



Objective signs of arbitrary crime

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ABSTRACT

In this scientific article, while objectively analyzing the development of criminal law in the path of independent development that has taken the Republic of Uzbekistan today, we have witnessed that during the past period, crimes are developing as society progresses and appear in new forms every day. It is explained in a short article that the crime of "arbitrariness", which is considered a crime against the administrative order, also needs a deep study, and how important the object is in its qualification. Information is also given about the impact of crime on our sovereignty.

Keywords:

Justice, rule of law, offense, crime, arbitrariness, object, intention, subjects

In short, today's social life clearly confirms that our chosen path is the path of national development of our country, which is called "New Uzbekistan". It should be noted that measures aimed at further liberalization of the judicial system in our country are also aimed at ensuring the rule of law. It is known that the second direction of the development strategy is called "Making the principles of justice and the rule of law in our country the most basic and necessary condition for development." Its main meaning is to consistently continue the reforms carried out in the judicial system of the country, in which to establish a system of judicial control over the activities of officials of state bodies, to further increase the role of the bodies of the judicial community in ensuring the true independence of the judiciary, to ensure public safety, to create an effective system of timely identification and elimination of the conditions that led to the commission of crimes, to form a new image of law enforcement bodies and to effectively ensure their activities in the interests of the people, human dignity, rights and freedoms is to direct protection. In the activity of courts, judicial law ensures the strengthening of legality, ultimately, the protection of human

rights, ensuring the supremacy of laws in the country.

In fact, our large-scale reforms carried out in strict compliance with laws are an important foundation for strengthening national statehood and sovereignty, ensuring an environment of stability and legal order, the rule of law in society, human rights and freedoms, inter-ethnic harmony and religious tolerance. will be He created incomparable legal guarantees for the creation of the necessary conditions for the decent life of our people and the realization of the creative potential of citizens.

As long as all laws in society serve people, their rights and freedoms, they must respect these laws and the rules specified in them. The role of the mass media in the implementation of the policy of openness and transparency is becoming increasingly stronger. Also, in recent times, in the relations between people in the buying and selling of land, housing, movable and immovable property, it is observed that such relations are settled arbitrarily by some citizens, not within the framework of the law. As a result, such situations lead to damage to the interests of society and the state, and to the rights of

citizens protected by law. From this point of view, prevention of arbitrariness in the society and giving legal assessment to them is one of the most urgent problems of today.

Article 20 of the Constitution of the Republic of Uzbekistan stipulates that citizens should not harm the legal interests, rights and freedoms of other persons, the state and society in the exercise of their rights and freedoms.¹

Non-observance of the procedure established by the law by citizens in exercising their rights is dangerous, first of all, as it endangers the rights and legal interests of other interested parties, the state and society. From this point of view, specific responsibilities are defined in the Administrative Responsibility and Criminal Codes of the Republic of Uzbekistan.

The issue of determining the object of crime is one of the important problems in criminal law. The need for a detailed analysis of the related, direct and additional object of the crime determines the correct solution of a number of problems in the process of qualifying crimes. Also, it serves as a basis for the correct identification of the object of the crime, the qualification of the act and the determination of the place of criminal aggression in the system of the Special Part of the Criminal Code. At the same time, the correct identification of the object of the crime makes it possible to study the legal nature of the socially dangerous act, to determine its form and content, as well as the range of subjects, and to distinguish it from other crimes and offenses. In some cases, based on the exact object of the offense, one crime is distinguished from another, for example, intentional homicide from terrorism, certain types of crimes against health (intentional grievous bodily harm, intentional moderate bodily harm) is different from bullying. Without identifying the object of the crime, it is impossible to correctly qualify the criminal act. Therefore, in the process of qualifying crimes, the correct definition of the object of the crime

determines the correct legal assessment of the act.

Certain social relations are harmed in the commission of any crime provided for by the criminal law. That is why the criminal law does not provide for a crime that is not protected from harming any social relationship. It can be concluded from this that in determining the object of crime, it is necessary to recognize social relations as the object of crime. At the same time, only social relations protected by the criminal law are recognized as the object of the crime. Therefore, not all social relations in the society can be the object of crime, but only those of them, which are considered by the legislator to be protected by establishing a criminal legal prohibition based on social conditions, are considered as an object of crime. Naturally, in such cases, only social relations that are extremely important and important for the interests of individual citizens, society or the state, which may be seriously harmed as a result of a socially dangerous act, are mentioned. It should be noted that it is impossible to consider any social relationship as an object of crime, and to evaluate all attacks against these relationships as punishable acts. Only relationships protected by the criminal law are considered the object of crime, and socially dangerous acts that cause damage to these relationships or create a real risk of damage are considered crimes.

Social relations protected by the criminal law and the object of the crime become very important when the qualification is related to the definition of the object of the crime. Therefore, the stated opinions make it possible to define the concept of the object of crime as social relations that have been harmed or are under threat of harm as a result of committing a crime and are protected by the criminal law.

Social relations are such a complex structure that they consist of the subjects of relations (participants), the relations between the

1. ¹ O‘zbekiston respublikasi konstitutsiyasi Toshkent 2023 Ikkinci bo‘lim. inson va fuqaroning asosiy huquqlari, erkinliklari va burchlari

subjects, and the elements of social values that cause the origin of these relations. Social relationship means relationships that arise in various spheres of people's life. The legislator protects these social relations with various laws depending on their importance. If the act does not cause harm to the social relations protected by the criminal law or does not create a real risk of harm, then this act is not responsible. That is why only the fact that an act harms a certain social relationship protected by the criminal law is not considered a crime. The state can protect only important social relations with the law. As each socially dangerous act harms social relations, it is important to determine which law protects these social relations in the legal evaluation of this act.²

In particular, Article 229 of the Criminal Code of the Republic of Uzbekistan, which belongs to the series of crimes against the order of the head, is called arbitrariness. The disposition of this norm is recognized as a crime if the arbitrary exercise of rights causes a large amount of damage or serious damage to the rights or interests of citizens protected by law.³. In relation to the person who committed this crime, the law stipulates a fine of up to fifty times the amount of the basic calculation, or up to three hundred hours of compulsory community service, or up to two years of correctional work.

In the explanatory dictionary of the Uzbek language, the word arbitrariness is defined as arbitrary work, behavior. The word "self-willed" refers to an action that is done by one's own free will, without considering others. In the legal encyclopedia, arbitrariness is a crime against the administrative order, and it is a person's arbitrarily performing any action without complying with the legal norms, and with these actions, a large amount of damage or serious damage to the protected interests of citizens or the interests of the state or public. It is emphasized that the behavior expressed in the

infliction of damage should be understood. In case of arbitrarily violation of legal procedures, if a small amount of damage is caused, administrative responsibility arises. Arbitrary exercise of real or assumed rights, causing large or serious damage to the rights of citizens or interests protected by law, or to the interests of the state or public, is understood as⁴.

The object of this crime is the operation of state authorities and administrative bodies in accordance with the same standard, the legal order and, as an additional object, the rights and legal interests of the individual and the state and society, which must be exercised conscientiously and intelligently in accordance with the law, freedom and interests in the field of obligations. The objective side of the crime consists of a number of signs describing the actions of the culprit, the origin of certain consequences, and the causal connection between them. The crime of arbitrariness is an important sign of the objective party, and it is understood that a person performs actions aimed at arbitrarily realizing his real or assumed rights. At the time of the commission of arbitrariness, the offender acts on his own, that is, without any authority given by law, or when the offender is required to act according to a legal document or contract, to have a right established by a legal document, or safety is understood in those who violate the order of its implementation.

In conclusion, it should be said: in some cases, violation of the established order of obtaining a right or using it can create another independent crime. For example: Violation of citizens' right of residence, violation of laws on citizens' appeals, etc. In this case, it is necessary to qualify the actions of guilty persons according to the relevant articles of the Criminal Code. When describing the crime of arbitrariness, first of all, it is important to pay attention to every word and sentence given in the disposition of the law, as well as to the actions of the person who

²[https://www.ziyouz.com/books/kollej_va_otm_darsliklari/huquq/Jinoyatlarni%20kvalifikatsiya%20qilish%20\(R.Kabulov,%20A.Otajonov\).pdf](https://www.ziyouz.com/books/kollej_va_otm_darsliklari/huquq/Jinoyatlarni%20kvalifikatsiya%20qilish%20(R.Kabulov,%20A.Otajonov).pdf)

³ O'zbekiston respublikasi jinoyat ko'deksi maxsus qism. beshinchi bo'lim hokimiyat, boshqaruv va jamoat birlashmlari organlarining

faoliyat tartibiga qarshi jinoyatlar. xv bob. boshqaruv tartibiga qarshi jinoyatlar

⁴ <https://cyberleninka.ru/article/n/zboshimchalik-zhinoyatining-kriminalistik-tavsifining-umumiy-oidalari/viewer>

committed the crime. If we pay attention to the legislation, a person must arbitrarily exercise real or assumed rights in committing this crime, and as a result of this, a large amount of damage or serious damage will occur.

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