

Criminological description of resident crime

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Abstract: The article emphasizes that recidivism is studied in detail in the science of criminology as a separate object of study, and the moral damage to society and its members as a result of repeated commission of this crime is the most negative situation in social life. Therefore, the prevention of recidivism plays an important role in the criminal law policy of each state.

Keywords: recidivism, crime, prevention, opinions of scientists.

Introduction. Recidivism is studied in detail in criminology as a separate object of study. Because the moral damage caused to society and its members as a result of repeated crimes is the most negative state of social life. That is why the prevention of recidivism is an important part of the criminal-legal policy of any state.

The problem of recidivism is a very complex and multifaceted phenomenon, the concept of which is interpreted differently by different disciplines.

In fact, the word " recidivus " is derived from the Latin (recidivus), which means "recurrent", "renewable"¹. It is a more dangerous form of committing a number of crimes. The criminal law recognizes recidivism as the intentional commission of a new crime after a person has been convicted of a previous intentional crime (the first part of the Article 34 of the CC). The fact that a person commits a new crime even after a conviction indicates a high level of social risk. The law takes this into account, and the articles of the Special Part of the Criminal Code provide for certain types of recidivism as an aggravating circumstance². Recidivism is also important for the characterization of the convict, as well as for the organization of educational work.

The definition of recidivism in the Criminal Code of the Republic of Uzbekistan, adopted on September 22, 1994, and the clear classification of this category of crimes have become important both theoretically and practically in criminal law.

Recidivism is the most dangerous form of a number of crimes, in which a person commits a new intentional crime after being convicted of a specific type of punishment for a previous intentional crime. "It is a recidivism for a person to be convicted of a previous intentional crime and to commit a new intentional crime without the expiration of the term of conviction or the removal of the conviction in accordance with the law"³.

It is well known that every person with a previous conviction has some negative traits, even if they are hidden, and this can lead to crime in certain situations.

So this is also considered as a recidivism. Criminology has a unique approach to describing recidivism. Controversy over the recidivism of some lawyers suggests that there are a number of definitions that have a specific scientific basis.

Criminology examines all aspects of a person's recidivism, whether convicted or not.

This approach is recognized by many authors.

However, this coverage of recidivism can be difficult to investigate. Indeed, it should not be overlooked that a clear definition of all aspects of recidivism in criminology is an important factor in the prevention of these crimes.

It is important to know that criminology examines the following cases of recidivism⁴:

1) according to the number of crimes - simple or repeated recidivism (if the recidivism is the second on the account) and complex, ie recidivism committed repeatedly (three or more times);

2) general - the commission of another type of crime by a person that is different from the crime committed for the first time, for example, the crime of murder after a crime of hooliganism. Specific - recidivism, such as recidivism, for example, recidivism. Specific recidivism is unique. Because the repetition of the same crimes leads to a negative situation, such as criminals acquiring the commission of a crime;

3) according to the level of danger to society - non-serious, dangerous and extremely dangerous recidivism.

Our research shows that, by its nature and extent, recidivism needs to be considered as a social problem that needs to be addressed. Of particular criminological significance is the relatively low incidence of recidivism among persons who have not been sentenced to prison.

Another important point is made by analyzing the structural structure of recidivism. That is, the period for which a person who has been released from prison commits a new crime, that is, when the person commits a crime after his release? Criminology provides the necessary answer to this question in its research. For example, in most cases, crimes are committed within the first year. And over the years, life itself has shown that recidivism is on the decline or that crime is on the rise. However, the frequency with which recidivism occurs depends on the recidivist's behavior during the sentence. For example, the more negative a person is in the process of serving a sentence, the more likely he or she is to commit a new crime after release. This fact must be taken into account in the organization of preventive work. Because the above-mentioned individuals are prone to robbery, aggression, extortion, theft, prostitution and vicious hooliganism.

It is common for juveniles who have been released from prison to commit crimes in a short period of time. Recidivism is often associated with theft and hooliganism. For example, two-thirds of first-time offenders are repeat offenders, and about 60 percent of hooliganism offenders are convicted of repeat offenses.

Recidivism has been recognized as a separate problem in a number of literatures because the essence of the problem lies in the fact that the perpetrators of recidivism are defined as a separate category of criminals.

Indeed, recidivism is against the public interest, so in the organization of preventive work to prevent these crimes, first of all, it is necessary to distinguish those who have committed recidivism from those who have committed it for the first time. The following should be taken into account: the presence of persons prone to recidivism and inhuman (criminal) characteristics; commission of criminal acts (including intentional and violent); involvement of persons, minors, women, the elderly in the implementation of a particular form of participation in the commission of a crime; use of various

inhumane methods and means of criminal prosecution (hostage-taking, hiring, intimidation, etc).

Some authors associate the identification of a person as a recidivist only with the commission of serious crimes or crimes of the same gravity, or the commission of similar and even similar crimes. There are other proposals, the content of which is that in order to be found guilty of recidivism, he must be imprisoned for previous and subsequent crimes⁵.

The symptoms listed above should not be used to diagnose relapse, but to classify certain types. Studies show that similar and even identical (specific) relapses are not specific to recidivists. Many of them commit various crimes⁶. Of course, a special recidivism is a sign of the stability of antisocial behavior, but those who have been sentenced to three or four times imprisonment for various crimes are also characterized by a high level of social risk.

That is, the stability of the antisocial behavior, tendencies and habits of the subject of the crime is reflected not only in the similarity, but also in the commission of different crimes.

A review of the criminal law literature on relapses shows that there is no consensus on many issues. One such controversial issue is the concept and nature of relapse. Based on the definition of relapse in the literature, opinions about relapse can be divided into three groups.

Some scholars believe that recidivism is based on the fact that a person commits two or more crimes (regardless of whether the person has been convicted of a previous crime), that is, the actual recurrence⁷.

Many scholars and practitioners, on the other hand, focus on the concept of recidivism, which means that a crime is committed by a person who has been convicted before and whose conviction has not been overturned or expunged, that is, they support the legal recidivism position.

Other scholars say that recidivism occurs when a crime is committed not only by a person who has previously been convicted, but also by a person who has served a full or partial sentence.

In conclusion, the analysis of recidivism also shows that the incidence of exconvicts in organized groups is low, and that such individuals prefer to commit crimes alone. On the contrary, it should be noted that first-time offenders are more likely to be involved in organized crime and group crime. Another characteristic of the structure of recidivism is that the division of responsibilities in criminal groups and the leadership of criminal groups are not related to recidivists or ex-convicts, but to the tasks performed (organizers, witnesses, executors, etc.). The distribution is based on the internal laws of the criminal world. However, it is sometimes possible for certain categories of ex-convicts to commit group crimes. The majority of such individuals are young people (under 25). It also includes robbery, burglary, and theft. Because getting involved in such crimes is more commonly used by criminals.

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