



**RECONCILIATION WITH THE VICTIM AS A BASIS FOR EXEMPTION FROM
CRIMINAL LIABILITY**

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Annotation

This article examines the understanding of the essence of the reforms carried out in the Republic of Uzbekistan, the essence of the laws being adopted and their impact on other legal norms. The author carried out a comparative analysis of legislation, a discussion of the principles of exemption from liability of the reconciliation process.

Keywords: Institute of reconciliation, crime, judicial reform, method.

Introduction

As a result of reforms and fundamental changes carried out during the years of independence of the Republic of Uzbekistan, deep changes have occurred in the socio-political, economic and spiritual life of our country.

Literature Review

The Institute of reconciliation embodies our age-old values, such as forgiveness, humanity, tolerance, characteristic of our people. After the adoption by the Oliy Majlis of the Republic of Uzbekistan of the law of the Republic of Uzbekistan “On amendments and additions to the criminal, criminal and procedural codes of the Republic of Uzbekistan and the Code of administrative responsibility in connection with the liberalization of criminal penalties” on August 29, 2001, a new institute was introduced in the field of criminal

Research Methodology And Empirical Analysis

The conduct of reconciliation proceedings is one of the types of termination of a criminal case between a person affected by a crime and a guilty person (suspect, accused or defendant) who committed a criminal act for the first time by agreeing to an agreement on the full restoration of the pre-criminal status of the victim and the elimination of damage caused. As Z.F.Inomjonova noted “another significance of the Institute of reconciliation is that the criminal case is quickly subjected to a preliminary investigation for short periods in a simplified manner, and then, having seen the content in court, finds a legal end at this stage, as a result of which excessive sanctification ends. The most important thing is that no stamp of conviction is printed on the fate of a person” [2]. Such an opinion also noted by B.X. Polatov. Indeed, simplifying the procedure for conducting a criminal case is an issue in the main focus of judicial and legal reforms carried out in our country. This means that the application of the institution of reconciliation is in tune with the goals of the judicial reform being carried out [3].



It should be noted that over the past years, the scope of criminal content in which the institution of reconciliation can be applied in our country has been gradually expanded. In 2001, the number of such criminal content was 27, while by the laws of August 27, 2004 and December 31, 2005, the number of criminal content that can be released from criminal liability was increased to 42. In accordance with the law of the Republic of Uzbekistan “on amendments to Article 661 of the Criminal Code of the Republic of Uzbekistan” adopted on April 3, 2009, the number of such criminal content was increased to 11 more, and the number of criminal content that can be applied to this institute reached 53. On December 29, 2012, the law of the Republic of Uzbekistan No. 345 “on amendments and additions to certain legislative acts of the Republic of Uzbekistan” was adopted. According to this law, the first part of Article 661 of the Criminal Code of the Republic of Uzbekistan was supplemented by four more criminal structures.

At the moment G'.Abdumajidov noted that " the conduct of reconciliation proceedings justified its effectiveness as a new procedural institution and plays an important role in the direction of liberalization [4]. Listening to proposals aimed at its wider application, it is advisable to further expand the category of criminal cases that can be terminated in connection with reconciliation, and in some cases to allow the termination of the criminal case with the consent of the victim, although the damage caused by the crime has not been paid.

In our opinion, it is advisable to expand the range of criminal content in which it is possible to apply the institution of reconciliation in the future. For this reason, more broadly applying the institution of reconciliation to practice, article 661 of the Criminal Code would be appropriate if all criminal contents that are not at great social risk were included, as well as crimes committed as a result of negligence, the law provides for imprisonment for up to 5 years.

In addition, Z.F.Inomjonova and O.M.Madaliev also commented on the prospects for improving this institution, saying that “in order to ensure that the court decision is issued only according to the law, the accused, his defender and legal representative should also give the right to appeal, asking for “proceedings on Reconciliation”, their petition, of course, the victim, it would be appropriate if an amendment was made to the law, binding on the structure of the “protocol”, to be discussed jointly by its defender or legal representatives and the person who is resolving the law, and what agreement was reached” [5].

Conclusion And Discussion

In place of the conclusion, we can say that the above situations require the conciliator-mediator (mediator) to carry out his activities. However, since the activities of such conciliators (mediators) in Uzbekistan are not legalized, if the participation of these persons in conciliatory relations is ensured, in this case certain problems may arise, since this person will have to cooperate with the investigation, inquiry, prosecutor's office, Court, defender of the accused, legal representatives of the minor accused (parents, guardians, sponsors). In addition, the conciliator (mediator) is required to have good knowledge in criminal and criminal procedural norms, so that they acquire an imperative character in contrast to civil and civil procedural norms.



Accordingly, in the process of exemption from criminal liability in connection with reconciliation, in our opinion, it will be appropriate for us to introduce a conciliator (mediator). This situation raises the importance of this institution to a higher level and helps to protect the rights and legitimate interests of both the person who committed the crime and the victim.

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