

Error and its Criminal-Legal Significance

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Abstract: This article examines the concept of error in criminal law, discussing its significance and impact on an individual's criminal liability. It explores how these errors can mitigate or exclude criminal responsibility, with courts taking into account the nature, reasonableness, and efforts made to identify the error. Additionally, the relationship between factual and legal errors is analyzed, showing how one can lead to the other in certain cases.

Key words: Error, Criminal Law, Factual Error, Legal Error, Criminal Liability, Criminal Responsibility, Court Evaluation, Intent, Legal Consequences, Mitigation of Liability

Introduction.

The concept of error in criminal law theory has been discussed for centuries. This concept is related to an individual's misunderstanding or lack of knowledge regarding the legal consequences of their actions, which can affect their criminal liability. Factual and legal errors are the two main types of error, and they hold particular significance in both theory and practice. This article will provide a broader analysis of these types of errors, their theoretical foundations, their application in practice, and their importance in criminal law.

Factual Error.

Factual error refers to an individual's misunderstanding or lack of knowledge regarding the factual circumstances associated with committing a crime. This type of error is typically related to the person's sensory organs, memory, or logical conclusions. For example, an individual might steal property, believing it to be their own, or they might cause harm to another person in self-defense, not realizing that their actions are not actually necessary for self-defense.

Factual error is generally used as a basis to mitigate or exclude criminal liability. This is because such an error could negate the individual's intent to commit the crime. For instance, if an individual steals property believing it to be their own, they would not have the intent to steal.

In practice, determining a factual error and assessing its impact on criminal liability can be challenging. Courts generally consider the following factors:

- **The significance of the error:** The error must negate the individual's intent to commit the crime.
- **The reasonableness of the error:** The error should be one that could occur in the situation of an average person.
- **The efforts made by the individual to identify the error:** The individual must have taken all reasonable steps to identify the error.

For example, if an individual fires a gun at a shadow they believe to be their own, the error may be excusable. However, if an individual steals property believing it to be theirs, the error might not be excusable.

Legal Error.

A legal error refers to an individual's misunderstanding or lack of knowledge regarding the legal consequences of their actions. This error is typically related to a person's ignorance of the law or a

misinterpretation of it. For example, an individual might cause harm to another person while acting in self-defense, but not realize that their actions fall outside the legal boundaries of self-defense. Legal error generally does not exclude criminal liability because every individual is expected to know and comply with the law. However, in certain cases, if the error is significant and it is clear that the individual was unaware of the illegality of their actions, criminal liability may be mitigated.

In practice, identifying a legal error and assessing its impact on criminal liability can be difficult. Courts generally consider the following factors:

- **The significance of the error:** The error must show that the individual did not know their actions were illegal.
- **The reasonableness of the error:** The error should be one that could occur in the situation of an average person.
- **The efforts made by the individual to identify the error:** The individual must have taken all reasonable steps to understand the legality of their actions.

For example, if an individual commits a crime because they are unaware of a new law, their error may be excusable. However, if an individual commits an illegal act knowing it to be unlawful for an extended period, their error may not be excusable.

Relationship Between Factual and Legal Error.

Factual and legal errors can be related to one another. For instance, an individual might commit a legal error due to a factual error, or vice versa.

For example, if an individual steals property believing it to be their own, they commit both a factual and a legal error. This is because they incorrectly understood that the property belonged to them (factual error) and were unaware that taking property that didn't belong to them was illegal (legal error).

Conclusion.

The concept of error holds significant importance in criminal law. Legal and factual errors impact an individual's guilt and liability. In each case, the court determines the type, causes, and consequences of the error and, based on this, makes a decision regarding the individual's liability. Courts generally aim to consider errors fairly and take necessary measures to prevent crime.

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