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DRAWING ATTENTION TO CRIMES IN THE FIELD OF CONTROL OVER INCENTIVE NORMS

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ABSTRACT

This article examines the fact that in a modern market economy, in which entrepreneurial activity is widely developed, the introduction of penalties, and not the use of incentive norms in the commission of criminal acts related to economic activity. Our current criminal legislation provides for more exemption from punishment in incentive norms, therefore today in the criminal legislation there are proposals for improving incentive norms aimed at exemption from liability.

KEYWORDS: *Incentive Norm, Harm Caused, Crime, Criminal Liability, Release From Criminal Liability, Release From Criminal Punishment.*

INTRODUCTION

Punishment is central to criminal law theory and criminal law. It is a state-specific coercive measure applied by the state to a person who has committed a crime. Criminal punishment is also the main means of implementing the criminal policy of the state, the effectiveness of the application of criminal law.

Sentencing is a crucial aspect of the administration of justice in a criminal case. The punishment chosen by the court should be a real criterion indicating the level of social danger of the crime committed, as well as the shortest path to the moral recovery of the offender, a practical tool to prevent the convict and other persons from committing crimes [1]. Sentencing is one of the key links in the process of criminal protection of social relations. The importance of the institution of sentencing is explained by the fact that punishment itself is a key element in the system of criminal protection mechanisms, and the effectiveness of its influence on the correctness and effectiveness of the process of choosing a state coercive measure [2]. The imposition of a fair punishment serves to increase the effectiveness of its intended purpose - the moral correction of the convict, the prevention of the commission of new crimes by the convict and other persons

[3]. Observance of the principles of legality, equality of citizens before the law, humanity, justice of the Criminal Code of the Republic of Uzbekistan is important in sentencing.

In particular, the merits of the act should be determined only by the Criminal Code, the impossibility of illegal punishment, the absence of punishment and other legal measures for the purpose of physical torture or humiliation of human dignity, moral rehabilitation of the perpetrator and prevention of new crimes it is reinforced that the necessary and sufficient punishment or other remedial action should be taken.

With the development of social life, improvement of criminal law is required. Today, the country is carrying out reforms aimed at liberalizing the criminal punishment system, reducing repressive penalties for crimes of low social risk.

It should be noted that the importance of the implementation of criminal incentives is in the context of criminal relations. Due to the fact that one of the participants in the criminal relationship has committed an act specified in the incentive norm, this legal fact gives rise to another incentive legal relationship within the existing criminal relationship [4]. In particular, PF-4848 "On additional measures to ensure the rapid development of entrepreneurial activity, comprehensive protection of private property and improving the quality of the business environment" adopted on 5 October and the Judicial System adopted on 21 October The Decree of the President of the Republic of Uzbekistan No. PF-4850 "On measures to further reform and strengthen the guarantees of reliable protection of the rights and freedoms of citizens" also highlights the issues of expanding the application of incentive norms.

In particular, these Decrees provide for a number of incentive norms, which include:

First, administrative and criminal liability, fines and financial sanctions (except for penalties) in the absence of cases of damage to human health and life, provided that the first offenses committed by business entities are voluntarily remedied and compensated for material damage within the period prescribed by law; exemption from application;

secondly, an incentive for exemption from administrative and criminal liability in the case of first-time offenders who voluntarily reimburse the damage within one month from the date of the offense, register as a business entity and draw up the necessary permits introduction of norms;

thirdly, the non-application of a certain penalty of deprivation of the right to conduct business activities to business entities for the commission of crimes related to entrepreneurship and economic activity.

Based on the above, it can be said that the wide application of incentive norms in the imposition of penalties for crimes committed by business entities in the above-mentioned Decrees means the liberalization of criminal penalties.

In turn, it should be noted that from April 1, 2017, in order to ensure the priority of human rights and freedoms, to strengthen the guarantees of fairness and humanity of punishment, criminal penalties in the form of imprisonment are depenalized and replaced by non-custodial alternatives. This change is a logical continuation of the policy of liberalization of criminal penalties, the implementation of modern forms and methods of educational and correctional measures against offenders in the national criminal law.

In our view, it is time to move away from repressive, that is, less punitive, to the use of incentives in the imposition of criminal penalties not only on business entities, but also on individuals who have committed low-risk and less serious crimes. "Instead of being re-educated, convicts sent to penitentiaries are mastering all the rules of the criminal world and becoming 'professional' criminals [5]. In developed foreign countries, including Japan, the United Kingdom, the United States, France, and Switzerland, first-time offenders are rarely punished by imprisonment. In most cases, incentive norms are widely used in sentencing when a person voluntarily compensates for the damage caused by the crime and takes measures to eliminate the socially dangerous consequences.

In the institutions of the General Part of the Criminal Code, only the crime committed and the social danger of the perpetrator are required to be taken into account in sentencing.

In conclusion, the application of incentives in the imposition of criminal penalties in the national criminal law will ultimately improve the widespread use of alternatives to imprisonment in the penal system, expand the use of alternative punishments, including the wider use of penalties that do not exclude the individual from society. serves to increase.

According to the Law of the Republic of Uzbekistan "On Amendments and Addenda to the Criminal, Criminal Procedure Codes and the Code of Administrative Liability of the Republic of Uzbekistan in connection with the liberalization of criminal penalties" of August 29, 2001, no punishment in the form of imprisonment was imposed.

The possibility of applying economic sanctions in the form of fines instead of imprisonment in criminal cases in the economic sphere has been significantly expanded. The form of punishment in the form of confiscation of property, which is completely contrary to the principles of humanity, has been removed from the criminal justice system.

In addition, Article 11 of the Criminal Code provides for the non-imposition of a penalty of imprisonment in the event of compensation for pecuniary damage. As a result of the ongoing reforms, non-custodial penalties will be imposed on the guilty party for compensation for material damage caused by economic crimes.

As a result of the ongoing reforms, the principles of the law, such as justice and humanity, are being strengthened and put into practice, first of all, by reducing the number of repressive, custodial sentences.

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