

GENERAL CHARACTERISTIC OF THE CONCEPTS OF CRIMES AGAINST PEACE AND SECURITY: PAST AND PRESENT

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ABSTRACT

This article examines the formation of the institution of crimes against peace and security. The problems of the emergence and further development of crimes against peace and security are also considered. Particular attention is paid to interstate cooperation in the fight against crimes against peace and security. This article attempts to reveal the main reasons for the emergence of crimes against peace and security. The article reveals such concepts as terrorism, genocide, aggression.

Keywords: crime, law, code, convention, legal analysis, crimes against peace and security, international, war, aggression, terrorism, mercenarism, genocide.

INTRODUCTION

Studying the issues of qualification of crimes against peace and security occupies a special role in criminal legislation, since these crimes concern, first of all, not only one single state, person or groups of people, but also have a universal human nature, where their terrible consequences are manifested.

The social conditioning of crimes against the peace and security of mankind is determined both by world, local wars, and by internal and external economic, political, social, ethnic, religious, military and other contradictions-conflicts, which, in turn, influenced (sometimes, radically) not only on the functions of many modern states, social relations within them, but also on the genetic determinant, spirituality and mentality of the peoples of the world [1, p. 60].

METHODOLOGY

So, according to the definition of Professor A.G. Kibalnik, international crimes are acts of such a scale and such severity of the occurred or possible consequences that they pose a real threat to the fate of humanity as a whole or peoples, other significant groups of people that make up it: the subject these crimes are in most cases the highest representatives of state power or persons acting on their instructions or in an environment created by the state power that encourages specific criminal actions [2, p.35-44].

In the Charter of the Nuremberg International Military Tribunal, adopted after the victory of the world community and, above all, the USSR over Nazi Germany, all international crimes were divided into three groups:

- 1) crimes against peace;
- 2) war crimes, violation of the laws and (or) customs of war;
- 3) crimes against humanity, murder, extermination, enslavement, expulsion and other cruel acts committed against the civilian population before or during the war, regardless of whether these actions were a violation of the internal law of the country where they were committed or not [3, c. 14-18].

The emergence of crimes related to peace and security should be attributed to the time of the emergence of the first states, such as Egypt, Rome, India and others. During the seizure of territories for the destruction of cities or entire states, where thousands of people died, in part, the victorious side did not bear any punishment, except for horrifying stories for the next generation. It was in antiquity that mercenarism became widespread, when the army was replenished at the expense of foreigners who pursued personal gain, often for a special amount of money. One of the oldest historical evidence of the large-scale use of mercenaries dates back to the reign of Psameticus the First (663-609 BC), when Egypt, bled from the raids of the Assyrians and Nubians, could not maintain a large army and thus used Libyan mercenaries to maintain domination in Asia [4, c. 624]. The work "Anabasis" by Xenophon (first half of the 4th century BC) describes the history of Greek mercenaries, Cyrus the Younger, a pretender to the throne of the Persian state [5]. In ancient Greece, the "blood tax" buyout procedure was widespread, in connection with which wealthy citizens formed light and medium mercenary infantry. Mercenary armies were also common in Carthage. So, to this day, data have come down to a major uprising of Greek mercenaries, which practically destroyed the state of Carthage [6].

RESULTS

For the first time, the ban on mercenarism arose during the US struggle for independence. The US government issued a decree that contained norms that conflict-neutral states must restrain their populations from attempting to intervene in a military conflict on any of the warring 151 sides. In the event of a violation, such activity was recognized as a common crime [7, p. 688].

In the Middle Ages, wars also continued with the seizure of new territories and the brutal extermination of people. It was during this period that a new crime

appeared - genocide, which was characterized by massive persecution of people who were not like others, dissidents, etc.

It is worth remembering the Inquisition, which persecuted opponents of the church, and also passed the death sentence with the help of various tortures. As Nikolayev AN notes, such religious courts can be called one of the most aggressive manifestations of genocide in the entire history of mankind [8, p. 145].

During the Renaissance or Renaissance (XIV-XVI centuries), with the emergence of such concepts as humanism and anthropocentrism, mercenaries were still popular, while there was no large-scale genocide, however, as before, Jews were persecuted.

In the Age of Enlightenment, when new scientific and philosophical knowledge, based on rationalism and free-thinking, are developing, relatively decrease and vivid examples of crimes against peace and security are not observed.

Another widespread crime against peace and security is terrorism, which also has deep roots. A.A. Korolev believes that even three hundred and forty years before our era, the father of Alexander the Great was killed in a terrorist attack [9]. Walter Lucker considers one of the earliest terrorist groups to be the Jewish sect of the Sicarii ("daggers"), which operated in Judea in the 1st century AD [10]. The term "terror" became widespread during the Great French Revolution, caused by mass executions and called the "Era of Terror" [11, p. 127].

Modern terrorism in the era of globalization is becoming an increasingly vivid manifestation of political organized crime, both nationally and internationally. It is used by a number of countries, various political actors and transnational criminal syndicates as a relatively cheap and effective method and means to create a certain conflict situation in order to obtain a new political synthesis and new realities, as well as as a motive and justification for geopolitical expansion [12].

In its most general form, the concept of "terrorism" can be described as "a process regulated by individual states and ruling classes within countries that is destructive for human civilization, on the one hand, significantly worsening the socio-economic and legal situation of individual countries and broad popular masses, on the other hand, forcing them to use armed struggle, sacrificial explosions and murders of government officials and innocent citizens while protecting their interests from violence from the fascist powers and those in power"[13, p. 5].

So, terror is fear, which subsequently intensifies and turns into horror [14, p.11]. Terrorists subsequently instill fear in people, carry out their own selfish goals.

The next XX century will be marked by a new stage in the development of crimes against peace and security - Nazism, fascism, as well as the emergence of new types of weapons of mass destruction (chemical and nuclear). For example, during the First World War, poisonous gases were widely used, which also adversely affected the lives of hundreds of thousands of people.

The world community, after the first use of chemical weapons by Germany, as well as nuclear weapons by the United States, realized the special danger of weapons of mass destruction. In 1925, the Geneva Protocol was signed prohibiting the use of asphyxiant, poisonous or other similar gases and bacteriological agents in war [15]. With regard to the above two types of weapons, the international community has developed conventions that completely prohibit the creation and use of these types of weapons. These are the Chemical Weapons Convention [16] and the Biological Weapons Convention [17].

The Second World War remained in the memory with even more cruel measures against people. It is worth remembering such concentration camps, or how else they became popularly called "death camps" for terrible feuds over people like Auschwitz, Dachau, Buchenwald, where thousands of people died who were not representatives of the Aryan nation or were simply opponents of the regime that was established in Germany. There were not only Jews, but also representatives of other nationalities, on whom various medicines were tested, experiments were carried out, and were also subjected to simply brutal torture.

Political instability, low living standards, distortion of legal values, etc. are directly considered widespread causes of the emergence of terrorism. Today, terrorism is even a kind of business that brings considerable income to the organizers.

It would seem that having such a historical experience in crimes against peace and security, humanity should have learned to live without aggression, wars and world conflicts in general, so as not to repeat the bitter experience of the past. However, humanity continues to live in an era of exacerbation of world conflicts, resistance of the parties on the basis of national enmity, sometimes because of the difference in appearance, religions and cultures.

It should be noted that in order to prevent threats to peace and security, the Republic of Uzbekistan, following the principles of international cooperation, being a full-fledged subject of international treaties, within the framework of criminal legislation, provides for responsibility for encroachments on peace and security.

DISCUSSION

In the Criminal Code of the Republic of Uzbekistan (hereinafter in the text of the Criminal Code of the Republic of Uzbekistan), Chapter VIII is devoted precisely to crimes against the peace and security of mankind [18]. It is this chapter in the Criminal Code of the Republic of Uzbekistan that is of particular importance, since it has an exceptional social danger. Particular attention is paid precisely because these crimes can cause aggression, lead to a state of war, and also endanger the very existence of mankind as a whole.

The content of the criminal law norms specified in the Criminal Code of the Republic of Uzbekistan is represented by the following elements of socially dangerous acts, namely: propaganda of war (Article 150); aggression (Article 151); violation of the laws and customs of war (Article 152); genocide (Article 153); mercenarism (Article 154); admission, recruitment for military service, for service in the security, police, military justice or other similar bodies of foreign states (Article 154.1); terrorism (Article 155); failure to report information and facts about impending or committed terrorist acts (Article 155.1); undergoing training, departure or movement in order to carry out terrorist activities (Art. 155.2); financing of terrorism (Art. 155.3); incitement to national, racial, ethnic or religious hatred (Article 156).

The main object against peace and security is peace and peaceful coexistence as a condition for the development and life of any state, international relations in the field of compliance with the rules of war, the foundations of the existence of mankind, nation, ethnic, racial, religious groups, public security, as a condition for ensuring safe conditions.

The objective side of all crimes against peace and security is usually expressed by an act, in the form of actions or acts of behavior, which are united by one specific goal for a certain norm and consisting of several parts - qualifying signs (except for Article 153, etc., where alternative signs and subject of the crime).

The subjective side of almost all crimes against peace and security is expressed in willful guilt.

The subject of the crime is general, i.e. an individual who has reached the age of 16, however, when committing individual crimes, a special subject is required (for example, officials of states).

So, the existence of the norms that are established by Chapter VIII of the Criminal Code of the Republic of Uzbekistan are primarily aimed at criminal-legal

protection of public relations and ensuring the stability of peace and security of all mankind.

Based on world situations, it is necessary to conclude that crimes against peace and security have historically existed independently for a long time. Some of them appeared with the development of science and technology, others have deep historical roots. For many centuries, these crimes were generally decriminalized and perceived by society as something self-evident, sometimes even their commission became the main way of survival, but, nevertheless, all of them are especially dangerous for society, carry general destruction [19, p. ... 57-69].

CONCLUSION

In conclusion, it should be noted, that it is not for nothing that crimes against peace and security have the status of international crimes and are a vivid example of the implementation of international law in the national legislation of many states, including the criminal legislation of the Republic of Uzbekistan.

REFERENCES

1. Novichkov V.E. "Crimes against the peace and security of mankind: problems of the conflict of Russian, foreign and international law" // Tavrichesky Scientific Observer, 2016. (In Russ.).
2. Kibalnik A. G., Solomonenko I. G. Crimes against the peace and security of mankind / ed. A.V. Naumova. - SPb. : Jurid. center - Press, 2004.(In Russ.).
3. Statute of the Nuremberg Tribunal. Charter of the International Military Tribunal (Nuremberg) of August 8, 1945 // Collection of existing treaties, agreements and conventions concluded by the USSR with foreign states. M., 1955. - Issue. eleven.(In Russ.).
4. Zhidkov, O.A. History of state and law of foreign countries: Textbook for universities in 2 hours / Ed. O. A. Zhidkova, N.A. Krashennikova. - Part 1. - 2nd edition, stereotyped - M. : Publishing house "NORMA", 2004.(In Russ.).
5. Encyclopedic Dictionary of Brockhaus and Efron // Mercenaries, in 86 volumes (82 volumes and 4 additional) - SPb., 1890-1907.(In Russ.).
6. Dupuis, R.E., Dupuis T.N. World history of wars: in 4 books. - St. Petersburg; M. : Polygon-Ast, 1997, Book 1: 3500 BC. A.D. 1400 - 937 Art.(In Russ.).
7. Bolkhovitinov, N.N. History of the United States: in 4 volumes. - T. 1: 1607-1877 - // M. : Nauka, 1983.(In Russ.).

8. Nikolaev A.N. Tokyo: Judgment of the Nations. According to the recollections of a participant in the process. - M.: Jurid. lit., 1990. (In Russ.).
9. Korolev A.A. Terror and terrorism in psychological and ideological dimensions: History and modernity. M.: Moscow University for the Humanities, 2008. (In Russ.).
10. Walter Lucker, Origins. Translation by S. Belov // Journal room. Date of treatment: May 4, 2016. (In Russ.).
11. Gurov K.A., Serebrennikov I.P. The transformation of the historical meanings of the concept of "Terror" in 1794-1917. // Bulletin of the Laboratory of Ancient Technologies. 2017. T.13. No. 4. (In Russ.).
12. Botasheva A.K. Terrorism as a factor of modern political processes: determination, manifestations, countermeasures strategy: dis. ... doc. polit. sciences. - K., 2009. (In Russ.). - Access mode: <https://www.dissercat.com/content/terrorizm-kak-faktor-sovremennykh-politicheskikh-protsessov-determinatsiya-proyavleniya-stra/read>
13. Chunkov Yu.I. Terrorism as a way of implementing global politics // Words and deeds. 2014. No. 24. (In Russ.).
14. Safarova N. Terrorism (tarikhi-falsafiytahlil) // Noshir. 2009 r. (InUzb.).
15. Protocol on the prohibition of the use of asphyxiant, poisonous or other similar gases and bacteriological agents in war: adopted by the treaty of June 17, 1925 / Official site of the International Committee of the Red Cross [Electronic resource]. - Access mode: <https://www.icrc.org/ru/doc/resources/documents/misc/protocol-gases-170625.htm> (date of access: 13.02.2020).