

## PRINCIPLES AND PROCEDURE FOR EXECUTION OF LIBERTY RESTRICTION SENTENCE

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**Annotation:** This article describes the grounds for imposing a sentence of restriction of liberty on a person who has committed a crime, its conditions, terms, circumstances in which this sentence cannot be imposed, based on the Criminal Code of the Republic of Uzbekistan and other regulatory legal documents. At the same time, the statistics of the use of this type of punishment by the courts are also analyzed today.

**Key words:** punishment, purpose of punishment, restriction of freedom, penal system, additional prohibitions, sanction.

A person who has committed a crime is punished by the court in accordance with the law, that is, no crime goes unpunished. According to Article 42 of the Criminal Code of the Republic of Uzbekistan, punishment is a coercive measure applied by the state against a person found guilty of committing a crime and consists in depriving the prisoner of certain rights and freedoms provided for by law or restricting them. The punishment is used for the following purposes:

- Moral correction of the prisoner;
- Preventing him from continuing his criminal activities;
- Preventing the convict, as well as other persons, from committing a new crime

Article 43 of the Criminal Code of the Republic of Uzbekistan strengthens the penal system and includes the punishment of restriction of freedom. Below we will analyze the conditions of application of this punishment, terms and when it cannot be applied to the circle of persons.

The understanding of the nature of the punishment as a restriction of freedom and the procedure for its execution has not yet been sufficiently formed. According to Q.R.Abdurasulova and I.Yu.Fazilov, the restriction of freedom consists of a complete ban on leaving the place of residence for one reason or another, or a restriction of leaving the place of residence at a certain time of the day. . Restriction of freedom is not assigned to military personnel, foreign citizens, as well as persons who do not have a permanent place of residence in the Republic of Uzbekistan.[1]

Restriction of liberty is appointed for a period of one month to five years and is carried out under the control of bodies determined by the court. Restriction of freedom, conditions for serving it at the place of residence of the convicted person are

determined by the court, taking into account the nature of the committed act and prevention of evasion of the execution of the decision issued by the court.

Taking into account the features of the prohibition (restriction) in use, the court may impose the following additional prohibitions (restrictions) on the convict:

- not going to certain places;
- not to participate in public and other events;
- not to engage in certain activities;
- not possessing or keeping certain items;
- not driving a vehicle;
- not to change the place of residence, place of work and (or) study, not to go outside the relevant administrative territory without the consent of the body controlling prisoners;
- not to establish contact with certain persons;
- not using communication tools, including the Internet;
- not to consume alcoholic beverages.

The court may impose on the person sentenced to restriction of liberty the obligation to compensate for the material and moral damage caused by him, to get a job or study, as well as other obligations that help him recover.

If the person sentenced to restriction of liberty realized his criminal acts during the period of serving his sentence, resolutely went to the path of recovery, compensated for the material and moral damage caused, the court was previously appointed against the convicted person. can completely or partially cancel prohibitions (restrictions).

In the event that the convict deliberately evades serving the sentence of restriction of freedom, as well as fails to fulfill the obligations imposed on him by the court, the court may replace the unexpired term of the sentence of restriction of freedom with another type of punishment. The time of evasion of the sentence shall not be added to the term of the sentence served.[3]

In the event that the convict has deliberately evaded serving the sentence in the form of restriction of liberty, as well as in case he has not fulfilled the obligations imposed on him by the court, the inspection of execution of punishments shall make a proposal to the court to replace the unexpired period of restriction of liberty for the convict with another type of punishment.

The following are recognized as willful evasions of a custodial sentence:

- 1) bans (restrictions) set by the court against him
- 2) in the form of a warning about the impossibility of violation a prisoner who violated the order and conditions of serving the sentence within one year after the disciplinary punishment was applied;
- 3) a prisoner who violated the rules of using technical control means against himself;

4) a prisoner who is hiding from his place of residence, whose whereabouts have not been determined for more than three days;

5) a convict who does not come to the inspection of execution of punishments at the place of residence for more than three days.

Convicts who are completely forbidden to leave their place of residence by the court for one reason or another are constantly monitored by the staff of the inspection of the execution of punishments and the preventive inspector at least 3 times a month to ensure that this prohibition is being fulfilled, and a report is drawn up based on the result of the inspection, and the personal collection of the convict is stored in the folder

Convicts who are restricted from leaving their place of residence at a certain time of the day are constantly monitored by the staff of the inspection of the execution of punishments and the preventive inspector at least 3 times a month to check whether they are following this restriction at a certain time when they are limited to leave their place of residence. stored in a folder.

At the end of the term of the punishment in the form of restriction of freedom, the head of the internal affairs body is informed about the suspension of control over him.[2]

A person sentenced to a custodial sentence must comply with the prohibitions (restrictions) established by the court, as well as come to the inspection of the execution of punishments upon summons to give oral or written explanations on issues related to serving his sentence. a must

Electronic monitoring devices may be used against a person sentenced to a custodial sentence.

A permit to leave the place of residence at a certain time, to go to certain places located within the relevant administrative territory, or to leave the territory of the relevant administrative territory, as well as a permit to change the place of residence, is issued by the penal inspection. The decision is made in individual cases based on the nature of prohibitions (restrictions), the personality of the prisoner, his behavior, and the availability of supporting documents.

The prosecutor shall sanction the permit for the convict to leave his place of permanent residence, the permit for the convict to leave the relevant administrative area, as well as the permit for the convict to change his place of residence.

If the person who was sentenced to the punishment in the form of restriction of freedom realized his criminal acts during the period of serving the sentence, resolutely went to the path of recovery, compensated for the material and moral damage he caused, the execution of the punishments inspection submits a submission to the court on the complete or partial cancellation of the prohibitions (restrictions) previously imposed on the convict.[2]



Conditions created for prisoners:

- the right to vote for the first time was granted to persons who committed a crime with a low social risk and not a serious one;
- The "Minimum Standards of Treatment of Prisoners" adopted by the UN General Assembly were implemented into our legislation;
- the number of telephone conversations, meetings and receiving shipments with close relatives of persons kept in closed type institutions was almost doubled;
- it is guaranteed that disciplinary measures will not be applied to persons sentenced to deprivation of liberty for disorder committed while their mental state is disturbed;
- Placement of persons in need of urgent medical assistance in regional institutions of the Ministry of Health was strengthened by law;
- the right to pay pensions and social insurance was given to convicts serving their sentences in penal colonies;
- measures aimed at ensuring the personal safety of prisoners during their sentences have been expanded;
- a special procedure for applying incentive measures to prisoners based on fair criteria was established. In this regard, special commissions consisting of public representatives, ombudsman, regional councils of people's deputies have been established in penal institutions.
- the role of their parents in the upbringing of prisoners has been strengthened, and restrictions on the meetings of juvenile prisoners with their parents have been removed;
- a special procedure was introduced for the meetings of female convicts with their minor children, who are being brought up in orphanages.

"Some information considered confidential in the operation of the penal system has been included in the list of open information. 1118 unskilled convicts were trained in trades that are in high demand in the labor market and received appropriate certificates. Class "V" driving courses were organized for inmates serving their sentences in the penal colony for juvenile convicts. So far, 25 of the juvenile convicts have been trained in category "V" driving courses and received driver's licenses".[4]

In conclusion, I would like to quote the following words of the Roman satirist poet Juvenal: "The first punishment for the guilty is that he cannot justify himself in front of his conscience." Indeed, the punishments can be different, but the issue of responsibility before the conscience is also very serious. Therefore, every person should refrain from committing a punishable act.

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