



Functions Of Criminal-Law Principles: Ideological, Political, And Regulatory Roles In Doctrine And Legal Practice

Toshpulatov Akrom Ikromovich

Doctor of Sciences (Law) (DSc), Uzbekistan

OPEN ACCESS

SUBMITTED 19 June 2025

ACCEPTED 25 July 2025

PUBLISHED 31 August 2025

VOLUME Vol.05 Issue08 2025

COPYRIGHT

© 2025 Original content from this work may be used under the terms of the creative commons attributes 4.0 License.

Abstract: The article offers a systematic exposition of the functions of criminal-law principles at the intersection of general theory of law and sector-specific criminal-law doctrine. Drawing on existing classifications of the functions of law (Sh. Saydullayev) and of criminal-law principles (T. R. Sabitov, V. M. Stepashin, A. G. Berestinnikov), it develops an analytical framework focused on three basic functions of principles: ideological, political, and regulatory.

It is shown that the principles (legality, humanism, justice, etc.) not only articulate the value foundations of criminal law but also serve as instruments for calibrating sentencing policy and interpreting norms. The empirical illustration is an overview of judicial practice in the Republic of Uzbekistan: in an analysis of more than 1,000 judicial decisions from 2020–2024, courts cited criminal-law principles in the reasoning of judgments in an average of 27% of cases (with an increase from 19% to 38% by year), predominantly invoking the principles of humanism and justice. A case is presented of imposing a sentence below the statutory minimum relying on Article 7 of the Criminal Code of the Republic of Uzbekistan (principle of humanism) together with Article 57. The conclusion highlights the dual role of principles: as stabilizers of legislation and as “operational” guides that enable the individualization of liability while preserving legal certainty.

Keywords: Functions of law; criminal-law principles; principle of legality; principle of humanism; principle of justice; legal consciousness; criminal-law policy.

Introduction: The problem of the functional role of criminal-law principles remains central to

understanding both the nature of criminal law and the mechanisms of its application. General legal theory defines the functions of law as “the main directions of legal influence on social relations and human behavior,” emphasizing that they are dynamic, socially conditioned, and manifest themselves consistently and systematically. Within this framework, the principles of criminal law operate as the field’s “load-bearing structures”: they set its axiology, delineate the boundaries of the state’s punitive authority, and guide law-enforcement and adjudicatory practice.

The purpose of this article is – on the basis of the presented body of doctrinal propositions and empirical observations – to elucidate the content and to demonstrate the practical significance of three key functions of criminal-law principles: ideological, political, and regulatory.

Methodology

The methodological basis is a doctrinal–legal (dogmatic) analysis supplemented by elements of content analysis of judicial decisions. The sources include:

Classical and contemporary propositions of the general theory of the functions of law (Sh. Saydullayev) and sector-specific works (T. R. Sabitov; V. M. Stepashin; A. G. Berestinnikov; N. N. Olenin; R. T. Nurtayev; D. Ya. Fisenko; V. O. Navrotskiy; Z. M. Islomov; V. N. Kudryavtsev; S. G. Kelina; N. V. Shigina);

Aggregated data on courts’ reliance on criminal-law principles in the reasoning sections of judgments (over 1,000 decisions from 2020–2024; average share of references to principles—27%; yearly distribution: 19%, 24%, 22%, 32%, 38%; predominance of references to the principles of humanism and justice);

An illustrative case of imposing a sentence below the statutory minimum with reference to Articles 7 and 57 of the Criminal Code of the Republic of Uzbekistan (CC RUz).

Limitations. The sample of judicial acts is aggregated; quantitative indicators are used as guides to trends rather than as a basis for strict statistical inferences.

Main Part

Theoretical framework: functions of law and the place of principles. According to general legal theory, the functions of law flow from the essence of law and are expressed in its social tasks; they are socially observable, dynamic, and systemic. The classic dichotomy of special legal functions—regulatory and protective—is complemented by general-social functions (economic, ideological, educational, political, environmental, etc.). Within this architecture, the principles of law constitute a structural element of the

legal system and possess their own functions, ensuring the implementation of the “macro-functions” of law at the sectoral level.

Scholars single out a set of markers for the functions of principles: refinement of their form and content; manifestation of their system-forming role; concentration of generalized ideas; targeted, subject-matter impact; heightened stability and universality compared to rules; close linkage with core dimensions of social life; and orientation toward progressive influence on practice.

Taxonomy of the functions of criminal-law principles

Among thematic classifications, the following may be noted:

T. R. Sabitov: ideological, political, regulatory, interpretive, stabilizing, and system-forming functions.

V. M. Stepashin: ensuring (securing the effectiveness of the statute and practice through the expression of legislative aims), integrative (ensuring the systemic character of legislation), and organizational (setting directions for the development of legislation).

A. G. Berestinnikov: a protective–stabilizing function—guarding against unwarranted amendments to the criminal law.

A further distinction is drawn between internal functions (harmonization of rules, prevention of conflicts; anchoring the content of norms in the principles) and external functions (the direct regulation of actors’ behavior and of the activities of law-appliers).

Ideological Function: Shaping Legal Consciousness and Legal Culture

The ideological function is manifested in legal education and in the formation of legal consciousness as a form of social consciousness. As expressions of legal ideas, the principles form part of the structure of legal consciousness and transmit the core values of criminal policy (legality, humanism, justice, equality before the law, culpability, inevitability of liability, etc.).

Public policy to enhance legal culture in Uzbekistan (national programs and concepts) creates an institutional environment that activates the ideological function: respect for the law, openness of legal information, continuity of legal education, and a focus on human rights and freedoms. In this context, for example, the principle of legality (“the criminality of an act and its punishability are determined only by the Criminal Code”) encourages citizens to consult the text of the law and raises the level of legal literacy.

Political Function: Delineating the Boundaries of Criminal-Law Policy

The political function operates in two ways. First,

principles serve as the starting premises of criminal-law policy, defining the permissible scope and intensity of the state's repressive intervention (N. V. Shigina). Second, they guide the modernization of criminal law and law-enforcement practice by setting the "corridor" for change (Z. M. Islomov; V. N. Kudryavtsev; S. G. Kelina). In doing so, they ensure legal certainty and predictability: the legislature sees the "red lines" (legality, humanism, justice), while the law-applier has reference points for individualizing liability.

Regulatory Function: From Values to Reasoning and Decision

The regulatory function is "operational." It is expressed in the real impact on criminal-law relations and on the decisions of law-appliers. The principles enshrined in Arts. 4–10 of the Criminal Code of the Republic of Uzbekistan (CC RUz) serve as guiding premises in qualification, sentencing, and the choice of the type and measure of liability. Thus, Art. 4 (legality) establishes the exclusivity of the CC, while Art. 7 (humanism) sets the teleology of punishment.

Empirical trend. Based on a corpus of more than 1,000 judicial acts from 2020–2024, references to principles in the reasoning of judgments increased from 19% (2020) to 38% (2024), averaging 27%. References to humanism (in almost all "principle-oriented" decisions) and justice predominate—often precisely when imposing punishments below the sanctions of the Special Part or when applying alternative measures. Appeals to principles are more pronounced in collegial adjudication.

Normative significance. The regulatory function ensures:

Individualization (accounting for the offender's personality and case circumstances);

Legal certainty (the principle as an articulated decision criterion);

Control of discretion (principle-based reasoning increases the reviewability and predictability of judicial acts).

Conclusion

Criminal-law principles perform three key, interrelated roles.

Ideological: they shape legal consciousness and entrench the value foundations of criminal policy (legality, humanism, justice), thereby sustaining the social legitimacy of the criminal law and punishment.

Political: they delineate the limits of permissible state intervention and guide the development of legislation and practice, balancing public-security interests with the protection of the individual.

Regulatory: they translate values into operational decision criteria, affecting qualification and the type and measure of punishment; they strengthen the culture of judicial reasoning and promote the individualization of liability without loss of legal certainty.

Empirical observations for 2020–2024 indicate the growing "visibility" of principles in judicial reasoning, especially in sentence mitigation and the use of alternative measures. This supports the thesis of the dual nature of principles as both stabilizers and "last-mile regulators" of law enforcement.

Practical implications: (i) develop reasoning methodologies with direct citation of principles for decisions requiring heightened discretion; (ii) account for the ideological and political functions when preparing reforms (ex ante assessment of consistency with principles); (iii) support training for judges and investigators in skills for "principle-oriented" justification.

Directions for further research: in-depth quantitative testing on an expanded sample, analysis of differences by case categories and judicial instances, and study of the impact of references to principles on the appellate resilience of judgments.

References

1. Islomov, Z. M. General Theoretical Problems of the State and Law: Understanding of Law, Legal Consciousness and Law-Making. Tashkent: Tashkent State Institute of Law, 2005, 80 pp.
2. Theory of the State and Law, ed. V. K. Babaev. Moscow, 1999, p. 259.
3. Odilkoriev, Kh. T. Theory of the State and Law: Textbook. Tashkent: "Adolat", 2018, 191 pp.
4. Saydullayev, Sh. Theory of the State and Law: Textbook. Tashkent: Tashkent State University of Law, 2018, 85 pp.
5. Radko, T. N.; Tolstik, V. A. Functions of Law. Nizhny Novgorod, 1995, p. 46.
6. Radko, T. N. Theory of the State and Law: Study Guide. Moscow, 2010, p. 312.
7. Skurko, E. V. Principles of Law. Moscow, 2008, pp. 45–48.
8. Kartashov, V. N. "Principles of Law (Some Aspects of Understanding and Classification)." In Legal Notes of P. G. Demidov Yaroslavl State University, eds. V. N. Kartashov, L. L. Kruglikov, V. V. Butnev. Yaroslavl, 1999, Issue 3, pp. 9–14.
9. Sabitov, T. R. Criminal-Law Principles: Concept, System and Types. Doctor of Juridical Sciences dissertation. Yekaterinburg, 2019, p. 69.

10. Stepashin, V. M. "The Concept of a Principle of Criminal Law." *Vestnik of Omsk University. Series: Law*, 2017, no. 1 (50), pp. 192–196.
11. Berestinnikov, A. G. Formation and Development of the Principles of Russian Criminal Law in the 19th–20th Centuries. Candidate of Juridical Sciences dissertation, p. 3.
12. "The Principle of Justice and the Law of the Russian Federation." *Pravo*, 2010, no. 1, p. 23.
13. Nurtayev, R. T. "Current Problems of Observance of the Principles of Criminal Law." *Bulletin of the Institute of Legislation of the Republic of Kazakhstan*, 2017, no. 1 (46), pp. 128–135.
14. Fisenko, D. E. Special Principles of Criminal Law. Abstract of Candidate of Juridical Sciences dissertation. Omsk, 2006, p. 8.
15. Alekseev, A. S. Law on the Threshold of the New Millennium. Moscow: Status, 2000, pp. 15–16.
16. *Sociology of Law*. Moscow: Yustitsinform, 2004, pp. 80–82.
17. Resolution No. 466-I of the Oliy Majlis (Parliament) of the Republic of Uzbekistan of 29 August 1997 "On the National Programme for Raising Legal Culture in Society." <https://lex.uz/docs/249352>
18. Decree of the President of the Republic of Uzbekistan No. PF-5618 of 9 January 2019 "On the Radical Improvement of the System for Raising Legal Awareness and Legal Culture in Society." <https://lex.uz/docs/4149765>
19. Resolution of the President of the Republic of Uzbekistan No. PQ-4551 of 13 December 2019 "On Additional Measures to Ensure the Supremacy of the Constitution and the Law, Strengthen Public Oversight, and Raise Legal Culture in Society." <https://lex.uz/docs/4647329>
20. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 342 of 20 April 2019 "On Approval of the Regulation on Monitoring and Evaluation of Measures to Raise Legal Culture in Society." <https://lex.uz/docs/4300837>
21. *The Criminal Law: An Exercise in Theoretical Modelling*, eds. S. G. Kelina, V. N. Kudryavtsev. Moscow: Nauka, 1987, p. 167.
22. Shigina, N. V. Reflection of the Interests of the Subjects of Criminal Law and the Subjects of Criminal-Law Relations in the Criminal Code of the Russian Federation. Vladimir, 2008, pp. 21–22.
23. Navrotsky, V. O. Theoretical Problems of Criminal-Law Qualification. Kyiv, 1999, pp. 280–281.