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ABSTRACT

Stages Of Formation Of Criminological Doctrines In The Republic Of Uzbekistan And Some Tasks Of Modern Criminological Science

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This article analyzes the formation, development, and current state of criminological studies in our country and the main tasks of modern criminological science.

The article also presents proposals and conclusions providing for the creation and implementation of knowledge aimed at reducing the crime rate to the minimum possible by further improving the effectiveness of crime prevention.

KEYWORDS

Offense, Crime, Criminology, Avesta, Islamic Religion, Sharia Law, "Timur's Regulations".

INTRODUCTION

In our country, special attention is paid to early prevention of offenses (crimes), correction of the behavior of persons who are inclined to commit a crime or harm him, identification and elimination of the causes, conditions that contributed to the commission of a crime. In particular, resolutions and a number of decrees of the President of the Republic of Uzbekistan "On measures to further improve the system of crime prevention and crime control" [5], "On the introduction of a qualitatively new system of public order protection, crime prevention and crime control in the city of Tashkent" [6] were adopted.

These documents define fundamentally new mechanisms for ensuring public safety, preventing offenses, and forming an integral system for combating crime.

Criminological science also plays a certain role in the fulfillment and solution of the tasks set out in the above documents. Despite his "youth" in comparison with other legal sciences [1], it, as a socio-legal science, is of particular importance in relation to both a socio-legal phenomenon-crime, its individual types, the reasons for the existence, commission and growth of a specific crime and the conditions that contributed to it, in identifying, eliminating (neutralizing) them and ensuring the practice of combating crime.

This involves the creation and implementation in practice of knowledge aimed at reducing the crime rate to the lowest possible by further improving the effectiveness of crime prevention.

Based on the analysis of historical and legal literature, the process of development of criminological teachings in our country can be divided into the following four stages:

- 1) The period before the penetration of Islam into Central Asia;
- The period from the penetration of Islam into Central Asia to the invasion of tsarist Russia;
- 3) The period of Russia Imperia and the former Soviet Union;
- The period from the moment of independence of the Republic of Uzbekistan to the present.

The period before the penetration of Islam into Central Asia. On the territory of Central Asia, the first criminological teachings were reflected in the holy book of the religion of Zoroastrianism – "Avesta", in the sacred writings of ancient peoples, in oral folk art, and the core of these teachings lies in ideas and views calling man to good, including the struggle of good and evil, justice and injustice. After all, good, encourage a person to do good deeds, to refrain from committing crimes. And evil and malice encourage a person to commit illegal acts, meanness, ignorance, in other words, to commit crimes.

The earliest fragments of information contained in the "Avesta" date from the end of the second to the beginning of the first millennium BC and were transmitted orally from generation to generation. In the following centuries, various religious traditions, ethical, legal canons, etc. were added to the Avesta.

"Avesta" is an important and the only source for the study of socio-economic life, religious beliefs, ideas about the universe, customs, culture of the Uzbek, in general, Central Asian, Iranian, Azerbaijani peoples in ancient times.

According to the ideas set forth in the Avesta, the universe consists of a continuous struggle of two foundations, two principles, that is, light and darkness, good and evil. This fight will go on forever. Species changes in life depend on which force wins. Man consists of a struggle of body and spirit, and morality consists of a struggle of good and evil. The moral and philosophical essence of the "Avesta" finds its expression in such a sacred trinity (ethical triad) as "noble thought", "noble word" and "noble deed".

In "Avesta" such bad qualities as ignorance, violence, slander are condemned, such qualities as pure sincerity, not betrayal, not deception and not insult are promoted.

There are incredibly many moral rules and fertilizers in the teachings of Zoroastrianism and its holy book "Avesta", which urge people to be believers, always walk cleanly, keep the body clean, refrain from any bad intentions and words, refrain from bad deeds, avoid unseemly deeds. In particular, the "Avesta" prescribes rules for the conservation, assessment and efficient use of water, as well as a ban on water pollution.

In the Avesta, military conflicts, atrocities, acts of aggression are sharply condemned, and it is stated that the performance of a good deed, morality, education, enlightenment is above absolute adherence to various religious dogmas.

Based on the texts of the "Avesta", scientists have compiled the following classification of crimes:

- Crimes against religion: heresy, marriage with a representative of another religion, inhuman performance of the duties of a priest, atheism;
- Crimes against the person: assault, intentionally or in a state of retaliation, threat, harmful action of a doctor, abortion, crimes against a woman's health during pregnancy;
- Crimes against animals: especially crimes against dogs;
- Property crimes: theft, robbery, robbery, fraud, avarice;
- 5) Crimes against morality: sexual promiscuity, prostitution, adultery.
- 6) Crimes against the forces of nature: crimes against the earth, water, fire and flora [15].

The issues of the application of certain penalties to persons who have committed these crimes are also noted in the "Avesta". In particular, it provides for the following penalties: 1) death penalty; 2) imprisonment; 3) corporal punishment; 4) atonement; 5) fine [14].

In the Zoroastrian creed, it can be seen that the punishment for beating the gift was widely used to prevent crimes. In particular, the "Avesta" states that anyone who strikes someone and causes him a serious wound will be beaten thirty times with a horsetail whip for the first time, beaten thirty times with a whip, beaten fifty times with a horsetail whip for the second time, beaten fifty times with a whip, beaten fifty times with a whip, beaten seventy times with a horsetail whip for the third time, beaten seventy times with a whip. Also in the "Avesta" it is indicated that a more severe punishment, that is, a more severe one, is given to those who hit someone, shed his blood, broke his bone.

According to the Zoroastrian creed, there was also a procedure for pardoning persons who had committed certain crimes, pardoning those sentenced to death for a large fine or saving their lives in exchange for using them as slaves. These issues were resolved in the Supreme Court – with representatives of the Council of Elders of Zoroastrians and influential members of the community on the basis of fair law.

In Central Asia, the first criminological teachings found their expression in ancient legends, fairy tales, epics, proverbs. Such sources are based on ideas that encourage a person to be fair, not to commit crimes, and condemn crime. As an example, such works as "Kobusnome", "Muksin's Behavior", "Ethics of Makorimul", "Tukhfat ul-abror", "Alpamish", "Gurugli" can be cited.

The period from the penetration of Islam into Central Asia to the invasion of tsarist Russia – the holy book of Islam – is determined by the appearance in the Koran and hadith of teachings calling man to good, as well as in the works of our ancestors who lived in the intervals between these periods, illuminating the ways of improving human morality and eradicating his vices.

Due to the penetration of Islam into Central Asia, a system of Muslim law has developed. The jurists of Transoxiana have developed a system of laws – sharia, based on judgments, provisions of the Koran and hadith. Sharia laws, along with the laws of theology, contained norms and provisions concerning human rights, secular issues, including crime and its prevention.

The most accurate, consistent, perfect work on jurisprudence, which incorporated the Sharia system, is the book of the great Fakih Burhaniddin Marginoni (1123-1197) "Hidoya fi furu al-fiqh" ("Guide to the fields of jurisprudence"). This book highlights from the standpoint of Islamic law the current life issues facing Muslim believers at that time, including family and social relations, property, trade, crime and punishment, and many complex issues related to human duties and responsibilities.

Since ancient times, Uzbek families in Central Asia have paid great attention to the upbringing and behavior of the child, his morality, growth as a perfect person, which was considered an important factor in the prevention of crimes. A particularly important place in the scientific heritage of Eastern thinkers was occupied by the problem of family, parent-child relations and the influence of these relations on the formation of a child's personality. In particular, one of the hadiths cited in the collection of hadiths by Ismail Al-Bukhari "Al-jami al-Sakhi" says about the attitude of parents to a child: "Fear God and be equally kind to your children! (Give them clothes and food equally)". This hadith says that in a family it is necessary that parents be fair to their children and not be disappointed in them, and also that there is no feeling of dissatisfaction with the warm attitude of parents, so that there are no conflicts and quarrels between brothers and sisters, so that they are treated equally.

Thus, proper upbringing, which is given to a child from a young age, guarantees that in the future he will grow up to be a good-natured, perfect person and, in turn, will benefit society.

"The teacher who guides the child is, first of all, the mother and father. Parents should educate their child in the spirit of good deeds. A good child is a good memory, leave a good memory" one of the sheikhs of the tariqa, Makhdumi Azam (1463/64-1542), argued for good reason [16].

Ideas such as crime prevention, equality, justice, and humanism can also be found in the teachings of Sufism (Sufism). Sufism is a teaching in Islam that guides a person to spiritual and moral perfection, which arose in the middle of the VIII century. It was initially practiced as a Hasidic movement during the time of Caliph Uthman, and then reached its peak, developing in the Yassaviya, Kubroviya and Naqshbandiyaya sects.

The works of thinkers, scientists and philosophers who lived and worked during this period of the development of science in Central Asia also present various ideas and views on criminological social phenomena. In particular, the work of Abu Nasr Farabi (873-950) "The City of noble People" describes such qualities of the ruler as respect for justice and the fighters for it, contempt for injustice and oppression, for their causers, the need to show justice to his people and others.

Abu Nasr Farabi considered the use of military force against the perpetrators of crimes quite legitimate. He believes that this is a means of preventing major crimes.

In the "Code of Timur", twelve rules of governance of society and the state are set out in detail. Many of these rules are aimed at establishing justice, law and order in society, regulating public relations in it solely on the basis of laws and regulations, ensuring a peaceful, calm working and prosperous life of the people.

As can be seen from the "Code of Timur", during the reign of Amir Temur, the fight against crime and other negative phenomena associated with it was considered one of the main directions in government.

Sultan of the estates Alisher Navoi (1441-1501) contrasted just, honest, just rulers with tyrannical, ignorant, impious kings who do not consider the people's grief their grief. He says that if a just king is a bright mirror, then tyrannical, ignorant, impious kings are his opposite, and if it is a bright morning, then it is a dark night [7].

In the works of Alisher Navoi, along with such great ideas as humanism, patriotism, love, kindness and mercy, the ideas of justice, equality and crime prevention are put forward.

In his work "Mahbub ul-Kulub", the thinker tells about the life and mores of the classes of that time, about their good deeds and shortcomings, either with sincerity or with fierce hatred, he wants to call them to chastity, to educate them.

There is also a worthy contribution of religious schools of the East, thinkers, philosophers, scientists and statesmen to the formation and development of criminological teachings. Unfortunately, the views and ideas of thinkers, philosophers, scientists and statesmen of the analyzed period concerning crime and its prevention have not yet been fully studied [10]. This circumstance indicates the need for further in-depth study of the world of our ancestors from the point of view of criminology.

Russian Empire and the post-Soviet period are defined by the teachings of enlightenment thinkers, Jadidism figures who lived and worked in Uzbekistan, as well as Uzbek scientists who worked before independence and created scientific works in the field of combating crime and its prevention.

The works of one of the leaders of the Jadid movement, Mahmudhoji Behbudi, trace not only the ideas of Jadidism, enlightenment, but also ideas and views aimed at condemning the negative vices of society, including crime and the causes that give rise to it. His famous drama "Padarkush" captures the image of an uneducated and ignorant boy who kills his own father, which clearly shows that a person's lack of education and upbringing ultimately leads, of course, to a tragedy, a crime. Therefore, every parent believes that it is necessary to educate their children so that they do not become victims of tragedy, like the heroes of the work.

The scientist-educator Abdullah Avloni (1878-1934) devoted his life to opening schools, teaching literacy to the people, especially Uzbek women, training teachers and intelligent specialists. The thinker argued for good reason that "education is a matter for us, or life, or salvation, or destruction, or happiness, or catastrophe".

The writer, statesman and public figure Abdurauf Fitrat (1886-1938) in his works tries to reveal the negative vices of his time. In particular, in his works "Munozara", "Sayehi Hindi", he criticizes and fights against religious fanaticism, one of the urgent problems of that time.

The founder of Uzbek novelistics Abdullah Kadiri (1894-1938), being in the ranks of the progressive intelligentsia of our country, was one of the enlighteners who sincerely cared about the fate of the Motherland, the people and sought ways of salvation. In a number of his works ("The Unfortunate Groom", "Zhuvonboz", "Ulokda", "Past Days", "The Scorpion from the Altar"), he, along with promoting the ideas of nationalism, enlightenment and Jadidism, condemned the existing vices of society, the causes and conditions leading to crime.

In the works of the brilliant writer, narrator Abdullah Kahhar (1907-1968), you can also see certain ideas about the negative vices of his time, in particular about crime. In the story "The Man without a Head", the novel "Mirage", the story "Sinchalak", he laughed at the vices of that time, and in the comedy "The Sound from the Coffin" with a special subtle feeling brought to the stage some manifestations of the desire to eradicate from society such terrible vices as bribery. The opinions, ideas, teachings of the abovementioned and our other thinkers that crime, its social danger, causes and conditions, the formation of negative traits inherent in the persons who committed it, are directly related to education, that the education of morality in children, perfect human qualities is the most humane and effective way to prevent crimes, and today have important scientific and significance, practical which requires criminologists to conduct in-depth scientific research in this area. Because these teachings completely contradicted the policy of the Soviet state in relation to crime, its teaching about crime in general and its causes. On the criminal policy of the Soviet state:

- The cause of negative realities, processes in society is analyzed only from a class point of view, all vices are considered as the sagging of feudalism and capitalism, a pathetic legacy of the past;
- The law is denied that crime is a social reality inherent in every state;
- What can be the causes of a crime in a "developed society", such as socialism, and at a time when the identity of the criminal is recognized as contrary to the image of a "man of the new society", recognition of the causes of the crime and the existence of an environment conducive to its commission is understood as slander in relation to the "new society;
- A theory has been put forward that under socialism, social relations improve and develop, respectively, people become more perfect, crime gradually decreases, and with the transition to communism, crime will also not be;
- With the disappearance of exploitation, want and poverty in the country, the social

foundations of crime spontaneously disappear. It was believed that under these conditions, there would be a tendency in the country to gradually reduce the crime rate and reduce the level of public danger of crimes.

Therefore, although in the early years of the existence of the post-Soviet state, special institutions were engaged in analyzing the causes of negative realities, including crime, in the mid-30s of the XX century they were closed. For almost a quarter of a century, the investigation of the causes of such cases has been prohibited. Instead of developing the science of criminology and conducting serious research in this area, declarative measures were imposed. Crime, its causes, the organization of the fight against crime, etc. were interpreted from the point of view of politics in the way that only politicians wanted it. This led to a slowdown in the development of criminological science and hindered the widespread conduct of research related to the scientific knowledge of crime.

As a result, during this period, the causes of crime were artificially masked, which led to its chronic development.

As a result, instead of developing economic, socio-political, organizational, and legal measures to combat crime in the former Soviet Union, more importance was attached to changing legislation and tightening penalties. In particular, during the period from 1960 to 1990, more than 15 decisions were made on combating crime and strengthening criminal responsibility, and more than 350 additions and amendments were made to the criminal law. But this did not stop the growth of crime. On the contrary, the rate of crime growth in the former Union State was even faster than in most countries of the world. For example, in the post-Soviet state for 1957-1991 (34 years), the average crime growth rate was 4.8%, and the population growth was 1.1%, that is, crime growth occurred 4.3 times more often than population growth [11].

Thus, the anti-crime policy pursued in the former Soviet Union has not justified itself. Life itself has shown that the statement that crime is dying out artificially, attempts to end crime in general are a mere mirage. As a result, there was a need to revive criminological research on the scientific and theoretical study of crime. Therefore, criminology as a science began to develop rapidly since the 60s of the XX century:

- In 1963, a specialized research institute was established at the Prosecutor General's Office of the former Soviet Union, responsible for studying the causes of crime and developing measures to prevent it;
- Since the 1963/1964 academic year criminology as an academic subject has been taught at the Faculty of Law of Moscow State University;
- Since the 1964/1965 academic year criminology has been included in the curriculum of law higher educational institutions in the territory of the former Soviet Union as an academic subject.

Although Criminology was initially established as an academic subject in the programs of higher educational institutions, over time it became a separate science.

The period from the independence of the Republic of Uzbekistan to the present. In Uzbekistan, along with other sciences, all conditions have been created for the development of criminological science. An opportunity has been created to study and analyze the best practices of a number of Western countries, on which an original scientific basis was created in the study of crime problems. The problems of crime have become widely studied. As a result, criminology has entered the category of sciences that occupy a special position.

As a result of the reform of the education system, special attention was paid to the teaching of criminology as an independent discipline in higher educational institutions. If during the times of the former Soviet Union, the academic load in criminology in law higher educational institutions was only 18 hours [12], at present, in higher legal educational institutions, in particular in the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, a total of 108 hours of lectures, seminars, practical and independent training sessions are allocated for the study of this discipline.

Currently, criminology teaching is included in the curricula of higher educational institutions of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, Tashkent State Law University, Karakalpak State University, Samarkand State University, University of Public Security.

In the post-Soviet period, there was not a single textbook or textbook on criminology in Uzbek in Uzbekistan.

In the years of independence, textbooks and manuals on criminology were created in the state language. In particular, the first textbook on criminology in Uzbek was prepared and published by scientists of the Tashkent State Law Institute [9], the first textbook by scientists of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan [8].

After that, domestic scientists prepared and published a number of textbooks on criminology [13].

As a result of the inclusion in the list of specialties of scientific and scientificpedagogical personnel of the highest qualification of the specialty 12.00.08. along with the disciplines of criminal law, penal enforcement law, criminology, domestic scientists conducted major criminological studies.

Special attention is paid to the development of criminology as a science in Uzbekistan, prevention and combating crime are identified as priority areas at the level of state policy, the formation of a national crime prevention system contributes to its accelerated development. This, in turn, ensures the consistent continuation of research work in the field of criminology.

At the present stage of society's development, criminological science faces a number of tasks. Scientists' opinions on the tasks of this science differ, dividing them into several groups. In particular, A.I. Dolgova as the main tasks of criminology:

- Scientific explanation and prediction of criminological phenomena in order to further accelerate crime prevention;
- Realistic analysis of existing concepts and developments (ideas), preservation of meaningful aspects in them, as well as rejection of frozen and contradictory

situations; immediate formation of crime and its trends; full identification of the system of criminogenic determinants;

- Introduction of criminological knowledge into practice – conducting an examination of normative acts justified from a criminological point of view and based on their impact on changes in crime, the introduction of scientifically based recommendations in the practice of combating crime;
- 4) Study and implementation of international experience in combating crime;
- 5) Showed the need to study particularly dangerous types of crimes (economic crime, juvenile delinquency, serious violent crimes, organized crime, terrorism, corruption) and develop effective measures to combat them [3].

V.E. Eminov divided the tasks of criminology into the following groups:

- Research task (study of the laws of the existence and development of crime, the identity of the criminal and the "mechanisms" of committing various crimes, strategies for combating crime taking into account social changes);
- 2) Forecasting;
- Recommendations of criminologists for state bodies and public organizations on the introduction of changing sociotechnical conditions of life into the daily practice of the activities of subjects of crime prevention;
- 4) Informing (raising awareness) of the population [2].

N.F. Kuznetsova, based on the subject and nature of criminological science, pointed out the following tasks:

- Analytical (investigation of crime, its general condition and types of crimes, the identity of the offender, the causes of crime and the conditions that contributed to it, the system and effectiveness of prevention);
- Forecasting (expressing opinions about the development of criminological phenomena, about the possibility of changes in them);
- Practical (implementation of criminological recommendations in lawmaking and practice of its application);
- 4) International (development of measures to combat crime through the UN, Interpol and other organizations) [4].

Based on the above systematization of the tasks of criminological science, we consider it necessary to note the following tasks at the present stage of development of society:

- To enrich knowledge about crime, acquire knowledge about its objective and actual volume (state), including knowledge about the dynamics, level, structure of crime in the past and present;
- b) Criminological research of types of crimes in order to differentiate them;
- c) Identification and scientific study of the causes of crime and the conditions that contributed to its occurrence, development of recommendations for their elimination;
- d) The study of the identity of the criminal and the mechanism of committing a crime, the classification of various crimes and the classification of persons who committed a crime by type;
- e) Definition of means and directions of prevention and fight against crime;

- f) Scientific diagnostics of crime in certain regions;
- g) Study of the international and foreign experience of states and the use of their achievements.

Like any science, criminology serves to provide practice with specific recommendations, accessible information.

It is considered appropriate that the main attention in this regard should be paid to the training of highly qualified, knowledgeable and loving personnel with a differentiated approach to the commission of crimes and the identity of the offender, as well as preventive measures.

Proceeding from this, criminological science sets the following tasks:

- Develops the necessary scientific conclusions and recommendations on crime in society, its individual types, the reasons for the existence, commission and growth of a specific crime and its eradication;
- Based on the needs of the practice of combating crime, based on in-depth scientific findings, provides the necessary recommendations for further improving the effectiveness of crime prevention;
- Provides the practice of combating crime with the necessary recommendations for further improving the effectiveness of crime prevention;
- Studies the best practices of foreign countries and gives recommendations on its use in crime prevention;
- Crime forecasting and crime control planning;

- With the help of special scientific methods, the Institute studies phenomena related to criminology, updates existing knowledge about them, based on the needs of modern theory and practice of combating crime;
- Organizes and conducts scientific and practical research to improve crime prevention.

In short, the main task of criminological science is to update existing knowledge about criminological social phenomena based on the needs of modern theory and practice of combating crime, to develop theoretical and methodologically sound solutions to existing problems and necessary recommendations for further improving the effectiveness of crime prevention and their practical application.

When performing these difficult, honorable tasks, criminology creates its own scientifically based recommendations. These recommendations are a necessary resource in the organization of the fight against crime.

It is important to remember that criminological science creates effective scientific, theoretical and practical recommendations for the prevention of crimes. Because, like any science, criminology cannot develop as a science capable of performing the necessary tasks to combat crime without scientific and theoretical enrichment. In this regard, one should not underestimate the fact that theory is the eye of practice.

The importance of criminological science in the practice of combating crime is increasing. The best practices developed on the basis of his scientific recommendations make it possible to make important decisions on combating crime. In particular, at the present stage of development of our society, a number of methodological manuals have been created on the methodology of studying crime in the regions, forecasting crime from the regions.

The science of criminology implements its tasks through the following main functions:

- Collection function involves collecting the necessary criminological information about how a particular crime-related process proceeds and occurs by conducting research;
- 2) Descriptive function involves the coverage of the processes included in the subject of criminology, based on the analysis, grouping and generalization of the empirical information obtained. At the same time, it is revealed how this or that state occurred, and the accumulated information about the existing reality is theoretically studied in a certain order. Also, based on the study of social phenomena affecting criminological reality, specific concepts and theoretical concepts are created;
- 3) Forecasting function in which a scientific prediction is made in advance of how a particular process will proceed and on the basis of which further consequences will occur, in general, how the process under study can develop. Criminology studies the course, future changes of phenomena and processes of criminological significance, predicts their further state and course.
- 4) The function of informing the population at present, the practice of combating crime is increasingly firmly setting itself the task of theoretical fundamental study of crime. A scientifically in-depth analysis of those negative phenomena that are currently being hindered, in which universal values

and human rights are brought to the fore, forecasting possible changes in these phenomena in the future, developing effective measures to combat crime.

To ensure the effective implementation of the main tasks of criminological science, it is proposed:

- Creation of a mechanism for the effective use of specialized statistical reporting of subjects of crime prevention in conducting criminological scientific research, including the creation of a scientific center engaged in the study and analysis of crime statistics, together with the Academy of the Ministry of Internal Affairs and the Tashkent State Law University;
- Organization and implementation of effective scientific research on topical issues of criminology, taking into account the best international experience and foreign practice in this field;
- 3) Acceleration of the dissemination of electronic (journalistic, legal, popular science) literature on modern methods of combating crime. In particular, together with the Academy of the Ministry of Internal Affairs and the Tashkent State Law University, it is advisable to create an international scientific and practical electronic journal "Topical issues of criminology" on the Internet. This, on the one hand, contributes to the international recognition of the achievements of domestic science, in particular criminology, and on the other hand, allows researchers to publish their scientific articles (theses).

We believe that the implementation of the above proposals, recommendations and conclusions in practice will ensure the achievement of positive results in solving the tasks in this area.

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