



THE IMPORTANCE OF THE CONCEPT OF RECIDIVISM IN THE SCIENCE OF  
CRIMINAL LAW

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**Annotation:** *in this article, we will highlight the impact of crime on the education of a person in the construction of civil society in our country, its maturation as a perfect person, and the consequences of repeated crimes are mentioned. Among other things, one of the nuances that is relevant today is highlighted about recidivism and is highlighted by comparing the type of recidivism in the Criminal Code of foreign countries with the Criminal Code of our country.*

**Keywords:** *recidivism crime, civil society, civil society, dangerous, extremely dangerous recidivist.*

It is clear to all of us that the upbringing of a person in the construction of a civil society, its maturation as a perfect person is significant in all respects. Educating a generation that is mature both physically and mentally requires a lot of attention and hard work, above all. In the case of all kinds of crimes that occur in our society, the upbringing of a person has its effect on the fact that he becomes a mature person in every possible way. Among these, one of the crimes that is relevant today is recidivism.

The fact that a person deliberately commits a new crime after being convicted of a previously intentional crime is recognized as a recidivistic crime. In cases where a person who has committed a crime similar to a previously convicted crime, separately specified in the Criminal Code, the intentional Commission of a new crime by a person convicted of other articles of a special part of the Criminal Code is recognized as a dangerous recidivist crime.

To commit a deliberate new crime, in which a sentence of imprisonment can be imposed for a period of not less than five years, namely:

a) the commission of a very serious crime by a person who has previously been sentenced for a very serious crime or for a serious crime twice and sentenced to imprisonment for a period of not less than five years for each of them;

b) the commission of a serious crime by a person who has been sentenced to imprisonment for serious or very serious crimes for a period of not less than five years each, regardless of whether he was previously convicted twice for a serious crime or before-after, is recognized as an extremely dangerous recidivistic crime.

With the judgment of the court, a person can be considered an extremely dangerous recidivist. At the time of the resolution of the issue of finding a person as an extremely dangerous recidivist, his conviction in the judgments of the courts of other states can also be taken into account.

Recidivism crimes are characterized by the fact that as a form of committing several crimes, the guilty person commits a new crime after being convicted of a previously intentional crime. It is a common or common recidivist crime based on the following two

characters: intentional Commission of a new crime; the conviction of a person for a previously intentional crime.

In the norms of the special part of the Criminal Code, recidivism is recognized as a sign that the crime is associated with a dangerous and extremely dangerous recidivism and is assessed by the composition of the crime. The question of considering a person as a dangerous recidivist is not decided by the court, but on the grounds established by the law itself, the person is a dangerous recidivist. The person should be found in the process of being charged by the bodies of his investigation as a dangerous recidivist. Because the commission of a crime by a dangerous recidivist is a characteristic sign of a number of crimes and leads to the application of more serious penalties]. For this reason, this situation should be indicated by the preliminary investigation body when it is involved in participation as an accused in a criminal case, and later this should also be reflected in the descriptive part of the court sentence. The rules apply for the removal of grounds for finding a dangerous recidivism in other cases, such as both the removal and deletion of conviction in relation to a dangerous recidivist crime, and the responsibility or exemption from punishment for a crime committed by a person earlier on purpose. Committing a repeated crime or committing a new intentional crime after being convicted of committing a previous intentional crime is not considered a punitive case in the following cases: if the term of criminal prosecution for a crime committed for the first time has passed; if the conviction was removed or extinguished in accordance with the established procedure; or if the liability for criminal acts committed earlier was canceled by law; 65, 66, 66-1 of the Criminal Code. 68, 69, 70, 71, 76-in the event that a person, according to his articles, has been released from criminal liability and punishment for a crime he has committed before. This situation applies not only to ordinary recidivism, but also to all other types of recidivism, among which there is a dangerous and extremely dangerous recidivism crime, since common signs belonging to ordinary recidivism crime are also characteristic of them. "If the guilty person is removed by Amnesty or pardon from the convicted person for the intentional murder committed before him, if yohud is canceled or removed in accordance with the procedure established by law, as well as if by the time of committing the crime of homicide the fans of bringing him to justice for the crimes committed before him have passed, the extremely dangerous recidivism is considered to be one of the most severe forms of committing several crimes. They include the appointment of imprisonment as punishment and imprisonment for a period of not less than five years.

In accordance with the federal law of the Russian Federation of December 8, 2003, the commission of a repeated crime as a form of several crimes is excluded from the Criminal Code. Currently, a set of crimes and recidivism are recognized as forms of several crimes. Chapter 10 of the Criminal Code of the Russian Federation is called "the appointment of punishment", in which the procedure for the appointment of punishment in a separate case for any crime is established independently. That is, in the presence of mitigating circumstances (Article 62), the appointment of a punishment for a crime even lighter than specified in the law (Article 64), the appointment of a punishment for crimes that are not complete (article 66); the appointment of a punishment for a crime committed in participation (Article 67); the appointment of a punishment for a recidic crime (Article 68);

An analysis of the Spanish Criminal Code shows that there are two forms of several crimes: crime totals and recidivism. The chapter on the rules for the appointment of punishment will address the totality of crimes. In accordance with Article 73 of this JK, the total of crimes is understood as the commission by the guilty of two or more crimes or socially dangerous acts. The Spanish Criminal Code does not provide for the rules for the appointment of a single penalty in the event of the commission of two or more crimes by a person. In these cases, according to Article 73 of the Criminal Code, punishments are assigned for joint execution. If one or another punishment cannot be performed together, they are performed independently in turn from heavy to light in sequence.

Article 76 of the Spanish Criminal Code establishes the maximum limit for the imposition of penalties on the aggregate of crimes. The punishment imposed on the aggregate of crimes should not exceed three times the most severe punishment. Maximum limit in the following cases:

if a person is convicted of two or more crimes, and for one of them a penalty of imprisonment of up to 20 years is established, then 25 years;

if a person is convicted of two or more crimes and for one of them is provided for a sentence of imprisonment of more than 20 years, it is 30 years.

Chapter 9 of the Criminal Code establishes the rules for the appointment of penalties for the totality of crimes. According to him, for the most serious crime, which is part of the totality of crimes, the method of applying a more severe punishment and methods of compensating for punishments are used. Aspects related to the commission of several crimes and the appointment of penalties for them in the Federal Republic of Germany are given in Chapter 3 of the third section of the Criminal Code, which is called "penalties for several violations of laws." According to paragraph 52 of this chapter, "if one or a similar act violates several criminal laws many times one law, one penalty is applied." The analysis of the content of this paragraph shows that its content is not about the commission of several crimes under the Criminal Code of the Federal Republic of Germany, but about the violation of several laws or one law several times.

If several criminal laws are violated, a punishment is imposed by the established law. The punishment cannot be lighter in this than in other applicable laws. In this case, we are talking about the ideal set of crimes. In Germany, the ideal set of crimes is considered as a single crime, and one main punishment is assigned to this single crime.

As a conclusion, I can say that, for example, it is necessary to master the positive side, as the Spanish Criminal Code establishes a separate procedure for imposing punishment for recidivism. After all, the ideal totality of crimes and the degree of social danger of the real totality of crimes differ from each other. It would also be appropriate if a separate procedure for imposing punishment was established for a recidivist crime.

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