

THE CONCEPT OF PREVENTION OF OFFENSES COMMITTED BY STUDENTS OF HIGHER EDUCATIONAL INSTITUTIONS AND SOME COMMENTS ON THEIR PREVENTION

Nurmatov Jasur

Independent researcher of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan

Email: jnurmatov738@gmail.com

Tel.: +998 94 664 53 00

ORCID: 0009-0007-2283-0549

Ahmedov Hamrobek

Associate Professor of the Department of Management

Sciences of the Academy of the Ministry of Internal

Affairs of the Republic of Uzbekistan

Annotation

The article comprehensively examines the theoretical-legal and scientific-practical aspects of the effective organization of crime prevention among students of higher educational institutions. Lexical, encyclopedic, normative-legal, and scientific-theoretical approaches to the concept of offense were comparatively studied, and its narrow and broad interpretations were scientifically analyzed. The author developed an author's definition of the concept of offense and revealed the role of civil law and disciplinary offenses in the prevention of criminal and administrative offenses. Also, priority areas for the prevention of offenses among students through a system of legal, social, organizational, and spiritual-moral measures are highlighted. Based on the analysis of best foreign practices, practical proposals and recommendations aimed at the early prevention of offenses in higher educational institutions have been developed.

Keywords

higher educational institution, student, offense, deviant behavior, social danger, administrative liability, criminal liability, disciplinary liability, "StopOffense", "SafeUni App", "Slery Act".

ОЛИЙ ТАЪЛИМ МУАССАСАЛАРИ ТАЛАБАЛАРИ ТОМОНИДАН СОДИР ЭТИЛАДИГАН ХУҚУҚБУЗАРЛИКЛАР ПРОФИЛАКТИКАСИ ТУШУНЧАСИ ВА УЛАРНИНГ ОЛДИНИ ОЛИШ ЮЗАСИДАН АЙРИМ МУЛОҲАЗАЛАР

Annotatsiya

maqolada oliy ta'lim muassasalari talabalari o'rtasida huquqbuzarliklar profilaktikasini samarali tashkil etishning nazariy-huquqiy va ilmiy-amaliy jihatlarini kompleks tadqiq etilgan. Huquqbuzarlik tushunchasiga nisbatan lug'aviy, ensiklopedik, normativ-huquqiy hamda ilmiy-nazariy yondashuvlar qiyosiy o'rganilib, uning tor va keng ma'nodagi talqinlari ilmiy tahlil qilingan. Muallif tomonidan huquqbuzarlik tushunchasiga mualliflik ta'rifi ishlab chiqilgan hamda fuqarolik-huquqiy va intizomiy huquqbuzarliklarning jinoiy va ma'muriy huquqbuzarliklar profilaktikasidagi o'rni ochib berilgan. Shuningdek, talabalar o'rtasida huquqbuzarliklar profilaktikasini huquqiy, ijtimoiy, tashkiliy hamda ma'naviy-axloqiy chora-tadbirlar tizimi orqali amalga oshirishning ustuvor yo'nalishlari yoritilgan. Ilg'or xorijiy tajribalar tahlili asosida oliy ta'lim muassasalarida huquqbuzarliklarning barvaqt oldini olishga qaratilgan amaliy taklif va tavsiyalar ishlab chiqilgan.

Kalit so'zlar

oliy ta'lim muassasasi, talaba, huquqbuzarlik, deviant xulq-atvor, ijtimoiy xavflilik, ma'muriy javobgarlik, jinoiy javobgarlik, intizomiy javobgarlik, "StopOffense", "SafeUni App", "Slery Act".

ПОНЯТИЕ ПРОФИЛАКТИКИ ПРАВОНАРУШЕНИЙ, СОВЕРШАЕМЫХ СТУДЕНТАМИ ВЫСШИХ УЧЕБНЫХ ЗАВЕДЕНИЙ, И НЕКОТОРЫЕ ВЗГЛЯДЫ ПО ИХ ПРЕДУПРЕЖДЕНИЮ

Аннотация

В статье комплексно исследованы теоретико-правовые и научно-практические аспекты эффективной организации профилактики правонарушений среди студентов высших учебных заведений. Сравнительно изучены лексический, энциклопедический, нормативно-правовой и научно-теоретический подходы к понятию правонарушения, проанализированы его узкие и широкие толкования. Автором разработано авторское определение понятия правонарушения и раскрыта роль гражданско-правовых и дисциплинарных правонарушений в профилактике уголовных и административных правонарушений. Также освещены приоритетные направления осуществления профилактики правонарушений среди студентов посредством системы правовых, социальных, организационных и духовно-нравственных мер. На основе анализа передового зарубежного опыта разработаны практические предложения и рекомендации, направленные на раннее предупреждение правонарушений в высших учебных заведениях.

Ключевые слова

высшее учебное заведение, студент, правонарушение, девиантное поведение, общественная опасность, административная ответственность, уголовная ответственность, дисциплинарная ответственность, "StopOffense", "SafeUni App", "Slery Act".

In modern society, the effective organization of crime prevention among students of higher educational institutions contributes to the strengthening of the country's legal order, the personal development of young people and professional development, as well as maintaining socio-economic stability. This issue is one of the joint objects of administrative law, crime prevention, criminology, pedagogy, and sociology, and requires a systematic approach aimed at the early prevention of deviant behavior and offenses among students.

For a full understanding of the concept of crime prevention among students of higher educational institutions, in our opinion, it is advisable, first of all, to deeply understand the essence of the concepts of "higher educational institution," "student," and "crime prevention."

In the scientific literature, controversial approaches to the content of the concept of "offence" have been put forward.

In particular, in the explanatory dictionary of the Uzbek language, the term "huquqbuzarlik" is defined as non-compliance with existing laws and regulations, their violation; actions in this direction; a socially dangerous act that causes harm to a person, property, the state, and society as a whole; a crime[1].

In the legal encyclopedia, an offense is considered a violation of the established order in society and established by law or the rules of social life in general, which takes the form of a crime, misconduct, violation of discipline, and is often described in conjunction with the word offense [2].

According to the explanatory dictionary of legal terms, an offense is a socially dangerous act committed by a legal entity in the form of action or inaction, contrary to the requirements of legal norms, and causing harm to the individual, property, the state, and society as a whole. According to the degree of social danger, there are types of offenses in the form of criminal and misdemeanor (civil-legal, administrative-legal, disciplinary-legal) [3].

Article 3 of the Law of the Republic of Uzbekistan "On Crime Prevention" defines "crime" as a culpable unlawful act (action or inaction) [4] for which administrative or criminal liability is provided.

In the definitions given by some scholars, although the concept of an offense is widely interpreted, it is emphasized that it is a "socially dangerous act."

In particular, authors who interpret the concept of an offense in a narrow sense (I. Ismailov, M.Z. Ziyodullayev, A.A. Khamdamov, B.Kh. Pulatov, B. Madrakhimov, I.Kh. Dusmuradov, M.M. Asrakulov) believe that an offense is understood as a culpable, unlawful act (action or inaction) for which administrative liability is provided [5].

In contrast to these opinions, K.A. Saitkulov believes that "it is advisable to study theoretical approaches to offenses that entail not only administrative and criminal liability, but also disciplinary, property and other types of consequences" [6].

Summarizing the above-mentioned **lexical, encyclopedic, normative-legal** and **scientific-theoretical** approaches, based on the characteristics of the offense **social danger, guilt, unlawfulness** and **causing legal liability**, the following **author's definition** of the concept of "offence" was developed:

An offense is an act or omission, committed intentionally or negligently by a legally and legally competent person, contrary to the requirements of the norms of law, which causes or threatens to cause harm to the interests of the individual, society, or the state, and is a socially dangerous act, for the commission of which criminal, administrative, civil law, or disciplinary liability is provided by law.

The element **"action or inaction"** in this author's definition represents the objective side of the offense and corresponds to the definitions of the dictionary and legislation. **"Guilt (intention or negligence)"** - a generally recognized criterion in the theory of criminal and administrative law, covering the subjective side. **"Social danger"** - the main distinguishing feature of an offense from a simple moral defect. **"Providing legal liability"** - ensures the legal assessment of the offense by the state.

The comprehensive presentation of types of liability supports the broad approach put forward by the legal scholar K.A. Saitkulov, and this interpretation, based on scientific literature and theoretical discussions of scholars, confirms that an offense is not limited to criminal and administrative liability, but also includes other types of consequences.

In the scientific literature, the concept of an offense is interpreted narrowly (only criminal and administrative liability) and broadly (all types of liability). A broad interpretation in criminology is based on the need to prevent the early stages of deviant behavior, and minor moral violations (disciplinary, civil law) are considered the root of the transition to serious offenses (crimes). This approach complements the narrow boundaries of the legislation of Uzbekistan (for example, Article 3 of the Law "On Crime Prevention") and serves as a scientific basis for increasing the effectiveness of crime prevention.

Therefore, **an offense for which civil liability is provided** this type is associated with a violation of the norms of civil law and includes causing material damage (violation of the terms of the contract, causing property damage). Liability manifests itself in the form of material compensation (compensation for damage, fine). For example, due to the low degree of social danger of non-performance of contractual obligations (Articles 361-370 of the Civil Code of the Republic of Uzbekistan [7]), it does not entail criminal or administrative liability, but is of vital importance for the prevention of crimes.

Criminologist A.I. Dolgova believes that civil law violations can be at a low level of social danger, but their prevention prevents the transition to serious crimes [8].

According to K.A. Saitkulov, in some cases, civil and disciplinary offenses serve as the main factor in the chain of causes and conditions for the commission of administrative and criminal offenses [9].

At the same time, **a disciplinary offense** is **an** offense characterized by a violation of disciplinary rules (labor, educational, military, or service discipline) for which a warning, discussion in a disciplinary council, reprimand, reprimand, severe reprimand, demotion in military or special rank, dismissal from office, expulsion from studies, or other disciplinary sanctions are applied.

In the context of higher educational institutions, this type of offense includes, for example, non-compliance with the requirements of the Code of Ethics adopted by the university, failure to fulfill obligations in the educational process (regular absence from classes, violation of examination rules, non-compliance with the established daily schedule and class schedule), as well as violation of the general educational discipline.

Although the degree of social danger of these acts is relatively low, they are interpreted as early manifestations of deviant behavior and are subsequently recognized as a potential root of transition to more serious offenses (administrative or criminal). Therefore, the process of crime prevention in higher educational institutions should begin precisely with the prevention of disciplinary violations, since at this stage the effectiveness of educational and pedagogical measures is high, which allows for the formation of legal awareness and a sense of responsibility of the individual.

This approach is based on criminological and pedagogical sciences, in particular, on Ya.I. Gilinsky's theory of the gradual development of deviant behavior [10] and the Code of Ethics and the system of educational work of higher educational institutions of the Republic of Uzbekistan.

It should be especially noted that, based on current legislation, the concept of "prevention" used in the activities of internal affairs bodies can be defined in various ways. For example, when the term "prevention" comes with the word "offence," **offence prevention** - that is, a system of legal, social, organizational, and other measures of general, special, individual, and victimological prevention of offenses, applied for the purpose of maintaining and strengthening law and order, identifying and suppressing offenses, as well as identifying and eliminating the causes and conditions contributing to their commission [11].

Regarding the concept of "prophylaxis of offenses among students of higher educational institutions," based on the above analysis, the following conclusions can be drawn:

1) prevention of offenses among students of higher educational institutions - the activity of the subjects of crime prevention, providing for the implementation of preventive measures;

2) these measures are aimed at:

- a) formation in students of respect for the law and an intolerant attitude towards any manifestation of violation of the law and early prevention of offenses among them;
- b) identification, study, elimination (disinfection) of the causes of offenses among students and the conditions contributing to them;
- c) education of students prone to committing offenses;
- g) reducing the risk of students becoming victims of offenses.

It is advisable to divide the measures serving the prevention of offenses among students of higher educational institutions into the following priority areas:

Legal measures - measures aimed at forming and improving the legal framework for working with students. Currently, the activities of state administration bodies, local government bodies, and civil society institutions in this area are not sufficiently regulated by law. Analysis of current legislation shows that none of the bodies carrying out the prevention of offenses have clear grounds for working with students. In our opinion, in improving the legal framework for working with students, along with defining the specific tasks of the relevant subjects in this area, it is also necessary to develop the organizational and legal framework for cooperation between them. As President Shavkat Mirziyoyev emphasized, from now on, internal affairs bodies, the prosecutor's office, the Youth Union, the Women's Committee, the mahalla, and other state and non-state organizations must take timely measures to prevent unemployment, drug addiction, neglect, family conflicts, and other such negative phenomena that contribute to crime and offenses. It is also necessary to avoid commonality, strive for a common goal, work together, and approach each problem based on a clear plan [12].

Social measures. In some literature, when discussing crime prevention, special emphasis is placed on social prevention. Indeed, social factors play a significant role in the commission of offenses and the formation of the offender's personality. In particular, social factors mainly contribute to the formation of the student body and the commission of offenses by them. The fact is that an individual's unemployment, exclusion from studies and military service occurs as a result of social reasons. For example, the unemployment of a person with the appropriate education and profession, or the denial of military service to a person fit for military service, leads to their alienation from society.

In our opinion, the following social measures should be implemented in the prevention of offenses among students: studying the objective and subjective reasons that prevent students from finding their place;

studying existing opportunities for social support of students, further increasing them in the future;

development of measures to ensure the employment of students by involving them in entrepreneurship;

Taking appropriate measures for students to spend their free time productively, etc.

Organizational measures. The effectiveness of working with students of higher educational institutions depends on the degree to which these measures are organized optimally.

In this matter, special attention should be paid to:

appropriate measures should be aimed at broad cooperation of relevant subjects, corresponding to the real-life situation, the physical capabilities of the subjects involved in working with students, as well as other daily tasks;

being a coordinator of internal affairs bodies;
 wide involvement of students themselves in the implementation of the established measures;
 speed of information exchange;
 evaluation of results, etc.

Spiritual and moral measures. Spiritual and moral issues are also of particular importance in the prevention of offenses among students of higher educational institutions.

Failures of students (failure to get a job, complicated examination processes, etc.) also negatively affect their spiritual and moral values. This can lead to dissatisfaction with the current system and the formation of legal nihilistic views. Therefore, it is necessary to pay special attention to conducting large-scale educational activities among students.

It is advisable that measures of educational influence among students of higher educational institutions cover all stages of the education system, as well as extracurricular processes. Particular attention should be paid to the popularization of physical culture and sports among them. Because sports, by strengthening the health of the population, educating the younger generation as healthy and harmoniously developed individuals, establishes a healthy lifestyle in society, and prevents various diseases and harmful habits. Sport also plays an important role in the formation of high culture and patriotic feelings. Achievements in this field introduce the country to the world and inspire pride in all compatriots [13].

Based on the foregoing, it should be noted that the prevention of offenses among students is a matter of national and public concern. Effectiveness in this area can be achieved only through the systematic organization and consistent conduct of work on identifying and suppressing offenses among students of higher educational institutions, as well as identifying the causes and conditions contributing to their commission.

As a result of our research, the following proposals and recommendations were developed for the prevention of offenses committed by students:

firstly, based on the **experience of the Turkey**, in the case of early detection of crimes committed by students in the KPIs of prevention inspectors (senior inspector for women's affairs) of higher educational institutions and the development of a new effective methodology for preventing crimes that may be committed, creating a unique experience, **granting positive points and developing a mechanism** for their encouragement;

secondly, based on the **experience of the USA**, at the end of each quarter, it is necessary to divide higher educational institutions into "**red**", "**yellow**", "**green**" categories, and also to establish a "**Clery act**" [14] system aimed at publishing it on the official websites of higher educational institutions and social networks;

thirdly, based on the **Swedish experience**, create an electronic platform "**SafeUni App**" and a **telegram bot "StopOffense"** designed for anonymous reporting of criminal cases committed by teachers and students of higher educational organizations;

fourthly, based on the **experience of the Japan**, in higher educational institutions with a large number of students and a high student accommodation capacity creation of a "**University Law Enforcement Center**" at the expense of the **budget of the educational institution**, as well as introduction of a **system for the accumulation of its staff units** on the basis of a contract in agreement with the Ministry of Internal Affairs;

fifthly, taking into account that the majority of students commit crimes and do not understand their legal consequences, based on the experience of Australia and Singapore,

establish quarterly "Student Safety and Legal Culture Week" in all higher educational organizations.

In conclusion, based on the presented opinions, it can be concluded that the prevention of offenses among students of higher educational institutions is the activity of the subjects of the prevention of offenses aimed at forming in students respect for the law and an intolerant attitude towards any manifestations of violation of the law, early prevention of offenses among students, identification, study, elimination of the causes of their commission and the conditions contributing to them, upbringing of students prone to committing offenses, implementation of preventive measures aimed at reducing the risk of students becoming victims of offenses.

References Литература:

1. <https://izoh.uz/word/huquqbuzarlik>
2. Yuridik ensiklopediya // Yuridik fanlar doktori, professor U.Tadjixanovning umumiy tahririda. – T.: "Sharq", 2001. – 656 b.
3. Yuridik terminlar izohli lug'ati (faol termin va tushunchalar) [Matn]: lug'at //Mualliflar jamoasi. – T.: TDYU nashriyoti, 2024. – (93) 336 b. https://drive.google.com/file/d/1xKWnpDlG60hs6oTX4ar_5ICh8AWR9rqY/view
4. O'zbekiston Respublikasining 2014-yil 14-maydagi O'RQ-371-son "Huquqbuzarliklar profilaktikasi to'g'risida"gi Qonuni. // Qonunchilik ma'lumotlari milliy bazasi, 17.05.2014-y., 20-son. <https://lex.uz/docs/2387357>
5. Xujakulov S.B. Huquqbuzarliklar profilaktikasining nazariy-metodologik va tashkiliy-huquqiy asoslarini takomillashtirish: Monografiya. / Mas'ul muharrir y.f.d., prof. A.K.Rasulev. – T.: O'zbekiston Respublikasi IIV Akademiyasi, 2023. – (63) 402 b.
6. Saitqulov Q.A. Ichki ishlar organlarining huquqbuzarliklar viktimologik profilaktikasi bo'yicha faoliyatini takomillashtirish: Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi avtoreferati. – T., 2020. – 14-15-b.
7. O'zbekiston Respublikasining Fuqarolik kodeksi, 01.03.1997 y. // Qonunchilik ma'lumotlari milliy bazasi, 20.05.1996 y., 2-son. <https://lex.uz/docs/111189>
8. Криминологи́я / А. И. Долгова. — 4-е изд., перераб. и доп. 2016. (Краткие учебные курсы юридических наук). -С.71
9. Saitqulov Q.A. Ichki ishlar organlarining huquqbuzarliklar viktimologik profilaktikasi bo'yicha faoliyatini takomillashtirish: yurid. fan. bo'yicha. fal. d-ri (PhD) ... dis. – T., 2020. – B. 18.
10. Гилинский Я.И. Девиантология: социология преступности, наркотизма, проституции, самоубийств и других «отклонений». Монография. СПб.: Издательский Дом «Алеф-Пресс», 2013. (557-558) 650 с. https://www.ssa-rss.ru/files/File/PublikaciiROS/Gilinskiy.%20Deviantologiya_Sociologiya%20prestupnosti,%20narkotizma,%20prostitutsii,%20samoubiystv%20i%20drugikh%20otkloneni.pdf
11. O'zbekiston Respublikasining 2014-yil 14-maydagi «Huquqbuzarliklar profilaktikasi to'g'risida»gi qonuni // Qonunchilik ma'lumotlari milliy bazasi, 17.05.2014 y., 20-son. URL: <https://lex.uz/docs/2387357>
12. O'zbekiston Respublikasi Prezidenti Shavkat Mirziyoevning 2017 yil 30 noyabr kuni o'tkazilgan jinoyatchilikka qarshi kurashish va huquqbuzarliklarning oldini olishda davlat va jamoat tashkilotlari hamkorligiga bag'ishlangan yig'ilishdagi ma'ruzasidan // URL: <http://xs.uz> (Xalq so'zi, 21.11.2017).
13. G'ofurov Sh.R. Uyushmagan yoshlar o'rtasida huquqbuzarliklar profilaktikasining ustuvor yo'nalishlari // O'zbekiston Respublikasi IIV Akademiyasining axborotnomasi. – 2018. –No 2. –B.54–57.
14. <https://www.clerycenter.org/the-clery-act>