IMPROVING THE INSTITUTION OF EXEMPTION FROM ADMINISTRATIVE LIABILITY IN CONNECTION WITH RECONCILIATION

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Abstract: In this article, considerations for improving the institution of exemption from administrative responsibility in connection with reconciliation will be substantiated and shown by examples. Conclusions, suggestions and recommendations on improving the institution of exemption from administrative liability in connection with reconciliation based on a scientific analysis of the current administrative, criminal and other legislation are also formulated.

Keywords: Reconciliation institute, victim, criminal, offender, humanity, social stability, damage compensation mechanism, compensation, accountability, mediation and service fitting, empirical research, comparative analysis, legal analysis.

The large-scale reforms implemented in recent years in our country to ensure citizens' rights and freedoms, honor and dignity, liberalize criminal and administrative responsibility, and establish the priority of the principle "For Human Dignity" are the highest example of humanism.

Especially today, the institution of reconciliation, which has firmly established itself in our national legislation, is a strong political guarantee aimed at protecting human interests.

The Institute of Reconciliation was first introduced into our legislation based on 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 Administrative Responsibility of the Republic of Uzbekistan in connection with the liberalization of criminal punishments" as Article 661 of the Criminal Code, establishing exemption from criminal liability due to reconciliation.

Since the introduction of this legal institution, it has been continuously improved through amendments to the law. As a result, its scope of influence has expanded and the procedure for its application has been simplified. This is evidenced by the fact that there are now 47 articles of the Criminal Code in which the institution of reconciliation can be applied.

Surveys conducted show that the institution of reconciliation creates broader opportunities to protect the rights and legitimate interests of not only the perpetrators but also the victims, enabling full compensation for damages by the perpetrators during the preliminary investigation or trial. More precisely, over time, this institution has laid the foundation for reliable protection of victims' rights, reduction of convictions in our country, and wider application of the institution of exemption from criminal liability.

Consequently, as there was a need to apply this practice in cases of administrative responsibility, the Law of the Republic of Uzbekistan "On Additions and Amendments to the Code of Administrative Responsibility of the Republic of Uzbekistan" was adopted on October 4, 2021. This law established the grounds for exempting a person from administrative

responsibility due to reconciliation as Article 21-2 of the Code of Administrative Responsibility.

The institution of reconciliation, as a type of exemption from administrative responsibility, serves as a basis for terminating administrative responsibility cases without resolving the issue of the individual's guilt (Paragraph 101 of Article 271 of the Code of Administrative Offenses).

In cases of administrative responsibility for 12 types of administrative offenses listed in Article 212 of the Code of Administrative Responsibility, the institution of reconciliation is applied only if all of the following requirements are met:

- the offender's confession of guilt;
- reconciliation with the victim;
- full compensation for the damage caused;
- the presence of the victim's application for reconciliation.

According to legal scholar T.E. Sarsenbaev, the amount and nature of compensation for harm directly depends on the level of satisfaction of the victim's interests.[1]

The victim's application for reconciliation must contain a request to eliminate the damage caused, as well as to terminate the proceedings on the case of administrative liability in connection with reconciliation. If an application for conciliation is filed during the trial of a case in the court of first instance, the court shall proceed to its consideration immediately. If there are several victims in the case, a reconciliation case can only be initiated if reconciliation is achieved with all victims. At the time of receiving the victim's application, the responsible person conducting the pre-investigation check is obliged to explain to him that he loses the right to apply for the resumption of proceedings in this case. If several persons are involved in the case to participate as offenders, and reconciliation is not achieved with all of them, materials related to offenders who have not reached reconciliation are separated and proceedings on them are carried out in accordance with general rules.

If during the court session it is established that there are signs of non-voluntary reconciliation and confession of guilt, refusal to compensate for harm, as well as other signs of a more serious offense (crime) in the committed act, the court shall issue a ruling to refer the case to the prosecutor for preliminary investigation according to general rules.

A person who has committed the offences provided for in Article 212 of the Code of the Republic of Uzbekistan on Administrative Responsibility may be exempt from administrative liability if he confesses his guilt, reconciles with the victim and eliminates the damage caused. However, the institution of exemption from administrative liability in connection with reconciliation of the parties cannot be applied to a person who has repeatedly committed this offense within a year.

The legislation does not provide for a procedure for exemption from administrative liability, even if the person who previously committed the offense for the first time has compensated the victim for the material and moral damage caused, sincerely repented of his actions and reconciled with the victim. However, in law enforcement practice, after disagreements between spouses, relatives, neighbors, acquaintances, and colleagues, cases of reconciliation, compensation for losses, and the cessation of hostility were frequently encountered, and in most cases, even if the parties were reconciled, offenders were subject to administrative punishment. Naturally, this would lead to continuing hostility between close

people and the cooling of their relations. The elimination of such situations is recognized as one of the main achievements of the institution of reconciliation.

In our opinion, the reason why the institution of reconciliation occupies a firm place in our laws and is widely used in practice is explained by the fact that the principles of humanism and justice in it are close to the qualities of our noble people such as forgiveness and tolerance. It should be remembered that the release of the person who committed the crime and offense from liability due to reconciliation with the victim has great moral and educational significance not only for him, but also for his relatives. For example, citizen A. quarrelled with his spouse citizen X. as a result of mutual disagreement and hit him in the face with his fist, causing minor injuries.

In court, A. admitted his guilt and sincerely repented of his actions, apologized to the victim, and stated that he had reconciled.

According to the decision of the Chirchik city court on criminal cases dated June 7, 2022, the administrative violation case initiated against A. in connection with the reconciliation of the parties was terminated, and he was released from responsibility.

Another citizen D. quarrelled with his neighbor J. for no reason and insulted him. Later, A. repented of his actions, reconciled with the victim and compensated for the damage.

For this reason, according to the court's decision, J. was released from administrative responsibility.[2]

The above-mentioned examples show that the improvement of the institution of reconciliation can be effectively applied not only in criminal cases, but also in administrative offenses. Currently, our country pays great attention to preventing crime, reducing the number of offenses, and ensuring social justice through the application of this institution.

Today, the success of the practice of applying the institution of reconciliation is crucial for ensuring social stability in society and protecting human rights. To further enhance the significance of this institution, a number of reforms and legislative changes are required. In particular, it is necessary to more widely apply the institution of reconciliation, increase the types of offenses within the framework of its application, and more reliably protect the rights of the parties in the process of reconciliation.

In addition, to enhance the social significance of the institution of reconciliation, it is important to inform the general public about this institution, properly explain the rights and obligations of the parties in the reconciliation process, as well as provide psychological and legal assistance to each person involved in this process.

Overall, the development of the institution of reconciliation serves not only to reduce criminal and administrative responsibility, but also to increase legal culture in society. The correct and fair application of this institution remains an important tool for protecting human rights and ensuring social justice. Therefore, it is necessary to continue scientific and practical research on further expanding the application of this institute and its improvement.

In order to further strengthen the importance of the institution of reconciliation and its place in the legislation, it is necessary to consider a number of proposals and reforms that can be implemented in the future.

In particular, the following are proposed as directions for expanding the institution of reconciliation:

1. Expand the scope of application of the reconciliation. Currently, the institution of reconciliation is applied only for certain criminal offenses (47) and administrative offenses

(12). This in itself limits the possibility of reconciliation. The effectiveness of the institution of reconciliation can be increased by expanding the range of offenses that can be applied. For example, reconciliation can be introduced for more types of administrative offenses or criminal cases that do not require simple punishment.

2. Increasing the role of interlocutors in the reconciliation process. In the process of reconciliation, the role of mediators or local councils can be strengthened to facilitate the parties to reach an agreement. Interferents can advise the parties, listen to them, and help bring them to an agreement to ensure that the reconciliation process is effective and fair. For this purpose, it is advisable to create specially prepared mixers and introduce a system for their preparation.

3. Increasing awareness of the Institute of Reconciliation. It is important to inform the public about the institution of reconciliation and promote its positive aspects. By explaining the legal and social significance of the institution of reconciliation, campaigning through the media, and raising legal awareness in society, citizens will be more interested in using the possibilities of reconciliation. This can benefit not only offenders and victims, but also society as a whole.

4. Improving the mechanisms for compensating for material and moral damage. In the process of reconciliation, the issue of compensation for damage is very important. Therefore, it is necessary to further improve the mechanisms for compensating for losses. In this case, various forms of compensation can be considered, such as compensation, provision of services, or involvement in social work. By ensuring the precise and efficient functioning of these mechanisms, the social significance of reconciliation can be increased.

It is also recommended that the following reforms be implemented to further strengthen the role of the institution of reconciliation in legislation and its effective practical application:

1. Improvement of the legal framework. The existing legal framework for applying the institution of reconciliation needs to be further strengthened and detailed. For this, the process of reconciliation, its requirements and conditions must be clearly defined in the laws. Also, the rights and obligations of all parties involved in the reconciliation process, the role of the interveners and their powers should be fully reflected in the legislation.

2. Ensuring transparency and accountability of the reconciliation process. To ensure the transparent and fair course of the reconciliation process, it should be subject to the requirements of transparency and accountability at the legislative level. Each party involved in this process should be fully aware of the terms of reconciliation and the procedure for its implementation. Also, in order to ensure the accountability of the reconciliation process, each process must be documented in writing and monitored by state bodies.

3. Mediation and reconciliation service organizations. Special reconciliation services may be established for the effective and independent implementation of the reconciliation process. These services are engaged in monitoring the process of reconciliation, studying the requirements and needs of the parties, implementing compensation mechanisms and ensuring compliance with the terms of reconciliation.

4. Introduction of mechanisms of liability in cases of violation of the law. If violations of the law are detected during the reconciliation process, mechanisms of liability should be introduced in relation to these cases. In this case, appropriate punitive measures should be

taken against the offenses of the parties involved in the reconciliation process, the interferees or civil servants.

At the same time, we can consider the following research methods and results to investigate how the institution of reconciliation is applied in practice:

1. Empirical research. Empirical research is necessary to assess the effectiveness of the Institute of Reconciliation in practice. In these studies, it is necessary to take a survey of individuals involved in the reconciliation process, study their attitudes towards the reconciliation process and their opinions on its results. This allows for an assessment of the role of the institution of reconciliation in society and its effectiveness.

2. Legal analysis. To analyze the legality of the institution of reconciliation and its place in legislation, it is necessary to conduct a legal analysis. These analyses examine the legal basis on which the institution of reconciliation can be applied, their legality and fairness.

3. Comparative analysis. It is necessary to study the application of the institution of reconciliation in foreign countries and analyze aspects that can be implemented into the legislation of Uzbekistan. This could introduce new mechanisms and methods to enhance the effectiveness of the institution of reconciliation in Uzbekistan.

In conclusion, it can be said that for the application of the institution of reconciliation and further increasing its social significance, it is important, first and foremost, to support the development of this institution and strengthen its legal foundations. At the same time, the importance of this institution can be increased by informing the public about the institution of reconciliation and widely promoting its positive aspects. The development of the institution of reconciliation, the continuity of reforms being carried out to improve its effectiveness and legal foundations, will contribute to the success of efforts aimed at preventing justice and crime in society

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