



## THE ROLE OF THE FINE PENALTY IN SENTENCING AND ITS IMPLEMENTATION

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### ABSTRACT

*The article analyzes fines as an effective legal measure in combating crime. It explains the social benefits of fines for society, their role in legislation, and the conditions for their application. Furthermore, the importance of liberalizing this punishment in Uzbekistan's criminal legislation will be substantiated and studied in comparison with the experience of foreign countries*

As the world's population grows day by day, the rising crime rate in many countries is one of the pressing problems of our time. This, in turn, necessitates the liberalization of the penal system alongside the improvement of crime prevention measures in the legislation of countries. Because the correct application of punishments to individuals who have committed crimes plays a crucial role in ensuring their reintegration into society and preventing new crimes. According to statistics, most crimes are of a minor nature, and instead of depriving them of their liberty, bringing them to material responsibility - that is, imposing a fine - may be one of the best solutions. Especially in the context of the liberalization of the criminal legislation of the Republic of Uzbekistan, the importance of this issue is growing even more.

The 14th objective of Presidential Decree No. 60 "On the Development Strategy of New Uzbekistan for 2022-2026," adopted on January 28, 2022, also envisions the consistent continuation of the policy of improving criminal, criminal procedural, and penal legislation, and the widespread implementation of the principle of humanism in the system of criminal penalties and their execution [1]. This further enhanced the importance of the fine imposed by the court in protecting the rights and legal interests of individuals who have committed crimes.

Because one of the advantages of the fine punishment is that when it is applied, the offender does not become isolated from society, that is, their social connections are not interrupted, their labor activity continues, and there is the possibility of "paying" the punishment through socially useful work. This is an important factor in preventing recidivism. M.Kh.Rustambaev indicates that..."the selection of the exact amount of the fine must simultaneously ensure the execution of this punishment, without worsening the defendant's situation, and at the same time not turn the fine into a means of avoiding public discontent through payment" [2]. We fully agree with this view, as considering a person's financial situation and living conditions when choosing the amount of the fine will contribute to

ensuring the fair and effective execution of the sentence. This, in turn, helps the offender return to the right path without isolating them from society. At the same time, the fine should not only be a means of avoiding public discontent, but also a necessary measure for the rehabilitation of the perpetrator.

A fine is the most effective way to hold a person who has committed a crime accountable by materially influencing them without discrimination in society. According to Article 44 of the Criminal Code of the Republic of Uzbekistan, a type of punishment consists of recovering money from the guilty party to the state revenue in the amount established by the Criminal Code [3]. A fine may be imposed on a person who has committed a crime both as a primary punishment and as an additional punishment. In the criminal legislation of most foreign countries, a fine is considered both a primary and secondary punishment [4, 234].

US law provides for a fine as a primary or additional punishment for any crime, including murder. According to US federal criminal law, if a defendant "deliberately" fails to pay a fine, they may be sentenced to any previously imposed punishment. If they do not do so "deliberately," they may be sentenced to pay. A fine of up to \$10,000 or a fine of twice the amount of the unpaid fine and imprisonment for up to one year may be imposed.

French criminal law provides for two types of fines: a regular fine and a fine period, which consists of the convicted person's obligation to regularly contribute a certain amount of funds to the state budget. The daily fee amount is determined by the court, taking into account the defendant's income and property obligations. The number of fine days is determined based on the circumstances of the crime, but should not exceed 360 days [5, 347].

If a fine is specified in the sanction as an alternative measure of punishment in the relevant article, the fine is applied only if it is possible to achieve the purpose of the punishment (education and prevention of the commission of a new crime by the convicted person) by influencing the property interests of the guilty party by imposing it.

A fine is imposed on individuals found guilty of committing crimes that do not pose a great public danger and are not particularly serious, even serious crimes. For example, fines are widely applied in accordance with current criminal legislation for crimes such as "Slander" and "Insult."

The fine, in accordance with the current Criminal legislation of the Republic of Uzbekistan, is set at five to six hundred times the base calculation amount. This amount is generally binding, and although the court may impose a lighter sentence in accordance with Article 57 of the Criminal Code, it is not entitled to impose a sentence that exceeds the limits established by law.

The fine is collected from the person only in monetary form. In this case, the amount of the fine is determined by the court based on the severity of the crime committed and the defendant's financial situation, not based on the base calculation amount at the time the verdict is issued, but based on the time the crime was committed [6]. The court must indicate its exact amount in its ruling.

**When applying a fine, the following circumstances are taken into account:**

- the severity of the crime: the fine for minor crimes is lower, while for serious crimes it is higher.
- the amount of the fine may be changed depending on the financial situation of the accused.

- previous crimes committed by a person: if a person has committed a crime before, this factor may affect the amount of punishment;
- the degree of social danger: the degree of social danger of a crime is taken into account, for example, corruption or crimes committed by officials.

When assessing the defendant's financial situation, firstly, income from various sources not prohibited by law (such income includes wages, property income, income from entrepreneurial activity), secondly, property belonging to the defendant on the basis of property rights, on the basis of economic management, on the basis of operational management, as well as on the basis of lease, thirdly, the presence of dependents, for example, minor children, fourthly, the defendant's obligations to third parties regarding property (for example, the defendant's payment of alimony, compensation for damage, payment of taxes). While these circumstances are not strict, the court may also consider other circumstances when imposing a fine. It is evident that when imposing this type of punishment on the defendant, the court takes into account not only their official income but also their living conditions.

A person sentenced to a fine must voluntarily pay the fine within one month from the date the verdict enters into legal force [7]. If the fine is not paid within the established timeframe, the fine shall be enforced by the bailiff. However, failure to pay the fine for valid reasons does not constitute refusal to serve the sentence. For example, the deterioration of the health of a person sentenced to a fine and the lack of funds to pay the fine are considered valid reasons, and in this case, the person is not considered to have refused to serve the sentence.

By providing for punishment in the form of a fine for committing a certain group of serious crimes, the legislator proceeds from the fact that these crimes, as a rule, are committed in society by persons holding a certain position, related to a certain profession and type of activity. Along with conviction, they usually lose the opportunity to hold positions or engage in activities related to the committed crime. For this category of criminal subjects, the very fact of their public condemnation can be a sufficiently important psychological factor for their correction and the prevention of new crimes. Furthermore, the law generally prohibits the imposition of imprisonment for committing such a crime if the damage caused by the crime is compensated [8, 33].

For incomplete execution of a fine, the legislation provides for its replacement with other punishments, and in this case, the court may apply another type of punishment - for example, correctional labor, compulsory community service, or imprisonment. In this case, the fine is replaced by only one of the above-mentioned penalties, that is, it is not possible to apply several penalties to a person simultaneously.

In conclusion, we can say that the fine holds an important place in the system of criminal legislation and can be an effective tool in the fight against crime, while adhering to the principles of humanism. Further improvement of this type of punishment in the Republic of Uzbekistan, ensuring justice and social equality in its application is an important task.

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