



THE NEED TO FORM LIFE SKILLS IN ADOLESCENTS

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Abstract.

This article analyzes the need to form life skills in adolescents, the fact that juvenile delinquency is a pedagogical problem, and the theoretical aspects of the formation of immunity against negative influences in adolescents.

Keywords: Minor, crime, society, subject, recidivism, social problem, criminality, criminal liability.

The development, progress and maturity of the state and society largely depend on young people. In the Republic of Uzbekistan, a number of works are being carried out in all spheres, including judicial and legal reforms. Such reforms are aimed at forming a legal democratic state, further ensuring the rights and freedoms of the younger generation, and protecting them from aggression and negative influences. The First President of the Republic of Uzbekistan, I.A. Karimov, emphasized the need to pay special attention to the affairs of minors, saying, in particular: "We need to review the penal system for minors, women, and the elderly. I am sure that the process of liberalization in this area is still ongoing. It should be recognized that the cause of youth crime is often the result of shortcomings in the upbringing of those for whom we adults are responsible [1].

Minors are considered the future of the state. Their rights are guaranteed by the state and in universally recognized international documents. The UN Convention on the Rights of the Child states that "the child, by reason of his physical and mental immaturity, needs special safeguards and care and, therefore, appropriate legal protection before and after birth [2]. In addition, Article 45 of the Constitution of the Republic of Uzbekistan states that "the rights of minors, disabled persons, and lonely elderly persons are protected by the state. [3]

Today, preventing juvenile crime and eliminating the conditions that create conditions for its commission is one of the most important problems facing the state and society. According to statistical data provided by the law enforcement agency, in 2019, according to official data, 739 crimes were committed by 818 minors. In 2020, juvenile crime accounted for 18.5% of the total crime. In 2020, crimes committed by juveniles increased by 53.5%, and the number of juveniles committing crimes increased by 56%. In the first 11 months of 2021, both indicators doubled compared to the same period last year [4]. Based on





statistical data in Tashkent, 312 crimes were committed among 14-17-year-olds in 2021, compared to 130 in 2020. According to the statistics for the last three months of 2022, a total of 82 crimes were committed by minors in Tashkent.

The liberalization of criminal law and the penal system has established the priority of norms imbued with a spirit of humanity and compassion in determining measures for crimes committed by minors, women, and the elderly. Within this group, minors require special attention. Usually, a minor, due to his lack of life experience and incomplete formation of consciousness and will, is more susceptible to the influence of others [5]. After all, the fight against crime, like any other social activity, must be scientifically based. The level of social danger of juvenile delinquency is particularly high. Because, those who commit crimes as minors are more likely to become recidivist criminals. Some scholars say that “juvenile crime is the crime of the future”. In other words, juvenile crime is a reflection of the crime of tomorrow. In addition, there are problems associated with sentencing them. Most researchers believe that criminal punishment does not correct a minor, but only serves as a school for developing criminal abilities. It is especially urgent to develop a theoretically sound and practically significant set of measures of criminal-legal influence in order to exclude the dominance of severe criminal punishment in relation to minors who have committed crimes.

First of all, it is appropriate to define the concept of minors. Minors are understood as children who have not reached the age of eighteen. Article 3 of the Law of the Republic of Uzbekistan “On Guarantees of the Rights of the Child” states that a person (persons) who has reached the age of eighteen (has reached the age of majority) is considered a child. In some countries, the fact of adulthood is determined not by age, but by the occurrence of a particular legal event in a person’s life. For example, entering into labor relations, starting a family, etc. In our opinion, the age of criminal responsibility is the age at which a child or adolescent can be accused of committing a crime and be held criminally liable. For example, in Italy this age is 15, in Germany it is 14 [6]. In China it is between 12 and 14 years old [7], but in some foreign countries this age has been lowered even further. For example, in England and Wales it is 10. In Irish criminal law the age of the subject is set at 7 years old, in Japan it is 13 years old, and in the Netherlands it is 12 years old. We can also understand the differences in views on juvenile crime in the criminal legislation of these countries.

Article 3 of the Law of the Republic of Uzbekistan “On Guarantees of the Rights of the Child” states that a person (persons) under the age of eighteen





(adulthood) is considered a child. For this reason, when establishing liability for a crime committed by a minor in criminal law, the legislator takes into account the minor's age, his physiological and intellectual development, the child's ability to understand the essence of his actions, his position in society, the profession he can engage in, and other factors.

Article 17 of the Criminal Code of the Republic of Uzbekistan states that individuals who have reached the age of sixteen are of sound mind at the time of the commission of a crime are held liable [8]. In our opinion, in general, a minor who has committed a crime in the framework of criminal law is understood to be a person who was over 14 years old (previously, 13 years was the minimum age of responsibility) at the time of committing a socially dangerous act, but who has not reached the age of 18. The importance of criminal legislation, which regulates the characteristics of criminal liability and punishment of minors who have committed crimes, is great, and it is considered the legal basis for the implementation of the principles of justice, humanity, legality, democracy, equality of citizens before the law, responsibility for guilt, and the certainty of punishment.

The specifics of juvenile delinquency, as well as the psychophysiological characteristics of persons belonging to this category that lead to their violation of the law, are taken into account in the implementation of the principles of criminal law in accordance with the general rules of liability of persons who have committed crimes under the age of 18, as expressed in Article 17 of the Criminal Code, and in the sixth part of the General Part of the Criminal Code. This led to the establishment of the rule on the occurrence of a crime in a state of intoxication at the level of the law. In accordance with the sixth section of the General Part of the Criminal Code, these features are taken into account in the issues of punishment and its imposition, criminal liability and release from punishment.

In addition, a number of rules regulating the characteristics of the liability of minors are also contained in other articles of criminal law. These characteristics are as follows:

- The liability of minors is excluded for a number of crimes.
- Minors are given a special status, since the limits of liability of minors differ depending on the age at which they become adults (14, 16 and 18 years old), as well as for certain categories of crimes.





- The scope of criminal acts is somewhat limited in comparison with actions that are considered illegal and socially dangerous for adults, due to the fact that they are committed by minors of different ages.

- The responsibility of minors is also limited by the specific feature of the criminal subject, such as a particularly dangerous recidivism.

The characteristics of a minor are largely related to the psychophysiological development of the minor at that age. Therefore, the law requires courts to take into account the level of development of the minor. Because if the court determines that the development of a young person who is deprived of a full understanding of the significance of his or her actions is seriously retarded, the issue of the appropriateness of the use of coercive measures in place of punishment for a minor will be discussed. What does the term "release from criminal liability" mean? In general, "release" means the removal of existing restrictions. If a person is free, there is no need to free him. If there are no restrictions, then there is no need to remove them, to destroy them. Therefore, to free from obligations means that a person is freed from the obligations that were imposed on him. Responsibility is a duty, it means to be responsible for something. If a person is not compelled to answer, he does not necessarily have to be released from responsibility. A person who has committed a crime and is therefore liable for that act should be released from criminal responsibility. If a person is innocent of committing a crime, he would not have done so and there is no need to be released from criminal responsibility. From the above, it is clear that, in our opinion, there is a fundamental difference between the concept of "exemption from criminal liability" and the concept of "a person is not subject to criminal liability". In the first case, a person is exempted from the obligation imposed on him, in the second case, such an obligation cannot be imposed on him. Thus, a person whose actions contain elements of a crime is subject to criminal liability; A person whose conduct is not considered a crime may not be held liable. A person who has committed an act that constitutes a crime and has been found guilty of committing a crime may also be exempted from criminal liability.

According to the opinion expressed by V.V. Orlov on behalf of this institute, the issue of the possible release of minors from criminal liability arises only in cases of committing a crime. In other words, the issue of exempting a person from criminal liability is, firstly, the basis for holding this person criminally liable, and secondly, there are objective and subjective grounds that allow this person to be exempted from criminal liability [8]. Criminal liability is equated





with coercive measures of the state. Moreover, according to A.V. Kladvkova [9], Yu.M. Tkachevsky [10] and other scholars, criminal liability means the application of coercive measures by the state to persons who have committed a crime in accordance with the court's verdict of guilt [11]. The above ideas are confirmed by Articles 9-10 of the Code, which are reflected in such principles as "responsibility for guilt" and "inevitability of liability". Exemption from criminal liability, according to its legal content, means the release of the perpetrator from all legal consequences of the crime he committed, from punishment and from the limitations of being convicted, in short, the waiver of the court's decision on behalf of the state to declare a citizen a criminal [12]. In our opinion, the institution of exemption from criminal liability is established in the following cases: voluntary refusal to commit a crime for which liability is established in the Criminal Code (Article 26), a certain act that contains elements of a crime, but is of minor importance (Article 36), self-defense (Article 37), last resort (Article 38), causing harm during the detention of a person who has committed a socially dangerous act (Article 39), failure to comply with an order or duty. Circumstances that exclude the criminality of an act in criminal legal relations, such as substantial risk associated with work, profession or economic activity, differ from those that are expressed in terms of their meaning. Because the norms of exemption from criminal liability do not apply to persons whose act is not a crime. In other words, such acts are evaluated by the criterion of innocence.

Exoneration from criminal liability is also different from acquittal. Acquittal of a person is expressed in the absence of the elements of the crime that were the basis for the acquittal or in the absence of the person's involvement in the crime that was committed. Thus, in our opinion, two signs must be present in order to be exempted from criminal liability:

- a) the person must have committed an act that constitutes a crime, as well as the presence of all grounds for holding him criminally liable
- b) the presence of all legal grounds and conditions for exempting this person from criminal liability.

The absence of elements of a crime in an act committed by a person shall not be a basis for holding him criminally liable. Exemption from criminal liability, in its essence, is the release of a person from the legal consequences of the committed act. Exemption of a person from criminal liability on any grounds does not change the legal nature of the act. Because the committed act remains a crime and does not change its essence. In general, according to M.H.





Rustambojev, acquittal from criminal liability is an act of an authorized state body to cancel a trial or indictment, as well as the application of a state coercive measure against a person guilty of committing a crime. In addition to the above definition, in our opinion, exemption from criminal liability is the termination of a criminal case without the application of criminal legal measures against a person, provided that the fact of committing a crime has been proven, the grounds established in criminal law exist, such as active remorse, reconciliation with the victim, and the expiration of the statute of limitations.

Exemption from criminal liability is divided into two: the first is the exemption of a person from criminal liability based on the expiration of the period for bringing a person to criminal liability or an amnesty act. In cases where the grounds specified in the law exist, the inquiry, investigative bodies and the court conducting the criminal case must exempt the person from criminal liability and terminate the criminal case. This follows from the rules on the expiration of the statute of limitations or the application of an amnesty act, established in Article 64 of the Criminal Code. The second type of exemption from criminal liability includes all other types of exemption from liability: in connection with the fact that the act or person has ceased to be socially dangerous; in connection with the fact that the perpetrator sincerely regrets his act; with a relationship of consent; exemption from liability due to illness (Articles 65-67) and exemption from liability in the event of the application of a compulsory measure in relation to a minor (Article 88). The cases specified in these articles do not impose obligations on the inquiry officer, investigator, prosecutor and court, but are considered their rights. This is determined by the legal basis set out in the articles of the Criminal Code on exemption from criminal liability: "A person who has committed a crime may be exempted from criminal liability." Based on the above definitions and explanations, it can be said that exemption from criminal liability means the release of a person from all legal consequences of a socially dangerous act committed by him, without resolving the issue of his guilt.

Exemption from criminal liability affects not only the principle of determinacy of criminal law, but is also related to principles such as humanity and the individualization of criminal liability. One of the important humanitarian principles of criminal law, the institution of release from punishment, is applied when it is firmly concluded that a person can be educated without serving a criminal sentence imposed on him, that he does not pose any danger to society, or that serving the remainder of the sentence in a realistic manner is not in line





with the goal. Pardon is the act of not imposing punishment on certain offenders, or of releasing them, in whole or in part, from serving the prescribed punishment [13]. Pardon is the act of exempting a person found guilty of a crime by a court:

- from the punishment imposed for the crime committed;
- from actually serving the prescribed punishment;
- considers releasing the prisoner from continuing to serve the sentence.

Exemption from criminal liability and exemption from criminal punishment are not the same concepts in theory, practice, or application, but differ in their principles of application, content, and the subject to whom the exemption is applied. Although the purpose of their release is the same, the person accused of committing a crime is released from criminal liability if it is concluded that holding him accountable is not in line with the purpose, taking into account that the person accused of committing the crime does not pose a serious danger to society. In the case of release from punishment, if the court concludes that the convicted person can be rehabilitated without actually serving the sentence imposed, or that serving the remaining part of the sentence is not in line with the purpose, the criminal punishment is released. M. Usmanaliyev outlined the following points as one of the differences between release from criminal liability and release from punishment. Exemption from criminal liability is the process of holding a person accused of committing a crime accountable and releasing them from criminal liability without imposing a penalty. Exemption from punishment is the process of imposing a penalty on a person who has been held accountable and then releasing them from punishment, or releasing them from punishment after a certain part of the punishment has been served [14].

According to the information provided by M.H. Rusambojev, the concepts of criminal liability and exemption from punishment differ from each other in terms of content: First, according to the basis of application. While exemption from criminal liability is generally applied only to persons who have committed crimes that pose a low social risk and are not very serious, exemption from criminal punishment is not strictly dependent on the classification (degree of severity) of the crime. Secondly, depending on the subject, a suspect, accused and convicted person may be released from criminal liability by a participant in the criminal process. Only a convicted person, as well as a person against whom a court verdict has been pronounced, may be released from criminal liability. [15].





Based on the above theoretical foundations, if we give a definition of the concept of releasing minors from criminal liability or punishment, in our opinion, releasing minors from liability means releasing a minor from all legal consequences of a socially dangerous act committed by him, without resolving the issue of his guilt. In addition, the exemption of minors from punishment means not imposing a punishment for a crime committed by a minor, or completely or partially exempting the person from serving the prescribed punishment.

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