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CHARACTERISTICS DELIBERATE DESTRUCTION OR DAMAGE OF PROPERTY

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ABSTRACT

The article analyzes in detail the crime of intentional destruction of property and analyzes the elements of the crime. As a result of the analysis, it was established that there are enough problems with the qualification of the crime and its delimitation from crimes of similar content. The article also substantiates proposals for the need to differentiate liability for certain types of intentional destruction or damage to someone else's property.

KEYWORDS

Intentional destruction or damage to property, corpus delicti, qualifying feature, generally dangerous method, motive for hooliganism, grave consequences.

INTRODUCTION

Article 173 of the Criminal Code of the Republic of Uzbekistan provides for criminal liability for intentional destruction or damage to another's property. Qualifying features of the crime for this crime. Article 173 of the Criminal Code of the Republic of Uzbekistan is strengthened with separate clauses in part 2 of this article of the criminal law. Thus, if the legislator committed the crime in question on the basis of ethnic or racial enmity or religious fanaticism, in a dangerous way for the surrounding people, causing a large amount of damage, then Article 277 of our legislation

provides for the intent of hooliganism by causing a large amount of damage, destroying someone's property or means that he will cause injury to him [1].

As you can see, the circumstances reflecting the degree of danger of these crimes come from the meaning of the disposition of part 2. Article 173 of the Criminal Code of the Republic of Uzbekistan as a method and condition for committing such crimes, in case of causing a significant amount of damage, if no significant amount of damage was caused, Article 612 of the Code of Administrative Responsibility of the

Republic of Uzbekistan, intentional destruction or damage to another's property, if it was committed in a small amount, or If it is committed in a small amount, it will cause this responsibility.

The fight against crimes related to the violation of the rights of property owners related to the destruction or damage has always been relevant. At the same time, it is more important to fight against these crimes committed in the presence of qualifying marks, which increase the risk to the public instead of intentionally destroying or damaging the property of others, and therefore it seems necessary to take into account the qualifying marks above.

It is worth noting that the legislator intentionally destroys or damages another's property, as a result of bullying, that is, Bullying, that is, intentionally disregarding the rules of behavior in society, hitting, causing minor bodily harm, or causing damage or destruction to another's property with significant damage. It allows to talk about multiple objects as it can be seen that they are committed in connection and destroy or damage military property.

Article 173 of the Criminal Code of the Republic of Uzbekistan, the object of intentional destruction or damage to property is social relations related to the protection and safety of another's property. the subject of the crime can be immovable (buildings, structures) and movable property. The crime is objectively defined as intentional destruction of another's property or significant damage to it. When prosecuting a person for intentionally destroying or damaging property, it is necessary to determine the existence of a causal connection between the act and the damage. The described crime is considered to have been completed from the moment a significant amount of damage has been caused to the owner or other legal owner of the property. From the subjective

point of view, the crime is committed both with the right intention and with the wrong intention. In order to qualify it, the motive and purpose of the crime is not important, but it makes it possible to distinguish it from similar crimes (terrorism, sedition, hooliganism, etc.). The subject of the crime is a sane individual who has reached the age of 16 according to part 1 of Article 173 of the Criminal Code. Criminal responsibility for the qualified structure of the crime specified in Part 2 or Part 3 of Article 173 of the Criminal Code begins at the age of 14. In this crime, it is necessary to pay particular attention to the fact that the general dangerous method of intentionally destroying or damaging property includes the use of the special scope and characteristics of the means used by the criminal. The latter includes the theory of criminal law and judicial practice. For example, explosives and fire, explosive devices, etc. The common side of such tools is that they are able to affect several objects at the same time and have a destructive force that causes significant damage. When perpetrators are made active, in most cases control over them is lost, and as a result, even people and things that are not driven by criminal intent may be harmed [3]. The specified qualified correctness of the crime in question also allows us to talk about the multi-objectivity of intentionally destroying or damaging someone else's property, because in this case its additional object is public safety, which can be defined as a state of protection. it is necessary to protect the individual, society and the state from various threats of general dangerous nature.

If it happened as a result of intentional destruction or damage to the property resulting in the death of the victim or other serious consequences as a result of carelessness, our legislation does not include this article. The purpose would have been achieved if the grade marks under consideration in the scientific interpretation were to see the level of public danger that leads to death due to carelessness, forming the

disposition of Article 173 of the Criminal Code of the Republic of Uzbekistan, "if it causes dangerous consequences for the surrounding people or causes other serious consequences", for example "Dangerous method for the surrounding people" means the use of methods that cause the risk of a major natural disaster and destruction, as well as the loss of human life and the creation of a dangerous situation for human health, in the course of actions aimed at destroying or damaging property. They include setting fire to property, blowing it up, drowning, poisoning animals, causing traffic accidents, etc. For example, the criminal sets the victim's car on fire in a wet area and does not create a danger for the people around him. If, as a result of the actions of the guilty person intentionally destroying or damaging the property of others, the health or life of citizens is harmed, the special part of the Criminal Code of the Republic of Uzbekistan is qualified as a set of crimes with separate articles. However, judicial practice qualifies the actions of the guilty parties as if the victim committed suicide, as a reaction to the actions of the perpetrators[4]. As you can see, there is as much objectivity in the qualifying offense under consideration as in the two qualifying offenses described above. The life of a person, including the destruction or damage to property, is the object of the negligence resulting in the death of a person.

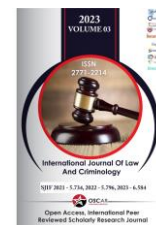
Thus, we can talk about the existence of a problem of disproportionate punishment for the destruction of property or for committing various types of qualified composition of damage. In fact, some of the additional objects of the crime under consideration should be punished more severely than others due to their social importance. The same punishment for all types of offenses can be found in the Criminal Code of the Republic of Uzbekistan or it is necessary to ensure that it does not contradict the provisions of our

Constitution, because human life is the highest value guaranteed by the state at the constitutional level.

In general, it can be said that the criminal law provides a number of qualifying signs of intentional destruction or damage to the property of others. At the same time, for the destruction or damage of property with serious consequences, the legislator provides for a more severe punishment, which is very important considering their increased public danger. Also, in connection with the destruction or damage of someone's property, if we talk about the qualified types of this crime, we can talk about multiple objectivity, because its qualified types imply the mandatory presence of an additional object of the crime. This is, in particular, public order, public safety, human life or health, as well as other public relations protected by law.

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