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 Research Article

CRIMINAL RESPONSIBILITY FOR DOMESTIC VIOLENCE

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ABSTRACT

The issues of intentional bodily harm, which is life-threatening at the time of being committed to his wife (husband) to his ex-wife (ex-husband), to a person living together on the basis of a fief, or to a person who has a common child, were explained.

KEYWORDS

Crime, punishment, family, violence, protection.

INTRODUCTION

In the essence of the reforms implemented in our country, a person and his interests are the priority, and the role of the family, which has become an integral part of our life, is incomparable in achieving the intended goal.

The fight against any evil in the society can be rooted out only if we start from the family. After all, according to Article 63 of the Constitution of the Republic of Uzbekistan, the family is the main

link of society and has the right to be under the protection of society and the state[1].

Article 26 of the Constitution stipulates that no one may be subjected to torture, violence, cruel or other forms of oppression degrading human dignity.

Also, in order to regulate relations in the field of combating family violence and protecting women from all forms of oppression and violence, on

September 2, 2019, the Law of the Republic of Uzbekistan "On Protection of Women from Oppression and Violence", April 11, 2023 "Women and Girls and in connection with the further improvement of the system of reliable protection of children's rights, freedoms and legal interests, the Law No.829 was adopted[2].

According to the Law No.561 "On Protection of Women from Harassment and Violence", violence is physical, mental, sexual or economic influence on women or threatening their life, health, is an illegal action (inaction) that violates sexual integrity, honor, dignity and other rights and freedoms protected by law. According to Article 3 of this law, there are the following types of violence: sexual violence, physical violence, economic violence and mental violence[3].

On April 11, 2023, the Law No. 829 "on amendments and additions to certain legislation of the Republic of Uzbekistan in connection with the further improvement of the system of reliable protection of rights, freedoms and legitimate interests of women and children" also radically improved the institutional and legal framework for reliable protection of rights, freedoms and legitimate interests of women and children from harassment, provides the basis for improving the spiritual and moral environment in families, improving the place of our country in international indices related to the rights of children and women[4].

This law introduced a new article 1261 into the Criminal Code. According to him, article 1261. Domestic (domestic) violence:

Preventing the exercise of the right to property, education, health and (or) Labor committed against a wife (husband), ex-wife (ex-husband), a person living together on the basis of a fief, or a person with a common child, intentionally injuring their property and personal belongings, as well as insulting their honor and dignity in a way that led to the deterioration of the health of these, also predicts if there are no other signs of crime, —

twenty to thirty times the amount of the base calculation is punishable by a fine or by one hundred and sixty to three hundred hours of mandatory public works or correctional work for up to two years.

Double-crossing a wife (husband), ex-wife (ex-husband), a person living together on the basis of a fast or a person with a common child did not lead to a short-term deterioration in health or a loss of working capacity for these individuals for a not very long period of intentional minor injury to the body, if committed after applying administrative punishment, —

twenty to thirty times the amount of the base calculation is punishable by a fine or by one hundred and sixty to three hundred hours of mandatory public works or correctional work for up to two years.

Intentional bodily injury to a wife (husband), ex-wife (ex-husband), a person living together on the basis of a fief, or a person with a common child, causing a short period of Health, that is, no more than six days, but no more than twenty-one days,



or a slight loss of general working capacity for a,

—
a fine of thirty to seventy times the amount of the base calculation is punishable by a fine or compulsory public works from three hundred to three hundred and sixty hours, or correctional work from one to two years, or a restriction of freedom from one to two years, or imprisonment from one to two years.

It was not life-threatening at the time of being committed to a wife (husband), ex-wife (ex-husband), a person living together on the basis of a fast or a person with a common child, and did not have the consequences provided for in part six of this article, but caused a long period of Health, that is, a deterioration in, —

three hundred and sixty to four hundred and eighty hours are punishable by compulsory public works or two to three years of correctional work, or by a restriction of freedom from two to three years, or imprisonment from two to three years.

Actions provided for in the fourth part of this article:

- a) in relation to two or more persons;
- b) in relation to the woman whose pregnancy is revealed to the culprit;
- c) with extreme cruelty;
- g) in ulterior motives;
- d) at the root of religious prejudices;
- e) by a group of individuals;

j) by a repeated, dangerous residentivist, or by a person who has committed crimes previously provided for in Sections 97, 104 and (or) 105 of the code;

z) by the extremely dangerous residivist;

i) if committed using weapons or items that can be used as cold weapons, —

three to five years are punishable by restriction of freedom or imprisonment for three to five years.

If a person living together on the basis of a fief or having a common child causes severe life-threatening intentional bodily harm at the time of being inflicted on his wife (husband), ex-wife (ex-husband), a person living together or a person with a common child, loss of vision, speech, hearing, or failure of any member or complete loss of, —

he is punished with imprisonment for five to seven years.

Actions provided for in part six of this article:

- a) in relation to the woman whose pregnancy is revealed to the culprit;
- b) in relation to a minor;
- c) with extreme cruelty;
- g) in ulterior motives;
- d) at the root of religious prejudices;;
- e) by a group of individuals;

j) if committed using weapons or items that can be used as cold weapons, — he is punished with imprisonment from seven to ten years.

Actions provided for in part six of this article:

a) in relation to two or more persons;

b) repeatedly, by a dangerous recidivist, or by a person who has committed crimes previously provided for in articles 97 and (or) 104 of this code;

c) if committed by an extremely dangerous recidivist;

g) if it causes the death of the victim, —

punishable by imprisonment for ten to twelve years.

As a conclusion, it should be noted that in the fight against domestic violence, each person must never forget that he is responsible, that the honor dignity of a person is always under the protection of the law, and where the right granted to him in the legislation should begin and end. After all, everyone has the rights to live, to be free and to personal immunity.

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