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RESPONSIBILITY FOR EXTORTION UNDER THE LEGISLATION OF CERTAIN COUNTRIES

Submission Date: December 19, 2023, **Accepted Date:** December 24, 2023,

Published Date: December 29, 2023

Crossref doi: <https://doi.org/10.37547/ijlc/Volume03Issue12-15>

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ABSTRACT

This paper provides an overview of articles in the criminal codes of some countries regarding responsibility for extortion. The author examined the criminal codes of countries such as Armenia, the Republic of Belarus, Georgia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Moldova, the Republic of Azerbaijan, the Russian Federation, the Republic of Tajikistan, Turkmenistan, and Ukraine. Corresponding conclusions were drawn.

KEYWORDS

Extortion, threat of violence, repeated extortion, destruction or damage to property.

INTRODUCTION

The Criminal Code of the Republic of Armenia[1], in Article 182, establishes liability for extortion. Part 1 defines extortion as an act of demanding the transfer of someone else's property, rights to property, or the performance of other financially oriented actions. This is done under the threat of disclosing compromising information about the person or their close relatives, or providing data capable of seriously violating the rights and legitimate interests of the individual or their close relatives. Extortion also includes the threat of violence against the person or their close relatives, as well as the threat of destruction or damage to their property, which is under the control or protection of others. Part 2 specifies extortion committed using

violence against the person or their close relatives, by a group of individuals in conspiracy, or by a person with a prior criminal record as defined in specific articles of the Criminal Code. Part 3 addresses extortion committed with the reckless causing of death or other serious consequences, for the purpose of obtaining property on a particularly large scale, by an organized group, causing serious harm, or by a person with two or more convictions for certain crimes.

Article 182 of the Criminal Code of the Republic of Armenia clearly defines extortion and establishes different degrees of responsibility depending on the severity of the committed crime. It focuses not only on

the financial aspects but also on threats to the physical and psychological well-being of the victims. By subdividing extortion into parts, the law enhances penalties for cases involving violence, group conspiracy, or repeated offenses. The emphasis on serious cases and particularly large amounts of property underscores the grave nature of the crime and the focus on protecting society from extortion with severe consequences.

The Criminal Code of the Republic of Belarus[2], in Article 208, establishes responsibility for extortion. It is divided into three parts, each describing various aspects and forms of this crime. Part 1 covers the demand for the transfer of property, rights, or actions with financial consequences under the threat of violence to the victim or their close ones. It also includes threats to destroy or damage property, as well as manipulation of computer information. It may result in fines, corrective labor, arrest, or imprisonment for up to five years. Part 2 of this article addresses repeated extortion, crimes committed by a group of individuals involving non-life-threatening violence, threats of murder or serious bodily harm, and incidents related to the destruction or damage of property for the purpose of obtaining significant financial gain. Penalties for Part 2 include imprisonment ranging from three to ten years, with or without a fine. Part 3 of this article covers extortion carried out by an organized group, using violence posing a danger to life or health, resulting in severe consequences, and pursued with the aim of gaining exceptionally substantial financial advantages. Penalties for Part 3 include imprisonment ranging from five to fifteen years, along with a fine. It should be noted that the modification of computer information is defined as the unlawful alteration or insertion of knowingly false computer information into a computer system. This provision applies not only to this specific article but also to certain other articles in the Criminal Code of the Republic of Belarus.

In summary, Article 208 of the Criminal Code of the Republic of Belarus addresses the offense of extortion, delineating its various forms and consequences across three distinct parts. Part 1 encompasses demands involving property, rights, or actions with financial implications under the threat of violence, including threats to property and manipulation of computer information, with potential penalties ranging from fines to imprisonment for up to five years. Part 2 deals with repeated extortion, group crimes, and incidents involving violence or property damage for significant financial gain, carrying penalties of imprisonment from three to ten years. Finally, Part 3 pertains to organized group extortion with severe consequences, attracting imprisonment from five to fifteen years, along with fines. Moreover, the unlawful modification of computer information is explicitly addressed, not only in Article 208 but also in several other articles of the Criminal Code of the Republic of Belarus.

The Criminal Code of Georgia[3], in Article 181, outlines the responsibility for extortion. Part 1 of Article 181 defines the liability for acts of extortion, encompassing demands for the transfer of someone else's property under the threat of violence, harm to property, dissemination of defamatory information, or threats of its dissemination. The punishment, in the form of a fine or imprisonment ranging from two to four years, aims to prevent and punish such unlawful actions. In cases where extortion is committed by a group of individuals, is repeated, or is aimed at obtaining significant gain, a more severe penalty is imposed – imprisonment from four to seven years. This is intended to enhance accountability for organized and purposeful acts of extortion.

If the offense is committed by an organized group or an individual with prior convictions for similar crimes, a stricter penalty is prescribed – imprisonment from six to nine years. This is directed towards combating

systematic extortion and repeat offenses. For racketeers engaging in extortion, the most severe punishment is provided – imprisonment from seven to eleven years. This is aimed at eliminating organized forms of extortion and underscores the gravity of crimes committed by racketeers.

The Criminal Code of the Republic of Kazakhstan[4], in Article 194, establishes liability for extortion. Coercion to transfer someone else's property, rights to property, or the commission of other pecuniary actions under the threat of violence, destruction or damage to property, as well as under the threat of disclosing compromising information, is subject to a fine of up to four thousand monthly calculation indices, corrective labor, mandatory community service, restriction of freedom for up to four years, or imprisonment for the same term, with the possibility of property confiscation.

The use of violence, actions by a group in conspiracy, or repeated commission of extortion are punishable by restriction of freedom from three to seven years or imprisonment for the same term, with property confiscation. Extortion causing severe harm to the health of the victim or committed with the aim of obtaining significant financial gain is punished by imprisonment from five to ten years, along with property confiscation. If the actions are committed by a criminal group or have an especially large-scale nature, the punishment is imprisonment from seven to fifteen years with property confiscation.

The article prescribes severe penalties for various forms of extortion, taking into account the degree of severity of the crime, the use of violence, the presence of organized groups, and the scale of criminal activities. Penalties include fines, mandatory labor, imprisonment, and property confiscation depending on the nature and scale of the criminal offenses.

The Criminal Code of the Kyrgyz Republic[5], in Article 208, establishes liability for extortion. Let's examine the key provisions of each part of the article: Part 1 addresses the offense of demanding the transfer of someone else's property, rights to property, or the commission of actions of a pecuniary nature using blackmail or the threat of violence, which does not pose a danger to the life or health of the victim or their close relatives. Possible types of punishment include corrective labor, a fine, or imprisonment. Part 2 introduces stricter penalties in cases where the same offense is committed with the use of violence, by a group of individuals, a group of individuals in conspiracy, or with the aim of obtaining property on a large scale. More severe forms of punishment, such as a larger fine or longer imprisonment, are prescribed here. Part 3 establishes punishment for actions covered by the first two parts if they are committed with recklessness causing severe harm or with the aim of obtaining property on an especially large scale. This includes longer imprisonment and possible confiscation of property. Part 4 imposes even harsher penalties for actions covered by the preceding parts if committed by an organized group or as part of a criminal community. This entails longer imprisonment and potential confiscation of property.

The article on extortion in this criminal code incorporates a progressively stricter approach to punishment based on the severity of the crime and the circumstances of its commission. Harsher forms of punishment are prescribed for cases involving violence, group offenses, causing serious harm, or seeking significant gain. The introduction of property confiscation serves as a measure to counteract criminal activities in this domain.

The Criminal Code of the Republic of Moldova[6], in Article 189, establishes liability for extortion. Offenses related to extortion involve the demand for the

transfer of property or the performance of other pecuniary actions under the threat of violence, disclosure of compromising information, and threats of damage or kidnapping. The punishment in the form of a fine or imprisonment for 3-5 years addresses various aspects of the crimes and serves as a deterrent against their commission. In Part 2, conditions that intensify the liability for extortion are defined, including actions involving multiple individuals, the use of violence, threats of murder, property damage, and actions directed against political figures. Imposing more severe penalties, including imprisonment from 5 to 7 years and a fine, prevents more sophisticated forms of crimes. Part 3 introduces additional aggravating circumstances, such as the commission of the crime by an organized group, the use of weapons, violence, or exceptional cruelty, as well as subsequent receipt of the extorted property. These circumstances entail more severe punishments, including imprisonment from 7 to 10 years and significant fines. Kidnapping-related offenses are even more serious and are punished by imprisonment for a period of 10 to 13 years, emphasizing the gravity of such actions (Part 4).

The introduction of criteria related to the value of the property establishes additional criteria for punishment. If the value of the property exceeds 40 or 100 times the projected average monthly wages in the economy, the punishment becomes more stringent with an increase in the duration of imprisonment (Part 5 and 6).

The legislation strictly regulates crimes related to extortion, providing different levels of punishment depending on the circumstances and severity of the offenses. This is aimed at creating a more effective deterrent and ensuring a more equitable criminal prosecution based on the specific circumstances of each case.

The Criminal Code of the Republic of Azerbaijan[7], in Article 182, establishes liability for extortion. This article on extortion comprises several parts, defining various aspects of the crime and the corresponding punishments. Let's analyze each part.

Punishment for extortionists demanding the transfer of property or rights to it under the threat of violence, disclosure of compromising information, or the threat of destruction of property entails imprisonment from three to five years (Part 1). Additional complications are introduced, such as the commission of the act by a group of individuals in conspiracy, repeated instances, the use of violence, and the aim of acquiring substantial property. The punishment in this case is higher, ranging from five to ten years of imprisonment (Part 2).

It considers actions committed by an organized group, taking into account the goal of obtaining significant property and causing serious harm to the health of the victim. The punishment varies from ten to fifteen years of imprisonment (Part 3). It establishes stricter punishment for extortion with the aim of acquiring exceptionally large property, setting the term of imprisonment from thirteen to seventeen years (Part 4).

It follows that the criminal law aims to create a punishment system, considering diverse forms of extortion and their potential danger. Stringent measures are introduced for group actions, violence, and a deliberate intent to acquire substantial property. The punishments are proportionate to the degree of danger and severity of the offense, which can serve as an additional incentive for crime prevention.

The Criminal Code of the Russian Federation[8], in Article 163, establishes liability for extortion. Forcing the transfer of property, rights to property, or the

performance of other material actions under the threat of violence, destruction of property, or the dissemination of compromising information is subject to various types of punishment, including restriction of freedom, compulsory labor, arrest, or imprisonment with a fine. The punishment depends on the nature of the committed crime. Part 2 of this article specifies the punishment for more serious forms of extortion, such as committing a crime by a group of individuals in conspiracy, using violence, or on a large scale. Various punishment options are also provided here, including imprisonment, fines, and restricted freedom. Part 3 defines the punishment for extortion committed by an organized group with the aim of obtaining property on an exceptionally large scale or causing serious harm to the health of the victim. The most serious types of punishment are envisaged here, including long-term imprisonment, fines, and restricted freedom.

An overall analysis indicates the strictness of legislation regarding extortion that causes material damage or involves threats of violence. Additionally, there is a tendency towards more severe punishments for organized groups and crimes of an exceptionally large scale.

The Criminal Code of the Republic of Tajikistan[9], in Article 250, establishes liability for extortion. This provision covers various cases of extortion, providing diverse levels of punishment depending on the nature and severity of the committed crime. Part 1 of this article sets the punishment for the basic type of extortion, which encompasses the demand for the transfer of property or the performance of other material actions under the threat of violence, disclosure of derogatory information, or the threat of destruction or damage to property. The punishment ranges from five to ten years of imprisonment with possible confiscation of property. Part 2 intensifies the punishment for more serious cases of extortion, such

as the repetition of the crime, the use of violence, or the involvement of a group of persons in a conspiracy. Here, imprisonment for a period of ten to twelve years with or without confiscation of property is stipulated. Part 3 deepens the criteria for punishment, including extortion by an organized group, causing serious harm to health, in cases of dangerous recidivism, or with the aim of obtaining property on a large scale. Imprisonment for a period of twelve to fifteen years with the confiscation of property is provided in this context. Part 4 establishes the highest level of punishment for extortion in cases of especially dangerous recidivism, with the aim of obtaining property on an exceptionally large scale or the use of weapons, ammunition, or explosives. Imprisonment for a period of fifteen to twenty years with the confiscation of property is stipulated here.

A general analysis indicates a serious approach to extortion crimes, taking into account various circumstances and their severity. The level of punishment corresponds to the nature and degree of danger of each type of extortion.

The Criminal Code of Turkmenistan[10], in Article 253, establishes liability for extortion. This article outlines the responsibility for crimes related to extortion, depending on their nature and severity. Part 1 of this article defines the punishment for the basic type of extortion, which includes the demand for the transfer of property or rights to property under the threat of violence, destruction, or damage to property, as well as threats to disseminate compromising information about the victim or their close relatives. In this case, the punishment is correctional labor for up to two years or imprisonment for up to four years with or without confiscation of property. Part 2 of this article intensifies the punishment for more serious forms of extortion, such as committing the crime by a group of persons, repeated offenses, the use of violence, or the use of

information technology. In this case, the punishment includes imprisonment for a period of three to eight years with or without confiscation of property. Part 3 provides punishment for extortion committed by an organized group or criminal community, causing serious harm to the health of the victim, as well as with the aim of obtaining property on a large scale. In this case, the punishment includes imprisonment for a period of five to twelve years with or without confiscation of property.

A general analysis indicates the legislature's inclination toward stricter measures of punishment for more severe forms of extortion, especially in cases involving a group of persons, repeated offenses, the use of violence, the use of information technology, or organized groups.

The Criminal Code of Ukraine[11], Article 189, establishes liability for extortion. Part 1 of this article defines the punishment for the basic form of extortion, which includes the demand for the transfer of property or rights to it, the commission of actions of a material nature under the threat of violence against the victim or their close relatives, the restriction of their rights, freedoms, or legal interests, as well as the damage or destruction of their property. For such crimes, the punishment is in the form of restriction of freedom for up to five years or imprisonment for the same term. Part 2 of this article imposes a stricter punishment for more severe forms of extortion, such as committing the crime repeatedly, in conspiracy with a group of persons, by an official using their official position, with the threat of murder, causing serious bodily harm, damaging or destroying property, or causing significant harm to the victim. For such actions, the punishment is imprisonment for a term of three to seven years.

Punishment for extortion combined with violence, dangerous to the life or health of a person, or causing significant property damage is established by Part 3. In such cases, the punishment is imprisonment for a term of five to ten years with the confiscation of property. Part 4 of this article provides for the highest level of punishment for extortion that caused particularly large property damage or was committed by an organized group in conditions of war or a state of emergency, or combined with causing serious bodily harm. For such actions, the punishment is imprisonment for a term of seven to twelve years with the confiscation of property.

Therefore, the analysis of foreign criminal legislation allows us to conclude that the norms on extortion most closely aligned with our understanding are found in its counterparts contained in the criminal codes of the CIS countries. Specifically, this refers to the Republics of Belarus, Russia, Kyrgyzstan, Kazakhstan, Armenia, Tajikistan, and Azerbaijan.

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