

CRIMINAL-LEGAL CHARACTERISTICS OF RECIDIVISM

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ABSTRACT	KEYWORDS
<p>Recidivism represents one of the most complex and socially dangerous manifestations of multiple crimes within the criminal law of the Republic of Uzbekistan. It not only demonstrates the limited effectiveness of previous punitive and corrective measures but also significantly heightens the level of public danger and undermines public confidence in the justice system. This article offers a comprehensive analysis of the criminal-legal characteristics of recidivism, its conceptual foundations, mandatory features, types, and practical problems of qualification in accordance with the current legislation of the Republic of Uzbekistan. Particular emphasis is placed on the provisions of Article 34 of the Criminal Code of the Republic of Uzbekistan, which establishes a differentiated system comprising simple recidivism, dangerous recidivism, and especially dangerous recidivism. The study explores the close interrelation between recidivism and the institution of criminal record, the rules governing multiple crimes, the impact of recidivism on the individualization of punishment, and its role as an aggravating circumstance. Furthermore, the article addresses contemporary challenges in judicial practice, the balance between the principles of justice, humanism, and public protection, and the directions for further improvement of criminal-legal regulation in the context of the criminal policy of New Uzbekistan. Despite ongoing legislative reforms aimed at humanization, recidivism continues to pose serious theoretical and practical issues that require deep scientific understanding and effective law enforcement mechanisms.</p>	<p>Recidivism, multiple crimes, criminal record, dangerous recidivism, especially dangerous recidivism, qualification of crimes, sentencing rules, Criminal Code of the Republic of Uzbekistan, criminal policy, New Uzbekistan, repeated criminality.</p>

Introduction

Recidivism occupies one of the central positions among the institutions of the General Part of criminal law in the Republic of Uzbekistan. According to Article 34 of the Criminal Code of the Republic of Uzbekistan, recidivism is defined as the commission of an intentional crime by a person who was previously convicted of an intentional crime, provided that the conviction has not been expunged or removed in the manner prescribed by law. This legislative formulation underscores two fundamental mandatory features: the intentional character of both the previous and the subsequent crime, and the presence of an unexpunged criminal record at the time of committing the new offense. Such a definition

clearly distinguishes recidivism from other forms of multiple crimes, including repetition (when several crimes are committed before conviction) and aggregation of crimes (when several independent crimes are committed by the same person). The criminal legislation of Uzbekistan adopts a differentiated approach to recidivism, reflecting the varying degrees of social danger posed by repeated criminal behavior. Simple recidivism arises when a person who has a previous conviction for an intentional crime commits a new intentional crime. Dangerous recidivism is established in cases where a person commits a new intentional crime after having been convicted of an intentional crime, as well as in other instances directly provided for in the articles of the Special Part of the Criminal Code. Especially dangerous recidivism is recognized when a person, previously sentenced to imprisonment for a serious or especially serious crime for a term of not less than five years, commits a new intentional crime that is also punishable by imprisonment for five years or more. This graduated classification enables courts to apply more precise and proportionate measures of criminal liability, taking into account the persistence and antisocial orientation of the offender's personality.

The criminal-legal features of recidivism in Uzbek legislation include several interrelated elements. First, the factual commission of a new intentional crime after a previous conviction. Second, the legal existence of an unexpunged or unremoved conviction. Third, the absence of any circumstances that terminate the legal consequences of the previous conviction, such as statutory expungement periods or judicial removal. Fourth, the intentional form of guilt in relation to both offenses. These features collectively determine the legal qualification of the act as recidivist and serve as the basis for applying enhanced criminal liability. It is important to note that recidivism itself does not form an independent *corpus delicti* but acts as a qualifying sign in certain offenses or as a general aggravating circumstance under the rules of sentencing. The institution of criminal record plays a decisive role in the construction and application of recidivism. In accordance with the Criminal Code of the Republic of Uzbekistan, a conviction arises from the moment the guilty verdict of the court enters into legal force and remains in effect until it is expunged or removed. The duration of the conviction period depends on the category and gravity of the committed crime. Upon expiration of the statutory terms, the conviction is automatically expunged. Additionally, the court may remove the conviction before the statutory period if the convicted person has demonstrated correction through irreproachable behavior and active participation in public life. During the period of conviction, the commission of any new intentional crime automatically triggers the rules on recidivism, which significantly affects the type, term, and conditions of punishment.

In the judicial practice of Uzbekistan, the qualification of recidivism frequently encounters certain difficulties. These include cases involving suspended sentences, conditional early release from punishment, replacement of the unserved portion of a sentence with a milder punishment, as well as the application of amnesty or pardon acts. Courts must carefully verify the finality and unexpunged status of the previous conviction, the intentional nature of both crimes, and the absence of rehabilitative circumstances. Incorrect qualification of recidivism may lead either to unjustified leniency toward persistent offenders or to violations of the principle of justice through disproportionate punishment. Such errors negatively affect the effectiveness of the entire criminal justice system. The criminal policy of the Republic of Uzbekistan in the era of New Uzbekistan seeks to achieve a balanced approach: humanizing criminal legislation while simultaneously strengthening the fight against serious, organized, and repeated crimes. Recent legislative amendments have expanded opportunities for alternative sanctions and rehabilitation measures, yet the institution of recidivism continues to serve as

an important legal tool for protecting society from persistent offenders. Enhanced liability for recidivists performs deterrent, incapacitative, and preventive functions. At the same time, modern criminal policy emphasizes the need for comprehensive resocialization programs, including vocational training, psychological assistance, and post-penitentiary support, aimed at reducing recidivism rates. Theoretical analysis shows that special (identical) recidivism, where a person repeats the same category of crime, poses a particularly high social danger. This form indicates a stable criminal orientation and requires more intensive corrective and preventive measures. In contrast, general recidivism, involving different types of crimes, may sometimes reflect situational factors or changing life circumstances. Uzbek criminal doctrine and judicial practice pay special attention to special recidivism when determining dangerous and especially dangerous forms, which aligns with criminological data on the stability of antisocial attitudes among such offenders. Comparative legal analysis demonstrates that the regulation of recidivism in Uzbekistan shares common features with other post-Soviet states while reflecting national priorities. Many countries apply enhanced penalties for recidivists, but the differentiated system established in Article 34 of the Criminal Code of Uzbekistan allows for more flexible and individualized approaches. International standards, particularly those developed by the United Nations, stress the importance of combining proportionate punishment with effective rehabilitation programs. Uzbekistan's criminal policy increasingly incorporates these recommendations, seeking to reduce recidivism not only through repression but also through social adaptation and prevention.

The social danger of recidivism extends beyond the direct harm caused by repeated crimes. It creates effect on unstable segments of the population, erodes trust in law enforcement and judicial authorities, and increases the overall burden on the penitentiary system. Therefore, a thorough scientific understanding of the criminal-legal characteristics of recidivism is essential for improving both legislative norms and law enforcement practice. Further development of criminal legislation should focus on refining the criteria for different types of recidivism, expanding rehabilitative mechanisms, and strengthening inter-agency cooperation in the prevention of repeated crimes. In the context of ongoing digitalization of the justice system in Uzbekistan, the creation of unified electronic databases of convictions significantly facilitates the accurate identification and qualification of recidivism. This technological advancement helps reduce errors in judicial practice and ensures the inevitability of legal responsibility. At the same time, it raises new issues related to the protection of personal data and the rehabilitation rights of citizens whose convictions have been expunged. The analysis of recidivism also reveals the need to improve the quality of corrective work in penitentiary institutions. Effective implementation of educational, labor, and psychological programs can substantially lower the likelihood of repeated offenses after release. In this regard, closer cooperation between law enforcement agencies, local authorities, and civil society institutions becomes particularly important for successful resocialization of former convicts.

In conclusion, the criminal-legal characteristics of recidivism in the legislation of the Republic of Uzbekistan represent a carefully structured legal institution designed to respond proportionately to the heightened public danger of repeated intentional crimes. Its proper understanding and application require integrated theoretical knowledge, strict compliance with legislative requirements, and consideration of the specific circumstances of each case. Further improvement of the regulation and application of recidivism rules, taking into account the principles of humanism, justice, and the protection of society, remains one of the priority tasks of the criminal policy of New Uzbekistan. Only

through such a balanced and scientifically grounded approach can the effectiveness of criminal law in combating repeated criminality be significantly enhanced.

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