



THE SPECIFICS OF JUDICIAL CONSIDERATION OF CRIMINAL CASES OF JUVENILE CRIMES

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Article history:	Abstract:
Received: 24 th March 2024	The article discusses the features of proceedings in cases of juvenile crimes.
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Criminal proceedings in cases of juvenile offenses are conducted in accordance with the rules established in chapter 60 of the Criminal Procedure Code of the Republic of Uzbekistan. The specifics of such proceedings lie in a particularly in-depth subject of proof, in the mandatory participation of a defender, as well as in the participation of a legal representative and in the need to involve a teacher or psychologist. Even if minors in the criminal law sense are a narrow age group (from 14 to 18 years old) and the range of acts for which they are criminally responsible is limited, their share contribution to crime is very significant. In quantitative terms, the structural picture of juvenile delinquency is determined by mercenary encroachments (over 75%). The most common of these is theft, which accounts for about 60% of crimes committed by minors [1].

According to I.V. Grechanaya, the trial of juvenile defendants should be carried out in an atmosphere of understanding. An atmosphere of understanding means professional training or qualifications of the judge in the field of psychology, sociology, as well as the sciences of juvenile behavior, and the trial must take place in an environment that is understandable to the minor. The trial of minors differs from the trial of adults in the presence of special rules, a special defendant who was under eighteen years of age at the time of the crime[2].

Criminal cases related to crimes committed by minors are considered in district (city) criminal courts. According to article 391 of the Criminal Procedure Code of the Republic of Uzbekistan, criminal cases are considered in court at the place where the crime was committed.

Criminal cases of juvenile offenses are considered in district (city) courts of general jurisdiction. At the place where the crime was committed, the criminal case is being considered in court. At the same time, for judicial review, a criminal case may be submitted to a district (city) court in two forms: with an

indictment or indictment approved by the relevant prosecutor and with a prosecutor's decision approving the reconciliation of the accused minor with the victim. Cases of this category are considered under the chairmanship of more experienced judges who have sufficient judicial experience and life experience, despite the fact that there is no specialization of juvenile judges in the courts.

One of the important points of juvenile proceedings is a conciliatory form of problem resolution. All courts, when considering reconciliation cases, should pay attention precisely to the fulfillment by the bodies of inquiry and preliminary investigation of the requirements of the law on the need to explain to the victim, the suspect (accused) minor and his legal representative the importance of the institution of reconciliation, the grounds for exemption from criminal liability, which are provided for in article 661 of the Criminal Code of the Republic of Uzbekistan, and the reflection of this in the protocol, in particular in order to ensure the application of the law on the liberalization of criminal penalties, increase the legal culture of the population.

Scientist O.V. Borovik believes that the involvement of a teacher and a psychologist in the criminal process is like the involvement of a specialist and determines that in order to participate in investigative actions with a minor, it is necessary to invite an unknown teacher or psychologist for a minor[3]. For example, if the class teacher of a minor is invited as a teacher, then his interest in the outcome of the case cannot be excluded, therefore, he is subject to recusal in accordance with the relevant norms of the criminal procedure legislation of the Republic of Uzbekistan.

The age-related insecurity of juvenile defendants in court proceedings must be compensated by the presence of additional procedural guarantees for: the use of special knowledge in the consideration of a



criminal case against a minor; the specifics of the subject of evidence and maximum individualization of the process; the procedure of judicial proceedings accessible to a minor; consideration of the circumstances of a criminal case against a minor by a judge who has special training; the participation of the defender and the legal representative of the minor defendant in the trial of the criminal case[4].

The specificity of juvenile court proceedings lies in the huge number of distinctive features of the proceedings from the consideration of the case in the adult court. The peculiarity of the responsibility of minors consists in the inclusion in the punishment system of certain types of punishment that apply to minors, the non-use of additional punishments against adolescents, reduced sentences that are not related to imprisonment, restrictions and special rules for the application of punishment in the form of imprisonment, the grounds and differentiated procedure for imposing punishment on a set of crimes and several verdicts, exemption from liability or punishment with the use of coercive measures[5]. Minors are also endowed with exclusive rights when sentencing them. This is confirmed by article 55 of the Criminal Code of the Republic of Uzbekistan. It stipulates that the commission of a crime by a minor is a mitigating circumstance.

Minors, as a more vulnerable segment of the population, need protection more than adults. Due to the fact that they are not yet fully formed as individuals, they must be treated with extreme caution both when bringing them to criminal responsibility and when imposing punishment for the acts they have committed.

According to article 17 of the Criminal Code of the Republic of Uzbekistan, persons who turned 16 before committing a crime are subject to criminal liability, as well as minors who turned 16 before committing a crime are subject to criminal liability:

❖ 14 years - for those crimes provided for in the articles 97, 98, 104-106, 118, 119, parts of the fourth and eighth articles 126¹, articles 137, 164-166, 169, parts of the second and third articles 173 articles 220, 222, 247, 252, 263, 267, 271, parts of the second and third articles 277 The Criminal Code of the Republic of Uzbekistan. According to the amendments made on December 7, 2021, the minimum age for criminal prosecution was changed from 13 to 14 years.

Punishment in the form of imprisonment is not imposed, according to Part 4 of Article 85 of the Criminal Code of the Republic of Uzbekistan, to minors who have committed crimes that do not pose a great public

danger, crimes committed through negligence, or intentional less serious crimes.

The leading task of juvenile justice should be to change a minor subject of criminal legal relations into a moral, spiritually developed citizen of his country. It is necessary to carefully study the condition of the minor, the personality of this immoral teenager, living conditions and other main points.

In each criminal case of juvenile crimes, the court must identify the circumstances that contribute to its commission, in other words, it is necessary to establish information about the circumstances that make a suitable environment for the preparation and commission of a criminal act (neglect of a child, shortcomings in educational work at school, other educational institution, lack of proper control by parents, guardianship authorities, etc. guardianship, juvenile affairs inspections, mahallas). It is necessary to carefully study the environment and conditions in which the teenager lives, the people with whom he communicates, and the implementation of preventive measures on the public side.

According to the criminal procedure legislation of the Republic of Uzbekistan, the fairness, legality and validity of sentences, rulings, and court decisions that have been issued against minors can be verified in higher instances.

Psychologists and specialists play a specific role in working with minors. After all, the psychology of underage children has not yet been fully formed. As a result of the work of psychologists with minors, it is possible to find out the psychological state of children who have committed criminal acts. Psychology (from the Greek. Psyche – soul and logos – meaning, reason, cognition, study, research, reasonable understanding) is the science of the laws of the development and functioning of the human psyche in the course of his life and activity. A special direction in the general range of psychological and legal disciplines is occupied by juvenile legal psychology. Juvenile legal psychology is an applied field of scientific knowledge that studies the patterns and mechanisms of the psyche of minors included in a special area of legal relations, which are regulated by the norms of law. This discipline studies the patterns of occurrence, functioning and manifestation of social norms of illegal behavior at different levels of ontogenesis of adolescence[6].

Having studied the data, we can conclude that the procedural specificity of juvenile criminal proceedings, unfortunately, is not fully realized in practice. Practitioners do not fully understand the special importance of involving a psychologist or



teacher in juvenile proceedings. There is an urgent need to include a norm in the Criminal Procedure Code of the Republic of Uzbekistan, which establishes the mandatory participation of a teacher and psychologist in all stages of juvenile affairs, since without their knowledge, establishing contact with children who have committed crimes cannot be done from the very beginning of the proceedings. Their involvement and participation must be mandatory from the initiation of a criminal case until the court pronounces a sentence on the minor.

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