



The Philosophy of Criminal Law: Its Subject Matter and Role in the Construction of a Democratic Society

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Abstract

The article examines the philosophy of criminal law as a specialized branch of the philosophy of law and analyzes its subject matter, methodological foundations, logical structure, and role in the construction of a democratic society. Particular attention is given to equality, justice, and freedom as fundamental qualitative attributes of law, as well as to the consequences of their violation within criminal-legal relations. The study discusses the relationship between legistic and juridical understandings of law and explains their philosophical foundations. Using dialectical, historical-legal, systematic, and comparative methods, the interrelationships between crime, criminal liability, and criminal punishment are analyzed, as well as the formation and development of the philosophy of criminal law. The findings indicate that the philosophy of criminal law provides an ontological, dialectical, and epistemological understanding of criminal-legal phenomena and contributes to determining the substantial and general laws governing crime, criminal liability, and punishment. The analysis also demonstrates that the principle of proportionality between criminal punishment and the committed crime is essential for ensuring justice, legality, and the protection of individual rights. Therefore, the philosophy of criminal law performs important worldview and methodological functions in the development of criminal law and contributes to the formation of a democratic civil society based on equality, justice, freedom, and respect for human rights.

Keywords: Equality; justice; freedom; criminal law; philosophy of law; criminal liability; punishment; democracy.

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1. Introduction

The integration and differentiation of sciences are among the laws governing their development. The emergence of the philosophy of law within the field of legal knowledge is the result of the integration of philosophy and legal sciences. This is considered external integration. The formation of new legal sciences from within existing legal disciplines is a manifestation of scientific differentiation — this is internal differentiation. The development of specialized branches such as the *Philosophy of Criminal Law* or the *Philosophy of Civil Law* from the philosophy of law represents the process of intra-disciplinary differentiation[1].

Within the system of jurisprudence, there are legal disciplines that are purely theoretical or purely practical. At the same time, there are legal sciences that encompass both theoretical and practical dimensions. The science of criminal law pertains to both theoretical and practical legal activity. In contrast, the philosophy of criminal law belongs to the category of general-theoretical disciplines. General-theoretical sciences possess a fundamental character in relation to specific applied legal sciences[2].

Attention is drawn to the fact that the qualitative characteristics of law constitute the fundamental substantial "alphabet" of jurisprudence. In the philosophy of law, the distinction and unity between law and legal norms are examined. Within this field, interpreting law as an objective condition and content, and legal norms as the form corresponding to law, represents a legal understanding. In philosophy, such an approach is referred to as the dialectic of content and form. Law, in a general — that is, philosophical — sense, is a form of relationship. Law represents the essential elements within social relations. It is the fundamental connection that reflects the levels of obligation, consensus, and guarantees in social relationships such as equality, justice, and freedom among legal subjects. Therefore, equality, justice, and freedom are the initial substantial synergistic qualitative attributes of law. These three attributes of law, when present in social relations, inherently give rise to cooperation, organization, and governance[3-5].

So, how do these qualities of law emerge, and what is the nature of the interrelations between them?

According to ontological analysis, every legal subject — whether a natural person or a legal entity — possesses two essential aspects. The first aspect is legal capacity, while the second is legal competence (capacity to act). Legal capacity, as the primary aspect of legal subjectivity, demands and produces equality. For example, consider the relationship between a five-year-old child and a thirty-year-old father. Their existence is natural and governed by law-like regularities. They are synergistic phenomena that arise within a chain of general interconnectedness. Since their existence is natural and law-governed, it follows that even in their minimal conditions, they possess the right to exist — that is, the right to life. This condition reflects legal equality[6].

However, there are significant differences between them in terms of legal competence. In this regard, there is no equality between the two. Legal competence, as the second aspect of legal subjectivity, is determined by a person's capacity for action. It reflects an individual's ability to engage in legal and practical activities. A five-year-old child is naturally incapable of performing the type of labor activity that the father can carry out.

Therefore, it would be unlawful for the father to demand that his five-year-old child contribute to the household income in the same way he does. Therefore, the second aspect of legal subjectivity — legal competence — necessitates the next qualitative attribute of law: justice. To make this more understandable, let us consider a second example — the relationship between a farmer and the district administration. These subjects also exist in a relationship characterized by a power imbalance — one being institutionally stronger than the other. However, their existence is objectively necessary and conditioned: society requires both agricultural production and administrative governance. Thus, it is unlawful for either party to demand that the other perform functions — that is, exercise forms of legal competence — that fall outside of their designated roles. From both examples, we can draw the following conclusion: the strong must not oppress, humiliate, or eliminate the weak. For this reason, legal competence demands justice as the second qualitative attribute of law. Justice serves to complete, guarantee, and formalize the relationship of equality — the relation initially demanded by legal capacity. As academic and Doctor of Legal Sciences, Professor V.S. Nersesyants states: “Only that which expresses, corresponds to, and adheres to law can be considered just [7-8].

2. Research Methodology

The study employed dialectical, historical-legal, systematic, and comparative analysis methods. The dialectical method was used to analyze the interrelationship between crime, criminal liability, and punishment. The historical-legal method was applied to examine the formation and development of the philosophy of criminal law. The systematic method was used to identify the structural components and general patterns of criminal-legal phenomena. The comparative method was employed to compare legistic and juridical approaches to the understanding of law.

3. Results and Discussion

On this basis, the freedoms of all legal subjects — whether natural persons or legal entities — within the limits of their authority, are derived. Freedom constitutes the third qualitative attribute of law. Freedom manifests itself in distinct ways at different levels: at the level of the individual, at the level of micro-unities (groups of individuals), and at the macro-level — that is, at the level of the state or nation. In every sphere of social life, a legal-synergetic process is initiated on the basis of the genetic interrelation, mutual reinforcement, and guarantee of equality, justice, and freedom.

Equality, justice, and freedom are present in all social relations. However, for these elements to attain legal character, they must be guaranteed. Only then can such aspects of social relations — regardless of whether they are reflected in legal norms or not — be considered part of legality. The reflection of these elements in legal norms is a cultural process. Thus, when equality, justice, and freedom in social relations demand their guarantees, they are realized through the mechanism of power — specifically, through state authority. This is achieved by the adoption and implementation of laws and subordinate normative acts by state institutions. The legal demand present within social relations manifests itself through processes of self-organization, governance, and continuous development. This condition marks the beginning of legal synergetics. Based on the types of legal needs, various categories of human rights have emerged[9].

The violation of the qualitative attributes of law — equality, justice, and freedom — constitutes the object of criminal-legal sciences. As a branch of law, the subject matter of criminal law is formed by specific social relations arising between the state's specially authorized bodies and the person who has committed a crime.

The science of criminal law approaches crime within the framework of a legislative understanding. As a branch of law, criminal law strictly adheres to what is prescribed in the Criminal Code. In criminal-legal sciences, socially dangerous consequences are examined with reference to the norms of the Criminal Code. This approach to understanding crime is based on the legislative conception that "law is a statute." Within this conception, the legislator may also be considered a subject responsible for violations of the qualitative attributes of law — equality, justice, and freedom. In contrast, the philosophy of criminal law is grounded in a legal (juridical) understanding. This perspective demands that state legislation ensures the legality of laws and that criminal punishment corresponds appropriately to the crime committed. It also sheds light on the synergetic nature of crime, criminal liability, and criminal punishment. Failure to guarantee the legality of legal norms and the proportionality of criminal punishment to the crime constitutes the inception of violations of the qualitative attributes of law — equality, justice, and freedom[10].

The general laws and driving forces of society prevail and operate within legal life, including criminal-legal life. Therefore, the understanding of criminal-legal phenomena is fundamentally linked to both juridical and legislative philosophical conceptions. During the Soviet era, the science of criminal law relied methodologically on the criminal law itself, as well as on the dialectical and historical materialism and the Marxist-Leninist theory of state and law in the study of crime and punishment. However, with the recognition of the limitations inherent in the dialectical materialist understanding of history and law, there is now an urgent need to liberate methodological knowledge from this perspective. Conversely, in light of the actions of the leadership of the Republic of Uzbekistan, it is important to investigate the prevailing understanding — grounded in a dialectical cultural conception of history and law — which illuminates the dominance and manifestation of universal social and legal laws within the object of the science of criminal law.

In the philosophy of law, the distinction and unity between law and legal norms are differentiated. By legal norms, we refer to positive (i.e., official) law and normative legal documents, that is, legal norms. The reason for this terminology is that scientific literature also employs concepts such as "legal regularities," "legal laws," or "laws of legal reality." These concepts pertain to the objective laws of legal reality, understood as substantial, universal, structural, determinative, and functional principles that constitute the legal system. Laws are stable, general, fundamental, and necessary relationships[11].

We draw attention to the emergence of the philosophy of criminal law as a specialized branch of the philosophy of law. On December 21, 2005, at the Department of Criminal Law and Criminology of the Faculty of Law at Moscow State University named after M.V. Lomonosov, the first methodological seminar on the topic "Philosophical Foundations of Criminal Law" was held for postgraduate students specializing in 12.00.08 — Criminal Law and Criminology, and Criminal-Executive Law. The seminar was based on the book *Philosophy of Criminal Law*, published in 2004 in Saint Petersburg.

The seminar speaker was one of the leading scholars in the field of criminal law — Doctor of Legal Sciences, Professor Yuri Vladimirovich Golik. He described philosophy as a form and method of understanding existence and proposed the following two principles:

- a) Lawyers must have a good understanding of philosophy.
- b) They must engage with philosophy during a period of intellectual maturity.

Methodology refers to the theories, doctrines, principles, and research methods upon which a given science relies. Essentially, laws (regularities) emerge from the nature of the subject matter. Based on the knowledge of these laws, a researcher forms an attitude toward the research object. This attitude takes the form of the principles of the science. Therefore, methodology can broadly be interpreted as a guide for action. Methodological knowledge can be divided into parts such as sources, foundations, and tools. Historical legal knowledge serves as a source. Theories concerning the essence and laws of a specific research object, and their particular set, constitute the methodological basis of sciences. Principles, according to their ontological status, are located within the methodological foundation and serve as its core. Indeed, every science is a guide for action[12]. A guide is, in essence, a methodology. The methodological character of sciences is relative and depends on the scope and characteristics of the objects they study. For instance, criminal law, as the material foundation for the science of criminal procedure, possesses methodological significance for that science. In turn, criminal procedure serves as a guide, that is, holds methodological importance, for investigative activities.

The methodological levels of the science of criminal law are as follows:

1. Philosophical Methodology, which consists of the following components:

- a) Foundations of philosophy, namely philosophy and social philosophy;
- b) Philosophy of law and philosophy of criminal law.

2. Non-Philosophical Methodology, which consists of the following components:

- a). Theory of state and law;
- b). Constitutional law;
- c). Internal methodological principles of interdisciplinary legal sciences.

During the Soviet era, we were taught the "Foundations of Marxist-Leninist Philosophy." Its first part was known as "Dialectical Materialism," and the second part as "Historical Materialism." Based on these disciplines, the central doctrinal pillar of Soviet jurisprudence was the methodological idea that "the basis of all rights is property." However, it has become evident today that these disciplines have limitations in explaining contemporary society, including legal phenomena. These sciences were developed on the basis of a materialist understanding of history and served as the foundation of Soviet ideology. Consequently, today, history—including law—has also been shaped through a dialectical cultural understanding. Regarding this, Doctor of Legal Sciences, Professor Z.M. Islomov stated that "for this reason, dialectical cultural understanding of history, including law, has also been forming in recent times"[13].

Let us focus on the main issue and subject of the philosophy of criminal law. As previously emphasized, the object of the philosophy of criminal law is criminal-legal phenomena. These criminal-legal phenomena include crime, criminal liability, and criminal penalties. Each of these possesses synergetic characteristics and genetically give rise to one

another. “The main issue of criminal law arises from its essence,” states Doctor of Legal Sciences, Professor Yu.V. Golik, “whether a participant in a crime should be held criminally liable or not.” [2.59.] The central issue leads to the pursuit of truth. “Bold striving in the search for truth and the belief in the power of reason,” says G. Hegel, “is the primary condition for philosophical inquiry.”

If the main issue of philosophy is the human relationship to existence, then the primary issue of the philosophy of law is the human relationship, as a legal being, to legal existence. Within this framework, one of the specialized branches of the philosophy of law — the philosophy of criminal law — addresses the fundamental issue of the relationship between the criminal and the punisher as subjects to the object of crime. However, in this approach, the main issues of criminal law as a science and the philosophy of criminal law coincide. In our view, the primary issue of the philosophy of criminal law is the search for the substantiality inherent in criminal-legal phenomena. This is because substantiality constitutes the synergetic foundation, defining element, and integral part of the laws characteristic of criminal-legal phenomena. The concepts of “substantiality” and “philosophical foundation” are nearly synonymous, as substantiality implies harmony, and harmony entails the unity of quantity and quality — the norm — the unity and struggle of opposites, dialectical inheritance, universality, substratum, foundation, essence, the source of uniformity, and determinacy. For example, in ancient times, religious and mythological principles served as the spiritual source for lawmaking and sentencing, carried out in the name of a supreme deity. Substantiality manifests in spiritual, including divine and ideological, as well as material, social, political, and legal bases. The substantiality inherent in criminal-legal phenomena constitutes a fundamental part of the philosophy of criminal law[14].

The main principle of social philosophy is the guiding idea based on objectivity that cultural existence is the synergetic foundation of society's existence and development. The fundamental principle of the philosophy of law, in turn, is the viewpoint that the legal culture of society is the synergetic foundation of the existence and development of legal life. The core principle of the philosophy of criminal law is the conformity of criminal punishment to the crime committed. This principle represents the practical manifestation of the necessity for law to be truly legal.

It is well known that in the history of legal thought, there has been a significant debate between two major positional understandings of law — the legistic and the juridical interpretations. The legistic understanding equates law directly with legal statutes. According to this view, law is the set of rules established by the state. In contrast, the juridical understanding regards law as the objective reality and substance in relation to legal statutes (normative legal acts), viewing legal statutes as the form and legal framework corresponding to the substance of law.

In practice, the subject of criminal law taught to students and cadets, as we have seen above, is based on the legistic understanding of law. If socio-temporal relations change but the normative legal documents that express and regulate them remain unchanged, these legal norms will appear unjust. Therefore, the law must be lawful (just). For example, the provision regarding embezzlement remained in force even under market conditions, and in our country, it was retained until 1994, which demonstrates the inconsistency of this norm with logic[15].

The philosophy of criminal law is a science based on the legal understanding of law. It is a specialized branch of the philosophy of law focused on the sphere of criminal-legal life. The concepts of “criminal-legal life” and “criminal-legal reality” are synonymous and express the same meaning. When we refer to criminal-legal life, we mean one branch of legal life, as there are other branches such as civil-legal life. The term “criminal-legal reality” is used in relation to the broader concept of “legal reality.” Reality means existence. Social life includes phenomena such as crime, criminal liability, and criminal punishment.

The first part of criminal-legal reality is crime. Crime is a specific type or sphere of social life that contradicts the general interests and norms of society. The second part of criminal-legal reality is criminal liability. Criminal liability is also a specific process and a form of legal life subject to state adjudication. The activities of initiating criminal liability and releasing from it are carried out by certain social groups — investigators, interrogators, prosecutors, defense attorneys, and judges. This constitutes their way of life. The other side of this process involves individuals subjected to criminal liability. Their lives also undergo distinct processes and exceptional conditions. The third part of criminal-legal reality is criminal punishment. Criminal punishment is likewise a specific process and a limited form of legal life.

Thus, it can be stated that the structural components of criminal-legal life mentioned above are genetically interconnected. Moreover, they are specific manifestations of social life, i.e., society itself. Therefore, there exist general interrelations among them. These same general interrelations constitute the object and subject of the philosophy of criminal law. General interrelations are general laws. Philosophy studies the general laws of existence. For this purpose, it primarily provides a general picture of existence, which we call philosophical ontology. Secondly, it considers the interrelations within existence — changes, including development, which we refer to as dialectics. Synergetics occurs within general interrelations and thus forms part of dialectics. The doctrine of knowledge about existence is called epistemology. Taking these existing structural components and their interrelations into account, Doctor of Legal Sciences, Professor Yu.V. Golik states: “What constitutes the subject of the philosophy of criminal law? Today, based on general theoretical principles, only the most general answer can be given. Thus, the well-known contemporary methodologist D.A. Kerimov states that ‘the subject of the philosophy of law can be described as the logic, dialectics, and theory of knowledge of legal reality.’ From this principle, the study of branches of law, including the philosophy of criminal law, should proceed.”[16]

One form of existence is social existence, namely society. The general laws of existence manifest in a specific way within society. This is the subject of study in social philosophy. Social philosophy examines the general social laws and driving forces of society. The general laws of existence and the general social laws of society, which are integral parts of the whole existence, operate in legal existence in a specifically transformed manner. The general laws of legal existence are studied by the philosophy of law. These laws, or general interrelations, also predominate and operate in a specific form within criminal-legal existence. The philosophy of criminal law studies the general laws of criminal-legal existence.

The system-forming, synergetic, determinative, and substantial elements of legal existence—namely, the individual and their collectives as the subject-substrate of its emergence; the perceived legal need as a motive; legal consciousness as the epistemological foundation; the mode of life characterized by legal activity; and the first stage of legal activity—

the results of law-making—serve as secondary sources of legal existence. From the genetic interconnections of these synergetic, determinative, and substantial elements arise the substantial laws of legal existence, which determine its integrity, progressive cyclical development, and the increasing nature of legal needs, thereby defining the content of legal life. These laws also manifest within the system of criminal law and generate specific criminal-legal relationships. Legal existence is characterized by universal, structural, determinative, and functional interrelations that occur in connection with its substantial laws. These interrelations hold both worldview and methodological significance in the study of legal phenomena[17].

The legal laws and interrelations inherent to legal existence prevail in the emergence and functioning of any legal norms. All laws of the Republic of Uzbekistan, including the Criminal Code, as legal institutions, possess characteristics such as humaneness, democracy, internationalism, and justice, along with regulatory and educational functions. Within the criminal law system, according to the law of its own substantial cyclical development, first and foremost, the subjective rights of citizens arise as the need for criminal-legal protection, which then manifests as an objective institution and proceeds towards its implementation, forming a unique, unified dialectical and synergetic process. It is through this dialectical process that the criminal law system has progressively improved. These laws are the substantial laws of criminal-legal existence. They are universal-hierarchical laws of criminal-legal existence. They are determinative laws of criminal-legal existence. They are functional laws of criminal-legal existence. These laws revolve around the fundamental issue of the philosophy of criminal law—the correspondence of criminal punishment to the crime. These laws are not taught within the discipline of criminal law. For this reason, legal philosophy and its specialized branch—the philosophy of criminal law—are conditionally considered a continuation of ontology, dialectics, and epistemology.

Let us focus on the logical structure of the philosophy of criminal law. The first component of the criminal-legal reality is crime. The first structural part of the philosophy of criminal law, namely the part that studies crime, is called the “Philosophy of Crime.” Regarding this, Doctor of Law, Professor I.M. Ragimov writes: “The philosophy of crime, in terms of its research subject and generally its approach to solving problems in philosophy, is naturally more concrete. It attempts to answer the following question: why does a person commit a criminal act in a particular situation?”. Analyzing N.A. Neklyudov’s work “*Criminal Statistical Studies*” (Moscow, 2010), he states that Neklyudov considers the philosophy of crime as a science engaged in studying crime based on existing criminal statistics.”

The second component of the criminal-legal reality is criminal responsibility. It is self-evident that the second structural part of the philosophy of criminal law concerns the philosophical issues of criminal responsibility.

The third component of the criminal-legal reality is criminal punishment. The third structural part of the philosophy of criminal law, which studies criminal punishment, is called the “Philosophy of Criminal Punishment.” “At first, the philosophy of crime and punishment as a research subject appeared completely obscure, and the initial acquaintance with many philosophical definitions and concepts was somewhat intimidating, almost discouraging, and felt overwhelming. However, I reminded myself that knowledge is the process of the mind striving to move from ignorance to knowing, from misunderstanding to understanding, and

from mystery to truth. As D.A. Kerimov rightly emphasized, “knowledge is also infinite, just as the universe, life, existence, and, among them, the legal reality are infinite.”

Thus, crime, criminal responsibility, and criminal punishments are the main fields of the "Philosophy of Criminal Law," where the first gives rise to the second, and the second leads to the third. These three components are studied within the scope of criminal-legal analysis in the science of criminal law. However, these structural parts are examined in the philosophy of criminal law from ontological, dialectical, and epistemological (gnoseological) perspectives[18].

The philosophy of criminal law represents the intersection of philosophy and criminal law as disciplines. Philosophy as a science comprises three structural parts — philosophical ontology, dialectics, and epistemology. Accordingly, the philosophy of criminal law studies, firstly, the ontology, dialectics, and epistemology specific to crime; secondly, those specific to criminal responsibility; and thirdly, those specific to criminal punishment. These three components form the fundamental logical structure of the philosophy of criminal law.

However, we began our research and the exposition of the philosophy of criminal law from the initial point and source of the criminal law discipline — the substantive ontological and substantive dialectical parts of the Criminal Code. This is because the substantive ontology and substantive laws form the fundamental essence and synergistic basis of all three structural components — crime, criminal responsibility, and criminal punishment. All other laws — universal, structural, determinative, and functional — arise based on these substantive foundations. This logical content constitutes the methodical basis of the philosophy of criminal law.

We now turn our attention to the significance of the philosophy of criminal law in the formation of a democratic civil society.

1. Since August 31, 1991, we have been moving away from a totalitarian and colonial regime towards building a democratic civil society. Democracy is the harmony of interests and their governance. The force that ensures and manages the harmony of all interests is popular sovereignty. The fundamental issue in a democratic civil society is the protection of the rights of natural and legal persons. The foundation of a democratic civil society is formed by certain objective laws. In understanding these objective laws, the role of the philosophy of law and its specialized branch—the philosophy of criminal law—is indispensable. The significance of the philosophy of criminal law in the formation of a democratic civil society is primarily determined by this very context.

2. As we move towards building a democratic civil society, our attitude towards criminals, as emphasized by Ad. Frank in his 1868 work *Philosophy of Criminal Law*, published in St. Petersburg, must be enlightened and just. He wrote the following on this matter: “A wise legislator should strive more to prevent crime than to punish criminals. The most appropriate means of prevention are the dissemination of education and the distribution of labor to deliver the products of work and reduce the consequences of poverty. Enlightenment and the equitable allocation of labor are considered key in this process. Certain myths and fallacies about the inherent corruption of humankind vanish in the face of the stark reality that the worst criminals are often the most unfortunate and ignorant individuals: ignorance and poverty provide the greatest number of candidates for the scaffold. First and foremost, make efforts to

eliminate poverty and destitution by encouraging all peaceful and honest occupations and by increasing access to credit and labor resources. Continue to spread education among the public as widely as possible—let us not forget that even today, one-third of the population of France is still illiterate. Do not retreat in the face of the tools of compulsory primary education, which is justified by morality and demanded by humanity. It is more productive to invest in teachers than to train executioners. By increasing the number of schools, we may find ourselves, even without the miraculous intervention of divine forces supposedly responsible for creating an executioner for every court district, in a situation where such grim outcomes are avoided altogether.”

Thus, the idea and demand put forward by Ad. Frank in the second half of the 19th century in France are of universal character and remain relevant even today. Consequently, raising the legal awareness of the population remains one of the pressing issues in contemporary society. Education leads to the expansion of an individual's worldview and promotes the liberalization of social relations. In this regard, the Law of the Republic of Uzbekistan "On Amendments and Additions to the Criminal Code, Criminal Procedure Code, and Code of Administrative Responsibility of the Republic of Uzbekistan in Connection with the Liberalization of Criminal Punishments", adopted in 2001, marked the beginning of important structural processes within the broader policy of liberalization. Naturally, at the core of these processes lies the understanding and observance of objective legal patterns inherent in criminal-legal phenomena. The philosophy of criminal law provides the foundation for understanding these objective laws.

The significance of the philosophy of criminal law in the formation of a democratic civil society is, therefore, determined, among other factors, precisely by this aspect.

3.Dr. of Legal Sciences, Professor Yu.V. Golik, speaks about the importance of the philosophy of criminal law in the following way: “Whatever pertains to the philosophy of criminal law contributes to the development of the current system of punishment, helps to maximize the use of incentive-based methods in criminal law, and provides integrative concepts of what constitutes criminal and non-criminal behavior. By understanding what crime is, we gain the ability to more precisely formulate the specific elements of criminal offenses and construct the criminal law itself. We also become capable of more clearly delineating between criminal and improper conduct.”

4. Conclusion

Thus, the philosophy of criminal law—situated within the framework of historical, dialectical-cultural, and synergetic approaches to the legal understanding—offers the laws governing criminal-legal phenomena. These insights play a coordinating role in the scientific research of criminal law. The significance of the philosophy of criminal law in the development of a democratic civil society is, thirdly, determined by this very function.

Through the three facts mentioned above regarding the construction of a democratic civil society, it can be concluded that the philosophy of criminal law constitutes an integral part of legal worldview. First, because it provides an ontological vision of criminal-legal phenomena. Second, because it reveals the underlying patterns and synergetic processes inherent to such phenomena. Therefore, this discipline fulfills both the worldview-shaping and methodological functions for the criminal law sciences that serve the development of a democratic civil society.

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