



LEGAL BASIS OF THE PRINCIPLES OF CRIME PREVENTION IN THE LEGISLATION

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Abstract

This article analyzes the main principles and their legal foundations established in the legislation of the Republic of Uzbekistan in the field of crime prevention. The principles reflected in the laws, state programs, presidential decrees and resolutions, as well as relevant sectoral documents regulating crime prevention activities are analyzed based on such criteria as legality, systematicity, humanity, interest and effectiveness. At the same time, the implementation of these principles in practice and development trends are also considered.

Keywords: crime, prevention, principle, legality, legal basis, state policy, humanism, efficiency, legal order, prevention of crimes.

Introduction

In any democratic and legal state, crime prevention plays an important role in ensuring public security and protecting the rights and freedoms of citizens. Systematic legal reforms are being carried out in this direction in the Republic of Uzbekistan. In particular, basic principles for the legal regulation and effective organization of activities in the field of crime prevention have been developed and enshrined in various legislative acts. These principles serve not only to coordinate preventive measures, but also to identify the root causes of crimes and eliminate them. From this point of view, this article comprehensively analyzes the legal foundations of the principles of crime prevention.

Main Part

The main principles of crime prevention are enshrined in the Laws of the Republic of Uzbekistan “On Crime Prevention” dated May 14, 2014 and “On Prevention of Negligence and Crimes among Minors” dated September 29, 2010 .



However, an analysis of current legislative documents shows that certain principles related to crime prevention are also reflected in other legislative documents that are related to crime prevention to one degree or another.

The principles of crime prevention are embodied in the following legislative documents on the prevention of crimes and ensuring public safety, as well as combating specific types of crimes :

The Law of the Republic of Uzbekistan "On Public Health" of August 29, 1996, establishes the following as the main principles of public health: respect for human rights in the field of health care, access to medical care for all segments of the population, the primacy of preventive measures, social protection of citizens in case of loss of health, and the unity of medical science with practice [1] .

The Law of the Republic of Uzbekistan "On Radiation Safety" of August 31, 2000 establishes as the main principles of ensuring radiation safety: standardization (not exceeding the individual dose of radiation received by citizens from all sources of ionizing radiation above the permissible level that is safe for their health), justification (prohibition of all types of activities related to the use of ionizing radiation sources if the benefit to humans and society does not exceed the possible risk (in addition to the natural radiation background)) and minimization (keeping individual doses of radiation received when using any source of ionizing radiation within the limits that are safe for the health of citizens and the number of people exposed to radiation as low as possible) [2] .

The Law of the Republic of Uzbekistan "On Combating Terrorism" of December 15, 2000 establishes the following as the main principles of combating terrorism: legality, primacy of individual rights, freedoms and legitimate interests, primacy of measures to prevent terrorism, inevitability of punishment, compatibility of overt and covert methods of combating terrorism, and sole leadership in leading the counter-terrorism operation by the forces and means involved. This law also does not contain principles directly related to the prevention of offenses. In addition, the principle of inevitability of punishment in this law does not correspond to the principle of inevitability of liability in the Criminal Code.

the Law of the Republic of Uzbekistan "On Fire Safety" of September 30, 2009 establishes a number of requirements for fire safety prevention, the basic principles in this regard are not reflected [3] .



The Law of the Republic of Uzbekistan “On Forensic Expertise” of June 1, 2010 establishes legality, respect for human rights and freedoms, independence of the forensic expert, and objectivity, comprehensiveness, and completeness of forensic examinations as the main principles of forensic expertise [4] .

The Law of the Republic of Uzbekistan “On Detention in Pre-Trial Criminal Proceedings” of September 29, 2011 establishes legality, equality of citizens before the law, respect for the honor and dignity of the person , protection of the rights and freedoms of citizens, and the presumption of innocence as the main principles of detention in custody [5] .

The Law of the Republic of Uzbekistan “On Investigative Activities” of December 25, 2012 stipulates the following as the main principles of investigative activities: legality, the primacy of human rights, freedoms and legitimate interests, the absence of conspiracy, and the combination of overt and covert methods [6] .

The Law of the Republic of Uzbekistan "On Road Traffic" of January 19, 2024 stipulates the following principles in the field of road traffic: legality, systematicity, scientificity, openness and transparency, the priority of protecting the life and health of citizens, the priority of ecological safety and environmental protection, and taking into account the opinions of the local population and road users [7] .

The Law of the Republic of Uzbekistan “On Guardianship and Patronage” of January 22, 2014 stipulates as the main principles of guardianship and patronage legality, humanity and compassion, an individual approach to guardianship and patronage issues, the primacy of the family form of raising children, and the voluntariness of accepting and rejecting guardianship and patronage obligations [8] .

.Law of the Republic of Uzbekistan “On Social Partnership” of September 25, 2014, stipulates the following as the main principles of social partnership: obedience to the law, equality, openness and transparency, solidarity, independence, impartiality, mutual respect, consideration of interests, and voluntariness in assuming responsibilities and obligations [9] .

Law of the Republic of Uzbekistan “On Combating Corruption” of January 3, 2017 establishes the following as the main principles of combating corruption: legality, the primacy of the rights, freedoms and legitimate interests of citizens, openness and transparency, systematicity, cooperation between the state and civil society, the primacy of measures to prevent corruption, and the inevitability of responsibility [10] . The Law of the Republic of Uzbekistan “On the Procedure for



Administrative Arrest” of January 9, 2017 establishes the following as the main principles of administrative arrest: legality, humanity, respect for the honor and dignity of persons placed under administrative arrest, and protection of their rights, freedoms and legitimate interests [11] .

The Law of the Republic of Uzbekistan "On Conflict of Interest" of June 5, 2024 establishes legality, the primacy of the legitimate interests of citizens, organizations, society and the state, openness and transparency, impartiality, and zero tolerance for corruption as the main principles for regulating relations related to conflicts of interest [12] .

The Law of the Republic of Uzbekistan "On the Dissemination and Access to Legal Information" of September 7, 2017 stipulates the following as the main principles of the dissemination and access to legal information: openness, transparency, timeliness of the dissemination and access to legal information, and freedom to search for and receive legal information [13] .

Law of the Republic of Uzbekistan “On Combating Extremism” of July 30, 2018, establishes the following as the main principles of combating extremism: legality, the primacy of human rights, freedoms and legitimate interests, transparency and the inevitability of accountability [14] .

The Law of the Republic of Uzbekistan “On the Protection of Victims, Witnesses and Other Participants in Criminal Proceedings” of January 14, 2019, establishes the following as the main principles of protecting protected persons: legality, the primacy of the rights and legitimate interests of the protected person, and mutual responsibility of protected persons and state bodies providing protection [15] .

The Law of the Republic of Uzbekistan “On Administrative Control over Certain Categories of Persons Released from Penal Institutions” of April 2, 2019, establishes the following as the main principles of administrative control: legality, democracy, fairness, humanism, observance and respect for the rights, freedoms and legitimate interests of citizens, differentiation and individualization of the restrictions imposed, and encouragement of law-abiding behavior [16] .

The Law of the Republic of Uzbekistan "On Personal Data" of July 2, 2019 provides for the following principles: compliance with the constitutional rights and freedoms of man and citizen, legality of the purposes and methods of processing personal data, accuracy and reliability of personal data, confidentiality and



protection of personal data, equality of rights of subjects, owners and operators, and security of the individual, society and the state [17] .

The Law of the Republic of Uzbekistan "On Weapons" of July 29, 2019 establishes the following as the main principles of the circulation of weapons and their ammunition: legality, the priority of protecting and preserving the life and health of citizens, protecting their rights and freedoms, conscientious fulfillment of the international obligations of the Republic of Uzbekistan in the field of circulation of weapons and their ammunition, and transparency of information on issues of circulation of weapons and their ammunition and access to it [18] .

The Law of the Republic of Uzbekistan "On Guarantees of Equal Rights and Opportunities for Women and Men" of September 2, 2019 The law establishes legality, democracy, equal rights of women and men, non-discrimination on the basis of gender, and openness and transparency as the main principles for ensuring equal rights and opportunities for women and men [19] .

The Law of the Republic of Uzbekistan "On the Peaceful Use of Atomic Energy" of September 9, 2019, establishes the following as the main principles of the use of atomic energy: the priority of protecting the life and health of citizens, property of individuals and legal entities, as well as environmental protection, ensuring security, openness of information, and the prohibition of the production of nuclear weapons and other nuclear explosive devices [20] .

The Law of the Republic of Uzbekistan "On Combating Human Trafficking" of August 17, 2020 establishes the following as the main principles of combating human trafficking: legality, the inevitability of liability of persons involved in human trafficking, non-discrimination of victims of human trafficking, and social partnership [21] .

The Law of the Republic of Uzbekistan "On Prevention and Treatment of Drug-Related Diseases" of October 27, 2020 established that the main principles of providing drug-related care are legality, confidentiality, social protection of citizens, compassion, and humanity [22] .

The Law of the Republic of Uzbekistan "On Psychiatric Care" of May 12, 2021 establishes that the main principles of providing psychiatric care are legality, social protection, humanity, respect for human rights and freedoms, and confidentiality of information [23] .



The Law of the Republic of Uzbekistan "On Cybersecurity" of April 15, 2022 establishes the following as the main principles of ensuring cybersecurity: legality, the priority of protecting the interests of the individual, society, and the state in cyberspace, a unified approach to regulating the cybersecurity sector, the priority of the participation of local manufacturers in creating a cybersecurity system, and the openness of the Republic of Uzbekistan to international cooperation in ensuring cybersecurity [24] .

The Law of the Republic of Uzbekistan "On Security Activities" of June 15, 2022 stipulates that the main principles of security activities are legality, inviolability of the protected object, and protection of the rights, freedoms, and legitimate interests of individuals and legal entities [25] .

Citizens and Public Organizations for Active Participation in the Prevention of Crime and Combating Crime and Ensuring Social Protection of Citizens, approved by Resolution No. 15 of the Cabinet of Ministers of the Republic of Uzbekistan dated January 8, 2018, stipulates that the encouragement of citizens and public organizations shall be carried out on the basis of the principles of legality, fairness, impartiality, transparency, ensuring the personal safety of citizens and representatives of public organizations and taking into account their wishes [26] .

It is evident that the above legislative documents do not contain principles for crime prevention and ensuring public safety, as well as combating specific types of crimes. This has a negative impact on the implementation of crime prevention based on unified approaches and the consistent implementation of state policy in the field of crime prevention.

The analysis shows that the priorities and principles of crime prevention are not reflected in a number of important laws on crime prevention, including the Law of the Republic of Uzbekistan "On Combating the Legalization of Proceeds from Criminal Activities, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction " of August 26, 2004, the Law "On the Protection of Children from Information Harmful to Their Health" of September 8, 2017, and the Law "On the Protection of Women from Harm and Violence" of September 2, 2019 .

The principles of crime prevention are also set out in the Criminal, Criminal Procedure and Administrative Codes of the Republic of Uzbekistan. Article 3 of the Criminal Code stipulates the principles of legality, equality of citizens before



the law, democracy, humanity, justice, responsibility for guilt, and the inevitability of liability as the principles of the Criminal Code [27] . Here, the principle of humanity directly expresses the preventive content of punishment and other criminal legal measures. According to it, punishment and other criminal legal measures are not intended to inflict physical suffering or degrade human dignity.

A person who has committed a crime must be subject to a punishment or other legal measure that is necessary and sufficient to morally reform him or her and prevent him from committing new crimes.

More severe penalties may be imposed only if the purpose of punishment cannot be achieved by applying lighter measures provided for in the relevant articles of the Special Part of this Code [28] .

Chapter 2 of the Criminal Procedure Code establishes the principles of the criminal process, according to which the principles of legality, the administration of justice only by the court, the consideration of criminal cases in a panel and individually, the independence of judges and their obedience only to the law, the regularity of initiating a criminal case, the implementation of justice on the basis of the equality of citizens before the law and the court, respect for the dignity and worth of a person, protection of the rights and freedoms of citizens, open hearing of criminal cases in court, the language of criminal proceedings, public participation in criminal proceedings, ascertaining the truth, presumption of innocence, providing the suspect, the accused and the defendant with the right to defense, argumentation in court proceedings, direct and oral examination of evidence, the right to appeal against procedural actions and decisions [29] . However, none of these principles directly express the rules on crime prevention.

In our opinion, it is necessary to establish a new principle of preventing crimes as one of the principles of criminal procedure. Because criminal proceedings should serve not only to establish the truth, but also to prevent crimes and other crimes.

E.Kh. Narbutaev emphasizes that the requirement to determine the causes and circumstances of crimes is conditioned by criminal procedure, operational investigation and criminal law [30] . In his opinion, criminal law conditioning serves to qualify the act, determine the type and amount of the punishment to be imposed, and criminal procedure conditioning includes the determination of the causes of the crime, as well as circumstances characterizing the personality of the

victim, accused, defendant, among the circumstances that must be proven in order to send the case to court with an indictment and issue a guilty verdict.

Article 6 of the Criminal Procedure Code establishes that criminal procedure legislation shall be based on the principles of legality, justice, humanity, democracy, adherence to differentiation and individualization in the execution of punishment, rational use of coercive means, and encouragement of law-abiding behavior of convicts [31] . In this context, the principles of adherence to differentiation and individualization in the execution of punishment, rational use of coercive means, and encouragement of law-abiding behavior of convicts are directly related to the prevention of offenses. At the same time, in order to increase the preventive impact of criminal procedure legislation, it is advisable to introduce separate principles on the prevention of offenses into the Criminal Procedure Code.

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