

OF THE CONCEPTS OF "CRIME" AND " CRIME LEGAL INTERPRETATION AND PHILOSOPHICAL ESSENCE

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Annotation

The article presents the content, legal and philosophical interpretation of the concepts of crime and criminality. The formation of socio-legal norms, violations and social consequences are analyzed.

Keywords

crime, crime, offense, mental norms, socialization, social risk, guilt, punishment.

INTRODUCTION. In order to satisfy his various needs, a person must constantly and in various directions. In particular, he must engage in productive mental or physical work to satisfy his biological needs for food, clothing, housing, and a healthy and safe environment, and enter into various relationships with other members of society. Spiritual needs such as self-awareness, knowledge acquisition, mastery of new skills and abilities, creativity, and self-improvement motivate him to seek spiritual enlightenment, participate in cultural life, and realize his potential. Social needs related to becoming a member of a particular group or circle, and gaining social status, require social activity and cooperation with like-minded people. However, the activity of a person, aimed at meeting his biological, spiritual and social needs, does not always last efficiently and painstakingly. While besamarism and hardship in this regard encourage someone to stay stable in the path of their goals, to think creatively, to seek new ways to achieve muddao, they lead someone towards violation of legal norms and principles in society, including committing socially dangerous actions. In all societies, it is precisely these socially dangerous actions that are described as crimes.

DISCUSSION AND RESULTS. The legislation divides crimes into crimes of minor, moderate, serious, and very serious social danger, depending on their characteristics. In particular, according to Article 15 of the Criminal Code of the Republic of Uzbekistan, "crimes that are not at high social risk are committed intentionally, crimes in which the law provides for punishment in the form of imprisonment for a period of no more than three years, as well as crimes

committed as a result of negligence, in which the law provides for Less serious crimes include crimes that are intentional, which provide for punishment in the form of imprisonment for more than three years in the law, but not more than five years, as well as crimes committed as a result of carelessness, which provide for punishment in the form of imprisonment for more than five years in the law. Serious crimes are those that are committed intentionally and are punishable by imprisonment for a term of more than five years but not more than ten years.

In primitive communities, the struggle for social status and leadership was also one of the earliest causes of crime. Ambition, competition for prestige, revenge, and a sense of personal protection have sometimes led to violence and conflict. Intergroup conflict in particular-land, hunting ground, or women-was a violation of order within the community, and these cases were later treated as crimes. The early roots of crime have also been traced to the field of family and sexual relations. In primitive communities, due to the fact that marital relations are coordinated on the basis of certain traditions, their violation is considered a crime.

There was no official system of punishment for crimes committed in the conditions of the primitive community. Therefore, as a punishment, stichially formulated mechanisms were used. One of their most common methods involved the exclusion of a criminal from the team, which was considered the most severe punishment for a person. In some cases, compensation for material damage and blood money were also used.¹¹

Over time, as property relations strengthened, social classes emerged, and state institutions were formed, these customs became legal norms.

In the Middle Ages, feudal relations prevailed in human society. The main economic resources, especially land, which is one of the most important, remained in the hands of large landowners. As a result, social inequality in society increased sharply. This social phenomenon changed both the nature of crime and the attitude towards it¹². In the Middle Ages, land was a source of wealth and power, and the relationships surrounding it became one of the main causes of crime. Even major crimes such as riots, damage to other people's property, and resistance to government officials were motivated by this reason. These events, which were actually expressions of social discontent, were considered crimes by the state and the owners. It is clear that in the Middle Ages, both in the East and in the West, the concept of "crime" was interpreted primarily in terms of economic and domestic goals.

¹¹ Антонян Ю.М. Преступность в первобытном обществе.// Вестник РГГУ. Серия “Экономика. Управление. Право”, 2019, №3.- 124-с.

¹² Гушин Э.Н. Тёмный человек мрачного тысячелетия: образ преступника европейского Средневековья.// НОМОТЭТИКА: Философия. Социология. Право, 2015, Vol. 34, №20.- 134-с.

It is known that in the Middle Ages, religion had a tremendous influence on the socio-economic, political-legal, and spiritual-cultural spheres of human society. Religion served as the main means of coordinating economic relations, determining the nature of the state and power, organizing social life, and controlling human behavior. Therefore, the concept of "crime", which actually has a legal meaning, was interpreted without distinguishing it from the religious category of "sin". It is for this reason that in the East, opposition to the norms of Islam, and in the West, to the norms of Christianity, denial of its dogmas, and violation of religious rituals were considered crimes.¹³ For this reason, for example, during the Inquisition in the West, many free-thinking people and creative people were recognized as criminals and punished. In a feudal society, where feudal relations predominated, moral values were based on religious norms, and actions that contradicted them were considered crimes. Including acts such as adultery, dishonesty, Dionysia were also considered crimes. Consequently, in the Middle Ages, the concept of "crime" began to be interpreted not only from an economic, but also from a political and religious-ideological point of view.

In the Middle Ages, some types of crime were interpreted in an extremely paradoxical way. For example, during this period, there were cases of violence and use of force in the lifestyle of society. However, when a certain part of them was interpreted as legal acts, the other part was characterized as a crime. Let's say that any violence carried out by the Zaman Noble in order to usurp power or preserve it was considered legitimate. But any action against this violence - rebellion, protest, or self-defense - was considered a crime. Such a paradoxical interpretation only increased mutual distrust between the state and society¹⁴.

The emergence of social relations of a special nature in modern human society has changed the economic, social, and cultural foundations of crime. During this period, a significant proportion of property and social wealth remained concentrated in the hands of a narrow circle. The vast majority of the population lived in poverty. The low standard of living, unemployment, poverty, absenteeism, limited opportunities to improve the socio-domestic situation prompted some individuals to compare their social situation with others, to look for illegal ways to meet their needs, since this comparison led to sad conclusions. In scientific literature, this state of mind is called "relative deprivation" (the feeling of being unfairly deprived of opportunities, resulting from comparing one's own life with that of others, and consequently feeling a tendency to commit crimes)¹⁵.

¹³ О'ша манба.- 134-с.

¹⁴ Гушин Э.Н. Тёмный человек мрачного тысячелетия: образ преступника европейского Средневековья.// НОМОТНЕТИКА: Философия. Социология. Право, 2015, Vol. 34, №20.- 136-с.

¹⁵ Ryan J.W. [Samuel A. Stouffer and The American Soldier](#).//Journal of Historical Biography,2010,№7.- 100-137-с.

Another important feature of the Society of man in the new Time became associated with a change in the value system. It was from this period that personal success, material wealth, social prestige began to be perceived as absolute values. However, the subtleties of the issue were that the social reality of the time could not provide everyone with the opportunity to easily achieve these values. As a result, in some members of the society, the American scientist R. In Merton's terms, a "conflict between ends and means" has arisen¹⁶. Some individuals, who aim to achieve personal success, material wealth, and social influence, but do not have legitimate means to achieve these goals, have become accustomed to committing crimes to achieve their goals. These aspirations have changed both the nature of crime and its composition¹⁷.

CONCLUSION. In the new age, industrialization and urbanization processes in Western societies gave rise to new forms of crime. During this period, as a result of the mass migration of people to cities, the system of social control characteristic of traditional society was eroded. Anonymity in urban environments, social isolation created favorable conditions for trespass, including crime. Alaloqibat, a new type of crime began to form in the cities - economic, financial and organized¹⁸. Interestingly, it was in a new time that not only the absentees and the poor, who could not cope with the crime net in legal ways to satisfy their needs, but also the economic elite of society - high officials and heads of large companies-began to suffer: fraud committed by them, abuse of office, tax evasion, corruption enriched the phenomenon of crime.

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¹⁶ Мертон Р. Социальная структура и аномия./ Социальная теория и социальная структура.- М.:Хранитель, 2006.- С. 245-250.

¹⁷Звизжова О.Ю. Эволюция преступности на различных этапах развития общества: Автореф. дисс. на соиск. уч. степ. канд.юрид н.- М.: Всероссийский НИИ МВД РФ, 2013.- С.26-27.

¹⁸ O'sha manba.- С.29.

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