

**THE PERSONALITY OF A JUVENILE DELINQUENT AS A
SUBJECT OF SOCIO-CRIMINOLOGICAL AND
PEDAGOGICAL RESEARCH**

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Annotatsiya. Voyaga yetmagan shaxslarning psixologiyasi va xulq-atvoridan kelib chiqib, aytish mumkinki ular voyaga yetgan shaxslarga nisbatan jinoyat qilishga ko'proq moyil. Tashqi ta'sir, atrof muhitning o'zgarishi va ularning psixologiyasidagi kichik o'zgarishlar bunda katta ahamiyatga ega. Ushbu maqolada Voyaga yetmagan jinoyatchi shaxsi ijtimoiy-kriminologik va pedagogik tadqiqot ob'ekti sifatida qanday holatlarni qamrab olishi mumkinligi haqida atroflicha bayon qilinadi.

Kalit so'zlar: voyaga yetmagan shaxslar, huquqiy qarash, xulq-atvor, ijtimoiy-kriminologik va h.k.

Абстрактный. Исходя из психологии и поведения несовершеннолетних, можно сказать, что они больше действуют по отношению к людям, чем к взрослым. У Ташки большое предприятие в малом масштабе в области психологии экологического роста и безопасности. Педагогическое исследование несовершеннолетних правонарушителей, совершающих личные социально-преступные действия, детально описывает возможность получения веществ в предметных веществах.

Ключевые слова: несовершеннолетние, юридическое мнение, поведение, социально-криминологический и др.

***Abstract.** Based on the psychology and behavior of minors, it can be said that they act more towards people than adults. Tashka has a large enterprise on a small scale in the psychology of environmental growth and safety. Pedagogical research of the juvenile delinquent personal social-crime detailed description of the possibility of obtaining substances in objectiological substances.*

***Key words:** minors, legal opinion, behavior, socio-criminological, etc.*

Today, despite a number of opportunities created by our state for young people, the issue of crime committed among them is a serious concern of the general public. For the first time in the legislative practice of the Republic of Uzbekistan, a special sixth section dedicated to the regulation of the provisions reflecting the characteristics of the responsibility of minors has been allocated in the General part of the Criminal Code. The establishment of such rules is related to the biological, physiological and social factors in the formation of minors, resulting from the characteristics specific to this category of persons. The importance of the criminal law is great, it is the legal basis for the implementation of the principles of justice, humanity, legality, democracy, equality of citizens before the law, responsibility for guilt, inevitability of punishment. The norms defining the responsibility of minors in the Criminal Code originate from the principles of humanity and justice. The fact that a minor is not yet physically and mentally developed requires special protection and attention, special legal protection, therefore, society cannot impose the same requirements on minors as on adults. On the other hand, taking into account the psychology of minors, the determination of lighter punishment measures against them allows to achieve the goals of criminal punishment. They will still be impressionable and imitative. Accordingly, it is desirable from both a social and humanitarian point of view to establish special liability in the criminal law for persons who commit crimes under the age of majority.

Taking into account the mental characteristics of minors, the imposition of lighter punishments against them helps to fulfill the task of moral correction of the

convict, which is one of the goals of the punishment. The use of compulsory measures of an educational nature, which are not considered a criminal punishment, in the education of minors who do not have a great social risk, are not very serious, or have committed a crime for the first time, makes it possible to achieve the purpose of the punishment through educational measures. I. Klepitsisky said that "one of the methods of moral correction of minors is the use of educational measures that are not considered criminal punishment". Therefore, in the Criminal Code of the Republic of Uzbekistan adopted on September 22, 1994, for the first time, the responsibility of minors was separated separately and given in the sixth section of the Criminal Code. In the criminal law of many countries, such as Russia, Tajikistan, Azerbaijan, Austria, Germany, Japan, there are separate norms defining the responsibility of minors. The criminal legislation of most countries sets the minimum age limit for bringing minors to criminal responsibility. Juveniles who have not reached this age, but are found guilty of committing a crime, need social assistance rather than being held criminally liable. In 1989, the UN General Assembly adopted the Convention on the Rights of the Child, which includes a number of norms for the protection of the rights of children and minors involved in criminal activities. According to the Convention, children are persons under eighteen years of age. This definition corresponds to the concept of minors in the Criminal Code of the Republic of Uzbekistan. The Convention sets the minimum term for bringing juveniles to criminal responsibility. But in some countries, this age limit may be lower than the established one. For example, in Irish criminal law, the age of the subject is 7 years, in Japan it is 13 years, and in the Netherlands it is 12 years. Such determination of the age of the subject in the criminal legislation is based on the level of mental and physical development of the person. Minors are divided into: 1) norms applied to minors before committing a crime; 2) coercive measures applied to minors until the norm is applied. The norms applied to minors have their own characteristics and can be divided into the following two groups. The first group of norms includes norms defining the type of punishment, sentencing, parole, responsibility and term of

conviction; The second group of norms includes coercive measures of an educational nature, which determine the types of penal colonies.

The Convention "On the Rights of Children" states that it is society's duty to minors to create the necessary conditions for children's physical, mental, and social development. Crime committed by minors in a certain sense represents the failure of society to fulfill the above obligations. The system of punishment applied to minors is a list of calculated punishment measures established by the criminal law and mandatory for the court, which, in turn, are placed in a certain order and are a list of measures of the order of application. Taking into account that the fight against juvenile delinquency has acquired a special importance in the life of society and the state, we found it necessary to make some comments on this issue, first of all, on the analysis of criminal law norms, on the elimination of existing problems and shortcomings: First, the adult In the case of crimes committed by minors, there are controversial issues in considering them as recidivist crimes. Article 34 of the Criminal Code defines the concept and types of recidivism. According to it, the intentional commission of a new crime by a person convicted of a previously committed crime is called a recidivism crime. Recidivist crime is the most dangerous form in the system of several crimes, and it consists of committing a new crime on purpose after a person has been sentenced to a certain type of punishment for a previously committed crime. The fact that recidivism is more dangerous than some other forms of crime is expressed by the fact that it is committed after the punishment provided by the criminal law for the previous intentional crime has been applied. Despite the fact that the coercive measure of criminal punishment provided for by the criminal law was used for the crime committed by the person in the past, it indicates that the person chose the criminal path to solve his problems. According to Article 77 of the Criminal Code, conviction is a legal consequence of a person's conviction for a crime committed. So, if a person commits a crime after the announcement of the court verdict, it is considered a recidivism crime. There are three types of recidivism in the Criminal Code: simple recidivism, dangerous recidivism, and extremely

dangerous recidivism. It is known that a person can be recognized as a dangerous recidivist only with a court verdict. When the issue of finding a person as a very dangerous recidivist is being resolved, the fact that he was convicted of a crime committed before reaching the age of eighteen, as well as the fact that the terms of conviction have passed or the conviction has been removed in accordance with the law, are not taken into account. Therefore, only crimes committed by a person before the age of 18 are not taken into account in determining him as a very dangerous recidivist. In our opinion, when finding a person a recidivist, it should not be taken into account that he was sentenced for a crime committed before the age of 18. According to L.V. Inogamova-Khegai, crimes committed by a person before reaching adulthood should not be taken into account⁴. Because, in many cases, juveniles commit crimes because they try to show themselves among their peers, imitate some criminals in the society, or are attracted to commit crimes by experienced criminals. Secondly, not finding them recidivists fully complies with the humanitarian and justice principles of the criminal law and represents the interests of young people. Based on this, in many countries, for example, in the Republic of the Russian Federation, it is determined that a crime committed before the age of 18 is not considered a recidivism crime.

Under the influence of the system of social relations, not only the social image is formed as an integral unity of a particular individual, but also the moral and psychological traits and properties that form it (views, beliefs, value orientations, life expectations, intellectual and volitional properties). The personality of a criminal is understood as a person who has committed a crime, in which his antisocial orientation has manifested itself, expressing a set of negative socially significant properties that, in combination with external conditions and circumstances, influence the nature of criminal behavior. However, no matter what negative traits and properties are inherent in a person, they may not manifest themselves as a criminal act during his life. The personality of a criminal as a human personality in general is a holistic entity that has a certain structure, consisting of interconnected and interacting

elements¹. Therefore, knowledge of the personality of a criminal is possible only taking into account the analysis of social relations in which the person is actually included, since it is the relations that largely form and determine the individual elements of the personality structure and the connections between these elements. In relation to juvenile offenders, the most significant from a criminological point of view are their age characteristics. "Age characteristics" is a scientific term used in physiology and medicine, psychology and pedagogy, in criminology and criminal law and in a number of other sciences. Throughout his life, a person is constantly changing in terms of personal characterological data, and the degree, as well as the intensity of these changes, is always associated with age in biological terms. Age-related changes are caused primarily by biological processes occurring in the human body. But they are very significant for the socialization of an individual who has certain psychological and ideological characteristics. In psychological and pedagogical science, different age periodizations are indicated. However, the most common age periods are: primary school age - from 7 to 10 years, middle school (teenage) - from 11 to 14-15 years and senior school age - from 14-15 to 17 years. Each of the above periods is characterized by special characteristics, but there are also those that are common to any period of minority. The socio-typological characteristics of the personality of a criminal include a set of social positions of the individual that determine his membership in a social group. This characteristic of the criminal's personality shows the level of criminal activity of various population groups. The most complete picture of the socio-typological properties of a criminal's personality is given by its socio-demographic characteristics: gender, age, education, marital status, occupation, place of residence. Social-role characteristics make it possible to establish objectively existing criminogenic social roles and thereby develop specific preventive measures that provide for the exclusion of the individual from spheres of negative influence. When we talk about social roles, we mean those that criminals occupied before committing a crime in the main institutions of socialization: in the family, educational institution, work collective, and other social

groups. The moral and psychological characteristics of the individual express the attitude of the criminal to society as a whole, its accepted values and normatively approved social roles. The basis of the moral and psychological characteristics of a criminal's personality is its motivational sphere. This is due to the fact that the main determinant of a crime is the motive that determines its criminal behavior⁴. Motives most clearly indicate how deeply a person has accepted the moral, legal and other positive values of society. In this part of the work, our consideration of the personality traits of juvenile offenders will be based on an analysis of social-typological characteristics.

Identifying why behavior deviating from social norms took the form of a specific negative act requires an ethical and legal assessment of the relevant position, roles, connections, relationships, as well as the personal characteristics of the minor. It is from the standpoint of this approach to the study of personality and identifying the mechanism of social determination of crime that we conducted a study of juvenile offenders convicted of crimes they committed. Generalization of data on persons violating the law makes it possible to more accurately predict the dynamics of juvenile delinquency, the scale of their influence on other social phenomena and processes, as well as scientifically based organization of the fight against them. The study showed that of the number of minors convicted of committing crimes in the Altai Territory, 48.0% lived in rural areas. The overwhelming number of minors convicted of committing crimes in rural areas were males. The predominance of young men among juvenile offenders is largely due to the psychological characteristics of their gender. The literature notes that they are more enterprising, independent and active compared to female minors. The desire of young men to become adults as early as possible leads to the fact that they often copy the external behavior of adults. The data from our study confirm the data of other researchers⁵ that males have absolute "primacy" in the commission of almost all crimes that make up the structure of juvenile delinquency (theft, robbery, robbery). The "criminal incidence" of female minors is significantly lower than that of male minors. The data

from our study confirm the information available in the criminological literature⁶ about the increase in the number of female juvenile offenders. The age of convicted minors is an important indicator of the criminological characteristics of their personality. When characterizing age, it should be borne in mind that age here acts as not only an anthropological characteristic, but also a social factor that influences social functions, the formation of interests and needs, and the ability to manage one's emotions. Simple absolute age designations define complex stages of human biological, psychological and social development. Criminology has long established that youth are more likely to commit crimes of an aggressive, impulsive nature. Finally, age largely determines the needs, life goals of people, their range of interests, and lifestyle, which cannot but affect illegal actions.

The study contains provisions aimed at solving such an important management task as ensuring a reliable mechanism for interaction and mutual information among subjects of preventive influence on juvenile delinquency, developing targeted programs in order to ensure coordination of forces and resources involved in their implementation, and avoiding unjustified duplication. This largely ensures the comprehensive, prompt and effective implementation of limited forces and means of preventing juvenile delinquency. In particular, it seems appropriate to create a republican data bank: a) on neglected and homeless children; b) about the so-called dysfunctional families. The feasibility of forming in the regional state policy of combating crime such a priority direction as juvenile criminal policy or a special type of scientifically based and properly regulated by directive acts (laws, by-laws) state and public activities for the development and implementation of strategic and tactical goals, prevention measures is proved offenses (and especially crimes) on the part of minors. The study draws attention to such an internal factor of juvenile delinquency as their belief in a special, privileged position in relation to the law, including the criminal law. This belief is due to the fact that the law actually provides, to a greater extent, for the regulation of, mainly, the rights of minors, but not the corresponding responsibilities. Our observations from our own practice show that minors are well

informed about their rights, but they know almost nothing or do not want to know about their responsibilities. The absence of the basic responsibilities of a child in the law, the discrepancy in the level of responsibilities, rights and legitimate interests inevitably lead to a preponderance towards the requirement for the immediate and unconditional implementation of only his rights.

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