



ISSUES OF RESPONSIBILITY FOR MINORS IN THE CRIMINAL LEGISLATION OF FOREIGN STATES

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Abstract: This article discusses the concept of juvenile responsibility in the criminal legislation of foreign countries and its significance, as well as scholars' opinions on this matter.

Keywords: Minors, crime, criminal responsibility, juvenile responsibility.

When examining the circumstances that must be proven in criminal cases involving minors in the legislation of some foreign countries, the role of juvenile justice in developed countries is particularly important. Let us focus on the US judicial system, which is the birthplace of juvenile justice. The USA belongs to the Anglo-Saxon legal family in terms of the formation, structure, sources, and role of judicial practice in its legal system.

In the US system of courts with special jurisdiction, juvenile courts occupy a distinct position. The juvenile court can sometimes also function as a family court. These courts handle cases of juvenile delinquency and, additionally, take measures against parents who neglect their children, monitor the upbringing of children in families with difficult or unsuitable conditions for child-rearing, and attempt to resolve family disputes.

It is noteworthy that juvenile courts are not limited to directly adjudicating juvenile offenses, but also take measures against parents who neglect their children, establish oversight of families where the family environment is unfavorable for raising children, and attempt to resolve family conflicts. As evident from the above, the functions of this court are not confined to ordinary justice, but also encompass a range of social responsibilities.

It is noteworthy that juvenile courts are not limited to directly prosecuting juvenile offenses, but also take measures against parents who do not care for their children, establish control over families in which the family environment is unfavorable for raising children, and try to resolve family disputes. As can be seen from the above, the functions of this court are not limited to ordinary justice, but also include a number of social functions.

According to Article 87 of the Criminal Code of the Russian Federation, persons aged 14 to 18 are considered minors. Types of coercive measures:

1. Warning;
2. Placement under parental supervision;
3. Compelling the victim to compensate for the damage caused;
4. Limiting the passage of empty space.
5. Conducting explanatory work on compulsory preventive measures, Explaining their actions and whether they responded. |

Restriction of free time - this coercive measure may include driving a car, leaving home for a certain period, and other measures.

According to Article 117 of the Criminal Code of the Republic of Belarus, if there is confidence in the rehabilitation of a minor who has committed a crime during court proceedings, the court shall apply coercive measures and release them from punishment.

Types of coercive measures:

1. Warning

2. Public apology

3. Compensation for harm caused by labor by a minor who has reached the age of 15 is applied only if this harm does not exceed his income. Otherwise, the case will be reviewed in civil procedure. If there is a change in the minor's behavior and he returns to the right path, the coercive measure is canceled early.

1. Warning

2. Transfer to the care of parents

3. Compensation for material damage

4. Referral for compulsory treatment

In addition, other compulsory measures are applied.

The difference in this state from other states is that a minor systematically moves around and evades compulsory measures. The prosecutor can replace the imposed sentence with a more severe one.

Types of compulsory measures applied to minors in accordance with the criminal legislation of the Kyrgyz Republic:

Warning

Transfer to parental control

Compelling the victim to compensate for material damage

Restriction of free time.

The application of compulsory measures against minors is considered by the juvenile commission.

Types of coercive measures applied to minors in accordance with the criminal legislation of the Republic of Kazakhstan:

Warning

Transfer to parental control

Compelling the victim to compensate for material damage

Restriction of free time.

Placement in a special regime organization

Apology.

The peculiarity of juvenile liability in France is that cases committed by minors are considered by the courts. The courts that consider cases are also divided into several categories. For example, the jury court considers serious crimes of minors aged 16-18 with the participation of three qualified judges and nine jurors; Cases of serious crimes committed by children aged 13-15, as well as criminal offenses and more serious misdemeanors committed by children aged 13-18, are considered by juvenile courts.

Interestingly, the two advisor-assessors in the tribunal are appointed by the Minister of Justice from among those who are genuinely interested in the issue of raising children. In France, separate judicial institutions operate in juvenile cases, which are part of the general court system in the form of special subdivisions. Cases of charges of committing serious crimes against persons aged 16 to 18 are considered and resolved by the jury.

For serious crimes committed by persons aged 13 to 18 and adolescents aged 13-15 who have committed criminal offenses and serious misdemeanors, tribunals for juvenile cases, established under the Grand Trial Tribunal, shall consider cases with the participation of one judge and two assessors.

It is noteworthy that assessors are appointed by the Minister of Justice from among those interested in the upbringing of youth. If a judge alone, without advisors, considers cases of criminal offenses and misdemeanors of minors, then he (the judge) has the right to apply only disciplinary and supervisory measures to the defendant.

In exceptional cases, such courts, which refer to cases of juvenile responsibility, hear cases as a single judge, and the jurisdiction of each court is clearly defined. Courts for juvenile cases also belong to a separate judicial system. In Greece, there are also separate courts for juvenile cases, which are part of the general judicial system.

In Germany, the responsibility of the underage is also noteworthy for its internal specialization. There is a separate juvenile court, which is part of the general courts as an independent subdivision, which considers cases of offenders aged 14-18. If another general court concludes that the actions of young people under 21 have a "juvenile character," their case can also be considered by a juvenile court.

Another aspect of Germany's liability issue is that if the interests of minors are harmed by adults, and there is a need to interrogate the minor on this issue, then such cases will also be considered by the juvenile court. In the territories of the federation's subjects, it is considered by the court chambers for juvenile cases, and in district courts - by the Schaffen court for juvenile cases (with one professional judge and two Schaffen members) and a juvenile judge. It is noteworthy that Shaffens must have extensive experience working with youth, and one of them must be a woman.

The experience of Italy in this matter deserves special attention. In particular, in 1988, the juvenile investigation system in Italy was reorganized, and independent tribunals for juvenile cases were established, dividing the courts together with each appellate investigator. The composition of these courts consists of two qualified lawyers and two experts, one male and one female. These tribunals consider cases of juvenile delinquency under 18 years of age. Complaints against the decision of the tribunal are considered by one of the two chambers of the appellate court with the participation of two such experts.

In Australia, along with special courts, there are cases of juvenile liability, which consider cases of minor offenses committed by minors. In addition, these courts consider crimes against children and adolescents. Another important task of these courts is to find missing parents and care for abandoned children.

Indeed, it would be appropriate to refer to the experience of foreign countries on issues related to the consideration of criminal cases of minors in court. In the criminal procedure legislation of a number of states, the norms of moral requirements are substantially enshrined. For example, Article 220 of the German Criminal Procedure Code states that "the presiding judge must ensure that all participants in the proceedings do not infringe upon the dignity of citizens and the reputation of the court." Article 307 of the Criminal Procedure Code of the Republic of Poland states that "entering the courtroom in a state of intoxication or appearing in inappropriate clothing" is prohibited.

Considering the special importance of organizational and ethical aspects in judicial and investigative proceedings in cases of minors, it is necessary to ensure the participation of the



aforementioned official in court hearings in criminal cases of this type, applying the experience of the Republic of Poland. In particular, it is possible to organize permanent duty of representatives of the public in the courtroom. However, such a solution to the problem requires thorough preparation.

In Uzbekistan, the criminal liability of minors is provided for in Articles 87-88 of the Criminal Code, and the coercive measures applied to them are:

1. Apologizing to the victim;

2. Imposing on a person who has reached the age of 16 the obligation to compensate or eliminate the damage caused at their own expense or by their labor;

Placement of a minor in a special educational institution.

As can be seen from the above, the introduction of the institution of juvenile justice in the legislative system of our country serves as a very important factor in resolving the situation of criminal liability of minors.

If we dwell on the circumstances that must be proven in criminal cases of minors in the legislation of some foreign countries, then in this regard, the role of juvenile justice in developed countries is important. Let's focus on the US judicial system, which is the homeland of juvenile justice. The USA belongs to the Anglo-Saxon legal family in terms of the formation, structure, sources, and role of judicial practice of its law.

In the USA, a special place in the system of courts of special jurisdiction is occupied by juvenile courts. The juvenile court can sometimes also act as a family court. These courts consider cases of juvenile delinquency, in addition, they take measures against parents who do not care for their children, monitor the upbringing of children in families with difficult or unsuitable conditions for raising children, and try to resolve family disputes.

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