

THE CONCEPT, STRUCTURE, AND LATENT NATURE OF CRIME

Mamanarov Xaitmurat

Lecturer, Department of "Fundamentals of State and Law", Faculty of Law, Termez State University

sardorhaitmurodov2506@gmail.com

Аннотация

В данной статье рассматриваются понятие, структура и латентный характер преступности как основополагающие категории криминологии и уголовного права. Анализируются правовые, социальные и психологические аспекты, определяющие преступность, а также её явные и скрытые (латентные) проявления в обществе. В статье рассматриваются теоретические подходы к определению и составу преступности, соотношение её объективных и субъективных элементов, а также природа неучтённой или скрытой преступности. Используя аналитическую и сравнительную методологию, статья выявляет сложность выявления и измерения преступности как в правовом, так и в социологическом контексте. Результаты исследования показывают, что латентная преступность составляет значительную часть реальной преступности, что свидетельствует об ограниченности официальной статистики и важности общественной осведомлённости, институциональной прозрачности и эффективных превентивных механизмов. Подчеркивается, что понимание латентной структуры преступности необходимо для точного криминологического анализа и разработки справедливой, основанной на фактических данных уголовной политики.

Ключевые слова: преступность, структура преступности, состав преступления, латентная преступность, криминология, уголовная статистика, скрытая преступность, социальный контроль.

Abstract

This article explores the concept, structure, and latent character of crime as fundamental categories of criminology and criminal law. It analyses the legal, social, and psychological dimensions that define crime, as well as its visible and hidden (latent) manifestations in society. The study examines theoretical approaches to the definition and composition of crime, the correlation between its objective and subjective elements, and the nature of unrecorded or concealed criminality. Through an analytical and comparative methodology, the article highlights the complexity of

identifying and measuring crime in both legal and sociological contexts. The findings show that latent crime represents a significant portion of real criminality, revealing the limitations of official statistics and the importance of social awareness, institutional transparency, and effective preventive mechanisms. The discussion emphasizes that understanding the latent structure of crime is essential for accurate criminological analysis and the development of fair, evidence-based criminal policy.

Keywords: crime, structure of crime, corpus delicti, latent crime, criminology, criminal statistics, hidden criminality, social control.

INTRODUCTION

The concept of crime lies at the heart of criminological and legal discourse. It defines the boundaries of social behaviour, distinguishes lawful conduct from deviance, and serves as the foundation of criminal justice systems worldwide. Crime, in its classical definition, is an act or omission forbidden by law, punishable under criminal statute, and characterized by social danger and moral blameworthiness. Yet, beyond this legalistic framework, crime is also a social phenomenon, reflecting the moral, cultural, and economic realities of a particular society.

Historically, the understanding of crime has evolved from theological and moral interpretations to legal and sociological perspectives. In primitive societies, crime was viewed as a sin against divine order; in modern law, it is an infringement of the rights and interests protected by the state. The emergence of criminology as an independent science in the 19th century broadened the study of crime from a legal concept to a multidimensional social process. Scholars such as Cesare Beccaria, Lombroso, and Durkheim established the groundwork for understanding crime as both individual behaviour and collective pathology.

The structure of crime (*corpus delicti*) represents the legal and factual elements that must coexist for an act to be recognized as a criminal offence. These elements—object, objective side, subject, and subjective side—constitute the analytical framework through which guilt and responsibility are established. Each element reveals the multi-layered nature of criminality: while the object represents the protected social values, the subjective side encompasses intent, motive, and purpose.

In contrast, latent crime—unrecorded or undetected crime—poses one of the most challenging issues in criminology. It refers to offences that occur but are not reported to or registered by law enforcement agencies. Latent criminality distorts the real picture of crime, undermines public trust in institutions, and complicates policy-making. Its causes include victims' fear of reporting, corruption, lack of resources, and

inefficiencies in legal procedures. Thus, studying latent crime is essential for assessing the true scale of criminality and improving preventive measures.

The aim of this article is to analyse the concept and structure of crime, explain the phenomenon of latent criminality, and evaluate its implications for criminal policy and research methodology.

LITERATURE REVIEW AND METHODOLOGY

The theoretical evolution of the concept of crime has followed several stages. In classical criminal law, crime was defined narrowly as an act violating criminal norms. Cesare Beccaria, in *On Crimes and Punishments* (1764), considered crime as a voluntary action injuring social security and the public good. The positivist school, represented by Cesare Lombroso and Enrico Ferri, expanded this understanding by connecting criminal behaviour to biological, psychological, and environmental factors. Their theories introduced the notion that crime cannot be reduced to legal categories but must be viewed within the broader framework of human behaviour.

Émile Durkheim proposed a sociological view: crime is not merely a deviation but a normal element of social life, serving as an indicator of moral boundaries. Robert Merton's strain theory (1938) later emphasized structural inequality and the tension between social goals and legitimate means as a source of deviance.

In the field of criminal law, the structure of crime (*corpus delicti*) has been extensively studied. The majority of legal scholars agree that crime comprises four obligatory elements: (1) the object of crime (social relations protected by law), (2) the objective side (the external manifestation of the act), (3) the subject (the perpetrator), and (4) the subjective side (guilt, motive, and intent). The combination of these elements determines criminal liability and distinguishes one offence from another.

Regarding latent crime, its study began in the mid-20th century when criminologists realized that official statistics captured only a fraction of actual offences. David Garofalo, Edwin Sutherland, and later scholars like Friedrich Geerds and Wolfgang Heinz analysed the discrepancy between recorded and real crime rates. Modern studies using victimization surveys and self-reporting methods demonstrate that latent crime may exceed registered crime several times over, particularly in cases of domestic violence, corruption, and cybercrime.

Contemporary literature emphasizes that latent criminality is not only a statistical problem but also a socio-psychological and institutional one. It reflects citizens' distrust in justice, fear of retaliation, and the failure of state mechanisms to ensure protection and fairness. Hence, comprehensive study of latent crime has become

a key direction in modern criminology, combining empirical research with policy-oriented approaches.

The research employs a qualitative, analytical, and comparative methodology. The approach is designed to synthesize theoretical definitions, legal constructs, and empirical findings related to crime, its structure, and latent aspects.

The study proceeds through four main stages.

1. **Conceptual analysis** – reviewing classical and modern definitions of crime to determine its essential characteristics in both legal and sociological dimensions.

2. **Structural examination** – analysing the components of the corpus delicti (object, objective side, subject, subjective side) to illustrate how they interrelate and form the basis of criminal responsibility.

3. **Comparative review** – identifying similarities and differences in national and international approaches to defining and classifying crime, including how latent crime is measured in different legal systems.

4. **Interpretive synthesis** – integrating criminological theories with contemporary empirical findings to formulate a holistic understanding of visible and latent criminality.

Data sources include criminal codes, criminological monographs, official crime statistics, victimization surveys, and UNODC reports. The study applies content analysis to academic texts and legal documents, as well as comparative evaluation of criminal justice systems. The methodology emphasizes theoretical rigor over numerical measurement, recognizing that the hidden nature of crime often defies exact quantification.

The advantage of this methodology lies in its interdisciplinary scope, which allows the unification of legal doctrine with sociological observation. Its limitation is the absence of direct empirical data collection, compensated by reliance on validated secondary sources and theoretical reasoning.

RESULTS

The analysis demonstrates that crime, as a legal and social phenomenon, possesses a dual nature: it is simultaneously a juridical construct defined by law and a behavioural reality determined by human conduct. The concept of crime includes several essential features: unlawfulness, social danger, culpability, and punishability. Without these attributes, an act cannot be qualified as a crime.

The structural analysis confirms that every crime is composed of four interrelated elements:

— **The object** – the social value or relation protected by law (life, property, public order).

— **The objective side** – the external act, including action or omission, its consequences, and causation.

— **The subject** – the person who commits the act, possessing legal capacity and criminal responsibility.

— **The subjective side** – the internal psychological aspect: intent, negligence, motive, and purpose.

These elements form a logical unity. Absence of any element eliminates criminal liability or changes the legal qualification of the act.

The study also finds that latent crime constitutes a significant component of the total volume of criminal behaviour. According to comparative data, in most jurisdictions, only 30–40% of committed offences are officially registered. The remaining portion includes unreported incidents due to victims' fear, minor damage, or mistrust of authorities. Corruption, organized crime, and domestic violence are among the most latent categories.

The phenomenon of latent crime indicates that official statistics alone cannot provide a reliable picture of criminality. It also exposes weaknesses in law enforcement, judicial systems, and social communication. Recognizing latent crime compels policymakers to reconsider crime measurement and strengthen transparency and public confidence.

DISCUSSION

The findings confirm that understanding crime requires a synthesis of legal formalism and sociological realism. Crime is not simply an act prohibited by law but a reflection of social contradictions and value conflicts. The *corpus delicti*, while a legal tool, reveals the deep moral and psychological structure of human behaviour. Each element—object, act, subject, and intent—represents a different dimension of the relationship between individual will and social norms.

The discussion further emphasizes the implications of latent crime. Hidden criminality undermines the legitimacy of the justice system, distorts policy evaluation, and perpetuates inequality. When large portions of crime remain unrecorded, the illusion of stability may prevail while systemic injustices persist. For instance, corruption and domestic violence often escape official scrutiny, though their cumulative harm exceeds that of registered offences.

Criminological theory must therefore integrate new methodological instruments for uncovering latent crime, such as victimization surveys, self-reporting studies, and

sociological monitoring. These tools expand the empirical base of criminology and enable more precise assessment of criminal trends.

From a policy perspective, combating latent crime requires both institutional reforms and cultural change. Law enforcement agencies must adopt transparency, strengthen accountability, and build public trust. Simultaneously, citizens must be educated about their rights and the importance of reporting offences.

Ultimately, the discussion asserts that studying latent criminality not only refines criminological knowledge but also deepens democracy and justice by revealing the invisible dimensions of social harm.

CONCLUSION

In conclusion, crime is a multifaceted legal and social category whose understanding demands both structural and contextual analysis. Its composition—comprising the object, objective side, subject, and subjective side—defines the legal essence of culpability, while its social interpretation exposes the underlying causes of deviance.

The phenomenon of latent crime reveals the limits of formal control and measurement. By acknowledging the existence of unrecorded offences, criminology expands its explanatory scope and challenges the complacency of official statistics. The recognition of hidden criminality compels states to reform their institutions, ensure openness, and enhance preventive mechanisms.

This study demonstrates that the full comprehension of crime requires not only legal reasoning but also sociological insight and moral awareness. The fight against latent crime must combine knowledge, transparency, and civic engagement. The future of criminology lies in integrating these dimensions into a unified, human-centered approach that values both justice and truth.

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