



CRIMINAL LAW IN UZBEKISTAN

Usmonova Nigora Aktam kizi

Teacher of the Non-State Higher Educational Institution "Tashkent International University"

Abstract: Criminal law is only one of the devices by which organized societies protect the security of individual interests and ensure the survival of the group. There are, in addition, the standards of conduct instilled by family, school, and religion; the rules of the office and factory; the regulations of civil life enforced by ordinary police powers; and the sanctions available through tort actions.

Key words: The Criminal Code of Uzbekistan, crime, responsibility, penalty, criminal law.

Criminal law in Uzbekistan encompasses a set of legal norms and regulations that define criminal offenses, their punishments, and the procedures for enforcement. It aims to maintain public order and protect the rights of individuals.

The main features of Criminal Law in Uzbekistan:

1. Codification
2. Principle of Legality
3. Classification of Offenses
4. Individual Responsibility
5. Protective Measures
6. Rights of the Accused
7. Penalties
8. Appeals process

1. Codification

- The Criminal Code of Uzbekistan, established in 1994, serves as the primary legal document governing criminal law. It outlines various crimes, penalties, and the principles of liability. Immeasurably greater reflection was found, both in General and in Special parts, special sectoral principles of differentiation of criminal responsibility and individualization of punishment, dozens of acts that were recognized as deprived of public danger were decriminalized.

2. Principle of Legality

- Crimes and punishments are clearly defined by law. No one can be punished for an act that was not classified as a crime at the time it was committed, adhering to the principle of nullum crimen,



nulla poena sine lege. It also embodies, that the criminal law must not be extensively interpreted to an accused detriment, for instance by analogy. According to that principle, an offence must be clearly defined in the law. The concept of law comprises written as well as unwritten law and implies qualitative requirements, notably those of accessibility and foreseeability. The requirements are satisfied where the individual can now from the wording of the relevant provision and, if need be, with the assistance of courts² interpretation of it, what acts and omissions will make him criminally liable. The principle of legality also includes the rule which prohibit the retrospective application of the criminal law to an accused²s disadvantage. That principle is enshrined in the constitutions of many countries as well as in the most important international convention that protects human rights.

3. Classification of Offenses

- Felonies - severe violations that carry significant penalties.
- Misdemeanors - less serious offenses with lighter penalties.

Felonies are the *most serious crimes*. They are either supported by a heinous intent, like the intent to kill, or accompanied by an extremely serious result, such as loss of life, grievous injury, or destruction of property. Felonies are serious, so they are graded the highest, and all sentencing options are available. Depending on the jurisdiction and the crime, the sentence could be execution, **prison** time, a fine, or alternative sentencing such as probation, rehabilitation, and home confinement. Potential consequences of a felony conviction also include the inability to vote, own a weapon, or even participate in certain careers.

Misdemeanors are *less serious* than felonies, either because the intent requirement is of a lower level or because the result is less extreme. Misdemeanors are usually punishable by **jail** time of one year or less per misdemeanor, a fine, or alternative sentencing like probation, rehabilitation, or community service. Note that incarceration for a misdemeanor is in jail rather than prison. The difference between jail and prison is that cities and counties operate jails, and the state or federal government operates prisons, depending on the crime. The restrictive nature of the confinement also differs between jail and prison. Jails are for defendants who have committed less serious offenses, so they are generally less restrictive than prisons.

4. Individual Responsibility

- Criminal law emphasizes personal liability, meaning individuals are responsible for their actions only if it is proven they intended to commit a crime or acted with reckless disregard.

Individual criminal responsibility is at the foundation of the whole international criminal law system. Without the recognition that individuals can be held criminally responsible directly under international law for the commission of certain crimes, considered to be of international concern, international criminal law would not exist at all. The minimum age of criminal responsibility has been raised in Uzbekistan. Now adolescents from the age of 14 will have to be answerable before the law. Previously, adolescents could get criminal punishment for premeditated murder under aggravated circumstances from the age of 13.

The President signed the Amendments to Some Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the System for Ensuring the Rights of a Child.



The document says that Uzbekistan has increased the minimum age from which a person can be prosecuted, from 13 to 14 years.

According to the current legislation, in Uzbekistan, persons who turned 13 years old could be subject to criminal responsibility only for premeditated murder under aggravated circumstances (part two of Article 97 of the Criminal Code).

For other crimes, depending on the articles of the Criminal Code, the minimum age for prosecution is 14, 16 and 18 years.

5. Protective Measures

- The law includes preventive measures aimed at reducing crime rates and rehabilitating offenders, promoting social reintegration.

Article 5 of the criminal code of the Republic of Uzbekistan says that State bodies providing protection State bodies providing protection shall include: bodies making a decision on providing protection; bodies providing security measures; bodies providing social protection measures. A decision on providing protection shall be made by bodies that perform pre-investigation check, inquiry, preliminary investigation, and by court that perform criminal proceedings. Protection measures in relation to protected persons under criminal cases in proceedings of internal affairs bodies or bodies of the State Security Service of the Republic of Uzbekistan shall be provided by such bodies. Protection measures in relation to protected persons under criminal cases in proceedings of a court or a prosecutor's office shall be provided under decision of a court or a prosecutor by internal affairs bodies located at the location of protected persons. Protection measures in relation to protected persons from among military servants shall be provided by command of corresponding military bases and superior command of military units of the Armed Forces of the Republic of Uzbekistan. Protection measures in relation to protected persons detained in detention facilities shall be provided by internal affairs bodies and bodies of the State Security Service of the Republic of Uzbekistan, accordingly.

6. Rights of the Accused

- The law guarantees certain rights to those accused of crimes, including the right to a fair trial, legal assistance, and the presumption of innocence until proven guilty.

An accused shall have the right: to be informed of charges against him; to give testimony and provide explanations about the charge brought against him or on other circumstances of the case; to use his native language or to use the assistance of an interpreter/translator; to use assistance of a defense counsel and to have meetings with him in private.

7. Penalties

- Penalties can include imprisonment, fines, community service, and other corrective measures, reflecting the seriousness of the crime. According to Article 278-8 of the Criminal Code of the Republic of Uzbekistan:

- Illegal acquisition, transfer or exchange of cryptocurrencies, as well as activities related to handling them without a license, will entail a fine of up to 100 BRV, correctional labor for a period of 2 to 3 years, or restriction of liberty for up to 1 year, or imprisonment for up to 1 year.



- For committing these violations on a large scale, a fine of 300 to 400 BRV, or restriction of freedom for up to 3 years, or imprisonment for up to 3 years, and in a particularly large amount - imprisonment for up to 3 years is imposed.

According to Article 278-9 of the Criminal Code of the Republic of Uzbekistan, repeated mining with anonymous cryptocurrencies after administrative punishment entails a fine of up to 100 BRV, correctional labor for a period of 2 to 3 years, or restriction of freedom for up to 1 year, or imprisonment for up to 1 year. Hidden mining is punishable by a fine of 100 to 300 BRV, or restriction of freedom for up to 2 years, or imprisonment for up to 2 years. For committing these violations on an especially large scale, imprisonment for up to 3 years, or a fine of 300 to 400 BRV, or restriction of freedom for up to 3 years is provided.

8. Appeals Process

- The legal system allows for appeals against court decisions, ensuring that judicial errors can be addressed and rectified.

Uzbekistan's criminal law system is designed to uphold justice, protect societal norms, and ensure the rights of individuals involved in criminal proceedings.

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