

Prospects for Improving the Institution of Procedural Costs through the Introduction of a New System in the Fight against Crime

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ABSTRACT:

This article substantiates the need to introduce a national system called "Justice Expenditures" based on economic analysis of crime control and prevention activities. To this end, the experience of foreign countries and institutions implementing policy in the fight against crime on the basis of economic factors, the ongoing reforms in the Republic of Uzbekistan in this area are analyzed. On this basis, the main directions and advantages of the proposed new system of organization of work, including its role in improving the institution of procedural costs are explained, and a number of conceptual proposals for its implementation are put forward.

KEYWORDS: criminal procedure, procedural costs, crime control policy, economic analysis, state budget, local government, compensation to the victim, the cost of the crime. Ensuring reliable protection of the rights and freedoms of citizens, improving the system of combating crime and crime prevention have been identified as one of the priorities in the "Actions strategies on five priority areas of development of Uzbekistan for 2017-2021", which is actively implemented in the life of society at the initiative of the President of the Republic of Uzbekistan [1]

In ensuring guarantees of reliable protection of the rights and freedoms of citizens in criminal proceedings, of particular importance is the improvement of the institution of procedural costs, in particular, the mechanism of payment of costs incurred by citizens involved in criminal proceedings. Consequently, the following aspects were highlighted in the criminal process as an important and integral part of this institution:

- guarantees the property interests of the participants in the criminal proceedings;
- is closely linked with all institutions of criminal procedure;
- is a means of financial influence of the criminal process;
- is a material condition for the implementation of the tasks of criminal procedure legislation;
- is one of the decisive economic factors in the fight against crime.

The explanations of the first four of these aspects, which are aimed at revealing the essence of the institute of procedural costs in a broader sense, can be understood from the text itself. But the nature of the next two aspects requires a relatively detailed explanation. The manifestation of procedural costs as a material condition for the implementation of the functions of criminal procedure legislation and assessment as one of the decisive factors in the state's anti-crime policy in a market economy creates a new scientific approach to criminal procedural law. Prompt and complete detection of crimes, fair punishment for each offender, exposing the perpetrators so that no innocent person is prosecuted and convicted, and ensuring the proper application of the law are determined as functions of criminal procedure legislation, and, implementation of criminal proceedings in the manner prescribed by criminal procedure legislation, strengthening legitimacy, crime prevention, that the individual must help protect the interests of the state and society are determined as goals of criminal procedure legislation. This means that all the institutions regulated by the Code of Criminal Procedure, ie all the institutions involved in criminal proceedings, evidence, procedural coercion, compensation for property damage caused by crime, crime prevention and the stages of criminal proceedings in the special section will with interaction to implement these tasks and goals. Also, there is no criminal procedure to be regulated on the basis of which there is no need for the costs of the institute of procedural costs to be manifested in practice.

The basis for the assessment of the institute as one of the key factors in the state policy in the fight against crime in a market economy, in fact, is aimed at strengthening the rule of law in criminal procedure legislation, crime prevention, protection of the interests of the individual, the state and society. Because this is the main task of anti-crime policy. Our views in this regard are also confirmed by the increasing implementation of scientific research based on economic analysis of the cost of crime and justice in developed countries. According to statistic information, while the United Nations spent about \$ 307 billion in 2018-2019 on global crime prevention and criminal justice [2], the United States

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alone spends more than \$ 200 billion a year for these purposes [3]. In particular, the project RAND operating in the United States (Objective analysis. Effective solutions) calculated the value of criminal liability (the amount of average procedural costs) reimbursed at the expense of U.S. taxpayers on the 7 most common types of crime in the country. According to this, it is estimated to cost up to \$ 22,000-44,000 for each recorded murder, \$ 600 to \$ 1,300 for rape and other sexual offenses, \$ 800-2100 for invasion, \$ 200-600 for the crime of inflicting bodily injury with grave consequences, up to \$ 300-600 for theft committed by illegal entry into a home, up to \$ 200-400 for car hijacking and theft committing in the car [4]. In addition, the National Center for Victims of Crime has been effectively established in the United States, through which extensive work is being done to compensate and restore the rights of victims of crime [5]. The fund was established in 1984 in accordance with the Law on Victims (VOCA). It was revealed that the fund currently has more than \$ 12 billion in assets and in 2018, \$ 3.4 billion was spent on the implementation of more than a thousand programs planned [6]. This suggests that a more in-depth study of existing practices in the U.S. regarding procedural cost payment practices and the application of some of them to our national legislation is possible. In addition, a number of American researchers have similarly made suggestions and comments on defining the direction of the state's anti-crime policy by conducting calculations on specific crimes or criminal justice activities [7].

In the course of our research on this issue in more detail, some references including "The comparative costs and benefits of programs to reduce crime," written by American researchers Steve Aos, Polly Phipps, Robert Barnoski, and Roxanne Lieb [8], "The Costs of Crime and Justice" (Paperback) by Mark A. Cohen [9], "The economic and social costs of crime" written by Matthew Heeks, Sasha Reed, Mariam Tafhiri and Stuart Prince [10], "Costs and Benefits of Preventing Crime" prepared by Brandon Welsh [11] and other similar literature and reports have been reviewed in context.

These references discuss the economic consequences of criminal behavior. That is, financial analysis was conducted related to funds spent on procedural costs, damage to life and health of victims as a result of the crime, lost income and property, mental and physical suffering, living standards in society and a loss of confidence in the state, funds allocated from the state budget for the fight against crime and their prevention, as well as for the financial support of law enforcement agencies are summarized. And on this basis, proposals and comments on the fight against and prevention of crime in the state will be put forward.

In addition, by the twentieth century, the practice of approaching the issue of crime prevention according to economic analysis began to receive special attention in other countries. The following reports can be examples of this: "An Introduction to Economic Analysis in Crime Prevention: The Why, How and So What" by Canadian researchers Cameron McIntosh and Jobina Lee [12], "Report for the 20th German Congress on Crime Prevention: On the Economic Analysis of Costs and Benefits of Prevention" by German expert Stephan L. Thomsen [13], "How I Would Spend \$ 100 Million to Reduce Crime" by Australian researcher Sarre, Rick.

It can be concluded that reliance on economic factors, ie procedural costs in terms of criminal procedure law, is widely used in the practice of developed countries in the conduct of effective public policy in the fight against and prevention of crime. In our opinion, it is the most fair and correct approach in today's market economy to assess the importance of all services provided in society, available material and intangible resources on a material basis. In this regard, the system of "truth and justice of crime", the concept of "Safe City", the experience of the neighborhood "Safe Yard" and "Nukus", as well as the implementation of the analysis of crime in four sectors implemented in our country today also serve exactly the above. Of course, as a result of these measures, positive results have been achieved in the prevention of crime in a short period of time. However, in our opinion, the issue of increasing the efficiency of work in this area will never lose its relevance. Therefore, in our view, it is necessary to study exactly how much of these funds will be spent directly on the fight against crime, and to study the effectiveness of programs in this area. If we take into account the need for strict control over the accumulation of budget funds mainly at the expense of taxpayers and their spending in accordance with the requirements of the Budget Code, this is the right approach. In other words, by giving more independence to local budgets now, the capacity of local governments to address social issues on the ground will be increased. On this basis, and based on the above, it is proposed to introduce a system of "Justice Expenditures", which will be the basis for a new state policy aimed at combating and preventing crime.

At the same time, first of all, it is proposed to coordinate mutually powers and capabilities of the bodies involved in crime prevention and participation in it and transfer of the responsibility for material and technical support of their activities to the account and control of local authorities. To do this:

- For each fiscal year, based on the criminogenic situation and the demographic situation in the region, the exact amount of funds to be allocated to finance the implementation of crime prevention is determined and allocated;
- Fines in the form of criminal and administrative penalties imposed by the courts of the administrative territory and the proceeds from all other property charges are credited to the account of this system;

- The types and amount of expenditures for which the allocated funds can be spent are planned;
- The account of the allocated funds is kept transparently in the system "Criminal truth and justice" on a separate website. Every citizen will be able to get acquainted with the expenditure of budget funds and the state of crime by visiting this site.

From the account of this system, the following areas in the territory will be financed:

1. compensation paid to a victim of a crime committed in the territory;
2. procedural costs incurred in criminal proceedings;
3. incentives for citizens and public organizations for active participation in crime prevention and fight against crime; [15]
4. measures taken to protect participants in criminal proceedings; [16]
5. expenditures related to logistics, salaries and other social protection of state bodies engaged in crime prevention.

In this case, this value is deducted in equal shares from the salaries of employees of the bodies directly involved in the prevention of offenses, including the head (governor) of the administrative territory. At the same time, the lower the crime rate in the region, the higher the salaries and bonuses of law enforcement officers. That is, it creates a system in which the level of incentives of the staff of the preventive body and the level of crime are interrelated.

Expected results of the introduction of this system (ie the advantages of the system):

1. A clear source of payment and reimbursement of procedural costs are formed, the collected procedural costs are also added to the account of this system;
2. The responsibility and accountability of local authorities in the full implementation of their powers in the field of crime prevention based on 2. Article 8 of the Law of the Republic of Uzbekistan "On crime prevention" [17] are increased;
3. Victims of crime shall be compensated for insufficient organization of crime prevention activities financed by taxes and other fees paid by them and thereby their rights and legitimate interests are reliably protected;
4. Anti-crime bodies shall pay, first of all, employees of internal affairs bodies on the basis of labor efficiency and create a new system that will increase the efficiency of their activities and provide social protection;
5. Local authorities, as a territorial structure exercising the powers of the government, ensure the implementation of the law enforcement function of the state in the regions;
6. Realizing that part of the taxes and other fees they pay are spent on crime prevention activities, citizens, as active members of civil society, voluntarily try to contribute to these activities, raising awareness;
7. There will be an opportunity to analyze and manage the amount of funds spent on the fight against crime and crime prevention, and the work done in this regard, the results of government programs;
8. It is also possible to accumulate funds in excess of a certain fiscal year as a reserve for the next year and make a profit by conducting financial transactions through a particular bank;
9. The activities of the bodies and institutions directly involved in crime prevention and participating in it shall be ensured, and their activities shall be coordinated.

Most importantly, based on the new world experience in the fight against crime, the supremacy of the Constitution and laws, the inviolability of private property, the influx of foreign investors and the creation of the most favorable conditions for the economic development of society will be achieved in our country.

In conclusion, it can be said that the proposals and recommendations put forward in the article are based on scientific assumptions, have a conceptual character. They can be further improved, further enriched and, if necessary, corrected as part of a separate research work. Therefore, it is advisable to adopt them as one of the initiatives initiated in the field of research.

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