



 Research Article

THE ROLE OF COMPULSORY COMMUNITY SERVICE PUNISHMENT IN THE PENAL SYSTEM AND FOREIGN EXPERIENCE

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ABSTRACT

In the article, compulsory community service defined in Article 451 of the Criminal Code of the Republic of Uzbekistan is one of the types of punishment not related to deprivation of liberty in the penal system. The article describes the concept of compulsory retribution, its term and the grounds for applying this punishment. Also, the punishment of compulsory community service in the criminal legislation of foreign countries was studied and scientifically analyzed, and the author gave his suggestions and conclusions.

KEYWORDS

Crime, compulsory community service, punishment, law, criminal responsibility, convict, court, deed, offender, correction.

INTRODUCTION

The objective need to comprehensively expand the use of non-custodial punishments led to the implementation of the international reform of the penal system. It is based on a number of international legal documents, in particular, the Universal Declaration of Human Rights, the International Covenant on Civil and Political

Rights, as well as other international documents on human rights, and the need to humanize the system of criminal punishments arises from them[1].

The Minimum Standard Rules for Non-Custodial Measures adopted by the 18th Congress of the

United Nations in 1990 led the world community to expand the use of alternative punishments and the widespread introduction of non-custodial punishments. In addition, they recommended that law enforcement agencies impose a range of sanctions, including community service.

If we look at the experience of foreign countries in this field, only France has introduced unpaid work for the benefit of society as one of the types of punishment for criminal offenses. Similarly, in many foreign countries, as a rule, free community service is assigned for an act that is subject to criminal liability and does not cause a great social danger, without stopping the convict from his main work or studies [2].

If the convict does not pose a threat to society, then the goals of punishment can be achieved without separating him from the previous social environment. It appears that in this case an immediate sentence without the element of isolation would often be more appropriate when sentencing him.

Therefore, the mechanisms introduced in developed countries regarding the liberalization and democratization of the judicial system in our country have been put into practice. An example of this is that the courts are recognized as an independent branch of government, they are specialized, the terms of preliminary investigation and preventive measures in the form of imprisonment have been shortened, the introduction of conciliation proceedings and appeals, the authority to apply precautionary measures of detention, amnesty acts has been

transferred to the courts, death and property the abolition of confiscation penalties and other liberalizing measures are numerous.

In this regard, the Decree of the President of the Republic of Uzbekistan, adopted on October 21, 2016, "On measures to further reform the judicial system and strengthen the guarantees of reliable protection of the rights and freedoms of citizens", opens a completely new era in the process of reforms in the field of criminal law and ensuring legality. started [3].

The noteworthy aspect of this Decree is that increasing the effectiveness of alternative punishments is the focus of our government today. In our opinion, the penalization of new alternative punishments to the norms of responsibility for crimes in the economic sphere is the core of the reforms being implemented in this regard. Because their penalization is determined by:

first, the widespread use of alternative punishments serves as a basic criterion for ensuring human rights in criminal law;

secondly, alternative punishments are an important component of the liberalization of criminal law with a focus on substance;

thirdly, the use of alternative punishments allows moral correction without separating the person from society;

fourth, it is also desirable for the state to use alternative punishments. Because from the economic point of view, it provides an

opportunity to save budget funds, and from the social point of view, it greatly helps to prevent the negative impact of the conditions in prison institutions;

fifthly, the widespread introduction of alternative punishments in our national legislation is consistent with the generally recognized rules and principles of international law, and in turn, serves to ensure the coordination of national policy with international legal policy.

It is known that compulsory community service is a type of punishment expressed in the involvement of the prisoner in performing free community service when he is free from his main work and studies. Community service may be imposed by the court on persons over 16 years of age, as a punishment for the crime of imprisonment, if the court is satisfied that the person of the convicted person is suitable for this punishment.

It can be said that it was appropriate to include the penalty of "compulsory community service" in Article 451 of the Criminal Code of the Republic of Uzbekistan [4]. This, in turn, further expands the possibility of applying non-custodial alternative punishments in court.

Looking back at the history of this form of punishment, community service was first introduced as an alternative punishment in England and Wales in 1975. Its purpose is crime prevention and resocialization of the guilty and for non-profit organizations, associations, churches

which consisted in the moral correction of the convict by involving him in helping by performing various kinds of socially useful activities.

Even now, life itself proves that it is inappropriate to exaggerate the importance of punishments associated with the separation of citizens from society in preventing crime. The effectiveness of crime prevention and combating it depends not on the severity and brutality of the punishment, but first of all, on how well the person who broke the law understands the inevitability of the punishment.

Compulsory community service is considered a newly introduced type of punishment in the criminal law, and this punishment was included as a criminal punishment in the criminal law according to the Law of the Republic of Uzbekistan dated March 29, 2017 No. O'RQ-421. This punishment is expressed in the mandatory involvement of persons found guilty of committing a crime to perform unpaid useful community work. If the person to whom this punishment is applied works or gets an education somewhere, it is ensured that he will serve the mandatory community service sentence without being separated from work or study [5].

Places (facilities) where convicts can perform compulsory community service and the type of compulsory community service are determined by the bodies controlling the execution of this sentence[6].

If the criminal punishment in the form of compulsory community service does not exceed

the terms specified in Article 451 of the Criminal Code, i.e.:

- for the period from one hundred and twenty hours to four hundred and eighty hours;
- appointed with the condition of execution for no more than four hours a day for six months.

However, if there are interruptions that are not related to the convict during the serving of the sentence, the execution of the sentence will be carried out for a period of up to one year for no more than four hours a day.

Mandatory community service cannot be imposed on certain individuals in society. It is not allowed to apply a criminal penalty in the form of compulsory community service to the following persons:

- those who have reached retirement age;
- those under the age of sixteen;
- pregnant women;
- women with children under the age of three;
- disabled persons of the first and second groups;
- military personnel;
- foreign citizens;
- People who do not live permanently in the Republic of Uzbekistan.

In practice, there are also cases of evasion of a person sentenced to mandatory community service. In these cases, the court replaces the

unexpired term of the sentence with one of the punishments in the form of restriction of liberty or deprivation of liberty. In this case, four hours of compulsory community service is considered equal to one day of imprisonment or restriction of liberty. However, the time during which the convict evades serving the mandatory community service sentence shall not be added to the term of the sentence.

At this point, it should be mentioned that in cases where the convict evades serving the mandatory community service sentence, one can see the disproportion in replacing it with punishments of restriction of liberty and deprivation of liberty, which are considered to be more severe punishments. That is, in this case, if the convict evades serving this sentence, according to our legislation, four hours of his imprisonment will be replaced by one day of deprivation of liberty. But in this case, we believe that there should be a difference in the replacement of these two punishments due to the fact that serving the sentence of deprivation of liberty is relatively more severe for the convicts. For this reason, it would be appropriate to change 6 hours of this sentence to one day of imprisonment in case the convict evades serving the mandatory community service sentence.

In addition, it will be necessary to strengthen control over enforcement of the mandatory community service sentence. Because in practice, shortcomings in the implementation of this punishment are visible. It is known that the purpose of sentencing is not to humiliate the prisoner in any sense, but to re-educate him. To

achieve this goal, the punishment assigned must have an effect on the prisoner.

As a result of many reforms carried out in our country, the inclusion of mandatory community service punishment in the criminal legislation of our country was one of the great steps in the liberalization of punishments in the legal system and in the practical provision of the rights and freedoms of citizens. The introduction of this type of punishment into the penal system has a significant impact not only on citizens, but also on the economic and social sphere of our country.

As we said above, the punishment of compulsory community service is expressed in the execution of various works useful for the society by the convict in his free time from work and studies, without being paid for his work. It is clear from this that the imposition of this type of punishment is one of the excessive expenses of the state, that is, if any of the punishments related to deprivation of liberty is imposed on the prisoner, a certain amount of funds will be allocated from the state budget for the execution of this punishment. Because the execution of the sentence assigned to each prisoner requires various costs in terms of food, clothing, and their storage, and this in itself causes a large amount of damage to the state budget. Because of this, the imposition of mandatory community service, which is considered one of the punishments not related to deprivation of liberty, does not require costs for the state, and the performance of useful work for the society by the prisoner is of particular importance.

Foreign experience has certainly been widely used in the introduction of many types of punishment existing in the legislation of our country into the penal system. At this point, we should say that the experience of many developed foreign countries was widely used in introducing this type of punishment into our legislation.

We can see that the mandatory community service sentence is applied differently in different countries. From the CIS countries, Armenia (Article 54 of the Civil Code), Republic of Belarus (Article 49 of the Civil Code), Georgia (Article 44 of the Civil Code), Latvia (Article 40 of the Civil Code), Lithuania (Article 46 of the Civil Code), Moldova (Article 67 of the Civil Code), the criminal laws of Azerbaijan (Article 47 of the Criminal Code), the Russian Federation (Article 49 of the Criminal Code), Ukraine (Article 56 of the Criminal Code), Kyrgyzstan (Article 61 of the Criminal Code) and Kazakhstan (Article 42 of the Criminal Code) provide for this type of punishment. and they are named differently. For example, it is called public work in Armenia, the Republic of Belarus, Azerbaijan, Ukraine, Kyrgyzstan, Kazakhstan, socially useful work in Georgia, unpaid work for the benefit of society in Moldova, forced labor in Latvia, the Russian Federation, Tajikistan, and public work in Lithuania.

Although different districts are named, they are essentially the same type of punishment and differ only in the term of punishment and some conditions of appointment.

Below, we will focus on the application of this type of punishment in these foreign countries and the similar and different aspects in the legislation of our country.

In particular, in Article 49 of the Criminal Code of the Russian State, unlike the legislation of our country, this type of punishment is called "forced labor" [7]. According to this article:

"Compulsory labor consists of the convict doing free socially useful work in his spare time from his main job or studies. The type of forced labor and the facilities where it is carried out are determined by the local state authorities in agreement with the penal inspectorates. Compulsory labor is defined for the period from sixty to four hundred and eighty hours and is assigned for a period of no more than four hours per day.

In the case of a prisoner's willful refusal to perform compulsory works, they shall be replaced by compulsory labor or deprivation of liberty. In this case, the time spent by the prisoner in forced labor is taken into account when determining the term of forced labor or eight hours of forced labor, one day of forced labor or one day of deprivation of liberty. Disabled people of the first group, pregnant women, women with children under the age of three, those who have completed military service and contract servicemen are not involved in forced labor.

As mentioned above, in the criminal code of Armenia, one of the CIS countries, we can see that this punishment is called "public works" [8]. In particular, according to Article 54 of this Code:

"Community work consists of performing unpaid work for the benefit of society, determined by an authorized body or a local government body, in free time from the convict's main work or studies.

Public works are set for a period of two hundred seventy to two thousand two hundred hours. Public works are appointed within twenty days from the date of the decision on the execution of the sentence.

When considering the case, the court takes into account the level of danger of the crime committed by the convict for the society, its essence, the identity of the convict, whether there is a claim for compensation for the damage caused or not.

Public works are not assigned to persons who have been declared disabled of the first or second group, persons who have not reached the age of sixteen at the time of sentencing, persons of retirement age, pregnant women, and military servicemen.

In the case of the convict's willful refusal to perform community service, the court may replace three hours of the community service sentence with one day of imprisonment and deprivation of liberty.

We can see the similarities of this punishment in the criminal legislation of the Republic of Armenia with the punishment of "Compulsory community service" in the criminal legislation of the Republic of Uzbekistan in the following:

Community service is provided to persons who have been recognized as disabled persons of the first or second group, persons who have not reached the age of sixteen at the time of sentencing, persons of retirement age, who perform unpaid work for the benefit of society determined by the competent body or local government body during the free time from the convict's main work or studies. we can see in the cases of non-appointment to pregnant women and military servicemen.

The differences are the terms of the punishment, i.e., it is appointed for a relatively longer period in Armenian law, and after the decision to execute the punishment, it is carried out within twenty days instead of ten days, as in our law. appears in terms of replacement.

In the Criminal Code of the Republic of Belarus, this type of punishment is called "public works" [9]. According to Article 49 of the Criminal Code: "Community service consists of free labor performed by a convict for the benefit of society, the type of which is determined by the bodies responsible for the use of public service."

Public works are set for a period of sixty to three hundred and sixty hours. Community work is assigned to convicts who are studying or have a permanent job for a period of no more than four hours a day during their free time from studies or main work. Convicts who do not have education and do not have a permanent job can be appointed with their consent for a period of more than four hours, but not more than eight hours a day.

Public works cannot be assigned to:

- 1) persons under the age of sixteen;
- 2) persons who have reached the general retirement age;
- 3) pregnant women;
- 4) persons on parental leave;
- 5) Group I and II disabled persons;
- 6) military personnel;
- 7) non-resident foreign citizens and stateless persons;
- 8) persons suffering from an active form of tuberculosis.

If during the period of community service by a person, the circumstances provided for in Clause 4 of this article occur, the court shall release the person from further serving the sentence upon submission of the body charged with the execution of the sentence.

In the event that the convict deliberately evades serving the sentence in the form of community service, the court may replace the community service with imprisonment or restriction of freedom at the request of the body responsible for the execution of the sentence. Twelve hours of community service is equivalent to one day of imprisonment. In this case, the time of evasion of serving the sentence in the form of public works is not included in the term of serving the sentence.

We can see the similarities of this punishment in the criminal legislation of the Republic of Belarus with the punishment in our legislation, mainly in the uniformity of the subjects of the imposition and control of this punishment, and in addition, in the cases where this type of punishment is not imposed on exactly which persons.

The difference is that this type of punishment is assigned for a shorter period than in our legislation, if the convict does not have a place to study or work, it can be assigned for a period of more than four hours but not more than eight hours a day with his consent, and in the types of punishment that can be assigned instead of this punishment in case the convict evades serving the sentence it seems

In the legislation of another CIS country, Georgia, unlike other countries, this type of punishment is called "socially useful labor"[10]. According to Article 44 of the Criminal Code of Georgia: "Community service is the unpaid work of a convict, the types of which are determined by the probation office. Socially useful labor is assigned for a period of forty to eight hundred hours. If the fine is replaced by community service, or in the cases provided for in the third part of Article 73 of the Criminal Code of Georgia, or if a procedural agreement is concluded between the parties, it can be assigned for a longer period. The duration of such work should not exceed eight hours a day.

If the convict refuses to perform socially useful work or deliberately evades it, this type of punishment is replaced by a fine, restriction of liberty or imprisonment. At the same time, taking

into account the time the prisoner has served this sentence, the period of restriction of liberty or deprivation of liberty is calculated according to the following calculations: five hours of socially useful work is equal to one day of deprivation of liberty.

Persons with disabilities of the first and second group, pregnant women, women with children under seven years of age, persons of retirement age, as well as military personnel undergoing military service are not assigned to socially useful work.

Community service can be defined as an additional type of punishment, if this is not provided for by the law. We can see the following similarities and differences in the appointment of this punishment under the legislation of Georgia with the legislation of our country:

The type of bodies that impose and control this punishment, the composition of entities that cannot be assigned this type of punishment, and cases where the convict will be replaced by the punishments of restriction of liberty or deprivation of liberty, as in our legislation, can be taken as aspects similar to the legislation of our country.

The differences between this type of punishment and the legislation of our country can be seen first of all in its name, the terms of its appointment and the fact that this punishment can be imposed not only as the main punishment but also as an additional punishment according to the legislation of Georgia.



In the state of Moldova, this type of punishment differs from other countries and is called "unpaid labor for the benefit of society" [11]. According to Article 67 of the Criminal Code of the State: "Unpaid labor for the benefit of society consists of involving the convict in the work specified by the local state authorities during his free time from the main job or study.

In the case of long-term military servicemen and short-term military servicemen, unpaid work for the benefit of the community will consist of engaging prisoners in the specified work in their free time in accordance with the requirements of military regulations.

Unpaid work for the benefit of society is assigned for a period of 60 to 240 hours and 2 to 4 hours per day, but in the case of a prisoner who is not engaged in the main activity or study, at his request or with his consent - up to 8 hours per day. After the decision of the court, the presiding officer of the court session explains the nature of the punishment in the form of unpaid work for the benefit of society, which is recorded in the minutes of the court session.

A person sentenced to unpaid work for the benefit of the community must appear at the probation authority at the place of residence within five days after the sentence enters into force.

If the convict has deliberately avoided unpaid work for the benefit of society, this punishment shall be replaced by deprivation of liberty in the amount of 1 day of deprivation of liberty for 4 hours of unpaid labor for the benefit of society, and in this case the term of deprivation of liberty

may be imposed for a period of less than three months.

Unpaid work for the benefit of society cannot be applied to contract military personnel and persons under 16 years of age. Unpaid work for the benefit of society shall be carried out within a period of no more than 18 months from the date of entry into force of the court decision.

Long-term servicemen and short-term servicemen sentenced to unpaid work for the benefit of society will serve this sentence in a military unit.

We can mention that in the state of Moldova this type of punishment is unpaid work for the benefit of society, and it is similar to the legislation of our country in terms of the type of bodies controlling its appointment and execution.

We will also consider the different aspects of this punishment. The main differences are the composition of the subjects to which it can be assigned, i.e., the possibility that under the Moldovan law conscripts and short-term conscripts may also be subject to this punishment, as well as the terms of its appointment.

In the criminal legislation of the Republic of Azerbaijan, this type of punishment is called "public affairs" [12] and Article 47 of the Criminal Code mentions it. According to him: "Community work consists of free socially useful work performed by the convict in his spare time from his main work or studies.

Public works are defined for the period from two hundred forty to four hundred eighty hours and more than four hours a day.

It is mandatory to establish electronic control over persons sentenced to public service by the court in public service places and to keep them in working order.

If the person sentenced to this punishment deliberately refuses to perform these tasks, the court can replace the unspent part of the community service with a punishment in the form of restriction of freedom for a certain period or deprivation of freedom. In this case, the period of the convict's community service is taken into account and is calculated by the amount of one day of deprivation of liberty for every four hours of unfulfilled community service or one day of deprivation of liberty for eight hours of community service. Public works are not assigned to:

- persons recognized as disabled persons of the first or second degree group;
- pregnant women;
- women with children under the age of three in their care, as well as men raising a child under the age of three alone;
- women and men who have reached retirement age;
- military personnel".

It can be seen from the above that the application of this punishment in the Republic of Azerbaijan has some similarities and differences compared to the legislation of our country. We will be able to find similar aspects in the entities that carry

out this punishment and its control, as well as in cases where this punishment cannot be imposed against exactly which persons.

As for the different aspects, there are differences in the establishment of electronic control over the persons sentenced to public service by the court in public service places and the terms of its appointment, as well as the procedure for replacing it with a more severe punishment in case of evasion of the sentence.

This type of punishment is seen in the example of the Kyrgyz Republic [13], according to Article 61 of the Criminal Code of this country:

"Community work consists of free labor for the benefit of the community during the convict's spare time from the main work or studies, and its specific type is determined by the local authorities together with the probation authorities in accordance with the criminal-executive code. Community work is set from forty to three hundred hours. Prisoners are assigned no more than four hours a day, and non-working persons no more than eight hours a day in their free time from work and study.

Punishment in the form of community service is assigned taking into account the prisoner's health, profession, qualifications, and level of education.

Public works are not assigned to military personnel, disabled persons of I and II groups, pregnant women, women and men on parental leave, as well as persons who have reached retirement age.

If the convicted person does not come to the probation authority within ten days after the sentence enters into force, or refuses to perform community service, the court, on the recommendation of the probation authority, shall impose a fine or deprivation of liberty, restriction of liberty, correctional work within the terms stipulated in Articles 62, 64, 65, and 67. can be replaced by At the same time, the term of correctional work, restriction of liberty or deprivation of liberty is set for up to one year.

Eight hours of community service shall be counted as one day of restriction of liberty, correctional labor or imprisonment. The provisions of Article 91 of this Code shall be applied to a convicted person who was found to be a disabled person of the I or II group after the court verdict, as well as to a pregnant woman, if the pregnancy occurred after the specified period.

In the criminal legislation of this country, we can see aspects similar to the legislation of our country, in terms of which body this punishment is assigned and controlled, as well as the scope of its application, that is, to whom exactly it is applied or not.

If we talk about the different aspects, we can see differences mainly in terms of its appointment, as well as in the way of replacing it with another heavier punishment if the convict refuses to serve this type of punishment.

In the criminal code of the Republic of Kazakhstan, mandatory community service is also referred to as "community work" [14], and according to Article 42 of this code: "Community

work is a free social activity that does not require specific qualifications from the prisoner and is organized by local executive authorities in public places. is to do useful work. Community service is defined for the period from twenty to two hundred hours for criminal offenses, from two hundred hours to one thousand two hundred hours for minor and medium crimes. Public works are carried out during the time when the convict is freed from the work duties at the main place of work or during free time from studies for a period of no more than four hours a day.

In case of evasion of public works, they shall be replaced by:

- those convicted of a criminal offense - imprisonment in the amount of one day of imprisonment without four hours of community service;
- for those found guilty of committing a crime - 4 hours of community service is considered equal to one day of imprisonment or deprivation of liberty.

The term of community service may be lower than the lower limit specified in this article when a lighter punishment than provided for a specific crime is imposed, when a punishment is imposed for an uncompleted crime, as well as when the punishment is replaced.

Involvement in public works pregnant women, women with young children under the age of three, men raising young children under the age of three alone, women aged fifty-eight and older, men aged sixty-three and older, disabled persons

of the first or second group, military it is not defined for employees".

As in the criminal legislation of many CIS countries, in the criminal legislation of the state of Kazakhstan, the tasks of appointing this type of punishment and controlling its execution are carried out by the same bodies as in the legislation of our country. In addition, we can see the similarities to the legislation of our country with the scope of this type of punishment, the circumstances in which it is imposed and to whom it is not imposed. We will be able to see the different aspects in terms of this punishment.

This type of alternative punishment has been introduced in Sweden since January 1, 1993, and it is a special form of probation. The guilty person to whom this sanction is applied must work for the benefit of society from 40 to 200 hours free of charge, mainly in the evenings and on weekends. This sanction is mainly applied to persons aged 18 to 24 years.

In Portugal, community service is used by the court as an alternative sanction to imprisonment for non-intentional or less serious crimes. The number of hours of compulsory work can reach 180 hours. If the prisoner has a permanent job, he must work 2 hours every day in addition to the 8-hour working day.

As mentioned above, the introduction of mandatory community service into the law in increasing the effectiveness of alternative punishments has justified itself with many positive aspects. In addition, it serves to

supplement our criminal law with another humanitarian norm.

As a similar feature of this type of punishment in foreign countries, we can see that it mainly works for the benefit of the society during free time of the prisoner from his studies and work, and moreover, the circle of persons to whom this type of punishment is not applied is almost the same.

The main differences in the application of the mandatory community service sentence in foreign countries are the terms of its appointment, as well as differences in the replacement of the sentence with other more severe types of punishment in case of evasion of the sentence.

In conclusion, based on the analysis of mandatory community service punishment based on the legislation of foreign countries, it allows to come to the following suggestions and conclusions:

First of all, serving of this sentence is carried out mainly in areas not far from the place of residence of the convict, and it seems that this factor leads to familiarity. In addition, there is a shortage of inspectors supervising the execution of punishments. As a result, the convict is sent to some organization to serve his sentence. But in this organization, the punishment assigned to the convict is not always carried out as prescribed by the law. For this reason, in many cases, the main goal of sentencing the convict is not achieved.

In order to solve this problem, it will be necessary to re-develop the mechanism of execution of the mandatory community service sentence. For this,

it will be necessary to further improve the regulation “On the procedure for organizing the execution of the sentence in the form of compulsory community service”, approved by the decision of the Cabinet of Ministers No. 346 dated May 8, 2018. In the process of improving this regulation, it would be appropriate to focus on what circumstances are considered to be beyond the control of the prisoner. In addition, we believe that the court should specify the exact place where the convict will serve this sentence. Because in practice, it seems that in most cases, the control bodies assign only the same work, that is, street cleaning, tree trimming, etc. This does not take into account the profession and skills of the convict. For this reason, it would be appropriate if the court, when sentencing a convict, examines his personality and determines where he will serve his sentence.

Secondly, it would be appropriate if a change was made to replace this type of punishment with deprivation of liberty and deprivation of liberty in case the convict evades serving the mandatory community service sentence. That is, the fifth part of Article 451 of the Criminal Code reads as follows:

If the convict evades serving the sentence, the court replaces the unexpired period of compulsory community service with a punishment in the form of restriction of freedom or deprivation of liberty, calculating four hours of compulsory community service equal to one day of deprivation of liberty or 6 hours of this punishment to one day of deprivation of liberty.

Due to the fact that serving a sentence in the form of deprivation of liberty is relatively more severe than serving a sentence in the form of restriction of liberty, it is possible to see the disproportion in replacing them with a sentence in the form of compulsory community service.

Thirdly, the legislature imposes many restrictions on persons sentenced to mandatory community service. However, during the execution of the sentence, there are no encouraging circumstances for the convicts who repented of their crime and conscientiously approached to serve the sentence. For this reason, we propose to add Article 259 to the Criminal Code as follows:

Article 259. Applying incentive measures to persons sentenced to compulsory community service.

Persons sentenced to compulsory community service may be given incentives such as cancellation or reduction of the remaining part of the sentence due to their exemplary behavior and good faith during the serving of the sentence.

Incentives provided for in the first part of this article may be applied by the court based on the presentation of the inspectorate supervising the execution of the sentence or the head of the institution where the sentence is being executed.

Fourthly, to expand the range of entities to which the mandatory community service penalty can be applied. That is, the proposal to apply this type of punishment to full-time military servicemen and short-term military servicemen in compliance with the requirements of the military regulations.

When studying foreign experience, we can see that according to the legislation of the state of Moldova, this type of punishment is applied to military personnel, unlike our legislation, and in this case, the requirements of the military regulations are certainly observed.

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