



Genesis and the formation of the criminology terminological apparatus

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ABSTRACT

The article focuses on examining the specificities surrounding the creation and evolution of the criminology terminology apparatus. This subject is particularly relevant because the development of a conceptual and terminological framework is one of the key indicators of a science's qualitative status. The study delves into how these terms and concepts have been formulated, adapted, and refined over time, reflecting the dynamic nature of criminology as a scientific discipline.

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Genezis va kriminologiyaning terminologik apparatining shakllanishi

ANNOTATSIYA

Kalit so'zlar:

kriminalistika,
atamalar,
terminologik apparatlar,
terminologiya,
kriminalistik terminologiya,
jinoyat huquqi fanlari.

Kriminologiya terminologiya apparati yaratilishi va evolyutsiyasining o'ziga xos xususiyatlarini o'rganish maqolaning asosiy yo'nalishi hisoblanadi. Fanning hozirgi sifat holatini belgilaydigan ko'rsatkichlardan biri uning konseptual va terminologik apparatining rivojlanishi ekanligini hisobga olsak, bu savol juda o'rinli ko'rinadi.

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Генезис и формирование терминологического аппарата криминалистики

АННОТАЦИЯ

Ключевые слова:

криминалистика,
термины,
терминологический
аппарат,
терминология,
криминалистическое
терминоведение,
уголовно-правовые науки.

Статья посвящена исследованию формирования и эволюции терминологического аппарата криминологии. Поскольку развитие понятийно-терминологического аппарата является одним из ключевых показателей, определяющих современный уровень науки, данная тема представляется чрезвычайно актуальной.

Language as a means of interaction between subjects and a tool for the accumulation and transmission of information appeared much earlier than the beginning of the period of formation of the scientific field of knowledge. It happened more than 600 thousand years ago. Since then, being in constant development, he embodied many aspects of human existence and consciousness, therefore, questions about his meaning and essence affect global philosophical problems of cognition.

A peculiar tool for the acquisition, storage, reproduction and transmission of special information are terms that together form a special system of linguistic expression of special concepts (terminology).

The importance and relevance of problematic aspects of the terminological apparatus of criminology is emphasized by the increased attention of scientists to this issue. For example, publications by T.V. Averyanova, O.Ya. Baev, A.R. Belkin, R.S. Belkin, A.I. Vinberg, T.S. Volchetskaya, A.Yu. Golovin, E.A. Zaitseva, A.M. Zinin, N.P. Mailis, E.R. Rossinskaya, A.A. were devoted to certain problems in this area. Eisman, N.P. Yablokov and other scientists.

The word criminology originated in 1890. The general meaning of the term is the scientific study of crime as a social phenomenon, of criminals and of penal institutions. Prof. Kenny described that Criminology is a branch of criminal science which deals with crime causation, analysis and prevention of crime. Criminology as a branch of knowledge is concerned with those particular conducts of human behavior which are prohibited by society. It is, therefore, a socio-legal study which seeks to discover the causes of criminality and suggests the remedies to reduce crimes. Therefore, it flows that criminology and criminal policy are interdependent and mutually support one another. Thus, criminology seeks to study the phenomenon of criminality in its entirety.

Currently, in the scientific community, the position that criminology, having its own subject and object of research, is an independent field of knowledge, occupies a dominant position, but, on the other hand, we cannot dispute the fact that it was developed on the basis of and under the direct influence and influence of other various sciences of criminal law the cycle, in particular, of criminal law, criminal procedure law, etc. It follows quite logically from this that the formation and development of forensic terminology. It is directly related to the terminological apparatus of these basic sciences of the criminal law block. Therefore, the existing terminological contradictions and a number of unresolved controversial issues in the system of terminological apparatus, for example, criminal or criminal procedure law, cause certain difficulties in the terminological system of criminology.

So, at the beginning of the XX century (1926–1929), some scientists argued that the search for a criminal, the pursuit and detention of him, as well as the search for objects obtained by criminal means, refers exclusively to the problems of criminal (criminalistic) tactics.

In this regard, I.N. Yakimov believed that "investigative art should be classified among the most difficult arts, since its object is not dead material ... but a person. In this respect, it is closer to the art of war, since both deal with a living person and rely on the psychology of both an individual and the masses" [6,43].

It was only in 1949 that A.I. Vinberg and B.M. Shaver for the first time attempted to leave criminology only to solve issues related to the search for a known criminal and stolen valuables [4,162, 215]. In the same year, N.V. Terziev introduced the concept of "search for missing persons" [2,182-184].

As E.A. Pryanishnikov rightly noted, "in accordance with the laws of dialectical materialism, the most important property is unity: the phenomenon of reality – the concept – the term" [3,114].

Note that, in our opinion, the modern Russian literary language has such a feature from the point of view of the conceptual apparatus of criminology that one word (phrase) has several meanings, that is, most words are polysemantic, whereas the term should accurately denote one or another concept in science. However, this does not affect the formulation of definitions of concepts at all. "Ambiguity, uncertainty of explanations and, as a result, the reader's misunderstanding of the formulated. For scientists, thoughts are by no means the result of using natural language in scientific language, but on the contrary, an indicator of poor command of the Russian literary language," notes E.S. Lapin [1,21].

The indicated example clearly shows how the term "investigative activity of an investigator" appeared has gone through a long path of development (from 1926 until the 70s of the last century), acquiring certain sides or shades depending on the evolutionary turns of the formation of the field of knowledge about the disclosure and investigation of crimes. It is noteworthy that the development of certain theoretical provisions in this direction continues at the present time.

Thus, the formation of the terminological apparatus of criminology is a long and complex process that takes place under the influence of not only a number of sciences of the criminal law block, but also a variety of natural, technical, economic and social sciences, the achievements of which criminology successfully combines. At the same time, this process, taking into account the constant new discoveries in all these sciences, which criminology takes over, is quite active at the present time.

We also emphasize that one of the most significant and large-scale changes in recent years in our society can be considered the intensive development of information technologies, their introduction into all spheres of social, industrial and other relations, which significantly affected the terminology used both in science and in the field of law enforcement, including, forensic. In our opinion, in some cases this has led to the unjustified introduction of computer jargon into the scientific and legal language.

The study of crime and criminal must proceed on a scientific basis by carefully analyzing various aspects associated therewith and must necessarily suggest measures proposed to suppress criminality. It must be added that with new crimes emerging in the modern complexities of life, we seem increasingly concerned about the problem of crime. Today destructive acts of vandalism, highway, train and bank robberies, looting, bomb

blasts, rape, illegitimate terrorist activities, white-collar crimes, cybercrimes, criminalization of politics, hijacking, etc., are constantly increasing which have posed a positive danger to human life, liberty and property. Modern criminologists, therefore, seem to be seriously concerned with the problem of crime to protect the society from such anti-social activities of criminals. It is for this reason that the two sister branches of criminal science, namely, criminology and penology work hand in hand to appreciate the problem of criminality in its proper perspective.

In addition, even attempts to rename science are justified in the scientific literature, such terms as "digital forensics", "computer forensics", "electronic criminology", "cyber criminalism" and other "criminalistics" are introduced. It only confuses not only theory, but also the field of law enforcement.

We believe that the emergence of new technologies should serve only as a tool, open up new opportunities in forensic technology and tactics, and not serve as a basis for revising the fundamental provisions of science, especially to correct its name.

The study in retrospect showed that the terminological apparatus of criminalistics developed and improved in parallel with the whole science, while in the work the author focuses on the influence on the process of forming the terminology of criminalistics not only of those sciences within which it was originally developed (criminal investigation, criminal procedure and criminal investigation), but also a variety of natural, technical, economic and social sciences, the achievements of which criminology successfully combines.

The indicated features of the formation of the terminological apparatus of criminology necessitate the pursuit of consistency, uniformity and unambiguity of perception by all subjects of all terms used both in theory and in practice, which will contribute to mutual understanding and increase the effectiveness of their interaction. This is especially important within the framework of a single terminological space formed by all sciences of the criminal law block, which presupposes the development of a unified approach to all elements of the terminological apparatus used in it. This it is also a rather serious problem, causes difficulties not only in theory, but also in law enforcement practice and requires increased attention from scientists to analyze and discuss these issues, find appropriate solutions, since at the moment not all terms used are interpreted and perceived in the same way not only within the same discipline, but also Moreover, in the interdisciplinary space that is being formed.

It is concluded that the concepts of criminology form a complex, multilevel, integral system, and the designated features of the formation of the terminological apparatus of criminology necessitate the desire for consistency, uniformity and unambiguity of perception by all subjects of all terms used both in theory and in practice, which will contribute to mutual understanding and increase the effectiveness of their interaction. This is especially important within the framework of a single terminological space formed by all the sciences of the criminal law block, which involves the development of a unified approach to all elements of the terminological apparatus that is used in it.[5]

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