



## TYPES OF PRISON PUNISHMENT

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### ABSTRACT

this article talks about the concept and purposes of punishment, the content and types of punishment in the form of deprivation of liberty, the problems that arise when this punishment is imposed and their solutions.

### KEYWORDS

Criminal punishment, imprisonment, behavior, socially dangerous act, unfinished crime, sentencing, sentence, Criminal Code, decisions of the Plenum of the Supreme Court.

### INTRODUCTION

**No one has the right to forget - the requirements of the law and human rights are the highest value for us.**

**Sh.M.Mirziyoyev (from the Message to the Supreme Assembly)**

All socio-economic and political reforms carried out in the Republic of Uzbekistan are notable for the fact that they are aimed at unconditional provision of human rights, freedoms and interests. The state policy implemented in the field of criminal law is also aimed at protecting the interests of each person on the basis of the law. Article 26 of the newly adopted Constitution of the Republic of Uzbekistan states that "The honor and dignity of a person are inviolable. Nothing can be

grounds for their discrimination." The most important task of reforming the judicial system in the Republic of Uzbekistan is the gradual liberalization of criminal, criminal procedure legislation and the system of criminal penalties. During the short period of state independence of Uzbekistan, a number of legal reforms have been carried out in criminal law, and these reforms, in essence, follow only the principle of justice, as mentioned above.

Fundamental changes in the state policy of combating crime and law enforcement have a positive impact on the socio-political and criminogenic situation in the country. In particular, the abolition of the death penalty has been an important direction in the process of liberalization of the judicial system and criminal penalties in the Republic of Uzbekistan. According to the Decree of the President of the Republic of Uzbekistan "On the abolition of the death penalty in the Republic of Uzbekistan" (August 1, 2005), from January 1, 2008, instead of the death penalty, life imprisonment or a long term was introduced in the form of imprisonment. This decree is in line with the universally recognized principles and norms of international law that proclaim and secure the human right to life.

In addition, it is worth noting that Article 25, Part 2 of the new Constitution of the Republic of Uzbekistan, which entered into force on May 1 of this year (referendum), states that "the death penalty is prohibited in Uzbekistan."

According to criminal law, a certain type of punishment is applied by a court sentence on behalf of the state to persons who have committed a socially dangerous act. According to article 43 of the Criminal Code, one of the following penalties may be applied to persons guilty of a crime:

- Fine
- Deprivation of a certain right
- Compulsory public works
- Corrective work.
- Service Limit
- Restriction of freedom
- Referral to the disciplinary department
- Deprivation of liberty
- Life imprisonment

Deprivation of liberty is one of the main measures of punishment, and in turn this punishment is analyzed in three parts:

- a) short-term imprisonment
- b) long term imprisonment
- c) imprisonment for life

Punishment in the form of life imprisonment is part of the punishment in the form of imprisonment and is applied only to two types of crimes specified in the Criminal Code, is a punishment that provides for the complete isolation of the convict from society. without a fixed period. The Plenum of the Supreme Court of the Republic of Uzbekistan (November 14, 2007 No. 15) "On some issues of the application of punishment in the form of life imprisonment" is described in detail in the decision on the features of this punishment and clarifications on its application.

Under the current criminal law, life imprisonment is punishable only in cases of theft of responsibility, premeditated murder (part 2 of article 97 of the Criminal Code) and causing death or other grave consequences. 155 of the Criminal Code). The aforementioned Resolution of the Plenum of the Supreme Court and Article 50 of the Criminal Code perfectly explain the cases in which long-term or life imprisonment can be applied. According to him, the first term of imprisonment is from fifteen to twenty years, that is, a simple form of imprisonment; the second - deprivation of liberty for a term of more than twenty years, but not more than twenty-five years, that is, for a long term; the third is the complete separation of the prisoner from society without fixing a term, that is, life imprisonment. However, the above terms, i.e., in the sanction of part 2 of article 97 of the Criminal Code, are not clearly defined, that is, in

general, they are indicated as imprisonment from fifteen to twenty-five years. However, in Article 50 (imprisonment) of the Criminal Code of the Russian Federation part 2: “Deprivation of liberty from one month to twenty years”, and the next part (part 3) of the same article: “Deprivation of liberty for a long period of over twenty years, but determined within a period not over twenty five years. Similar misrepresentation is punishable by article 155 (Terrorism) of part 3 of the Criminal Code.

In our opinion, in accordance with the requirements of parts two and three of Article 50 of the Criminal Code, the sanction of part 2 of Article 97 and part 3 of Article 155 of the Criminal Code is as follows: “imprisonment from fifteen to twenty years or twenty, shall be punishable by deprivation of liberty for a term of up to twenty-five years or life imprisonment.

For these crimes, the court may impose a sentence of imprisonment for long periods. The law excludes the imposition of life imprisonment in relation to these crimes, as well as life imprisonment or imprisonment for a term of fifteen to twenty years, depending on the circumstances of the crime. May be appointed in cases where it is concluded that the appointment is inappropriate.

circumstances indicating that the perpetrator committed inhuman behavior in the case;

circumstances indicating that the person who committed the crime represents an absolute danger to society;

special circumstances excluding the possibility of imposing another punishment on the person who committed the crime.

Therefore, when imposing a sentence of life imprisonment, in the descriptive part of the court verdict, it is necessary to indicate the reasons for accepting such robbery and the circumstances indicated above.

In addition, in part four of the Resolution of the Plenum of the Supreme Court "On some issues of the application of life imprisonment" (No. 15 of November 14, 2007) of serving a sentence of imprisonment for an unfinished crime, it is indicated that it cannot be imposed. However, in the current Criminal Code there is no concept of "incomplete crime", on the contrary, the concept of "incomplete crime" is given. Chapter 6 of part two of the Criminal Code reflects the concept of unfinished crimes. If we consider the types of unfinished crimes. They consist of:

- a) preparing for a crime
- b) attempted crime
- c) such as voluntary return from a crime.

In our opinion, the concept of "unfinished" in the Resolution of the Plenum of the Supreme Court should be replaced by the concept of "unfinished crime".

It should be noted that in paragraph 1 of part four of the decision of the Plenum, sentences to life imprisonment and long terms of imprisonment are also imposed on a woman, a person who has committed a crime under the age of eighteen, and a man. older than 60. It is explained that this is impossible. In addition, in this paragraph: “The rule that such punishments cannot be imposed on men over sixty years of age proceeds from the age of the perpetrator until the day the verdict is delivered by the court of first instance, when the appeal is filed, until the day the case is considered in the appellate instance. However, the

question remains whether the person was over the age of sixty at the time of the crime. For this reason, paragraph 4 of part 2 of the Resolution of the Plenum of the Supreme Court reads: “a person who has reached the age of sixty at the time of the commission of the crime or before the day the guilty party was convicted by the court of first instance, in the case of filing an appeal, until the day the case is considered in the appellate instance, the age sign is used ( For example, it is important that the person at the time of the commission of the crime is eighteen years of age (crime)” For this reason, it is necessary to supplement this paragraph with a provision that applies to men who have reached the age of sixty at the time of the commission of the crime.

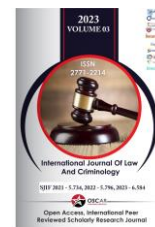
Part 5 of Article 50 of the Criminal Code contains a provision that when deprivation of liberty is imposed in the order of adding up “several penalties” provided for in Article 60 of this Code, its term may be set up to twenty-five years. But this rule also needs to be clarified, in this case we are not talking about punishments for several crimes, but about the addition of punishments for several sentences. That is, the requirements of Article 59 of the Criminal Code and Article 60 of the Criminal Code must be met. Therefore, the text of article 50 part 5 of the Criminal Code should be changed to “sentence for several convictions”.

In conclusion, it should be said that the modernization of the society of Uzbekistan, especially the timely identification of promising measures aimed at increasing the effectiveness of the fight against crime, will undoubtedly contribute to a more effective implementation of the goal of criminal punishment. In our small study, we tried to focus on these aspects.

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