International Journal of Business, Law and Political Science
Homepage : https://e-journal.antispublisher.id/index.php/IJBLPS
Email : admin@antispublisher.com

e-ISSN : 3032-1298
IJBLPS, Vol. 3, No. 8, August 2026
Page 89-95
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International Journal of Business, Law and Political Science

Necessity of Adding a Fine Punishment to the Main Punishment in the New Criminal Code of the Republic of Uzbekistan and Widely Implementing It for Corruption Crimes

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DOI : https://doi.org/10.61796/ijblps.v3i8.544

Sections Info

Article history:
Submitted: May 07, 2026
Final Revised: June 26, 2026
Accepted: July 18, 2026
Published: August 20, 2026

Keywords:
Criminal code
Fine
Primary and additional punishment
Corruption crimes
Economic crimes
Mercenary motive
Inevitability of criminal liability
Liberalization of punishments

ABSTRACT

Objective: *The article analyzes the judicial and legal reforms being implemented in Uzbekistan, specifically the process of drafting a new edition of the Criminal Code and the liberalization of criminal punishments.* ***Method:*** *Based on the advanced experience of foreign countries, novelties in national legislation, and the resolutions of the Plenum of the Supreme Court,* ***Results:*** *The author scientifically substantiates the necessity of introducing a fine as an additional punishment alongside the main penalty for mercenary crimes in the fields of economics and management, as well as for corruption-related offenses.* ***Novelty:*** *proposals have been developed to enhance the effectiveness of this type of punishment in combating crime.*

INTRODUCTION

Today, in our society, the requirements of the priority principles “Law and justice priority”, “The punishment for a crime is inevitable” are being actively implemented. Large-scale political and legal reforms are being carried out in our country to further democratize and liberalize the judicial system, improve the activities of law enforcement agencies, increase public trust in justice, and ensure the rule of law.

In his Address to the Oliy Majlis and the people on December 26, 2025, President of the Republic of Uzbekistan Shavkat Mirziyoyev noted that Uzbekistan has a state that reliably protects our citizens, entrepreneurs, and investors in any situation; there is a Constitution and laws! Personal responsibility for every sum of state funds and resources will be strengthened. Allowing corruption is a betrayal of our reforms. We will declare a “state of emergency” in 2026 to combat this evil! he said[1].

The Address outlines the consistent continuation of our work aimed at bringing the judicial and legal system closer to the people, organizing the justice process based on the “digital court” concept, strengthening the protection of human rights through the digitalization of investigations, and introducing artificial intelligence technologies at all stages from the receipt of a criminal application to the transfer of the case to court, thereby reducing the human factor. Now, the institution of the “collegium of people's representatives”, which has yielded positive results in English law countries, will be

gradually introduced into criminal proceedings. This is a new concept that will serve to make the court's verdict more fair.

Currently, a draft of the new edition of the Criminal Code is being prepared and discussed among specialists and the general public. The draft provides for the unification of criminal legislation norms; the revision of the system and norms for classifying crimes by introducing alternative indicators that determine the degree and nature of the social danger of a criminal act; the revision of the system of punishments and mechanisms for their imposition; the liberalization of punishments and the expansion of norms defining the conditions for exempting a person from criminal liability or punishment; and the introduction of norms aimed at preventing and combating corruption crimes[2].

Taking into account international standards and advanced foreign experience, one of the main issues in creating the new Criminal Code of Uzbekistan is the need to introduce a fine as an additional punishment alongside the main punishment for certain crimes committed out of mercenary motives in the fields of economics and management.

The purpose of this study is to substantiate the necessity of introducing a fine as an additional punishment alongside the main punishment for certain economic, mercenary, and corruption-related crimes in the new Criminal Code of the Republic of Uzbekistan.

As noted by the renowned scholar A.V. Brilliantov: “When considering the practice of imposing a fine as an additional punishment, a different picture emerges. It can be said that there is a clear trend of a steady increase in the number of additional punishments imposed in the form of fines”. Taking into account the above, it can be concluded that the potential of fines as a type of criminal punishment has not yet been fully utilized, which compels us to seek ways to increase their effectiveness in the fight against crime[3].

Paragraph 15 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006, №1 “On the practice of courts imposing criminal penalties” states: “Recommend that courts more broadly apply the type of punishment in the form of a fine not only to persons found guilty of crimes that do not pose a great public danger or less serious crimes, but also to persons found guilty of serious crimes, if this punishment is provided for by the sanction of the law[4]”.

It should be noted that in crimes committed out of mercenary motives in the sphere of economy and management, the perpetrator, firstly, appropriates and conceals the proceeds of the crime, and secondly, the material damage caused remains unrecovered to a certain extent; moreover, many such criminals, after being released from prison, legally use the proceeds of the crime. This situation leads to injustice in society and fosters a psychology of impunity among individuals who commit certain economic and mercenary crimes.

In most developed countries (USA, Germany, France, etc.) and CIS countries (Russia, Belarus, Kazakhstan, etc.), along with imprisonment for economic, mercenary, and other serious crimes, a fine is additionally imposed.

In the US state of Texas, Articles 12.2, 12.3, and 12.4 of the Criminal Code specify that an additional fine of no more than $10,000 may be imposed when sentencing for crimes punishable by felonies of the 1st, 2nd, and 3rd degrees, respectively[5].

In English criminal law, the main types of punishment are fines and imprisonment. A fine may be imposed on both individuals and legal entities. A fine can be applied independently or combined with imprisonment[6].

In accordance with Article 48 of the Criminal Code of the Republic of Belarus, a fine may be applied not only as a primary punishment but also as an additional punishment. The fine applied as an additional penalty is specified in the Special Part of this Code after the most severe of the main types of punishment[7].

In accordance with Clause 2 of Article 45 of the Criminal Code of the Russian Federation, fines are used as both primary and additional types of punishment. In the Criminal Code of the Russian Federation, fines are provided in addition to the main punishment for economic, administrative, and certain serious crimes[8].

Examples include: Theft, credit fraud, embezzlement of another's property, robbery, bribe-taking, bribe-giving, mediation in bribery, commercial bribery, illegal entrepreneurship, production, purchase, storage, transportation, or sale of goods and products without marking and/or without entering required information, illegal organization and conduct of gambling, legalization (laundering) of funds or other property obtained by criminal means, assistance to terrorist activity, creation of a criminal association (criminal organization) or participation in it, etc.

In most cases of these economic and other serious crimes, if material damage is caused on a large or very large scale, or by an organized group, a fine is imposed as an additional punishment. The main goal is to strengthen liability for crimes committed out of mercenary motives and to ensure the requirements of the principle of the "inevitability of responsibility".

As noted by the renowned scholar B.V. Zdravomyslov: "As seen from the legislative definition of a fine, its punitive effect is aimed at significantly restricting the property and material interests of the defendant. Therefore, as a rule, a fine is provided for both as a primary and additional punishment in the sanctions of the articles of the Special Part of the Criminal Code for committing crimes with mercenary intent"[9].

Supporting this opinion, scholar A.I. Korebeev notes that since a fine is a type of property punishment, it is usually associated with crimes of a mercenary nature. Therefore, the sanctions of many norms for mercenary crimes prescribe a fine[10]. As noted by the famous scholar M.Kh. Rustambaev, a fine is a state coercive measure consisting of restricting the property rights of a person who has committed a crime by exerting economic influence on the offender [11].

RESEARCH METHOD

The study employed a combination of doctrinal, comparative legal, systematic, and analytical methods to examine the necessity of introducing a fine as an additional

punishment in the new Criminal Code of the Republic of Uzbekistan. The doctrinal legal method was used to analyze the provisions of the current Criminal Code, relevant legislative amendments, and resolutions of the Plenum of the Supreme Court concerning the application of fines as criminal punishment.

The comparative legal method was applied to examine the experience of selected foreign jurisdictions, including the United States, England, Belarus, and the Russian Federation, where fines may be imposed as primary or additional criminal punishments. This comparison was used to identify approaches that may be relevant to the development of Uzbekistan's criminal legislation.

The systematic analysis method was used to examine the relationship between fines, imprisonment, property-related sanctions, and the principle of the inevitability of criminal liability. Particular attention was given to corruption-related and mercenary crimes in the fields of economics and public administration. The analysis also considered the 2026 amendments to Uzbek legislation that identify specific economic and administrative offenses as corruption-related crimes.

The analytical method was used to identify the potential advantages and limitations of applying additional fines alongside the main punishment. The study focused on the preventive, punitive, and compensatory functions of fines and on their potential role in restricting the economic benefits obtained through criminal activity. Based on the results of the legal and comparative analysis, proposals were formulated concerning the wider application of fines as additional punishment for corruption-related and mercenary crimes in the new Criminal Code of the Republic of Uzbekistan.

RESULTS AND DISCUSSION

Results

The results of the study demonstrate that the wider application of fines as an additional criminal punishment may strengthen the effectiveness of criminal liability for corruption-related and mercenary crimes. The analysis of recent amendments to Uzbek legislation and the experience of foreign jurisdictions provides a basis for identifying areas in which the use of additional fines may be expanded.

It should be emphasized separately that in accordance with the Law of the Republic of Uzbekistan dated June 22, 2026, “On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Aimed at Increasing the Efficiency of Combating Corruption and Ensuring the Inevitability of Liability for Corruption-Related Crimes”, Chapter VIII of the Criminal Code, which specifies the “Legal Meaning of Terms”, defines 18 crimes in the field of economics and management as corruption crimes[12].

These include: Part 3, Clause “d” of Article 167 of the Criminal Code (committed through abuse of official position); Part 4, Clause “g” of Article 168 of the Criminal Code (committed using official position); Article 1929 (Commercial bribery); Article 19210 (Bribing an employee of a non-governmental commercial or other non-governmental organization); Part 2, Clause “v” of Article 19211 (Abuse of authority by officials of a non-

governmental commercial or other non-governmental organization committed for mercenary purposes); Part 2, Clause "v" of Article 205 (Abuse of authority or official position committed for mercenary purposes); Part 2, Clause "v" of Article 206 (Exceeding authority or official powers committed for mercenary purposes); Part 2 of Article 208 (Inaction of authorities committed for mercenary purposes); Part 2, Clause "v" of Article 209 (Official forgery committed for mercenary purposes); Articles 210 (Bribe-taking), 211 (Bribe-giving), 212 (Mediation in bribery), 213 (Bribing an employee of a state body, an organization with state participation, or a self-governing body of citizens), 214 (Illegal receipt of material values or property interest by an employee of a state body, an organization with state participation, or a self-governing body of citizens), 2141 (Illegal receipt of material values or property interest by participants and organizers of sports competitions), 2142 (Bribing participants and organizers of sports competitions); Part 2, Clause "b" of Article 301 (Abuse of authority, exceeding official powers, or official inaction committed for mercenary purposes); and Article 243 of the Criminal Code (Legalization of proceeds from criminal activity), if committed in connection with corruption-related crimes[13].

Discussion

It should be noted that certain corruption crimes specified in the law serve as a basis and cause for the commission of other serious crimes and, along with them, are qualified as a combination of crimes. For example, bribery crimes under Articles 210–212 of the Criminal Code are often combined with crimes under Article 175 (Concluding transactions contrary to the interests of the Republic of Uzbekistan), Article 182 (Violation of customs legislation), Article 184 (Evasion of taxes or fees), Article 1852 (Violation of rules for using electricity, thermal energy, gas, and water supply), and Article 231 (Passing an unjust sentence, decision, ruling, or order), and are qualified as a cumulative combination of these crimes [14].

According to the renowned scholar A.I. Rarog: "In the future, it is advisable to expand the number of sanctions in Russian criminal legislation that provide for the possibility of applying fines as primary and additional types of punishment, as well as to significantly increase the maximum fine for committing certain categories of crimes, primarily in the economic sphere" [15].

CONCLUSION

Fundamental Finding: The findings of the study indicate that the broader application of fines as an additional punishment may strengthen the effectiveness of criminal liability for corruption-related and mercenary crimes. The comparative analysis of foreign legislation demonstrates that combining fines with the main punishment is a recognized legal mechanism in several jurisdictions. **Implication:** Taking into account the recent development of Uzbekistan's anti-corruption legislation, the inclusion of an additional fine in the sanctions for relevant corruption and economic crimes may contribute to restricting the property interests obtained through criminal activity and

strengthening the principle of the inevitability of criminal liability. **Limitation:** This study is limited to a normative and comparative legal analysis of fines as an additional punishment, with particular emphasis on corruption-related, economic, and mercenary crimes within the framework of the proposed new Criminal Code of the Republic of Uzbekistan. **Future Research:** Accordingly, it is recommended that the draft of the new Criminal Code provide for the possibility of imposing a fine as an additional punishment for clearly defined corruption-related, economic, and mercenary crimes, taking into account the nature and degree of social danger of the offense, the amount of material damage, and the offender's property status. Such regulation should be accompanied by clear criteria for determining the amount of the fine in order to ensure proportionality, legal certainty, and consistent judicial practice.

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