

## **Private Criminological Theory in the Form of Criminology of Political Crime**

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**Abstract:** The paper analyses the existing Russian and foreign criminological approaches to defining the phenomenon of state crimes. The author highlights the advantages and drawbacks of different approaches to this criminological category and offers an instrumental definition of political crimes.

**Keywords:** political crimes; state crimes; crimes against the state.

Politics, like other functional subsystems of public life, falls under the study of the science of criminology within one of its newest branches - political criminology, therefore, the study of the phenomenon of political crime is carried out within the framework of private criminological theory and is very relevant.

The humanities do not currently provide a single definition for "political crime". Many distinct definitions of political crime have been developed by experts from both native and other countries. In light of this, it makes sense to take into account some of the most prevalent approaches to the definition of this term in contemporary criminological and political science literature in order to construct the criminological definition that is required for further research and comprehend its social essence.

D.A. Shestakov [17, p. 9] proposed the term "political criminology" as a term for a new subfield of general criminology. They began to consider both the criminal aspect of law enforcement and politics. For the first time in Russian criminology, Shestakov classified political crimes into two categories:

- 1) crimes committed by the public against the state and its officials;
- 2) crimes committed by the public against the state and its representatives Political crime,

According to the scientist's semantic concept, is a society's property to reproduce dangerous forms of struggle for the establishment, redistribution, maintenance, and retention of state power as well as over state ("world order") power.

Numerous native and international authors hold similar viewpoints [19 21, pp. 162–184.]

Additionally, I. Gilinsky concludes that political crime encompasses both crimes against the state (crimes against the state) and crimes committed by the state itself (mass repression, deportation, and launching a war) [1, p.243.]

Because it examines not only crimes committed against the state but also those committed by the ruling regime, or the entire political sphere of public life, the term "political crime" is more inclusive than "state crime". Political crime is a multifaceted phenomenon with two main dimensions, according to many researchers. This idea includes crimes committed for political

purposes in a narrow sense and all crimes committed in the public administration, or political sphere, in a broad sense.

Political crime is only considered and explained in a broad sense by many contemporary Russian and foreign authors. There are a lot of possible definitions of political crime that can be conditionally combined into several of the most common typological groups (approaches) because they were developed by experts in different fields at different times. Therefore, the term "political crime" can be defined in three ways: *criminal law, evaluative and motivational* [7, page 319]. A political crime.

According to the *criminal law* approach, political crime is a collection of similar political offenses recognized as such by the legislature and committed within a specific territory over a specific time period. This approach permits to all the more precisely characterize the subject of examination and its limits, and yet it is completely attached to the ongoing regulation and, thusly, is more reasonable for concentrating on the peculiarity of state wrongdoing. State crime is the only type of criminal offense that stands out from the rest and is protected by criminal law. This criterion dictates that the norms of the corresponding (twenty-ninth) chapter of the Russian Criminal Code are used primarily for the study of state crime, whereas the study of political crime cannot be restricted to the examination of the criminal law norms of a single chapter.

A much broader range of criminal law norms from various chapters of the current Russian Federation Criminal Code must be examined. Experience gained abroad ought to also be taken into consideration. The majority of nations do not have legislation that even mentions the term "political crime," so their comprehensive list does not exist. Only the laws of Italy and a few other nations contain the concept of a political crime [3, p. 10]. One definition of G.N. Gorshenkov that can be used in conjunction with this strategy is: According to [2, p. 125], "political crime is a set of criminal acts chosen as a means of achieving political goals. "The purpose of committing a crime (political) and the criminal liability of such acts are two of the distinguishing characteristics of the type of crime being studied that are emphasized in this definition. In addition, the nature of the phenomenon under consideration is not made clear, such as what constitutes political goals in the commission of political crimes and the crimes committed against the people by the state and its representatives.

Political crime, according to A.F. Kulakov, is a system of particularly perilous illegal acts that undermine the constitutional state's legal power in society and its fundamental social values, [p. 38]. Although such a definition of political crime reveals its social peril, it does little to clarify and explain the phenomenon's fundamental sociopolitical and criminological characteristics. However, some contemporary Russian criminal law researchers continue to associate the criminal law category "state crime" with the broader criminological category "political crime." [14, pp. 561–563, 13, pp. 433–434]. State crime is typically studied by sociological schools abroad within the context of the newly emerging field of criminology of state crime [20, pages 3–18, 21, pages 434–445].

According to the *motivational* approach, political crime is a set of crimes committed for political reasons, i.e., the political motivation of the committed acts is assumed. This approach is much broader than the criminal law approach, since a wide variety of crimes can be committed for political reasons: against life and health (murder, harm to health, etc.), against the constitutional rights and freedom of a person and citizen (violation of privacy, violations of the equality of citizens, etc.), against freedom of honor, honor and dignity (kidnapping, illegal deprivation of liberty, etc.), against public security (terrorism, riots, etc.), state crimes (crimes against the foundations of constitutional order and security of the state) and crimes against the peace and security of mankind.

An analysis of the motives of the criminal's behavior allows one to penetrate deeper into the essence of political crime as a social phenomenon, to reveal its main socio-political, psychological and other factors, which contributes to the development of adequate measures to prevent it. At the same time, although the content of motivation is of great criminological significance, it lacks the

criminal law value necessary for the legal qualification of the acts listed above that can be committed for political motivation.

An example of a *motivational* approach to the study of political crime is the opinion of academician V.N. Kudryavtsev, according to which political crime is generated by political motives, i.e., disagreement with the social and state system, the policy of the central authorities [8, p. 99]. In this definition, a narrow motivational approach is seen, pointing to the motivational causes of criminal behavior, but not revealing the main features of this phenomenon. At the same time, establishing the true motive for the criminal behavior of a person due to various circumstances and factors is a very laborious task, including due to the fact that “the line between criminal and political motives in committing crimes is very thin” [11, p. 26]. In addition, as noted by V.N. Kudryavtsev, “in recent years, ideological (political and social) motivation has also begun to penetrate into the disposition of the articles of the Criminal Code of the Russian Federation, which is in principle unacceptable” [7, p. 325].

The definition of political crime as a criminological category in a broad general *social sense* is given by V.V. Luneev. In his opinion, political crime is a socially dangerous struggle of the ruling or opposition political elites for power or for its unlawful retention [12, p. 289]. The proposed definition of political crime contains the following features characterizing its socio-political, but not legal, nature:

- the subject of criminal activity - the ruling elite and contenders for power
- the goal is to obtain and / or retain power.

According to V.S. Ustinov, political crime is a crime that consists of crimes committed with the aim of forcibly seizing state power by force of arms. As the main types of political crime, he identifies:

- the activities of parties, movements for the forcible seizure of power, the forcible creation of a new state, the annexation of the territory of another state (military coup)
- anticonstitutional displacement of legally elected authorities (coup d'état) [15, p. 14].

The events of 1993 in Moscow can serve as an example of such a political crime in modern national history. As a criminological category, V.S. Ustinov identified the following essential characteristics of political crime:

- criminals' violent behavior toward the victim
- the goal of the crime or criminal activity is to take power
- using force to accomplish the goal
- the subject of the crime
- large-scale political public associations

The *motivational approach* provides a comprehensive and varied description and explanation of the various forms of political crime that can be categorized on a variety of grounds. However, this is also one of its drawbacks, which is the difficulty in selecting a research topic, necessitating ongoing subject and boundary refinement.

Political subjects (victim, offender, state, and society) attach political significance to a set of illegal acts, phenomena, or processes, according to *the evaluative approach*. This method involves valuing the criminal act not only by the perpetrator but also by society, the state, and the victim of the crime. There is a risk of considering certain acts as political acts because of the corresponding political interests of the authorities, which is common in authoritarian and totalitarian regimes, although democratic regimes are not immune to such cases [7, p. 325]. When a person is held criminally liable for covering up political retaliation against him, using an appraisal approach as a political speculation is one example. According to this method, political [10, p. 145] can be applied

to any social phenomenon or process that influences the alignment of political forces, such as corruption.

A situation in which an evaluative approach to the concept of "*political crime*" in law aids ordinary criminals in evading justice by claiming to be victims of "politically motivated persecution" is also common. As a result, there is pressure on the justice system, and at the suggestion of some media, the criminal is "whitewashed" in the public's eyes.

When deciding whether or not to extradite a criminal or grant him political asylum, the meaning of the term "political crime" is examined through the lens of international and national extradition law. Although it is not criminological, this method largely explains the difficulty and complexity of a proper assessment of political crime as a social and legal phenomenon in world science. S.M. Inshakov views political crime as a multifaceted phenomenon in light of the ambiguity of the *evaluation approach*. This concept encompasses all crimes committed in the political sphere, in the field of state and social administration [4, p. 427], in a narrow sense and all crimes committed for political reasons in a broad sense.

Political crime's content is broadly interpreted using the appraisal method, which contributes to a comprehensive examination of various aspects of the phenomenon.

Political crime as a social phenomenon typically receives an analysis (description and explanation) within the confines of the designated scientific areas. It is important to keep in mind that each of the outlined strategies comes with both benefits and drawbacks. At the same time, a flexible combination of approaches is required for studying various aspects of political crime and describing and explaining its essence. Political crime is different from other types of crime in that it is adaptable and able to penetrate many social processes, which have traditionally been the subject of research in a number of social sciences. It does this by employing a variety of cognitive tools and its own conceptual apparatus.

An integrated approach to studying the phenomenon of political crime is preferable. None of the aforementioned scientific approaches is fully realized. When considering issues such as the granting of political asylum (the right to political asylum) or the extradition of a criminal (the extradition law), international law, for instance, employs not only a legal but also an evaluative approach.

This illustration once more demonstrates the preference for studying political crime using an *integrated* approach, which assumes that the *political category* can change. It can shift from the bearing of improvement of social and political cycles in the public arena and the state and, by and, not entirely set in stone by them. Indeed, even Russian legitimate researchers of the mid 20th century said that the idea of a political wrongdoing shifts relying upon the spot and season of its bonus. This is unquestionably correct. The political regime, the type of government, the form of government, the criminal law in a particular state, and a large number of other factors that influence the formation of the definition of the concept of "political crime" will all be taken into account in a comprehensive criminological analysis of the content of the definition of political crime and its main features.

An instrumental definition of *political crime* as a criminological category can be proposed for further research, despite the fact that there are numerous definitions of "political crime" as a socio-political and criminological phenomenon in contemporary scientific and educational literature.

*The term "political crime" refers to a collection of offenses committed in the field of politics with the intention of achieving political objectives on the territory of a specific state or region during a specific time period. Each political crime has its own distinct appearance, existence, and development patterns, all of which are influenced by a variety of public life factors.* One of many possible perspectives on the nature of the modern criminological phenomenon of political crime is this most general definition. It will evolve over time and reflect the current state of scientific knowledge and concepts regarding the subject under investigation. It is essential to keep in mind that the assessment or interpretation of political crimes by the public and the state, as well as the

very fact that certain types of crimes are included in the category of political crimes, frequently result from the deliberate work of power and ideological institutions that shape public consciousness [6, pp. 4–17].

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