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THE CONCEPT OF RECIDITIVE CRIMINALITY CERTAIN ISSUES

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Abstract

This article describes the concept of recidivist crime and high-risk recidivist concepts, types, the concept of a minor, cases of finding minors as recidivists and their negative social consequences.

Keywords

Recidivist, high-risk recidivist, juvenile, recidivist crime, recidivist personality.

INTRODUCTION

According to the newly revised Constitution of the Republic of Uzbekistan, it is the duty of the state to ensure and protect the rights, freedoms and legal interests of the child, to create the best conditions for his physical, mental and cultural full development, and children and young people must show loyalty to national and universal values, from their country and to take care of the nation's pride in its rich cultural heritage, the formation of patriotism and love for the Motherland:

The state ensures the protection of personal, political, economic, social, cultural and ecological rights of young people, encourages their active participation in the life of society and the state;

- for the intellectual, creative, physical and moral formation and development of young people, the

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creation of conditions for the realization of their rights to education, health care, housing, employment, employment and recreation is strengthened.

Crime committed by minors is a topical issue of all times, especially nowadays. Legal measures and types of punishments and their terms are defined in the legislation for crimes committed by minors.

Article 3 of the Republic of Uzbekistan No. ORQ-263 dated September 29, 2010 "On the prevention of delinquency and delinquency among minors" defines a minor as a person under the age of eighteen .

If we pay attention to the statistical data, in the city of Tashkent alone, in 2019, 126 criminal cases were tried against 96 minors, of which 66 were sentenced to 82. According to the indicator of 2020, 71/91 criminal cases were tried, 52/72 were sentenced in 2021. this indicator shows that 215/280 criminal cases were tried, 119/167 cases were sentenced, and in the 2022 indicator, 298/380 criminal cases were tried, 210/301 cases ended with a sentence.

Since the concept of recidivism is considered a very complex and multifaceted phenomenon in social life, legislation and scientific sources, this concept is interpreted differently by representatives of science and law enforcement. The word "recidive" is derived from the Latin (recidivus) and means "repetitive", "renewable".

For example, in Article 34 of the Criminal Code of the Republic of Uzbekistan, the intentional commission of a new crime after being convicted of a previously committed crime is considered a recidivist crime, and in cases where the person has committed a crime similar to the previously convicted crime, and in the cases specified separately in this Code, the sentence is also subject to other articles of the Special Part. It is established that the intentional commission of a new crime by a committed person is considered a dangerous recidivism crime.

In addition, the intentional commission of a new crime punishable by imprisonment for a term of not less than five years, namely:

a) commission of a serious crime by a person who has previously been convicted of a serious crime or twice a serious crime and sentenced to imprisonment for a term of not less than five years for each of them;

b) it is determined that the commission of a serious crime by a person who has previously been sentenced twice for a serious crime or was sentenced to imprisonment for a period of not less than five years for serious or extremely serious crimes, regardless of whether it was earlier or later, is considered a highly dangerous recidivist crime.

According to the next part of the law, it is established that a person can be recognized as an extremely dangerous recidivist even by a court verdict, and when the issue of declaring a person an extremely dangerous recidivist is being resolved, it is established that his/her convictions based on the judgments of the courts of other countries can also be taken into account. International Journal of Advance Scientific Research (ISSN - 2750-1396) VOLUME 03 ISSUE 12 Pages: 179-184 SJIF IMPACT FACTOR (2021: 5.478) (2022: 5.636) (2023: 6.741) OCLC - 1368736135 Crossref 0 S Google S WorldCat MENDELEY



However, when the issue of finding a person as an extremely dangerous recidivist is being resolved, the fact that he has been convicted of a crime committed before the age of eighteen, as well as the fact that the terms of conviction have passed or been removed in accordance with the law, are not taken into account. it is stipulated that the articles determining responsibility for crimes shall be applied only if the person was found to be an extremely dangerous recidivist before committing this crime in accordance with the procedure established by law.

In paragraph 3 of Article 14 of the Criminal Code of the Republic of Kazakhstan, crimes committed before the age of eighteen, as well as convictions for crimes committed before the age of eighteen, as well as the expiration of the terms of conviction in the manner established by this code or the convictions that have been removed, are considered recidivists and dangerous recidivists. it is determined not to be taken into account .

According to Part 4 of Article 21 of the Criminal Code of the Republic of Tajikistan, crimes committed before the age of eighteen, as well as convictions for deferred execution of the sentence by conditional serving of the sentence, deferred execution of the sentence by serving the sentence on a conditional basis have not been canceled, persons who have not been sent to places of deprivation of liberty, it is also established that the time limit for the conviction has passed or the conviction has been removed in accordance with the procedure established by this Code, it is not considered a recidivism . According to Part 4 of Article 18 of the Criminal Code of the Russian Federation, crimes committed before the age of eighteen, as well as convictions for deferred execution of the sentence by serving the sentence on parole, deferred execution of the sentence by serving the sentence on parole have not been canceled, persons who have not been sent to places of deprivation of liberty, it is also established that the time limit for the conviction has passed or the conviction has been removed in accordance with the procedure established by this Code, it is not considered a recidivism.

Part 4 of Article 43 of the Criminal Code of the Republic of Belarus stipulates that recidivism is not considered a crime in cases where a person has been convicted of a crime committed before the age of eighteen or has received or completed a conviction in accordance with the procedure established by law.

The criminal law of the Republic of Poland does not provide for recidivism.

According to the dynamics of the above indicators, we can see that the cases of crimes committed by minors have increased.

Dangerous and extremely dangerous recidivism indicates that a person is prone to commit crimes of a high level of danger, which should cause serious legal consequences .

However, in our opinion, the issue of granting the status of "recidivist crime" to a minor in order to commit a new crime intentionally after being convicted of a previously committed crime, in our International Journal of Advance Scientific Research (ISSN – 2750-1396) VOLUME 03 ISSUE 12 Pages: 179-184 SJIF IMPACT FACTOR (2021: 5.478) (2022: 5.636) (2023: 6.741) OCLC – 1368736135 Crossref O S Google S WorldCat* MENDELEY



opinion, recidivism needs to be studied in detail as a separate research object.

In paragraph 24 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 13 of May 5, 2008 "On issues related to the qualification of the act when several crimes are committed", in accordance with the sixth part of Article 34 of the Criminal Code, when deciding the issue of finding a person as an extremely dangerous recidivist, he 18 that a conviction for a crime committed before reaching the age of majority should not be taken into account, therefore, if the new crime was committed by a person after reaching adulthood, but during the period of serving a sentence for an act committed before reaching the age of 18, he cannot be considered a high-risk recidivist.

In the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006 No. 1 "On the practice of sentencing by the courts for crimes" in the third paragraph of paragraph 9, when deciding the issue of declaring a person to be an extremely dangerous recidivist, it should be noted that the sixth part of Article 34 of the Criminal Code according to the law, the conviction for a crime committed before the age of eighteen is taken into account when determining a person as a high-risk recidivist, based on this, if a person has been convicted of several crimes in the past, some of which he committed as a minor, only for crimes committed as an adult it is explained that the criminal record should be taken into account.

According to the above legal norm and the explanations of the Plenum of the Supreme Court of the Republic of Uzbekistan, according to the sixth part of Article 34 of the Criminal Code of the Republic of Uzbekistan, although it is established that the conviction for a crime committed under the age of eighteen is not taken into account when determining a person as an extremely dangerous recidivist, the first part of this article states that a person previously intentionally Recidivism is considered a new crime after being convicted of a crime. Also, we can see that this rule is not taken into account when the intentional commission of a new crime by a person who commits a crime similar to the previously convicted crime in the second part, and in the cases specifically specified in this Code, is also convicted by other articles of the Special Part, is considered a dangerous recidivist crime.

According to the opinions of representatives of the scientific field, the moral and spiritual characteristics of a recidivist criminal include his level of intellect (thinking); abilities, skills and habits; volitional and emotional characteristics; directions; interests; views; attitude to law and moral standards; needs; the methods they choose to satisfy their needs; to choose the path of immorality; consumption of drugs or alcohol, etc. can be entered

Social and moral characteristics of recidivist criminals are also influenced by their specific environment. Their behavior, behavior, including entering the path of crime, has a certain meaning and essence, that is, their inner spiritual world is expressed in their actions. International Journal of Advance Scientific Research (ISSN – 2750-1396) VOLUME 03 ISSUE 12 Pages: 179-184 SJIF IMPACT FACTOR (2021: 5.478) (2022: 5.636) (2023: 6.741) OCLC – 1368736135



So, while the actions of a person reflect his psyche, Recidivism brings his moral qualities into a uniform form in the moral character of the persons who are found to be criminals. It is no exaggeration to say that this causes people to commit recidivism.

At this point, there is another side of the issue, which is that it cannot be denied that recidivists have positive as well as negative characteristics. This indicates that it is possible to re-educate them, look at the world positively, and adapt them socially to life.

In this regard, it gives us the opportunity to come to the conclusion that working with minors who have committed crimes can be as light and effective as possible.

After all, as the Head of our State, Shavkat Mirziyoev, stated, "in order to educate a person, the whole society should work, first of all, we should eliminate the reasons and factors that cause criminal situations from our lives. We must all contribute to this work together".

Conclusion

In conclusion, taking into account that part 6 of Article 34 of the Criminal Code of the Republic of Uzbekistan requires an amendment, we propose to interpret it as follows: conviction for a crime committed before the age of eighteen, as well as the expiration of the time limit for conviction in accordance with the law, or expunged convictions are not taken into account when deciding whether to declare a person a recidivist, a dangerous recidivist or an extremely dangerous recidivist.

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