



Journal Website:  
<https://theusajournals.com/index.php/ajsshr>

Copyright: Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

## ENSURING PUBLIC ORDER AND PROTECTING THE INDIVIDUAL FROM HOOLIGANISM

Submission Date: November 01, 2022, Accepted Date: November 05, 2022,

Published Date: November 13, 2022

Crossref doi: <https://doi.org/10.37547/ajsshr/Volume02Issue11-05>

Karaketova Dilnoza Yuldashevna

Senior Lecturer Department Of Theater Painting Decoration National Institute Of Fine Arts And Design, Named After Kamoliddin Behzod, Uzbekistan

### ABSTRACT

The article deals with the theoretical and legal aspects of ensuring public order and protecting the individual from hooliganism at the present stage of development of society and the state. An important place is occupied by the analysis of the views of learned lawyers on the definition of the concepts of public order and public safety.

### KEYWORDS

Personal protection, public order, public safety, prevention of criminal behavior, prevention of victim behavior.

### INTRODUCTION

Integration into a civilized community, along with the solution of many economic, cultural and political problems, requires the existence of an effective system of social and legal prevention of crimes and appropriate mechanisms for protecting citizens from criminal encroachments. Awareness of the need to solve this problem in recent decades has led to the

formation in civilized countries of a powerful and influential movement in defense of the rights of both criminals and victims, to the intensive improvement of legislation and the practice of treating, on the one hand, the perpetrators of crimes, on the other hand, with the victims of crimes, to rethinking the overall

goals and priorities of the policy to combat criminal manifestations, to control crime.

The modern period of the development of the state is characterized by a deep reformation of the political, social, economic, spiritual and organizational foundations of public life. There is a reassessment and renewal of worldview attitudes. Universal human values, democracy, rights and freedoms of the individual are justifiably brought to the fore. It is the personality, the person, the citizen who represent the purpose and meaning of the activity of the state, and their rights and freedoms are the highest value in the state. Dissatisfaction with the interests of an individual, a person, a citizen inevitably leads society into an unstable state, which in turn causes such social phenomena as the deterioration of the general crime situation, the growth of serious and especially serious crimes, and hence the violation of public order and disrespect for state and society [1]. All this entails the dissatisfaction of citizens, social tension, public fear and concern for their own destiny and life. The problem of creating a relatively stable society is always connected with the security of the individual, with the real possibilities of exercising the corresponding rights and freedoms. The Republic of Uzbekistan has taken a course towards building a state of law, where, indeed, a particular person and his safety become the highest value.

Society and the state are directly interested in a strong and reliable mechanism for ensuring the security of the individual. When we talk about the fact that the aggravation of the crime situation is one of the destabilizing factors, one follows from the other: the protection of the individual from ensuring public order, this order from the reliability of public security, and everything in general - from national security. Hence the problem of strengthening the role of the state and society as a guarantor of the security of the individual. Many basic categories are “woven” into the system: personality, security, security protection, etc. etc., and the main thing at the same time is to ensure the security of the individual and society, the citizen and the state. Therefore, it is necessary to improve the situation in the country, overcome the causes that cause social deformation, as well as the formation of an aggressive way of thinking and behavior, an ugly way of life, develop a set of measures, the implementation of which will meet the interests of the individual and society, the citizen and state. Принцип общего движения таков: осуществление «вытеснения» из общества агрессивного типа личности и формирования неагрессивного типа личности. In essence, we are talking about the prevention of crime, because it is she who, apart from other factors, poses a real threat to the individual and society. It is necessary, therefore, to ensure effective control over crime, in particular, over those acts that infringe on the person and public order.



For a deeper consideration of the problem, some scientists raise the question - what is personal security? In the literature, this is linked to the disclosure of the following concepts: in what ways and methods is the security of the individual, and how to understand: the personal security of citizens, the protection of the individual, etc.? Let us try to consider all these principles, proceeding from the fact, however, that the concepts of personal security and protection of the individual are central to our study.

Personal security is the state of a person, expressed in the absence of threats to him personally, his rights and freedoms.

Personal security is the degree of protection of the vital interests of a person, his rights and freedoms.

Personal protection is specific actions aimed at ensuring the safety of a person, preventing any encroachment on him, preventing an offense on his part, protecting his rights and freedoms, life and health, property, etc. To some extent this corresponds to the concept of "criminological security" [2].

These concepts are closely interrelated and, in general, ultimately come down to protecting a person from any encroachment.

The problem of ensuring security and society, the citizen and the state is considered at two levels.

The first level is general (broad concept); it is to ensure national security and public order.

The second level is individual (narrow concept); this is to ensure the security of the individual, its protection from encroachment on its rights and freedoms.

At each of these levels, the criminological aspect is singled out when it comes to the state of crime in general and, in this regard, to the public order, when specific criminal acts, the perpetrators, and the victims are meant. The constant transition from the general to the individual and vice versa testifies to the unity of these levels. At each of these levels, the criminological aspect is singled out when it comes to the state of crime in general and, in this regard, to the public order, when specific criminal acts, the perpetrators, and the victims are meant. The constant transition from the general to the individual and vice versa testifies to the unity of these levels. They can only manifest themselves in the fact that the measures necessary to ensure public order often do not coincide with the measures to protect the individual from hooliganism. In the first case, they are broader and less specific, while in the second they are targeted at specific individuals. In general, hooligans are restrained from deliberately disregarding the rules of behavior in society, associated with beatings, causing minor bodily harm, or destroying or damaging someone else's property.



Any level of ensuring security and society, protecting public order and protecting the individual can be considered independent, as it is adapted to take into account the specific conditions of its manifestation. But this autonomy is conditional. Indeed, the two indicated levels - ensuring public order and protecting the individual - are different aspects. At the same time, only in unity do they constitute a solution to the whole problem. It is impossible to ensure public order, to protect it from gross violations, without simultaneously protecting the individual from hooliganism, and vice versa - protecting the individual from hooliganism presupposes the protection of public order from gross violations. There is no "priority" general or individual. There is unity, "equality", a balanced relationship between levels. It means "balanced system".

Investigating the ratio of protection of the individual from hooliganism (respectively, ensuring its safety) and public order, we present them as a kind of tools that allow us to influence social relations in order to achieve our goals. If the protection of the individual from hooliganism is ensured and, in this sense, the safety of citizens is ensured, then there is a proper public order, therefore, it is reliably protected, and if the rules of behavior in society are deliberately neglected by hooligans and this becomes massive, then relations are violated. related to the protection of the individual from hooliganism, the safety of citizens

is not ensured. Therefore, we can say that the security of a person, as a result of a "calm" state of public order, is together with it in an objective relationship [3]. As a matter of fact, external and internal relations that ensure public order and protection of the individual at the individual level are designated by the Criminal Code of the Republic of Uzbekistan, in Art. 277 which provides for various penalties for deliberate disregard for the rules of conduct in society, associated with beatings, causing minor bodily harm, or destroying or damaging someone else's property. In this case, speaking about the protection of the individual from hooliganism, the protection of public order, other people's property, we emphasize the proximity of these values, which allows us to establish the boundaries of protected social relations, defined by Art. 277 of the Criminal Code of the Republic of Uzbekistan. The law in this case guarantees both the protection of the individual and the protection of public order.

Ensuring the absolute security of the individual is practically impossible. M.M. writes in a peculiar way about this. M. Babaev in the preface to the book by V.A. Pleshakova [4]: "From birth to death, we are all constantly and invariably threatened by something. These dangers are so different that it is sometimes impossible to compare them with each other: from the smallest threats to our health, easily overcome with an umbrella or warm clothes, to cataclysms that claim the



lives of tens of thousands of people and destroy entire cities. At the same time, however,

M. Babaev calls to focus on such a danger for people as crime. In this regard, he writes about national security, about the most serious threats to society and its institutions, and finally, about the need to protect the individual from criminal attacks. It is this problem that M. Babaev brings to the fore, because the problem concerns ensuring human security.

The problem, in our opinion, is presented correctly. It is considered not only as legal, but also social, and puts forward such a concept as preventive protection. Here, a connection is established both with the prevention of criminal behavior and with the prevention of victim behavior.

Preventive protection of the individual from criminal encroachments replaces the repressive task with the preventive task. Its main goal is precisely prevention.

In a society where they want to prevent a crime rather than punish for it, rather to protect a person from encroachment on him than to take revenge on the criminal, the main thing will always be not repression, but prevention. Accordingly, it is precisely this that should be built as a whole system of preventive protection of the individual from criminal encroachments.

The prevention of criminal and victim behavior is a unity that was lacking in the traditional concept of social crime prevention. In the new system, one should see “on an equal footing” preventing people leading an antisocial lifestyle from becoming involved in a criminal path, and preventing victim behavior on the part of those who may become a victim of a crime. Whatever we think about disputes on this issue, they still testify to the relevance and viability of such a topic as the preventive protection of the individual from criminal encroachments.

The laws of the Republic of Uzbekistan protect a person from criminal encroachments, however, crimes are still committed. A.M. Yakovlev writes: "The simplest explanation for why people do not commit crimes is that it is not beneficial for them, or the state and society take all measures so that crimes are not committed" [5]. At one time, L.V. Frank noted that it is not profitable for people to become victims of crimes, therefore, apparently, they try not to be them, and then, like A.M. Yakovlev, pointed out that the state and society are doing everything to protect a person from crime [6]. Of course, the fate of each person is in his own hands. With regard to criminals, it can be said that people do not have the right to commit crimes, and with respect to victims of crimes, that they have the right to demand protection from crimes. Obviously, the state and society must protect both. They have an obligation to limit the risk of some being punished for

crimes and the risk of others becoming victims of crimes. This obligation is the main "element" of the system for protecting the individual from criminal encroachments.

In order for the state to successfully protect a person, his rights and freedoms, it must be a state of the rule of law. One cannot talk about the prestige of a state if it cannot protect its citizens. The attitude of the state towards criminals and their victims is the measure of its conscience and morality. At the same time, it is precisely the moral potential of the state that is assessed.

Violent crimes are mainly committed against a person. The degree of their public danger is different from murders to beatings. When evaluating these crimes, not only their consequences are taken into account, but also the nature of the violence.

An analysis of the general situation in the country indicates that in the Republic of Uzbekistan over the past ten years, the situation in the field of human protection has been improving from year to year. The Constitution of the Republic of Uzbekistan (Article 2) indicates that a person, his rights and freedoms are the highest value. In accordance with this, Article 2 of the Criminal Code of the Republic of Uzbekistan, among the objects of legal protection, put the protection of the rights and freedoms of man and citizen in the first place. The personality is protected by a numerous

system of criminal law, and the task of protecting a person, his rights and freedoms is the main task for criminal law. It is solved by establishing high sanctions for crimes against a person.

The crisis of crime, closely related to the general social crisis in society, the acute criminal situation in the country in one way or another affects a particular person. Some crimes infringe on him, others cause him direct harm, although they encroach on objects of a more general nature, still others affect the interests of a person through certain consequences, seemingly infringing on some general rules, and fourth ones affect an individual more indirectly. In general, an accurate and definite allocation of crimes against a person, his rights and freedoms, legitimate interests, if we keep in mind the consequences of criminal acts (the harm caused by them, the damage caused), seems practically impossible. However, considering the problem in a sociological context, one can argue as follows: a person is a member of society, a citizen of the state, and his interests are also the interests of society and the state. In other words, human orientation does not negate the harmony of interests of the individual and society, citizen and state. There are many problems here that can be studied both from a legal and sociological point of view.

The main thing is legal concepts, and therefore, with regard to the legal aspect, the following should be borne in mind: an objective criterion for delimiting



crimes against a person from other acts has developed on the basis of traditional criminal law research. But there are also sociological concepts, in accordance with which the question of the unity of the interests of the individual and society is raised. Contradictions between the individual and society must be overcome without infringement of human rights and freedoms. One of the forms of resolving these contradictions is the social prevention of offenses, the system of which includes legal prevention (including criminal law), moral, victimological prevention, etc. Hence the problem of preventive protection of the individual from criminal encroachments. Conflictology can also play a certain role in this. Contradictions grow into conflicts, and conflicts - into crimes [7]. But in any case, the basis for the protection of the individual is the corresponding legislative and regulatory framework.

The main thing that is important to emphasize is that all areas of crime prevention “flow” into the “channel” of preventive protection. Regardless of how crimes are prevented, in the end, with the success achieved, the individual will be safe from them. By preventing victim behavior, we simultaneously prevent crimes, and by preventing crimes, at the same time, we protect a potential victim from encroachment [8]. One can even raise the question not only about the prevention of criminal and victim behavior, but also about their negative consequences (along with others, the existence of a victim is a consequence of a crime, and a

crime acts as a consequence of victim behavior). In any case, the problem of protecting the individual is being solved. However, as already noted, protecting a person from criminal encroachments by preventing criminal and victim behavior, we protect society from criminal acts. The task of preventive protection is thus expanding; inevitably there is an orientation towards solving a two-pronged practically significant problem: not only to protect the individual from crime, but to prevent its influence on society [9]. Recall once again: preventive protection does not deny the harmony of the interests of the individual and society, but at the same time it takes into account that the individual is individualized, and therefore, under any circumstances, acts as a specific object - a specific person. Such an object is both those persons on whose part crimes are prevented (guilty) and those against whom crimes are directed (victims). But it is always a specific person.

The constitutional protection of man and citizen, the protection of the rights and freedoms of the individual, dignity, life and health are always brought to the fore [10]. The Constitution of the Republic of Uzbekistan indicates that it is the person who is the highest value. In accordance with this, to which we have already paid attention, the Criminal Code of the Republic of Uzbekistan, among the objects of legal protection, put the protection of a person, his protection from criminal encroachments, in the first place. We also noted that



the individual is protected by various norms of law, by an extensive system of sociological institutions.

The law and society protect the individual, protect, on the one hand, preventing the formation of the individual on a criminal path, on the other hand, preventing the victim behavior of the individual; they are two sides of the same coin. That is why the protection of the individual as a specific type of activity stands out especially. In any case, the “edge” of such protection is aimed at protecting the individual, firstly, preventing her from becoming on the path of crime, that is, without bringing the matter to punishment (which manifests humanity), secondly, by averting criminal encroachment from it, that is, without bringing the matter to the point that a person becomes a victim of a crime. In each of these cases, the social foundations of crimes are neutralized. Crime is a phenomenon, therefore, it is necessary to fight the social basis of this phenomenon, and not its consequences. Preventive protection is also aimed at this.

The essence of the problem is that, while protecting a person from crimes, it is necessary to prevent crimes, and in this regard, to prevent the development of manifestations that contribute to criminality. With such protection, contradictions between the individual and society are resolved, social conflicts are overcome, etc. There is a fight against such negative phenomena as drunkenness and alcoholism, drug addiction, etc.

Control over crime and its consequences is being strengthened. In order to protect the individual, economic, socio-political, psychological and other problems are solved. In general, to increase the effectiveness of this protection, the necessary living conditions are created.

### REFERENCES

1. Плешаков В.А. Криминологическая безопасность и ее обеспечение в сфере взаимодействия организованной преступности и преступности несовершеннолетних. Автореферат докторской диссертации. М.: 1998; Прудников А.С. Теоретико - правовые и организационные основы обеспечения безопасности личности. М.: 1999.
2. Каракетова, Д. (2021). Криминологическая характеристика хулиганства и личности хулигана. Общество и инновации, 2(2/5), 68–75. <https://doi.org/10.47689/2181-1415-vol2-iss2/S-pp68-75>
3. Плешаков В.Л. Криминологическая безопасность и ее обеспечение в сфере взаимодействия организованной преступности и преступности несовершеннолетних. М., 1999. С. 4-5.
4. Яковлев А.М. Теория криминологии и социальная практика. М., 1985. С. 150-151.



5. Франк Л.В. Почерневший от преступления и проблемы советской виктимологии. Душанбе, 1977. С. 10-11.
6. Пилявсц В.В. Уголовная ответственность за посягательства на личность и права граждан. Авто-реферат кандидатской диссертации. М., 1998.
7. Кудрявцев С.В. Конфликт и насильственное преступление. М., 1991. С. 14-15; Митин И.О. Социальные конфликты, их последствия и уголовно- правовая охрана человека. Саратов, 1991. С. 40-45; Прудников Л.С. Безопасность личности и ее обеспечение органами внутренних дел. Авто-реферат докторской диссертации. М., 1999. С.20-21.
8. Юсупджанова, Г. (2022). Probatsiya instituti-horiji mamlakatlar tazhribasi. Общество и инновации, 3(5/5), 158-162.
9. Эшкobilов, С. (2022). Оммавий тартибсизликларнинг олдини олишда профилактик чора-тадбирларнинг аҳамияти. Общество и инновации, 3(3/5), 98-105.
10. Nodirbek Jalilov. (2022). INTRODUCTION AND LEGAL BASIS OF THE INSTITUTION OF INDIVIDUAL PREVENTION OF CRIMES. The American Journal of Political Science Law and Criminology, 4(06), 48–52. <https://doi.org/10.37547/tajpslc/Volume04Issue06-08>