



THE CONCEPT AND SIGNS OF CRIME IN THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN.

Mirzayeva Khakimakhon

Andijan State University, correspondence Department
Psychology (Applied Psychology) Course student
<https://doi.org/10.5281/zenodo.7776791>

Abstract.

this article covers the concept of crime in a comprehensive study of the types and signs of crime, with scientific evidence and examples.

Keywords: crime, crime concept, crime signs, human rights, criminal code, person, dangerous act, criminal punishment, composition of the crime, objective side.

The general part of criminal law is associated with two main concepts, which are: the concepts of crime and punishment. Accordingly, the concept of crime is the most important and fundamental category of criminal law.

The crime is dangerous for a person, and for society, and for the state. The social danger of a crime is determined by the importance of the legal humiliation of an object guarded by law.

These objects are the person, his rights and freedoms, the interests of society and the state, property, the natural environment, peace, the security of mankind, according to the definition of Article 2 of the CC. But the degree of danger of a crime is determined only by the peculiarities of a socially dangerous act committed without the expression of the object itself, which is encroached on due to an act. One of the criteria that determines the degree of social danger of a crime is the amount of damage caused by a crime.¹

In our country, a criminal offense is a legal entity that determines the criminal and punitive nature of an act, the basis of criminal liability, the imposition of punishment, liability and exemption from punishment. But the fact that the criminal code is not fully adhered to these norms by the investigating authorities, as a result of which individuals are legally liable.

Our President SH.M. Mirziyoyev in his lecture, made the following statements. "In 2018, 1,881 criminal cases were terminated due to insufficient evidence. 590 individuals were acquitted by the courts".

Article 2 of the Criminal Code establishes the functions of the Criminal Code of the Republic of Uzbekistan to protect a person, his rights and freedoms, the interests of society and the state, property, natural autonomy, peace, the security of mankind from criminal encroachments. It is also indicated that the Prevention of crimes consists in the upbringing of citizens with the permission to comply with the Constitution and laws of the Republic, and the scope of crimes is stated in a general way. Article 14 of the ozr CC gives the concept of a crime. In it, a guilty socially dangerous act (malpractice or malpractice) prohibited by the Criminal Code is found to be a crime with the assumption of punishment, intimidating punishment and making a socially dangerous act (malpractice or malpractice) prohibited by the Criminal Law guilty is found to be a crime.

¹ M.X. Rustamboyev Jinoyat xuquqi (Umumiy qism) Toshkent. 'Ilm-ziyo'-2018.

A person's violation of the right can be expressed in active malpractice or malpractice. A person must be guided by his or her mind, whether they are Movement or movement. Only then is the socially dangerous act a crime committed.

Whether a person is a good person or a disenfranchisement or a criminal act, first of all, it begins with the thought of committing a certain act. A person can shape it in his mind before performing an act. But the presence of an opinion on the purpose of committing a crime is not a criminal act. Because in order to judge an act as a crime, an act must have the conditions provided for by law, that is, all the symptoms of the content of the crime. In the thought of committing a crime, however, yet in order to carry out this idea, the person none did not do any harm, and due to this, the yet of charakats, which represent the objective side of the composition of the crime, would not have been committed.

These issues will be detailed on the topic of the stages of the crime. The existence of an opinion on the commission of a crime is taken as a general rule in all criminal rights that a crime is not qualified.

By taxing the definition of a crime in Article 14 of the Republic of Uzbekistan CC, its signs can be identified and consist of:

- violation of the right to commit an act;
- social dangerousness;
- the existence of guilt;

-the fact that the criminal law establishes a penalty for an act (subject to punishment).²

The simultaneous presence of all these signs in any socially dangerous act provides the basis for finding it a crime. Without one of these signs, an act is not considered a crime.

The articles of the special part of Republic of Uzbekistan CCs give a strict list of crimes, which prohibit the commission of alleged acts. And committing them is a violation of the right. In the special part of the CC, crimes are not committed, regardless of the consequences caused by acts that are not committed as a crime and do not provide for punishment. To judge an act as a crime, of course, it must be specified in the article of a special part of the CC and for this a criminal penalty is provided for.

Only the legislative body (Supreme Assembly of Uzbekistan) decides the issue of criminalizing one act or another and including it in the Criminal Code. The issue of criminalization or decriminalization of one act or another is also associated with the fact that in society such acts pose a threat to existing social relations, to some extent, an increase in such risks.

The special section of the CC gives a strict list of crimes, which can be conditionally divided into two groups:

- criminological crimes;
- crime-legal crimes;

Criminological crimes have always been persecuted at all stages of human history by the existing norms of custom, morality and law, considered socially dangerous. These include, for example, manslaughter, bodily injury, theft, robbery, raiding, and hokazo. Although the duration and types of punishment for these crimes have varied, they have always been persecuted.

Criminal justice crimes, on the other hand, are considered crimes in connection with the

² M.Z.Muqimov Jinoyat tarkibi Toshkent. "Adolat" 2008 y

fact that they have become socially dangerous in a certain period, are included in the CC as a criminal justice norm. About 60 acts that were considered crimes in the CC, passed in 1959 and in force until 1 April 1995, were not included in the new CC. also, the responsibility for speculation was established in the previous code. Article 175 of the previous code, which provided for responsibility for speculation, was not included in the new CC.

Speculation is no longer a crime, but a commercial one, becoming one of the types of activities that people engage in. At the same time, about 60 acts not considered a crime in the previous criminal code were included as a crime in the new Criminal Code.

According to the content of the criminal law, not only acts that cause socially dangerous consequences are considered crimes, but also socially dangerous acts that cause a threat of real harm to an object protected by law.

Article 14 of the Republic of Uzbekistan CCs crime as one of the hallmarks of criminalizing a socially dangerous act. The social danger of a crime is an indicator of its quality. It is the qualitative indicator of an act that clarifies the issue of whether or not to condemn it as a crime. Hence, social dangerousness determines its material nature and is one of the main criteria for inclusion in the law by the legislature as a crime.

The presence of social dangerousness in an act means that it is at risk of harming or harming social attitudes. The social dangerousness of a crime is characterized by its objective nature, which, regardless of the consciousness and will of the legislator, harms social relations and, according to its own internal leprosy, harms the normal functioning of society. The Legislature considers the question of whether or not to include it in the scope of crimes, taking these characteristics of a socially dangerous act into account. In this case, the function of the Legislature is to properly ensure the survival of society at a certain stage of the development of society and to decriminalize or decriminalize the act as a crime.

References:

1. O'zbekiston Respublikasining jinoyat kodeksi.
2. M.X. Rustamboyev Jinoyat xuquqi (Umumiy qism) Toshkent- "Ilm-ziyo"-2018.
3. M.Z.Muqimov "Jinoyat tarkibi" Toshkent. "Adolat" 2008 y