



## Research Article

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# Punishment for Unfinished and Participated Crimes

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**Abstract:** Persons found guilty of committing a crime shall be prosecuted only by a court verdict. Also, some crimes may not be completed as a result of subjective and objective reasons, and some crimes are committed in complicity. Everyone is responsible for their actions in committing a crime. This article describes the aspects that need to be taken into account in sentencing for crimes committed in incomplete and participatory crimes, their importance, as well as a comparative analysis of the situation in our national system with the study of foreign experience.

**Keywords:** Criminal Punishment, Preparation for a Crime, Assassination, Complicity in a Crime, Sentencing.

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## INTRODUCTION

Today, one of the main components of public policy is the administration of justice. This is where the principles of justice and humanity in the Criminal Code (hereinafter referred to as the Criminal Code) come into play. Because the amount and duration of the criminal punishment imposed on the perpetrator must be fair and commensurate with the social status of the person.

Goal 15 of the New Uzbekistan Development Strategy for 2022-2026 states that “it is necessary to establish effective judicial control over the activities of state bodies and officials and increase the level of access to justice for citizens and businesses ”(The Development of New, n.d.). . This indicates an increasing focus on the work of the judiciary and justice.

In the Republic of Uzbekistan, 183 criminal cases were considered in the courts of first instance in 2018, 28,846 in 2019, 30,282 in 2020, and 47,657 in 2021. Also, the number of people arrested in the courtroom in 1990 was 1990, in 2019 - 1542, in 2020 - 1747, in 2021 - 2707, while in 2018 the number of released persons was 3290, in 2019 3080 per year to 3434 in 2020 and 5930 in 2021. The dynamics of persons acquitted by the courts was 867 in 2018, 859 in 2019, 781 in 2020, and 932 in 2021. [2] If we look at these figures, we can see that the rate of criminal cases by the courts has increased in 2018 compared to 2018, as well as the rate of acquittals by the courts has increased.

## MATERIALS AND METHODS

As an analytical study, this article includes an analysis of scientific and theoretical sources and the basics of legislation. This article analyzes the scientific concepts of the field, the views of theoretical scholars, the current situation in the field in foreign countries, the possibilities and prospects of implementation in the national system.

The study used dialectical methods, standard-scientific methods, historical analysis-comparisons, systematic analysis methods, and standard logical methods - import, extract, analysis, compilation and special legal methods. The grammatical method of analysis was also used to interpret scientific literature and legal procedures

## RESEARCH RESULTS

Punishment is one of the key elements in the criminal protection of public relations. This is because punishment itself is a key element of this criminal protection mechanism, which determines how accurately and efficiently the process of selecting state sanctions is organized and effective. [3]

Preparation for a crime is defined as the suspension of an act that creates the conditions for the commission or concealment of an intentional crime until it begins to be committed in circumstances beyond his control (Article 25 § 1 of the CC). Assassination is the second stage of criminal activity. Under Article 25 § 2 of the CC, an intentional crime is considered an assassination if it is initiated and not completed due to circumstances beyond the control of the individual. [4]

The concept of complicity - according to Article 27 of the Criminal Code of the Republic of Uzbekistan, complicity is the joint participation of two or more persons in the commission of an intentional crime. Because participatory crime is a punishment and an aggravating circumstance, it is important to properly qualify the act and to know the concept of complicity in crime and its characteristics in ordering fair and lawful punishment. [5]

Article 58 of the Criminal Code of the Republic of Uzbekistan: In sentencing for an uncompleted crime, the court, taking into account the general principles of sentencing, also takes into account the gravity of the crime, the degree of criminal intent and the reasons for failure to complete the crime.

It is stated that the term or amount of punishment for preparation for a crime and attempt to commit a crime should not exceed three-fourths of the maximum penalty provided for in the relevant article of the Special Part of the Criminal Code. The code also states that this procedure does not apply. Nor can life imprisonment be imposed for uncompleted crimes. [6] In imposing a sentence for a crime committed in complicity, the court shall take into account the nature and extent of each participant's involvement in the crime. Mitigating and aggravating circumstances pertaining to the identity of each participant shall be taken into account by the court only when imposing a sentence on that participant. Only conspiracy to commit a crime and assassination should be recognized as an incomplete crime. Voluntary recidivism precludes criminal prosecution as an incomplete form of unlawful aggression. The severity of the punishment should also be commensurate with the stage of the crime. That is why it is impossible to prepare for a crime, to commit a crime, and to impose the same punishment for completed crimes. At the same time, it is important to determine its level of social danger.

Article 68 of the Criminal Code of Ukraine sets out the grounds for imposing penalties for crimes that have not been completed and committed with participation. According to him:

- In imposing a penalty for an incomplete criminal offense, the court, in accordance with the provisions of Articles 65-67 of the Criminal Code of Ukraine, shall take into account the gravity of the act committed by the person, the degree of criminal intent and the reasons for the crime. takes
- The term or amount of punishment for preparation for a crime shall not exceed half of the maximum term or amount of the most severe type of punishment provided for in the sanction of an article of a special part of the Criminal Code (sanction of a part of an article).
- The term or amount of the penalty for attempting to commit a criminal offense shall not exceed two-

thirds of the maximum term or amount of the most severe type.

- Imprisonment for preparation for a crime and attempted murder shall not be punishable by life imprisonment, except in cases of committing crimes against the principles of national security, peace and civil security of Ukraine under Articles 109-114-1.
- The court shall take into account the nature and extent of the participation of each of the participants in the commission of a criminal offense, in accordance with the provisions of Articles 65-67 of the Criminal Code, in imposing a penalty on the participants in the commission of a crime. [7] If we look at the cases provided for in this article of the Criminal Code of Ukraine, the preparation for the crime and the imposition of punishment for the assassination are provided separately, ie more than half of the maximum sentence provided for in the Special Part for the preparation for the crime and not more than two-thirds. According to the current Criminal Code of the Republic of Uzbekistan, the maximum penalty for preparation for a crime and assassination should not exceed two-thirds. In other cases, we can see that the legal norms between the countries are similar.

According to Article 67 of the Criminal Code of Belarus:

- When imposing a penalty for an uncompleted crime, the nature of the actions committed by the offender and the degree of public danger, the degree of realization of the criminal intent and the circumstances in which the crime has not been completed shall be taken into account.
- The death penalty shall not be imposed for preparation for a crime or assassination. [8]

These cases are similar to those mentioned in the above-mentioned articles of the Criminal Code of Ukraine.

## CONCLUSION

In the course of the analysis of the imposition of criminal penalties for incomplete and participatory crimes, according to Article 58 of the Criminal Code of the Republic of Uzbekistan, “ but not more than three-quarters of the maximum sentence provided for in Article 1 of the Criminal Code of Ukraine. Assassination is considered more socially dangerous than preparation for a crime. In this regard, we consider it necessary to make the following changes:

First, Article 58 of the Criminal Code establishes a separate procedure for preparing a crime and imposing a penalty for attempted murder. (Experience of the Ukrainian state).

Second, Article 30 of the Criminal Code stipulates that organizers, witnesses and accomplices, who are types of participation in a crime, are also liable under the article of the Criminal Code, which stipulates the responsibility of the executor. However, the gravity of the task varies according to the circumstances of the crime. Penalties for participation should also be differentiated according to their level and should be included in the article of the Criminal Code. Such changes could facilitate the imposition of penalties on the judiciary and eliminate many aspects of a judge's internal confidence. Those found guilty of a crime must be given a sufficient and necessary punishment by a court in order to achieve the intended purpose of the punishment.

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