



DETERMINANTS OF CRIMINAL LAW

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ABSTRACT: - The main task of the criminal law is to determine that the conflicts that arise between individuals and society are socially dangerous and that they should be regulated by criminal law. This article briefly talks about the crime and its symptoms.

KEYWORDS: Criminology, crime, inaction, criminology, criminal code, criminal act, criminal liability.

INTRODUCTION

Crime is a social and legal phenomenon. In order to fulfill the tasks specified in Article 2 of the Criminal Code, he defined the concept of crime. The concept of crime is clearly defined in the Criminal Code, and according to part 1 of Article 14, a culpable socially dangerous act (act or inaction) prohibited by the Criminal Code is considered a crime with the threat of punishment. A crime is a certain form of

behavior of a person prohibited by the criminal law. The concept of crime represents the behavior (behavior, activity) of a person in the form of action or inaction. At the same time, the criminal law stipulates that mental processes, thoughts, mental conclusions are not considered crimes, regardless of how harmful they are. It is extremely important to give a material concept to crime, which is harmful not only to criminal law itself, but also to criminal procedure, criminal executive law,

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criminology, criminology and other legal sciences. In order for an act (act or inaction) committed by a person to be considered a crime, it must be socially dangerous.

Criminal legislation is based on the principles, general rules and articles of the Constitution of the Republic of Uzbekistan, which is the basis for all laws. Article 24 of the Constitution of the Republic of Uzbekistan states that the right to life is the fundamental right of every person and that an attempt on a person's life is the most serious crime. Article 53 of the Constitution states that private property, like other forms of property, is inviolable and under state protection. The above-mentioned Constitution of the Republic of Uzbekistan, as well as the fight against some serious crimes, or certain social relations that need criminal-legal protection, are of special importance for the society and contain important conditions. and other norms reflected are the direct legal basis for including them in the criminal law.

Crime as a legal phenomenon has certain characteristics that represent its specific aspects. Any socially dangerous act is not considered a crime, in order for the act to be considered a crime, it must have the signs and elements of the crime established in the criminal law. The Criminal Code does not have a special article that strengthens the features of a crime. For this reason, the signs of a crime are determined based on the definition of a crime in the criminal law. However, it should be emphasized that not only actions that cause socially dangerous consequences are considered crimes, but socially dangerous actions that cause real harm to the object protected by law are also considered crimes. Article 14, Part 2 of the Criminal Code states that "An act that damages objects protected by this Code or creates a real risk of such damage is considered a socially dangerous act." It can be seen that, based on the definition given to the crime, it is considered a

crime only if the act has all the signs of a crime. Such an act is not considered a crime if there is no fault of a person in the origin of a certain harmful consequence. In criminal law, it is said that such actions exclude the criminality of the act. In order to consider any socially dangerous act as a crime, the signs of the crime, which are necessary for all crimes, as well as the presence of guilt in this crime and the forms of guilt, have been developed. Based on the above definition of the crime, the following signs of the crime can be distinguished:

- 1) social danger of the act;
- 2) illegality of the act;
- 3) presence of guilt in the act;
- 4) the crime is punishable. The social danger of the crime depends on a number of variable conditions, such as the time and place of the crime, the amount of damage caused, the degree and form of the crime, the prevalence of this type of crime, and the level of legal consciousness of the population. depends. Also, social risk has a multifaceted nature and includes the level and nature of social risk determined based on quantitative and qualitative indicators. According to some articles of the "Special" part of the Criminal Code, it is considered a crime if it is committed again after an administrative punishment has been applied for a specific act. For example, intentionally causing minor bodily harm (Article 109 of the Criminal Code), preparing or distributing pornographic material (Article 130 of the Criminal Code), defamation (Article 139 of the Criminal Code), insulting (Article 140 of the Criminal Code), etc. If such acts are committed for the first time, they do not have the social danger level of a criminal act. However, if such an act is committed after the application of an administrative penalty, it becomes socially dangerous and is considered a crime. When determining illegality, it is

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necessary to take into account the institutions of the "General" part, not relying only on the norms of the "Special" part of the Criminal Code. The norms of the "General" part strengthen the norms of the "Special" part, and the violation of the norms of the "Special" part leads to the violation of the norms of the "General" part. When interpreting the concept of crime, it can be seen that social danger and lawlessness are the main and interrelated features of crime.

CONCLUSION

In conclusion, the absence of the sign of social danger in the crime, in turn, means the absence of illegality, i.e., only those actions that are considered socially dangerous by the criminal law are illegal. Violation of the criminal law gives the act a level of social danger, and it is through this level that the act acquires the character of "crime".

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