

CRIMINAL PENALTIES FOR JUVENILES AND THEIR ANALYSIS IN THE CRIMINAL LAW OF THE CIS COUNTRIES

The sixth section of the Criminal Code of the Republic of Uzbekistan, Chapters XVI–XV, defines “Features of responsibility of minors”. This chapter describes the system of punishment imposed on minors, the rules of sentencing, cases of exemption from liability, punishment.

We know that in the former Soviet Union juvenile delinquency was given sufficient attention to crime prevention and control, but the norms of the criminal law aimed at preventing such crime have never been systematized in a separate section, as in our current code. The norms set forth in it contain general rules of criminal liability, as well as the level of mental development, living conditions and upbringing, health, reasons for the crime committed by juveniles, taking into account the role of adults in the commission of a crime and the situation for it, and the fact that it is expressed in a number of privileges granted to it by the state in release from liability or punishment, such cases are an example of the practical application of the principle of humanity.

For many years practitioners and scholars have differed on the need to separate the liability of minors from the law, which was reflected in the 1994 Criminal Code. There are different views in the field of criminal law on responsibility of minors, emphasizing that the importance of the offender is not less than the nature of the crime committed and the level of social danger. If we analyze the criminal law of the CIS countries for juveniles today, we can see that most of them have special norms for this type of crime, and the main purpose of criminal penalties in these norms is educational. There are specific reasons for this and researchers believe that specific circumstances after the collapse of the former Soviet Union necessitated the improvement of juvenile criminal law in the CIS countries.

Under current legislation, the following main penalties may be imposed on minors: a) a fine; b) correctional work; c) imprisonment; d) deprivation of liberty.

In the Criminal Code of the Kyrgyz Republic penalties are: a) a fine; b) triple guilt; c) imprisonment; d) types of deprivation of liberty.

Article 84 of the Criminal Code of the Republic of Azerbaijan, one of the CIS countries, also imposes penalties on minors for four of the thirteen types of punishment. These are: a) a fine; b) involvement in community service; c) correctional work; d) deprivation of liberty.

No additional penalty may be imposed on persons under the age of eighteen. Therefore, when sentencing a juvenile, the court should impose a sentence on the juvenile and procedure for its imposition should be not within the limits set out in the article of the Special Part of the Criminal Code on criminal liability, but in accordance with the Chapter XV of the General Part of the Criminal Code.

For minors in the Republic of Kazakhstan (Section 6, Article 79 of the Criminal Code of the Republic of Kazakhstan): a) a fine; b) deprivation of a certain right; c) involvement in community service; d) correctional work; e) imprisonment; f) types of imprisonment.

The Republic of Belarus, like the Republic of Kazakhstan, has the same penalties for juveniles.

In the Criminal Code of the Republic of Georgia: a) a fine; b) deprivation of a certain right; c) involvement in community service; d) correctional work; e) restriction of freedom in a particular society; f) we can specify the penalties of imprisonment.

According to the Criminal Code of the Republic of Tajikistan (Article 87, Section 5 of the Criminal Procedure Code of the Republic of Tajikistan), punishment is also applied to minors. It is stated that the term of deprivation of certain rights ranges from one to two years.

We have seen above that in all CIS countries there are separate norms for juvenile delinquency and that the main purpose of criminal penalties in these norms is educational. In all countries, the purpose of applying such a punishment regime is to achieve the effect of deprivation of liberty, taking into account mental and physical development of the juvenile from a humanitarian point of view.