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THE NEED TO IMPROVE RESPONSIBILITY IN UZBEKISTAN FOR COMMITTING CRIMES IN A STATE OF PASSION (STRONG EMOTIONAL EXCITEMENT)

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Abstract: This article analyzes the main principles in understanding issues of classification of affective crimes in accordance with articles 98 and 106 of Criminal code of the Republic of Uzbekistan. The analysis provides specific suggestions for improving the criminal law of the Republic of Uzbekistan.

Keywords: affect, heat of passion, criminal law.

The adoption of the Strategy of Actions on the five priority Areas of Development of the Republic of Uzbekistan for 2017-2021, which defines the most important areas of state policy in the field of improving criminal and criminal procedure legislation, has become a historically important stage in the reform of the judicial and legal system.

According to the data provided by the UN, today the costs of further improving the criminal liability system and organizing measures to combat crime in developing countries have increased by 95%, in countries experiencing economic growth - by 75%, in developed countries - by 50% [1].

In particular, further liberalization of criminal legislation and exclusion of certain categories of crimes from criminal jurisdiction has been carried out, the list of non-custodial penalties has been expanded.

In particular, it is noteworthy that in the first direction of the Concept of Improving the Criminal and Criminal Procedure Legislation of the Republic of Uzbekistan, approved by the Decree of the President of the Republic of Uzbekistan on May 14, 2018 No. 3723, the elimination of legal gaps, collisions and "white spots" in the Criminal Code that hinder the effective protection of the rights and freedoms of citizens, the interests of society and the State, as well as the improvement of the legal meaning of terms and concepts used in the Criminal Code, by clearly defining them and ensuring uniform application, they have been identified as one of the most important directions for the development of this sphere.

Placing a special emphasis in the Concept on incentive norms, including the expansion of norms that establish conditions for mitigating punishment or releasing a person from criminal responsibility or punishment, creates opportunities for an in-depth analysis of the content and construction of some controversial norms in this area.

In this regard, it should be noted that with the liberalization of criminal legislation and the imposition of a fair punishment on the guilty, a deep scientific analysis of the norms of the current criminal law is important, as well as making proposals to solve problems related to the practice of their application.

One of the important requirements for sentencing is the application of the principle of justice enshrined in criminal legislation in accordance with the socially dangerous act of the perpetrator, as well as taking into account the social danger of the act, the identity of the offender, circumstances mitigating or aggravating the punishment when imposing punishment.

Undoubtedly, when assessing the actions of a person who has committed a crime, accounting by law enforcement agencies of his mental state is of great importance. The

purpose of this is, first of all, the correct assessment of human behavior from a criminal legal point of view [3-5]. To achieve this goal, of course, it is necessary to determine the state of mind, the behavioral mechanism of the person and obtain relevant information and knowledge about the person.

One of the manifestations of a person's mental state recognized in the Criminal Code of the Republic of Uzbekistan is the commission of a crime in a state of strong emotional excitement (affect). Strong emotional agitation is enshrined in the criminal law as a significant manifestation of a person's mental state.

In Uzbekistan, this crime is relevant for the following reasons:

Firstly, in practice there are certain difficulties in determining the fact of committing a crime in a state of strong emotional excitement (affect), while, first of all, it is important to correctly establish the state of affect. However, since there is no concept of affect in the Criminal Code of the Republic of Uzbekistan, and its interpretation as a synonym for "a state of strong emotional excitement" leads to a different theoretical and practical understanding of this criminal law norm. These situations, in turn, also have a negative impact on the practical establishment of "strong emotional excitement" and the appointment of a fair punishment to the guilty;

Secondly, the recognition in most criminal cases, without conducting a forensic psychological examination, of the fact that a person is not in a state of strong emotional excitement at the time of the commission of the crime, leads in practice to the incorrect qualification of this category of crimes. Therefore, in the existing statistical data, the number of crimes committed in a state of strong emotional excitement is small. In particular, in the republic, the number of crimes committed in a state of strong emotional excitement, relative to the total crime was 0.02% in 2014, 0.03% in 2015, 0.01% in 2016, 0.009% in 2017, 0.006% in 2018 [2];

Thirdly, insufficient elaboration of comprehensive measures aimed at knowing the characteristics of the criminal's personality when committing crimes in a state of strong emotional excitement, individual prevention of crimes committed, elimination of the factors that led to their commission, as well as the adverse consequences caused by the crime, entails the need for further acceleration of work in this area.

At the same time, there are great difficulties in distinguishing crimes committed in a state of passion from crimes with similar elements of crimes, including intentional grievous bodily harm, intentional moderate bodily injury that committed a socially dangerous act, intentional infliction of death or grievous bodily harm when exceeding the limits of necessary defense, intentional infliction of death or serious bodily injury in excess of the necessary measures of detention of a person, crimes committed in a state of strong emotional excitement, they are privately qualified as similar crimes. First of all, this is due to the fact that articles 98 and 106 of the Criminal Code have different interpretations in practice, in addition, these norms do not clearly define the factors that cause strong emotional unrest (affect). Therefore, the dissertation work provides for the development of proposals aimed at ensuring the correct application of these norms in practice.

The prevention of crimes of passion is extremely difficult, since these crimes are directly related to the human psyche, which requires an individual approach from the law enforcement officer to the identity of the offender and the behavior of the victim.

The above indicates the relevance of a deep analysis of the so-called institute of "affect", located at the junction of criminal law, criminology and psychology, the need for research along with criminal law aspects, as well as criminological research in the field of prevention of these types of crimes.

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