

PHILOSOPHICAL DETERMINANTS OF DETERMINATION OF OFFENCES

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Abstract

This study analyzes the role of philosophical determinants in the identification of offenses. The moral criteria of the human mind, free will, and the formation of social consciousness are considered as important factors in the evaluation of legal behavior. Based on the relationship between law and morality, social justice and individual freedom, a profound philosophical approach to the essence of the offense is proposed.

Keywords: Offense, philosophical determinants, morality, social consciousness, freedom, justice, legal consciousness.

Introduction

The study of disruptive social phenomena and miscellaneous offenses often pursues a practical purpose. It is imperative to develop and implement effective methods of preventing these phenomena on a scientific basis, if possible, to reduce their spread and prevent the development of the most dangerous forms.

The analysis of crime-causing factors is of paramount importance in the development of methods for crime prevention. Both criminologists and sociologists use the concept of "factor" (Latin: "make", "produce") to study social resilience. From Wikipedia, the free encyclopedia The concept of "factor" can be seen as a synonym for the concept of "determinant." Factors are usually understood as a set of causes and conditions, as a result of their combined action, a factor-crime-causation occurs. The social (and criminological) system of determination includes three types of determinants: causes, conditions, and correlations, which are a set of socio-psychological phenomena of objective and subjective character that directly induce and multiply crime as a natural consequence. Causes of an objective character include events and processes independent of the will of individuals or their communities, such as reasons of an economic, political, legal or ideological nature. The system of subjective causes constitutes the crime motive. The term is used to refer to a psychological phenomenon that describes an individual and represents a set of motives for their development, interaction, and fulfillment. A motive, on the other hand, is an internal state of an individual that is determined by his needs and serves as an impetus for active actions to achieve a certain goal. Motivation is an intrinsic core of criminal behavior, guiding them towards achieving the desired outcome.

At the same time, it is worth noting that causes and their consequences – crime – constitute a two-syllable "chain of causes". If we proceed along it in the opposite direction, then the causes of the crime, in turn, are considered as a consequence of the social phenomena which give rise

to them (in the presence of favorable conditions for this), that is, as a result of the antecedent limb of determination. From the point of view of philosophy, only the close category of the effect deserves to be called causation. Such a direct cause of crime is a subjective factor: defects in the worldview of individuals and social communities. All other "previous causes" are indirect and function as a condition of the crime rather than as a cause. The results of numerous studies confirm that "the direct causes and sources of culpable behavior always lie in the personality of the person who committed the crime. In other words, no external circumstances can be the decisive causes of unlawful behavior, unless they have become intrinsic decisive factors of human activity."¹

The second type of determinants after causation are conditions. Their association with cause and effect is called conditioning. Conditions include events and processes that do not cause causal effects, but rather contribute, mitigate, amplify, amplify and ensure. The "condition" category is linked to the "probability" category and its quantitative expression of "probability." Unlike causation, conditions do not create the potential forces that causation has to replicate the effect. But they provide the appearance (representation) of the cause. Without conditions, without their interaction with reason, the latter does not manifest itself or act. Only when conditions exist does the probability of a consequence become unrealistic.

The interaction of causes and conditions occurs according to the type of determination with the past and the present. Depending on this, the conditions are divided into two groups: 1 - the conditions for the emergence (formation) of the cause, and 2 - the conditions for ensuring the effective process of the cause. The subsystem of conditions that contribute to the criminogenic formation of an individual includes such phenomena as the negative influence of the family, the immediate environment, deficiencies in school and everyday education, and the psychological influence of the media. The subsystem of conditions that contribute to the commission of crimes includes various organizational and managerial inaction and miscalculations. They help individuals with already established social motives to carry out criminal plans "technically" (e.g., poor protection of material wealth, weak police work, etc.). It also includes victim behavior by the victims themselves.

In addition, another classification of conditions is common in criminology, which includes accompany, necessary, and sufficient conditions. By accompanying conditions, we basically mean the states of place and time that do not directly affect what is happening. They form the general background of the events in which a particular event is present, and to some extent are able to determine the form and specifics of subsequent liability. The sum of all necessary conditions constitutes sufficient situations. If sufficient conditions are in place, and if there is a cause, the effect will surely come². Conditions in terms of activity in response to cues are less active than causality, although they are not wholly passive; They have an active relationship with the cause. The criminogenic determinants described above are a key element of the

¹ Ratinov A.R. *Psikhologicheskoe izuchenie lichnosti prestupnika* [Psychological study of the personality of a criminal]. Moscow: Nauka. 1977. – P.9

² Minina S.P. *Juvenile Crime - St. Petersburg*; St. Petersburg. Yuri Institute of the General Prosecutor's Office of the Russian Federation, 1998. - P.6.

criminogenic system. There is a complex multi-level interaction between the elements of the latter, as a result of which it cannot be reduced to an arithmetic sum of the causes and conditions of specific crimes. Only as a result of their close interdependence do the specific determinants of crime form the causes and conditions of crime as a whole, since they exist and manifest at all levels of the criminogenic system (at the level of crime as a whole, at the level of the type of crime, and at the level of individual crimes).

The third type of determinants is correlation. This is a multifactorial determination in mass systems in which the increase or decrease of a number of factors causes corresponding variations, among other factors. It is a coherence relationship of more or less fully synchronous interdependence of several phenomena with respect to each other. Quantitatively, this relationship is expressed by the strength of correlation.

It plays an important role in the study of mass phenomena involving crime and its determinants. The leading patterns here are trends and numerous laws. To determine the existence or absence of a connection between the studied phenomena is a necessary stage before the study of the determination of cause and conditionality. Where there is no correlation in mass phenomena, cause and effect relationships do not exist. However, an in-depth study of correlation dependencies may lead to an elucidation of cause and factors, but may not yield such a result. The causes and conditions of crime are always social phenomena: socio-economic, socio-political, socio-legal, socio-psychological, socio-cultural and others, which are social in their origin, essence and consequences. They are always present in society's system of social contradictions. Crime itself is a social phenomenon and "represents one of the characteristics of society, one of the parameters that reflect the state of the social organism, and therefore arises only under the influence of social causes".³

Thus, we call the system of social negative events and processes that determine crime as their consequence the causes and conditions of crime. However, before identifying the conditions and reasons that contribute to the growth of juvenile delinquency in Uzbekistan and its increase today, let us pay attention to the most common approaches to analyzing the causes of crime developed in the socio-legal sciences. At this point, the causes of crime are one of the problems that have not yet been clearly solved. There has always been a struggle in scientific research between those who see the root of crime in the vices and shortcomings of social relations and those who argue the biological origin of crime, the fact that man is a criminal by nature, a prone to crime⁴.

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⁴ Kudryavtsev V.N. *Causes of Offenses*. Moscow: Nauka. 1976 – P.17.

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