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## **FEATURES OF APPLICATION OF COERCIVE MEASURES TO MINORS AND EXEMPTION FROM LIABILITY OR PUNISHMENT**

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### **ABSTRACT**

This article talks about the procedure and conditions for applying coercive measures to minors, specific features of exemption from responsibility or punishment with the use of coercive measures. The article also provides explanations on the legal regulation of liability or exemption from punishment, the legal status of minors who have committed a crime. It was told about the role of coercive measures for minors in the prevention of crimes.

### **KEYWORDS**

Minors, coercive measures, crime, exemption from punishment, apology, elimination of damage, special educational institution, humanitarianism.

### **INTRODUCTION**

Before talking about the use of coercive measures against minors, their responsibility and the conditions for exemption from punishment, it is necessary to have an understanding of minors. According to the current legislation of the Republic of Uzbekistan, citizens under the age of 18 are recognized as minors. The Constitution of Uzbekistan provides the rights of minors, like all citizens, to education, work, rest, and ownership.

Also, the criminal law defines the responsibility of persons who committed a crime under the age of 18, strictly limited types of punishments assigned

according to the criminal law. These types of punishment are specified in Article 81 of the Criminal Code of the Republic of Uzbekistan and include the following: fine, compulsory community service, correctional work, restriction of freedom, deprivation of freedom. These are assigned depending on the type and nature of the crime, and other types of punishment or additional penalties cannot be imposed on minors. The criminal law significantly reduces the amount and terms of punishment for juvenile offenders.

Exoneration from criminal responsibility means the completion of criminal legal relations, exemption from punishment means not applying criminal punishment to the person who committed the crime. The principle of humanitarianism in criminal law, the ideas of saving criminal legal repression and its purposeful use are reflected in the institution of exemption from punishment or responsibility.

Exemption of minors from responsibility or punishment with the use of coercive measures is one of them. Continuing the execution of the sentence may conflict with the task of quickly returning the offender to society.

The existence of the institution of release from criminal punishment or responsibility, to some extent, encourages the moral recovery of prisoners. When releasing a minor from punishment, the person is found guilty by the court, the sentence is not imposed, but a coercive measure is determined. In accordance with the requirements of Article 87 of the Criminal Code, coercive measures are used by the courts instead of criminal punishment to release minors from criminal punishment. Determining the list of coercive measures that can be applied to minors in the law ensures the uniformity of judicial practice in this area. Exemption from criminal punishment with the use of coercive measures is carried out only by the court. Coercive measures have an educational nature. When applying a coercive measure, the court must aim at the goal of re-education. At the same time, this measure used by the court has the nature of coercion. This is expressed in the execution of the coercive measure only on the application by the court and independent of the discretion of the minor or his legal representative. The implementation of this impact measure is ensured by state authorities. Thus, if the coercive measure has an educational nature according

to its structure, it has a mandatory nature according to its execution.

According to the current procedures, if a minor commits a crime punishable by imprisonment for less than five years for the first time, or if he repeatedly commits a crime with a low social risk, the court may release him from punishment. But in this case, the court should consider the issue of coercive measures against him. When releasing minors from punishment and applying coercive measures, the identity of the culprit and the characteristics of the case are taken into account.

Based on the rules of interpretation of the criminal law, a minor who has committed a crime of low social risk may be released from punishment if he has committed such a crime before. However, according to the law, this crime must be committed only repeatedly. This type of exemption from punishment cannot be used if the committed crimes constitute a set of crimes together with crimes provided for in another article of the Special Part of the Criminal Code of the Republic of Uzbekistan, or in a different part of the same article. A juvenile offender can be exempted from punishment by applying coercive measures only if a minor crime was committed intentionally. However, this type of immunity cannot be used if a minor crime was committed due to negligence.

In order to apply a coercive measure, the following circumstances must exist:

- 1) the person was under 18 years of age at the time of committing the crime;
- 2) if he has committed a minor crime for the first time or a crime with a low social risk repeatedly;
- 3) if it is possible to educate a person without applying punishment;

4) if the level of development is far behind compared to his age and he has not realized the nature of his act.

In order to determine the level of mental development of a minor, the court appoints a forensic psychiatric examination and, according to the conclusion of the examination, resolves the issue of release from criminal punishment by applying coercive measures.

When applying coercive measures and exempting from punishment, the court may take into account the identity of the guilty person, the time, place, circumstances, method, form of the crime, the motive and purpose of the crime, and the amount of the damage caused. Coercive measures differ from each other according to their structure. Each measure of influence has its own characteristics in the upbringing of minors. According to Article 88 of the Criminal Code, there are the following types of coercive measures:

- 1) imposing an obligation to apologize to the guilty victim in the manner determined by the court
- 2) imposing the obligation to compensate the amount of damage caused
- 3) placement of a minor in a special educational institution

An apology is the least coercive measure. This type of coercive measure consists in apologizing to the victim in accordance with the procedure determined by the court. This coercive measure is carried out in front of the victim in the court session, at the place of work, in the place of residence of the victim or the perpetrator, in the presence of interested parties. This coercive measure requires the perpetrator to apologize to the victim in the order determined by the court.

The obligation to eliminate the damage caused can be assigned to a person who has reached the age of

sixteen, on the condition of paying from his own funds or eliminating it with labor. The procedure and period of implementation of this coercive measure shall be determined by the court.

Placing a minor in a special educational institution is a very severe form of coercive measure. The special educational institution is designed to provide mental, medical and social rehabilitation of adolescents with deviant behavior, including correction of their behavior and adaptation to society, as well as to create conditions for the education of adolescents.

## CONCLUSION

In conclusion, releasing minors from liability or punishment using coercive measures is listed in Article 88 of the Criminal Code of the Republic of Uzbekistan and serves to return minors to society by offering a new mechanism in addition to these coercive measures.

The norm on the release of minors from punishment or responsibility with the use of coercive measures is of great importance in ensuring the principle of humanity and solving the issue of responsibility of minors. In this regard, it is justified to consider the issue of release from punishment of a minor who has committed a crime of low social risk again or committed a minor crime for the first time.

## REFERENCES

1. O'zbekiston Respublikasining Jinoyat Kodeksiga sharh. (Umumiy qism) // M.Rustamboyev – Toshkent.: “Adolat”, 2016.
2. Criminal Code of the Republic of Uzbekistan
3. State laws of the Republic of Uzbekistan
4. Internet materials