



The Concept, Criminal-Legal Description and Specific Features of the Crime of Invasion

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Abstract: In the article, the concept and dictionary meaning of the crime of invasion, the opinion of scientists, criminal-legal description, social danger, object, subject, method of commission, place of commission, by what kind of persons and groups are committed.

Keywords: burglary, robbery, conspiracy, trespass, dwelling, warehouse.

Today, under the leadership of the President of the Republic of Uzbekistan, Sh.M. Mirziyoyev, many new changes are being implemented in all areas, which can be seen in a number of changes in the judicial system. "Inadequate initiative of competent bodies, lack of proper inter-departmental cooperation, and disproportionality of implemented measures requires fundamental improvement of activities in the field of crime prevention and crime fighting" one of the most urgent issues is to fundamentally improve the activities of operational divisions of internal affairs bodies.

In studying the crime of aggression, it is important to know its concept and the dictionary meaning of this word.

In the national encyclopedia of Uzbekistan, it is defined as "Invasion is a socially dangerous, extremely serious crime, an open attack with the aim of stealing someone else's property." This phrase is also used in the legal encyclopedia prepared by doctors of legal sciences, Professor Z.S. Zaripov and other scientists as "Invasion - that is, attacking someone else's property with the purpose of looting, using force that is dangerous to life or health, or threatening to use the same force. the committed action is defined as ".

The social danger of the crime of trespass is expressed not only by encroachment on social relations with respect to another's property, but also by harming a person's life and health and creating a real risk of such harm.

In 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 other people's property by invasion" it is stated that "it started with the secret robbery of another's property, but despite the fact that it was noticed by the victim or other persons, the guilty party In order to take possession of property, actions performed using force that is not dangerous for their life and health or threatening to use such force is defined as robbery, and when attacking and using force that is dangerous for life or health or threatening to use such force is defined as invasion.

Article 164 of the Criminal Code of the Republic of Uzbekistan states that "Invasion, that is, if it is committed by attacking someone else's property, using force dangerous to life or health, or threatening to use such force."

Based on this, aggression is understood as attacking someone else's property with the purpose of looting it, using force that is dangerous for a person's life or health, or threatening to use such force.

As can be seen from the above points, the crime of invasion is different from the crime of robbing other people's property, in the course of which criminals attack, use force that is dangerous to life or health, or threaten to use such force, and at the same time violate the established order, legal and characterized by disregard for moral rules and societal values. Therefore, the crime of invasion is a crime with a high level of social danger among the crimes of robbing other people's property.

R. Qabulov defined that "robbery is deliberate, malicious intent, illegal and non-returnable taking of other people's property and thereby causing material damage."

Based on the above considerations, invasion means attacking someone else's property with the aim of looting it, using force dangerous to a person's life or health, or threatening to use such force.

In 90.0% of cases of invasion, these crimes are committed against private property of citizens.

The social danger of the crime of trespass is expressed not only by encroachment on social relations with respect to another's property, but also by harming a person's life and health and creating a real risk of such harm. From this point of view, its level of social danger is explained by an attack on two objects protected by the criminal law.

The direct object of the crime of invasion is another's property, and the additional object is social relations that ensure the health of a person. Deprivation of the life of the attacked person in real cases does not fall within the scope of the crime of aggression, and such cases require additional qualification.

The objective aspect of the crime of aggression is expressed in an attack with the use of force that is dangerous to life or health and intimidation with the use of such force for the purpose of looting another's property.

The use of life-threatening force is understood as a situation in which its use creates a clear danger to the life of the victim (for example, strangulation of the victim, holding the head under water, etc.).

The use of violence that is dangerous to health is defined as actions that cause physical injury to the extent that the victim's health is impaired or that creates the risk of causing such an injury.

Actions that cause a danger to life or health are expressed in the form of strangulation by hand, putting a rope around the neck, showing oriental fighting techniques or threatening by showing caustic (acid) substances.

Assault is the sudden use of aggressive force against a victim, whether overt or covert. The attack can be disguised (striking from behind from a hidden place) and have an overt or covert effect on the victim (by affecting the victim's neuro-porolytic systems). Assault is the use of sudden, aggressive force on a victim.

In the crime of assault, assault always involves the use of physical or mental violence. In this context, attacking: has an open and covert nature (for example: hitting from behind with heavy objects, shooting from a hidden place, etc.).

"Intimidation" in the crime of aggression can be expressed verbally or in actions that cause danger to life and health. Verbal intimidation is expressed in intimidation with words like I will kill, butcher, gouge out your eyes, and so on.

Intimidation in an assault must be of a specific nature and the victim must have realized that the threat made by the perpetrator can be immediately followed.

The crime of aggression is considered complete from the moment when the attack is started with the use of force that is dangerous to the life and health of the victim or the threat of using such force and for the purpose of looting the property of another.

From the subjective point of view, the crime of invasion is expressed only with the right intention.

A necessary sign of the subjective aspect of the criminal offense is the intended purpose of the act. The purpose of the crime of trespass is reflected in the robbery of another's property. If the person does not have such goals, the act is not qualified as a crime of invasion, but is assessed as a crime against the person.

The subject of the crime of assault is a sane person who has reached the age of 14. A sane person who could not fully understand the importance of his actions (inactions) or was unable to control them due to a disturbed mental state at the time of committing a crime shall be held responsible.

Actions related to invasion committed by a group of persons with prior collusion are qualified by clause "b" of the second part of Article 164 of the Criminal Code. Two or more who agreed in advance to commit the crime of aggression.

Actions related to invasion committed by a group of persons with prior collusion are qualified by clause "b" of the second part of Article 164 of the Criminal Code. The actions of two or more persons who agreed to commit the crime of aggression in advance are considered as a crime committed by a group of persons in advance.

If the collusion occurred directly during the invasion, it would not be considered collusion in advance and would preclude the application of the qualifier in question. In such cases, if the actions of the perpetrators do not have other qualifying marks specified in Article 164 of the Criminal Code, each of the participants is directly liable for the criminal actions committed by him under the first part of Article 164 of the Criminal Code.

Legal scholars Yu.M. Karaketov "says that the crime of robbery committed behind participation is the most dangerous form of criminal activity."

Invasion crimes are often committed by organized crime groups with the following characteristics:

- presence of intent to rob other people's property in a large amount or very large amount;
- the use of special measures in the formation of an organized criminal group created by the organizer;
- existence of a leader; initial preparation to commit the crime;
- Coordination of the actions directly and during the commission of the crime, as well as their interconnectedness, conspiratorially and stability.

Among the members of the criminal group, 60% are people with previous convictions and the unemployed. The first group includes people who have already served a sentence, and the second group includes people who left their jobs after joining a criminal group. The majority of group crimes are minors, as well as persons aged 18-25.

Invasion committed by illegally entering a dwelling, warehouse or other premises is qualified by clause "c" of the third part of Article 164 of the Criminal Code.

Trespassing means entering a dwelling, warehouse, or other building with intent to invade.

Illegal entry can be done not only covertly, but also openly, overcoming the resistance of people and security personnel. Fraudulently and falsely appearing in a building, such as a plumber, communications officer, gas, electricity and fire inspector, etc., should also be considered trespassing.

Housing means a building intended for permanent or temporary residence of people (a private house, an apartment, a room in a hotel, a sanatorium, a field yard, a garden yard, etc.) , glazed porches, warehouses, etc.) are understood as existing places.

A warehouse is a separate device or place specially equipped and adapted for the permanent or temporary storage, transportation, protection of goods from looting, natural disasters, loss and destruction.

If the crime of aggression is committed by an organized group or for its interests, the act is qualified by clause "c" of the fourth part of Article 164 of the Criminal Code. According to the fourth part of Article 29 of the Criminal Code, an organized group is defined as the pre-combination of two or more persons into a group for joint criminal activity.

Pre-planning of criminal activity, preparation of tools necessary for the implementation of criminal intent, selection and recruitment of participants and distribution of tasks among them, provision of measures to conceal the crime, obedience to the discipline established in the group and the instructions of the organizer indicate the organization of the criminal group. At the same time, the main criteria for qualifying a criminal group as organized are, for example, the stability of the group, the presence of an organizer in it, the fact that it was formed for the purpose of committing several crimes, the plan and guidelines for the implementation of the crime, the distribution of tasks between each participant, it is necessary to take into account that equipment is provided, that measures are taken to hide the crime, that general discipline and the instructions of the organizer of the criminal group are obeyed, and so on.

To conclude, as long as there are people in the society, evil crimes continue to exist. Of course, there are different types of crimes, some are committed through carelessness, some are intentional, and some are committed through strong influences. There are crimes that are much more dangerous than others.

In particular, the crime of invasion is distinguished from other crimes by its dangerousness. At first glance, the crime of trespass may appear to be an intentional property crime like any other crime. However, if you look at the reasons for its origin, subjective and objective side, you can understand how dangerous it is.

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