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## OBJECTIVE FAULTITIVE SIGNS OF THE CRIME OF VIOLENCE AS A SIGN OF AGGRAVATING RESPONSIBILITY

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### ABSTRACT

In this article, in the tenth chapter of the Criminal Code of the Republic of Uzbekistan, the crimes related to "Robbery of other people's property" are defined, and among these crimes, some considerations are given about the optional signs of the crime of invasion, which is focused on its nature and social danger, and as a result of these considerations, it is recommended that the suggestions and recommendations be defined as an aggravating circumstance in the field of criminal law.

### KEYWORDS

Invasion, property, robbery, use of force, threat of use of force, methods of commission, mask, other means of concealment.

### INTRODUCTION

Article 164 of the Civil Code of the Republic of Uzbekistan states that "Property right refers to the right of a person to own, use and dispose of his own property at his own will and for his own interests, as well as the right to demand the elimination of any violation of his property right by whoever", "Property is inviolable and protected by law"[1]. As part of the reforms implemented in our country today, a number of reforms are being implemented in the field of judiciary, including in the field of criminal law. Therefore, the crime with its social danger is expressed in a socially dangerous action or inaction that seriously

harms people's lives and health, freedom, honor and dignity of a person, property rights, peace and security of the country.

### METHODS

Therefore, in this article, among the crimes that are committed today, we include crimes in the field of economy from Section III of the Criminal Code of the Republic of Uzbekistan (hereinafter referred to as the Criminal Code), which is considered high in its social danger, and its tenth chapter, that is, "Robbery of other people's property crimes related to "doing" are

listed, these crimes include the acts of articles 164-169 of the Criminal Code[2], among these crimes, invasion is a serious crime of a person due to its nature and social danger.

Encroachment is one of the most dangerous crimes against the property of a stranger, and its commission is punishable by Article 164 of the Criminal Code. The social danger of invasion is primarily related to the fact that as a result of the commission of this crime, there is a real danger of harming the life or health of the victims[3].

As a structural element of the crime of aggression, its object differs from other types of crimes by its characteristics. When committing it, a person simultaneously damages another person's property and property rights, and on the other hand, puts his health and life at risk, and shows his social danger. Therefore, the crime of invasion is considered a crime with two objects, its object is divided into a direct object and additional direct objects.

In a broad sense, the object of the crime of invasion includes the property of another person, the right to property, social relations that ensure the protection of property and his life or health, and his protection.

Invasion is the objective side of the crime - the external side of the socially dangerous act, which shows how the crime was committed. We divide the signs of the objective side of the crime into two main groups, the signs of the first group are invariable and specific to each crime structure, without which there cannot be a crime structure. The signs of the second group are optional (additional) and may or may not be part of the crime. A necessary sign of any crime is an act expressed in action or inaction (C.C. Art. 14). Other signs of the objective side were considered optional signs. The first group also includes, in addition to the socially

dangerous act, the socially dangerous consequence and the causal connection between the socially dangerous act and the consequence, which are characteristic of all material crimes. The second group includes the signs necessary for the qualification of the crime: time, place, circumstances, method, situation, (situational) weapon, means of the crime.

Invasion is the use of force that is dangerous to the life or health of the person who resisted the possession of the property, or otherwise, the close relative of the owner of the property, or otherwise, the person who resisted the possession of the property, in order to rob another's property or it is expressed in the act of threatening to attack with the use of such force[4].

Assault is committed as a result of the use of force that is dangerous to the life or health of a person, force can be used in a physical or mental way. Force may be used simultaneously with the attack by the guilty person at the time of the attack on the possession of the property by the guilty person or against the legal owner of the property and his close relative or other persons who resisted the possession of the property after the possession of the property by the guilty person. The violence used by the person guilty of aggression against another person is manifested in the serious damage to life and health.

According to the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 6 dated April 30, 1999, the use of force that is dangerous to life means a situation in which its use creates a clear danger to the life of the victim (for example, suffocating the victim, keeping his head under water, etc.). ) is marked as understood.

According to this decision of the Plenum of the Supreme Court, the use of violence that is dangerous to health should be understood as actions that cause

physical injury to the victim that causes health problems or pose a risk of such physical injury (hitting the temple, sunburn, etc.)[5].

During the invasion by the guilty person, violence may be committed in ways that are dangerous for the life or health of another person. By now, we can see that the most common method of perpetrating aggression, which has an objective aspect as a facultative sign, is wearing a mask on the face or using other methods that prevent identification (clothing of a representative of the opposite sex). It should be noted that special preventive measures are being implemented every year to fight against crime, to uncover the hot traces of committed crimes and to provide early prevention, in particular, all regions of the Republic are equipped with video surveillance and video-recording devices. Naturally, as the fight against crime improves, new ways of committing crimes appear. One of them is that the perpetrator commits the crime while wearing a mask. Even if the crimes committed by this method are recorded by means of video-surveillance, it is difficult to determine the identity of the criminal, and in most cases it also ensures that he escapes from responsibility. When a person commits an invasion while wearing a mask, although he acts openly, he ensures that his identity remains hidden from the victim, witnesses of the incident, as well as from the judicial investigation authorities[6]. During the commission of the crime of trespass, in the cases where the guilty person is assaulted by wearing a mask on his face, the person who committed the act has the opportunity to act freely and practically freely, which increases the possibility of the guilty person to further increase his aggression against the legal owner of the property creates and cause serious damage.

In such cases, the victims may lose themselves for some time due to the sight of masked persons in their

living rooms at night, and fall into states of mental stress, which in turn may cause serious damage to the health of the victims. crime gives the opportunity to identify the perpetrator, victims, witnesses and witnesses of the crime to remain in its hidden, abstract form.

This, in turn, completely reduces the possibility of crime detection by law-enforcement bodies, in case the crime is not detected, the issue of responsibility for the guilty persons remains open, and the damage caused to the health and property of the victims is not compensated.

It shows that there are gaps in today's legislation of our country, including in the field of criminal legislation. It can be seen that cases of invasion by guilty persons using the method of wearing a mask are of great importance in the qualification of this crime, and it is not taken into account in the current criminal legislation, in the qualification of this facultative act and in ensuring the inevitability of punishment. Indeed, the optional features of the objective side of the crime have their own criminal-legal significance in the qualification of the act.

If we take into account that the invasion is fundamentally different from other types of crimes by its social danger and nature, this type of crimes are not quickly exposed and at the same time, the issue of the responsibility of the guilty persons remains open as a result of the general public's dissatisfaction. If we consider some foreign countries, in particular, Chapter VI of the Criminal Code of the Republic of Estonia, adopted on May 7, 1992, is "Crimes against property", and Article 141, Part 4, Clause 4.1 of its Article 141, paragraph 4,1 states that an invasion by a guilty person "covers the face with a mask or mask if he committed it by concealing or using another method that prevents identification of the person" is the item, we can see

that it is defined as an aggravating circumstance of responsibility[7]. The optional features of the objective side of the crime, in particular, the method of committing the crime, i.e., the crime of assault “if committed by wearing a mask or using other methods that prevent identification (clothes of a representative of the other sex)” to be taken into account when qualifying the crime as an aggravating circumstance it is proposed to include in paragraph 4 of part 3 of Article 164 of the current Criminal Code of Republic of Uzbekistan.

## CONCLUSION

In conclusion, it can be said that in our social life, when the crime of invasion is committed, we know that the analysis of judicial investigation practice shows that invasion is committed in almost all cases with the use of a mask. To make a true assessment from a criminal-legal point of view of any act committed against the rights, freedoms, and legal interests of citizens, to cover all aspects and signs of the act legally and to regulate it with the current criminal legislation, to ensure that no actions of guilty persons are ignored, they to be covered by the law, which serves to quickly expose crimes, to punish those guilty of crimes, to reduce the crime of aggression, and to ensure the rights of citizens.

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