

CRIMINAL CONCEPT AGAINST MILITARY SERVICE

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Abstract: Thus, we must note works are including this category according to the analyzes of the commentaries of the criminal term against the military service, those are structural parts of the general criminal works and they have the specific characteristics (for example, they have not special subject). Therefore, this is the issue connected with the social statue of Armed Forces.

Introduction

Before describing the definition of a crime against military service, the criminological nature of crimes against military service, the legal basis of military discipline, the legal responsibility of servicemen, etc. We consider it appropriate to provide brief information on the issues. As it is known, the events that took place in the South

Caucasus region, the land claims of our evil neighbor now require every Azerbaijani to demonstrate a high level of citizenship, a strong and powerful army. [1].

Perfect combat readiness and strong military discipline are both a guarantee of victory over the enemy and a prerequisite. He is a serious and determined commander with high tactical knowledge and skills, and the command corps is a true example of high combat readiness and strong discipline. The state of war and the conditions of war require each commander and commander to manage his position in accordance with the requirements of the laws of war. The military legal literature states that it is impossible to manage a place in a normal way during a war. The current situation requires text management, rapid tactical moves and special strategy. [2].

Crimes against military service have a specific criminological nature. It should be noted that along with the Armed Forces of the Republic of Azerbaijan, military service involves the presence of the following militarized units:

- 1) Internal troops of the Ministry of Internal Affairs (MIA) of the Republic of Azerbaijan;
- 2) Border troops of the Republic of Azerbaijan;
- 3) Main Department for Execution of Judgments of the Ministry of Justice of the Republic of Azerbaijan;

4) the Main Security Department of the Supreme State Power and Management Bodies of the Republic of Azerbaijan;

5) Military Counterintelligence Department of the Republic of Azerbaijan .

One and a half centuries ago, one of the well-known criminologists of his time, AG Ket, wrote that "society contains the embryos of all crimes committed, because the conditions for the development of these embryos are created by society." It is these reasons that prepare the ground for crimes, and the criminal acts only as an instrument of prepared actions, the grounds of which already exist in society. " [1, 65] . Many years have passed since this statement was made, and the quality of a person's way of thinking, literacy and knowledge, as well as his intellectual position, have improved considerably. Thus, crime has not only decreased, but has begun to manifest itself in new forms.

In the regulation of public relations in the Armed Forces of the Republic of Azerbaijan, first of all, military legislation acts (regulations, statutes, instructions, etc.) play an important role. The rule of military law is the main reference point of military legislation. The military legal literature states that it constitutes another rule of military law established in the Armed Forces and in accordance with the law. The rule of law

creates a solid legal basis for the relationship between the military; regulates their daily life, everyday life, leisure and rest; reflects the real use of the rights and freedoms granted to servicemen [3, 7] .

As everyone knows, the need for a strong military discipline is determined by the specific characteristics of the military organization, the nature of the tasks performed by the armed forces, the specifics of the activities of the land forces and navy. Still, 1919 sentyabrında - Great Britaniya qosunlarının the completely leave the epos a vahtda Bakıya qayıdan British military muhbiri Skotland Liddel yazırdı: "I deyirdilər the army fulfilled basıpozuq yığınaq see, however, I nizam-intizamlı strong, Land of fire-alovlu cavanlarla rastlasdım. Indeed, since the beginning of the war, I have witnessed unprecedented discipline and calm in Baku ... He left Azerbaijan, and an undisciplined army cannot live simply. There is an iron discipline in the Azerbaijani army, such a discipline does not exist in Russia " [5, 68-69] .

As public relations are governed by different social norms (religious, moral, legal norms, as well as customs), the types of social responsibility also differ from each other. [6, 9] . For example, moral responsibility, responsibility to public associations or amateur

organizations, as well as legal responsibility, which we will focus on below.

Commanders (chiefs) have special powers to bring to justice their subordinates in accordance with the principle of individual command of the army. The scope of disciplinary rights of commanders and other military commanders in the field of bringing military servicemen to disciplinary responsibility for violation of military discipline and public order shall be determined by the Disciplinary Regulations of the Armed Forces of the Republic of Azerbaijan. Legal ədəbiyyatında note shall be the law pozuntusuna road that took soldiers applicable materials for military prokurora giving a decision on accepting the failure, him intizam tənbehi by a prison arises or in the post kənarlasdırmaq, rank lower salmaq (forces, supported Forces sistemindən disposed arises etc.) is also komandirlərin and belongs to the special powers of the chiefs [5, 21] .

This problem has always been in the focus of attention of thinkers of antiquity, the Middle Ages and the bourgeois period. In most of the considerations related to the problem, the main role is given to the legislation, its position and objective nature. Let's look at some of them. For example, Plato believed that the legislature should issue laws that create a disgust in people to commit crimes

[7, 27]. Aristotle believed that the process of preventing crime involves the struggle of the mind with blind habits and pleasures [10, 8]. According to Sh.L. Montesky, the wise legislator should take care of the prevention of more crimes than punishments, and show them better than punishing morals. Thus, it can be concluded that the legislator's goal should be to eliminate crimes, not criminals [9, 60].

Offenses against the established rules of military service by servicemen, as well as participation in training and inspection meetings, are considered crimes against military service. Apparently, the law does not define a crime (war crime) against military service. Because war crime is a special case of the general concept of crime. Therefore, the characteristics that characterize any crime are also specific to crimes against military service. [5, 32-33] . It should be noted that a number of authors also agree with the above statement. [10, 97] .

In order to characterize the crime against military service and its specificity, it is necessary to identify its elements, ie, in accordance with the law, the signs that are specific only to crimes of a military nature and arise from a set of specific components of such crimes. It is noted in the legal literature that the public relations formed in the rules of

military service, in general, constitute the life and activity of the army (personnel). These relations also determine the combat capability and combat readiness of the Armed Forces. [27, 173] .

According to SSolov, military discipline is an integral part of the rule of law. This is reflected in the unequivocal fulfillment of all military service duties, as well as orders and tasks. Therefore, a serious violation of any military duty can be considered a war crime in terms of its great public danger. Of course, the non-negotiable execution and untimely execution of a military order or task can only exist in an environment in which the rule of law operates. As already mentioned, an order or task cannot be negotiated, it is only to be executed as it is.

It is noted in the legal literature that when the legal status of a person serving in the military changes, the fact of change is formalized by an order. An example of this is the order on the date of enlistment in the overtime military service , as well as the date of signing the order on the awarding of the rank of ensign, midshipman and the next officer. The solution to this problem is complex in the treatment of cadets and students of military educational institutions, schools of ensigns and midshipmen. Some of them (listeners) are considered to be officers, and some (cadets)

are considered to be overtime military servicemen or conscripts. The date of enrollment is the beginning of their military service [11, 89]. It is necessary to have an order of the military unit on the registration of a person for overtime military service.

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