

THE CONCEPT AND ESSENCE OF INCENTIVE NORMS IN CRIMINAL LAW

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Annotation: The article covers important information about the concept and essence of incentive norms in criminal law. On the other hand, procedural actions of the court were discussed.

Key words: *criminal legislation, incentive norms, judicial officials, professional participants, pre-trial cooperation agreement, economic entities, socio-economic contradictions.*

Annotasiya: Maqolada jinoyat huquqidagi rag'batlantirish normalarining tushunchasi va mohiyati haqida muhim ma'lumotlar yoritilgan. Boshqa tomondan, sudning protsessual harakatlari muhokama qilindi.

Kalit so'zlar: jinoyat qonunchiligi, rag'batlantirish normalari, sud organlarining mansabdor shaxslari, professional ishtirokchilar, sudgacha hamkorlik shartnomasi, xo'jalik yurituvchi sub'ektlar, ijtimoiy-iqtisodiy qarama-qarshiliklar.

Аннотация: В статье раскрыты важные сведения о понятии и сущности норм стимулирования в уголовном праве. С другой стороны, обсуждались процессуальные действия суда.

Ключевые слова: уголовное законодательство, нормы стимулирования, судебные чиновники, профессиональные участники, досудебное соглашение о сотрудничестве, хозяйствующие субъекты, социально-экономические противоречия.

It is clear that the imposition of a criminal penalty on a person found guilty of committing a crime entails the deprivation or restriction of certain rights and freedoms, that is, criminal law in a sense implies the punishment of a person guilty of committing a crime. However, the main goal of our criminal law is not to punish a person, but to correct him, to prevent him from continuing his criminal activity, as well as to prevent the commission of new crimes by both convicts and other persons. In this regard, incentive norms play an important role in criminal law when imposing punishments on persons found guilty of committing crimes, applying norms on the release of criminal liability or punishment to persons. An analysis of the current criminal legislation shows that the term «incentive norms» is not used in the Criminal Code; the content

of a number of articles shows that there are a number of incentive norms aimed at encouraging positive behavior and thereby preventing crimes, exposing them and eliminating the damage caused.

Creation of an effective system of criminal law is one of the priority tasks of the state to ensure legality and law and order, human rights and freedoms, the interests of society and the state, and reliable protection of peace and security. In particular, criminal legislation was further liberalized and certain categories of crimes were removed from criminal jurisdiction, and the list of non-custodial punishments was expanded. Comprehensive measures were implemented to expand the scope of application of the "habeas corpus" institution, to introduce a simplified procedure for proceedings in criminal cases, as well as to further strengthen the guarantee of the rights and freedoms of citizens in judicial investigation activities. The organization of law enforcement activities was fundamentally revised, based on the implementation of the noble idea of serving the interests of the people" by every employee. It will be necessary to review the system and criteria of crime classification by introducing alternative indicators that determine the level and nature of social danger of a criminal act. It is necessary to provide a reliable guarantee of the inevitability of responsibility for the persons who committed the crime.

It is desirable to improve the institutions of unfinished crime, participation in crime and several crimes by clarifying their criteria and characteristics, as well as eliminating existing conflicts between them. The Criminal Code requires the expansion of the incentive norms, including the reduction of the punishment or the norms establishing the conditions for the release of a person from criminal responsibility or punishment, and the improvement of the norms defining the circumstances excluding the criminality of the act. At this point, one of the priorities of the liberalization of the criminal law is related to the expansion of the sphere of application of incentive norms. Because the theory of criminal law, the strengthening of motivational norms in the criminal legislation and their correct application in practice have a significant impact on the drastic reduction of the latency level of the committed crime and the reduction of the costs of fighting against crime. Some experts believe that the system of legislative acts providing for monetary and other material incentives for citizens who actively contributed to the prevention and suppression of antisocial manifestations is an important direction of the institution of incentive norms. The adoption of such normative acts is the development of an active life position of citizens, based on the objective benefits of lawful behavior [2]. However, in our opinion, this reasoning is erroneous, since incentive norms are determined by criminal law and are associated with a criminal-legal assessment of a socially dangerous act of a person

encroaching on criminally protected objects. The so-called "bonus" public relations are regulated by the legislation on operational-search activities and administrative law. Knowledge and correct application of the provisions of the incentive norms of the criminal law is one of the criteria for determining the professional competence of law enforcement and judicial officials. Of course, the presence of incentive norms in the criminal law is a criterion for assessing the pre-criminal and post-criminal behavior of a person, but it is also important in preventing crime, educating people in the spirit of observing the Constitution and the laws of the republic.

Being strictly regulated by its form the procedure of procedural actions of the court and other professional participants of the process, involves the implementation of incentive rules, provided by the legislation in force, in the framework of the incentive form of criminal proceedings. The study has shown that the incentive form of proceedings can be implemented in criminal proceedings under the general procedure of court proceedings (implementation of restorative justice, reconciliation of the parties, termination of the criminal case on other non-rehabilitative grounds). The incentive form of legal proceedings is implemented directly in the context of simplified or accelerated court proceedings (when considering a criminal case under a special procedure, when entering into a pre-trial cooperation agreement, etc.). The analysis shows that encouragement in criminal proceedings is provided by the state in the form of relevant substantive rules providing grounds for exemption from punishment or grounds for preferential calculation of punishment. However, the state does not guarantee the implementation of such encouragement due to the discretionary powers of the authorized subjects and the plurality of persons involved in the incentive criminal procedure relations and their interests[3].

The experience of developed countries shows that the development of entrepreneurship plays a very important role for the introduction and improvement of market relations. Entrepreneurship is also a driving force for community development and the economic base of civil society. This is due to the fact that the formation of entrepreneurial activity in society creates opportunities for the realization of personal creative potential, encourages an initiative and innovative approach to the development of various forms of ownership in the field of competition. At the beginning of the twentieth century, the creation of a market for goods and services with a relatively low standard of living for the majority of the population, the development of various economic entities created a high level of criminogenic state of socio-economic contradictions and social relations. Therefore, the distribution of production and material values has led to the establishment of 'mass criminal control' over the activities of business entities, which negatively affects the economic security of the country[4]. In these

conditions, business activity needed not only an effective system of civil law regulation, but also adequate criminal legal protection.

To sum up all given facts above it should be noted that it is important to note that illegal interference of officials in business activities is a special type of official abuse in the sphere of economic activity. The main factors contributing to the increased public danger of illegal interference of officials in business activities are the following:

- 1) violation of the freedom of entrepreneurial activity guaranteed by the Constitution of the Republic of Uzbekistan by such an act;
- 2) the possibility of a negative impact on the competition of economic entities;
- 3) discrediting state authorities and local self-government bodies. The experience of criminal law protection of business activities in Uzbekistan is most useful for improving the protection of the rights and legitimate interests of business entities. In some countries where business activity has long been an organic part of the economy, criminal law protection of business activity is implemented through the application of general rules on crimes in the field of economic activity and official crimes.

REFERENCES:

1. Fayzullakhodja Sagdulla Ogli Djalolov. ISSUES FOR IMPROVING INCENTIVE STANDARDS IN CRIMINAL LAW. The American Journal of Political Science Law and Criminology (ISSN – 2693-0803) VOLUME 05 ISSUE 05 PAGES: 46-49
2. Nugmanov R.R. Development of the institution of incentive norms in the criminal legislation of the Republic of Kazakhstan. <http://185.107.174.154:8080/bitstream/handle/7171/282/978-601-7372-70-5%205-159-164.pdf?sequence=1&isAllowed=y>
3. Galina Rusman. Incentive Forms of Court Proceedings as an Element of the Transformation of the Criminal Process. <https://ijlcw.emnuvens.com.br/revista/article/download/14/4/46>
4. Ezhov Yu. a. Crimes in the sphere of entrepreneurship. Moscow, 2001. P. 5 11.