

ABOLITION OF THE DEATH PENALTY IS A SIGN OF A CIVILIZED DEMOCRATIC STATE

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Annotation

Building a democratic state governed by the rule of law and a free civil society is the ultimate goal of Uzbekistan. One of the most important signs of a democratic society is ensuring equality of members of society before the law, equality of the Constitution and laws. In addition, the ultimate goal of the Constitution and laws should be to ensure human rights and freedoms.

Human life is considered the highest value in the world. After all, life is given to every person once and for all, and therefore it is necessary to introduce into the consciousness of everyone the idea that no one is able to deprive it. Therefore, considering that all reforms and laws serve human interests, the removal of the death penalty from the system of punishments is comprehensively fair.

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INTRODUCTION

Human life is the highest value, and not the use of the death penalty is a sign of humanism.

The fact that humanistic ideas have been revered by our people as a great value since time immemorial can be learned from the following passage from the epic of the great scientist Alisher Navoi "Saddi Iskandari": "... the punishment for bad things – although correct from the point of view of law and politics, but the true path of a just ruler is mercy. No matter how worthy a person is of death, it's good to push his death back, not to rush it..."

The death penalty, called the "death penalty", is the deliberate meditation and planning of human life by the Government in response to a crime committed by a legally convicted person.

MAIN PART

After gaining independence, the first President of our country, Islam Karimov, submitted to the Oliy Majilis a number of bills aimed at improving criminal and criminal procedure legislation, liberalizing criminal punishment based on the ideas of humanism and justice. Their adoption gives a positive effect in the social life of our country. A special place in the liberalization of criminal penalties is occupied by actions to exclude the death penalty from the criminal punishment system. The abolition of the death penalty in Uzbekistan testifies to the priority of universal principles and the introduction of international

standards. Consequently, article 13 of our Constitution states that democracy in the Republic of Uzbekistan is based on universal principles, according to which the highest value is a person, his life, freedom, honor, dignity and other inviolable rights.

In addition, article 3 of the first international document to which Uzbekistan has acceded, the Universal Declaration of Human Rights, states that "everyone has the right to life, liberty and personal inviolability." Article 6 of the International Covenant on Civil and Political Rights states: "Everyone's right to life is his inalienable right. This right is protected by law. No one can arbitrarily deprive a person of the right to life," the statement emphasizes. In addition, the Second Optional Protocol on the Abolition of the Death Penalty, adopted by the UN General Assembly on December 15, 1989, calls on all Governments to abolish the death penalty.

Thus, a person's life should be a priority in matters of solving crimes and punishments. Therefore, it is not for nothing that the Criminal Code of the Republic of Uzbekistan establishes that the purpose of punishing a person who has committed a crime is not to cause physical suffering or humiliation of human dignity, but to educate him. In other words, the right to life is the foundation, the foundation of all human rights and freedoms. It is an absolute value of the world civilization.

The world community also does not approve of the death penalty.

According to statistics, out of 193 UN member States, the death penalty is not applied in 169. Although the death penalty is formally present in the legislation of 24 states, the practice of its application over the past 10 years is considered suspended. It is established that most of these States introduced the death penalty into their legislation after the 2nd World War.

Of the countries that have abolished the death penalty, only 4 States (Nepal, Philippines, Gambia, Papua New Guinea) have restored the death penalty in their legislation. However, Nepal has now abolished this punishment again, while the Philippines has suspended its execution, while in two other states, Gambia and Guinea, the death penalty has not been registered. So why are so few countries that have reinstated the death penalty, re-abolish such punishment or suspend its execution.

The arguments of supporters of the death penalty are groundless and represent nothing more than a pendulum of old age. Under the views of supporters of the death penalty lies a sense of revenge. The arguments of such persons devoted to feeling are largely connected with the desire to take cruel revenge according to the rules of the ancient custom "soul to soul, blood to blood". According to experts, the source of such emotions dates back to the pre-civilizational era. If the custom of revenge arose between people in the era of the primitive communal system, then the emergence of the institution of the family led to the transition of this function to the family. Later, at the time when the first state appeared, the death penalty was applied only by the state.

A SUPPORTER OF THE DEATH PENALTY.

1. The death penalty gives special peace of mind to the victim's family and loved ones. The committed murder causes serious mental suffering to the victim's family and loved ones, and it takes years to contain them. In this situation, if the killer is in prison, the family and loved ones of the victim will not be calm. And the death penalty will put a kind of end to the terrible event that has occurred. The death penalty is the most just punishment for certain crimes. One of the basic principles of justice is the establishment of a decent punishment for a crime. When one person plans to kill another and pursues his goal in cold blood, the most just measure would be to impose capital punishment on such a person.
2. The death penalty reduces the likelihood of committing a crime in the future. There are two aspects to this. The first belongs to the killer, and the second belongs to society. The death penalty serves as the only way to ensure that the killer will not commit murder again in the future. In society, various types of punishments deter people from committing crimes. For some people, this is enough to threaten imprisonment, while for others it is not enough. That is why the State should sometimes have the right

to apply the death penalty. The reason is that it is this type of punishment that keeps certain groups of people from committing a crime.

3. Prisons are overcrowded with prisoners if the death penalty is not applied. Each prisoner is assigned a place in prison, food, clothing, and the attention of prison staff. As a result, the life imprisonment of murderers becomes an unbearable burden for the state. The state should focus on building hospitals, schools and universities, and not use the funds to incarcerate violent murderers for life.

4. If it were not for the death penalty for certain crimes, the State would show more mercy and compassion to the criminals than to the victims. The State should always put the interests of victims above the interests of criminals and direct all measures to protect victims. In addition, anyone who brutally killed an innocent person or people (let's say a thousand people) certainly deserves the death penalty.

5. One of the main objections to the death penalty is that it relies on cases where innocent people have been sentenced to death. Modern criminal investigation methods practically exclude such errors. For example, medical examination findings, such as DNA, may inadvertently tell who exactly committed the crime. No state institution works without mistakes. Therefore, mistakes that may occur when passing a death sentence should be considered as natural.

6. It is said that the death penalty is the most cruel among punishments. In fact, there is no connection between how the death penalty is executed and how it is not applied in practice. Any way to get the soul of a convict always seems wild, frightening and inhuman in the eyes of a group of people.

AN OPPONENT OF THE DEATH PENALTY.

1. The death penalty also causes severe mental suffering to the family of the convicted person. Because the family of the convicted person goes through all the stages associated with the execution. It is quite natural that the family members of the victim experience serious mental suffering. The fact is that in such a situation they can demand the death penalty for the murderer. But the state's decision on whether to use the death penalty or not should not be based on the feelings of some people. It is desirable that the state makes its decisions after serious disputes and discussions.

2. Modern society should not be guided by the principle of "soul to soul". Being trapped in hatred of a criminal and revenge for him will never help solve social problems. The punishment should correspond to the crime, but there is no rule according to which it should be the same. A person who rapes someone also cannot be raped as a punishment.

3. According to the conclusions made by numerous studies, murderers rarely committed repeated murders. Therefore, life imprisonment can also be effective in blocking murderers from society. The aspect of the death penalty, which looks at society, also does not give the expected results. Scientists who have studied this issue have not come to the conclusion that there is an inverse relationship between the death penalty and the future commission of murders.

4. The state sets an unhealthy example to society by practicing the death penalty. If receiving someone else's soul is a crime, why should the state itself use such a method? If it is illegal to take another person's soul, punishment in this way should also be illegal.

5. The death penalty is an old-time sarcasm. Today, the States use terrible and barbaric methods, such as shooting, electric chair, poison gas, hanging and injection of a toxic substance to a convict in the execution of the death penalty.

CONCLUSION

The abolition of the death penalty in Uzbekistan is an expression of the implementation of the principles of humanism and tolerance, generally recognized principles of international law.

Moreover, the death penalty is a concept alien to the virtue of forgiveness inherent in our people. At the very least, we should stop collecting evidence related to the establishment of the death penalty. Moreover, if we focused on the issues of education, upbringing of children, raising the legal awareness of young people, which are vital for our society, we would spend our time on socially useful things.

REFERENCES:

1. Madimarovna, A. I., & Madaminovich, M. J. (2020, December). The place of aesthetic and artistic culture in the spiritual life of society and the individual. In *Archive of Conferences* (Vol. 10, No. 1, pp. 177-178).
2. Madimarovna, A. I. (2020). The Role of Art in Youth's Aesthetic Education. *Cross-Cultural Communication*, 16(1), 121-123.
3. Madimarovna, A. I., & Madaminovich, M. J. (2020, December). THE ISSUE OF FORMATION OF SPIRITUAL AND MORAL VIRTUES IN YOUNG PEOPLE. In *Archive of Conferences* (Vol. 10, No. 1, pp. 175-176).
4. Madimarovna, A. I. (2022). The Role of Managers with Modern Knowledge in Improving Management Efficiency. *International Journal of Culture and Modernity*, 14, 78-81.
5. Arzimatova, I. (2019). Art industry development of society and society culture. *Scientific Bulletin of Namangan State University*, 1(1), 129-134.
6. Madumarovna, A. I., & Anatolevna, S. A. (2021). IN THE PROCESS OF GLOBALIZATION ISSUES OF DEVELOPMENT OF ETHICAL AND AESTHETIC CULTURE.
7. Ismoilovich, I. M. (2021). THE SOCIETY IS AT A NEW STAGE OF DEVELOPMENT PRIORITY IN EDUCATION SYSTEM REFORM FUNCTIONS.
8. Ismoilovich, I. M. (2021, July). ISSUES OF TRANSFORMATION OF EDUCATIONAL EXPERIENCE OF DEVELOPED COUNTRIES. In *Euro-Asia Conferences* (pp. 227-239).
9. Isroilov, M. (2022). The system of education and its interaction with the concept of spirituality. *Asian Journal of Multidimensional Research*, 11(1), 88-93.
10. Ismoilovich, I. M. (2022). NAQSHBANDIYA TA'LIMOTINING TARBIYAVIY AHAMIYATI. *Central Asian Research Journal for Interdisciplinary Studies (CARJIS)*, 2(Special Issue 2), 88-91.
11. Исроилов, М. И., & Исроилова, С. М. (2022). ХУҚУҚИЙ МАДАНИЯТ ЙЎЛИДА. *Central Asian Research Journal for Interdisciplinary Studies (CARJIS)*, 2(Special Issue 2), 82-87.
12. Abdumalikov, A. A. (2019). ENVIRONMENTAL ECOLOGICAL POLICY IN UZBEKISTAN AND NECESSITY OF FORMATION OF RATIONAL COMMUNICATION TO NATURE. *Scientific Bulletin of Namangan State University*, 1(9), 94-101.
13. Khakimovich, K. N., & Abdullazhanovich, A. A. (2021). JOINT INTERNATIONAL EDUCATIONAL PROGRAM AS AN IMPORTANT FORM OF TRAINING BACHELORS IN THE CONDITIONS OF A NEW STAGE OF DEVELOPMENT.
14. Абдумаликов, А. А. (2017). ФОРМИРОВАНИЕ ИНФОРМАЦИОННОЙ КУЛЬТУРЫ МОЛОДЕЖИ. *Theoretical & Applied Science*, (11), 277-280.
15. Abdumalikov, A. A. (2017). FORMATION OF YOUTH INFORMATION CULTURE. *ISJ Theoretical & Applied Science*, 11(55), 277-280.
16. Абдумаликов, А. А. (2020). VIOLATION OF CONTRADICTIONS BETWEEN SOCIETY AND NATURE AS A GLOBAL CIVILIZATION. *Scientific Bulletin of Namangan State University*, 2(4), 218-224.

17. Абдумаликов, А. А. (2019). HUMAN AND NATURAL HARMONY IN THE HISTORICAL PROCESS. *Scientific Bulletin of Namangan State University*, 1(5), 205-209.
18. Azamjonovich, I. I. (2021). The death penalty for a crime and its philosophical and legal aspects. *ACADEMICIA: AN INTERNATIONAL MULTIDISCIPLINARY RESEARCH JOURNAL*, 11(1), 1376-1381.
19. Boltaboyev, M. (2020). HISTORY OF RELIGIOUS CONFESSIONAL POLITICS IN THE SOVIET PERIOD. *Theoretical & Applied Science*, (6), 668-671.
20. Salmonov, A., & Boltaboev, M. (2021, August). THE CONSEQUENCES OF THE SOVIET GOVERNMENT'S VIOLENT POLICY TOWARDS NON-MUSLIMS IN UZBEKISTAN: <https://doi.org/10.47100/conferences.v1i1.1251>. In *RESEARCH SUPPORT CENTER CONFERENCES* (No. 18.05).
21. Salmonov, A., & Boltaboev, M. (2021, June). THE CONSEQUENCES OF THE SOVIET GOVERNMENT'S VIOLENT POLICY TOWARDS NON-MUSLIMS IN UZBEKISTAN. In *Конференции*.
22. Evatov, S. (2020). THE EXPRESSION OF THE IDEAS OF ASCETIC THINKING AND ALTRUISM IN CENTRAL ASIAN MYSTICISM. *InterConf*.
23. Evatov, S. (2019). ABOUT THE SYNTHESIS OF IBN SINA'S PHILOSOPHICAL TEACHINGS WITH MYSTICISM AND ARISTOTELISM. *Scientific Bulletin of Namangan State University*, 1(7), 174-179.