



INTERNATIONAL EXPERIENCE IN IMPLEMENTING THE PUNISHMENT OF RESTRICTION OF FREEDOM

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Abstract. This article examines the legislation of foreign countries regarding the imposition of restriction of freedom as a punishment for individuals who have committed crimes. It discusses the circumstances, grounds, and conditions for serving this punishment, as well as to whom this punishment does not apply. The article also explores how this punishment is incorporated into the legislation of the Republic of Uzbekistan and highlights the differences in its application compared to other countries. Additionally, the main purpose of applying this type of punishment in our legislation and the categories of individuals to whom it does not apply are elucidated.

Keywords: international experience, foreign countries, restriction of freedom punishment, purpose of punishment, penal system, primary and additional prohibitions.

Important reforms are being implemented to strengthen law and order and legality in our country, ensuring peace and tranquility for the population. These reforms focus on ensuring public safety, preventing offenses, and forming a unified system to combat crime. They also aim to establish effective operations of internal affairs bodies from the lowest level to the national level, and introduce modern working methods.[1]

In this context, if we examine historical documents, we see that in ancient times, imposing severe physical punishments on people for crimes was one of the methods aimed at deterring criminal behavior. Today's legal norms and punitive measures are aimed at moral correction and rehabilitation of offenders. As President Shavkat Mirziyoyev stated, "We will never retreat from the path of democratic reforms. No matter how difficult it may be, we will only move forward - towards new, higher goals." [2]

From this perspective, when imposing punishment on a guilty person, it is crucial to apply the type and severity of punishment in accordance with the level of social danger and the nature of the crime. In recent years, our country has been increasingly adopting international experiences in liberalizing criminal punishment. One of the most striking examples of this process is the introduction of restricted freedom as a form of punishment in the penal system in 2015.[3]

The experience of applying punishment in the form of restriction of liberty is also known in a number of developed foreign countries. We conditionally divide all interested foreign countries into three groups. The first group includes countries where the penalty of restriction of liberty is applied in institutions specializing in criminal legislation; the second group consists of states where the restriction of liberty is applied in the criminal legislation at the place of residence of the convicted person; the third group consists of states where the criminal legislation of Uzbekistan contains punishments analogous to the restriction of liberty. In this article, we will examine in detail the procedure for establishing and

implementing restrictions on freedom in the countries of the first group, which are: Belarus, Georgia, Tajikistan.

For the countries of the Commonwealth of Independent States, it is characteristic to distinguish restriction of liberty as an independent type of criminal punishment.[4]

The reason is that on February 17, after the collapse of the USSR, a model code was adopted at the seventh plenary session of the Interparliamentary Assembly of the Commonwealth of Independent States, which later served as a guide for the formation of criminal legislation in these countries.

Various states have adapted the content of punishment in the form of restriction of liberty contained in this recommendation and adopted it into legislation.

in particular, the definition of restriction of liberty as a type of criminal punishment in the criminal codes of some foreign countries is enshrined in criminal legislation. In particular, it was noted that until 2011, according to Part 1 of Article 53 of the Criminal Code of the Republic of Azerbaijan, the restriction of liberty consisted in the detention of a convicted person who had reached the age of eighteen before the court verdict in a special institution without separation from society [6]. However, currently, this code has been amended, according to it. The penalty of restriction of liberty as a type of punishment in Article 42 of the Criminal Code was withdrawn from the Criminal Code of the Republic of Azerbaijan in accordance with the Law of the Republic of Azerbaijan No. 137 of May 31, 2011 [7]

The next state of the first group is that according to Part 1 of Article 55 of the Criminal Code of the Republic of Belarus, restriction of liberty is imposed on the convicted person under supervision with involvement in forced labor in places designated by the bodies responsible for the execution of the sentence [8].

Also, according to Part 3 of Article 55 of this Code, restriction of liberty does not apply to conscripts, non-resident foreign citizens and stateless persons [9]. However, for our study, the process of serving a sentence in the form of restriction of liberty in the Republic of Belarus depends on whether the convicted person was sent to an open correctional institution.

Along with the aforementioned countries, Georgia also belongs to this group, and according to Part 1 of Article 47 of the Criminal Code of Georgia, restriction of liberty means placement of the convicted person in a special institution - a controlled correctional center - without separation from society [10]. Furthermore, according to Paragraph 5 of this Article, the punishment of restriction of liberty cannot be applied to persons with disabilities of the first and second groups, pregnant women, women with children under the age of seven, persons of retirement age, as well as military personnel serving in the military service [11].

According to Part 1 of Article 54 of the Criminal Code of the Republic of Tajikistan, restriction of liberty is the detention of a convicted person in special institutions under supervision for a period of one to five years without separation from society [12]. According to Article 87 of this Code, punishment in the form of restriction of liberty shall not be applied to minors, military personnel, persons of retirement age, pregnant women, persons in parental leave, persons with disabilities of groups I and II. If the convicted person refuses to serve the sentence of restriction of liberty, it provides for the replacement of the unexpired part of the restriction of liberty by deprivation of liberty.

In conclusion, it should be noted that the purpose of assigning one or another type of punishment to a person who has committed a crime is to morally correct the convicted person, prevent him from continuing his criminal activity and prevent the convicted person,

as well as other persons from committing a new crime. In carrying out this, the task is to assign a just punishment to the convicted person who committed the crime based on the principle of humanism, as well as to re-train the person for society by the body executing this punishment. According to our national legislation, the punishment of restriction of liberty is the upbringing of a person in the place of residence without partial separation from society.

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