

SOCIAL SIGNIFICANCE OF THE INSTITUTION OF CONVICTION

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Abstract. *There is an institution of conviction in criminal law, but it has a negative social significance. In Article 2 of the Criminal Code of the Republic of Uzbekistan, the tasks of the code are given, according to which it is recognized that "... it is also to prevent crimes, to educate citizens in the spirit of compliance with the Constitution and laws of the republic." Therefore, it is better to educate citizens in the spirit of respect for the law and engage in prevention than to fight against the consequences of crime.*

Keywords: *conviction, citizens, recidivism, criminal responsibility, prosecution, amnesty act, compulsory community service, correctional works, restriction of liberty, imprisonment.*

СОЦИАЛЬНАЯ ЗНАЧИМОСТЬ ИНСТИТУТА ОСУЖДЕНИЯ

Аннотация. *В уголовном праве существует институт осуждения, но он имеет негативное социальное значение. В статье 2 Уголовного кодекса Республики Узбекистан даны задачи кодекса, согласно которым признается, что "...это и предупреждение преступлений, воспитание граждан в духе соблюдения Конституции и законов республики". Поэтому лучше воспитывать граждан в духе уважения к закону и заниматься профилактикой, чем бороться с последствиями преступлений.*

Ключевые слова: *осуждение, граждане, рецидив, уголовная ответственность, уголовное преследование, акт амнистии, обязательные общественные работы, исправительные работы, ограничение свободы, лишение свободы.*

So, what are the negative consequences of conviction?

First of all, "The social significance of conviction is that convicted persons are prohibited from engaging in certain activities. This situation prevents them from getting a job, occupying a certain profession, position, and being elected."

If a person commits a new crime before the conviction has ended or the conviction has not been removed, his situation will be aggravated.

Recidivism may occur depending on the nature and degree of social danger of the committed act. To better understand the nature of this issue, it is appropriate to refer to the decision of the Plenum of the Supreme Court of Uzbekistan "On the judicial practice on the application of the legislation on the completion and removal of the criminal record".

Criminal-legal consequences of conviction occur when a new crime is committed by a person whose conviction has not been completed or not removed and are expressed in the following:

- conviction in many cases affects the qualification of a crime, i.e. it increases criminal responsibility;

- conviction in certain cases is the basis for the recognition of a person as a very dangerous recidivist;

- conviction is important for determining the type of penal colony if the person has previously served a prison sentence;
- conviction is recognized as an aggravating circumstance;
- in cases where a new crime is committed by a person who is serving a sentence for a previously committed crime, the conviction causes stricter rules to be applied when determining the punishment according to the set of sentences;
- the presence of an incomplete or unexpunged conviction prevents the release of criminal responsibility due to the fact that the guilty person has actually repented of his act, and due to the fact that the person who committed the crime reconciled with the victim.

Article 77 of the Criminal Code of the Republic of Uzbekistan states that "convict is a legal status arising from the fact that a person has been convicted of a crime". At the same time, "conviction is the legal status of a person resulting from the imposition of punishment by a court sentence, and it is manifested in the occurrence of certain negative consequences of a criminal-legal and general legal nature against this person"

The beginning of the state of conviction is the date of entry into legal force of the conviction on which the punishment was imposed.

A person who has been released from criminal liability on the following grounds is considered unconvicted:

- in connection with the expiration of the term of prosecution;
- in connection with the fact that the act or the person has lost his social danger;
- in connection with the fact that the guilty person is actually sorry for his act;
- in connection with the fact that the person who committed the crime reconciled with the victim;
- due to the illness of the person who committed the crime;
- in connection with the application of the amnesty act.

There are issues that are important to know when studying the institution of criminal justice. One of them - the state of conviction is completed in the following terms:

- in relation to those sentenced to conditional sentences - from the day of the end of the probationary period set for the person by the court;
- after serving the punishments in the form of compulsory community service, restriction on service or sending to a disciplinary unit;
- one year after the date of execution of the fine, as well as after the completion of the punishments of deprivation of certain rights or correctional works;
- two years after serving the sentence of restriction of liberty;
- four years after serving a sentence of imprisonment for a term not exceeding five years;
- seven years after serving a sentence of imprisonment for a period of more than five years, but not more than ten years;
- ten years after serving a sentence of imprisonment for a period of more than ten years, but not more than fifteen years.

The next important issue is the issue of early removal of convictions. According to the Criminal Code, at the request of a person who has served a sentence or his representative, the court can remove his conviction after at least half of the above-mentioned periods have passed.

In addition, our legislation stipulates that persons who have served a sentence of fifteen years or more, as well as extremely dangerous recidivists, if they do not commit a new crime within fifteen years after serving the sentence, the court can remove their conviction.

Convictions serve the following purposes:

- in many cases, it allows to continue measures to educate persons who have served their sentence even after serving their sentence;

- it creates conditions to control persons who did not go to the right path during the serving of the sentence even after serving the sentence and thereby help them to go to the path of honest work;

- if a person commits a new crime, he refrains from committing a crime because he knows what serious consequences will arise for him.

These cases show the legal importance of the institution of conviction.

REFERENCES

1. <https://lex.uz/docs/111453>
2. <https://lex.uz/uz/docs/2793078>
3. Criminal law. (General part) Textbook for legal technical school students. Responsible editor: (PhD) H. Ochilov - T.: Adolat publishing house, 2020. p. 215.