

THEORETICAL AND LEGAL ANALYSIS OF LIABILITY FOR INVOLVING A MINOR IN UNSOCIAL ACTIONS

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Abstract:

The increasing involvement of minors in illegal activities by adults in homes is causing serious and especially serious crimes, including involving them in begging, alcoholism, drug addiction, prostitution, and child pornography. Because crimes related to involving minors in antisocial behavior undermine social values and traditions, the legal foundations of society, direct the potential of the younger generation towards destructiveness, teach minors a "criminal culture" way of life, and also hinder the strengthening of the spirit of respect and obedience to the law in society. This indicates the importance of improving legislation that establishes liability for involving minors in antisocial acts and committing crimes.

Key words: crime, criminology, illegal activities by adults, serious crimes, involving minors in antisocial acts

Introduction:

Extensive and comprehensive scientific research is being conducted worldwide on the theoretical and practical problems related to the involvement of minors in antisocial behavior. In this regard, special attention should be paid to improving the criminal penal system for depriving certain rights of individuals who involve minors in acts of antisocial behavior. This includes enhancing the role of place, profession, and social standing in the commission of these types of crimes, enhancing the role and importance of the educational, workplace, and residency community in their prevention, and strengthening the recognition of international standards and legal norms in legislation, such as the social and medical-psychological rehabilitation of those involved in such acts. Differentiation and individualization in the application of liability and penalties are also of paramount importance. These issues require research and finding scientifically grounded solutions.¹

1§-The social and legal necessity of criminal liability for involving a minor in antisocial behavior

Before delving into the concept of involving a minor in antisocial behavior, it is advisable to define the concept of "minor." Although the Universal Declaration of Human Rights stipulates that human rights are protected on a general basis, it is impossible to find a specific definition of juveniles or a norm defining the circle of juveniles. The word "every person" is used, and it also includes juveniles. The standardization of the special protection of the rights of minors has been implemented at the international level in several stages.²

2§ Forms of involving a minor in antisocial behavior and their degree of social danger

A more accurate assessment of a minor's involvement in a crime and the motive for the crime plays a crucial role in imposing a just punishment. Clause 7 of the Resolution of the

¹ Инсон ҳуқуқлари умумжаҳон декларациясига шарҳлар. –Тошкент.: Адолат, 1999. -80 б

² Ганибоева Ш. Международно-правовая защита прав ребенка. – Т.: Национальный центр Республики Узбекистан по правам человека, 2003. -С. 6

Plenum of the Supreme Court of the Republic of Uzbekistan "On Judicial Practice in Cases of Juvenile Crimes" explains that when considering cases of juvenile crimes involving adults, it is necessary to thoroughly determine the nature of the relationship between an adult and a minor, as this information can be crucial in determining the adult's role in involving a minor in a crime or an antisocial act.³

It should be noted that this rule fully complies with the requirements of international standards. In particular, according to the UN Beijing Rules, relevant agencies and penitentiary institutions should strive to understand the causes of a minor's criminal behavior, protect them from the negative influence of adults, and seek effective measures to influence them, taking into account their age characteristics. The goal is to prevent further criminalization of the individual and contribute to the child's social rehabilitation.⁴

3 § The criminal code of some foreign countries provides for liability for involving a minor in antisocial behavior.

Differentiation of criminal liability is understood as the legislative classification and categorization of liability that entails various criminal-legal consequences, based on the degree of social danger of the crime and the personality of the perpetrator.⁵

Article 150, Part 2 of the Criminal Code of the Russian Federation establishes additional characteristics describing the subject of the crime. According to this part of this article, only persons who are obligated to raise a minor may be held liable. Parents, adoptive parents, guardians, and trustees may be considered subjects of a crime under Article 150, Part 2 of the Family Code due to their legal obligation to raise children. The responsibility of these individuals arises only when they involve their own children or dependents in the crime.⁶

Conclusion:

The complex of social relations is a specific unit of phenomena with a common meaning, and the individual situation or complex of situations combined into this complex has specific characteristics. From this perspective, objects can be classified as general (the totality of all social relations protected by criminal law - general), related (special groups of social relations belonging to a specific type - special), and direct (specific social relation - specific).

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³ Ўзбекистон Республикаси Олий суд Пленумининг 2000-йил 15-сентябрдаги “Вояга етмаганлар жиноятчилиги бўйича суд амалиёти” тўғрисидаги № 21 сонли Қарори (Ўзбекистон Республикаси Олий суд Пленуми томонидан киритилган 2002-йил 14-июн № 10 сонли ва 2006-йил 3-февралда № 5 сонли ўзгартиш ва қўшимчалар билан) // Тўплам, Т.2. – 301-б.

⁴ Ведерникова О. Ювенальная юстиция: опыт и перспективы. // Российская юстиция. 2000. № 7. С. 51

⁵ Лесниевски – Костарева Т.А. Дифференциация уголовной ответственности: теория и законодательная практика. М., 2018. –С. 52.

⁶ Уголовного кодекс Российской Федерации –Москва. Офиц. издание. 2019.

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