

**SOCIAL-PHILOSOPHICAL FOUNDATIONS OF CRIMINAL LAW.**

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In the article crime the right science development socio-historical basics research done Ancient from the past starting from society members by condemned behavior that's it in the team decision found habits based on in order put stood up Primitive society during the gang from the members internal order violators from the team driving sent This is it period for heavy punishment from the team expelled alone the rest without to die convicted was In this every one seed team to the disorderly own internal environment habits based on remedy saw States appear to be, of writing to the body arrival, community order guardian of power decision to find crime and punishment concepts hardening take came States history about information giver from sources crime and punishment issues are also appropriate received Ancient and medium centuries crime to the right special common characteristic - punishment through the public fear under catch from standing consists of was Central of Asia Russia by pressing taken as a result to the region European right system come in came Centuries during in practice was Muslim the right squeeze release started Modern crime of legislation development of the 20th century important place holds of Uzbekistan on September 22, 1994 Crime, Criminal-executive, Criminal-procedural codes based on crime legislation in the system strong legal system was created. Crime to the legislation circle of documents acceptance to be done in the field scientific of research development road open gives.

The classification of crime and punishment should be based on the use of a synthesized complex of various knowledge and methods reflected in the socio-legal model of the prohibition of criminal law in the process of understanding criminal behavior. Modern methodologies of perception demonstrate the relevance of the use and achievements of philosophical hermeneutics, phenomenology, whose categorical apparatus can be adapted to improve the epistemological means of qualifying a crime in accordance with the functions of criminal-legal regulation.

Philosophical-methodological principles of the qualification of crime and punishment have the meaning of postulating ideas that determine the general direction of the cognitive process based on the main branches of philosophical knowledge: ontology, axiology and epistemology.

The principles of special competence describe the specific features of knowledge in the process of socio-legal assessment of the committed criminal act. In the spectrum of different and conflicting doctrinal positions, it has been proved that a separate principle of crime qualification should include an independent rule for socio-legal evaluation describing the order of comparative responsibility for the crime committed. Based on this, the author's concept of the types of special principles of qualifying crime and

punishment is determined by the principles of comparability, scientificity, sufficiency and interpretation of irrefutable doubts in favor of the accused.

However, scientists who have addressed this issue (V.N. Kudryavtsev, R.A. Sabitov, A.A. Tolkachenko) mainly consider the epistemological essence of the process of applying the criminal law norm to a specific and general situation in the context of the relationship between the person and the philosophical categories of the person. Undoubtedly, the dialectical method of knowing is important in the process of qualifying crime and punishment, especially during the collection and evaluation of factual information. At the same time, legal scholars cannot ignore the changes taking place in the methodology of knowledge. It should be taken into account that currently a critical revision of the classical paradigm is being carried out in the philosophical theory of knowledge, which should predetermine the methodology of legal knowledge. Many jurists began to actively use other cognitive approaches and mental methods to understand legal situations in understanding legal reality (S.I. Maksimov, V.I. Pavlov, A.V. Polyakov, A.V. Stovba, I.L. Chestnov). The use of such methods presupposes the presence of a lawyer in the legal reality of all legal events, including not only "legal events", but also any events of legal significance, in particular, a crime.

In various literatures, the concept of criminal-legal situation is given, which is described as a conflict situation caused by a socially dangerous act, in which authorized persons must make a socio-legal assessment of the act committed in the current legal reality. It is shown that the non-classical methodology of perception offers different ways of studying the relevant components of legal reality. In our opinion, different philosophical approaches should be used to understand the qualification of crime and punishment. Currently, methodological experience gathered within the framework of philosophical hermeneutics and phenomenology is of scientific and practical interest.

In addition, an overview of the main studies on philosophical hermeneutics (H.G. Gadamer, W. Dilthey, M. Heidegger, F. Schleiermacher) and phenomenology (E. Husserl, P. Ricoeur) is given, which shows how important their experience is in the cognitive process. It is emphasized that E. Husserl's idea of the intentional attitude of our mind to the surrounding reality expands the hermeneutic field and allows consideration of hermeneutic procedures and methods not only in connection with the understanding and interpretation of the text of the criminal law.

The functional content of understanding is considered in three aspects: physiological, mental and socio-legal. In the qualification of crime and punishment, it is shown that the interpretation is expressed in the understanding of the essence of the criminal event that occurred within the framework of a specific criminal-legal situation and the meaning of the Criminal Code norm applied to this event. Understanding and interpreting the factual circumstances of the case is a direct and integral part of the process of qualifying the crime.

At the same time, the understanding and interpretation of the factual circumstances of the case and the meaning of the criminal law norm is provided by special hermeneutic methods, among which "pre-understanding" ("pre-sentence") and "hermeneutic framework" are important. Until the court has been of work at the beginning "in advance understanding" preliminary decision as service to do can The investigator criminal work stir up stage initial received information perception reach and understand to him forecast to do enable gives: the crime classification version formation.

Of knowledge hermeneutic paradigm within to understand process circular to structure have Full and adequate in context crime code of the norm meaning only certain criminal law to the situation relatively determination can That's it with together, to the body coming criminal law situation only Crime code norms and legal of reality another structural parts (principles, legal mind, judgment of practice legal rules and others) using perception reach and to understand can.

Hermeneutic-phenomenological approach point of view in terms of crime and punishment qualification to do process the right apply of the subject crime signs crime signs composition with to compare according to simple psychic operation as not but crime signs mutually to compare directed the only one process as considered, hermeneutic procedures in three there is and develops.

The main problem of crime and punishment is related to morality. For this reason, first of all, it is necessary to organize wide promotion of moral culture, moral concepts and norms in the society. And this in society happened to be of crimes partially though to decrease reason to be can Both that's it addition as to say it is necessary, every which one of the state every how citizens moral the norm and to concepts relatively knowledge scope wide will be that's it in the country crime with depends negative of events the number is also sharp fall can.

Ours of our minds around to reality on purpose relationship about phenomenology idea hermeneutic the field expands and hermeneutic procedures and methods not only the law the text to understand and comment maybe legal the basis designation with depends without seeing to exit possibility gives.

"Understanding - interpretation - application" hermeneutics procedures their own in three cognitive of the process philosophical basis organize does and the crime qualification to do in the context of "understanding - interpretation - application" epistemological to the formula becomes, this actually seeing outgoing the right apply of the process alpha and is omega.

Crime and punishment qualification in doing social of justice distributor aspect two bilaterally to crime road not to be placed about demand in execution is expressed. Crime qualification in doing social justice about ideas happened done what you did defined ban official break point of view in terms of not but of the norm right content idea archetype point of view in terms of to evaluate possibility gives He is a criminal to action socio-legal price to give about decision acceptance in doing legal disputes solution to do for

basis to be need 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 criminal 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 interpretive 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 foundations of the socio-legal assessment of crime, the following definition of crime qualification is proposed: 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 specific 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 crimes according to tasks, and criminal-legal regulation. formed functions.

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