



Research Article

ON PRINCIPLES OF DELINQUENCY PREVENTION

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ABSTRACT

The article deals with the concept of the principles of crime prevention, studied some ideas and patterns of combating crime. The authors examines the principles of struggle and methods for reducing crime in foreign countries, summarizing an analytical review of the views and opinions of some scientists, puts forward some ideas for the implementation of some models in national legislation.

KEYWORDS

Issues, principles, prevention, delinquency, crime control models, criminal code.

Prevention of offenses is the system of legal, social, organizational and other measures of general, special, individual and victimological prevention of applied offenses in order to maintain and strengthen law and order, to identify and eliminate violations, as well as to identify and eliminate the causes of violations and the conditions that allow them.. (Delinquencies prevention Act 2014, Article 3, part 1.)



INTRODUCTION

Crime prevention, like any other type of meaningful purposeful activity, is built on the basis of certain general, universal ideas that reflect the objective laws of social development and are designated in science by the term "principles" (from the Latin "principium" - base, beginning).

Until now, the principles of crime prevention in the legal literature have been considered only fragmentarily and have not received an unambiguous classification and meaningful interpretation.

Currently, more than two dozen different fundamental ideas stand out in literary sources, which, according to their authors, underlie the process of crime prevention (prevention), in particular: complexity, consistency, planning, legality, ethics, scientific nature, validity, economy, timeliness, optimality, adequacy, purposefulness, stages, fairness, humanity, democracy, intensity, continuity, concreteness, dynamism, rationality, efficiency, reality, integrity. Such ideas are often denoted by terms such as: "initial requirements", "patterns", "basic provisions", and not the term "principles".

Crime prevention is one of the elements of the system of measures to combat crime, and the crime prevention policy is an integral part of the criminal policy. The general patterns (principles) of combating crime are, therefore, the basis of crime prevention activities as one of its subsystems, and the principles of criminal policy are the basis of the crime prevention policy. So, Art. 5 of Delinquencies prevention Act 2014 identifies five principles - legality, humanity, consistency, priority of the persuasion method, differentiation of measures of influence and an individual approach.

In the literature, the following are distinguished as the fundamental principles of the fight against crime:

The priority of preventive activities over law enforcement, and in preventive activities – the priority of assistance measures over restrictive measures;

Application of restrictive measures only on facts of violation of the law;

Ensuring the unavoidability of responsibility of the guilty persons for crimes;

Carrying out the struggle by the whole society and the whole population;

Carrying out the struggle in the rule of law;

The control of the personnel of the bodies involved in the fight against crime;

Carrying out the struggle against crime comprehensively;

Ensuring equality of all individuals and legal entities before the law;

Saving in criminal repression;

Use of the latest scientific and scientific-technical achievements, staying ahead of criminals;

International cooperation and bilateral cooperation of states in the fight against crime.

The system of principles of state policy of combating crime, along with those indicated, also includes: socio-economic conditionality, legality, justice, adequacy of response to each crime, offensiveness.

The principles of state policy in the field of combating crime (criminal policy) find their concretization in the

principles of criminal law, criminal procedure, criminal executive policy, enshrined in the norms of the relevant branches of legislation. This article is devoted to the issues of harmonization of national legislation in order to bring closer to those norms reflected as international standards.

METHODS

The main methodology in research was used to compare the systems in different countries. The authors also studied information from a variety of information sources. Taking into account the specifics of the subject matter of this article, the author relies on information, regulatory legal acts. The results of the comparative analysis of the crime prevention programmes? we assume, that would be available to reconsider some legislative base in crime prevention process. Suppose, that on the governmental level, community some shanges will be made to improve the preventive policy, for example exchanging the experience in the foreign countries, especially those, where preventive programm work more effectively/

National legislative framework for the prevention of offenses

The Criminal Code of the Republic of Uzbekistan calls its principles: the principle of legality (Article 4 of the Criminal Code), the principle of equality of citizens before the law (article 5 of the Criminal Code), the principle of democracy (Article 6 of the Criminal Code), the principle of humanism (Article 7 of the Criminal Code), the principle of justice (Article 8 of the Criminal Code), the principle of guilty responsibility (Article 9 of the Criminal Code) and the principle of inevitability of responsibility (Article 10 of the Criminal Code).

The Criminal Procedure Code of the Republic of Uzbekistan includes among the principles of criminal

proceedings: legality (Art. 11 of the CPC), administration of justice only by the court (Art. 12 of the CPC), the collegiality and uniqueness of the consideration of criminal cases (Article 13 of the CPC), the independence of judges and their subordination only to the law (p. 14 of the CPC), the obligation to initiate a criminal case (Article 15 of the CPC), the administration of justice on the basis of equality of citizens before the law and the court (Art. 16 of the CPC), respect for the honor and dignity of the individual (Article 17 of the CPC), protection of the rights and freedoms of a citizen (Article 18 of the CPC), open trial of criminal cases in court (Article 19 of the CPC), the language in which criminal proceedings are conducted (Article 20 of the CPC), public participation in criminal proceedings (Article 21 of the CPC), establishing the truth (Article 22 of the CPC), the presumption of innocence (Article 23 of the CPC), ensuring the suspect, accused and defendant the right to defense (Art. 24 CPC), adversarial proceedings in court (Art. 25 CPC), spontaneity and oral examination of evidence (Art. 26 CPC), the right to appeal procedural actions and decisions (Art. 27 CPC).

The criminal executive legislation of the Republic of Uzbekistan is based on the principles of legality, justice, humanism, democracy, differentiation and individualization of the execution of punishments, the rational use of coercive means and the stimulation of law-abiding behavior of convicts (Article 6 of the Criminal executive code of the Republic of Uzbekistan). It seems that the principles of the Criminal executive code would look more purposeful and comprehensive if they were supplemented with such principles as the principle of combining punishment with corrective action; the principle of equality of convicted persons before the law.

Being enshrined in the norms of law, the principles of criminal policy acquire the meaning of legal principles. Legal consolidation gives the principles the status of certainty, binding and guarantee of their observance.

According to the degree of generality, legal principles are subdivided in the theory of law into: 1) general legal; 2) intersectoral; 3) sectoral.

General legal principles are divided, in turn, into three groups:

- 1) State-political (principles of democracy, democratism, separation of powers, priority of a person, his rights and freedoms);
 - 2) Political and legal (principles of equality, legality, inseparable connection of rights and obligations);
 - 3) Socio-political (principles of justice, humanism, combination of persuasion and coercion).
- General legal principles are reflected in the Basic Law of the State - the Constitution of the Republic of Uzbekistan.

Cross-sectoral and sectoral principles originate in general legal principles and receive a specific meaningful interpretation in the norms of the respective branches of law, depending on the characteristics of social relations that they are designed to regulate.

The policy in the field of crime prevention (criminological policy), being part of the criminal policy, is built, firstly, on the basis of a certain way interpreted intersectoral principles of regulation, which have found consolidation in the system of norms of the branches of the criminal-legal complex (criminal, criminal procedure, criminal), and secondly, on the basis of their own principles, reflecting the features of

crime prevention activities and social relations arising in the course of this activity.

Foreign experience

Considering the prevention of crimes in foreign countries, there is undoubtedly a difference in prevention activities. So, according to A.Yu. Gordeev, various traditions and historical experience, the considered foreign countries used very accessible resources and innovative technologies to maximize the efficiency of ensuring public safety in the interests of society and the individual citizen, while making the transition from a crisis model of police activity to a public oriented model - prevention. Continuous research of public opinion is the main tool for assessing the activities of law enforcement in foreign countries. This activity seeks to confirm the image of an effective state structure that professionally protects the rights of the population. Improvement of forms of social control over the actions of law enforcement agencies as guarantors of observance of universal human rights and freedoms is topical for developed countries[3].

According to B.C. Welsh, D.P. Farrington, the first step in the modeling process was the estimation of program costs and crime reduction effectiveness of the four alternative interventions. In order to conduct fair comparisons among these interventions and with the three strikes law, three main “penalties” were assigned to the former. These were:

- (a) Targeting: the proportion of the population targeted by the program who are likely to become involved in criminal behavior (e.g., children of low income, teenage mothers for the home visiting/day care program);
- (b) Decay: the loss of effectiveness after treatment ends; and



(c) Scale-up: the decrease in program effects when a program is expanded statewide (Greenwood et al., 1998, p. 16)[4].

For example, in the United States, there are three models of preventive activity: the public institution model, the individual safety model, and the environmental exposure model. Crime prevention programs are being implemented at the federal and local levels. In some states, citizen involvement in law enforcement has reduced the number of robberies by 30%. Here, a reward is used for information of operational and preventive value.

The analysis of A.M. Zhernoviy and Butko V. M. deserves attention. In their research emphasize a significant place in victimological prevention is occupied by the activity of rehabilitation of victims of crime. In the USA, for example, in accordance with the Victims of Crime Act, special programs are organized to prevent re-victimization. Funding for these programs (in the US, their View. Reflections. Viewpoint - 69 - there are more than 2000) is carried out from the federal fund, as well as funds transferred by the authorities of a separate administrative-territorial unit where the victim of the offense lives. Thus, the state program of victimological prevention in the United States and European countries consists, on the one hand, in providing citizens with special information, on the other, in financing special programs to provide additional protection of citizens from crime. In European states, in the Federal Republic of Germany, it has long been believed that crime prevention is a "by-product" of police work simply because the self existence of the police apparatus acts as a deterrent to crime. But since the 1960s, the police began to widely practice purposeful work with a public orientation towards self-defense: to advise the population how, thanks to the right actions, to self-defense: to advise the population

how, thanks to the right actions, to become a victim of a crime.

DISCUSSION

The principles of preventive (criminological) policy should be reflected in the norms of the emerging industry of preventive legislation. So far, these norms have not become a separate system within the framework of an independent source of law, but are concentrated mainly in normative sources related to other branches of law, the principles of which, obviously, extend their action to these norms.

A number of principles of crime prevention, reflecting the essence and content of the preventive (criminological) policy of the state, are enshrined in legal acts, the norms of which are mainly or to a large extent preventive.

Thus, the Act of the Republic of Uzbekistan – "On the prevention of neglect and delinquency among minors", which regulates relations closely related to the prevention of juvenile delinquency, includes among the principles: legality, humanity, consistency; family support and interaction with her; an individual approach to the upbringing of minors in a socially dangerous situation (Article 5 of the Act). And here, in our opinion, there is a lack of such principles as the confidentiality of obtaining information, state support for the activities of local self-government bodies and public associations for the prevention of neglect and delinquency of minors.

The basic principles of operational-search activity, formulated in Art. 5 of Operational-Investigative Activity Act, such as legality (Article 6), priority of human rights, freedoms and legitimate interests (Article 7), which are general legal, conspiracy, a combination of public and private methods, which are



industry-specific, have direct relation to the principles of crime prevention, since crime prevention is one of the main tasks of operational-search activities (Art. 4 of the Act) [3].

In connection with the current codification of the preventive legislation, the issue of the principles reflecting the patterns and trends of preventive activities, is becoming especially vital. The consolidation in legal norms of the initial provisions, guidelines, universal rules, in accordance with which crime prevention activities should be built, can be carried out in two ways. The most general of these rules, reflecting the crime prevention strategy, should be directly formulated in a separate legal norm.

Other general provisions (requirements) expressing the peculiarities of tactics and methods of implementing crime prevention measures, can be formulated both in specific norms of individual legal institutions and flow from the content of the totality of norms of these institutions.

Particular importance in preventive activities is the prevention of penitentiary crimes, which requires a number of measures. Agreeing with the opinion of V.I. Belov about the need for such developments as the activation of the socially positive orientation of convicts with the aim of their self-realization and the fight against the spread of the criminal subculture, the creation of conditions for service in the penal system that meet European standards[6].

The doctrine of penal law notes that the adaptation of convicts to places of deprivation of liberty has several aspects (levels) in the educational, corrective aspect: social, socio-psychological and psychological. In this direction, one must agree with the proposal put forward by N.S. Salayev on the further improvement of living conditions in institutions for the execution of

sentences, the introduction of innovative pedagogical technologies into the educational process, and the strengthening of the professional training of minors[7].

With the adoption of the Act of the Republic of Uzbekistan "On the delinquency prevention", in the process of delinquency prevention an important role has been assigned to the participation of citizens' self-government bodies, non-state non-profit organizations and citizens in the crime prevention. So, according to the article 21 of this Act: self-government bodies of citizens:

Participate in the implementation of state, territorial and other programs for the prevention of offenses;

Exercise public control over the implementation of legislation on the prevention of offenses;

Assist law enforcement agencies in ensuring public order in the relevant territory, including in organizing registration of the arrival and departure of citizens, in preventing neglect and delinquency among minors and protecting their rights;

Take measures to suppress the activities of unregistered religious organizations, ensure the observance of citizens' rights to freedom of religion, prevent the forced imposition of religious views, consider other issues related to compliance with legislation on freedom of conscience and religious organizations;

Together with the assistant inspector of preventive maintenance for the protection of public order of the internal affairs bodies, monitors the activities of members of the public formation "Mahalla Posboni" (neighborhood guard);

Create conciliation and other commissions;



Interact with other bodies and institutions that carry out and participate in crime prevention.

Non-governmental non-profit organizations and citizens can participate in delinquency prevention by providing contribution and necessary assistance to bodies and institutions that carry out and participate in crime prevention.

When determining the principles of crime prevention, it is necessary to take into account that the latter one is a multidimensional type of practical transformative activity and has organizational, managerial, methodological and tactical aspects, is carried out at the general social and specially preventive (criminological), general and individual levels using various means, techniques and methods[8]. The content and list of principles of each of these parties and levels of the preventive process, the requirements for the tactics and methodology of using the means, methods and techniques of preventive (preventive) exposure are specific, and therefore can and should be the subject of independent research. This is due, in particular, to the fact that any law, principle or concept is true only within precisely defined boundaries, is fair only in a certain respect, tied to precisely defined conditions and effects of things, phenomena and processes, i.e. are relative.

General social prevention of crime in the literature is defined as an undirected impact on the determinants of criminality, rendered by the very course of positive, progressive socio-economic and cultural development of society.

Measures of general social prevention affect all types of causes and conditions of criminality and have such features as scale, radicality, complexity and continuity.

Some criminologists pay attention to such features of general social prevention of crime as historical duration, absolute continuity, comparative slowness, indirect nature of the impact, the presence of elements of spontaneity and inconsistency of impact.

Crime prevention at a specially preventive (criminological) level is a targeted impact on the determinants of crime. Identification and elimination (blocking, neutralization, limiting the scope) of criminogenic phenomena and processes are the only or main, leading goals of specially criminological measures of prevention (prevention) of crime. The ways (principles) and means of achieving the goals of specially preventive (criminological) measures are numerous and varied, as are the measures themselves.

Specially preventive (criminological) measures are developed and carried out in relation to various types of crimes and types of criminal behavior, to various spheres of public life, social groups, branches of the economy, because they are characterized by the peculiarities of the processes of determination.

The approaches of criminologists to the definition of the content and the list of principles for specially preventive (criminological) crime prevention differ depending on the aspect in which they consider the process of crime prevention. The authors, considering this process in a managerial aspect, highlight the principles of building and functioning prophylactically (preventive) institutions or organizing preventive activities, such as scientific character, complexity, orderliness, efficiency, objectivity, concreteness, legality.

The principles of organization and management occupy a special place in the system of principles for regulating relations in the field of crime prevention. They point out that these relationships are a kind of



complex systems that require organizational principles in their development.

Crime prevention, however, is not limited to organization, management and leadership. It consists, first of all, in the identification of criminogenic objects and the provision of a preventive effect on them. It is these types of labor, not organization and management, that constitute the essence of preventive activities.

Most of the principles for the implementation of measures of crime prevention are consistent with the principles of organizing and managing preventive activities, but in terms of content they are not completely reduced to them. This, first of all, refers to the general principles of managing social processes, which are reflected in the general legal principles of regulating public relations and its reflection in the principles of managing the process of preventing crimes, such as legality, democracy, priority of a person, his rights and freedoms, equality, justice and humanism, a combination of persuasion and coercion[9].

It is important to mention, according to the principles highlighted by UN crime prevention requires a change in the way governments, institutions and organizations work, and countries in all regions have faced a variety of challenges in implementing prevention. Crime prevention requires adequate resources, including funding for structures and activities, in order to be sustained. There should be clear accountability for funding, implementation and evaluation and for the achievement of planned results.

CONCLUSION

Having analysed the studies of many authors and international standards, in conclusion, we can say the following: since the implementation of measures of crime prevention affects personal and public interests, then it should be based not only on the law, but also be justified from a scientific point of view. Based on the variety of causes and conditions of crime in general and individual types of crime, means of crime prevention should be used in a comprehensive and purposeful manner. Crime, its causes and conditions are specific historical phenomena and are manifested in specific forms in a specific place and time, in this connection, and measures for the prevention of crimes should be differentiated and adequate to the nature of the eliminated (neutralized, blocked, limited) phenomena and processes. Like any other type of purposeful activity, the use of measures of crime prevention must be properly organized and meet the requirement of orderliness.

In general, the study of models, forms and methods of crime prevention used in foreign countries allows us to conclude that there is a constant movement towards the implementation in this activity of the principles of consistency, adequate provision, humanism and participation of all members of society. Also draws attention to the fact that in different countries there are different systems, measures, and means of crime prevention[10].

Legality, scientific validity, complexity, concreteness, planning, purposefulness are the principles on which all types and directions of preventive activities should be based at all levels of implementation of preventive measures. This applies equally to general and individual prevention of crimes. Each of these directions is based, in addition, on its own principles.

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