



INVOLVEMENT OF MINORS IN CRIME

Najimov Miratdiyev Shamshetdinovich

Head of the Department of Criminal Law and Civil Law Discipline,
Karakalpak State University, Candidate of Legal Sciences, Associate Professor

Abstract

The article examines the concept and meaning of a crime in the form of involving a minor in a crime, issues of responsibility for this type of crime, improvement of responsibility in the criminal legislation of the Republic of Uzbekistan. In addition, this article examines the involvement of a minor in a crime by deception, promises, physical violence, or psychological pressure and other means to involve a minor in a crime as an accomplice in a crime, as well as the intention to commit a crime. Such as performing actions have been investigated.

Keywords: minor, youth, crime and punishment, criminal liability, conviction, participation, incitement to commit a crime, participation in a crime, physical or mental pressure, action, sexual intercourse with a person under sixteen years of age, deception, promise, physical violence apply

Introduction

Part 1 of Article 16 of the Criminal Code of the Republic of Uzbekistan expresses the concept of criminal responsibility, which has several symptoms. First of all, criminal responsibility is the consequence of committing a crime according to its legal meaning. Secondly, it occurs after a socially dangerous act is committed. Third, joint responsibility is a state measure, which is expressed in the use of penalties and other measures of influence by a court judgment. From the four, it is formed, carried out, and suspended within the framework of criminal legal relations.

As the basis for the involvement of minors in crime, the following is manifested::

- To encourage, attract and create a tendency for minors to commit inhuman acts;
- Committing a crime with them in participation;
- To involve an adult person in sexual crimes.

To summarize, the concept of "involvement of an adult in a crime" should be reflected in the following:

First, a description of the behavior of an adult person;

The second is a description of an adult person involved in committing a crime;

The third is the description of the act in which he is involved.





Therefore, when referring to the involvement of an adult in a crime, it is necessary to understand that active actions aimed at deceiving, promising, applying physical exertion or mental exertion and other methods of attracting an adult person as a participant in a crime, as well as creating an intention to commit a crime in it, should be understood. From the description given, it follows that this criminal sanction should be aggravated depending on the method and subject of committing the crime, and the content should be aimed at ensuring the rights and interests of an adult person, guaranteeing his freedoms.

When legal analysis of any crime, the object of the crime is important as its necessary component. In the theory of criminal law, the criminal activity of the guilty person is directed, and as a result of this, social relations, in which there is a risk of harm or damage, are recognized as objects of crime. Although social relations by many scientists are recognized as the only content of the object of the crime, in the latter times it is possible to come up with different approaches in theory on the concept of the object of crime. In particular, having analyzed the general and uniform object of this crime, N.The O.Djuraeva notes that the involvement of an adult person in non-social behavior as a co-object of the crime describes the interests of the family and minors, the direct object of which is the social relationship in the sphere of harmonious and spiritual development of the Individual [1, 101]. In this given definition, the concept of an object of crime in our opinion is not fully elucidated. Because the object of the crime is not the interests that are protected by criminal law, but the social relations that are protected by criminal law, we will be relatively right-sided.

Within the framework of the theory of the subject of crime, cross-grouping of the concept of the object plays an important role. The specific structure of the Criminal Code allows classifying the objects of criminal aggression. According to the cross-section, the object of the crime is divided into types and direct objects, which are special, special, which are part of the general, which are part of the general.

The general object is social relations, which are taken separately and are aimed at all crimes [2, 141].

When speaking of a special object stipulated in the section of a special part of the Criminal Code, the criminal is a kind of social relations aimed at aggression.

The object of the genus is a kind of social relations aimed at sexual aggression, which is envisaged in certain sections of the Criminal Code. That is when we say a subordinate object, the type of object that is close to each other in terms of the nature of crimes is understood.



When called a direct object of a crime, it is understood that when committing a crime, a social attitude is aimed at direct aggression.

The special part of the Criminal Code of the Republic of Uzbekistan is intended to separate the crimes against family and morality from Chapter V and to leave in its composition substances that pose a risk of harm or harm to minors. In this case, social relations, which ensure the normal development of an adult person, are considered a special object of involvement in committing a crime. It can be said that the normal development of an adult person Primary their Social normal development, that is, recognition of society as an independent and full-fledged member, secondary development requires not the only observance of laws, but also the exercise of the rights and interests of an adult person, as well as the fulfillment of the obligations imposed on him. Therefore, it is necessary to recognize that the normal upbringing and development of an adult person includes observance of laws, as well as respect for a person for his rights and interests, and other similar values.

According to the foregoing, as a special object of the crime of attracting an underage person to commit a crime, social relations are understood, which ensure normal, physical, mental, social, and moral development in the spirit of observance of the Constitution and laws of the Republic of Uzbekistan, the rights and interests of society and the individual, as well as recognition of an underage

A group of scientists recognizes by [3] social relations that ensure the normal development of an adult person as a direct object of the crime of criminal involvement of an adult person. This can not be added to the opinion of scientists. Therefore, such an approach does not allow to distinguish the involvement of an adult person in the normal development of an adult from other crimes that interfere with the normal development of the child, for example, begging an adult person, the consumption of alcohol, drugs or psychotropic drugs, but from the object of crimes involving the consumption of substances and substances that affect the, After all, the involvement of an adult by content in non-public behavior, the consumption of narcotic or psychotropic substances, as well as in crime, constitutes a separate criminal composition. Therefore, in the legislation of several foreign countries, each of these crimes is regulated by a separate norm. In particular, in the Criminal Code of the Russian Federation, the involvement of an underage person in a crime is regulated by Article 150, and the responsibility for this crime is determined by the method of committing the crime (deception, promise, threat, or any other method); the subject of the crime (parent, educator, or another person who is obliged by law to educate an adult person); with the use of violence or with the threat of its use; an adult is aggravated by the degree of social danger (grave or extremely grave crimes) of the



crime involved or by the fact that it is involved in the criminal group. Involvement of an adult in non-public behavior, as well as in the consumption of narcotic drugs or psychotropic substances, is regulated by separate substances (articles 151, 152 of the Criminal Code of the Russian Federation) [4], and for these crimes, as well as aggravating circumstances as above, are described. The Criminal Code of the Republic of Belarus also describes such aggravating circumstances as the above. However, in contrast to the Criminal Code of the Russian Federation, this state is not mentioned in criminal law as a justification for aggravating the involvement of underage in a crime, either by using violence or by threatening to use it. At the same time, in the Criminal Code of the Republic of Belarus, the involvement of an underage person in non-public behavior, as well as in the consumption of narcotic drugs or psychotropic substances, is regulated by separate substances, as in the Criminal Code of the Russian Federation. And in the Criminal Code of Moldova, it is necessary to involve an adult person in criminal activities or to divert them from immoral actions one substance (Moldova Article 208 of the Criminal Code of the Republic of Uzbekistan) and as an aggravating basis are listed below.

1. Criminal prosecution by a parent, teacher, or other people who is obliged by law to educate an adult;
2. With the use of violence or the threat of its use;
3. Involvement of an adult in the grave or extreme crimes or its involvement in a criminal group [5].

The involvement of an adult person in a crime is based on the determination of his object in the qualification of the crime under analysis, since it is a crime with a formal content, the Committed Act is socially dangerous. However, when analyzing the object of this crime, the influence of the subject on an adult person plays an important role. On the same issue, explanations are also established in the decisions of the plenum of the Supreme Court, according to which when considering the case of crimes committed by minors with the participation of adults, it is necessary to carefully determine the nature of the relationship between an adult and a teenager, since such data can be of great importance in determining the, After all, the results of criminological research show that among the minors involved in the crime, young people who have lived an abnormal life until their involvement in the crime constitute the majority (more than half of the young people involved in the crime are young people who are registered in the internal affairs bodies). This is evidenced by the fact that in practice it is damaged by the time of attraction to social relations, which provides for the normal development of an adult person. However, the existing judicial practice does not ignore the previous conduct of an adult person in the





qualification of a crime. Alternatively, when considering the case of crimes committed by minors with the participation of an adult in the above plenum decision, it is necessary to carefully determine the nature of the relationship between an adult and a teenager, since such information can be of great importance in determining the role of an adult in the involvement of an adult in committing a crime, the negative impact of adults on an adult person should be noted as a necessary sign of the object of this type of crime and the same rule should be reflected in the decision of the plenum of the Supreme Court.

After all, in judicial practice, in most cases, insufficient attention is paid to this issue, as well as the fact that a jointly committed socially dangerous act is a crime is a criterion for assessing the actions of an adult person as a crime of bringing an adult person to justice.

The word about the object of attracting an adult person to a crime when to go it is permissible to dwell separately on the issue of the victim of this crime since it is precisely the facultative sign of the object of the victim's crime. At present, it is issued in the literature that if the elective character is indicated by the legislator as a sign of the main composition of the crime, it will have the property of a necessary sign of the composition of the crime [7]. Article 127 of the Criminal Code of the Republic of Uzbekistan defines the involvement of an underage person in a crime at the 3-part disposition. It follows that in the structure of the crime under analysis an adult is an indispensable sign of the composition of the victim in the same case. The composition of the crime under analysis is a crime with a formal content and does not require the occurrence of a consequence, that is, in the act committed by a person for the occurrence of criminal liability, the presence of the signs noted in the disposition of the relevant article of the Criminal Code is sufficient. As for its consequences, in some cases, an independent criminal case may require legal assessment and will be taken into account when the court appoints a penalty.

In today's conditions, the above views do not justify themselves. After all, social relations, which provide for the normal development of an adult person, are damaged not by the fact that an adult commits a crime, but by the implementation of his actions aimed at negatively affecting his opinion. Proceeding from this, it is desirable to introduce the same rule into the decision of the plenum of the Supreme Court on judicial practice on the examination of cases on the crimes of minors.

Involvement of an adult in a crime can occur in 3 different ways from the object to the object:

- 1) Undefined involvement and promotion of these minors to the criminal way of life is carried out in the form of you lash to the ranks of the criminal world;





2) Identified involvement, Bunda seeks to formulate an attempt to commit a crime when an adult is underage, and this can be regarded as inciting an adult to commit a crime;

3) Identified involvement, Bunda refers to the involvement of an adult person as an executor or helper in a crime planned by him or her. In practice, there are many cases of criminal involvement of an adult person in the form of a third appearance.

The analysis of the legislation of foreign countries shows that many countries (the Russian Federation, Belarus, Kazakhstan, Tajikistan, Armenia, Azerbaijan, etc.) are included in this list.) in the criminal codes, the methods of committing a crime that constitutes the object of attracting an adult person to a crime (promise, deception, the use of physical violence, the use of mental violence, etc.) are recorded, which are manifested as a necessary sign of the composition of this crime. Some methods of committing a crime (for example, by using violence or by threatening to use violence) are described as circumstances that aggravate responsibility.

To those who participated in the questionnaire conducted during the study "it is known that article JK 127 provides for the responsibility of an adult to engage in non-public behavior, as well as for the involvement of an adult to commit a crime. Do you think it is worthwhile to establish legal responsibility for the involvement of an adult person in the commission of an administrative offense?" when addressed with the question of the meaning, 37,5% of them responded that – "yes, it is desirable to establish legal responsibility for the involvement of underage in the commission of an administrative offense, "while 62,5% – "no, it is not advisable to establish legal responsibility for the involvement of underage in the commission of an administrative offense."

In our opinion, some methods of attracting an adult person to a crime are distinguished by its high level of Social Security and are intended to be established in the Criminal Code of the Republic of Uzbekistan as a basis for aggravating responsibility for this crime.

By the criminal legislation of the Republic of Uzbekistan, the subject of the crime of attracting an adult person to commit a crime can be any sane individual who has reached the age of 18. Signs that characterize the subject, problems with the description of the subject of the crime are always at the center of the researchers. Because they are inextricably linked with the definition of the foundations of criminal responsibility and the definition of the punitive value of the perpetrator. The subject of crime is a separate study, which is part of the composition of the crime.



Literature

1. Djuraeva N.The O. The subject and object of attracting minors to the commission of a crime: an example of the Russian Federation. // Actual problems of civil court proceedings in the context of judicial reform. Collection of materials for the scientific-practical conference. The T., TDYUI. 2009. 101 B.
2. Rustambaev M.The X. The course of Criminal Law of the Republic of Uzbekistan.1 full. The general part. - What? "Science Education", 2010.- it's b141.
3. Tuktarova I. What? Ugolovno-pravovaya oxrana nesovershennoletnix: (12.00.08 - ugolovnoe pravo, criminology, ugolovno-ispolnitelnoe pravo). Authoref. disse... the village. come on. what? Krasnodar, 2000; Novoselov G. The P. Uchenie OB objektte prestupleniya: metodologicheskie aspekti. Location, 2001;
4. Ugolovny Kodeks Russiyskoy Federasii horse 13 June 1996 Goda. Location, 2002.
5. UK Moldovan horse 24 times 1961 Goda. Location, 2000.
6. Decree of the Supreme Court of the Republic of Uzbekistan "on judicial practice on crimes of minors" dated September 15, 2000.
7. Osmanaliev M. Criminal law. The general part. Textbook for higher education institutions. The T., "New century generation " 2005.

