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**SPECIFIC FEATURES OF THE EXECUTIVE OF FINES IMPOSED ON
JUVENILES**

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Abstract: In this thesis, the author examines the particular characteristics of fines imposed on juvenile offenders, as well as the unique aspects of their enforcement process.

Keywords: minors, criminal punishment, fine, execution of sentence.

One of the alternative penalties to imprisonment for juveniles is a fine. This penalty entails the collection of a monetary sum from the convicted person in accordance with the sentence of the court and within the limits set by the Criminal Code of the Republic of Uzbekistan. As is well known, in the criminal legislation of Uzbekistan, punishments are classified from the least to the most severe, and fines are considered one of the lighter forms of punishment.

Legal scholars have provided definitions of fines that, although phrased differently, are similar in essence. For instance, legal scholar R. Kabulov defines a fine as “a monetary amount collected from the offender to the state’s revenue in accordance with the amount prescribed in the Criminal Code. The fine is the mildest form of criminal punishment and is listed first in the hierarchy of punishments [1]”

Similarly, Q.R. Abdurasulova notes that “the fine is primarily associated with causing financial harm to the convicted person. When applied, it directly influences the underlying causes of anti-social behavior through state coercion.” Q.P. Payzullayev argues that “a fine, as a form of state coercion, restricts the property rights of the offender through economic pressure [2]”

There are differing opinions on the imposition of fines on minors. According to legal scholar H.Sh. Parpiyev, it is appropriate to impose a fine on juveniles for certain offenses committed with malicious intent or for the purpose of causing property damage [3].

V. Petti has emphasized the importance of fines as an effective alternative to more severe punishments: “When the state punishes individuals with death or imprisonment, it punishes not only the offender but itself as well. Among the most appropriate methods is the fine, as it is a product of labor and wealth [4]”

Historically, the 1959 Criminal Code of the Uzbek SSR categorized fines in two forms: one based on the gravity of the offense, and the other for crimes committed with malicious intent.

The amount, form, method, and duration of Executive of fines for minors differ from those applicable to adults. For juveniles, fines range from two to twenty times the base calculation amount.



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According to legal literature, if a fine is indicated in the sanction as an alternative punishment, it may be applied to minors only if it is likely to achieve the goals of punishment (rehabilitation, moral correction, and prevention of re-offending) by affecting their financial interests.

Indeed, fines imposed on juveniles can be effective only if they help achieve the objectives of criminal punishment. However, in practice, since minors often do not have independent income, the execution of fines usually falls on their parents, which may negatively affect the moral development of the minor and diminish the punitive impact of the fine.

As a result, in many foreign countries, the courts consider the minor's financial capacity, independent income, wages, or scholarships when deciding to impose a fine. Factors such as the presence of a profession, trade, or income-generating activity are also considered. For example, in countries like Belarus, Latvia, Ukraine, and Azerbaijan, fines are imposed only if the minor has an independent income or owns property.

It is important to note that the Executive of any type of punishment, including fines, requires a legally binding court decision. The procedure for imposing and enforcing fines is regulated by the Criminal Code, the Criminal Procedure Code, the Criminal Executive Code of Uzbekistan, and the Law of the Republic of Uzbekistan "On the Executive of Judicial Documents and Documents of Other Authorities" dated August 29, 2001.

The executive of fines differs from other types of criminal penalties and is carried out by the Bureau of Compulsory Executive under the Prosecutor General's Office of Uzbekistan, according to Article 14 of the Criminal Executive Code. The executive officer informs the minor about the procedure, amount, method, and deadline for payment, as well as their rights and obligations, and takes a written acknowledgment from the convicted person.

When a fine is imposed alongside other punishments, each is enforced separately. A court decision dated December 25, 2020, by the Shaykhontokhur District Criminal Court of Tashkent City sentenced minor Davronov Ruslan Yusufovich under various articles of the Criminal Code. He was fined 446,000 UZS (twice the base amount) under Article 168(1), and sentenced to 4 years in prison under Article 267(2)(a) and Article 169(3)(a). The court combined these into a cumulative punishment of 446,000 UZS and 4 years and 3 months of imprisonment, to be served in an educational colony [5].

Article 19 of the Criminal Executive Code specifies special provisions for enforcing fines on juveniles who committed a crime before turning eighteen:

1. The period for voluntary payment is six months from the date the sentence becomes effective, while for adults, this period is only one month. This was introduced by Law URL-151 of April 10, 2008.
2. If the fine is not paid voluntarily, no coercive measures are taken against minors, whereas such measures apply to adults.
3. If the convicted person is unable to pay the full fine within the prescribed period, Executive may be postponed or payment in installments may be allowed. This is



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reflected in Article 533 of the Criminal Procedure Code, which allows postponement of up to six months, although no specific timeline is given for installment payments.

In deciding on postponement or installment payments, factors such as the minor's low income, difficult family circumstances, number of dependents, or serious illness are considered. In such cases, the family, legal representative, or lawyer must submit a written petition to the court, and the executive officer compiles all supporting evidence and submits a final opinion to the court.

Article 321 of the Law "On the Executive of Judicial Documents and Documents of Other Authorities" outlines the consequences of evading fine payments. Evasion means not paying the fine within the legal or extended period without valid reasons or providing unsubstantiated excuses.

In Moldova, two forms of non-payment are recognized: deliberate (despite having means) and involuntary (due to financial hardship) [6].

In Uzbekistan, if a minor fails to pay a fine within six months, the court may replace the fine with another punishment:

- One hour of community service for each unpaid fine amount equivalent to half the base amount.
- One month of corrective labor for each unpaid fine equivalent to twice the base amount.

According to Article 88(2) of the Criminal Code of the Russian Federation, fines for minors may be paid by their parents or legal representatives with their consent. However, this practice has sparked debate over its effectiveness .

In Germany, there are two types of fines: monetary fines and property-based fines. If the offender cannot pay the full fine at once, it may be paid in daily installments based on income and expenses. Finland follows a similar system, where the minimum fine equals five days of expenses, and the maximum is sixty days.

Poland and Spain also allow installment payments, with fines ranging from 10 to 2,000 zlotys in Poland, and 2 to 400 euros in Spain [7].

Despite the Criminal Executive Code allowing installment payments, the law lacks specific guidance on the process, amounts, and deadlines, leading to varying interpretations and practices in implementation. According to a survey conducted among legal scholars, professors, and legal practitioners, 10% of respondents believed that minors should be allowed to pay fines in installments within 3 months, 51% within 6 months, and 39% within 9 months.

Therefore, it is advisable to amend the Criminal Executive Code to clearly define the procedures, amounts, terms, and methods of installment payments for fines. It is also essential to consider the presence of an independent income source when enforcing fines on minors.



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