crime with a low social risk and not very serious.

A similar requirement is set for exemption from punishment under Article 71 of the Criminal Code.

Most jurists-scientists consider that a crime committed for the first time is a crime committed for the first time by a person, or if it is not the first time, but the time limit for prosecution for a previously committed crime has expired (Article 64 of the Criminal Code), or the term of conviction for a previously committed crime has expired they emphasize that it is gone or removed (Article 78 of the Criminal Code) [1].

In addition to the conditions for exemption from criminal responsibility listed in part 1 of Article 66 of the Criminal Code, first of all, there should be a positive social environment. This means that the decision on release from criminal responsibility is made based on the presence of relatives, neighbors, colleagues and other persons who can and are ready to have an educational influence on the guilty person when he is released from criminal responsibility, who are in close contact with him and whose opinion he trusts. In practice, such release can be made in the presence of guarantors.

Secondly, it is proposed that in the case of serious crimes, acquittal due to remorse is allowed when there are circumstances that significantly reduce the level of social danger of the criminal. For example, crimes against property are committed against relatives, acquaintances, colleagues.

The existence of an incentive norm in the law leads to a positive result, because it is in accordance with the interests of the victim

(reimbursement of damages, helping to solve the crime) and the interests of society.

A plea of guilty is a subjective sign. In accordance with part 1 of Article 66 of the Criminal Code, filing a plea of guilty is one of the subjective conditions for release from criminal responsibility due to remorse.

According to experts in the field of criminal law, it is understood that the criminal surrenders himself to the justice system or gives a truthful report about the crime committed or being prepared, while having the opportunity to hide from the investigation and the court[2].

According to the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 1 "On the practice of sentencing for crimes by courts" adopted on February 3, 2006, if the person who committed the crime has not been identified in the case initiated on the fact of the crime, the application or notification of the person about his crime it should be considered as an admission of guilt[3].

In our opinion, the definition given by A.A. Magomedov of the concept of being present with a confession of guilt is relatively complete. In his opinion, "confessing to guilt is a person's appeal to the state authorities directly or through other persons about the crime committed orally or in writing before the fact or subject of the crime is determined by the law enforcement agencies. As a rule, along with being present with a confession of guilt, repentance and recognition of one's guilt are also carried out [4].

The practice of applying the law shows that the form of presence of the guilty person and the choice of the body to which he will be present with such an appeal are different. For example, some individuals who intend to plead guilty will put their decision in writing and mail it to law enforcement. Others will be notified by phone. The third category of people inform about the committed crime through their relatives [5].

Confession of guilt should be distinguished from remorse. From the point of view of criminal law, confession of guilt means consent to the factual circumstances of the act and its legal assessment (qualification), while remorse is characterized by the mental state of the person who actually blames himself for the violation of the law[6].

Actively helping to solve crimes, it is noted in the literature that the norms of criminal law can serve to solve crimes in three different ways:

- 1) by releasing the persons guilty of the crime from criminal responsibility;
- 2) by reducing the punishment;
- 3) by determining criminal responsibility for obstructing the activity of investigative and judicial bodies.

A person's active assistance in solving a crime makes it easier to identify the circumstances and expose all the persons who are guilty of committing a socially dangerous crime. It also helps in the search for hidden crimes and compensation for the damage caused by the crime, accelerates the resolution of the case, leads

to the use of fewer tools and makes the criminal process more efficient.

Compensation for the damage caused in practice is defined in Part 1 of Article 66 of the Criminal Code as a condition for exemption from criminal liability due to remorse.

Compensation for damages is voluntary restoration of the rights and interests that the criminal deprived the victim as a result of committing a crime (return of lost property, return of monetary value to the victim, etc.).

Full or partial coverage of harmful consequences is important in legal assessment.

Part 1 of Article 66 of the Legislative Criminal Code stipulates that a person shall be released from criminal liability in case of compensation for damages, but it does not provide for elimination of the harmful consequences of the crime.

In the legal literature, there are many points of view that first of all the damages should be compulsorily compensated, and secondly, they should always be fully compensated, not partially. According to P.V. Alyushkin, being present with a confession of guilt and helping to solve the crime can be alternative forms of remorse, while compensating for the damage is a mandatory form.

Compensation of damage in the criminal law of the Republic of Uzbekistan does not guarantee the resolution of the dispute - the termination of the criminal case based on part 1 of Article 66 of the Criminal Code.

Thus, in our opinion, full compensation of damages should be mandatory only when the injured person (legal or physical) demands full compensation of damages or damages to property interests of the state. The law enforcer should pay attention to the fact that the guilty person should not have the proceeds of the crime while being released from criminal responsibility.

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