

# Signs of The Objective Side of Crimes of Involuntary Seizure of Land

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**Abstract:** This article provides a scientific and legal analysis of criminal liability for unauthorized land seizure and its grounds, objective signs of the crime, circumstances of the commission of the crime, legal significance of administrative preclusion, certain aspects of land ownership rights, irrigated agricultural lands and other special land categories, rights to land plots, and other provisions.

**Keywords:** Unauthorized seizure of land, signs of the objective side of the crime, state property, private property, land ownership, use, land disposal, incentive norm, state register, completion of crimes, criminal liability.

**Introduction:** The concept of unauthorized seizure of land within the framework of criminal law is the illegal seizure of land belonging to state ownership or public interests in violation of the lawful procedure and the established procedure, or the abuse of these lands for one's own benefit in violation of the process of their distribution in a legal form.

This crime, as defined in Article 2991 of the Criminal Code of the Republic of Uzbekistan, "underlies the unauthorized seizure of land plots, including their use in the absence of legal rights to these land plots."

## LITERATURE REVIEW

The objective side of a crime is defined as the set of legally established features that characterize the external side of the committed socially dangerous act. That is, it is understood as a set of characteristics implying the methods and ways of committing a crime.

According to M.Kh. Rustambaev, "The objective side of a crime is the external manifestation of crimes, which includes such external signs of the crime as the form, method, means, time, and place of its commission. The presence of these signs is important in determining the corpus delicti. The objective side of the crime consists of the necessary features, the causal relationship between the socially dangerous act, the socially dangerous consequence, as well as the socially dangerous act and the socially dangerous consequence.

## DISCUSSIONS

Regarding the objective side of crimes of arbitrary seizure of land, it is characterized by the following main features:

**Form of the act** (aspects related to the subjective side).

The crime of unauthorized land seizure is characterized by the fact that it is committed in forms clearly defined by criminal procedure legislation. The form of a crime is understood as the way in which it was committed, that is, through action or inaction. In the first and second parts of Article 2291 of the Criminal Code of the Republic of Uzbekistan, the form of this crime is defined as follows:

### 1. Acquisition as a form of crime:

The seizure or use of a land plot by a person without the permission of authorized state administration bodies is recognized as a crime. In these cases, the crime is committed through the active actions of a person, for example, the construction of unauthorized structures on this land, the use of land for personal or economic purposes. Such actions are carried out by the state in violation of certain permits and legal foundations related to the ownership, use, and disposal of land.

### 2. Irrigated agricultural lands and other special land categories:

According to part two of Article 2291 of the Criminal Code, even if there is a legal right to a land plot, if it is impossible to carry out construction on it (for example,

irrigated agricultural lands, territories belonging to settlements, or ecologically hazardous zones), then such construction work is also considered a crime. In this case, the status (legal status) of the land is paramount.

### **3. Part Three as an Incentive Norm:**

Part three of Article 2291 is defined as an incentive norm, and in some cases, such punishments as imprisonment or restriction of liberty may not be applied to a person who has committed a crime. This includes the following cases:

- the crime was committed for the first time;
- The person voluntarily returned the seized land plot within 30 days from the date of discovery of the crime;
- the consequences arising on the occupied territory have been eliminated;

### **4. Analysis with Practical Examples:**

The study of judicial and investigative practice shows that cases related to parts one and two of Article 2291 are characterized by the following circumstances:

- In the first case, illegally built on land not belonging to the person, entering the settlement;
- In the second case, an unauthorized structure was erected on irrigated agricultural land;

These examples clearly demonstrate how acquisition and use are carried out as a form of crime. Criminal acts always lead to socially dangerous consequences, in particular, to the mismanagement of land resources, causing damage to the environment and agriculture.

**The presence of administrative prejudice:** In determining the corpus delicti under part one of Article 2291 of the Criminal Code of the Republic of Uzbekistan, administrative prejudice - that is, the fact of previously being brought to administrative responsibility for the same act - is the main requirement of the objective side. In other words, if the person:

1. A person was previously held administratively liable for the unauthorized seizure or use of a land plot;
2. Repeatedly performing similar actions. His actions are considered a crime. This preclusion is a strict requirement of the Criminal Code and plays a central role in the justification of the court's indictment under part one of Article 2291;

In the second part of the article, on the contrary, previous administrative liability for similar actions is not the main condition. That is, if illegal construction works are carried out on irrigated agricultural lands or in the territory of settlements, the corpus delicti will be fully formed without requiring a preclusion. Here, the

objective side of the crime - the act of construction or operation without permits - is sufficient.

**Practical judicial experience.** Analysis of judicial and investigative documents shows that the cases considered under part one of Article 2291 of the Criminal Code are characterized by the following circumstances:

- 1) The person was initially brought to administrative responsibility on the basis of Article 60 of the Code of Administrative Responsibility;
- 2) Cases of subsequent seizure, construction, or unauthorized use of a land plot without the permission of the relevant authorized bodies.

These circumstances indicate the importance of administrative prejudice in the full detection of the crime and the determination of appropriate punitive measures. Based on this information, the presence of administrative prejudice is a necessary condition for bringing to criminal responsibility under part one of Article 2291 of the Criminal Code. This means that the person was previously held administratively liable for similar actions and subsequently committed the same actions again.

**Lack of legal rights:** The absence of a person's legal rights to a land plot is the absence of the right of ownership, permanent use, or lease.

**According to the Land Code of the Republic of Uzbekistan, the right to own land arises in the following cases:**

"Legal entities may have land plots on the basis of ownership, permanent use, and lease rights in accordance with this Code and other legislative acts. Individuals may have land plots on the basis of ownership and lease rights in accordance with this Code and other documents.

Foreign citizens and legal entities, enterprises with foreign investments acquire land plots, except in cases stipulated by parts two and three of Article 18 of this Code and an international treaty of the Republic of Uzbekistan".

Article 17 of the aforementioned Land Code outlines the procedure for acquiring land ownership rights, and a violation of this procedure means the absence of ownership rights to a land plot, i.e., a person does not have the right of ownership, permanent use, or lease of a land plot, and this person does not have legal rights to the land plot. This is the main factor in the emergence of crimes related to the illegal seizure of land (part one of Article 2291). For the second part of the article, there may or may not be ownership or lease rights to the land, but the objective side is the absence of the right to construct.

"Legal entities and individuals have the right to privatize agricultural land plots owned by them on the right of permanent use (possession) or lifelong inheritable possession in cases stipulated by the legislation on the privatization of agricultural land plots".

"The right of ownership of land plots of legal entities and individuals arises upon privatization of agricultural land plots in the manner prescribed by law".

"Land plots are provided for permanent use for public needs by decision of the khokim of the region and the city of Tashkent to state bodies, institutions and enterprises, bodies of citizen self-government. In accordance with the main intended purpose of the lands:

lands of urban and settlement development with the construction of administrative buildings and structures or lands allocated for the construction of such buildings and structures, lands of common use of settlements, lands occupied by urban forest plantations;

The land plot on which the apartment building is located, as well as the land plot adjacent to the apartment building, is provided by the state authorities of the regions and the city of Tashkent to the owners of premises in the apartment building for common use on the right of permanent use, unless otherwise provided.

The right of permanent use of the land plot is subject to state registration in the prescribed manner".

In this article of the Land Code, the procedure for dividing into irrigated lands is given.

If the certificate of state registration of the right to a land plot is a document confirming the right to the land plot, then the extract is a document confirming the right to the land plot.

An electronic extract from the State Register of Rights to Real Estate Objects is issued on the basis of a state order for the right of ownership of a land plot, a decision of the khokim of the region and the city of Tashkent on the provision of a land plot for permanent use, a lease agreement, documents of organizations and officials authorized to provide (allocate) a land plot in accordance with the legislation at the time of its provision (allocation), documents of subdivisions of the Chamber of State Cadastres of the Cadastre Agency under the State Tax Committee of the Republic of Uzbekistan on the division of a land plot, a court decision, a sales contract, a decision of the owners or persons authorized by them.

The right to a land plot shall enter into force after the state registration of this right in the prescribed manner.

The absence of a right to land - that is, a person does not have the right of ownership, permanent use, or

lease - is the most important characteristic in determining the objective side of crimes related to the illegal seizure of land. The aforementioned Article 17 of the Land Code of the Republic of Uzbekistan regulates the rights of ownership and use of land plots, while Article 18 restricts ownership rights for certain legal entities and individuals. Thus, land occupied or used without legal grounds fully reflects the objective side of the *corpus delicti*.

**Completion of the crime:** According to M.Kh. Rustambaev, "any actions aimed at the appropriation of land, the construction of various structures on it, or the use of these land plots without legal grounds do not necessarily entail certain consequences for them to be qualified as a crime. That is, this type of action itself forms the *corpus delicti*. The mentor emphasized that if a person has begun embezzling or constructing a structure, even if they haven't fully completed the work but have started the action - the crime is considered completed. Because here the intent has become a practical action and the offense has been committed".

## **RESULTS**

Accordingly, the crime provided for in part one of Article 2291 of the Criminal Code of the Republic of Uzbekistan, that is, the act of unauthorized seizure or illegal use of a land plot, is assessed as a completed crime from the moment of its commission. In other words, to prove the commission of a crime, it is sufficient that there is an act of illegal possession or use of the land, and this circumstance allows the crime to be considered completed.

In contrast, part two of Article 2291 of the Criminal Code interprets the elements of a crime more complexly. This part provides for the case of construction on irrigated lands, in which the completion of the crime is assessed as being connected not with the time of commencement of construction work, but with the time of discovery of this circumstance. That is, the crime is considered completed from the moment the relevant authorized bodies (prosecutor's office, state cadastral service, the Ecology Committee, and others) register the offense in official documents and assess the fact of the crime, when it is established that illegal construction is being carried out on irrigated land, and the crime is registered in official documents. This approach is important in the legal definition of the crime and its consequences.

## **CONCLUSION**

Thus, the subjective side in the crime of unauthorized land seizure is the suspect's intent to commit the act, the goal of obtaining material or personal benefit, knowledge of the law, and mental attitude. In the matter of the completion of the crime, the legislation

requires an assessment of each case in its own way and an approach based on specific criteria in practice. This plays an important role in the investigation of land crimes and their correct qualification in judicial practice.

#### **REFERENCES**

1. Constitution of the Republic of Uzbekistan. Adopted April 30, 2023. <https://lex.uz/docs/-6445145>.
2. Land Code of the Republic of Uzbekistan, 1998, No. 5-6, Art. 82. <https://lex.uz/docs/-152653>  
<https://lex.uz/docs/152653>.
3. Criminal Code of the Republic of Uzbekistan, September 22, 1994, Article 302. <https://lex.uz/docs/111453>.
4. Code of the Republic of Uzbekistan on Administrative Responsibility, September 22, 1994, Article 348. <https://lex.uz/docs/97664>.
5. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan, No. 36, December 14, 2024. <https://lex.uz/uz/docs/-7290944>.
6. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan, No. 28, November 20, 2023. <https://lex.uz/uz/docs/-6687150>.
7. Official statistics on crime and the judicial system of the Republic of Uzbekistan. <https://www.stat.uz/uz/rasmiy-statistika/crime-and-justice-2>.
8. M.Kh.Rustambaev. Commentary on the Criminal Code of the Republic of Uzbekistan. Special Part / M. Rustambaev. -Tashkent: "Yuridik adabiyotlar publish," 2025. - 445 p.
9. Kh.R.Ochilov. CRIME LAW. (General Part) Study Guide. - Tashkent: Legal Literature Publishing, 2023. 176 pages.