



SOCIO-ANTHROPOLOGICAL PRINCIPLES OF LIBERALIZATION IN THE FIELD OF CRIME AND PUNISHMENT

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Abstract: In the article, the specific features, necessity, and actuality of the concepts of crime and punishment were researched, and in this process, its socio-philosophical, moral, spiritual, legal classification and specific features were analyzed.

Key words: crime, punishment, historical development of crime, criminal law, elimination of crime, liberalization, socio-anthropological characteristics.

INTRODUCTION

From a logical point of view, the qualification of crime and punishment in the process of liberalization is an identification procedure in which the official and logical basis of the socio-anthropological assessment of crime as a phenomenon of legal reality is the legal judgment in the specific hypothesis of criminal law. The rationale for the classification of crime and punishment implies not only that the law enforcement officer strictly adheres to the requirements of official logical laws in the process of social-legal assessment of the relevant criminal act, but also that the legislator strictly adheres to the logical rules of committing a crime.

LITERATURE ANALYSIS AND METHODS

Specific features of the concepts of crime and punishment, general theoretical issues of qualification I.V. Andreev, N.A. Babi, L.D. Gauxman, A.A. Hertsenzon, V.V. Kolosovsky, A.V. Korneeva, V.N. Kudryavtsev, N.F. Kuznetsova, B.A. Kurinov, V. Navitsky, V. Navitsky, K.V. Obrazhieva, N.I. Panova, A.I. Raroga, R.A. Sabitova, V.Y. Tatsiya, S.A. Tararukhina, A.A. Tolkachenko and other researchers have studied in detail.

RESULTS AND DISCUSSION

Studies show that the main methodological principles that determine the general direction of the cognitive process in modern philosophy include the principles of development, determinism, consistency and certainty. These principles represent the universal characteristics of natural and social reality established at the philosophical level. They can be applied to any field of cognitive activity, including the qualification of crime. The importance of the principle of consistency for the process of qualifying the crime is emphasized and shown. This principle is based on an important way of knowing, which has a paradigmatic purpose in criminal law - a systematic approach. From the perspective of the principle of systematicity, we must consider the components of legal reality, take into account the influence of legal understanding and legal consciousness in the process of qualifying a crime, and ensure the relationship between the rules of qualifying a crime and the rules of qualification. An integral approach to the knowledge of the phenomena of legal reality, thanks to the tolerance of modern philosophy, allows to identify other principles that regulate the process of knowledge, which may be relevant to the practical activity of crime classification. In

particular, the principle of systematicity implies the systematic organization of the knowledge process itself, which incorporates axiological and epistemological aspects of research.

In the axiology of the qualification of crime and punishment, the principles of cognitivism and evidence are of fundamental importance. Cognition (cognitive activity) is characterized by a person's ability to move around the world and understand this world. The principle of cognitivism is based on explanation and understanding. At the same time, the axiological aspect in the qualification of the crime within the framework of the hermeneutic discourse reflects the socio-legal assessment of the created concept of the practical application of the criminal law. Hermeneutic procedures and techniques form specific features of legal thinking. They determine the social nature of understanding and the social role of the subject of law enforcement. Legal thinking acts as a special scheme of meaning creation in the process of qualifying a crime - from understanding to application. From the axiological point of view, the qualification of crime and punishment should be considered as a socio-legal assessment of the crime. The principle of evidence formulated by E. Husserl determines that in the process of research "there is no basis for making judgments if existing things and situations do not come from experiences (evidences) that exist for me by themselves." The establishment of this evidence, i.e., its initial credibility, clarity, is what determines the range of factual circumstances for a law enforcement officer to be properly qualified. The epistemological aspect of the qualification of crime and punishment is provided by the principles of objectivity, reflection, the decisive role of practice, the creative activity of the subject of knowledge, generalization and abstraction, the rise from abstraction to concreteness, the concreteness of reality.

In the context of the qualification of crime, the discourse of social justice is considered in the Aristotelian sense - egalitarian and distributive aspects. The equalizing aspect of the essence of social justice is expressed in the need to comply with the following basic requirements in the process of qualifying a crime: the basis of criminal responsibility is equal for everyone; it is not allowed to qualify the crime as a criminal law; uniform application of the general principles and rules of the qualification of the crime established in the criminal legislation; the inevitability of a negative socio-legal assessment to every person who committed a crime; to connect the committed act only if any person is guilty, and in the cases provided by law - with a motive and (or) purpose.

The distributive aspect of social justice in the qualification of crime and punishment is expressed in the fulfillment of the requirement that double crime is not allowed. When qualifying a crime, the ideas of social justice allow to evaluate the committed act not from the point of view of official violation of the established prohibition, but from the point of view of the archetype of the idea of the correct content of the norm. It should serve as a basis for resolving legal disputes when deciding on a socio-legal assessment of a criminal act. In the process of qualifying crime and punishment, especially during the collection and evaluation of factual data, the dialectical method is leading.

At the same time, one cannot ignore the changes taking place in the methodology of modern knowledge, which provide an opportunity to understand and explain the phenomena of social life based on the use of other methods. The achievements of philosophical hermeneutics and phenomenology are of special scientific interest within the framework of understanding modern methodological approaches to understanding the legal reality, which includes the crime phenomenon.

A separate principle of the qualification of crime and punishment should be recognized as an independent and interrelated rule that describes the order of the comparative and interpretative process and provides a socio-legal assessment of the committed crime. This contributes to the correct determination of the article (articles) of the Criminal Code by the law enforcement officer. On this basis, the special principles of the qualification of the crime include comparability, scientificity, sufficiency and the interpretation of beyond reasonable doubt. It has been proven that the correctness and completeness of the classification of the crime should be recognized not as special principles of qualification, but as features characterizing the formula for the classification of the crime, which should be understood as an instruction specified in the relevant procedural act.

Taking into account the stated philosophical and logical bases of socio-legal assessment of crime, the following definition of the qualification of crime is offered: it is a socio-legal assessment of a socially dangerous act carried out in accordance with legislation. It is based on the triad of logic and hermeneutic procedures, philosophical and methodological principles, social justice, special principles and rules, and completes the process of determining the specificity of the identified signs of the committed act with the signs of a certain type of crime.

Summarizing the achievements of historically formed hermeneutic sciences and the individual ideas of philosophers, hermeneutics and phenomenology provide a universal conceptual and categorical apparatus that can be used in many areas of cognitive activity, including the process of qualifying crime according to tasks, and criminal-legal regulation. formed functions.

CONCLUSION

Philosophical and methodological principles of crime qualification, which determine the general direction of the process of knowledge in the qualification of crime and punishment, are considered from the point of view of ontological, axiological and epistemological aspects. Ontologically, the qualification of the crime is the perception, verification and interpretation of the available factual information about the committed criminal act by the employee of the law enforcement agency in their interdependence and interdependence, the criminal-legal significance of the relevant cases is expressed in having.

At the same time, the fact of the understood reality is logically based on the norm of criminal law adopted in certain historical conditions, which determines the general prohibition of relevant actions. The main idea-principles in the ontology of crime classification are the principles of development, determinism, consistency and certainty. The axiological aspect in the qualification of the crime reflects the socio-legal assessment of the created concept of the practical application of the criminal law. The principles of cognitivism and evidence are of fundamental importance in the axiology of crime classification within the hermeneutic discourse.

A special level of the principles of crime qualification is represented by a number of specific rules describing the specific features of knowledge in the process of socio-legal evaluation of a criminal act.

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