



THE ESSENCE OF THE FUNCTIONAL ANALYSIS METHOD USED IN THE COMPARATIVE LEGAL ANALYSIS OF THE LEGAL FOUNDATIONS OF CRIME PREVENTION

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Abstract: This article is dedicated to examining the essence of the functional analysis method used in the comparative legal analysis of the legal basis for crime prevention. The functional analysis method enhances the effectiveness of comparative analysis by highlighting the social functions of legal norms, their practical significance, and their interrelationships across different jurisdictions. The article analyzes the theoretical foundations of the method, its application mechanisms, and its role in crime prevention. Additionally, the advantages and limitations of the functional approach are considered using examples from foreign and Uzbek law. As a result, it is recommended to apply this method more widely in legal research, which will serve to increase the effectiveness of the prevention system.

Keywords: crime prevention, functional analysis, comparative legal analysis, legal foundations, functions of norms, comparison of jurisdictions, prevention mechanisms.

Comparative legal analysis of national legislation on crime prevention is one of the important areas of modern jurisprudence[1]. Its significance is primarily linked to improving the legislative system and ensuring its effective practical application. Such analysis is expressed in the following directions:

a) Through comparative analysis, legal norms, mechanisms, and legal institutions successfully applied in neighboring countries or international practices in the field of crime prevention are studied. If they are adapted and implemented in the national legal system, the effectiveness of domestic legislation will increase, and the activities of law enforcement agencies will be further improved.

b) Comparative legal analysis allows for the harmonization of legal norms with international standards and the application of universally recognized principles for protecting human rights and freedoms in national legislation. This not only develops the country's domestic legal system but also strengthens Uzbekistan's legal image in the international arena.

c) Comparative legal analysis serves as a scientific basis for legal scholars and practicing specialists in seeking solutions to problems of theoretical and practical significance. By comparing the experiences of different legal systems, new ways to solve existing problems are found, gaps and shortcomings in the application of legal norms are identified, and scientifically based proposals for their elimination are developed.

Thus, a comparative legal analysis of national legislation in the field of crime prevention has important scientific and practical significance not only for improving the legal framework but also for ensuring compliance with international legal requirements and opening new directions in scientific research.



Among the methods used in comparative legal analysis, functional analysis is of particular importance, focusing on how legal norms work in practice, to what extent they are effective, and how they are applied by law enforcement agencies. That is, functional analysis primarily seeks an answer to the question "how does the norm work?"[2].

1) Paragraph 6 of part 1 of Article 10 of the Law of the Republic of Uzbekistan "On Crime Prevention" dated May 14, 2014, grants internal affairs bodies the authority to "carry out preventive registration of persons provided for in Article 35 of this Law"[3]. However, the analysis of practice shows that this norm does not fully give its expected result, the information base in the process of preventive registration is not fully formed, there is a low effectiveness of regular monitoring of the behavior of the indicated persons, and the mechanism for deregistration is not sufficiently clearly defined. As a result, the preventive account does not fully function as a means of preventing offenses. Therefore, to eliminate problems in practice, proposals have been developed to improve this norm, and if necessary, to abandon or optimize some of its parts.

2) Although Article 35 of the Law of the Republic of Uzbekistan "On Crime Prevention" clearly defines the category of persons subject to preventive registration, the analysis of practice shows that this norm is not fully applied. In particular, preventive records are mainly carried out against previously convicted persons and persons who have committed administrative offenses provided for in Articles 40, 41, 45, 47, 52, 56, 58, 61, 106, 131, 165, 183, 184, 184-1, 184-2, 184-3, 187, 188, 188-1, 189, 189, 190, 191, 201, 202, 202-1, 240, 241 [4] of the Code of Administrative Offenses. In relation to other categories - for example, persons sentenced to imprisonment or returning from specialized educational institutions - preventive records are practically not maintained. As a result, the preventive accounting mechanisms provided for by the law are partially functioning in practice, which limits its ability to be fully effective in preventing offenses.

As can be seen from the above functional analysis, the legal norm (Article 10 and Article 35) does not fully work in practice. Specifically:

the database of preventive accounting is not fully formed;

Observation of the behavior of individuals is ineffective;

the procedure for deregistration is not clearly defined;

Only some of the categories established by Article 35 are applied.

Based on this, the following proposal can be made to the legislation:

Proposal to the legislation:

In order to improve the norms established in paragraph 6 of part 1 of Article 10 and Article 35 of the Law "On Crime Prevention," it is advisable to include in them a provision of the following content:

"In the process of preventive registration, a clear and limited category of persons is determined, a unified electronic information database is formed on them, the updating and monitoring of this database is carried out on an ongoing basis. Also, specific conditions and deadlines for preventive deregistration will be established by law. The application of the preventive accounting mechanism must be ensured in a mandatory manner for all established categories."

This proposal will eliminate the shortcomings of the legislation: a) it will be clearly defined which persons will be registered and removed; b) the electronic database and constant



monitoring will strengthen preventive work; c) the norm will apply to all provided categories, but not to some.

3) The provision of paragraph 4 of Article 44 of the Law of the Republic of Uzbekistan "On the Prevention of Offenses" on the "creation of specialized institutions providing assistance to victims of offenses" has acquired a one-sided form in practice. That is, specialized centers have been created and their activities have been established, mainly providing services to victims of domestic violence and harassment. However, analysis of practice shows that such institutions provided for by the law do not cover all types of victims. In particular, there are no specialized institutions to provide assistance to victims of fraud, property offenses, or cybercrime. This does not fully ensure the expected result of the legal norm, since victimological preventive measures should be implemented equally for different categories of victims.

Based on this, as a proposal to the legislation, the following can be put forward: it is necessary to supplement paragraph 4 of Article 44 with the provision "to ensure that the activities of specialized institutions cover various categories of victims, including victims of property offenses, economic crimes, cybercrimes and other offenses."

4) Comparative legal analysis of the norms of the Law of the Republic of Uzbekistan "On Crime Prevention" dated May 14, 2014 and the provisions of the Decree of the President of the Republic of Uzbekistan "On Approving the Concept of Public Security of the Republic of Uzbekistan and Measures for its Implementation" dated November 29, 2021 No. UP-27 [5] shows the presence of contradictions or inconsistencies in them. For example, some provisions do not comply with the norms of the Law or establish a broader procedure than it. Specifically: The powers of the Public Security Department (Decree, clauses 4-6) are defined. The law lists various agencies among the subjects of prevention, but does not provide for the creation of a separate centralized department.

The Decree defines the Department as the sole coordinating body. This does not fully comply with the principle of "division of powers" in the Law, since its powers may intersect with the duties of other subjects.

5) We will conduct a comparative legal, i.e., normative analysis of the norms of the Law of the Republic of Uzbekistan "On Crime Prevention" of May 14, 2014 and the Decree of the President of the Republic of Uzbekistan "On Measures to Raise the Activities of Internal Affairs Bodies in the Field of Ensuring Public Safety and Combating Crime to a Qualitatively New Level" of March 26, 2021 No. UP-6196.

First, in paragraph 6 of part 1 of Article 10 of the law, "Preventive registration of persons provided for in Article 35 of the law" is defined as the competence of internal affairs bodies.

The decree provides for the integration of prevention inspectors and probation services, and the maintenance of records through "Smart Mahalla." However, the traditional preventive accounting system in the legal norm is not harmonized with the digital mechanism, and the Decree actually provides for its abandonment.

Secondly, Article 44 of the law provides for measures of victimological prevention (victim assistance institutions).

In the decree, the victimological direction is practically not covered, the main focus is on the elimination of control and crime "hotspots" at the mahalla level. In the area of victimological prevention, full compliance with the requirements of the law has not been ensured.



Thirdly, Article 7 of the law lists mahalla and citizens' self-government bodies among the subjects of prevention, but they are considered independent subjects.

In the decree, mahalla law enforcement agencies are defined as the main lower level, integrated into the system of internal affairs bodies. There is a difference here from the point of view of legal status, in particular, in the law the mahalla is independent as a subject, and in the Decree it is transformed into a "connecting part" of the internal affairs system.

In order to eliminate this discrepancy, it is proposed to harmonize the modern mechanisms (Smart neighborhood, powers of the prevention inspector, digital accounting) established by the Decree with Articles 10, 35, and 44 of the law. This eliminates legal conflicts.

5) We will conduct a comparative legal, i.e., normative analysis of the provisions of the Resolution of the President of the Republic of Uzbekistan dated January 3, 2025 No. PP-1 "On Measures to Create a Safe Environment and Further Increase the Effectiveness of the Early Prevention System of Offenses in the Mahallas of the Republic in 2025"[7].

The decision was made in accordance with the principles of public safety and ensuring the rights and freedoms of citizens enshrined in the Constitution.

The Law "On Crime Prevention," the Concept of Public Security, and the "Uzbekistan - 2030" Strategy will contribute to the implementation of priority tasks.

The legal basis of the resolution is aimed at improving and ensuring the implementation of current legislation in the field of prevention.

The new mechanisms and organizational measures contained in the resolution are:

personal responsibility of managers responsible for crime prevention at the level of mahalla → district → region has been established;

The specific responsibility of each representative of the "Mahalla Seven" institution was indicated;

scientifically based studies with the participation of scientific organizations and educational institutions have been introduced;

modern digital technologies and technical means are being widely implemented to ensure public safety.

An interdepartmental coordination working group has been created, which has strengthened control over the effectiveness of measures;

a rapid movement system will be introduced in mahalla law enforcement centers and microdistricts.

The information systems "E-administrative affairs" and "E-social prevention" have been integrated;

In each case of an offense, social preventive measures were automatically formed and directed for implementation;

a mechanism of daily departmental control has been introduced;

the activities of responsible managers are assessed at the end of each month, quarter, and half-year, and measures of encouragement or disciplinary action are taken based on the results;

regular reporting to the President has been established as an additional form of control.

In conclusion, it should be noted that the significance of this resolution: a) serves to reduce the level of crime by creating a safe environment in mahallas; b) increases the sense of personal security of citizens and ensures broad public participation in prevention; c) is aimed at eliminating the socio-economic and psychological causes of offenses.



6) a brief normative-legal analysis of the Resolution of the President of the Republic of Uzbekistan dated August 18, 2025 No. PP-253 "On Amendments and Additions to Certain Resolutions of the President of the Republic of Uzbekistan, aimed at further increasing the effectiveness of the system of early crime prevention in mahallas"[8].

This decision: a) is adopted in accordance with the principles of ensuring public safety and law and order contained in the Constitution; b) provides for amendments to the Law "On Crime Prevention" and previously adopted Presidential decrees on crime prevention.

The main goal of the resolution is to implement targeted preventive measures based on a special approach in mahallas with a difficult criminogenic situation, included in the "red" category; increase the coverage of technical property protection and introduce modern control tools; strengthen the personal responsibility of heads of state bodies and local khokimiyats.

The Resolution introduces the following new mechanisms:

Implementation of the "Exemplary Safe Street" and "Exemplary Safe House" projects;

formation of a personnel reserve for internal affairs bodies and the introduction of distance learning;

involvement of scientific institutions in prevention based on the principle of "scientific conclusion - recommendation - result."

As can be seen from the essence and content of the Resolution of the President of the Republic of Uzbekistan No. PP-253 dated August 18, 2025, it is an important legal document aimed at improving national legislation in the field of crime prevention and increasing the effectiveness of practice. Also, the scientific and practical significance of the resolution lies in the fact that it interprets the prevention of offenses not only as the activity of law enforcement agencies, but also as a complex process carried out in cooperation with various institutions of society, state bodies, mahallas, and scientific institutions.

The most effective direction for improving the resolution is the identification of regulatory frameworks, the adoption of targeted measures based on scientific analysis, the introduction of digital technologies, and the active involvement of the public.

In conclusion, it should be noted that comparative legal analysis in the field of crime prevention, especially the method of functional analysis, allows us to determine how the norms of national legislation work in practice, to what extent they are effective, and in what aspects they need to be improved. Analysis of the articles of the Law of the Republic of Uzbekistan "On Crime Prevention" showed that in practice there are a number of problems - incomplete functioning of preventive records, limited number of institutions for providing assistance to victims, inconsistencies in the norms of the law and decree. Presidential decrees and resolutions are aimed at taking the prevention process to a new level through digital technologies, targeted measures, and increased public participation.

Thus, through a functional analysis of the legal framework: a) ineffective aspects and legal gaps in practice are identified; b) the possibility of harmonizing legislation with international standards is opened; c) directions for the digitalization of the national prevention system and active public engagement are determined.

This serves as a scientifically based approach to increasing the effectiveness of national legislation and practice in the field of crime prevention

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