

Judges Higher School officer  
**Dadabaeva Nilufar Farkhodovna.**

**Annotation:** the article analyzes views on understanding the nature of guilt in criminal law. The content of psychological and normative concepts of guilt was tried to reveal. A proposal to define the concept of guilt has been put forward in criminal law.

**Keywords:** criminal law, guilt, guilt, conspiracy, carelessness, mental attitude.

**Introduction:** A person accused of committing a crime in 28mod of the Constitution of the Republic of Uzbekistan is considered innocent until his guilt is proven by a transparent court hearing in the manner provided for by law and determined by a verdict of the court that has entered into legal force. It is established that the accused will be provided with all the opportunities for self-defense.

This norm in the Constitution, developed in the criminal law, is established by the Criminal Code of the Republic of Uzbekistan

Article 9 establishes the principle that a person is responsible only for socially dangerous acts, the guilt of which is proven in the manner prescribed by law.

So what is the fault itself, what is its significance in criminalizing a person?

Guilt is a necessary sign of the subjective side, which is from the elements of the composition of the crime.

Guilt is an object of study not only in the field of criminal law, but also in other areas of law, other disciplines. In particular, in philosophical views, concepts such as conscience, shame, pride, guilt, Pride have been researched as categories of morality. In this case, it was understood that guilt is caused by self-assessment of conscience.

Muim is instrumental in determining the existence of guilt that reflects the individual's attitude towards his or her actions, qualifying the perpetrator's actions, and imposing punishment on him or her.

#### **Literature analysis and methodology:**

A number of studies have been conducted within various disciplines on the concept of guilt. In psychology, guilt is understood as the feeling of guilt over an individual's Act, which is caused by an act of one person, which causes negative consequences for other individuals and even for himself in his eyes, the feeling of remorse. [1]

V.A.Nersesyan believes that " the psychological content of guilt involves a certain state of consciousness and expression of the individual, and the form of guilt is expressed in the form prescribed by law – in swearing and carelessness " [2].

A.I.Plotnikov, on the other hand, says that guilt "appears from the point of view of psychological theory as a psychological process consistent with the basic psychological components that go through in the mind of the person who committed the crime."

P.Bakunov states that " guilt can be expressed as a mental attitude towards the individual, the objective signs of the crime he is committing " [4], which

X. According to Ochilov, "in all theological theories (laws of manu, Biblical and Sharia law), too, special attention is paid to the issues of crime and punishment, and the identification of the issue of guilt of an individual in the commission of a crime is central" [5].

M.Najimov said that in order to apply the guilt "to criminal punishment, it is necessary to prove the fact that the person committed a violation of the right, as well as to determine whether the person acted guilty. In this, above all, the need arises to determine the individual's mental attitude towards his own right-abiding behavior and its consequences. The main signs that indicate a person's

permissible attitude towards the socially dangerous act committed constitute the content of the subjective side of the crime. Guilt is the main organizing concept of bringing an individual to criminal responsibility for an act committed" [6].

D.Karaketova believes that " the subjective side is a necessary sign of the composition of the crime, and if it does not exist, then the composition of the crime will not be. The subjective side of a crime is the mental attitude towards all signs of the act committed by the person himself and his particular objective signs, which are legally significant, representing the internal mental nature of criminal behavior" [7].

B.Yusupov believes that" only in the event of the discovery of the existence of the form of guilt provided for by law, it can be found that there is a basis for the composition of the crime and criminal liability in the act committed " [8].

U.Mirzaev argued that" a clear determination of the subjective side of each crime is a necessary condition for determining a fair punishment, taking into account the correct qualification of crimes and the degree of its guilt "[9].

Adding to the opinions of the above authors, it should be noted that in the literature there are points of view on the fact that in responsibility for guilt it is necessary to pay attention not only to the act and its consequences, but also to other objective signs that arise due to crime.

**Discussion:**

Article 20 of the Criminal Code of the Republic of Uzbekistan establishes that a person who committed a socially dangerous act provided for by this code, intentionally or behind negligence, can be found guilty of committing a crime.

A person's mental attitude towards their own socially dangerous act or inaction can be expressed in the form of an act of revenge or carelessness.

Crimes implied from the JK-special part can be committed either intentionally or carelessly.

To apply criminal punishment, it is necessary to prove the fact that the person committed a violation of the right, as well as to determine whether the person acted guilty. In this, above all, the need arises to determine the individual's mental attitude towards his lawless behavior and its consequences. The main signs that indicate the mental attitude of a person towards a committed socially dangerous act form the content of the subjective side of the crime. Guilt is a concept that forms the basis of the involvement of a person in criminal liability for an act committed.

Thus, in criminal law, guilt is the mental attitude of a person towards his socially dangerous act committed by a person, which is provided for in criminal law and is determined by the appropriate forms. Proper criminal conviction is instrumental in determining the extent to which a criminal person is socially dangerous, ensuring the proper qualification of a particular act and, as a consequence, the rightful, justified, and equitable liability of the culprit. Guilt is a necessary sign of the subjective side of any crime.

I.Ya.Petin correctly points out, the concept of guilt is not defined in criminal law. This in turn leads to different interpretations of the concept of guilt, confusion[10].

Even in reality, Article 20 of the JC of our country provides that a socially dangerous act can be committed intentionally or carelessly, that is, forms of guilt, without a definition of guilt itself.

Since guilt is considered a necessary sign of the subjective party, which is the composition of the crime, without the subjective party, there will be no composition of the crime, and criminal liability for the act committed in turn will not arise either. That is, in order to make a person responsible for committing a crime, as opposed to a subjective accusation position, his guilt must be proven. Article 24 of the Criminal Code establishes that if a person does not realize, can and should not realize the nature of social danger of his act, or does not see its socially dangerous consequences, and can and should not see according to the circumstances of the case, such an act is committed without guilt, that is, cannot hold a person liable on the basis of an objective.

So, no matter how large the amount of damage caused, criminal liability does not arise if there is no fault of the person in it.

**Based on the subjective accusation position, guilt as the basis of criminal prosecution of a person includes:**

as a criminal justice principle;

as an element of the composition of the crime;

as the basis for the appointment of punishment for the crime.

Conceptual views on the concept of guilt have shown differences in the legislation of states entering the former Soviet Union as well as the legislation of Western European states. In accordance with the concept formed on the basis of the experience of former Soviet legislation, there is a psychological approach to guilt, the mental attitude of an individual towards his actions reflects guilt. However, the impossibility of correctly and accurately determining the degree of guilt of an individual in acts committed from negligence (self-reliance and negligence) is a disadvantage of this concept.

In western European countries, the concept of the view of guilt as a normative or evaluative concept has been formed. This situation is evident in German criminal law, according to which guilt is not seen as an element of the subjective side in the composition of the crime, but as a separate element that determines criminal legal responsibility. When determining the guilt of an individual, it is important to determine what options he can choose in his decision in relation to his actions and why he chose exactly this option. That is, when a person can make a number of decisions in a particular case, the main place is occupied by the definition of "Free Will", which is reflected in why he chooses exactly the decision that leads to the commission of a crime. Of course it is very complicated and, although it leads to the fact that the deadlines for the investigation and court hearing of crimes are stretched, it gives more freedom to those who apply the right in differentiating the punishment assigned for an act, in ensuring the individuality of the punishment.

Of course, both concepts have their own achievements and disadvantages, which cannot be concluded that one of them is correct and the other is wrong. Both of these concepts must be taken into account in many ways that they arise from the degree of freedom of the right-wielder (in this case, the court) in decision-making. There is no doubt that in the post-Soviet states the norms regarding the decision-making of the courts are strictly regulated, in Western European states the high level of freedom in the courts in this matter also has its influence in determining the guilt of the individual.

**Conclusion:**

Having analyzed various views on guilt, it was concluded that the concept of guilt should be introduced into the Criminal Code. In our opinion, article 20 of the Criminal Code should be stated in the following wording:

**"P. 20. Fault:**

The mental attitude of the individual towards the socially dangerous act committed by him or herself and the socially dangerous consequences that have arisen or may have arisen as a result is a fault

A person who committed a socially dangerous act provided for by this code, intentionally or behind negligence, may be found guilty of committing a crime.

**Bibliography:**

1. Крылов А. Психология. Учебник. (2-е издание)» Издательство Проспект; 2005. С. 102-103.

2. Нерсеян В.А. Неосторожная вина: проблемы и решения//Государство и право, 2000, № 4. С.59
3. Плотников А.И. Объективное и субъективное в уголовном праве (Оценка преступления по юридическим признакам.) – Оренбург 1997. С. 79
4. Vakunov P. Ayb jinoyat sub'ektiv tomonining zaruriy belgisi sifatida. O'quv qo'lanma. – T., 2006. 20-б.
5. Очилов Х.Р. Жиноят таркиби тузилиши генезиси. Юрист ахборотномаси журнали. 2022 йил 1-сон, 1-жилд. 63-б
6. Нажимов М.Ш. Ўн олти ёшга тўлмаган шахсга нисбатан уятсиз-бузук ҳаракатлар қилиш жинояти учун жавобгарлик масаласи. Юрист ахборотномаси журнали. 2022 йил 1-сон, 1-жилд. 91-б
7. Каракетова Д. Безорилик жиноятининг субъектив томони белгилари// ЎЗБЕКИСТОН ҚОНУНЧИЛИГИ ТАҲЛИЛИ. UZBEK LAW REVIEW. ОБЗОР ЗАКОНОДАТЕЛЬСТВА УЗБЕКИСТАНА. 2021. № 4. 35-б.
8. Юсупов Б.Ф. Суд ҳужжатларини бажармаганлик учун жиноий жавобгарлик муаммолари. –Тошкент: Фалсафа ва ҳуқуқ институти, 2011. 115-116 б.
9. Мирзаев У. М. Ўзлаштириш ёки растрата йўли билан талонторож қилиш учун жавобгарлик. Монография. // Масъул муҳаррир: ю.ф.д., проф. Б.Ж.Ахраров. –Тошкент: ТДЮИ, 2011.75-б.
10. Петин И.А. Ответственность уголовная или криминальная // Юридический мир. 2008. № 3. С. 74-77