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CRIME WHEN THE LAW IS APPLICABLE OVER TIME THE IMPORTANCE OF THE RETURN FORCE.

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Abstract: This article provides scientifically grounded characteristics of the theoretical and practical aspects of the application of a law that abolishes the criminality of an act, mitigates punishment, or otherwise improves the situation of a person, that is, to persons who have committed the corresponding criminal act before the entry into force of the criminal law, including those who are serving or have served their sentence, if they are still convicted.

Key words: Criminal code, time, law, crime, backward force, justice, humanity, enforcement, punishment.

Аннотация: В данной статье закон, отменяющий преступность деяния, смягчающий наказание или иным образом улучшающий положение лица, имеет обратную силу, то есть распространяется на лиц, совершивших соответствующее преступное деяние до вступления в силу уголовного закона. силу, в том числе отбывающих или уже отбывших наказание. Научно обоснованные описания теоретических и практических аспектов ее применения к лицам, если они еще считаются осужденными.

Ключевые слова: Уголовный кодекс, время, закон, преступление, обратная сила, справедливость, гуманность, принуждение, наказание.

The sequential and systematic limitation of the scope of the Criminal Code is also reflected in determining the conditions of retroactive force of the law. The condition for the inverse force of the law is that it excludes criminal law from general provisions over time and equally distributes criminal law to all acts before it enters into force. The requirement of retroactive force of law is generally formulated in Article 15 of the International Covenant on Civil and Political Rights of 16 December 1966 and is one of the universally recognized norms of international law.

The provisions of the criminal legislation of our country, based on the principles of justice and humanity, on the retroactive force of the law, are enshrined in parts 2 and 3 of Article 13 of the Criminal Code, according to which the law that abolishes the criminality of the act, mitigates punishment or otherwise improves the situation of the person has retroactive force, that is, it applies to persons who have committed the corresponding criminal act before the entry into force of this law, including those who are serving or have served their sentence, if they are still convicted.

According to A. Aralov, "the criminality and punishability of an act are determined by the law in force at the time of the act."

According to T.N. Timina, "only the criminal law that eliminates the criminality of the act or mitigates punishment has retroactive force." This principle applies to other laws that improve the situation of the perpetrator through their norms.

A law that criminalizes an act, increases punishment, or otherwise deteriorates a person's actions does not have retroactive force. It should be noted that from the point of view of giving the concept of counteraction to the law, the concept of law differs from normative legal acts, that is, the concept of law is given in Part 1 of Article 13 of the Criminal Code. In the case of retroactive force of the law, the law is not a form in which legal norms are strengthened, but the content of normative legal acts. In other words, in such cases, the law is recognized as the same criminal law norms, and this is indicated and enshrined in regulatory legal acts.

For example, paragraphs 1-2 and other provisions of the Law of the Republic of Uzbekistan dated August 29, 2001 "On Amendments and Additions to the Criminal, Criminal Procedure Codes and the Code of the Republic of Uzbekistan on Administrative Responsibility in Connection with the Liberalization of Criminal Punishments" should be recognized as law, but this normative legal act itself should not be recognized by law as a system of legal norms in terms of retroactive force.

This approach to the concept of "law" is based on the fact that normative legal acts consist of a set of legal norms, and some of them are more demanding than previously applied norms. Accordingly, the force of the law's counteraction, including more serious cases, may lead to a complete deterioration of the perpetrator's situation, contradicting the principles of humanity and justice. The application of the new law should be convenient for the defendant. It is precisely in this case that the reversible force of the law finds its expression. It should be noted that giving retroactive force to legal norms does not depend on whether they do not include an introduction to the general and special parts of the Criminal Code.

The application of the norms of the general part of the Code is subject to the general rules of application of criminal law. Therefore, in each case, the norm arises from ensuring the mitigation of the overall condition of the person who committed the crime. For example, in accordance with the amendments made to the Criminal Code by the Law of the Republic of Uzbekistan dated August 21, 2001, the classification of crimes was changed, including expanding the scope of crimes that do not pose a great social danger and are less serious. Accordingly, this norm has retroactive force, as it is much lighter than previously existing norms.

A law that abolishes the criminality of an act, mitigates punishment, or otherwise improves a person's situation has retroactive force.

The abolition of the criminality of an act means its decriminalization, that is, the transfer of criminal offenses to administrative, disciplinary or

other types of offenses. For example, decriminalization, excluding Article 187 of the Criminal Code from the Criminal Code, that is, liability for deceiving buyers or customers.

The provision of a new characteristic that was not provided for as a characteristic of the composition of the crime in the previously existing criminal law norm is considered a circumstance that cancels the criminality of the act. The addition of such new signs means a narrowing of criminal liability, as the absence of this sign abolishes the criminality and punishability of an act committed while the old law was in force. Such decriminalization can often occur in cases where the perpetrator commits a criminal act again after being brought to administrative responsibility.

The laws that mitigate punishment include norms that allow for the imposition of a lighter punishment on the guilty party for similar acts.

The following norms can be included in them:

- replacement of the previous type of punishment with a milder one;
- exclusion of one or more main or additional punishments from the sanction;
- reduction of the maximum or minimum amount of the main or additional punishment;
- giving the necessary additional punishment a facultative character without changing the main punishment;
- introduction of a lighter alternative punishment to the article sanction;
- in cases of compensation for material damage, it provides for the imposition of punishment in the form of deprivation of liberty, non-application of imprisonment, that is, without separating the convicted person from society.

The commission of criminal acts includes not only punishment, but also other legal consequences, complications, and the retroactive force determined by the related code also has provisions that can somehow improve the legal status of the person who committed the crime. The improvement of the legal status of a person who has committed a crime affects their level (status) from various points of view, in particular, the recognition of the improvement of their status as a change in the classification of crimes, reducing the exact terms of serving the sentence, applying a lighter punishment to the person, reaching conditional early release. The norm for improving the legal status of the perpetrator is to provide the possibility of exemption from liability by reconciliation of the victim and other parties specified in Article 66 of the Criminal Code.

It is impossible to consider all options for a norm to improve the legal status of a person, as this code is outlined in all general provisions. In each specific case, law enforcement agencies monitor whether the legal status of the person who committed the crime improves due to legal norms.

If the criminal law otherwise worsens the situation of the person who committed the crime or increases the punishment by identifying their criminal actions, this law does not have retroactive force. Thus, if the law, by its nature, contradicts the aforementioned circumstances, it cannot be applied in practice until it enters into force.

Certain difficulties may arise in law enforcement practice, where the norm of the law reduces the maximum amount of punishment and at the same time increases its minimum, sometimes due to the fact that a new special composition of the crime has been developed in the new law. In this case, the aforementioned criminal act is taken as the general norm of responsibility.

If under the influence of the new law, the maximum punishment is reduced and at the same time the minimum one is raised, law enforcement agencies, taking into account the specific characteristics that clarify the case, in comparison with the sanction, should choose a law that establishes a lighter punishment for the perpetrator. In particular, if a harsh punishment is imposed on the perpetrator, then it is necessary to apply a new law. However, if law enforcement agencies conclude that it is necessary to mitigate the punishment based on a specific situation, then they will have to act according to the previous law.

This situation is explained by the fact that, on the one hand, the court in no case can impose a stricter punishment than that prescribed by law, while at the same time, the appointment of the most lenient punishment established by law or the replacement of it with another lighter punishment is carried out by the court in accordance with Article 57 of the Criminal Code in the following cases, which significantly reduce the level of social danger of the crime, namely, the absence of moral harm or full compensation for material harm, the serious illness of the defendant or

If the adopted law has formed a new, special composition of the crime, and the initial similar criminal acts fall under the influence of more general norms and strengthen criminal liability, then it is necessary to compare the general and special norms with the sanction. If the sanction for a criminal act, separated from the general norm of actions, is lighter than the sanction of a new law, such a law does not have retroactive force.

According to the rule of part 2 of Article 13 of the Criminal Code, the retroactive force of the law applies to all persons who have committed a crime. In this case, it does not matter whether the convicted person is not convicted, whether the punishment imposed on them has been imposed or not. However, it should be taken into account that if the criminal act committed in accordance with the new law is lighter punishable, and in fact, the crime was committed outside the scope of the punishment imposed on the perpetrator under the new law, then the upper limit of the established punishment should be reduced to the maximum provided for by the new law.

It should also be remembered that the retroactive force of the law applies only to persons held criminally liable. Accordingly, an excessive soft law, which can be called the "intermediate law," is not applied to persons who have committed a crime. At the same time, it should be noted that the retroactive force of the law applies to persons brought to criminal responsibility, that is, to persons involved in judicial and investigative work or serving sentences. Therefore, the law adopted after committing a crime, but which has lost its force before criminal prosecution, does not apply to persons who have committed such a crime.

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