

CRIME AND DELINQUENCY: A PHILOSOPHICAL ANALYSIS

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Abstract:The article analyzes the essence of the concepts of crime and criminality, their similarities and differences, causes of occurrence, as well as the negative impact on the development of society. The importance of philosophical analysis combined with legal, sociological, psychological and other approaches to crime and criminality in the past and present is emphasized. Definitions, rules and attitudes given by Uzbek and foreign scientists to issues related to crime and criminality are analyzed comparatively. It is noted that crime distinguished from individual crimes by its specificity: historical variability, social significance, legal nature, negative nature, systematic nature. It is emphasized that in current scientific research in the field of crime and criminality, there are confusions between these two concepts and it is necessary to pay attention to the issues of their elimination. The fact that the phenomenon of crime and criminality is in a dialectical relationship with other social relations in society, the role of social norms together with legal norms in their prevention and elimination is analyzed Also, the essence of the concepts of crime and criminality is revealed on examples with the use of philosophical categories of whole and part, singular, particular and general. At the end of the article are recommended suggestions and conclusions about crime and criminality.

Key words:philosophy of crime and criminality, dialectical unity of crime and criminality, whole and part, singular, particular and general.

INTRODUCTION:The concepts of "crime" and "criminality" are concepts that have similar and different aspects in their origin, characteristics, and require one or the other. Crime cannot be imagined without separate crimes. This article aims to philosophically analyze the essence of these concepts. If we consider the concepts of "crime" and "criminality" from a legal point of view, it seems that there is almost no difference between them. . Because the basis of crime is committed crimes. In the legal literature, various definitions of the concept of crime are given as follows. For example, in the Criminal Code of the Russian Federation, the concept of crime is defined as follows: "A culpable, socially dangerous act prohibited under the threat of punishment is considered a crime" [1]. In the Criminal Code of the Republic of Kazakhstan, "criminal social dangerous act (action or inaction) confirmed under the threat of punishment in the form of a fine, correctional work, involvement in public works, restriction of freedom or deprivation of freedom is considered a crime.[2] In the Criminal Code of the Republic of Uzbekistan, "A culpable socially dangerous act (action or inaction) prohibited by this Code is considered a crime with the threat of punishment"[3]. Such a list can be continued, almost all of them more precisely define the traditionally accepted concept of crime in criminal law: "Criminal action is an act that violates the norms of law and order." In these cited sources, the concept of "crime" is interpreted as a legal category.

MATERIALS AND METHODS:Tariffs given to the concept of "criminality" in scientific literature, like the concept of "crime", also form a unique diversity. In particular, legal scientist U. In the Juridical encyclopedic dictionary, published on the basis of Tajikhonov's general editing, "Crime is the theory of state law, according to the foundations of criminology, crime is used in a broad sense as a generalized concept of all violations of law in one or another society. In a narrow sense, crime and its existence are understood, and the violation of laws related to crime is studied as a crime",[4] Russian scientists N.F. Kuznetsova and V.V. Criminology textbook published by Luneeva defines

that "Crime is a historically changing social and criminal-legal negative phenomenon, it is a system of crimes committed in a certain area in a certain time"[5]. The conclusion from the above-mentioned definitions is that despite the fact that the basis of crime is committed crimes, the concepts of "crime" and "criminality" do not have exactly the same meaning and their differences are noted.

Criminality has its own characteristics from individual crimes, which include: historical variability, gaining social significance, having a legal nature, negative character and systematicity. Historical variability. Crime is a historically variable phenomenon, the causes of its origin, content, directions, conditions and status change over time. Accordingly, the range of actions considered criminal by states also changes, there is a constant criminalization of actions that are socially dangerous and decriminalization of actions that eliminate public danger. As an example, we can cite the abolition of speculation as a crime, which was previously in the legislation, or the introduction of crimes that occur through computer and Internet networks, which did not exist before in the Criminal Code of the Republic of Uzbekistan [6]. Social relevance. Both criminals and victims are members of society. Crime always harms not only a certain person, but also the whole society. Criminal behavior undermines the social institutions and organizations operating stably in the society and the relations between their members. The causes of crime and its conditions are also of social importance. Crime is closely related to socio-economic, political, spiritual-ideological, legal, psychological and other social relations between people in society. Social relevance. Both criminals and victims are members of society. Crime always harms not only a certain person, but also the whole society. Criminal behavior undermines the social institutions and organizations operating stably in the society and the relations between their members. The causes of crime and its conditions are also of social importance. Crime is closely related to socio-economic, political, spiritual-ideological, legal, psychological and other social relations between people in society. Being of a negative character. Crime, regardless of its form, damages normal social relations in society, therefore it is considered a negative phenomenon. However, some proponents of criminological theory E. Durkheim, G. Mead, K. Erikson recognize the presence of crime as a component of any healthy society and one of the factors affecting its development [7]. Systematic. Criminality does not consist of a mechanical sum of all crimes committed in society, it has systemic features. Today, the religious extremist and terrorist acts that shake the whole world are not the appearance of individual crimes, but the manifestation of criminality as a whole system. The systemic feature of crime is that there are stable connections between its separate elements, which in turn are closely related to other social phenomena outside of crime. Today, it is important to analyze the concepts of "crime" and "criminality" not as a purely legal category, but philosophically, that is, within the framework of "philosophy of crime" and "philosophy of crime". Recently, foreign, especially Russian scholars have been paying serious attention to the problems of the philosophy of crime along with the philosophy of crime and punishment. Including E.A. "Philosophy of crime" by Pozdnyakov, I.M. Ragimov's monographs entitled "Philosophy of Crime and Punishment", A.P. Dubnov and V.A. Dubovtsev's book "Philosophy of crime. Problems of criminalization of Russian society", D.S. Babichev's monograph entitled "Political-legal study of the philosophy of crime" was published for his candidate's thesis. Also, A.I. Alexandrov's influential monograph "The Philosophy of Evil and the Philosophy of Crime" saw the world. Unfortunately, not a single scientific work was created in this field by Uzbek scientists. When we talk about "philosophy of crime" and "philosophy of crime", we can witness that they are very diverse and complex. In this matter, along with the conflicting views of the above-mentioned authors, some of them do not distinguish between the "philosophy of crime" and the "philosophy of criminality". In particular, D.S. Babichev states that "The study of the

philosophy of crime involves considering the phenomenon of crime as an inevitable fact of existence capable of continuous existence and development", and in other places the author even recommends to rely on the knowledge gained in philosophy, philosophy of law, sociology and other humanities in the study of the philosophy of crime. suggests.[8] According to him, the study of the philosophy of crime involves a philosophical understanding of the essence of the phenomenon of crime, considering its essence from the point of view of the absolute manifestation of "evil" originating from a person. He emphasizes that the "evil" that exists in a person, constitutes his essence and guides his actions, is a factor in committing criminal acts in him. In this way, he confirms the correctness of using the philosophy of crime, and not the philosophy of crime, to answer the philosophical question of why a person commits a crime. It is impossible to disagree with these views of the author, because the reason for any criminal behavior should be sought from the person himself. Legal scholar A.I. Aleksandrov defines the concept of "philosophy of crime" using the concept of "philosophy of crime" as follows: "Philosophy of crime is an adequate understanding of the philosophical-theoretical meaning and essence of the phenomenon of crime, the limits and degree of its connection with legal behavior, the determination of the main reasons and conditions, criminal should develop methodological conditions for the emergence and survival of behavior, and if not to eliminate it, at least to minimize it. As a completely independent and promising direction of scientific research, its research tasks consist of these" [9]. The essence of the phenomenon of crime, including crime, the causes and origins of criminal behavior, is the object of study of the philosophy of crime, because the philosophy of crime, not the philosophy of crime, answers the question of what crime is and where the roots of this phenomenon come from. Also, the author states that "Answers to several questions should be found in the philosophical study of criminality: that is, why does a person commit a crime? What feelings in a person motivate him to commit a crime?" [9]. If these questions are relevant to the philosophy of criminology, then the question arises, what questions should the philosophy of criminology answer? If we proceed from the fact that it is not of fundamental importance, then it turns out that there is no difference between the concepts of "crime" and "crime", even if the author considers these phenomena to be only a connection between general and specific, quantity and quality. In order to understand the essence of the concepts of the philosophy of crime and the philosophy of crime, the similarities and differences between them, and to make sure of their correct application, we think it is appropriate to consider the interdependence, independence and proportionality of crime and crime. The importance and necessity of distinguishing these concepts from one another is that the general methodological approach to the study of crime and the causes of crime depends on how to understand their interaction. In other words, if crime is qualitatively different from crime, if these are not events of the same order, then it is completely useless to study crime by knowing the causes of specific criminal acts.

If we approach the concepts of "crime" and "criminality" philosophically, it is appropriate to consider them in separate examples using the philosophy of whole and part and the categories of individuality, particularity and generality. For example, the similarities and differences between crime and criminality can be identified using the following philosophical categories that represent individuality, particularity, and generality. Criminality is a generality, crime is a particularity, and theft is an example of a particularity. In any generality there are elements of particularity and particularity, and on the contrary, in particularity and particularity there are features of generality. In other words, crime includes the symptoms of any crime called a crime. Although the crime is different from other crimes, it embodies the characteristics of criminality. Criminality is a process that requires a specific in-depth study, forming a complex of all actions called crime.

RESULTS:The essence of crime and criminality, which is the basis of our scientific research topic, and scientific approaches to their similar and different aspects, have been the focus of the past thinkers since the ancient Greek philosopher Aristotle. Hegel writes: "...this thing as a thing (crime-italics S.X.) is their purely quantitative ratio. It consists of a specific amount of one substance, which also consists of a certain amount of another substance: a thing constitutes a connection that consists only in the absence of any connection"[10]. Understanding crime as a thing leads the Russian jurist A. Leps to the following conclusion: "Crime as a thing consists of various crimes or their groups that have only some quantitative relationship or "their simple accumulation". In the same way, we can say that there is no connection between crime and different crimes, considered as a collection of different crimes»[11]. After that, the author moves from the theory to the field of practice and says that "modern criminology today combines crimes committed in a certain area over a certain period of time, as a result of which it has its own structure, which must be studied in a dynamic sequence, which has its own essence, which is comparable to the size of the population. Incident - crime occurs. Of course, such "references" have a certain operational importance in the daily activities of law enforcement agencies and related institutions. But they often try to give scientific importance to such "references", even though they are far from science",[10] he says. In his opinion, crime as a new phenomenon with its own essence is the sum of separate crimes in a certain area and has a quantitative statistical indicator. Also, the author emphasizes that the new form called "criminality" is a phenomenon of essence with structure, dynamics, tendency, character, etc. Today, crime is described as both a social and a philosophical-legal phenomenon, describing the state of social relations, the inconsistency between its components, and as one of the ills that have a negative impact on society. Legal scholar A.I. Alexandrov gives a very original definition of crime. "Crime is the public solution of people's problems in violation of the criminal prohibition." The conclusion from this definition is that the public solution of their problems by people is not spontaneous, but conscious, organized, purposeful. In other words, in order to solve their problems, a certain group, that is, a certain public, gathers, agrees in advance, and comes to a single public decision to violate the criminal ban on committing a crime in a certain area at a certain time. The nature of these crimes will not matter. In the past, there is another position that can be found in the territory of the former Soviet state as well as in foreign criminology, and it is recognized that "Crime is the sum of all specific crimes committed in a certain time in a certain society or territory.[11] According to some authors, this definition has a formal character and defines only the normative side of the crime and does not reveal the essence of this social phenomenon.

DISCUSSION OF RESULTS:It is known that any social phenomenon cannot exist in isolation from society, but only appears as an element of the social system. The studied object as a phenomenon is analyzed within the framework of the interaction of all social relations within a whole system. Crime is one such phenomenon. Sociology, using the statistical method of perception, provides public material on qualitative and quantitative changes in crime. On the basis of these materials, criminology studies the state, dynamics, structure of crime, that is, all factors related to crime statistics, as well as actions committed by people in society and contrary to the interests of society. The peculiarity of crime is that each individual crime is the result of conscious activity of a person, and crime indicators are always changing, which means that crime statistics may not correspond to reality. Without studying the problems of social and historical origins of crime, it is impossible to be limited to its statistical analysis. Crime is at the same time a relatively massive, historically variable, social, criminal and legal phenomenon. However, it should be remembered that the social nature of crime is determined not by the fact that crime has social roots and causes, but by

the social nature of a particular crime. The fact is that people's behavior is a phenomenon characteristic of society in general, and crime is a type of such social behavior. The diversity of social behavior, their unique internal structure, specific signs and characteristics, and their manifestation constitute its social essence. Any interaction between people always takes place with the help of certain inner experiences. In other words, it is necessary to analyze social phenomena, in particular, the behavior of people living in a group with different characteristics, and to divide them into one or another category, first of all, it is necessary to proceed from the analysis of the mental experiences that take place along with the behavior of a person. Therefore, it is the analysis of mental experiences that serves as the key to explain any human actions, including criminal behavior. This will certainly be possible when psychological categories and concepts are applied to social phenomena. By human spiritual experience one must understand not any interaction, but only spiritual interaction, regardless of where or between whom it occurs. From a psychological point of view, mental interaction includes the internal interaction of people's psyche, desires and inclinations, and all the signs and characteristics associated with mental experiences in general. It should be remembered that the interaction will not necessarily be of a long-term nature. Psychological experience recognizes that it is sufficient for interaction to be short-term or random. For example, the crime is committed suddenly without clear and unplanned preparation, that is, by itself. The social essence of criminality is manifested in the interaction of individuals through the concept of "crime", that is, in the commission of specific criminal acts. If there were never any crimes, naturally there would be no need to look at "crime as a social phenomenon". It should be noted that the analysis of crime based on statistical indicators could not reveal its social nature. For example, in 2023, 58,400 crimes were committed in Uzbekistan. This indicator of numbers is not a product of interpersonal relations, but it represents gender, age, height, weight, hair color and other similar characteristics of people who become participants in criminal behavior. These characters are not social phenomena. In order for crime to be considered as a social phenomenon, as a combination of separate and unique individual crimes, its signs and characteristics must be strictly defined, repeated, public, and socially dangerous. It is appropriate to analyze crime and crime phenomena using the whole and partial categories of philosophy. The great German philosopher Hegel said, "A whole is made up of parts, without which the whole cannot exist... Therefore, the whole and the parts determine each other... each of them is independent of itself, they are two independent, indifferent to each other is existence, the whole is equal to the parts, and the parts are equal to the whole" [12]. Based on the logic of the interdependence of the part and the whole, let's turn directly to the analysis of its manifestation in crime and criminal events. A part means a single event, that is, a specific crime, a set of features and qualities, the signs of which determine its uniqueness and characteristics, and thereby distinguish it from all other parts - crimes. For example, although murder and rape are parts of the same whole, they are different from each other. Despite the fact that many individual crimes are committed in everyday life, the absolute accuracy of at least two of them is excluded, since there are no exactly the same crimes, as well as the same subjects who committed them. At the same time, there is no separate crime that exists separately, by itself, without connection with other criminal events. Robbery cannot be understood as a crime without understanding the content of the invasion, otherwise we cannot properly qualify it. In general, any crime is related to other phenomena of socio-economic, political, legal, spiritual and moral life among people in society, and it cannot arise, exist or disappear without their interaction. Even if there is a separate crime, it will be related to the general offense in one way or another. The conclusion from this is that if separate crimes (parts) are interrelated, if they interact, then there is a common thing that connects them all to a whole

(criminality). This is the common feature of all crimes, without exception, it is the essence of the criminal act. It seems that evil as a philosophical category is the essence of crime. It is through the category of evil that we can conduct a comparative description of individual crimes. For example, murder differs from rape in many ways, but they are united by the evil common to both phenomena. . So, just as there are no absolutely similar, identical crimes, there is no absolute difference between them either. The differences can only be in the degree and nature of the evil. Thus, in relation to the crime, it is understood the unity of characteristics and qualities common to all of them, without exception. Legal scholar D.A. Kerimov writes: "Emergence of a whole can happen only if its parts actually exist, the combination of a certain set of which forms a unique whole organization" [13]. All this tells us that there can be no crime (whole) without separate crimes (parts), and vice versa; it allows to emphasize that they are connected, dependent, conditional. Criminality as a whole structure includes not only the individual important features of the crime, but also the whole set of characteristic features, specific aspects, that is, the crime as a whole. As a result, the newly formed structure, that is, crime, will have those properties that constitute the essence of crime - evil. So, both crime and criminality are characterized by a common essence - evil. Crime as a whole is not a simple set of crimes. Criminality has an objective character in relation to individual crimes, i.e. parts as a whole, and is legal, its formation is a necessity. L.O. As stated by Volt, "Any whole thing differs from a mechanical aggregate in that it has some parts in a regular order according to law, the organization of parts". [14]. A set of crimes is a system that determines the existence of new integral qualities that interact as a part. As any system has its own structure, crime also has its own particular structure. Its structure is formed by the strong interdependence and connection of individual crimes that are part of the system. In other words, the principle, method, law of connection of the elements of the whole and the system of relations of these elements within the whole are understood. The structure of criminality describes the internal form of its organization. Individual crimes in one structure have different characteristics, and accordingly, according to their specific characteristics, they are included in another whole. For example, signs of juvenile delinquency, serious crimes, economic crimes, etc. Crime will be volatile, unstable. The level of stability of crime depends on the nature, character, characteristics, and dynamics of individual crimes. Therefore, it can be noted that individual crimes, that is, parts, are primary in relation to crime (whole), but secondary in relation to old crimes. This applies to actions that later received criminal status. D.A. According to Kerimov, these parts are the whole, which forms the basis of existence, functioning and development. Therefore, regardless of the importance of the parts in the composition of the whole, they are ultimately subordinate to the whole".[15] At the expense of parts, that is, separate crimes, the whole - crime exists and is always changing. After all, it is possible to deepen the knowledge about the nature of crime, to discover new ones, and to clarify certain laws of its development only by taking into account and carefully analyzing specific crimes. This does not diminish the importance of the whole, which is the object of study of the general causes of crime. . Therefore, it can be argued that both individual crimes (parts) and crime in general (as a whole) are independent objects of scientific research. K. Fisher states: "The whole is independent, and the parts are a moment of this whole; however, they have the same degree of independence, and the reflective whole is only a moment"/[16]. The recognition of crime as a social phenomenon inevitably leads to the recognition of its conditionality with specific social causes. In other words, if criminality is not an act of "free will", unlike a separate crime, then its existence is realized by some static, moving forces or causes independent of the will of people. Crime consists of actions committed by people against the interests of society. Any social change that occurs in society, no matter how insignificant it may seem,

directly or indirectly affects the level and dynamics of crime. However, this cannot be attributed to the causes of criminality, because these changes, in general, affect criminality through the social conditions of individuals, negatively affecting their behavior. It should be emphasized that the phenomenon of crime cannot be studied only philosophically, that is, in isolation from legal reality, because crime is a complex, multifaceted and, first of all, socio-legal phenomenon, with its own characteristics and development patterns. Crime and crime are different concepts, so it is impossible to put an equal sign between them. Sociology provides objective information about changes in the quality and quantity of crime based on the analysis of statistical data on crime. Based on these data, criminology studies the situation, dynamics, structure of crime, that is, all aspects related to crime statistics. The reasons for the formation of criminal behavior in a person is not a problem of criminology, but of other sciences such as philosophy, psychology, biology, genetics, in a word, all sciences that study the essence of a person. Therefore, it is necessary to study not the causes of crime, but the causes of criminal behavior of a person, as well as the conditions and circumstances that contribute to the commission of this act. Criminal philosophy is based on the general laws of philosophy in solving the problem, and its research subject is more specific in nature. He: why does a person commit a criminal act in certain situations and conditions? tries to answer the question. Russian jurist N.A. Neklyudov states that "... as an act, the philosophy of crime is nothing more than an abstraction of qualitative and quantitative statistics"[17], and considers the philosophy of crime to be a science that studies crime on the basis of crime statistics. It is difficult to agree with these views of the author. Because the sciences of sociology and criminology deal with the analysis of statistical data in order to develop recommendations for the fight against crime.

CONCLUSIONS:In our opinion, the basic task of the philosophy of crime is the eternal search for answers to the questions: where is the origin factor of criminal behavior?, is a person free to choose his behavior? Saint Paul, one of the great apostles of Christianity, who lived and worked in the first century, said: "Where there is no law, there is no crime." In the twentieth century, L. Hulsman repeats the same idea in a different form: "Only the law says where there is a crime, the law creates the 'crime'".[18] However, the legal, official definition of the concept of "crime" is as follows: what were the general characteristics of the acts considered "crime" and punished accordingly in different periods and among different peoples? What actions are criminal in nature? Is it possible to find at least one act that can be considered a crime in itself in all the codes? It cannot answer the theoretical questions: Is it possible to determine the characteristics that are common to all types of crimes of different social types? Therefore, it needs to be analyzed from a philosophical point of view. Society itself inevitably creates crime in one way or another, and the criminal is only a criminal weapon in its hands; Every social system creates a certain number and certain types of crimes that are bound to be committed in its environment". Kettle believes that if the causes and factors that lead to crime are not thoroughly studied and serious measures are taken to eliminate them, it will remain constant and unchanging. The novelty and important aspect of his views on the issue of crime and punishment is that, based on the analysis of statistical data on the state of crimes, he tries to give a strong blow to the belief that it is necessary to fight against crime through criminal punishment. In particular, he argues that criminal punishments do not affect the social factors of crime and cannot stop its growth. It is impossible not to agree with his thoughts. The author also points out that gender, age, climate, economic conditions, social status and circumstances are also factors that cause crime. Kettle's merit is that, while before him the causes of crime were indicated roughly, theoretically, now he admits that with the help of numbers, the causes of crime can be shown in one way or another with certainty. The benefits of statistical data cannot be understated. At the Statistical Congress held in London in 1860,

they emphasized that "Criminal statistics are as important to the legislator as the map, compass and lot (an instrument for measuring the depth of the sea) are to the seafarer." Kettle also conducts extensive research on the causes of crime. He makes a great chart showing that the seasons have some effect on the propensity for crime. According to the scientist, statistics also make it possible to predict the occurrence of crime in a certain area. He always insists that if you follow the path shown by science, you will succeed. Proponents of the positive school rejected the basic rules of the classical school that the causes of crime lie in free will and began to look for the causes of crime in something else. In particular, they argue that crime is not a product of free will, but a necessary result of the entire physical and spiritual individuality of the crime. The causes of crime are first sought from the influence of the surrounding meteorological, climatic, thermometric, geological and other natural environment. Later, they focused on man and began to look for the causes of crime in his anthropological, physiological and psychological aspects. They emphasize that when a person commits a crime, it is connected not only with his animal (physiological, biological) nature, but also with his emotional psyche. They admit that "factors that we see, hear and influence us from the outside take part in the formation of criminal behavior. In a word, it occurs as a result of all our relations with the outside world." One of the representatives of the sociological school. G.D. Tard notes: "Crime is a social phenomenon like any other phenomenon, but at the same time, it is anti-social, like cancer, which arises in the human body but contributes to its death." Representatives of this school emphasize that crime is a necessary consequence of the social environment in which the criminal grew up and lives. Also, all representatives of this school believe that crime is nothing more than a response to social injustice caused by the imperfect and unsatisfactory organization of society, whose radical reform will bring the level of crime to a minimum. One of the representatives of this school is H.M. Chorikhov: "The social environment determines and activates the forms of social development. Therefore, crime as one of the forms of social and individual actions of a person and social development cannot be considered and studied outside the influence of the factors determining and driving the forms of social development in general. Therefore, because crime is related to general development processes, it is determined by the factors of the social environment. From the points mentioned above, it can be noted that, firstly, the concepts of "crime" and "criminality" are not synonyms, but they differ from each other in terms of meaning and content, and secondly, the concept of "crime" refers to the characteristics and characteristics of separate, individual crimes. "criminality" reflects the quantity and quality indicators of committed crimes, thirdly, crime does not consist of the total sum of committed crimes, but forms a whole system with a new qualitative indicator.

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