

TYPES OF PUNISHMENT FOR CRIMES AGAINST JUSTICE

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Annotation. This article deals with Chapter XVI of the Criminal Code, entitled "Crimes against Justice", which describes the types, amount and duration of penalties for crimes against justice, as well as the degree of social danger of these crimes in a clear sequence and table. Finally, there are some general recommendations for sentencing.

Keywords: fines, deprivation of certain rights, compulsory community service, correctional labor, restraint of liberty, imprisonment, and incentives.

The inclusion of crimes against justice in the Criminal Code provides for the prevention and prevention of crimes that may occur in the judiciary. Let's take a closer look at the types of penalties set out in the Criminal Code for crimes against justice. Article 44 of the General Part of the Criminal Code stipulates a fine of five to six hundred times the basic calculation amount. In the case of crimes against justice, the maximum amount of the penalty in the form of a fine is explained in the table below.

No	A fine in the amount of ... to ... times the amount of the basic calculation	Criminal Code Special Part Crimes against Justice (Articles 230 - 241)
1	300 ... and 400 ... each	Article 230 ¹ Part 1; Article 230 ² 2-q
2	150 ... and 300 ... each	Article 230 ² Part 1
3	100 ... and 200 ... each	Article 232 Part 2
4	100 ... each	Article 232 Part 1
5	50 ... and 100 ... each	Article 233 1-q; Article 234 2-q
6	50 ... and 75 ... each	Article 237 Part 1
7	75 ... each	Article 241 Part 2
8	50 ... each	Article 234 Part 1; Article 239; Article 241 Part 1.
9	25 ... each	Article 240

Article 15 of the Criminal Code, entitled "Classification of Crimes," defines crimes according to their nature and level of social danger: 'ir is divided into crimes. The above-mentioned crimes were considered to be less serious and less serious crimes due to their sanction. That's why these crimes are punishable by fines. Paragraphs 15, 16, 17 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 1 of February 3, 2006 "On the practice of sentencing by courts" are devoted to the imposition of a fine. the type of punishment in the form of a fine should be applied more widely not only to crimes of low social risk and less serious, but also to persons convicted of serious crimes, if this punishment is provided for in the sanction of the law recommended. Deprivation of a person of a certain right means the prohibition of the accused to hold a position in enterprises, institutions or organizations or to

engage in certain activities during the period appointed by the court. Such a position or type of activity is specified by the court in the conviction. Deprivation of a certain right is imposed for a term of one to five years for the commission of a crime directly related to the position or activity of the offender - for a period of one to five years, and for a period of one to three years for an additional penalty. In crimes against justice, deprivation of certain rights is often cited as an additional penalty under Article 230 (falsification of evidence); Article 230 (Results of operative search activities) counterfeiting (forgery)); Article 235 (Torture and other cruel, inhuman or degrading treatment or punishment); Article 236 (interference in the investigation or resolution of court cases), Part 2 and Article 241 (intentional concealment from criminal records). And as one of the main penalties - Article 232 (non-execution of a court decision) in Part 2 for a period of up to five years.

Compulsory community service is a type of punishment that consists of forcing a convict to perform unpaid community service. In the General Part of the Criminal Code, the total duration of compulsory public work is from one hundred and twenty to four hundred and eighty hours, for a period not exceeding four hours a day for six months, in cases where the convict is not involved and for a period of up to one year, not more than four hours a day. There are two different types of punishment in crimes against justice, such as compulsory community service. One is compulsory public work for up to three hundred and sixty hours, which is Article 232 (non-execution of court documents), part 1; Article 240 (refusal of participants in criminal proceedings to perform their duties) and Article 241 (failure to report a crime), part 1; and a sentence of up to three hundred hours of compulsory community service under Article 238 (False Testimony), Part 1 of the Criminal Code.

Penalties in the form of correctional labor shall be imposed on an able-bodied person for a period of six months to three years (for juveniles - from one month to one year), unless there is a need to segregate him from society, taking into account the nature of the crime and the level of social danger.² In crimes against justice, this type of punishment is given in the following terms: correctional labor for up to three years - Article 232 (non-execution of court documents), Part 1; Article 233 (unlawful disposal of occupied property), part 1; Article 236 (interference in the investigation or resolution of court cases), part 1; Article 239 (disclosure of information of inquiry or preliminary investigation) and Article 241 (failure to report a crime), part 2; correctional labor for two to three years - Article 241 (intentional concealment from the record of a crime), part 1; ; correctional labor for up to two years - Article 241 (failure to report a crime), Part 1.

Restriction of liberty consists of a complete prohibition by the court against the convict of leaving the place of residence for one reason or another, or of restricting the departure from the place of residence at a certain time of the day. Imprisonment is generally imposed for a period of one to five years, and for juveniles for six months to two years, and is carried out under the supervision of the penitentiary inspectorate or other court-appointed body at the convict's place of residence. deadlines. In particular, they are shown in the table below.

№ ... from ... term of imprisonment Penal Code Special Part Crimes against Justice (Articles 230 - 241)

- 1 Three to five years 2301-m 1-q; 2302-m 2-q; 235-m 1-q; 236-m 2-q; 238-m 2-q; 2411-m 1-q;
- 2 Two to five years 230-m 1-q; 231-m 1-q; 232-m 2-q; 233-m 1-q; 237m 1-q; 241-m 2-q;
- 3 One to three years 2302-m 1-q; 234-m 2-q; 236-m 1-q; 238-m 1-q;
- 4 Up to one year 232-m 1-q; 234-m 1-q;

Penalties in the form of deprivation of liberty shall be imposed on persons who have committed grave and very grave crimes, as well as on persons who have committed crimes of low social risk and less serious, taking into account the identity of the defendant. if it is not possible to correct morality without separation from society.⁴ Imprisonment is generally imposed for a period of one month to twenty years, and in the case of addition of several punishments provided for in Article 60 of the Criminal Code, its term is twenty. can be set up to five years. Special attention should be paid to the terms of imprisonment in crimes against justice. The most important aspect of crimes against justice is that almost all of them are committed intentionally. In connection with these crimes, we will get acquainted with the term of imprisonment imposed by the Criminal Code and their level of social danger through the table.

№	The term of imprisonment from ... to ...	Criminal Code Special Part Crimes against Justice (Articles 230 – 241 ¹)	Classification of crimes (Article 15 of the Criminal Code)
1	Eight to ten years	237-m 3-k;	Serious crime
2	Seven to ten years	230 ¹ -m 3-k; 235-m 3-k;	Serious crime
3	Five to ten years	231-m 2-k;	Serious crime
4	Five to eight years	230-m 2-k; 237-m 2-k; 238-m 3-k;	Serious crime
5	Five to seven years	230 ¹ -m 2-k; 235-m 2-k; 241 ¹ m 2-k;	Serious crime
6	Up to five years	230-m 1-q; 231-m 1-q; 232-m 2-q; 233-m 1-q; 237-m 1-q; 241-m 2-q;	A less serious crime
7	Three to five years	230 ¹ -m 1-q; 230 ² -m 2-q; 235m 1-q; 236-m 2-q; 238-m 2-q; 241 ¹ -m 1-q;	A less serious crime
8	Up to three years	230 ² -m 1-q; 234-m 2-q; 236-m 1-q; 238-m 1-q; 239-m; 241-m 1-q;	A crime of little social risk
9	Up to a year	232-m 1-q; 234-m 1-q;	A crime of little social risk

Some articles of the Special Part of the Criminal Code contain incentive norms, in particular in the case of crimes against justice. It is important to note that what are the incentive norms? Incentive norms are norms that provide incentives and preferences for legal entities to act in the interests of the state and society. It provides incentives for those who approach their legal and social duties conscientiously and conscientiously and achieve good results. Incentive norms are rules that encourage people to work more productively, be creative and socially active.⁵ Incentive norms are usually norms that mitigate punishment or set conditions for the release of an individual from criminal liability or punishment. Article 233 of the Criminal Code, Crimes against Justice (Unlawful Disposal of Seized Property), Part 2 and Article 240 (Refusal of the participants in the criminal proceedings to perform their duties) Part 2 They will not be held accountable for refusing to testify against him. " There are incentive norms. In conclusion, the correctness of the sentence imposed by the courts is an important condition for the administration of justice. The imposition of a fair punishment shall be effective in achieving the objectives set forth in Article 42 of the Criminal Code, ie the moral correction of the

convict, preventing him from continuing his criminal activity and preventing the convict and other persons from committing new crimes. serves to increase. A number of recommendations on the application of the general grounds for sentencing by courts are contained in paragraphs 1 to 14 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan of February 3, 2006 marked. According to him, the courts should focus on strict adherence to the principles of legality, humanity, justice and the inevitability of responsibility in sentencing; The "principle of inevitability" of liability under Article 10 of the Criminal Code does not always mean that punishment must be applied. For this reason, the Criminal Code stipulates that a person who has committed a crime for the first time with a low or low social risk, sincerely repents and actively assists in the detection of the crime, compensates the damage caused 65, 66, 70 , Discuss the issue of exemption from liability or punishment in accordance with Article 71; According to Articles 8 and 54 of the Criminal Code, punishment should be fair - in each case it should be assigned individually, in accordance with the nature of the crime and the level of social danger, the identity of the offender, as well as mitigating and aggravating circumstances; Due to the fact that the law establishes the type and amount of punishment imposed by objective and social factors characterizing the identity of the accused, the courts must determine these circumstances during criminal proceedings, including the age, sex, pregnancy of the accused. status, social factors, convictions, family, social behavior, occupation, state or physical status, etc. are included. To the extent possible, the law shall provide for the imposition of non-custodial punishments on persons found guilty of less serious socially dangerous crimes and who can be rehabilitated without isolation from society. and other similar recommendations. The general recommendations for sentencing described above are also important in sentencing for crimes against justice.

References:

1. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 1 of February 3, 2006 "On the practice of imposing penalties for crimes by courts."
2. Odilqoriev X.T. Theory of state and law. - Tashkent. «Justice», 2018. - 264 p.