



THE CONCEPT OF CRIME: LEGAL, SOCIAL, AND THEORETICAL PERSPECTIVES IN A GLOBAL CONTEXT

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Abstract

The concept of crime is central to criminal law, yet its definition remains complex and multifaceted. Crime is not only a legal term denoting actions prohibited by law and punishable by the state, but also a social construct shaped by cultural, historical, and political contexts. This paper explores the various dimensions of crime, examining its legal definition, theoretical foundations, and practical implications within both domestic and international frameworks. Utilizing the IMRAD structure, this study investigates the evolving nature of crime, the role of moral and normative values in criminalization, and the balance between societal protection and individual rights. Special attention is given to the legal system of Uzbekistan, in comparison with other civil and common law jurisdictions. The article concludes with recommendations for refining the legal definition of crime to reflect contemporary challenges, such as cybercrime, organized crime, and transnational offenses.

Keywords

Crime, criminal law, social deviance, legal theory, criminalization, Uzbekistan, actus reus, mens rea, legality principle, justice



1. Introduction

The term “crime” is commonly used in both legal and everyday language, yet its meaning is far from simple. In legal theory, a crime is traditionally defined as an act or omission that violates the criminal law and is punishable by the state. However, beyond this technical definition lies a deeper, more dynamic understanding influenced by societal values, moral judgments, and political considerations.

Historically, acts considered criminal have varied widely across cultures and time periods. What one society deems a serious offense may be legally permissible in another. This raises important questions about the universality of crime, the legitimacy of criminal law, and the extent to which legal systems reflect or shape social norms.

In the context of Uzbekistan and other post-Soviet states, the definition and classification of crimes continue to evolve as legal reforms adapt to modern realities, including globalization, digitalization, and changing political ideologies.

This paper aims to provide a comprehensive examination of the concept of crime from multiple perspectives—legal, theoretical, and sociological—using the IMRAD structure to guide the analysis.

2. Methods

This study employs a **doctrinal legal research method** combined with an **interdisciplinary analytical approach**. It draws on:

- **Primary legal sources:** Criminal codes, constitutions, and international treaties
- **Secondary sources:** Academic literature in criminal law, criminology, and philosophy
- **Comparative legal analysis:** Comparing Uzbekistan’s definition and treatment of crime with other jurisdictions (UK, US, Germany, and Russia)



• **Theoretical analysis:** Classical, positivist, and critical legal theories on the concept of crime

The research examines both statutory definitions of crime and underlying theoretical debates, incorporating case studies and legislative reforms where relevant.

3. Results

3.1 Legal Definition of Crime

In most jurisdictions, a **crime** is defined as:

“An act or omission that constitutes an offense punishable by law.”

In Uzbekistan, Article 14 of the **Criminal Code (1994)** states:

"A crime is a socially dangerous act (action or omission) provided for by this Code and punishable under it."

This definition reflects two key aspects:

1. **Social harm** (*social danger*): Crime is not just a violation of law but one that endangers society.
2. **Legality principle**: An act is only a crime if explicitly defined as such by law.

3.2 Essential Elements of Crime

The foundational elements recognized in criminal law include:

- **Actus Reus**: The physical act or conduct
- **Mens Rea**: The mental state or intention
- **Causation**: The link between the act and harm caused
- **Absence of justification**: Acts done in self-defense or necessity may not constitute a crime

Some offenses require **strict liability**, where intent (*mens rea*) is not necessary (e.g., traffic violations, environmental crimes).

3.3 Theories of Crime



Various legal and philosophical schools have offered interpretations of crime:

- **Classical School:** Crime results from free will; punishment should be proportionate and deterrent (e.g., Cesare Beccaria).
- **Positivist School:** Crime is influenced by social, psychological, or biological factors (e.g., Cesare Lombroso).
- **Critical Criminology:** Crime is a social construct influenced by power structures; laws often reflect the interests of dominant groups.

3.4 Crime and Morality

Not all immoral acts are crimes, and not all crimes are considered immoral by all. For example, **tax evasion** is a crime but may not carry moral stigma, whereas **betraying a friend** is morally wrong but not criminal.

This distinction shows that criminal law reflects **selected societal values**, codified through political and legislative processes.

3.5 Categories of Crime

Crimes are typically classified by severity and type:

- **Felonies / Serious crimes:** Murder, rape, terrorism, armed robbery
- **Misdemeanors / Minor offenses:** Petty theft, public disturbance
- **White-collar crimes:** Fraud, embezzlement
- **Cybercrimes:** Hacking, phishing
- **Organized crimes:** Drug trafficking, human trafficking

In Uzbekistan, crimes are divided into **minor, less serious, serious**, and **especially serious**, each with differing penalties and legal consequences.

4. Discussion

4.1 Crime as a Social Construct

The notion that crime is socially constructed means that acts become criminal not inherently, but because society—through laws—labels them as such. This concept explains the variability of criminal definitions across time and culture.



For example:

- Homosexuality was once a crime in many countries; now decriminalized in most
- Witchcraft, once punishable by death, is no longer criminalized
- Cybercrimes didn't exist legally before the digital age

This illustrates that crime reflects **societal evolution**, and the law must adapt accordingly.

4.2 Crime and the State's Role

Only the **state** can define crime and impose punishment. This exclusive authority is intended to prevent private vengeance and ensure justice through due process.

However, **abuse of power** may lead to criminalizing political dissent or marginalizing minorities. This raises concerns about the legitimacy of criminal law and its use as a tool of control.

4.3 Contemporary Challenges

Modern society faces new types of crime that challenge traditional definitions:

- **Cybercrime**: Jurisdictional and evidentiary challenges
- **Terrorism**: Blurring of crime, warfare, and ideology
- **Environmental crime**: Often overlooked despite massive harm
- **Artificial intelligence and robotics**: Can machines commit crimes?

Legal systems must regularly update criminal codes and enforcement strategies to meet these challenges.

4.4 Comparative Perspectives

Uzbekistan has undertaken significant legal reforms in recent years, including:

- Humanizing punishments
- Decriminalizing certain offenses
- Strengthening legal protections for defendants

In contrast:



- The **US** often applies harsh penalties, including life sentences for non-violent crimes under "three strikes" laws.

- **Germany** emphasizes rehabilitation and proportionality.

- **Russia** retains Soviet-era classifications but is gradually reforming.

Comparative analysis shows that while crime is universally defined in legal systems, the **approach to criminalization, prosecution, and punishment** varies widely.

5. Conclusion

The concept of crime is not static; it evolves alongside changes in law, society, and morality. While criminal law provides a formal definition—an act punishable by law—the deeper understanding of crime requires a multidisciplinary approach.

Legal systems must balance the protection of society with the rights of individuals, ensuring that criminalization is justified, proportionate, and transparent. In Uzbekistan, the definition of crime has been shaped by historical legacies and ongoing legal reforms, offering both challenges and opportunities for modernization.

Recommendations:

1. **Continual legal reform** to reflect emerging crimes and changing social values
2. **Public engagement** to ensure laws reflect collective morality and justice
3. **Judicial training** on complex and new forms of criminal behavior
4. **International cooperation** in defining and combating transnational crimes
5. **Legal clarity** to avoid vague or overly broad criminal definitions

Ultimately, understanding the concept of crime is essential for the fair application of justice, protection of rights, and maintenance of social order.



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