



SCIENTIFIC AND THEORETICAL ANALYSIS OF THE LEGAL FOUNDATIONS FOR CRIME PREVENTION

Tillaev Ikrom Rustamjonovich

Independent researcher of the Research Institute of Criminology of the Republic of Uzbekistan

<https://doi.org/10.5281/zenodo.17441472>

Abstract: The article provides a scientific and theoretical analysis of the legal foundations for crime prevention. It extensively discusses the challenges in legal regulation of this field, the principles governing it, the importance of the regulatory framework, and the legal status, duties, and powers of entities involved in preventive activities. The article also emphasizes the need to improve the system of legal foundations for crime prevention and further develop its content and mechanisms. It addresses current issues aimed at enhancing legal mechanisms in the field of crime prevention in both research and practice.

Keywords: crime prevention, legal foundations, legal regulation, principles of prevention, legal mechanisms, prevention entities, legal policy, legislation.

Research indicates that the issue of legal regulation of crime prevention has consistently been a priority in the development of the legal system and society across different periods. This issue becomes even more pertinent in the current context, where adherence to the rule of law and ensuring the inalienable rights, freedoms, and legitimate interests of citizens as individuals are of paramount importance.

The formation of effective legal mechanisms for crime prevention, establishing clear legal foundations for the relationship between state and social institutions, and defining the powers, obligations, and limits of responsibility of law enforcement agencies in prevention have become subjects of scientific research in the field of jurisprudence.

Legal relations in the field of crime prevention are multifaceted and institutional in nature. Their effective functioning is closely linked not only to the improvement of the legal framework but also to the existence of coordinating mechanisms in practice, law enforcement activities, monitoring systems, and public oversight.

From this point of view, the legal regulation of crime prevention, being flexible, systematic, and humane in accordance with modern requirements, remains one of the most important scientific, theoretical, and practical tasks facing not only lawmaking activity, but also legal scholars, experts, and practitioners.

It should be especially emphasized that the issue of crime prevention is one of the important areas that serves not only to ensure legal order in society, but also to guarantee the rights and interests of citizens, especially segments of the population in need of special protection, including children. Entities operating in this area, including educational institutions, internal affairs bodies, mahalla committees, courts and prosecutor's offices (other non-governmental non-profit organizations), commissions on children's issues, should implement measures aimed at eliminating cases of neglect and delinquency among minors.

It should be especially noted that the system of crime prevention[1] includes not only the prevention of offenses against children[2], but also, in a broad sense, a system of measures aimed at limiting and reducing the activities of socially dangerous vices - corruption[3],

terrorism[4], extremism, criminal organizations[5]. This determines the importance of this sphere not only from a legal, but also from a political, social, spiritual, and economic point of view.

At the same time, certain scientific studies have been conducted in the field of crime prevention in individual areas. In particular, there are studies on the protection of children's rights, the prevention of offenses among minors, improving the role of law enforcement agencies in prevention, and expanding the participation of the public and civil society institutions.

Some problems of crime prevention in Uzbekistan have been studied by such scientists as K.R. Abdurasulova, R.S. Altiev, S.N. Gordeev, A.G. Zakirova, Z.S. Zaripov, I. Ismailov, R. Kabulov, B.A. Matlyubov, A.Sh. Murodov, S.S. Niyozova, G.B. Nurmukhamedova, A.B. Sabirbaeva, K.A. Saitkulov, N.S. Salaev, A.S. Tursunov, I.Yu. Fazilov, S.B. Khodzhakulov, and in their research, the organizational and legal foundations of preventive activities in this area have been studied to a certain extent.

Lawyers K.R.Abdurasulova, A.G.Zakirova, Z.S.Zaripov, I.Ismailov, G.B.Nurmukhamedova, Kh.R.Ochilov, I.Yu.Fazilov, N.S.Salaev studied the criminological characteristics of crime and preventive measures used in their prevention. S.S.Niyozova studied the legal provision of victimological prevention of crimes against the person committed with the use of force, R.S.Altiev - the criminal-legal and criminological aspects of fraud, S.B.Khuzhakulov - the need to systematize and codify legislation on the prevention of offenses, K.A.Saitkulov - the organizational and legal basis of victimological prevention of offenses by internal affairs bodies, M.J.Eshnazarov - the legal basis of special prevention of offenses, L.Kh.Iskhakov - the organizational and legal basis of state administration in the field of migration in Uzbekistan, S.D.Zholdasheva - the legal regulation of the migration sphere in Uzbekistan, Z.A.Amirov - issues related to the current state of organizational and legal provision of legal education in the prevention of offenses.

However, it should be recognized that the issues of legal regulation of crime prevention have not yet been fully studied from a scientific point of view on the basis of a comprehensive, systemic, and institutional approach. Existing research is mainly aimed at illuminating the activities of certain subjects or individual areas, and there are insufficient objective, comprehensive scientific research covering the analysis of the legal basis of prevention as a whole system, its regulatory framework, the state of practical application, and directions for its improvement.

Therefore, a deep and thorough study of the issues of legal foundations in the field of crime prevention is one of the urgent and priority tasks facing not only legal scholars, but also lawmakers and practitioners.

The concept of legal foundations primarily refers to the totality of normative legal acts, laws, and subordinate regulatory documents that regulate relations in the field of crime prevention. That is, the legal status, tasks and powers, and areas of activity of the subjects carrying out preventive activities (state bodies, law enforcement agencies, mahalla committees, public organizations, etc.) are determined by these legal foundations[6].

As noted in the research of foreign legal scholars, "Legal foundations are a system of legal documents that are in stable and dynamic interdependence in order to ensure socially significant results through social relations in a certain sphere (or type) in society" [7]. The skill of lawmakers is manifested in the ability to establish general rules for the legal regulation of

social relations in a certain sphere of activity at the legislative level in the formation of legal foundations[8].

Legal foundations are a system that defines socially useful goals, general principles, and means of legal regulation[9]. The legal framework should ensure the functioning of the system of legal documents, excluding logical contradictions and conflicts in it[10]. Each legal document in such a system should correspond proportionally to the existing system of other documents and influence social relations by complementing each other.

According to the Russian researcher Strus K.A., legal foundations are the legal basis necessary to achieve the following goals through legal principles and other legal means:

creating or ensuring the functioning of socio-legal institutions (for example, the judiciary, public associations, etc.);

implementation of legal activity (combating terrorism, corruption, etc.) is a system of legal documents that provides for the creation of conditions for the full manifestation of the individual's vital self, the satisfaction of the needs of individuals, their collective structures, and society[11].

Based on the above-mentioned scientific analysis and various sources (practical and theoretical), the following scientific definition of the concept of the legal basis of crime prevention has been developed:

The legal basis of crime prevention is a system of stable and proportional interconnected laws, subordinate normative legal acts, legal principles, and legal instruments that regulate social relations in the field of crime prevention, defining the legal status, tasks, powers, and interaction of the subjects of preventive activity.

This system is aimed at ensuring the goals and objectives of preventive measures, mechanisms for their implementation, the legal organization of the activities of entities directly carrying out and participating in the prevention of offenses, establishing legal stability, security, and the rule of law in society.

In order to further improve the legal system of crime prevention, clearly define the goals and means, as well as develop research and strategic plans aimed at further improving the system of legal documents necessary for carrying out activities, it is necessary to analyze the content of the legal basis of crime prevention.

The content of the legal basis of crime prevention consists of the following structural elements:

First: The principles of legal regulation are the basic ideas, principles, and criteria of the legal system, through which legal norms are created, applied, and social relations are regulated by law. These principles define the general direction and regulatory framework for legal documents and practice in the field of crime prevention.

It is known that the term "principle" means the main idea, the main rule, the priority principle, and it is closely related to such concepts as "regularity," "essence"[12].

Based on this, it can be said that the principles of law are the basic ideas that determine the content, essence, and functions of law in society. They: a) express general regularities in law; b) apply in all spheres of legal regulation; c) are mandatory for all subjects (citizens, organizations, state bodies); d) consist of the most general legal norms, directly defined in laws or arising from the content of the law; e) serve as programmatic ideas in lawmaking for legislators[13].

The legal scholar M.I. Beytin, emphasizing the importance of principles in the formation of legal foundations, asserts that "Principles of law are the main ideas, rules, and directions that form the spiritual and organizational basis of the emergence, development, and functioning of law, determining its roots"[14]. In his opinion, the principles of law form the spiritual and organizational basis of the entire system. Here, it is based on the basic principles of each part of law, including the prevention of offenses.

As the legal scholar S.B. Khodzhakulov correctly noted, the principles of crime prevention are considered as guiding principles. That is, they have not only theoretical significance, but also serve as legal norms in the formation and direction of the activities of the crime prevention system[15]. In its definition, principles play an important role in the implementation of crime prevention, they are of not only theoretical, but also practical significance and are important in the formation and direction of the system.

Analysis shows that M.I. Baytin emphasizes the principles as the ideological foundations of the general legal system and its development, while S.B. Khodzhakulov uses them only as practical norms related to the prevention of offenses.

M.L. Davydov, who attempted to analyze the significance of principles in the entire legal system in order to understand their impact, notes that "the formation of a system of principles contributes to raising the conceptual level of law"[16], "the systematization of principles is based on the areas in which they are applied. This allows us to distinguish the principles of general, intersectoral, and sectoral law"[17].

In the Federal Law of the Russian Federation dated June 23, 2016 No. 182-FZ "On the Fundamentals of the Crime Prevention System in the Russian Federation,..." defines the legal and organizational foundations of the crime prevention system, the general rules of the system's operation, the basic principles (principles), directions, types, and forms of influence of crime prevention, the powers, rights, and obligations of its subjects and persons participating in prevention"[18].

The Law of the Republic of Uzbekistan "On Crime Prevention" defines: 1) legality; 2) humanism; 3) systematicity; 4) priority of the method of persuasion; 5) differentiation of measures of influence and an individual approach[19].

The principles outlined in the Law of the Republic of Uzbekistan "On Crime Prevention" of May 14, 2014, define important provisions for the implementation of the main or guiding ideas and targeted measures of this system. These are the main principles and directions aimed at the effective implementation of crime prevention. Specifically:

The principle of legality is based on the prevention of offenses, or the implementation of various measures, and compliance with legislation. This principle is expressed through the protection of legal order in society and enacted laws. Every preventive measure and action must be carried out only on a legal basis.

In the principle of humanism, the prevention of offenses should be aimed at protecting human rights. This principle contributes to the lawful implementation of preventive measures, but at the same time contributes to the preservation of the dignity and fundamental rights of people. A humanitarian approach can undoubtedly be effective in preventing offenses.

The principle of systematicity means that all areas, measures, and mechanisms in the activities of crime prevention should be carried out in a balanced and holistic manner. That is, preventive activities should be based on clearly developed strategies without any interruptions.

In the priority of the method of persuasion, psychological influence and the method of persuasion are the main ones in the implementation of crime prevention. This principle indicates that the prevention and influence of offenders should be based on purpose and age, with sincere persuasion and explanation. Constant persuasion and increased vigilance will be the main methods of problem-solving.

The principle of differentiation of measures of influence and an individual approach establishes the need for an individual approach and the definition of specific measures for each type of offense in prevention. The attitude to each case can be different, therefore individual, individualized approaches in prevention are very important.

These principles determine the effective organization of crime prevention, carrying out activities on a legal and humanitarian basis, an individual approach to each case, as well as the timely and systematic implementation of all measures. They, along with adherence to general rules, are aimed at providing a practical and positive impact.

Second: the element of crime prevention "Specific goals and means of legal regulation" defines specific directions, goals, and legal means used to achieve them in the implementation of preventive measures. The content of this element is important for ensuring the effectiveness of preventive activities.

Goals reflect the urgent needs of society in the content of legal foundations and determine the role of law in social life. They serve as guiding criteria for the main values in the legal policy of the state[20].

Once the goal is set, the mechanism of legal regulation is activated, uniting various legal instruments into a single, coordinated system. Depending on which functions should be performed, the content of the legal means used is also formed.

As S.B. Khodzhakulov correctly noted, in Article 3 of the Law of the Republic of Uzbekistan "On Crime Prevention" dated May 14, 2014, the definition of "crime prevention" clearly and comprehensively describes the purpose of prevention[21]. Its main objectives include:

The first goal of prevention is to preserve and strengthen law and order in society. This includes the prevention and elimination of any offenses without violating the general legal environment and order.

Another main goal of crime prevention is to identify offenses, monitor their commission, and take measures against potential offenses. The main components of prevention are the prevention of offenses, their prompt detection, and the adoption of urgent measures.

Prevention is aimed not only at establishing responsibility for offenses, but also at identifying the causes and conditions that led to them. It is important to analyze the social, economic, cultural, and psychological factors contributing to the activity of offenses, and through this, to direct preventive measures.

To prevent offenses, it is important to eliminate all their conditions. This requires the elimination of conditions leading to offenses in society or in certain sectors, as well as ensuring cooperation between state, public, and non-profit organizations.

Prevention includes comprehensive measures focused on its territory and problems. This includes legal, social, organizational, psychological, and other measures of general, summary, individual, and victimological prevention.

The purpose of crime prevention is to prevent the commission of offenses in society, to analyze the legal and social conditions for this, to identify and eliminate the factors influencing

them, and to strengthen law and order in society. This, in turn, is aimed at creating a fair, legal, and safe environment in society.

To achieve this goal, the following main tasks can be defined:

ensuring the full and effective implementation of laws and regulatory legal acts, that is, their correct, precise, and uniform application in various cases and under different conditions;

Measures of legal regulation include analysis of the causes and conditions of offenses, their prevention and organization of preventive work among the population, especially young people;

raising the legal culture of individuals and society, promoting their respect for the law;

taking reliable and fair punitive measures against persons who have committed offenses, as well as protecting their rights;

implementation of preventive measures in cooperation with public organizations, law enforcement agencies, and other institutions.

Legal regulation is not only about ensuring compliance with laws, but also a direction aimed at maintaining peace and prosperity for all members of society.

References:

1. Ismailov I. National system of crime prevention - a guarantee of peace and tranquility // Democratization and human rights. - 2015. - No. 2 (66). - Б. 27-33. Ismailov I. Ensuring Human Rights and Freedoms in Crime Prevention // Prospects of Jurisprudence: Collection of Scientific Articles. - T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2015. - Б. 22-29.
2. Ismailov I., Ziyodullayev M.Z. Interpretation, suggestions and recommendations. Directions for improving the activities of law enforcement agencies in the socio-legal protection of children belonging to the social risk group // Child and Time. - 2010. - No. 2. - Б.14-16. Ismailov I. Improving the Legal Literacy of Youth - a Guarantee of Raising a Harmoniously Developed Generation // Healthy Lifestyle - the Basis of Raising a Harmoniously Developed Generation: Materials of the International Forum (November 29-30). - T., 2010. - Б. 264-268. Ismoilov I. Problems of improving the legal education of a harmoniously developed generation // Bulletin of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan. - 2010. - No 2. - Б.12-18. Ismailov I., Ziyodullayev M.Z. Interpretation, suggestions and recommendations. Directions for improving the activities of law enforcement agencies in the socio-legal protection of children belonging to the social risk group // Child and Time. - 2010. - No. 2. - Б.14-16. Ismailov I. Improving the Legal Literacy of Youth - a Guarantee of Raising a Harmoniously Developed Generation // Healthy Lifestyle - the Basis of Raising a Harmoniously Developed Generation: Materials of the International Forum (November 29-30). - T., 2010. - Б. 264-268. Ismoilov I. Problems of improving the legal education of a harmoniously developed generation // Bulletin of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan. - 2010. - No 2. - Б.12-18.
3. Ismailov I. Problems of legal support for the prevention of corruption // Current problems of improving legislation in the Republic of Uzbekistan: Materials of the Republican Scientific and Practical Conference. - T., 2005. - Б.182-184.
4. Ismailov I., Ubaydullazoda N.T. Problems of legal support for the prevention of terrorism and extremism // Judicial and legal reforms: current state and prospects for improvement:

materials of the scientific and practical conference. - T.: TDYUI of the Ministry of Justice of the Republic of Uzbekistan, 2007. - B. 191-195.

5. Ismailov I. Problems of Preventing Organized Crime // Legal and Organizational Measures to Combat Organized Crime: Materials of the Republican Scientific and Practical Conference. - T.: National University of Uzbekistan, 2014. - P.25.

6. Nayimov R.H., "Legal Basis for Organizing the Activities of the Crime Prevention Services of Internal Affairs Bodies." Results of National Scientific Research 1, No 6 (2022): 699-707. <https://doi.org/10.5281/zenodo.7199698>.

7. Popandopulo N.A., Legal content of the category "legal foundations" // Scientific article. file:///C:/Users/user/Downloads/yuridicheskoe-soderzhanie-kategorii-pravovie-osnovy.pdf

8. Najimov M.K. Lawmaking. Textbook. - Tashkent: Tashkent State University of Law, 2018. Khudoyberdiyev A.K. Improvement of sociological and expert-analytical support of lawmaking: abstract of the dissertation of Doctor of Science (DSc) in Law. - Тошкент: ЎЗМУ, 2020.

9. Hamdamov, Shahzod. "Digitalization in Uzbekistan and its Legal Basis." Society and Innovation 4, No. 6/C (2023): 121-24. <http://dx.doi.org/10.47689/2181-1415-vol4-iss6/s-pp121-124>.

10. Yusupov, I. "Theoretical and Legal Issues of Applying the Principle of Legal Clarity in the Lawmaking Process." Society and Innovation 3, No. 8/C (2022): 1-9. <http://dx.doi.org/10.47689/2181-1415-vol3-iss8/s-pp1-9>.

11. Strus K.A. The category of "legal foundations": the transition from the abstract to the concrete // Vector of Science of Tolyatinsky State University. Series: Legal Sciences. - 2011. - No 3. - P. 81. Strus K.A. The Concept and Signs of Legal Foundations // Modern Law. - 2012. - No 3. - P. 9. Strus K.A. Evolution of ideas about the content of the category "legal foundations" // History of State and Law. - 2013. - No 9. - P. 52. Strus K.A. On the question of the content of the legal foundations of the socio-economic development of society // Legal Thought. - 2011. - No 6. - P. 47.

12. Simbal V.N. Some issues of the use of information technologies by police officers // Society and Law. - 2015. - No. 1 (51). - P. 236. Khuzhakulov S.B., "Prevention of Offenses: Genesis, Theory and Practice" dissertation prepared for obtaining the degree of Doctor of Science in Law (DSc). IIV Academy. -T.: 2023. -P.165.

13. Khuzhakulov S.B., "Prevention of Offenses: Genesis, Theory and Practice" dissertation prepared for obtaining the degree of Doctor of Science in Law (DSc). IIV Academy. -T.: 2023. - P.165.

14. Baytin M.I. The Essence of Law (Modern Normative Legal Understanding at the Turn of Two Centuries). 2nd ed., supplement. M.: LLC ID "Law and State." 2005. - P. 148.

15. Khuzhakulov S.B., "Prevention of Offenses: Genesis, Theory and Practice" dissertation prepared for obtaining the degree of Doctor of Science in Law (DSc). IIV Academy. -T.: 2023. - P.160.

16. Davydov M.L. Regulatory and Legal Provisions in Russian Legislation: Abstract of Diss. Cand. Juridical Sciences. Saratov. 2002. - P. 20.

17. Baytin M.I. The Essence of Law (Modern Normative Legal Understanding at the Turn of Two Centuries). 2nd ed., supplement. M.: LLC ID "Law and State." 2005. - P. 148. Strus K.A. The category of "legal foundations": the transition from abstract to concrete // Vector of Science of Tolyatinsky State University. Series: Legal Sciences. - 2011. - No 3. - P. 81.

18. A.S.Tursunov et al. Collection of laws of the member states of the Commonwealth of Independent States on combating corruption. - T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2018.
19. Law of the Republic of Uzbekistan dated May 14, 2014 No. 3PY-371 "On Crime Prevention" // URL: <https://www.lex.uz/docs/2387357> (accessed: 02.07.2025).
20. Malko A.V., Shundikov K.V. Goals and means in law and legal policy. Saratov: Publishing House of GOU VPO "Saratov State Academy of Law." 2003. - P. 96. Malko A.V., Strus K.A. Legal Foundations of the Formation of Civil Society in Modern Russia (Review of the Materials of the All-Russian Scientific and Practical "Round Table") // State and Law. - 2011. - No 9. - P. 112.
21. Khuzhakulov S.B., "Prevention of Offenses: Genesis, Theory and Practice" dissertation prepared for obtaining the degree of Doctor of Science in Law (DSc). IIV Academy. -T.: 2023. - P.165.

