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CRIMINAL-LEGAL DESCRIPTION OF THE SUBJECT OF ROBBERY

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ABSTRACT

This article is devoted to the criminal-legal description of the subject of robbery, in the theory of criminal law, it touches on the concept, significance and signs of the subject of crime, and reveals its different aspects from the object of crime. At the same time, the author analyzed the characteristics of the subject of robbery and presented his suggestions and explanations for distinguishing robbery from other crimes according to the subject of the crime.

KEYWORDS

Robbery, object of crime, object of crime, other people's property, robbery.

INTRODUCTION

In crimes related to the robbery of other people's property, the subject of the crime is a necessary sign of the composition of the crime, therefore, it is important to correctly identify the subject of the crime.

In the theory of criminal law, the subject of the crime is understood to be the things in the material world that the person guilty of committing an offense against the object of the crime directly affects. Like other forms of robbery, the object of robbery is the property of another. In accordance with Article 167 of the Civil Code, property in the Republic of Uzbekistan is divided into private and public forms of property [1]. If the stolen property does not belong to the perpetrator,

regardless of whether the property is private or public, if the perpetrator does not have a real or assumed right, it is considered the property of another. Any property cannot be the subject of robbery. In the theory of criminal law, there are different views on what characteristics property should have in order to be the subject of robbery.

R.Kabulov, A.A.Otajonov divided the characteristics of the subject of the crime of robbery of other people's property into four, i.e., socially, it must be an object of socially necessary labor, economically, the stolen property must have a certain value for the owner, physically, robbery The subject of theft is always

material and forms a part of the material world and has the characteristics of property (being a movable or immovable object), the presence of an object that is legally considered the property of another person for the guilty party, that is, the guilty person has neither real nor presumed property rights to them, or legal ownership of them. possession of which the perpetrator does not have the right to do, undoubtedly illegal objects [60 p. 2].

Sh.Yo.Abdukadirov, U.M.Mirzaevlar, to find the property as the subject of robbery, the materiality sign - a certain physical form, the economic sign - the objective economic value, the social sign - human labor is embedded, the property is not excluded from civil circulation,

Those who advocated that the socio-economic sign - the property must be in the funds of citizens, state bodies, enterprises, institutions, organizations or public associations, that is, in the direct possession and disposal of the owner, and the legal sign - that it is the property of another [116] b. 3].

In this regard, S.S. Niyozova divided the subject of robbery into three physical signs - ideas, thoughts, information, etc., economic signs - objects with a certain economic value, legal signs - ownership of property by others [60 p. 4].

It seems that in order to consider the property as a subject of robbery, it must have material value, human labor should be absorbed, it should be freely traded, and the stolen property should not belong to the culprit, that is, it should be someone else's property.

Therefore, the subject of robbery must have the following characteristics:

- to be an item of socially useful labor;

- economically, the looted property has a certain value for the owner;

- Physically, the object of robbery is always material and forms part of the material world and has the characteristics of property (being a movable or immovable object);

- for the guilty party, it must be property that is considered to be another person's property, that is, the guilty person has neither real nor presumed property rights to them, nor the right to possess them by law, the guilty party must own them, and there must be things that are clearly not in accordance with the law.

The analysis of the current legislation shows that there are problems with the correct application of the concepts of object and subject. In particular, paragraph 10 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 27, 2016 No.

Part 1 "When determining the value of property that is the object of a crime, depending on the circumstances of its acquisition (purchase) by the owner, it is necessary to proceed from the contractual, wholesale, retail, stock exchange or market price at the time of the crime" [60 p. 5]. However, looted property is considered to be of material value and is the subject of a crime. The object of the crime is the social relationship damaged as a result of the act. In order to eliminate this error, it is appropriate to replace the word "object" with the words "subject" in these clauses of the Plenum decision.

As for the subject of robbery, since the crime of robbery is a type of crime related to the robbery of another's property, its subject is also the property of another. Basically, movable property that can be openly robbed from the victim, that is, the perpetrator

can take it away from the crime scene by himself or together with other participants, can be the subject of robbery. However, both movable and immovable property can be the subject of a crime in the form of fraud, embezzlement or embezzlement, and extortion.

It is known that firearms, ammunition, explosives or detonating devices, powerful or toxic substances, radioactive materials, bacteriological, chemical and other weapons of mass destruction, narcotic drugs, their analogues or psychotropic substances can be openly possessed. . However, the robbery of these items is punishable by articles 247, 251, 252 of the Criminal Code, It is qualified by Articles 271.

In addition, illegal possession of documents, stamps, seals, forms, license plates of motor vehicles and their trailers (semi-trailers) is qualified by Article 227 of the Criminal Code, since these items are not the subject of robbery.

At the same time, they cannot be the subject of robbery, since the train, plane ticket itself has no material value, and only has a material value when presenting identity documents (for example, passport, identity card, etc.).

According to Article 192 of the FC, the person who finds the lost object must immediately notify the person who lost it or any of the persons known to him who has the right to receive it, and return the found object to that person. It also refers to money or valuables whose owner cannot be identified or whose rights have been forfeited by law, buried in the ground, or otherwise hidden. The person who owns the hidden property (land plot, building, etc.) and the property of the person who found the treasure belong to the property of the person who found the treasure in equal shares, unless otherwise determined in accordance with the

agreement between them. Therefore, the find and the treasure cannot be the subject of robbery.

Analyzing the subject of robbery, A.P. Seryukov said that if things are looted not by their material value, but by their historical, scientific, creative or cultural value, the crime is punishable by Article 164 of the Criminal Code of the Russian Federation (Robbery of objects of special value emphasized the need to qualify with - torozh (352 p. 6].

According to the results of the research work carried out by T.K. Khasanov regarding the crime of theft, the JK "Article 1691. [18 p. 7].

Indeed, Uzbekistan is an ancient country with a rich culture. Therefore, as examples of our cultural wealth, our ancestors inherited unique manuscripts, rare art and cultural monuments. Objects of historical, cultural, art, science or national value should not be protected in the same way as other objects of property. However, it is not necessary to fill the JK with a separate article for the protection of objects of historical, cultural, art, science or national value. In order to strengthen the protection of objects of historical, cultural, art, science, or national value, to preserve and protect them and pass them on to the next generation, it is enough to define the looting of these types of objects as aggravating circumstances of the crimes provided for in Articles 164-169. .

Since the object of our research work is robbery,

It is appropriate to add a new item "b1" to Part 2 of Article 166 of the Civil Code:

"if committed against objects of historical, cultural, art, science or national value".

With the development of science and technology, different ways of owning property and using it are

emerging. In particular, today, the circulation of non-cash money (electronic money) is becoming popular, so it is natural that this form of property will be encroached upon.

It is natural that the criminal robbing the plastic card of the victim does not allow him to use this property, but if the victim learns the code that allows him to use the plastic card by using force that is not dangerous to his life or health, or by threatening to use force, then the bank to which the plastic card belongs is guilty. until it is blocked, this card can be freely used. It seems that non-cash money can also be considered the subject of robbery.

Based on the above, the subject of robbery can be defined as follows:

"The subject of robbery is objects (animals), objects of historical, cultural, special value, as well as electronic funds, which are not prohibited in civil transactions, do not belong to the perpetrator, have material value, are absorbed by human labor, and can be freely moved from one place to another by citizens."

REFERENCES

1. Civil Code of the Republic of Uzbekistan Part One. [electronic resource] // URL: <https://lex.uz/docs/111189#153802> (time of access: 22.01.2021).
2. R. Kabulov, A. Atajonov. Crimes in the field of economy: Study guide /– T.: Ministry of Internal Affairs Academy of the Republic of Uzbekistan, 2013. – B. 166.
3. Sh.Yo.Abdugadirov, U.A.Mirzaev. Comments on Chapter X of the Special Part of the Criminal Code on robbery of other people's property. Study guide. Tashkent 2007. B. 60.
4. S.S. Niyozova. Problems of criminal responsibility for the robbery of other people's property in

participation: Law. science. candidate. dis. ... – T., 2006. – B. 59–60.

5. Resolution No. 26 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 27, 2016 "On the judicial practice on the application of the legislation on the compensation of property damage caused as a result of crime." [Electronic resource] // URL: <https://lex.uz/docs/3115385>. (electronic source: time of application 22.01.2021).
6. A.P. Seryukov. Khishchenie imushchestva: criminological and criminal-legal aspects. - M.: Exam, 2004. - S. 131. B. 352.
7. H.A. Khasanov. Criminal responsibility and prevention of theft: Law. science.b.f.d. ...dis. autoref. - T., 2018. - B.18.