

# CONCEPTS, TYPES AND BASES OF OFFENSES AND LEGAL LIABILITY

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**ABSTRACT:** This article discusses the concept and types of offenses, the concept, types and bases of legal liability. The article covers the following topics; legal behavior, its bases, forms, active legal behavior, ordinary legal behavior, weak legal behavior objects, subjects are covered. On the subject of offense; issues such as what the offense is, its main features, objects, subjects of the offense, revenge, negligence, crime, misdemeanor.

On the subject of legal responsibility- about the types of liability, its signs, types of legal liability, ie criminal liability, civil liability, administrative liability, signs of disciplinary liability, legality, fairness, inevitability of liability in case of violation, individuality issues such as In the coverage of these topics, drawings on these topics, questions on the topic, terms are also mentioned.

**KEY WORDS:** Positive, Recrospective, Case, norm, Object, crime, sanction, Regulatory, law, suspect, accused and defendant.

## INTRODUCTION

Law is an important tool for regulating, developing and protecting social relations. At the same time, these relationships are the product of people's behavior, behavior, and life activities in their own society. Therefore, law as a means of regulating social relations affects the relations arising from the actions of people.

The behavior of people in society takes many different forms and can be divided into types depending on their expression, effectiveness, motives, goals and consequences. At the same time, all manifestations of behavior determine certain interests, directions, ideological aspects in the system of society. That is why any behavior is an object of legal evaluation. From a legal point of view, a person's behavior can be

assessed differently. Some human relationships may be outside the scope of legal regulation, so such relationships are not assessed or regulated by law, they are only assessed morally and regulated by social norms (e.g. love, friendship or interest in sports, music, art, etc.). In the legal literature and practice, much attention is paid to behavior within the scope of legal influence, which is regulated by legal norms.

Legal behavior is the conscious behavior of legal entities that conforms to the norms of law, causes legal consequences, and has a socially significant significance.

In the legal literature, legal behavior is characterized as socially useful, positively assessed by society and the state, necessary and desirable behavior. In essence, the forms of legal behavior are fully consistent with the forms of law enforcement, that is, legal behavior

means the application of the rules of law, and due to their nature compliance with the law is manifested in such forms as its implementation, use and application. Observance of the rule of law, fulfillment of legal obligations, exercise of the granted rights, use of the right by special subjects - all these together represent the essence of legal behavior.

From the legal point of view, the law can be law-abiding, legally equitable and illegal.

## **M**ATERIAL AND METHODS

Depending on the structure of legal behavior, it consists of the following four elements: subject, object, subjective side and objective side.

Subjects are individuals and legal entities recognized in the manner prescribed by the state.

Objects are the objects of the material world, the result of creative activity and the behavior of the subjects.

The objective side is manifested in the forms of action or inaction of legal behavior.

The subjective side represents the internal aspects of legal behavior, which is characterized by the degree of responsibility of the subjects of law.

Legal rights can be classified on a number of grounds:

- 1) Active legal behavior;
- 2) Usually legal behavior;
- 3) Passive legal behavior.

Active legal behavior is an initiative, purposeful and lawful activity of citizens and officials. There are various forms of legal activity, which is reflected in the formation of political parties and public organizations in relation to their duties, their participation in the work of lawmaking, cooperation with government agencies, and so on.

Usually, legal behavior is the behavior of people in accordance with the norms of law in everyday life, in which citizens perform only their legal obligations, perform actions of one or another legal significance.

Weak legal behavior is manifested in the fact that citizens do not deliberately exercise their rights and freedoms. An example of this is the fact that citizens do not participate in elections.

Legal behavior can be divided into the rights of citizens, government agencies, public organizations

and the like, according to the subjects of law. Legal behavior in all its forms is an important impetus for the full harmonization of the individual and contributes to the growth of his creative and intellectual skills and abilities, the formation of spiritual qualities.

Offense is a behavior capable of endangering the rights and interests of society, citizens and public associations in the social sense, which complicates the development of social relations and leads to their disruption.

An offense is a material or moral damage or dangerous act or omission that occurs in the form of intent or negligence, resulting in non-compliance with the rule of law in the interests of society, the state and citizens (individuals).

An offense is a socially dangerous act committed by a subject with legal and legal capacity, which contradicts the requirements of the law and harms the individual, property, the state and society as a whole.

The main symptoms of the offense are:

- 1) The offense is of a socially dangerous nature to society and the individual;
- 2) The offense is of an illegal nature;
- 3) Offense - an offense;
- 4) The offense is committed only by persons;
- 5) The offense is committed voluntarily by them, depending on the will and consciousness of the people, and so on.

The offense is a legal fact, which in turn creates a legal relationship of a supervisory nature. The structure of the offense is important in the interpretation of certain legal norms, in the disclosure of its content, as well as in terms of worldview. It encompasses four elements: object, subject, objective side, and subjective side.

The object of the offense is the social relations that are regulated and protected by law. The object is clearly specified in the legal norm.

The objective aspect of the offense is the violation of the law as a result of the actions and inactions of the person and his social danger. This represents the outside of the offense. Depending on the state of this expression, it is possible to think about the offense, that is, how it happened and to what extent it caused damage.

The elements of the objective side are:

- Wrongdoing;
- Harmful consequences against the law;
- The causal link between the wrongdoing and the harmful consequences;
- Place, time, method and environment.

The subject of the offense is legal entities and individuals who have committed the offense. The characteristics of the subjects will depend on the type of offense. For example, only individuals are subjects of criminal and administrative law.

The subjective aspect of the offense is the psycho-conscious attitude of the person to the illegal act or omission and the socially dangerous act that arises from them. The offense is a necessary sign of the subjective side of guilt. Guilt is the intentional or negligent attitude of the offender towards the unlawful behavior and their socially dangerous consequences. In order to clearly define the nature and content of legal liability, it is first necessary to answer the question of what is liability. Responsibility can be understood in two senses: positive (positive) responsibility and retrospective responsibility. If there is a positive responsibility and it is aimed at regulating future social relations, retrospective responsibility, in turn, is directed to the past, that is, it arises as a result of the person's failure to fulfill legal obligations or violation of the law. These two types of responsibility in society are inextricably linked.

Civil liability is established in cases of damage to property relations of citizens, individuals and personal relations of a non-property nature related to these relations. Civil liability is applied in cases provided for in the Civil Code, Land Code, Family Code, Labor Code and others.

Administrative liability is associated with the violation of legal relations, including non-compliance with the established rules of public administration, for example, violation of traffic rules and public order, actions against nature protection, and others.

The following penalties may be imposed for administrative liability: warning; imposition of a fine; confiscation of the object (if it is a weapon or object of violation); deprivation of special rights - hunting, use of vehicles, etc.; administrative detention; repair work and others.

Circumstances of disciplinary liability are provided by the Labor Code, internal labor regulations and special regulations. Disciplinary liability is associated with violations of labor and service discipline, military and other disciplines, including violations of internal regulations, late or early dismissal, and the like.

Criminal and civil liability is determined only by courts and commercial courts.

Administrative and disciplinary liability is exercised by

the administration of the internal affairs bodies, officials and authorized persons.

The main purpose of establishing legal responsibility is not punishment, but the law is focused on a specific expression of common goals, which are reflected in the strengthening, regulation and protection of social relations. These goals, in turn, determine the regulatory and regulatory functions of law. The main function of legal responsibility is to protect the rule of law and order. The application of liability to a particular offender is aimed at a narrow goal, that is, to punish the perpetrator. In doing so, the state, while enforcing its coercive measures, has another goal in mind - to prevent or warn of future offenses.

These goals, in turn, define the functions of legal liability. The following principles shall be followed in order to achieve the intended goals: legality, fairness, expediency, inevitability of liability for violation of the law, the application of individual punishment only to the offender.

**Legitimacy:** The essence of this principle is the strict and precise application of the requirements of the rule of law, and in relation to legal liability, this requirement is implemented only by the competent authorities on the basis and in the manner prescribed by law.

**Justice:** This principle requires that innocent persons not be prosecuted or that the act committed be proven. The principle of fairness of legal responsibility is reflected in the following system of formal requirements:

- It is not possible to prosecute for misconduct;
- The law establishing and aggravating the responsibility is not retroactive;
- If it is necessary to compensate the damage caused by the violation of the law, compensates it by applying legal liability;
- Only one liability is established for each violated right;
- Only the person who committed the offense is liable;
- The types and measures of punishment depend on the severity or lightness of the offense.

The inevitability of liability in case of violation of the law. Legal liability is inextricably linked with the offense, and from this connection arises the essence of this principle, that is, the application of liability for any offense and its inevitability. The formation of the above mentality in the minds of people, that is, the view that any offense goes unpunished, is an important factor in reducing the level of offense.

**Purposefulness:** The inevitability of liability for an act

committed implies the meaning of this principle, because the liability imposed on it is expedient. Or it is expedient not to allow the offender to be released from liability without legal grounds, and so on. Requirements of expediency should not contradict the requirements of legality of the application of liability, and, conversely, the requirements of the law can't be violated in terms of non-expediency.

Individuality: According to this principle, only the guilty person is liable for the offense committed. The transfer of responsibility from one guilty party to another should not be allowed. For example, in many cases, there is an attempt to hold the company or organization responsible for violations committed due to the irresponsibility of management. In order to implement this principle, it is necessary to reflect in the legislation and other normative documents the functional responsibilities of each employee and the range of liability measures arising from his failure to perform these duties.

According to the rules of legal norms, legal liability arises on the basis of the decision of the law enforcement agency, and its factual basis is the offense.

At the same time, the offense does not in itself constitute liability or state coercion, but only serves as a basis for such application. In order to exercise real legal responsibility, a law enforcement act of the competent authority is required. Such acts can be a court decision, an administrative order.

Presumption of innocence: A suspect, accused, or defendant shall be presumed innocent until proven guilty of a crime in the manner prescribed by law and determined by a court judgment that has entered into force.

Article 321, the inquiry officer, investigator, procurator and court shall be obliged to institute criminal proceedings in all cases where there is a reason and sufficient grounds to believe that a crime has been committed. The suspect, accused, or defendant has no obligation to prove his innocence.

All doubts about guilt must be resolved in favor of the suspect, accused or defendant, if the possibility of resolving them is exhausted. Doubts that arise during the application of the law must also be resolved in favor of the suspect, accused and defendant. The presumption of civil innocence is a firm guarantee of an individual's rights and freedoms. The Constitution of the Republic of Uzbekistan (Article 26) provides for the presumption of innocence, which states: "Everyone

charged with a criminal offense shall be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. The accused will be provided with all the conditions to defend himself in court..."

This issue is also reflected in Article 23 of the Criminal Procedure Code of the Republic of Uzbekistan. There are cases that exclude legal liability and illegality of the act, which include:

- Mental retardation (in cases where the person is not accountable for his actions).
- Necessary defense (resistance or damage to the victim within the necessary defense in the interests of the individual, society, state).
- Last necessity (in cases where a person poses a threat to the interests of society, the state, actions within the framework of measures to prevent this threat).
- When offenses without a level of social risk are committed.
- Cases (coincidences) and so on.

## C ONCLUSION

Since the independence of the Republic of Uzbekistan, the priority task in this country has been to ensure knowledge and the rights and freedoms of citizens.

This, in turn, requires the regulation of social relations in society. After all, the legal order of society is a key factor in the development of a particular state. Legal regulation of society is carried out by means of carrying out specific tasks.

After the Republic of Uzbekistan entered the path of independent statehood, the reform of all spheres of the past has undergone a radical renewal. Our goal is to build a strong democratic rule of law and civil society with a socially oriented stable market economy and open foreign policy.

To do this, first of all, it is necessary to inculcate legal consciousness in the minds of people. Because they should not get lost in the legal field, they should know their rights.

In the article, I have acknowledged that in a country where the rule of law prevails, the country is a great and powerful state.

## REFERENCES

1. The Constitution of the Republic of Uzbekistan. Tashkent: Uzbekistan, 2008.
2. "National program for raising the legal culture in society" // Bulletin of the Oliy Majlis of the Republic of Uzbekistan.-1997.-№ 9.
3. Law "On regulatory legal acts". "People's speech", January 4, 2002.
4. Theory of state and law. Responsible editors HBBoboev, HTodilqoriev Tashkent: "Economy and the world of law" Publishing House, 2000.
5. Theory of state and law. Responsible editors: H.B.Boboyev, H.T.Odilqoriyev. - Tashkent: TDYI, 2005.
6. Saidov A., Tojixonov U. Theory of state and law. Volume I. State theory. Tashkent: Adolat, 2001. -336 p.
7. Saidov A., Tojixonov U. Theory of state and law. Volume II. Theory of law. Tashkent: Adolat, 2001. -560 p.
8. Islomov Z.M. General problems of the state and law: understanding of law, legal consciousness and legal creativity. Tashkent: TSU, 2005. -187 b.
9. Islomov Z.M. Uzbekistan towards modernization and democratic development. Tashkent: "Uzbekistan" 2005. 262p.
10. Islomov Z.M. Civil society: yesterday, today, tomorrow. Tashkent: TDYul, 2002, -87 p.
11. Islamov Z.M. Problems of power: its understanding, purpose, social value. Tashkent: TGYUI, 2003. -p. 244.
12. Каримов, Н. Р. (2018). ВКЛАД МУХАММАДА МАНСУРА АЛИ В ИЗУЧЕНИЕ НАУЧНОГО НАСЛЕДИЯ АБУ ИСА ТЕРМИЗИ. In НАУКА И ИННОВАЦИИ В XXI ВЕКЕ: АКТУАЛЬНЫЕ ВОПРОСЫ, ОТКРЫТИЯ И ДОСТИЖЕНИЯ (pp. 198-200).
13. Rustamiy, S., Lutfullaeva, D., & Gulomova, H. (2020). THE IMPORTANCE OF BALAGHA SCIENCE IN AESTHETIC EDUCATION. PalArch's Journal of Archaeology of Егypt/Еgyptology, 17(6), 8882-8886.
14. Каримов, Н. Р. (2018). КРАТКИЙ ОБЗОР РАБОТ БЕРУНИ И ЕГО РОЛИ В ЧЕЛОВЕЧЕСКОЙ ЦИВИЛИЗАЦИИ. In Лучшая студенческая статья 2018 (pp. 85-91).
15. Rustamiy, S. A. (2020). Content of components of the science balagat. ACADEMICIA: An International Multidisciplinary Research Journal, 10(10), 1332-1337.
16. Дониёров, А. Х., & Каримов, Н. Р. (2018). " КИТАБ АЛ-ХИКМА" И" ХИКМА" В НАУЧНОМ НАСЛЕДИИ ХАКИМА ТИРМИЗИ. In ЛУЧШАЯ НАУЧНАЯ СТАТЬЯ 2018 (pp. 48-52).
17. Khudoyberdiyevich, D. A., & Rakhmonkulovich, N. K. (2018). The contribution of sarah sviri to the study of the scientific heritage of hakim tirmidhi. ACADEMICIA: An International Multidisciplinary Research Journal, 8(11), 60-67.
18. Rustamiy, S. A. (2020). Content of components of the science balagat. ACADEMICIA: An International Multidisciplinary Research Journal, 10(10), 1332-1337.