

CRIME AND ITS CAUSES: CRIMINAL LIABILITY AND PUNISHMENT SYSTEM

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Abstract. *This scientific article analyzes the concept of crime, its causes and factors, the essence of criminal liability, and the current punishment system of the Republic of Uzbekistan from criminological and criminal law perspectives. The biological, psychological, social and economic causes of crime are comparatively studied, and the legal bases of criminal prosecution and the effectiveness of types of punishments are scientifically evaluated. Based on the results of the research, practical recommendations have been developed to prevent crime and improve the punishment system.*

Keywords: *crime, criminal liability, punishment system, criminology, causes of crime, recidivism, purposes of punishment, criminal law, Criminal Code of the Republic of Uzbekistan, rehabilitation.*

INTRODUCTION

Crime is a social phenomenon that threatens the normal functioning of society, the rights and freedoms of citizens, and the interests of the state and society, and it is one of the most important problems for the legal system of any state. The causes of crime, measures to prevent it, and the punitive measures applied to persons who commit crimes are the main objects of study in criminology and criminal law.

After gaining independence, the Republic of Uzbekistan fundamentally reformed its criminal law policy. The Criminal Code adopted in 1994 and subsequently revised several times establishes the legal basis of crime and punishment in our country. Within the framework of judicial and legal reforms being implemented by President Shavkat Mirziyoyev, special attention is being paid to humanizing the punishment system, expanding alternative types of punishment instead of imprisonment, and social rehabilitation of convicts.

The scientific significance of this article lies in the fact that it studies the multifaceted nature of the crime phenomenon — its causes, conditions and criminal-legal consequences — on the basis of a holistic systemic approach. The article analyzes the results of international criminological research and Uzbekistan's national legal practice in a synthesized manner.

I. THE CONCEPT OF CRIME AND ITS CHARACTERISTICS

According to Article 14 of the Criminal Code of the Republic of Uzbekistan, a crime is a guilty, socially dangerous act (action or inaction) prohibited by the Criminal Code under

the threat of punishment. This definition encompasses four essential characteristics of a crime: social danger, unlawfulness, culpability, and punishability.

1.1. Social Danger

Social danger is the main material characteristic of a crime, meaning that the act causes real harm to society or creates such a risk. Social danger is measured by two criteria: character (the nature of the act, the value of the protected object) and degree (the amount of harm, the method of commission, the consequences). These criteria play an important role in distinguishing crime from administrative offenses.

1.2. Unlawfulness

Unlawfulness is the formal-legal characteristic of a crime, meaning that the act is directly prohibited by the Criminal Code. In Uzbekistan's criminal law, the principle of "nullum crimen sine lege" (no crime without law) strictly applies. This principle is enshrined in Article 3 of the Criminal Code and ensures legal certainty in sentencing.

1.3. Culpability

Culpability is a psychological characteristic expressing the subjective attitude of a person toward the crime, manifested in the forms of intent (direct or indirect) and negligence (overconfidence or carelessness). Articles 20-25 of the Criminal Code of Uzbekistan regulate in detail the various forms of guilt, and objective culpability (imposing liability without regard to guilt) is prohibited.

1.4. Punishability

Punishability means that a specific type of punishment is prescribed in the Criminal Code for committing a crime. This characteristic serves as a formal criterion distinguishing crime from other offenses. However, it should be noted that punishability is the result of a crime, not its cause.

II. CAUSES AND FACTORS OF CRIME

Various theoretical approaches exist in criminology to study the causes of crime. Modern criminology views crime as a multi-factor phenomenon, analyzing its biological, psychological, social and economic causes in interconnection with one another.

2.1. Biological and Psychological Factors

In the late 19th and early 20th centuries, Italian physician Cesare Lombroso advanced the theory of the "born criminal." Although modern science has rejected this theory, certain biological factors (genetic predisposition, neurochemical disorders, impulsivity) are taken into account as contributing factors in shaping criminal behavior. From a psychological perspective, deficiencies in a person's socialization, traumatic childhood experiences, low self-esteem, and a tendency toward aggressive behavior increase the likelihood of committing a crime.

2.2. Social Factors

Social factors rank among the most important causes of crime. According to Robert Merton's anomie theory, crime emerges as an alternative means when legitimate ways of achieving society-defined goals are unavailable. In the context of Uzbekistan, the main social sources of crime are: deficiencies in family environment and upbringing, negative peer group influence and criminal subculture, low levels of education, weakness of social control institutions, and the problem of homeless children.

2.3. Economic Factors

Among economic factors, poverty, unemployment, material inequality and economic marginalization occupy a special place. Research shows that there is a direct relationship between economic hardship and crime, but this relationship is not linear. A low level of economic development leads, in particular, to an increase in property crimes (theft, fraud, robbery). Statistical analysis conducted in Uzbekistan during 2020-2023 confirms a significant increase in property crimes during periods of economic crisis.

2.4. Political and Legal Factors

Gaps in legislation, ineffective functioning of the judicial system, corruption in law enforcement agencies, and a low level of inevitability of punishment are also important factors encouraging crime. The weakness of preventive law enforcement work and the dominance of a reactive (responsive rather than preventive) approach to criminal situations reduces the effectiveness of the fight against crime.

III. CRIMINAL LIABILITY: ESSENCE AND GROUNDS

Criminal liability is a coercive measure applied on behalf of the state against a person who has committed a crime, representing a system of special legal relations. Criminal liability begins with the commission of a crime and ends after the sentence has been served and the conviction is expunged.

3.1. Grounds for Criminal Liability

According to Article 13 of the Criminal Code of the Republic of Uzbekistan, the sole basis for criminal liability is the commission of an act containing the elements of a crime defined in the Criminal Code. The corpus delicti consists of four elements: the object (protected social relations), the objective side (action/inaction, consequence, causal relationship), the subject (a person who has reached the age of criminal responsibility and is of sound mind) and the subjective side (the form of guilt).

3.2. Exemption from Criminal Liability

Uzbekistan's criminal legislation provides for the following grounds for exemption from criminal liability: active repentance (Article 66 of the CC), voluntary compensation for damage caused by the crime, payment of a fine, expiry of statutes of limitations, amnesty, and pardon. These institutions reflect the humanizing tendency of criminal law policy and allow the application of restorative justice principles.

3.3. Age of Criminal Responsibility and Mental Health

According to Article 17 of the Criminal Code of the Republic of Uzbekistan, criminal responsibility generally begins at the age of 16, and for serious crimes (murder, rape, terrorism, and others) at the age of 14. Mental soundness is a mandatory condition for criminal liability; a person who commits an act in a state of insanity is not subject to criminal liability, and compulsory medical measures are applied.

IV. THE PUNISHMENT SYSTEM OF THE REPUBLIC OF UZBEKISTAN

Punishment is a coercive measure applied by a court on behalf of the state against a person who has committed a crime, depriving or restricting the person of certain rights and freedoms. Article 43 of the Criminal Code of the Republic of Uzbekistan defines the following purposes of punishment: correction of the convicted person, deterrence from committing new crimes, and general prevention.

4.1. Types of Punishment

According to the Criminal Code of Uzbekistan, the main types of punishment are:

- Fine (the lightest punishment of a property nature);
- Deprivation of a specific right (prohibition from holding a position or engaging in a specific activity);
- Compulsory public works (free socially useful work performed outside main working hours);
- Corrective labor (with deduction of a specified percentage from wages at the main place of work);
- Restriction of freedom (movement control within designated boundaries);
- Arrest (short-term isolation from 1 to 6 months);
- Deprivation of liberty (placement in a colony from 6 months to 20 years or for life).

4.2. The Trend Toward Humanization of Punishment

Since 2017, the process of humanizing the punishment system within the framework of judicial and legal reforms in Uzbekistan has been progressing rapidly. This process is being implemented in several directions: the scope of application of alternative types of punishment is being expanded; the upper limits of deprivation of liberty are being lowered; the application of the institution of conditional early release is being strengthened. According to statistical data, during 2017-2023, the number of those deprived of liberty decreased significantly and the share of alternative types of punishment increased.

4.3. The Rehabilitation System for Convicts

Modern criminology and penitentiary practice show that the main purpose of punishment is the social rehabilitation of the criminal and the prevention of recidivism. In Uzbekistan, the rehabilitation system for convicts includes labor and vocational training, psychological support services, religious and moral education, social reintegration programs, and social support for released persons. However, in practice, problems of

overcrowding in penitentiary institutions and insufficient psychological support services remain.

V. INTERNATIONAL EXPERIENCE AND COMPARATIVE ANALYSIS

Studying international experience is of great practical importance for improving Uzbekistan's criminal justice system. The Scandinavian countries (Norway, Finland, Sweden) stand out for achieving the lowest recidivism rates (20-25%) in their punishment systems. The experience of these countries shows that an approach focused on rehabilitation and social reintegration is more effective than strict punitive measures.

Germany and Austria's two-stage punishment system — on one hand punishment, and on the other social security measures — is a vivid example of the successful application of restorative justice principles. In South Korea and Singapore's preventive criminology model, early prevention, social services, and community deterrence programs are used as effective means of fighting crime. It would be appropriate for Uzbekistan to draw on this international experience and implement new approaches, especially in the areas of juvenile delinquency, domestic violence, and economic crime.

CONCLUSION AND RECOMMENDATIONS

This research scientifically analyzed the complex, multifaceted nature of the crime phenomenon, the interconnection of its causes, and the characteristics of the current criminal liability and punishment system of the Republic of Uzbekistan. Based on the research results, the following recommendations were developed.

In the field of crime prevention:

- Strengthening preventive work in the family, school and community;
- Developing targeted programs for youth in social risk groups;
- Implementing comprehensive measures against economic marginalization and unemployment.

In the field of improving the criminal liability system:

- Clarifying criminal elements and eliminating gaps in legislation;
- Widely introducing restorative justice principles;
- Developing mediation and conciliation institutions.

In the field of reforming the punishment system:

- Further expanding alternative types of punishment and increasing their effectiveness;
- Resolving the problem of overcrowding in penitentiary institutions;
- Modernizing social rehabilitation programs for convicts and increasing their funding.

In conclusion, effective crime prevention is not merely the application of strict punishments, but the implementation of a comprehensive, multifaceted policy aimed at eliminating the economic, social, and psychological causes of crime. The Republic of

Uzbekistan is taking important steps in this direction and is gradually approaching international standards.

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