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Research Article

INTERRELATIONSHIP OF SIGNS OF THE OBJECTIVE SIDE OF CRIME IN CRIMINAL LAW: GENERAL PRINCIPLES, PROBLEMS, ANALYSIS AND SOLUTIONS

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ABSTRACT

The article widely uses logical, inductive, deductive, systematic, logical-legal, comparative-legal research methods. In particular, it was noted that the qualification of the act, the relationship between the signs of the objective side of the crime and the method of committing the crime can be classified as follows: 1) from the point of view of manifestation of the method of committing a crime as a form of a specific socially dangerous act (reflected in a specific socially dangerous act): a) the relationship between the method of committing a crime and the weapon of committing a crime; b) the relationship between the method of crime and the place of crime; 2) from the point of view of the fact that the method of committing a crime is not reflected in a specific socially dangerous act, but as a necessary sign of the nature of the crime: a) the relationship between the method of committing the crime and the method as an aggravating (qualifying) sign of responsibility; b) the relationship between the method of crime and the place of crime. The method of committing a crime in individual cases makes it possible to distinguish one or another crime objectively (that is, to distinguish crimes from each other), and gives the presence (or not) of a socially dangerous act, socially dangerous consequence and other elements of the crime, as well as the optional characteristics of another objective aspect of the crime. At the same time, the doctrine of criminal law and existing scientific research were analyzed, and reasonable theoretical recommendations were developed in this regard.

Keywords

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Crime, corpus delicti, objective side of a crime, socially dangerous act, the time, place, condition of committing crime, the way of committing crime, interrelationship, signs.

Introduction

When talking about the objective side of the crime, which occupies the main place in the structure of any crime, we approve that V. Timeyko's opinion that "the objective side of the crime represents the external behavior of a criminal act committed in a certain place, time and circumstances" is reasonable [1, P. 6]. The purpose of advancing this opinion is that the presence of the place, time, method and situation of the committing crime is a necessary sign in the relationship between the objective side of the crime.

Sometimes it is the means and weapons of the committing crime that are considered as the objective side of the crime, and sometimes it serves to reveal the crime in time.

For example, if we consider the interrelationship of the signs of the objective side with respect to "Intentional killing of the mother's own baby" (Article.99 of the Criminal Code of Uzbekistan.). the time of committing the crime ("at the time of childbirth" or "while still giving birth") becomes a legal significance of the crime. and is considered a necessary sign of the composition of the crime, the place of the crime (in a hospital or at home), the method (killing by pressing, killing by force, suffocation), weapon or means (killing with a knife or cutting metal objects) is important for the composition of this crime does not earn.

However, it should be emphasized that although the state of committing a crime is not provided for in Article 99 of the Criminal Code, the state of committing a crime (the special mental and physical state of a mother during the birth of her baby or while she is still giving birth) is the commission of a crime that is a necessary sign of the composition of the crime, over time, mutual crime becomes a legal relationship and becomes important in the qualification of this act. Because the mother deliberately kills her baby during childbirth or during childbirth as a result of certain psychological and physical conditions: physical pain during childbirth or an unexpected fetus (fetus born out of wedlock due to deception).

The killing of a mother after a certain period of time has passed after giving birth, i.e., a special mental and physical condition of the mother, after the condition of a woman during childbirth or immediately after childbirth has passed, is qualified as the main reason and motive of the crime, according to Article 97 of the Criminal Code need it was considered necessary to take into account the time factor in the qualification of manslaughter [2, P. 82-83].

Article 99 of the Criminal Code talks about the intentional killing of a mother during childbirth or while giving birth, and does not refer to the special mental and physical condition of the

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mother. However, in the Criminal Code of foreign countries, these cases are taken into account in the provision of the special section touching article. For example, Article 106 of the Criminal Code of the Russian Federation is called "Killing a newborn baby by a mother", and the provision of this article is: "Killing a newborn baby by a mother during childbirth or still giving birth (immediately after childbirth), as well as causing mental injury to the newborn baby of the mother (injury) or in the case of a mental illness (mental disorder) that does not exclude sanity" is provided for. When developing the norm of disposition of Article 99 of the Criminal Code of the Republic of Uzbekistan, the legislator paid attention to the objective aspects of the crime, in particular, the time of the crime. Studying the results of practice under this article and the criminal legislation of foreign countries (USA, Canada, Germany, France, Part 2 of Article 106 of the Criminal Code of the Russian Federation. Article 100 of the Criminal Code of Kazakhstan, Article 133 of the Criminal Code of Kyrgyzstan, Article 105 of the Criminal Code of Tajikistan [3]) analysis indicates that in our legislation, the state of committing a crime is not provided for by the legislator in the provision of Article 99 of the Criminal Code of the Republic of Uzbekistan. Studying the results of the practice on this article shows that it is evident that the intentional killing of a mother during childbirth or during childbirth is done in the conditions of a disturbed mental state or mental injury.

In our opinion, in Article 99 of the Criminal Code, it would be appropriate if the legislator provided

for the condition of committing a crime (the special mental and physical state of the mother) as follows: intentional killing in the condition of impaired condition or mental injury (injury).

In this case, the factors that cause mental trauma to the mother are: pregnancy due to dishonor, missed pregnancy due to abortion (abortion), anxious behavior of the newborn (a lot of crying, restless for a long time, not being quiet for a long time), mother sleeping for a long time, and deprivation of the opportunity to rest (due to prolonged childbirth), the presence of the father's demand to get rid of the baby, the father's refusal to recognize the baby, refusal to formalize the marriage, etc.

Secondly, the condition of mental disorder that does not exclude sanity is that the mother could not fully understand the importance of her actions (inaction) or control them due to her mental state at the time of committing the crime, such a state does not exclude sanity, it is often expressed in the form of physiological affect.

In our opinion, the fact that the commission of a crime in this case is reflected in the norms of the criminal law served to correctly qualify this crime by the investigative authorities.

METHODOLOGY

Methods such as logical, systematic, historical, logical-legal, comparative-legal, analysis of criminal cases and statistical data, sociological surveys were used in writing the research work.

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Discussion

In this scientific article, we will consider the relationship between the objective side of the crime.

In the theory of criminal law, some scientists consider the method of committing a crime as a form (form) of a socially dangerous act (action or inaction) [4, 89-96]. In our opinion, only when the action and the method are taken as a whole, it is possible to partially agree with such a view.

For example, robbery (Article 166 of the Criminal Code) or theft (Article 169 of the Criminal Code) is defined as an independent method of "openly" or "secretly" robbery of another's property. not reflected in a socially dangerous act. In such cases, the method cannot be considered a form of socially dangerous act. On the contrary, it is recognized as a method of committing a crime that is reflected independently. Articles 110, 112, 118 and 119 of the Criminal Code of the Republic of Uzbekistan can be cited as an example of the method of committing a crime as a form of socially dangerous act.

The method of committing a crime is closely and interrelated with all elements of the crime structure. Determining this connection is necessary in the in-depth study of the method of committing the crime, in determining the task and specific features of the crime described in the norms of the General and Special part of the Criminal Code.

The relationship between the method of committing a crime and other facultative signs is of criminal-legal and criminological significance.

The criminal-legal significance of the relationship of the method of crime with other facultative signs is that the presence of these signs can affect the qualification of the crime and be a criterion for distinguishing the components of the crime that are related to each other, for example, articles 164, 165 of the Criminal Code of the Republic of Uzbekistan. According to Articles 166, 167, 168, and 169. For example, the difference between robbery and theft is that in robbery the property of another is "openly" stolen, while in theft it is stolen "secretly". The criminological importance of these problems is that the identification of facultative signs makes it possible to clarify the conditions of the committed crime and ultimately to develop effective measures (measures) for the prevention of this or other crimes.

The Special Part of the Criminal Code shows that in most cases, the optional features of the objective side of the crime enter into a mutual criminal-legal relationship with the method of committing the crime. We think that it is appropriate to classify the method of crime according to the level of manifestation in an independent socially dangerous act, and to consider its interaction with other facultative signs of the objective aspect of the crime when qualifying the act.

RESULTS

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In particular, in the qualification of the act, the relationship between the optional features of the objective side of the crime and the method of committing the crime can be classified as follows:

- 1) from the point of view of manifestation of the method of committing a crime as a form of a specific socially dangerous act (reflected in a specific socially dangerous act):
- a) the relationship between the method of committing a crime and the weapon of committing a crime: article 164, part 2, paragraph "a" of the Criminal Code (use of force dangerous to life or health or threat of using such force (method of committing a crime, which is a form of a socially dangerous act) - the method of committing a crime - using a weapon or other objects that can be used as a weapon)[5];
- b) the relationship between the method of crime and the place of crime: Article 164 of the Criminal Code. 3-q. "v" b. (use of force dangerous to life or health or intimidation with the use of such forcemethod of committing a crime - illegal entry into a house, warehouse or other building), Article 166 of the Criminal Code. 3-q. "b" b. (open robbery of another's property - method of committing a crime - illegal entry into a house, warehouse or other premises)[5];
- 2) from the point of view of the fact that the method of committing a crime is not reflected in a specific socially dangerous act, but as a necessary sign of the nature of the crime:
- a) the relationship between the method of committing the crime and the method as an

aggravating (qualifying) sign of responsibility: Article 166, Part 2, Clause "a" of the Criminal Code (openly robbing someone else's property ("openly" means robbery) the method of committing a crime, which is independently provided for in the structure of a certain crime and has a necessary sign) - the method of committing a crime - is committed in interaction with the method of committing a crime, such as the use of violence that is not dangerous to life or health or the threat of using such violence);

b) the relationship between the method of crime and the place of crime: Article 169 of the Criminal Code. 2 q. "g" b. (secretly robbing someone else's property ("secretly" is a method of committing a crime that is independently provided for and a necessary feature of a specific crime of robbery) a method of committing a crime - a house, warehouse or other trespassing and other items.

The method of committing a crime in individual cases makes it possible to distinguish one or another crime objectively (that is, to distinguish crimes from each other), and gives the presence (or not) of a socially dangerous act, socially dangerous consequence and other elements of the crime, as well as the optional characteristics of another objective aspect of the crime.

In particular, from the point of view of the manifestation of the method of crime as a form of a specific socially dangerous act (reflected in a specific socially dangerous act), it is appropriate to consider the practical analysis of the relationship between the method of crime and the weapon of crime.

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For example, U. V. and S. They were charged with paragraphs 164-m, 2-q "a", "b" and part 3 "b", "v" of the Criminal Code. It is known from the case materials that U. friends V. and S. made a plan and made a homemade shotgun. On January 6, 2019, they illegally broke into A.'s house around 2:00 a.m. and attacked A.. U. U. A. threatened him with a home-made hunting rifle that belonged to him, his accomplices V. and S. A. was laid on the floor with his arms folded. After searching the house and finding only 200 US dollars, they beat A. and demanded money and valuables from him. They used force that was dangerous for A.'s life and health, took gold belonging to A. worth 1 million soums from the house and tied A.'s hands and feet and disappeared from the scene. Court U. V. and assessed the act of S as home invasion committed by a group of persons and sentenced them to punishment [6].

In the above case's court documents, we can see that the invasion was committed by assault, using life-threatening force, threatening with a weapon, and trespassing into a dwelling. In this act, the objective side of the crime, such as the method of committing the crime (attack and use of lifethreatening force) - the weapon of the crime (home-made shotgun) and the place of the crime (with illegal entry into the house), qualify the commission of optional features. we can see the interaction in doing. Also, the Chilonzor district court in criminal cases correctly assessed the actions of these persons and imposed a fair punishment on them.

The interrelationship of the method with the time, place, weapons, means, state (situation),

socially dangerous consequence and causal connection of the crime is of particular interest. because the method of the crime is included among the facultative signs of the objective side of the crime, depending on the definition of the substance. can be considered as necessary signs.

Often, the specific time of the day and night, the specific time of the year (summer or winter) turns out to be an influencing factor in choosing the method of committing a crime. For example, in the crime of robbery, time is of particular importance in determining the method of committing the crime. In particular, the night time creates the choice of a secret method in committing the crime of theft, the attack in the crime of invasion usually takes place in the evening, in the dark, when the flow of people is limited.

An example of this is the following court material: R. He was charged with paragraph 169-m, 2-q "g" of the Criminal Code. It is known from the case materials that the defendant R. On the night of October 09 to October 10, 2018, at approximately 00:30, Z. 400,000 soums computer, 15,000 soums tape recorder, 7,000 soums umbrella, 55,000 soums fan, 447,000 soums worth of equipment, illegally entered the building of "Super Tb" LLC, committed theft and hid from the scene. The culprit R. caught and his deed exposed [7].

The analysis of the case materials shows that the method of committing the crime (the "secret" robbery of someone else's property), the place of the crime (the building of the "SUPER TB" LLC firm) are related to each other in the qualification

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of the act, and by the legislator place is recognized as an aggravating (qualifying) sign of theft.

he court carefully, comprehensively and completely analyzed the circumstances that need to be proven in the case, correctly assessed the act and came to the right conclusion.

Currently, the number of crimes committed by minors and young people is about 2% of the total crime. Most of these are related to the fact that adults involve minors in crime through various methods.

Therefore, in practice, various problematic situations arise when qualifying Article 127 of the Criminal Code separately and together with other crimes.

If we talk about the qualification of crimes provided for in Article 127 of the Criminal Code, in theory and practice, two types of attraction to crime are distinguished: non-specific attraction, in which the actions of an adult are aimed at promoting a criminal lifestyle, selecting and recruiting new criminals to bring them into this world, and there is no mention of a specific crime. In case of concretized involvement, teenagers are involved as accomplices, joint participants or individual perpetrators of a ready-made crime conceived by adults, or expressed in actions aimed at generating and forming criminal intent aimed at committing this crime in these minors [8, P.51-55]. It causes some problems in the qualification of involvement in a concrete form, since in the actions of an adult there may be signs of other independent crimes.

However, the disposition of the article currently does not specify the methods of attraction, which causes some problems in the application of the law in practice. Due to this, it is appropriate to include the acts of attracting a minor to commit a crime by promising, deceiving, threatening or other means to part 3 of Article 127.

According to statistics and criminological studies, theft increases especially during the summer, when a large (majority) of the population leaves their homes and goes on vacation. In the spring and summer, molestation increases, when hot weather, less clothing, spending more time on the street, in parks, and on boulevards create favorable conditions for committing crimes of sexual violence.

According to the crime method, the location is interpreted depending on how detailed the crime method is; detailed examination (detailing) of the elements and signs of the crime is usually associated with a detailed examination of the conditions of the place [9, P. 63].

The mode of crime is also associated with such large units as war time, harvest time, closing time of trading places, rush hour, etc. Often, the composition of the methods of committing a crime is determined by the use of time units associated with the realization of certain processes, appearances ("in time"), even certain moments ("moment").

As an example, the case of V., S. and Sh., who were sentenced to punishment according paragraphs 164-m, 2-q "a", "b" and 3-q "b", "v" of the Criminal Code, can be cited. V., S. and Sh.

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Citizen I. organized an invasion attack. As can be seen from the case materials. V. with the intention of illegally possessing someone else's property. his relative - sister's husband - S. and his friend Sh., saying that he has a hunting rifle and its bullets, I. offered to invade the house of S and Sh. After agreeing, V. made a mask from children's socks, bought insulating tape and a knife from the store. Then V. and S. Knowing that I.'s husband was a long-distance driver and that he was not at home often, I. watched the house of They are pre-I. have studied the daily schedule, the time of return from work, the time of sleep. After learning the necessary information, they made a plan, divided the tasks and on August 26, 2019 I. I.'s husband is on his next commute, at 03.00 at night. entered the house while he was sleeping. At the time of the attack on the house, I., V. and S. I with a shotgun, threatened, forced him to lie on the floor and tied his hands. They stole 3,500,000 soums worth of money and other valuables, totaling 4,500,000 soums, and left the house. V., S. and Sh. were arrested as a result of quick search activities of M.Ulug'bek Department of Internal Affairs. The court carefully, comprehensively and fully investigated the circumstances that need to be proven in the case, correctly applied the norms of the criminal law to them and imposed a fair punishment [10].

Conclusion

Analyzing the above court documents, it can be determined that in the crime of aggression, the method, weapon, and place of crime are inextricably linked with each other, and the

weapon and place of crime are considered by the legislator as a qualifying sign in cases where responsibility is aggravated. Taking into account these aspects, the court made a correct assessment of the criminal act of V., S and Sh.

The method of committing the crime depends on the location of the crime, such as urban or rural, open or closed, residence (dwelling), room or storage place, etc. According to the crime method, the location is interpreted depending on how detailed the crime method is; detailed examination of the elements and signs of the crime method is usually associated with a detailed (thorough) examination of the conditions of the place.

As an example, the Plenum of the Supreme Court of the Republic of Uzbekistan, based on the decision No. 10 of June 14, 2002 with amendments and additions "On judicial practice in the criminal cases of theft, robbery and robbery of another's property with invasion" decision No. 6 of April 30, 1999 "house" means a building intended for permanent or temporary residence of people (private house, apartment, hotel, room in a sanatorium, field yard, garden yard, etc.) for (balconies, glazed porches, warehouses, etc.) is understood.

A warehouse is a separate device or place specially equipped and adapted for the permanent or temporary storage, transportation, protection of material assets from theft, natural disasters, theft and loss. Taking possession of another's property using special devices (hooks, hooks, magnets, absorbent rubber hoses, clamps,

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etc.) does not constitute a descriptive sign of robbery in the explained house, storeroom and other room [11].

At the same time, the above mentioned decision of the Plenum of the Supreme Court did not explain the concepts of "another building" and "another room". In this regard, we believe that paragraph 9 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 6 of April 30, 1999 "On judicial practice in the criminal cases of theft, robbery and robbery of another's property by invasion" should include the following addition: "Another place means buildings and structures, regardless of the form of ownership, intended for the temporary stay of people or the placement of material assets for production or other service purposes."

The cited examples show that the method and the are place of crime interrelated and interdependent, that is, in these cases, illegal entry has a direct impact on the determination of the method of crime as a qualifying sign of the crime of theft, robbery, and invasion.

Correct assessment of the crime scene has a direct impact on solving the question of the existence of the method of crime as a qualifying sign.

The choice of the method of committing a crime is often caused by technical equipment (armament), availability of one or another weapon and means to achieve a criminal result (consequence).

Means and weapons of crime, similar to the method, are considered facultative signs of the objective side of the crime and are closely related

to each other However, N.F. Mikhaylov also paid attention to this and does not mean that the first component of the second. interrelationship between them shows that the weapons and means of committing the crime are often an additional characteristic of the method of committing the crime. Often, the choice of method is strongly determined by the means and weapons used to commit the crime [12, P. 7].

Because of this, A.N. Leontev: "Weapon is not only the existence of an object (thing), but it acquires a certain form and has certain physical characteristics. At the same time, a weapon is a social object, that is, an object (thing) that has a certain method of use, is strengthened and formed by them (the community) in the process of collective work. To use a weapon (to have a weapon) means not only to have it, but also to have a method of action using it as a means of material realization [13, P. 213].

In the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 6 of April 30, 1999 "On judicial practice in the criminal cases of theft, robbery and robbery of another's property by invasion", paragraph 7, subparagraph 4, requires permission from the perpetrator during the invasion process. It is explained that when a firearm is used and when an invasion is committed using a weapon or other things that can be used as a weapon (explosives, poisonous substances, etc.), its actions should be characterized by this set of crimes [14]. However, in our opinion, it would be necessary to clarify the concept of weapons or other objects that can be used as weapons in more detail. Therefore,

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labeling them as consisting of explosives, poisonous substances, etc., created and continues to create some problems in the practice of law enforcement.

In practice, invasions are carried out in various cases, using various objects as weapons. Examples include sharp pieces of iron, wires, medical surgical instruments, and other items. Accordingly, in our opinion, paragraph 7 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan "On judicial practice in the criminal cases of theft, robbery and robbery of another's property by invasion" should be supplemented with the following part: "Other things that can be used as weapons in the process of invasion the term "use" means specially prepared, before starting a socially dangerous action, designed to inflict bodily injury dangerous to a person's life or health and intentionally kill him, specially adapted to be used as a weapon, with a shattering or throwing effect. For example, a chain, a cut pipe, a kitchen knife or other knives, a razor, an axe, a crowbar, a shovel, a brick, a stone, a cable, rebar, etc." can also be used as weapons. it is appropriate to give an explanation.

The method of committing a crime that is dangerous to the lives of others requires the use of a certain weapon, for example, a grenade for detonation, a firearm - in order to organize a shooting in places of mass gathering of people, etc. Researched materials on criminal cases show that the majority of intentional homicides are carried out with the help of one or another weapon and means of crime. The choice of this or that weapon, in the studied cases, also caused the choice of the method of committing the crime.

Taking into account the above points, the high social risk of committing a crime using weapons or weapons, ammunition, explosives, explosive devices, explosions or similar devices, as well as the official uniform or document of a representative of the criminal authority, the criminal behavior of the criminal from the point of view of evidence that it has reached a stable or serious level, it is proposed to include the following clauses in Article 56 of the General Part of the Criminal Code:

"o) using other objects that can be used as weapons; p) using weapons, ammunition, explosives, detonating devices, explosions or similar devices; r) if the crime was committed using the official uniform or document of a representative of the authorities".

In the literature, special attention is paid to taking into account the situation (situation) of committing a crime, because it includes all the situation (conditions) in which the criminal acts, including the existing obstacle or conditions that create the basis for committing criminal actions (the presence of strangers, the uniqueness of the place) [9, P. 64].

The circumstance(s) of committing a crime are determined by significant circumstances that clarify (clarify) and clarify in detail (with details) a particular crime. In the entire description of the conditions of the situation - the existence (of a relationship) between the subject of the crime and the victim, etc. are expressed.

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The situation often determines the way the crime is committed. If it exists to a greater or lesser extent, it may be permanently known only to the person committing the crime. Situation (situation, conditions) - being a variable category, often the relevant elements of the situation can be determined by the perpetrator at the time of committing the crime. It is necessary to study the situation(s) of committing the crime during the general process of the crime. A change in intermediate goals or the emergence of new goals depending on the situation also changes the nature of the way the crime is committed [15, P.18].

In short, to determine the interrelationship (relationship) of the objective side of the crime, in order to correctly qualify the crimes, it is necessary to determine how they interact with each other in some cases. Giving them a correct criminal-legal assessment often has a direct impact on solving the issue of the existence of a method of committing a crime as the main (constructive) and qualifying feature of the crime.

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