



## IMPROVING ACCOUNTABILITY FOR WOMEN'S CRIME

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### Annotation

At the core of the reforms carried out in our country in recent years is the principle "For human dignity". It can be seen that the rights and freedoms of every person, including women, whose place in our society is incomparable, are guaranteed. It is an exaggeration to say that the main goal of these reforms is to prevent crimes committed by women, to eliminate the reasons for their commission and the reasons that enable them, to eliminate the conditions, to improve the issues of criminal liability and criminal punishment applied to them. a will not. We can see that in the new Constitution, which is expected to be adopted, women and men have equal rights, and the guarantees of human rights and freedoms have been raised to a high level in the application of responsibility issues.

**Key words:** Women's crime, responsibility for crime, sentencing women, mitigating circumstances, aggravating circumstances, presence of young children of the culprit, forced labor .

Reforms and updates implemented in our country are primarily based on the principle of "for human dignity". In order to further reveal this principle, I chose the topic of women's responsibility for crime. This article describes the role of women in our society, their living conditions, and the issues of how to apply responsibility for their illegal actions and crimes. First of all, let's define the concept of women's crime . month, one year, two years and other periods) including the set of all crimes committed by women (over 14 years old), defined by the specified quantity and quality indicators, of a hidden nature, relatively public , an objective, historically changing, socially dangerous, socio-legal phenomenon." is understood as

Analysis of the legislation on the application of measures of responsibility to women for the crimes mentioned above. The term "responsibility" is used in the following meanings: 1) obligation; 2) coercive measures, punishment; 3) protective socio-legal relationship . Based on this explanation, the term "responsibility" is used in two aspects, denoting subjective and objective factors. Responsibility means , firstly, a person's understanding and fulfillment of his duties and obligations to other people, society, and the state; secondly, it is envisaged that a person who violates his duties and obligations by other people, society and the state will be negatively evaluated and punished.

The Constitution of the Republic of Uzbekistan, the Criminal Code of the Republic of Uzbekistan, the Code of Administrative Responsibility of the Republic of Uzbekistan, the Criminal Procedural Code of the Republic of Uzbekistan, the Republic of Uzbekistan The Criminal-Executive Code is directly included among the basic documents. Because they specify the circumstances in which the norms applying responsibility for crimes and offenses to women can be defined, appointed, and enforced, the circumstances that exclude or mitigate responsibility, and the circumstances that must be taken into account when imposing a punishment are specified. .



As stated in Article 26 of the Constitution of the Republic of Uzbekistan, " Every person accused of committing a crime shall not be considered guilty until the case of a person accused of committing a crime is considered in court in a legal manner and publicly, and his guilt is determined." All conditions for self-defense shall be provided to the person accused in the court. That is, it has been emphasized that the gender of the person who can be prosecuted does not make any difference, and only the person whose guilt has been publicly proven in court can be prosecuted. Such a norm is stated in Article 11 of the "Universal Declaration of Human Rights" adopted on December 10, 1948 as follows: " Everyone accused of a crime has the right to be presumed innocent until proven guilty in a public hearing, with all opportunities for a defense provided. No one shall be punished for an act or omission which, at the time it was committed, was not a crime under national law or international law. Also, a heavier punishment than the one that could be applied at the time of the crime cannot be imposed. "

Article 16 of the Criminal Code of the Republic of Uzbekistan states " Criminal responsibility and its grounds " and defines it as follows: is the legal consequence of committing a crime expressed in the application of a measure of influence. Based on the above, responsibility for the crime: 1) according to its legal content, the legal consequence of the crime; 2) occurs as a result of a socially dangerous and criminal act; 3) it is expressed in the state coercion in the form of a judgment by the court, and is reflected in the application or non-application of criminal punishment or other non-criminal measures of influence on criminal law; 4) criminal law relations are established, implemented and terminated; 5) appointed only by the court.

According to the content of a specific legal relationship, criminal responsibility for women's crimes can be carried out in the following forms: 1) sentencing the accused without imposing a punishment; 2) assigning a punishment to the accused, but issuing a sentence without actually executing it; 3) sentencing by imposing a punishment on the accused and executing it; 4) imposing a punishment as a coercive medical measure on the accused and issuing a sentence by carrying it out in practice; 5) use coercive measures against minors without imposing punishment. Sentencing of accused women without punishment is carried out if the following grounds exist: in connection with the expiration of the term of prosecution (Article 64 of the Criminal Code), in connection with the fact that the act or person has lost social danger (C. Art. 65), in connection with the fact that the guilty person regrets his act (Article 66 of the Civil Code), in connection with reconciliation (Article 661 of the Civil Code), due to illness (Art. 67 of the Civil Code), on the basis of the amnesty act requires that there are cases when it is impossible to bring a person to criminal responsibility or, taking into account the nature of the committed act and the social danger of the guilty person, it is possible to educate a person without bringing him to criminal responsibility.

The imposition of punishment on accused women, but without actually executing it, is carried out if there are the following grounds: 1) the deadline for the execution of the punishment has passed (Article 69 of the Criminal Code); 2) loss of a person's character of social danger (Article 70 of the Civil Code); 3) that the culprit actually regretted his act (Article 71 of the Civil Code); 4) making a conditional sentence (Article 72 of the Civil Code). When the convict is partially released from the punishment, he will serve only a part of the punishment imposed by the court and the unspent part will be released or



this part of the punishment will be replaced by a lighter punishment. This group includes the following: 1) parole before serving the sentence (Article 73 of the Civil Code); 2) replacing the punishment with a lighter one (Article 74 of the Criminal Code). Exemption from punishment due to illness or incapacity for work (Article 75 of the Civil Code) and on the basis of an amnesty act or pardon (Article 76 of the Civil Code) - depending on its nature, it is like full and partial exemption from punishment. can be.

The following punishments may be imposed on the accused during sentencing and execution of the accused women: 1. Punishments not related to deprivation of liberty (fine, deprivation of certain rights, compulsory community service, correctional work, service restriction on, restriction of freedom). 2. Penalties related to deprivation of liberty (sent to a disciplinary unit, deprivation of liberty, life imprisonment).

In the Republic of Uzbekistan, in Article 55 of the Criminal Code of the Republic of Uzbekistan, the following mitigating circumstances are considered:

- a) to plead guilty, sincerely repent, or actively assist in solving a crime;
- b) voluntary elimination of the damage caused;
- c) committing a crime due to difficult personal and family conditions or in other difficult situations;
- g) committing a crime due to coercion or financial, service or other dependence;
- d) committing a crime in a state of strong emotional excitement caused by violence, severe insult or other illegal actions of the victim;
- e) committing a crime beyond the reasonable limits of necessary defense, last necessity, causing harm in the case of catching a person who has committed a socially dangerous act, taking a reasonable risk related to professional or economic activity;
- j) committing a crime by a minor;
- z) crime committed by a pregnant woman;
- i) committing a crime under the influence of the victim's illegal or immoral behavior.

In the Republic of Uzbekistan, in Article 56 of the Criminal Code of the Republic of Uzbekistan, the following are considered as aggravating circumstances:

- a) against a woman whose pregnancy is known to the perpetrator;
- b) against a young child, the elderly or a disabled person;
- v) against a person or his close relatives in connection with the performance of official duty or civic duty;
- g) in relation to a person dependent on the offender financially, in terms of services or in other ways;
- d) with extreme cruelty;
- e) in a way that is dangerous for many people;
- j) using a young child or a person whose mental state is clearly disturbed;
- z) the occurrence of serious consequences as a result of the crime;
- i) using the conditions of a general disaster or during a state of emergency or in the course of public disturbances;
- k) with malicious or other low intentions;
- l) on the basis of racial or national enmity or enmity;



- m) by a group of persons with prior collusion or by an organized group or criminal association;
- n) repeated or intentional new crime of a person who committed a crime before;
- o) committing a crime while intoxicated or under the influence of narcotic drugs, their analogues, psychotropic substances or other substances that affect a person's intelligence.

When studying the legislation of foreign countries in determining responsibility for the crime of women, it can be seen that some cases related to women are included in their legislation as extenuating circumstances. For example, in the criminal laws of the Republic of Belarus (Article 63, paragraph 1, paragraph "5") and the Russian Federation (Article 61, paragraph 1, paragraph "g"), there is a mitigating penalty for "the presence of young children of the guilty party". although it is provided as a circumstance, according to the Criminal Code of the Russian Federation, the presence of a young child of the guilty person is considered a mitigating circumstance without any additional requirements, that is, living with the child, raising him and financially supporting him. the fact of provision will not be officially important, but according to the Belarusian JK, this situation is considered a mitigating circumstance only if the young child is under the care of the guilty party . The need for a young child to be under the care of the guilty party is also confirmed in the Azerbaijan JK. The Armenian criminal law establishes that at the time of sentencing, a child under the age of 14 must be under the care of the offender as an additional condition to find this circumstance mitigating the sentence. Similarly, the criminal laws of the Republic of Kazakhstan and Tajikistan, as well as the Criminal Code of the Russian Federation, consider the fact that the perpetrator has a young child as a mitigating circumstance. The Criminal Code of Turkmenistan considers the fact that the perpetrator has young children, as well as the fact that he has a large family, as a mitigating circumstance. The criminal law of the Republic of Moldova expresses this situation in a slightly different form, reflecting the presence of minors in the family of the perpetrator as a mitigating circumstance. In the criminal laws of the Kyrgyz Republic (Article 54) and Ukraine (Article 66), although the above situation is not directly reflected in the list of mitigating circumstances, in practice it is a mitigating circumstance. can be evaluated as a condition. In all of the above CIS countries, "the presence of a young child" can be used as a mitigating circumstance for both men and women who have a child under the age of 14 under their care, but the interesting thing is that according to the Criminal Code of Mongolia, only " "Committing a crime by a woman under 7 years of age under her care" can be evaluated as a mitigating circumstance.

Based on the conducted studies, it is appropriate to make the following proposals to the legislative field: **firstly** , to add the type of punishment called Forced labor as a type of punishment to Article 43 of the current Criminal Code. This practice was added to Articles 44 and 53 <sup>1</sup> of the Criminal Code of the Russian Federation on December 7, 2011 and is described as follows: " in the cases provided for in the relevant articles of the Special Part of this Code, minor or moderate crime is used as an alternative measure to deprivation of liberty for committing or committing a serious crime for the first time. If the court has imposed a punishment in the form of deprivation of liberty and comes to the conclusion that it is possible to correct the prisoner in places of deprivation of liberty without actually serving the sentence, make a decision to replace the punishment of deprivation of liberty with the punishment of deprivation of liberty with compulsory labor for the convict. does. Forced labor is not allowed when the



court imposes a sentence of imprisonment for more than five years. In accordance with Article 80 of this Code, the punishment of deprivation of liberty is replaced by forced labor.

Forced labor consists in bringing the convict to work in places designated by the institutions and bodies of the penal system. Forced labor is assigned for a period of two months to five years. In accordance with Article 80 of this Code, except for cases where the punishment in the form of deprivation of liberty is replaced by forced labor.

From five to twenty times of the salary of a person sentenced to forced labor is deducted from the state income and transferred to the account of the relevant regional body of the penal system.

If the convict evades serving the compulsory labor or the convict is found to have deliberately violated the order and conditions of the compulsory labour, the unserved part of the sentence shall be replaced by one day of imprisonment.

Forced labor shall not be imposed on minors, persons recognized as disabled of the first or second group, pregnant women, women with children under the age of three, women over the age of fifty-five, men over the age of sixty, as well as military personnel. done

Secondly, Article 46 of the current Criminal Code, i.e. punishment for correctional work, " If a person refuses to serve more than one-tenth of the period of correctional work appointed by the court, the court shall replace the unexpired term of his work with a punishment in the form of restriction of freedom or deprivation of freedom for the same period . This clause is amended as follows: " If a person refuses to undergo correctional work ordered by the court, the court shall replace the unexpired period of correctional work with a punishment in the form of restriction of liberty or deprivation of liberty for the same period." or "If the person refuses to serve more than one-tenth of the total period of correctional work appointed by the court, the court shall limit the unexpired period of correctional work to the same period of restriction of liberty or deprivation of liberty shall be replaced by a punishment in the form of punishment, and in the event that the person refuses to complete less than one-tenth of the period of correctional work appointed by the court, the correctional work shall be replaced by a penalty of 4 hours and 1 day of forced labor .

Thirdly, as an addition to Article 55, Part 1, Clause "z" of the current Criminal Code, it would be appropriate to add the following sentence: "The culprit has a young child." This norm is present in the Criminal Codes of many CIS countries.

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# Academicia Globe: Inderscience Research

ISSN: 2776-1010      Volume 4, Issue 4, April, 2023

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