



THE CONCEPT THEORETICAL AND PRACTICAL SIGNIFICANCE OF FORMS OF GUILT IN CRIMINAL LAW.

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Annotation This article analyzes the concept of guilt in criminal law and its main forms (conspiracy and negligence) in a theoretical and practical way. The role of guilt in the composition of the crime, the features of forms of retaliation (direct and indirect) and negligence (criminal self-reliance and criminal negligence) are highlighted. Also, the importance of forms of guilt in the qualification of a crime and the assignment of punishment is addressed to the issues of its application in judicial practice. The article aims to highlight the importance of forms of guilt in properly qualifying crimes and ensuring fair liability.

Keywords: criminal law, the concept of guilt, forms of guilt, conspiracy, negligence, composition of the crime, individualization of punishment, judicial practice, qualification.

Introduction

In criminal law, the concept of guilt and its forms are one of the main issues of determining criminal liability. In recent years, the Republic of Uzbekistan has undergone large-scale changes aimed at reforming the judicial system, improving Criminal Procedure legislation, protecting human rights and ensuring fair trial. Within the framework of these reforms, the norms related to the general part of criminal law, in particular, issues related to forms of guilt, are becoming more important.

In criminal law, guilt is one of the main subjective signs of criminal liability and represents the individual's mental attitude towards the socially dangerous act committed.

A person who committed a socially dangerous act, provided for by Article 20 of the Criminal Code of the Republic of Uzbekistan, intentionally or behind negligence, may be found guilty of committing a crime. That is, this definition indicates that guilt is a mandatory element of the composition of the crime and that criminal liability occurs only in the presence of guilt.[1] Theoretically, the



German jurist Franz von Liszt (1851-1919) insisted that the concept of guilt developed within the framework of psychological theory, which viewed guilt as a mental attitude towards the actions of an individual in forms of revenge and carelessness, and linked it to the ability to hold accountable (Zurechnungsfähigkeit).[2]

The theoretical basis of guilt plays an important role in the adaptation (individualization) of criminal liability to personal circumstances and the provision of the principle of Justice. According to Article 54 of the Criminal Code of the Republic of Uzbekistan, the severity of the crime, the degree of guilt and the danger of the person in social are taken into account when prescribing punishment.

The form and degree of guilt here are the decisive factors for the individualization of punishment. In the Criminal Code of the Republic of Uzbekistan, there are two main forms of guilt, the forms of guilt are divided into crimes committed deliberately and crimes committed as a result of carelessness, depending on the mental state of the person in the commission of a crime. Intentional crimes: intent(intent) is a condition in which an individual realizes the socially dangerous consequences of his or her behavior and commits a crime by wanting or consciously allowing them.

Direct conspiracy-the person wants the consequences of the crime and knows that they will happen. Indirect revenge-the individual knows that there may be consequences, but reacts to it indifferent (indifferent). For example, if an individual deliberately hits another person with the aim of killing him—this is a direct retaliation.

But if a person dies as a result, acting with the intention of inflicting a serious injury—this is assessed as an indirect retaliation. Special attention is paid to the purpose, motive, and mental state of an individual when committing an intentional crime. Crimes committed from negligence: negligence (negligence or negligence) occurs in cases where an individual acts (overconfidence) or does not foresee (negligence) at all, while anticipating the consequences of their actions, believing that they will be prevented.

Trying to believe in one's own opportunity -- the individual knows the consequences in advance, but believes that they can be prevented; Negligence-the individual does not foresee the consequences at all, but had to see them. For example, if the driver exceeded the specified speed and caused the death of a person in a traffic accident, it was calculated that he committed a crime as a result of carelessness.





The variety of forms of guilt is decisive in determining criminal liability. Guilt is the subjective side of the composition of a crime, and together with the objective side (action or inaction), it forms the full composition of the crime. In the absence of guilt, there is no criminal structure, and responsibility does not arise either.

Theoretically, forms of guilt are considered important in the correct qualification of a crime: a serious crime if the same objective Act is committed intentionally-for example: Criminal Code (Article 97-intentional homicide), a crime lighter than negligence (Article 102 of the criminal code-manslaughter after ehtiotlessness). The importance of forms of guilt is also manifested in the individualization of punishment. According to the decision of the plenum of the Supreme Court of the Republic of Uzbekistan No. 1 of February 3, 2006, the form and scope of guilt must be taken into account in the sentencing. Because it shows the degree of danger of the individual.[3]

Results

Determining the form of guilt in judicial practice often causes complex issues. For example, it is important to correctly assess the form of guilt in the case of causing human death as a result of road-transport events. If the driver acted intentionally-e.g. : premeditated manslaughter, otherwise often qualified as negligence (Criminal Code Section 102).

The Supreme Court plenum's decision above states that the attitude of the culprit to the consequences of the separation of crooked swearing and criminal negligence should be scrutinized. Errors are common in practice-for example: there have been cases of milder qualification of a crime by evaluating Crooked oath as criminal negligence. Even within the framework of International Criminal Law, the presence of guilt is an indispensable condition for criminal liability. For example, the UN Universal Declaration of human rights (in 1948) [4] defined that“ no one can be punished as a criminal until they are found guilty on a legal basis”.

The Charter of the International Criminal Court (ICC) is also noted in Article 30 as one of the main criteria for determining guilt and criminal liability.[5] The Republic of Uzbekistan is conducting national criminal legislation in accordance with international standards. These reforms are aimed at strengthening the individual approach taking into account the internal intent of the individual, implementing the principles of humanism in practice, and establishing punishment fairly and proportionally.

Conclusion:

In criminal law, the concept of guilt and its forms play an important role in determining criminal liability. Guilt is the main subjective sign that expresses the



psychological attitude of an individual towards a socially dangerous act. The Criminal Code of the Republic of Uzbekistan specifies two forms of guilt — crimes committed from wilfulness and carelessness. Whereas intentional crimes involve an individual knowing the consequences of their behavior and wanting them or treating them apathetically, crimes committed out of carelessness result from the individual's indifferent treatment of the consequences despite anticipating them.

The importance of forms of guilt in the correct assessment of crimes is significant, since they are a decisive factor in individualizing punishment and determining the severity of the crime. In judicial practice, errors in determining the form of guilt often occur, especially when determining the correct qualification of a crime, which prevents the punishment from being fair and proportional. Even within the framework of International Criminal Law, the presence of guilt is considered as an indispensable condition for criminal liability. The UN Universal Declaration of human rights as well as the Charter of the International Criminal Court specify guilt as the main criterion for the person's guilt before being punished as a criminal.

Suggestions:

Practical assistance in the proper qualification of a crime: in order to eliminate many errors in determining the form of guilt in judicial practice, training courses for judges should be organized. These courses should be taught to analyze forms of guilt, to apply the best methods to determine the mental state of an individual.

Further improvement of the individualization of punishment: in determining the form and level of guilt, it is necessary that the court again takes an individual approach. For example, it is necessary to delve deeper into the mental state of the individual and the psychological factors of his decisions regarding the crime.

Amendments to the criminal code: in the Criminal Code, it is necessary to more clearly define the norms related to the definition of forms of guilt and ensure their application in accordance with the individual case. This is especially important for crimes committed as a result of carelessness and negligence.

Further study of the principles of international law: in order for the Republic of Uzbekistan to adapt criminal law to international standards, it is necessary to further improve national legislation, based on the recommendations of the UN and the International Criminal Court. These reforms provide a fair and proportional definition of punishment, taking into account the internal intent of the individual.

List of used literature:

1. General part of the Criminal Code of the Republic of Uzbekistan 1994





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