

## IMPORTANCE OF THE OBJECTIVE PARTY IN CRIMINAL LAW QUALIFICATION

**Xongeldiyev Dermon Abduvali O`g`li**

*Samarkand State University named after Sharof Rashidov 3rd year student of  
the Faculty of Law*

**Annotation:** *This article uses methods of legal research such as rationality, comparative-legal analysis, analysis, synthesis and data analysis, then the concept, essence and importance of the elements of "Objective side" in qualification, qualification of social behavior and socially dangerous consequences, Social determining the causal connection between a dangerous act and a socially dangerous consequence, the effect of the objective and optional features on the qualification, and the similarities and differences of national and foreign experience in the field are explained in detail. In this case, relevant proposals and recommendations were put forward regarding the improvement of the structure of the classification of crimes.*

**Key Words:** *composition of the crime, qualification, physical violence, mental violence, necessary signs, optional signs*

### INTRODUCTION

We all know that the cases of committing crimes by an individual existed in any era and were distinguished by their social danger. Therefore, today, in all countries of the world, the fight against crime is defined as one of the important directions of state policy. It is the initial and important stage of implementation of criminal legal policy in any country. In other words, this is the determination of responsibility for the crime in the legal documents. The purpose of this is to determine what kind of crime it is and what type of punishment it is by comparing the signs of the real act committed in social life with the signs of the crime provided by the criminal law. This process is It is called "qualification of the crime". The basis of the qualification of the crime is the specific crime defined in the criminal law. In this article, we will try to analyze the importance of the Objective side in the qualification, which is the main structural element of this crime.

### DISCUSSION AND RESULTS

In criminal law, the objective aspect of a crime is the external aspect of a socially dangerous act, which means how the crime was committed. It is the external aspect of a socially dangerous act that makes it possible to distinguish one crime from another, because the attack on one object depends on the nature and level of the socially dangerous act. It can be different. In the process of qualifying a crime, all the signs of the objective side provided for in a specific norm of the law are involved. The legal basis for the qualification according to the

objective side is a specific norm of the Special Part of the Criminal Code, which fully reflects its signs. That is, according to him, the Objective side is mainly defined or indicated in the provisions and clauses of the Special Articles of the Criminal Code. Also, the objective side of the crime is harming social relations protected by the criminal law or causing such harm. It consists of signs of the objective side, which creates danger. The first of these signs is a socially dangerous act, that is, it represents action or inaction. A **socially dangerous act** is an illegal, conscious, active or inactive behavior in the outside world that harms the social relations of a person. The act is a necessary sign of any crime. Any criminal act is socially dangerous, and such a dangerous act is protected by law. It is manifested in harming social relations. **Movement**, *this* – is a socially active behavior of a person. On the contrary, inactivity is a passive behavior of a person, which is expressed in the failure of a person to fulfill the tasks assigned to him on the basis of the law or normative documents, other special rules. The second sign of the objective side is Consequence, that is, changes in the world of existence. Negative changes occur due to the commission of a socially dangerous act. It is the negative changes that occurred as a result of committing that socially dangerous act that constitute the essence of the **socially dangerous consequences**. Another important third sign of the objective side in criminal law *is causation*. We can understand this concept as an analogical dependence between action and consequence. That is, when we determine the causal relationships in reality, in this case, we understand that any reality has its own shape in time and space in the relevant events. Action and consequence should be distinguished from each other from a periodic point of view (if there is a causal connection between them). This is related to the fact that the consequence is the result of the development of the action. Therefore, it occurs later than the action, that is, after it.

The above characters are: *social act*, *a socially dangerous consequence* and *causal connection between them* crime **is a necessary sign** of the objective side. In addition, there are additional, i.e., **optional signs** in the criminal law. It is made up of the *place, time, situation, method, weapon and means of committing the crime*. The reason for dividing the signs of the objective side into necessary and optional signs is that the structure of the crime determined by the legislative body is derived from the structure of the law. A socially dangerous act, a criminal consequence and the causal connection between them are considered to be the cases that need to be determined first in almost all crimes, and the remaining signs affect the qualification of the crime only in some cases, that is, when they are recorded as part of the crime. is considered Therefore, the objective aspect of the crime is of decisive importance in the qualification of a socially dangerous act. Their importance is:

- objective element of criminal composition;

- the objective side describes the level of social danger of a socially dangerous act;
- the objective side determines the time of completion of the crime, the differentiation (difference, difference) of the stages of intentional crime;
- it is used to differentiate crimes that are similar to each other in terms of the object of the crime and other symptoms.

**Qualification of a socially dangerous act.** It should be noted that when the act is analyzed in a general criminal-legal sense or only from an external, objective point of view, this activity has a narrow meaning compared to human activity in terms of scope. activity, i.e. includes thinking, and it alone can never constitute a crime, even if it consists of some bodily movements. rather, we determine whether or not there are signs of a crime, which are listed in the law. Depending on this, we can distinguish several types of classification of a criminal act in the law. That is: - in the structure of the law, a single act of social nature is indicated. In this case, whether the act is a crime or not a crime is conditioned by the commission of this act. For example, part 1 of Article 274 of the Civil Code stipulates responsibility for "inducing the consumption of narcotic drugs, psychotropic substances or other substances that affect a person's intelligence in any form". it is necessary to determine the act of attraction to consumption.

- in the structure of the law, a socially dangerous act is indicated as a mitigating or aggravating circumstance in relation to the main content. For example, in part 1 of article 129 of the Civil Code, "You are not ashamed to use violence against the person while it is clear to the guilty party that the person is under 16 years of age." -responsibility for committing corrupt actions" is established. If these actions were committed using force or intimidation, the act should be qualified by Part 2 of this article.

in the structure of the law, alternative acts are specified. In such cases, when qualifying a crime, it is necessary to identify at least one of the alternative acts provided for in the norm, and the fact that the other acts were not committed does not affect the qualification. As an example, Article 112 of the Criminal Code According to the section "Threatening to kill or use violence", if there are sufficient grounds for fearing the execution of this act, it is established that criminal responsibility may arise. In such a situation, the subject of the crime It can be stated that the threat of only one act of killing or violence is enough to qualify the crime.

in the structure of the law, acts of a social nature are defined in a systematic sequence. In such cases, when qualifying a crime, the acts provided for by the law must be committed in a sequence as defined in this norm. Otherwise, this act cannot be qualified by the Criminal Law. Example As a rule, part 1 of Article 118 of the Criminal Code, i.e. "Sexual intercourse using force, intimidation or taking advantage of the victim's weakness" must be committed after other acts defined



by the law. If sexual intercourse if the act was committed before other specified acts, this act cannot be qualified as defamation (Article 118).

Crime – legal actions can be expressed in the form of physical impact on a person, animal or material object from the outside. 90% of the crimes in the Criminal Code are committed in this way. A criminal act can be expressed in writing or saying certain words or phrases. For example, when mentally retarded or minor children witness arson or murder, the witness is accused of directly committing that crime. shall not be held liable.

The criminal law defines action and in some cases inaction as a socially dangerous act. If a person does not have a legal obligation to perform an act and has not performed this act, it does not constitute a criminal act. For example, a person walking on the street heard a person drowning in the water and saying "help me, I'm drowning", but this person didn't help him because he didn't want his clothes to get wet and continued on his way without informing other people. in order to consider a person's inaction as a crime, it is necessary to determine whether this person is legally obliged to help a person whose life or health is in danger and who is deprived of the opportunity to defend himself In this case, if it is determined that the person does not have such obligations, this socially dangerous act cannot be qualified as a crime. Because saving a drowning person is not legally his obligation, and for this, regardless of whether he has the opportunity to save a drowning person or not. no liability whatsoever.

A person cannot be held criminally responsible for an act that endangers social relations protected by law and its consequences under the influence of insurmountable physical force or mental force. Looking at the theory of criminal law, insurmountable force events of making a specific person do certain actions against his will due to natural disasters (fire, flood, storm) (for example, as a result of a sudden stop of a bus , one of the passengers falling down and accidentally injuring the eye of a passenger standing next to him with his hand, or as a result of a flood, the doctor cannot go to the call and the patient dies). , the situation is taken into account. **Mental strength** and it is understood that a social consequence occurs due to an action or inaction made as a result of threatening to kill a person with material or moral harm. The person responsible for the damage caused as a result of mental influence is held responsible in all cases, except for cases of extreme necessity. The court should take into account responsibility as a mitigating circumstance when imposing a punishment in this case. In addition, special attention should be paid to the concept of **physical coercion**, that is, in physical coercion, a person commits acts dangerous to society under the physical influence of others, and in this case, the physical influence completely takes away his free will (for example, , criminals tie the shopkeeper's hands and feet and steal things from the store). does not exclude responsibility. In such a situation, the court may take into account mitigating circumstances in accordance with Article 55 of

the Criminal Code of the Republic of Uzbekistan when imposing a punishment on the guilty party.

**Qualification of socially dangerous consequences of crime.** In the criminal law, it is mentioned that when creating the composition of the crime, it can be considered a crime only if a socially dangerous act is committed or in other cases, a socially dangerous act causes any consequences. In the case of crimes with a formal content, it is not necessary to have any consequence, even if the consequence occurs, it does not affect the qualification of the crime. In the case of crimes with a material content, the consequence that occurs as a result of the act provided for in the articles of the Special Part of the Criminal Code, and the act and the consequence a causal connection between them is assumed. In the Criminal Code, the consequences are reflected in the structure of the crime and exist only in material crimes. In the structure of the criminal structure, the consequences are determined in different (material, physical, moral, property) forms. The consequences of the act committed in material crimes allow to classify these acts as a completed crime. The non-occurrence of the consequences specified in the law causes the act to be qualified as an attempt to commit a crime.

**Determining the causal connection between a socially dangerous act and a socially dangerous consequence.** In the process of qualifying the act according to the signs of the objective side, the causal connection between the act and the consequence, that is, the existence of a periodic sequence between the act and the consequence, in other words, the fact that the consequence occurred after the deed in the process of time, the deed from the consequence For example, in a car transport accident, when the driver was taking a poisoned patient from a rural area to a city hospital, the driver speeded up to help the patient and collided with a car traveling on the opposite side, after which the sick passenger died. In this event, it is clear that the rule will be violated and a person will die. In this case, the act should be qualified as a crime under part 2 of Article 266 of the Criminal Code. However, as stated above, confirming the correspondence between the act and the consequence is not enough to justify the existence of the criminal element, because here there is a causal link between the violation of the rule and the death of a person. It is necessary to determine the cause of death. If it is determined that the death of the patient occurred before the time of the car accident, in this case, it is evidence that the violation of traffic rules did not cause the death of the person. Because the absence of periodic sequence between the act and the consequence destroys this assumption. If it is determined that death occurred as a result of a traffic collision, in this case it can be concluded that the sequence of events corresponds to the development of a causal relationship.

**The effect of the optional features of the objective part of the criminal offense on the qualification.** Additional, i.e., optional features of the crime, as mentioned above, include the weapon, means, method, place, time and



circumstances of the crime. When formalizing criminal procedural documents, which show the results of the classification of crimes, it is necessary to indicate the optional signs of the objective side of the crime, and they appear as the subject of evidence in the criminal case. Their detection means that there is a real crime. If the optional sign is defined in the disposition of the article, it is considered a necessary sign of the crime. Its absence excludes prosecution for the act according to this norm. If the optional sign is not specified in the disposition of the norm, it does not affect the qualification, but it can be considered as a circumstance that aggravates the punishment. (eg , paragraphs ``d", ``e", ``j", ``z", ``i" of Article 56 of the Civil Code).

***The importance of optional signs of the objective side in the qualification of crimes is:***

- firstly, it specifies what type of offense the act belongs to;
- secondly, it determines the degree of social danger of the act;
- thirdly, it determines whether a person's act contains a criminal element or not;
- fourthly, it defines the difference of any crime from another crime;
- fifth, it is considered as an aggravating or mitigating circumstance;
- sixthly, it is taken into account in sentencing.

Each crime is committed in the same place, time period, circumstances, with one method or another, or with specific weapons or tools. These circumstances always belong to the objective side of the crime, but their criminal-legal significance is different. Optional signs are structural signs of the crime structure. affects the qualification of crimes only when it is manifested as So, to sum up, if the place, time, situation, method, weapon or tools are intended as a structural sign of the crime, in such a case, it is necessary to determine it in the qualification.

By the **time** of committing a crime, a certain part of the year, month, week, day and night or the occurrence of this event is used relatively less in the law as a sign of the composition of the crime. For example, Article 99 of the Civil Code stipulates that a mother can kill her baby on purpose during childbirth or during childbirth.

A **crime scene** is defined as a specific area where a crime was committed. In some crimes, the place where the crime was committed is a sign of the structural structure of the crime. For example, Article 204 of the Civil Code stipulates responsibility for violating the order of specially protected natural areas, or Article 114 of the Criminal Code, as one of the signs of criminal abortion, which leads to responsibility from medical institutions it can be mentioned that abortion is shown in other places.

This is the **case** where the crime was committed– jinoyat qonuni bilan qo`riqlanadigan ijtimoiy munosabatlarga tajavvuz qilinadigan sharoitlardagi o`zaro aloqada bo`lgan omillar (odamlar, moddiy ashyolar, tabiiy va ijtimoiy jarayonlar)

yig`indisi demakdir.Holatning jinoyatga ta`siri uning ijtimoiy xavfli qilmishni o`zgartirish qobiliyatidan iboratdir.Demak, boshliqni o`ldirish yoki zo`rlik ishlatish bilan qo`rqitish faqat u "jangovor vaziyatda" sodir qilingan taqdirda JK 282-moddasi bo`yicha javobgarlikni keltirib chiqaradi.Agar shunga o`xshash harakat boshqa sharoitlarda, ya`ni "jangovor bo`lmagan holatda" sodir qilinsa, ushbu qilmishni JK 112-moddasi bilan kvalifikatsiya qilish kerak.

The **method** of committing a crime represents a certain order of sequential actions and ways used by a person to carry out his criminal intent. In some cases, the method of committing a crime affects its level and the social danger of the act, which is accepted by the law as the main or qualifying characteristic of the crime. That is, bringing suicide to the level of suicide or attempted suicide (Article 103), if the guilty it can be considered a crime if he treats the victim mercilessly or in a way that consistently degrades his honor and dignity. Bringing suicide to the level of suicide through other methods, for example, by deception, cannot be the basis for holding a person responsible under Article 103 of the Criminal Code.

**The criminal-legal importance of weapons and tools** is that they often affect the qualification of crimes to the desired extent, and sometimes they can seriously aggravate the responsibility applied to the guilty person using them. For example, Article 277 of the Criminal Code, 3- The liability for hooliganism committed by showing a firearm and threatening to use it is defined in paragraph "b" of the article. It is necessary to distinguish the subject of the crime from the weapon and means of committing the crime.

### **CONCLUSION**

In short, in criminal law, the "objective side" is of particular importance in qualifying the structure of the crime. This has been explained in detail above. Judicial investigation authorities should also take into account the presence of this element in the structure of the crime when qualifying the act. Only then, the qualification will be carried out correctly and the inevitable responsibility for the committed act will be established. If we look at the experience of foreign countries on the issue of the qualification of crimes, it can be seen that the structural elements of the crime form the basis of the qualification in their legislation. For example, when studying Australian criminal law, the General part of the Criminal Code of this country provides complete information about the concept, classification and importance of elements of offense". According to Article 3.1 of this state code ra, the crime includes material and fault elements (**physical and fault elements**). In turn, according to Article 4.1, the material elements of the crime are as follows:

- 1) Behavior (conduct);
- 2) The result of behavior ( a result of conduct );
- 3) The relationship between behavior and its result( circumstance)

Among these elements, behavior is reflected in two ways: movement(*act*) and inactivity (*omission*). If we compare directly to our national legislation, the behavior including action and inaction is a socially dangerous act; the result of the behavior is a socially dangerous consequence; and the situation between the behavior and its result corresponds to the causal connection between the socially dangerous act and the result. So, we can call the material element defined in the Australian Criminal Code as the objective aspect of the crime.

In the example of international experience given above, even if we take the criminal law of the Australian state, the issue of responsibility may be different, but in the qualification of the act, it is carried out based on the signs of the composition of the crime. Therefore, in order to distinguish one act committed in real life from another act characteristic signs are compared with the objective and subjective signs of the crime. If the signs of the committed act correspond to the signs of the article of the criminal law, the act is qualified by that article, and the punishment is assigned within the scope of the sanction. At the same time, it should be said that in practice sometimes, due to the fact that all the elements of the crime are not determined by the judicial investigation authorities, in order to prevent the cases of finding crimes that are not considered crimes or wrongly classifying the act as another crime, not only in the theory of criminal law, but we think that it would be appropriate to specify the elements of the crime structure in the current criminal code of the Republic of Uzbekistan, as in the Australian experience, and to express Article 16 of the Criminal Code as follows:

"Committing an act that has all the signs of the criminal structure provided for in the Criminal Code: object, subject, objective side and subjective side is the basis for prosecution."

In our opinion, expressing the disposition of the article in this way helps to determine all the elements of the criminal structure of the persons authorized to qualify the act and give it a correct assessment.

#### REFERENCES:

1. Criminal Code of the Republic of Uzbekistan, September 22, 1994, // National database of legal documents of the Republic of Uzbekistan <https://www.lex.uz/docs/6750126//>;
2. Khudoykulov F.X Concepts of crime and criminal structure and mutual relationship of subjective and objective signs: instrumental analysis and proposal // Journal of legal studies // - 2021-y.
3. Kabulov R. Qualification of crimes: textbook for MIA higher education institutions / 2012.
4. Rustamboyev M.H. Criminal law (general part). Textbook for higher educational institutions. – T.: TDYI publishing house. 2006 - 529 pages.



5. CRIMINAL LAW (General Part). Study guide. Achilov H.R. - Tashkent: Legal literature Publish, 2022. - 176.

6. Criminal Code of the State of Australia // [https://www.refworld.org =hh5687312](https://www.refworld.org/hh5687312) (1995).

