

THEORETICAL AND METHODOLOGICAL FOUNDATIONS, SIGNS: GOALS AND OBJECTIVES OF LEGAL RESPONSIBILITY

Kayumov Zokir Ergashevich - independent candidate of TSUI

Annotation. The article analyzes the theoretical and methodological foundations, signs and objectives of legal responsibility. The author examines the legal system and the problem of legal responsibility in it, as well as issues of crime and punishment. The registration system has been liberalized on the basis of international standards, according to which the development of the judicial sphere, in particular the system of exemption from legal liability, is an urgent problem of today, as well as a widely studied topic in the world experience, and the author has studied this relevance.

Keywords: law, international, legal system, standards, liberalization, judicial and legal sphere, legal responsibility

ЮРИДИК ЖАВОБГАРЛИКНИНГ НАЗАРИЙ-МЕТОДОЛОГИК АСОСЛАРИ, БЕЛГИЛАРИ ВА МАҚСАДЛАРИ

ҚАЮМОВ ЗОИР ЭРГАШЕВИЧ-ТДЮУ мустақил изланувчиси

Аннотация. Мақолада Юридик жавобгарликнинг назарий-методологик асослари, белгилари ва мақсадлари таҳлил этилган. Муаллиф томонидан ҳуқуқ тизими ва унда жиноят ва жазо масалалари билан бирга юридик жавобгарлик масаласига эътибор қаратилган. Ҳуқуқ тизими халқаро стандартлар асосида либераллаштирилиб, унда суд-ҳуқуқи соҳасини, хусусан юридик жавобгарликдан озод қилиш тизимини ривожлантириш бугунги куннинг долзарб муаммоси бўлиб, жаҳон тажрибасида ҳам кенг тадқиқ этилаётган мавзу бўлиб, муаллиф ана шу долзарбликни ўрганган.

Калит сўзлар: ҳуқуқ, ҳуқуқ тизими халқаро, стандартлар, либераллаштириш, суд-ҳуқуқ, соҳа, юридик, жавобгарлик.

ТЕОРЕТИКО-МЕТОДОЛОГИЧЕСКИЕ ОСНОВЫ, ПРИЗНАКИ: ЦЕЛИ И ЗАДАЧИ ЮРИДИЧЕСКОЙ ОТВЕТСТВЕННОСТИ

Каюмов Зоир Эргашевич - независимый соискатель ТГЮУ

Аннотация. В статье анализируются теоретические и методологические основы, признаки и цели юридической ответственности. Автор рассматривает систему права и проблему юридической ответственности в ней, а также вопросы преступления и наказания. Система регистрации была либерализована на основе международных стандартов, в

соответствии с которыми развитие судебной сферы, в частности системы освобождения от юридической ответственности, является актуальной проблемой сегодняшнего дня, а также широко изучаемой темой в мировом опыте, и автор изучил эту актуальность.

Ключевые слова: право, международная, правовая система, стандарты, либерализация, судебно-правовая сфера, юридическая ответственность.

In new Uzbekistan, under the leadership of the Head of State Sh.M.Mirziyoyev, in the wide-scale reforms implemented in all directions and fields, special attention is paid to improving the organizational and legal foundations of the system of protection of human rights and freedoms.

As the President of Uzbekistan Sh.M. Mirziyoyev noted, the establishment of New Uzbekistan is not just a desire, a subjective phenomenon, but a fundamental historical basis, which is required by the existing political-legal, social-economic, spiritual-educational situation in our country, and the people's It is an objective necessity that corresponds to the aspirations of the century and fully meets its national interests. New Uzbekistan is a country that develops on the basis of the principles of friendly cooperation with the world community, strictly following the universally recognized norms and principles of democracy, human rights and freedoms, and the ultimate goal of which is to create a free, prosperous and prosperous life for our people.¹

In these processes, the legal system is liberalized on the basis of international standards, in which the development of the field of judicial law, in particular, the system of exemption from legal liability, is set as a priority.

Today, the issue of exemption from legal responsibility is considered urgent for the international community, and countries and international organizations pay special attention to its causes and development trends. According to some international organizations, at least 183 regional conflicts will occur around the

¹ New Uzbekistan is becoming a country of democratic changes, wide opportunities and practical work 17.08.2021. Answers of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the questions of Salim Doniyorov, editor-in-chief of the "Yangi Uzbekistan" newspaper. <https://president.uz/uz/lists/view/4547>

world in 2023, which is the highest rate in the last 30 years.² According to the UN, trends in criminal responsibility are increasing in all regions, especially corruption-related crimes. Currently, the global damage of corruption is about 3 trillion US dollars.³ According to the researchers, in 2021 alone, more than 4.3 million people worldwide were charged with a crime, a 26% increase from 2019.⁴

From this point of view, many countries of the world and a number of international organizations are committed to comprehensively ensuring human rights, improving the legal system, preventing and eliminating crimes and violations, as well as developing the organizational and legal foundations of the institution of legal responsibility and exemption from it in the processes of liberalization of the legal system. practical measures are being taken.

In recent years, important programs aimed at state and society building, economic liberalization, support of private property and entrepreneurship have been consistently implemented in our country in the course of thorough reforms, and extensive reforms aimed at ensuring human rights have been implemented.

The Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. PF-60 on the strategy "Uzbekistan - 2030" was adopted in order to ensure the continuity of these reforms and bring the development of society to a new level.

Systematic work is being carried out to improve the judicial system, comprehensively ensure the rule of law, and develop the human rights system based on international standards. In this regard, in the last two years, 10 laws on law enforcement activities, about 40 decrees and decisions of the President, and

² Исследование: в 2023 году в мире произошло 183 региональных конфликта. 11.12.2023.

<https://realnoevremya.ru/news/298000-v-2023-godu-vo-vsem-mire-proizoshlo-183-regionalnyh-konflikta>

³ The speech of the President of the Republic of Uzbekistan Shavkat Mirziyoyev at the ceremony of awarding the high international award in the field of fight against corruption. 19.12.2023. <https://president.uz/uz/lists/view/6934>.

⁴ М. Акрамова. special grounds for exemption from criminal liability. 12.00.08 – criminal law. criminology. criminal law. Doctor of Philosophy (PhD) Dissertation in Legal Sciences. Tashkent - 2022

more than 60 government decisions were adopted.⁵ Ensuring the rule of law was defined as one of the main principles of the development of New Uzbekistan.⁶

As well as the changes made in all directions to the new version of the Constitution of the Republic of Uzbekistan, which was adopted by popular vote on April 30, 2023, the main guarantee of the rights of a person arrested on suspicion of committing a crime ("Miranda rule"), detention for a maximum of 48 hours until the decision of a civil court norms such as impossibility ("habeas corpus" institution) and the prohibition of the death penalty were reflected and strengthened at the level of the constitution.

The successful implementation of this practice in the country can be analyzed by the dynamics of increasing cases of acquittals by judicial authorities from year to year. In particular, during the years 2007-2015, courts considered 498,730 criminal cases against 688,354 persons, and 110 persons were acquitted, and during the years 2016-2022, 322,531 criminal cases were considered against 418,992 persons, of which 4,764 persons justified.⁷

At this point, in order to make the Constitution a directly working document, that is, to establish the practice of directly applying its norms in the courts, the decision of the Plenum of the Supreme Court was adopted on this issue.⁸ According to the decision, the provision of supreme legal force of the Constitution means that its norms prevail over all laws and other regulatory legal documents. Accordingly, it was noted that the courts should evaluate the content of the law and other legal documents regulating the legal relations under consideration and apply the norms of the Constitution as a normative legal basis with directly applicable supreme legal force.⁹

⁵ President: Our goal is to please our people by ensuring justice and the rule of law. 28.07.2023. <https://president.uz/uz/lists/view/6519>

⁶ President Shavkat Mirziyoyev's speech at the first plenary session of the Council of Foreign Investors under the President of the Republic of Uzbekistan. 11/16/2022. <https://president.uz/uz/lists/view/5702>

⁷ F. Primov. The institution of "habeas corpus": plays an important role in the guaranteed protection of human rights 17.06.2023. <https://khabar.uz/huquq/habeas-korpus-instituti-inson-huquqlarini>

⁸ Decision of the Plenum of the Supreme Court of the Republic of Uzbekistan, No. 16 dated 23.06.2023. <https://lex.uz/docs/6523654>

⁹ Decision of the Plenum of the Supreme Court of the Republic of Uzbekistan, No. 16 dated 23.06.2023. <https://lex.uz/docs/6523654>

In its constitution, the creation of a social state was defined as a strategic goal, and the principles of social justice and solidarity were introduced, and the constitutional foundations were strengthened, providing completely new mechanisms for the protection of human rights and freedoms.¹⁰

According to Article 29 of the Constitution, anyone convicted of a crime has the right to have the sentence reviewed by a higher court in accordance with the procedure established by law, as well as the right to petition for pardon or commutation of sentence. The rights of victims of crimes are protected by law. The state provides victims with protection and access to justice, creates conditions for compensation for the damage caused to them.¹¹ On the basis of this article of the Constitution, the right to amnesty of persons serving or having served a sentence has been strengthened at the constitutional level.

By amnesty, a citizen may be fully or partially released from punishment, or the punishment imposed by the court may be replaced by another lighter punishment, or the conviction may be removed. This practice is also applied to citizens of the Republic of Uzbekistan and citizens of foreign countries and stateless persons.

The purpose of punishing a person who has committed a crime is to re-educate him and make him realize his mistakes. That's why it is important to give people who have committed crimes because of their delusions an opportunity to wash away their guilt before the society and return them to the family. The policy of amnesty and resocialization of convicts used in recent years is actually giving its positive results. Since 2017, 22 decrees on amnesty have been adopted by the President, and these documents have had a positive effect on the fate of more than 6,000 people.¹²

Special attention is paid to the issue of exemption from legal responsibility in the reforms of the judiciary. In the congratulatory speech of the President of the

¹⁰ Decree of the President of the Republic of Uzbekistan on the first priority measures for the implementation of the newly revised Constitution of the Republic of Uzbekistan. No. PF-67 dated 08.05.2023

¹¹ Constitution of the Republic of Uzbekistan. <https://lex.uz/docs/6445145>

¹² Pardons benefit society. 17.04.2023. <https://zamon.uz/uz-to/detail/afv-etish-jamiyat-uchun-foyda-keltiradi-ozbekiston>

Republic of Uzbekistan, Sh.M. Mirziyoev, on the occasion of the 31st anniversary of the adoption of the Constitution, it is considered a priority to adapt judicial reforms to the new constitutional space, in this process, to direct the activities of courts and law enforcement agencies to the protection of human rights, freedoms and legal interests.¹³

From this point of view, the relevance of the topic is related to the following.

First of all, researching the legal nature of the institution of exemption from legal responsibility, improving its organizational and legal foundations, and adapting the relevant legislation to international standards are of urgent importance.

Secondly, to analyze the internal and external factors affecting the activity of the institution of legal responsibility and to develop proposals and conclusions regarding the improvement of the institution of exemption from administrative, economic, financial, civil and criminal responsibility in the national legislation.

Thirdly, legal liability as a multifaceted legal phenomenon is one of the effective elements of legal regulation. In recent decades, the crime situation around the world has become significantly more complicated. However, it has been historically proven that only negative legal responsibility measures cannot solve the problem of fighting crime. The modern legal policy of our country should be focused on strengthening positive legal responsibility, educating a law-abiding and law-respecting person, and eliminating legal nihilism. The relevance of positive legal responsibility is also explained by the fact that fundamental changes and processes occurring in the field of legal regulation force us to reconsider many basic theoretical rules related to legal responsibility.

Fourthly, there is no general opinion in legal science about the concept, essence, content, foundations, principles, tasks of positive legal responsibility. The theoretically correct solution of these issues largely determines the activity of the legislative and law enforcement bodies and the behavior of citizens. In addition, today the problem of positive legal responsibility is gaining priority in connection

¹³ Sh. Mirziyoev. Holiday greetings to the people of Uzbekistan. 07.12.2023. <https://president.uz/uz/lists/view/6917>

with the establishment of universal human values, the construction of a legal state and the formation of a civil society.

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