



Commission of the Crime of Theft by Unknown Persons

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ABSTRACT

The socio—economic changes that significantly changed the political course of Russia I the late XX - early XXI centuries caused instability of the state economy and an increase in crime, especially theft of other people's property.

Keywords:

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Introduction

The socio—economic changes that significantly changed the political course of Russia I the late XX - early XXI centuries caused instability of the state economy and an increase in crime, especially theft of other people's property. In 2006, about nonviolent forms of theft in the Russian crime structure were: theft 43.5%; fraud — 5.8%; embezzlement or embezzlement — 1.7%. From the content of this statistic It can be seen that among the types of crimes against property, theft in the form of theft dominates.

Before being introduced by the Federal Law of June 22 2007 No. 161 of amendments to Article 7.27 of the Administrative Code of the Russian Federation, property interests remained unresolved citizens affected by nonviolent violence the amount of which did not exceed one minimum wage (hereinafter referred to as the minimum wage). Theft without entering a home, for example, a used flask from an elderly person as a person living in rural areas, in the amount of 500,600 rubles, by an unknown person, a leafy climb from the roof of a garage in the amount of 900 rubles

without a qualifying sign "group of persons" is not recognized wallowing in crime. The authorities of the preliminary investigation did not initiate criminal cases on these facts. The unknown persons who committed the theft were not identified by the state authorities, and the property interests of the victims were not protected.

With the introduction of this change, nonviolent embezzlement in the amount of over 100 rubles from administrative offenses passed into the status of crimes. The legislator has established criminal liability for nonviolent actions offenses without qualifying signs of a criminal. Is the proper protection of private and public property interests violated as a result of nonviolent theft ensured today? The answer is likely to be ambiguous. Below we will analyze the judicial practice in the case of criminal law assessment of public the dangers of theft using the criterion of "one minimum wage" and consider the problems of verifying statements of property crimes that arise at the stage of initiation of criminal proceedings.

In other similar cases, the court gives a negative assessment of the actions of the

defendants who committed theft of other people's property, the amount of which slightly exceeds 1 minimum wage. Thus, the October District Court of Omsk convicted gr. Yakimov D., Bagautdinov R. and Ramazanov R. according to paragraph "a" of Part 2 of Article 158 of the Criminal Code of the Russian Federation for theft from the roof of a garage located in a garage cooperative, an aluminum sheet in the amount of 1000 rubles³. The amount of stolen property exceeded 1 minimum wage for 200 rubles.

The totality of factual data is not always unambiguously assessed when deciding whether to initiate criminal proceedings for multi-episode crimes against property, when the amount of damage caused is equal to 1 minimum wage or slightly exceeds it. When evaluating such acts, it is advisable to follow the rule: if the actions of the perpetrator are seen as a sign of the key to the ongoing crime (a single intent, a single source, each episode has a formal but the finished composition), then they should be considered as committed with uncertain intent and quality qualify according to the relevant parts of Articles 158-160 of the Criminal Code of the Russian Federation.

If there are signs of a real set of crimes in the actions of the perpetrator, when the value of the stolen is 1 minimum wage or slightly exceeds it, in our opinion, the act should be considered as insignificant. From the same position, it is necessary to approach the assessment of a tort containing signs of a prolonged crime (theft from a single source of the same object), but actually being a real aggregate, since the act is committed each time with a newly arisen intent. So, the Kuibyshev District Court in Omsk, Mr. Bobrov I. was convicted of a number of episodes of theft of roofing iron, which was used to cover heating pipes. His actions are qualified as a real combination: twice — according to part 1 of Article 158 and once — according to part 3 of Article 30, part 1 of Article 158 of the Criminal Code of the Russian Federation. The value of the stolen at the time of the crimes was 409, 543 and 136 rubles, respectively.⁴ Despite the fact that the total value of the stolen goods exceeded

1 minimum wage, each act individually caused damage less than the specified amount.

Qualifying signs of the elements of crimes provided for in Articles 158, 159, 160 of the Criminal Code of the Russian Federation, with damage below 1 minimum wage are: group of persons by prior agreement, causing significant damage to a citizen (Part 2 of Article 158, Scientific provision of counteraction to offenses Suprun S. V., Vlasov Yu. A. Initiation of criminal cases of nonviolent theft (Criminal Code No. 159, 160 of the Criminal Code of the Russian Federation), illegal entry into a room or other storage, theft from clothes, sum keys or other hand luggage that were with the patient (Part 2 of Article 158), penetration into the home sh (item "a" of part 3 of Article 158), from an oil pipeline, an oil pipeline, a gas pipeline (item "b" of part 3 of Article 158), cereals the amount of the stolen (paragraphs "c" of Part 3 of Articles 158 and Part 3 of Articles 159, 160), the use of official position (Part 3 of Articles 159, 160), an organized group and an especially large size (part 4 of Articles 158, 159, 160 of the Criminal Code of the Russian Federation).

The commission of a crime by a group of persons by prior agreement is not only a qualifying sign, but also an aggravating circumstance (paragraph "c" of Part 1 of Article 63 of the Criminal Code of the Russian Federation). However, this does not always indicate a public danger of the act. For example, if a group of teenagers penetrates if he goes into the garden to pick fruits and berries, it is unlikely would it be advisable to initiate a criminal case under paragraph "a" of Part 2 of Article 158 of the Criminal Code of the Russian Federation. This norm should not be applied by analogy in the case of a person entering a warehouse in order to steal several kilograms of coal. Despite the fact that the following The above examples are formally contained with the help of qualified personnel, such actions do not pose a public danger due to their insignificance. However, judicial practice it develops differently. Often, courts recognize such actions as crimes and issue convictions, especially if the stolen does not significantly exceed 1 minimum wage. For example, the underage Dyatlov D. and

Novikov A. were convicted by the Central District Court of Omsk under Part 3 of Article 158 of the Criminal Code of the Russian Federation for stealing stainless steel pipes from a bathhouse located on the territory of a suburban area in the amount of 990 rubles 5. This qualification is difficult to call correct, since the bathhouse does not fall under the definition "dwelling", which is contained in the note to Article 139 of the Criminal Code of the Russian Federation.

Objectively, it is impossible to consider qualifying signs (a group of persons according to a preliminary collusion, illegal entry into the premises or other storage, theft from clothes, bags or other hand luggage that were at the time of the accident shem, penetration into the home) only as circumstances indicating an increased risk of the nature and degree of public danger of the act. In such cases, the law enforcement officer should accurately determine the subjective side, i.e. the direction of the perpetrator's intent. If during the investigation it is revealed that when committing a crime a research institute containing a qualifying statement However, the intent was aimed at seizing the property if the amount is less than 1 minimum wage, then such an act formally contains signs of a crime However, due to its insignificance, it will not be a crime. For example, the perpetrator intentionally takes possession of the watch of a sleeping person who is intoxicated, obviously realizing their low cost. If the intent is aimed at obtaining possession of property worth more than 1 minimum wage or is not determined at the time of theft, then the public the danger of the act increases significantly and it becomes criminally punishable.

A system of means of verifying applications and communications information about the commission of theft in the form of theft, fraud According to the industry criterion, it can be classified into three groups: criminal procedural, administrative law They are operational investigative. Criminal procedural means include inspection of the scene of the incident (part 2 of Article 176 of the CPC The Russian Federation), the requirement to

present to the investigator, the inquirer the instruments of the crime, the stolen property; a request addressed to the head of the legal entity about the value of the stolen (art. 21, part 2 Article 144 of the Code of Criminal Procedure of the Russian Federation), appointment and production of documentary checks, audits (hh. 1 and 3 of Articles 144 Code OF Criminal Procedure OF the Russian Federation).

Administrative and legal means are verification of documents from citizens and officials identification documents, if there are sufficient grounds to suspect them of committing a crime; inspection of persons, if there is sufficient evidence to believe that they are carrying tags and values that are relevant to the case; dos check of items, hand luggage and baggage of persons suspected of committing a crime, and seizure of stolen property; obtaining (from citizens and officials) the necessary explanations, information certificates, documents and copies; inspection of trade and office premises, other places of storage and use of property; seizure of necessary documents for tangible assets, cash, credit and financial transactions, as well as samples of raw materials and products; conducting control purchases, inspections, inventories, separation from officials and financially responsible information and explanations on the fact of violation of legislation, etc. (Article 11 of the Law of the Russian Federation "About the police").

Operational investigative means include interviewing citizens, making inquiries, collecting samples for comparative research, verification purchase, examination of objects and documents, surveillance, identification of an individual, examination of premises, buildings, structures, terrain and vehicles, removal of information from technical communication channels, operational implementation, operational experiment, etc. (Article 6 of the Federal Law "On Operational investigative activities").

The procedural procedure for the initiation of criminal cases of nonviolent embezzlement Article 146 of the Code of Criminal Procedure of the Russian Federation has been ratified. The right to initiate a criminal

case is vested in the investigator, the investigator, the head of the department of inquiry, the body of inquiry. The prosecutor and the head of the investigative body do not have such powers. The copy of the resolution of the investigator and the inquirer on the initiation of a criminal case is immediately sent to the prosecutor. If the prosecutor recognizes the decision to initiate a criminal case as illegal or unfounded, on the basis of on the basis of Part 4 of Article 146 of the Code of Criminal Procedure of the Russian Federation, he has the right no later than 24 hours from the date of receipt of the material The decision to initiate criminal proceedings should be canceled, and a reasoned decision should be made.

References:

1. Suleymanov O.R. International standards for the independence of the judiciary. /Monograph-T.: "Wing of thought", 2020.
2. UN Special Rapporteur on the independence of judges and lawyers Diego Preliminary on the results of Garcia-Sayan's official visit to Uzbekistan feedback.// <http://www.un.uz/uzb/news/display/348>.
3. Basic principles of independence of judicial bodies. Un crime prevention 6 from August 26, 1985 on obtaining and dealing with offenders it was adopted at its seventh congress, held in Milan until September, and the UN