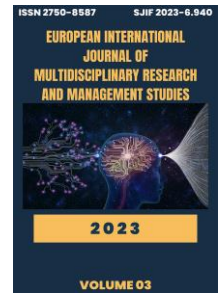


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**ISSUES OF RESPONSIBILITY FOR CRIMES COMMITTED IN A STATE OF INTENSE  
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**ABOUT ARTICLE****Key words:** Affect, affect status, criminal law.**Abstract:** The article is dedicated to the actual and significant problem. Such as analysis of objective side of components of crime, in particular the basic of the illegal actions of the victim, providing in article 98,106 of Criminal code of Republic of Uzbekistan.**Received:** 09.12.2023**Accepted:** 14.12.2023**Published:** 19.12.2023

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**INTRODUCTION**

Human life is the most important benefit given to him by nature. When committing crimes against life, there are consequences that cannot be restored or compensated: the loss of a person's life is irreversible and irreparable. This indicates a special social danger of crimes against life, which include murder committed in a state of passion, provided for in Articles 98, 106 of the Criminal Code of the Republic of Uzbekistan.

One of the main requirements for sentencing is the application of the principle of justice enshrined in the criminal law to the person who committed the crime, in proportion to the public danger of the act committed by him, as well as taking into account the level of public danger of the act, circumstances mitigating and aggravating punishment.

Undoubtedly, taking into account his psychological state is of particular importance when assessing the actions of a person who has committed a crime by law enforcement agencies. The purpose of this, first of all, is the correct assessment of his behavior from a criminal legal point of view. To achieve this goal,

it is necessary to have information about the psychological side of a person's activity, to establish his behavioral mechanism and other signs of the subject.

One of the psychological states of a person described by the Criminal Code of the Republic of Uzbekistan, which affect the qualification of a criminal act, is the commission of a crime in a state of strong mental excitement. Strong mental agitation, being one of the most important psychological states of persons, is enshrined in the criminal law (Article 55 of the Criminal Code) as a mitigating circumstance. In addition, it is a constructive feature of the crimes provided for in Articles 98 and 106 of the Criminal Code of Uzbekistan.

Of particular practical importance is the correct establishment of the state of affect. To date, there are some difficulties in establishing the commission of a crime in a state of strong emotional excitement (affect) in practice. This is due to the fact that, firstly, the introduction of the concept of "affect" into the Criminal Code of the Republic of Uzbekistan as a synonym for the concept of "strong emotional excitement" leads to a different understanding from a scientific and practical point of view of the place and role of the specified criminal law norm. Similar visions and concepts in practice also have a negative impact on the definition of a "state of strong mental excitement" and the imposition of fair punishment on a person who has committed a crime in such a state.

Although articles 98, 106 of the Criminal Code describe how strong mental agitation occurs and list the causes that cause it, there are no specific norms in the criminal law that give an understanding of what is strong mental agitation (affect), what psychological states we can attribute to this concept, the range of understanding of the causes that cause it affect. As N.Zhumaniezov notes, the concept of "a state of strong emotional excitement", being broader than the concept of "affect", includes, in addition to the state of affect, also emotional tension. Without joining this opinion, we can say that the enumeration in the relevant articles of the Criminal Code of the reasons that induce states of strong mental excitement does not mean that this concept has been defined and that the concept of "affect" is much narrower than the concept of "strong mental excitement". Taking into account the fact that the concepts of "strong emotional excitement" and "affect" are correlated as general and particular, we consider it appropriate to introduce the concept of "strong emotional excitement (affect)" into the relevant articles of the Criminal Code;

Secondly, in most criminal cases, determining the condition of persons who committed a crime, without conducting a forensic psychological examination of the behavior of the perpetrator at the time of the crime, as not being in a state of strong mental excitement, leads in practice to an incorrect qualification

of criminal cases of this category. For this reason, crimes of this category are in the minority in the current statistics;

In psychological science, the following are the most important signs of strong emotional excitement (affect):

Sudden occurrence. According to the reasoned statement of F.S.Safuanov, "Accordingly, this legally significant sign (a sudden transition of the quality and intensity of an emotional state to a new level, and then an exit from this level) from the standpoint of general psychology determines the three-phase occurrence and development of the course characteristic of criminally relevant emotional reactions and states" .

Affect is also characterized by violence and harshness. In these situations, a person, as a rule, is deprived of all his internal (physical and psychological) resources and directs them to a single goal.

Affect leads to a violation of human psychological activity and takes it out of the norm. This disorder manifests itself both in the behavior of a person and in a violation of the function of his higher nervous organs. As a result, a person cannot be aware of his actions, his evaluative function in relation to the existing condition is violated, aimlessness and uncertainty in his actions are felt.

Affect arises simultaneously with the equally repetitive process that awakens it. "It manifests itself in the form of abrupt, disordered, repetitive, stereotyped actions of an aggressive nature. The large amount of damage inflicted on the victim often creates an outwardly deceptive picture (from the point of view of the objective side of the crime), as if the perpetrator acted with extreme cruelty, although in fact he was in a state of passion" . For this reason, in almost all cases, the appropriate instrument of crime is selected, i.e., when committing a crime, the guilty person can use the first thing or object that comes to his eyes as an instrument of crime. All this indicates that in a state of passion, the consciousness of the person is in despair and primitive signs appear in it.

In a state of passion, abrupt changes occur in the control organs of the nervous system of the face. This is manifested in changes in the breathing process, increased heartbeat, redness of the face and skin, dryness in the mucous membrane of the oral cavity, as well as changes in voice.

From this it can be seen that affect does not allow a person to consciously control himself. It is for this reason that it is also considered difficult to prevent crimes committed in a state of passion, since these

crimes, being directly related to the psychology of a person, require an individual approach from the law enforcement officer to the psychology of the offender and the behavior of the victim.

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