



 Research Article

THE CONCEPT OF THE CRIMINAL AND HIS CRIME RATIO TO THE SUBJECT

Journal Website:
<http://sciencebring.com/index.php/ijasr>

Submission Date: February 05, 2023, **Accepted Date:** February 10, 2023,

Published Date: February 15, 2023

Crossref doi: <https://doi.org/10.37547/ijasr-03-02-03>

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Azizakhon Allanova

Associate Professor, Department Of Criminal Law, Criminology And Fight Against Corruption, Tashkent State University Of Law, Uzbekistan

ABSTRACT

This article analyzes the criminological description of the criminal and the current state of the organization of crime prevention, as well as the possibilities of improving this system based on the current problems.

KEYWORDS

Crime, criminal, punishment, person, criminology, subject.

INTRODUCTION

A person is a separate person, an individual who embodies the social and moral essence. Person is a concept that means a person who embodies social, spiritual, moral essence [1]. This concept is used in all social and humanitarian sciences from the point of view of its subject. There are different interpretations of personality. Personality is the integration of biophysiological, social, spiritual,

moral and aesthetic qualities and characteristics into a whole and a system of relationships. The following factors are involved in the formation of a person:

- 1) biological (generation);
- 2) natural environment;
- 3) cultural environment;

- 4) social experience;
- 5) relationship with people [2].

The biophysiological aspect of a person is the events related to individual activities such as eating, settling down, engaging in sexual relations, giving birth to a child. The world of things and relationships that are naturally related to the formation of a person is called the physical environment. A person is a cultured creature; a representative of a certain generation with socio-historical experience; can also be a subject of interpersonal relations. These three factors are important in a person's life and work.

There is no doubt that a person cannot be a person outside of social relations. But it cannot be denied that the degree of socialization of a person is different. For example, children of nursing age are only potential individuals. People who grew up in herds of animals and then joined human society, but could not adapt to it, cannot be considered individuals [3].

It is difficult to consider mentally ill people as individuals who are indifferent to any socio-political and socio-economic changes. A person is a person who has mastered the experience of social life, developed his own social position, and acts as a carrier and creator of social relations.

Aspects such as the type of nervous system, client, genetic characteristics play a secondary role in characterizing a person, because they perform certain social functions.

The concept of "person" inevitably covers the attitude of a person to socially useful work, how a

person works on himself to form the qualities necessary for social development [4].

Attitude to work, exercise of one's rights, fulfillment of one's duties determines the level of importance of a person in society. For this reason, people who accelerate social development with their activities are described as advanced, progressive people. On the contrary, people who block the path of development and are satisfied only with satisfying their basic needs are backward and even reactionary individuals. It is impossible to deny the biological nature of a person, but the biological factor cannot illuminate the essence of a person. It is not a driving force for the development of human personality, but one of its conditions. Certain biological bases sometimes undergo serious changes under the influence of social conditions.

Thus, the human personality is a complex combination of natural and social, material and spiritual qualities and characteristics. A person is a dynamic system that has its own personal (individual) and social experience from society. This experience is reflected in the person's attitude to the surrounding environment, his feelings and behavior. Personality is a specific existence of social relations that shape a person's consciousness, feelings and will. The level of maturity of these relations (first of all, economic, production relations) determines the level of maturity of a person.

The issue of personality composition is one of the important methodological issues.



In sociology, at least three important structural elements of a person are distinguished: 1) a person's social status in society, first of all, his attitude to production - the place of a person in the system of production relations, to which social class he belongs; 2) which functions and roles a person performs;

3) the nature of the motives of a person's life and activity, the system of interests (social, personal), needs (material, spiritual), that is, the inclinations of a person.

The study of the identity of the criminal subject should be based on the general principles mentioned above.

The person of the criminal is, first of all, the person of the subject of the crime. According to the criminal legislation, the subject of the crime must have the necessary indicators to find him exactly the subject. There are three such indicators: a natural person (in some countries of the world, the possibility of finding legal entities as the subject of a crime is provided, which is difficult to agree with), the person has reached a certain age (according to the legislation of several CIS countries, 14, 16, 18 years old, some countries of the world are criminal and according to the codes - an even younger age) and sanity.

But only the criminal-legal characteristics of the subject of the crime are not enough to describe the person of the criminal. The fact that a particular subject commits a crime serves only as a basis for recognizing the existence of the person who committed the crime.

The identity of the criminal subject includes various other indicators of a person, which are mainly related to the characteristics of criminal behavior. Criminal behavior, first of all, is determined by the environment that surrounds a person. But, at the same time, it also reflects certain inclinations, aspirations, behavioral motives and goals of a person. Naturally, no matter what negative characteristics a person has, if he has not committed a crime, he cannot be considered a criminal. The state of having committed a crime characterizes a certain person as an antisocial person, but does not fully explain his essence.

In order to fully describe and evaluate the personality of a criminal, it is necessary to take into account all the qualities and characteristics that determine both his positive and negative behavior, and the share of negative social characteristics in the system of all characteristics characteristic of him.

As a phenomenon of social existence, crime is determined by the specific characteristics of the individuals who attack social relations. Each specific criminal act reflects these characteristics. In the end, the person who commits a criminal act has a world view that determines his negative attitude towards social relations - the object of criminal aggression.

In the science of criminology, the main structural elements of the person of the subject of the crime are more fully described. In general, this content includes socio-demographic, socio-ethical, socio-psychological, socio-legal characteristics that

determine specific characteristics and features of the criminal.

Here are some important proposals of criminologists about the criminal personality scheme. According to R. Dushanov, the personality of the criminal is a set of the criminal's main intellectual and spiritual qualities, mental and physical condition [5]. The concept of a criminal personality uniquely expresses the social characteristics of a criminal, that is, it serves to reveal the "social image" of a person. That is why in criminology, a person is described from the point of view of material reality - height, stature, eyes, eyebrows, etc., while in criminology, a person is defined through his social circumstances [6].

The criminological description of the criminal, the various aspects of the social life and life experience of the person who committed this or that crime, which are directly or indirectly related to the anti-social behavior of the person, and which condition or facilitate the commission of the crime, or help to understand the reasons for its commission, and is seen as a system of signs (symptoms) describing their appearance.

Any person, as a social being, has various connections and social relations. The variety of connections, characteristics and signs that determine the criminal's personality first of all implies the study of the socially important characteristics and features of the person who committed the crime, determining the typological characteristics of the criminal's personality and characterizing him as a separate social type [7].

Any criminal act primarily reflects the intellectual, emotional and moral qualities and characteristics of a person. Therefore, it is important for criminology to determine the objective indicators of these qualities and characteristics, to study the stages of their deformation. Based on this, he can create a comprehensive classification of criminogenic factors that determine the personality of the criminal and his criminal behavior in the social sphere.

In this case, socio-demographic characteristics - gender, age, family and social status, education, profession, etc. help to determine the criminal activity of different social strata of the population, to monitor the age and gender characteristics of the persons who committed the crime. Researching the family and social situation of a person helps to determine the criminogenic factors and circumstances that influenced the formation of the personality of a particular criminal [8].

The socio-psychological description provides an opportunity to study the mechanisms of "person-environment" interaction, to determine adverse conditions that affect the formation of the criminal's personality. Analysis of the spheres of emotions, intellect and will allows to draw conclusions about motivational processes of individual criminal behavior, to identify specific motives and reasons for crime [9].

In particular, intelligence determines the level of mental development of a person, the extent and depth of his knowledge of the surrounding

environment, the content, scope and extent of his educational interests, and the extent of his social relations.

A person's field of emotions shows the strength, balance and mobility of his nervous processes (client), level of emotional sensitivity, etc.

Characteristics of a person's will describe his ability to consciously regulate his activities, make decisions and implement them, and achieve his goals. They are manifested in such qualities as diligence, consistency, initiative, resourcefulness, determination, self-control, and cheerfulness[10].

Social-psychological analysis ultimately allows to understand the mechanism of action of the direct causes and conditions affecting the criminal behavior of a person. It helps to illuminate the content of the criminal's antisocial orientation, his views and inclinations, needs and interests that have acquired a negative image. All this, in turn, it helps to identify the factors that motivated the crime.

Any behavior, including criminal behavior, has a socio-moral content and criteria, embodies the moral characteristics and qualities of a person. Moral knowledge and moral attitudes are among the main factors of controlling the behavior of a person. Any defects and defects in these factors significantly affect the behavior of the individual. Therefore, the moral description of a person includes all moral qualities and characteristics that form his spiritual and moral image. At the heart of this description are views of good and evil, conscientiousness and duty, honor and dignity. These qualities and characteristics reflect

the level of spiritual maturity of a person and determine his every action and behavior [11].

Spiritual sensations, moods and attitudes are also manifested in the conscious activity of a person. Therefore, their criminological study is very important.

The social characteristics of a person are mainly characterized by his place in society, community, microenvironment, that is, his social status[12].

All the above-mentioned signs of a person cannot be considered as criminogenic signs. But depending on their positive or negative social significance, the interrelationships between them can have an effect on the manifestation of a certain behavior of a person in an acceptable or unacceptable direction [13].

Finally, the criminal-legal description of the criminal is based on criminal-legal categories (for example, the type of crime committed and its severity, participation in the commission of the crime, general and special recidivism, the level of moral recovery of the criminal, etc.) allows you to create a portrait.

Thus, the personality of the subject of the crime is a specific set (system) of socially significant and individual signs, properties, characteristics and other indicators that describe the person himself, as well as various aspects and manifestations of his life and activity[14].

So, a criminal is a socio-legal concept that represents a natural person who has the characteristics of a criminal subject (sanity and

age of criminal responsibility) and whose guilt has been proven in accordance with the law.

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