

SIGNS OF CRIME

Nadirbekova Umida Karamatdin kyzy

Student, Karakalpak State University named after Berdakh, Uzbekistan, Nukus

Kutlymuratov Farhad Kalbaevich

научный руководитель, Scientific supervisor, Candidate of Law, Associate Professor Karakalpak State University named after Berdakh, Uzbekistan, Nukus

Abstract. This article provides information on the concept of crime, the symptoms of the crime, the composition of the crime, the circumstances that exclude the criminality of the act, the commission of a crime as a result of negligence and its consequences.

Keywords: crime, crime structure, object, objective side, subject and subjective side, guilt, forms of guilt, revenge.

The concept of "crime" was first introduced in the criminal legislation of Western European countries. This concept first appears in the French Criminal Code of 1791. The first definition of a crime in the history of criminal law was given by Russian jurists in 1919: "A crime is a violation of the order of social relations protected by criminal law." The criminal law of the Republic of Uzbekistan is codified, the main criminal law of the Republic of Uzbekistan is the Criminal Code, adopted on September 22, 1994 and entered into force on April 1, 1995. [1:55]

Crime differs from other offenses in its specific aspects. This is the social danger of the act. Because society and the individual as a result of crime both material and moral damage will be inflicted. Therefore, the level of social risk of the crime is reflected in the criminal consequence. The illegality of a crime is its legal mark. In addition, finding the perpetrator guilty is one of the important signs of a crime. Only then will he be criminally prosecuted. A socially dangerous act is considered a crime only if there are signs of a crime specified in the law, ie when its content is determined. The composition of a crime is the minimum and sufficient set of objective and subjective features that criminalize a specific socially dangerous act as a crime in criminal law. There is an interrelationship and an organic connection between the objective and subjective features of the crime.

The structure of the crime consists of four elements: the object, the objective side, the subject and the subjective side.

Objective, external signs describe the object and the objective side of the crime. Subjective (internal) signs define the subject and the subjective side of the crime. Each character exists together with the others and is an essential part of an integral whole.

The first element of the crime structure is the object of the crime. It is a social relationship protected by criminal law, to which criminal aggression is committed focused. In the case of intentional homicide, the object of the crime is the life of another person, and in the case of grievance, the property of others, and so on.

The second element of the crime structure is the objective aspect of the crime. The objective aspect of the crime is the mental and volitional behavior of the person that leads to and causes any particular change in the environment. A necessary sign of this element is the act (action or inaction). Crime is committed through action.

The third element of the crime is the subject of the crime, i.e. the individual who committed the crime. The subject of the crime may be a person of a certain age and sane, as specified in the criminal law, who can only be held accountable for the act.

The fourth element of the crime structure is the subjective aspect of the crime. The subjective aspect of the crime is in relation to the crime committed by the person is a mental attitude. Subjective signs include guilt, motive, and purpose. In order to be found to be part of a crime, all four elements must be present. [2:68]

In the general crime structure, all the signs are divided into basic and optional signs. The subjective aspect of the crime is not limited to the forms of guilt, i.e. revenge and negligence; it also includes less motives and purposes. But unlike revenge and carelessness, which are integral features of the subjective side, motive and purpose are secondary characteristics. If the offender is aware of the socially dangerous nature of his minor act and still wants to commit it, such a crime is intentional. There is a notion in criminal law of direct or indirect intent. A person is said to have committed such a crime intentionally if he understands the socially dangerous nature of his actions, sees the consequences and does not refuse to do so. [3:73]

If a person understands the socially dangerous nature of his actions, sees the consequences and consciously allows them to happen if such a crime is found to have been committed intentionally. A socially dangerous act committed as a result of low self-esteem or negligence is considered a crime committed through negligence.

References:

1. Criminal Code of the Republic of Uzbekistan, New edition, 2021.
2. Rustamboyev M.H. Criminal law, General section. 2006
3. Rustamboyev M.H. Criminal Law, Special Section. 2007