META-LEVEL FOUNDATIONS OF CRIMINAL LEGISLATION: THE SIGNIFICANCE OF THE CONSTITUTION AND NORMS OF INTERNATIONAL LAW

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Abstract: This article analyzes the meta-level foundations of criminal legislation, highlighting the role and significance of the Constitution and norms of international law within the criminal law system. Specifically, it provides a scientific and theoretical examination of the role of constitutional principles in ensuring human rights and freedoms, and the influence of international treaties and universally recognized legal norms on national criminal legislation. Issues of ensuring harmony between national and international law are also considered.

Keywords: criminal legislation, Constitution, international law, human rights, legal principles, national legislation, legal system, criminal law, international treaties, rule of law.

In understanding the legal nature and content of the criminal legislation of the Republic of Uzbekistan, the foundations established in Article 1 of the Criminal Code are of particular theoretical importance. This article stipulates that criminal legislation is based on the Constitution and the universally recognized norms of international law, which defines the content, direction, and scope of application of criminal law. Therefore, it is important to analyze these foundations not merely as a formal rule, but as a fundamental theoretical criterion that determines the formation of the criminal law system.

At the same time, Article 1 of the Criminal Code of the Republic of Uzbekistan enshrines that the criminal legislation of the Republic of Uzbekistan is based on the Constitution and the universally recognized norms of international law and consists of this Code.

"Foundation" (asos) is understood as a basis; a source, the part of an object that holds or supports all its other parts, a support; something that constitutes the basis of social life or natural phenomena; a support, basis, foundation [1].

This word is also interpreted as a source; the main element for the construction of something; the essence of something; the initial, fundamental rules of something; ...to lie at the foundation of something (to be) – to be the main, primary element in something; to lay the foundation for something, to take something as a basis – to use it as the initial, primary element [2].

In English, the concept of "base" is considered as an important support that strengthens certain events, ideas or facts and ensures their development. It also serves as a fundamental foundation for the emergence of a particular idea, reality, or legal situation. From this perspective, the primary objective of the Criminal Code is to clearly define the scope of the criminal justice system's functioning, ensuring that these legal boundaries have a solid foundation and cannot be violated by either the state or citizens. Therefore, it is extremely important to clearly define which acts are criminal and what measures should be taken against them. Through this, criminal law restricts and controls the lawful exercise of its coercive power by the state in the field of justice.

Consequently, the perception of the foundations of the Criminal Code can be characterized through their functions. In particular, A. Toshpulatov emphasizes that the tasks of the principles of criminal law are to influence the consciousness and behavior of people, to regulate certain interconnected and similar relations. These functions define the goals and objectives of the principles of criminal law, clarifying their ideological, political, protective, and regulatory content.[3]

Developing this author's idea, the generally recognized norms of the Constitution and international law are:

unifies legal norms, defines ways to improve legal norms as leading ideas for the legislator;

ensures an important, stable, and necessary link between various legislative norms and other regulatory legal requirements, and serves as an important guide in the process of lawmaking and the systematization, interpretation, and implementation of legislative norms;

serves as a link between society and the main laws of development and functioning of the legal system;

directs the application of legislative articles and determines the general direction for resolving a particular legal issue.

What role does the substantiation of articles of the Criminal Code of the Republic of Uzbekistan play? V.P. Konyakhin proposed dividing any constitutional provisions important for the regulation of criminal law into three groups: a) norms that have conceptual or ideological significance for the field of criminal law; b) norms that "in relation to criminal law primarily perform a system-forming function, form its vertical (hierarchical) structure, and define the scope of its approximate normative sources"; c) norms that embody a constructive function, i.e., they define the content of criminal law requirements by merging with the text of the criminal law[4].

M.V.Kiryushkin proposes to speak of the "formal-legal significance of the Constitution in criminal law" only in cases where the "legal solution to a question regulated by the norms of the Criminal Code depends on the specific content of the provisions of the Constitution." This author's opinion intersects on two main points: 1) thanks to the Constitution, the criminal law acquires a legal character - as a separate part of the general state effort to govern the country, which logically follows from the General Agreement between the population and the authorities, according to which the second party provides legal services to the first party, the Basic Law itself is exactly this agreement; 2) the norms of the Criminal Code apply only to the extent that they do not contradict the text and spirit of the Basic Law [5]. From this, the following conclusion can be drawn: first, when interpreting the articles of the Criminal Code, it is necessary to be guided by constitutional norms. If the norms of the Criminal Code are interpreted in a manner contrary to constitutional norms, they are recognized as unlawful. Secondly, the Constitution of the Republic of Uzbekistan facilitates the systematization of the articles of the Criminal Code, establishing the rights of an individual that may be secured or restricted by criminal legal means and their limits.

The second important feature of the article is the generally recognized norms of international law. The word "norm" is used in the Criminal Code as a normative legal act in the sense of norms for the commissioning and operation of facilities, violation of environmental safety norms and requirements by an official (Article 193 of the Criminal Code), violation of

veterinary and veterinary-sanitary rules and norms (Article 200 of the Criminal Code). However, in some articles of the Criminal Code of Uzbekistan, this word is used in a different sense. Specifically, actions that may lead to the disruption of the normal operation of oil pipelines (Article 2552 of the Criminal Code), and generally recognized rules of conduct (Paragraph "g" of Part 2 of Article 277 of the Criminal Code). In the specified articles, the word "rule" is used as a generally recognized standard or rule of conduct, as evidenced by the text of Article 277 of the Criminal Code in the Uzbek language (rules of conduct).

In legal literature, the word "norm" is usually applied to articles of legislation or to the legislation itself (a normative legal act). The use of this word in this sense is dictated by a positivist approach to law, in which "norms" are recognized only as behavioral or other requirements established by legislation.

Since this word is borrowed from the Russian language, we refer to the explanatory dictionary of the Russian language to understand its true meaning. According to Ozhegov, "norm" is understood as a legalized requirement, an order recognized as mandatory, and a norm of behavior[6]. In the Oxford Dictionary, "norm" is also interpreted as a general or expected situation (state) or model of behavior; the usual or accepted standards of behavior specific to a particular group or society.

As an adjective, the word "norm" can be used as "normative" or "normal." In the first case, it refers to a norm, i.e., a document establishing a norm or standard (in positive law). In the second, it refers to the usual, generally accepted behavior and general standards accepted in society. The word "norm" also means good (acceptable), a model. If we do not know the Constitution or the norms of international law, it would be impossible to distinguish acceptable from unacceptable, good from bad.

A special place in the understanding of universally recognized norms of international law is occupied by the personalistic concept of natural law by Jacques Mariten and the sociological school of Roscoe Paund.

According to J. Mariten's concept, the activity of a lawmaker must be based on the principles of morality and justice. Lawmaking is aimed at improving the lives of citizens and must guarantee the economic, political, personal (civil), social, and cultural rights of every individual. The result of lawmaking should be the development of normative legal acts that serve the general well-being of society. People must live together in compliance with a number of rules and prohibitions. These dynamic schemes of natural law rules are manifested in various and relative rules of behavior, in which "the minds of all peoples have demonstrated an awareness of the most important aspects of natural law" [7].

While in antiquity and the Middle Ages attention was focused on the duties of the individual, since the 18th century, natural law has demanded attention to human rights. It was Martin's philosophy of human rights that became one of the sources of the Universal Declaration of Human Rights (1948).

From this, we can conclude that over the centuries, certain strict rules of behavior were formed that people had to live by, and these rules were transformed into the principles that form the basis of law. The universally recognized norms of international law and the Constitution of the Republic of Uzbekistan serve as the point of formation for the type of criminal law system. However, by themselves, they cannot systematize general branches of legislation, particularly criminal law. Legislation is systematized through the facts or ideas

embedded in them. Criminal law-forming principles can be approached as immutable standards and technical instructions that shape legal activity. Therefore, it is necessary to study the criminal law of the Republic of Uzbekistan in accordance with the rules of the theory of natural law, and to revise the Criminal Code in accordance with the rules of this theory.

Based on the above, it can be concluded that the grounds provided for in Article 1 of the Criminal Code of the Republic of Uzbekistan imply principles that must be considered at the meta-level. These principles can be called general principles of law. Unlike the principles enshrined in the law, they are applied in a different way. These principles contribute to the formation of the type of criminal law.

Principles at the meta-level are universal human values (goodness, rationality, honesty, etc.) that are understandable to many at first glance but cause serious difficulties in the process of description and serve as a subject of scientific debate [8], usually representing a specific rule or instruction reflected in the law or derived from natural rights, moral norms, and universally recognized in the legal system.

Thus, the universally recognized norms of the Constitution and international law provided for in Article 1 of the Criminal Code act as principles of criminal law at the meta-level. They serve as a guiding criterion in the creation, interpretation, and application of legal norms and define the general conceptual foundation of the criminal law system. From this perspective, in the process of improving national criminal legislation, it is of great scientific and practical importance to re-evaluate these foundations in harmony with the principles of natural law, human rights, and the modern rule of law

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