

Philosophical Definition and Description of Crime

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ABSTRACT

Crime can be defined as any behavior that violates societal norms and is punishable by law. It encompasses a variety of acts that range from petty theft to serious offenses such as murder. Crime is not only harmful to the individual victim but also has broader negative consequences for society as a whole. There are many theories that attempt to explain the causes of crime, including psychological, sociological, and economic perspectives. These theories often focus on factors such as poverty, lack of education, substance abuse, and societal influences as contributing to criminal behavior. The impact of crime on society can be significant, leading to feelings of fear, mistrust, and insecurity among the population. Crime also poses challenges for law enforcement agencies and the criminal justice system in terms of prevention, investigation, and prosecution. Efforts to combat crime include a combination of law enforcement, social programs, and community involvement. These measures aim to address the root causes of criminal behavior and provide support for individuals at risk of engaging in criminal activities. This article examines crime as a complex and multifaceted phenomenon that requires a comprehensive approach to address. By understanding the causes and consequences of crime, society can work towards creating a safer and more just community for all.

Keywords: Crime; Criminal act; Punishment; Behavior; Norm; Legal culture; Legal literacy; Freedom; Society; Moral; Negligence.

1. Introduction

In the course of human development, along with events aimed at noble goals that serve the development and prosperity of society, there are also occurrences of events that fall into the category of crime. Crime is a phenomenon that is committed as a result of disregarding legal standards, requirements, and moral principles, prioritizing personal interests, and violating the rights of others. Various descriptions and definitions of crime and criminality can be found in studies and scientific sources. Crime is considered not only as a mass, objective, and social phenomenon but also as a historically changing phenomenon. It can be observed that in different societies, under different historical conditions, and by different people, the same antisocial acts are evaluated in different ways. Criminality varies both in its social nature and in its manifestation across different places and time periods. The spectrum of crimes is not uniform, not only in different socio-economic systems but even within countries belonging to the same system. Therefore, crime changes in the social life of a country under the same regime.

2. Method and Methodology

1. Research: Conduct in-depth research on the philosophical perspectives on crime, including classical theories such as the social contract theory, utilitarianism, and natural law theory. Explore contemporary theories such as restorative justice and critical criminology.
2. Analysis: Analyze the various definitions of crime provided by philosophers such as Thomas Hobbes, John Stuart Mill, Immanuel Kant, and Michel Foucault. Consider how these definitions differ based on their underlying philosophies and ethical frameworks.
3. Comparison: Compare and contrast different philosophical perspectives on crime, examining how they conceptualize criminal behavior, punishment, and the role of the state in maintaining social order.

4. Application: Apply these philosophical theories to real-world examples of crime and criminal justice systems, considering how they inform our understanding of criminal behavior and the appropriate societal responses to it.

3. Discussion

Specific forms, signs and types of crime differ. The analysis of scientific sources about them opens the way to deeper knowledge and understanding of the essence of crime. Crime is considered at the level of a certain set of socially determined acts, actions, inactions, which have a relatively mass nature and at the same time pose a social threat to the interests of people and society, and are recognized as crimes in the current criminal legislation. The content of criminality means that it is not only an objective, but also a social phenomenon, that is, it is related to the society of individuals and its laws and moral norms.

The concept of crime and its indicators: The concept of "crime" is the most important and comprehensive concept in criminology. Crime can be examined from both quantitative (statistical) and qualitative (sociological) perspectives. From a quantitative (statistical) standpoint, crime is not singular; rather, it consists of numerous crimes, collectively forming a specific set of antisocial and dangerous acts.

American scientist Vernon Fox suggests that the world cannot be fully understood and humorously remarks, "Trying to understand human behavior from the perspective of any science is like five blind men attempting to describe an elephant" [1.17]. Therefore, the internal law of the movement of events is manifested in a certain way only when certain events occur on a large scale. Certain antisocial acts cannot constitute a crime. The quantitative aspect of crime is important, but it is not right to attach too much importance to it. Professor V.M. Kogan, after studying the social characteristics of crime, defines it as: "The set of all crimes committed in a certain place at a certain time and the set of all criminals who are guilty of committing these crimes" [2.37].

At the same time, it is more important to study the concept of "crime" in terms of its quality and content, as it is intricately linked with the field of criminology. Criminal law, criminal procedure, and criminology as a whole focus on studying the various forms of crime and address issues related to state regulation of specific acts and their evaluation based on criminal, procedural, and criminological criteria. Criminology primarily examines the essence of crime. From this perspective, the concept of "criminality" reflects its objective nature in relation to the development of society, particularly the state of its production and distribution relationships.

The concept of criminality emerged at a certain stage of society's development, once it was recognized that not only do socially dangerous acts exist, but there is a specific set of them and their connection with other social phenomena. Therefore, the concept of crime encompasses not only an objective aspect but also a social one, as it is linked to the society of individuals and its laws. In our view, crime is a social phenomenon that consists of socially dangerous forms of behavior that occur within a specific area and evolve under the influence of historical and social factors.

It can be observed in the literature on crime that the same antisocial behaviors of individuals are assessed differently in varying historical contexts and societies. Crime exhibits a variable nature, dependent on both its social essence and the context in which it occurs. For example, the types of criminal offenses are not consistent

across different socio-economic systems, and can vary even within countries within the same system. These variations also evolve over time.

The limitations of production development, a small population spread across a vast area, led primitive humans to adapt their conduct to align with the interests of their clan and tribe. Generations of individuals living in clan societies developed traditions centered around collectivism, mutual aid, equality, freedom, honesty, and care for the elderly and infirm. However, with the advancement of new production methods and productive forces, as well as the interplay of economic, psychological, and social factors, certain antisocial behaviors have become more prevalent across society.

Crime is undoubtedly an antisocial negative phenomenon. However, in the history of criminology, there have been attempts to evaluate it as a positive social phenomenon. The famous sociologist Emile Durkheim, who lived in the 19th century, put forward the opinion that “crime is a driving force of development, it performs an important useful function in society” (source). According to the American sociologist R. Merton, “crime is the price society must pay due to the acceleration of social life” (source). In 1944, American scientist Tannenbaum wrote in Barnes and Teeterz's book “New Horizons of Criminology” in the beginning of his words: “Crime is as eternal as society. Crime cannot be eradicated. Criminality is an eternal phenomenon like illness and death” (source), he said.

Human rights and freedoms are guaranteed in humane societies. Sufficient conditions have been created for them to have a decent marriage. Muslim nations, based on humanistic ideas in general, are formed on the basis of religious values such as compassion, forgiveness, and supporting those who have confessed their sins and are working towards redemption. Our efforts aimed at ensuring the priority of humanitarianism in our legislation today reflect our noble goals of maintaining societal stability. However, crimes or criminality do not occur in isolation. Specific reasons, conditions, and factors must be taken into account. The nature of individuals is shaped by various conditions and social environments, resulting in both positive qualities and defects. Of course, individuals can be influenced by their environment, life events, and the people around them, whether for good or bad.

Some scholars in this field have also put forward the opinion that crime is not only a normal but also a beneficial phenomenon, as it helps strengthen the sense of solidarity among members of society. It is difficult to agree with these opinions because the criminal first and foremost opposes themselves to other persons, causing their interests to be violated by a certain criminal act. Therefore, crime is a criminal-legal phenomenon because the range of crimes included in it is defined in current criminal legislation. When we talk about crime, it is typically in reference to a set of socially dangerous and illegal acts (actions or inactions) recognized by the state. Criminality differs from other social phenomena (moral norms) by its legal sign, and from other criminal violations (disciplinary, administrative, civil-legal) that are not considered crimes by its criminal-legal sign. “The level of crime is calculated based on the amount of crimes committed in a certain area, in relation to the number of people living in that area” [8.109].

Level indicators are expressed only in relative numbers. In order to more accurately determine the level of crime, it is necessary to consider only the age groups whose members can be held accountable for a crime according to current criminal legislation. Some scientists, when determining the state and level of crime, focus on the crimes

committed in a specific area during a particular period of time and the individuals responsible for them. In our view, it is more appropriate to consider an indicator of crimes committed up to a certain date, rather than crimes committed during a specific period (e.g., from January 2020 to December 2020). It is important to not only address the issue of the state of crime up to a certain date, but also to differentiate between the state of crime up to a certain date and the trends in crime during a specific period. The state of criminality is determined by the total number of crimes committed and the number of individuals responsible for them. The state of crime can be assessed based on both absolute numbers and coefficients.

4. Results

When determining the amount of crimes, the following are taken into account: a) crimes that have been proven by a court verdict; b) crimes for which the guilty individuals are exempted from criminal liability or punishment (due to amnesty or the replacement of criminal punishment with coercive educational measures, educational measures, or administrative measures); c) unsolved, but committed crimes based on available information.

When determining the total number of criminals, the following factors are taken into account:

- (a) Information about convicts;
- (b) Information about individuals exempted from criminal responsibility or punishment.

The state of crime, which is a collective concept, can be characterized not only by quantitative signs, but also by qualitative signs such as structural features, damage caused by crimes, economic implications, organized crime levels, repeated offenses, and other factors [9.8], which are studied in more detail in the analysis of the composition of crime. The level of crime is determined by several coefficients.

Coefficients can vary, but among them, crime, specifically the crime rate and the criminogenic vulnerability of the population, are significant factors. The crime rate is calculated as the ratio of all crimes considered to the total population of the specified region, typically expressed per 100,000 people. However, the scale used for measurement is flexible and can be adjusted based on the population size of a specific administrative or geographic area (such as a region, country, or city).

The stability of society, as well as its potential for both stability and instability, depend largely on the strength of its moral principles. The lives of individuals within a society are guided by conscious decision-making and adherence to high moral standards. However, there are events within society that may conflict with the overall well-being of its members. Criminality, in particular, is a phenomenon that goes against the moral, spiritual, and legal principles that should be prioritized in society. Rather serving the progress of society, criminal behavior leads to its decline.

As a result, members of society, along with various social organizations and institutions, must condemn crime and actively work to combat it. It is crucial to carefully examine the reasons and motivations behind criminal behavior in order to address and prevent it effectively.

It is known that crime does not happen by chance as a social phenomenon. In some cases, crimes caused by carelessness actually have specific social foundations. Therefore, without identifying the causes of the crime

phenomenon, it will not be effective to fight against it. After studying them deeply and comprehensively, it will be necessary to fight through various methods and means. Failure to fight crime effectively causes various crimes to take root. This has a negative impact on the life of society. Due to crime, there is a threat to the moral and socio-economic life of society, as well as material and moral damage to the state and society. Peaceful life and way of life of people are disrupted. Instability in the state administration, chaos, and moral disorder also occur.

In this sense, crime is a historically variable and negative social phenomenon, consisting of all crimes committed in a certain place or region within a specific period. This differs from uncountable criminal, disciplinary, administrative, and civil-legal offenses.

Crime is considered socially dangerous and is prohibited by punishment in the criminal code. All crimes are considered socially dangerous, and therefore the law prohibits their commission with the possibility of punishment. The degree and nature of the social danger of each crime can vary significantly.

When evaluating crime as a social and legal phenomenon, it should be noted that it involves conscious behavior by an individual.

The basis of any criminal act is the existence of a conflict between an individual and society. The depth of this conflict determines the level of social danger, indicating the need for criminal-legal intervention in resolving it. Therefore, a crime is manifested as an outward behavior of a person, either through action or inaction, and is influenced by the individual's will and consciousness.

Crime categories involve the classification of criminal acts into groups based on specific criteria. The Criminal Code of the Republic of Uzbekistan outlines the following categories: crimes of low social risk, serious crimes, and extremely serious crimes. Criminal acts are categorized according to their level and nature of social threat.

The correct sentence is: "Social danger means that the crime harms and threatens protected relations in the state. Social danger is considered the basis for holding a person responsible, as well as the main criterion for the individualization of punishment.

The nature and level of social danger are interdependent and reflect different aspects of a criminal act. It allows for the determination of the size and scale of relations protected by the state."

The level of social risk is considered a qualitative aspect and determines the severity of the act. It reflects different indicators on the objective side depending on the extent of the harm caused to the victim. The classification of crimes into categories is primarily for practical purposes and includes definitions of dangerous and extremely dangerous recidivism, exemptions from criminal responsibility, changes to unserved sentences, processes for implementing criminal responsibility, and punishments for minors. Additionally, determining criminal responsibility for preparation to commit a crime, mitigating and aggravating circumstances, and identifying specific cases is of great importance for addressing various other issues.

Classification of crimes can also be done according to the subject, form, and objective side of the crime. Guilt refers to a person's mental attitude towards the socially dangerous action or inaction and the resulting consequences. If we use the form of a criminal case as a criterion, then crimes can be categorized as follows:

- (1) Direct crimes;
- (2) Crimes committed intentionally;
- (3) Crimes committed as a result of negligence.

The division of crimes into categories is considered dependent on the legislator, who determines the use of classification of crimes in the creation of criminal-legal norms and institutions. In the general part of the Criminal Code of the Republic of Uzbekistan, the responsibility for preparing for a crime is determined, taking into account the classification of crimes. Additionally, with the expiration of the term determined in accordance with the categorization of crimes, the forms of recidivism and the statute of limitations, which do not hold a person accountable, are determined. Criteria can be formal and may also include indicators of illegality [10].

In the current conditions of the new Uzbekistan, great attention is being paid to the reform of work related to combating crime and promoting societal health. Preventative measures are being implemented on a large scale to identify situations related to crime, understand its scope and growth trends, and to take timely preventive measures. Therefore, it is crucial to focus on improving the legal framework of law enforcement and enhancing the capabilities of law enforcement agencies.

5. Conclusion

In the theory of criminal law, the ongoing process of reevaluating established procedures and institutions and imbuing them with new moral principles persists. Consequently, there are endeavors to enhance the economic, social, and cultural aspects in our republic to decrease crime rates and elevate it to a higher standard.

The concept of the state of crime can be approached from narrow and broad points of view. In a broad sense, it covers not only the level of crime, but also its structure and dynamics. In a narrow sense, it reflects the level of crime at a certain period or historical stage. The stability of society largely depends on the peaceful coexistence of its people. Crime also has an impact on the economic, social, cultural, and spiritual development of a society.

A healthy atmosphere in families, harmony in kinship relations, socio-spiritual environment in educational institutions, and positive relationships between young people can reduce the likelihood of unpleasantness. Unfortunately, in some cases, indifference and carelessness prevent us from fulfilling the tasks we have set before us and realizing our goals.

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The author declares having no competing interest with any party concerned during this publication.

Consent for Publication

The author declares that he/she consented to the publication of this study.

Authors' contributions

All research work is from the author.

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