



THE CONCEPT AND LEGAL CHARACTERISTICS OF LOOTING OTHER PEOPLE'S PROPERTY

Musurmonov Ziyodulla Makhmudovich

Deputy Head of the Department for Internal Affairs
of the Jizzakh Region Transportation Safety Administration

Orzikulov Bakhodir Inom ugli

Operative Representative of the Jizzakh Region
Transportation Safety Department

<https://doi.org/10.5281/zenodo.13944858>

Abstract: This article presents the concept of crimes related to the looting of another's property, including robbery, extortion, plunder, and theft, their criminal-legal characteristics, social danger, specific aspects of qualifying these crimes, and measures for their prevention.

Keywords: robbery, extortion, plunder, cause of crime, causes and conditions of crime, method dangerous to life and health, use of violence in a way that is not dangerous to life and health.

In recent years, reforms in the judicial and legal sphere in our country, based on the principles of humanism, have led to a number of positive actions in the field of reliable protection of individual rights and freedoms, respect for honor and dignity, prompt and complete disclosure of crimes, compensation for damage caused to victims of crimes, and ensuring that innocent people are not held accountable.

The right to property is one of the inalienable, absolutely protected, and guaranteed civil rights in the Republic of Uzbekistan. Ensuring the inviolability of property is one of the priority areas of state policy and the activities of law enforcement agencies in the Republic of Uzbekistan. Among many countries, in Uzbekistan, the commission of crimes of property looting through robbery and plunder is one of the most painful aspects of the socio-economic sphere of society. In this regard, as President Shavkat Mirziyoyev noted, "another task facing us is to remove all barriers and restrictions hindering the development of private property and entrepreneurship." Indeed, the fight against economic crimes is always relevant, especially during the period of economic-political and judicial-legal reforms.

As we know, Chapter 10 of the third section of the Criminal Code of the Republic of Uzbekistan, entitled "Crimes in the sphere of the economy," assigns liability for "looting of other people's property." The concept of "looting" is a general concept that encompasses robbery, extortion, plunder, misappropriation or embezzlement, fraud, and theft.

First of all, we should pay attention to Article 53 of the Constitution of the Republic of Uzbekistan, which is our main law, which states that "In the Republic of Uzbekistan, equal rights and legal protection of all forms of property are ensured." Ensuring the inviolability of property is one of the priority areas of state policy and the activities of law enforcement agencies in the Republic of Uzbekistan. Among many countries, in Uzbekistan, the commission of crimes of property theft through robbery and extortion is one of the most painful aspects of the socio-economic sphere of society. In this regard, as President Shavkat Mirziyoyev noted, "a new task facing us is an example of removing all barriers and restrictions hindering the development of private property and entrepreneurship." In fact, the fight against economic crimes is always relevant, especially during the period of economic-political and judicial-legal reforms.

Private property is inviolable. The owner may not be deprived of his property except in cases and procedures provided for by law and not without a court decision.

First of all, we should pay attention to Article 53 of the Constitution of the Republic of Uzbekistan, which is our main law, which states that "In the Republic of Uzbekistan, equal rights and legal protection of all forms of property are ensured."

Private property is inviolable. The owner may not be deprived of his property outside the cases and procedure provided for by law, as well as without justification for a court decision.

Theft of other people's property by appropriation or embezzlement is a crime distinguished by its characteristics from crimes that encroach on social relations in the sphere of production and distribution of labor products. Before discussing the main characteristics of the embezzlement of other people's property, let us dwell on the concept of embezzlement of other people's property. It is known that the new Criminal Code does not provide a general concept of robbery.

At the same time, if we look at the history of the development of criminal law in this regard, then chapters 3-4 of the Special Part of the First Criminal Code of the Uzbek SSR, adopted on June 16, 1926, were devoted to property crimes, and there was no mention of the concept of embezzlement of other people's property. Furthermore, the Second Criminal Code of the Uzbek SSR of May 21, 1959, and the Criminal Codes adopted to date, do not provide for a general concept of embezzlement of other people's property. Resolutions of the Plenum of the Supreme Court of the former USSR defined the concept of embezzlement of the property of others as "the acquisition of property of others by the perpetrator illegally, gratuitously (free of charge), with malice, into his own or other persons' possession." [2]

Talon weighing is the illegal and gratuitous acquisition of other people's property for their own benefit, in favor of other people.

The concept of loot weighing refers to a group of crimes against property such as robbery, robbery, theft, loot weighing by appropriation or embezzlement, fraud. The object of the talons weighing is the property of others.

The concept of loot weighing refers to a group of crimes against property such as robbery, robbery, theft, loot weighing by appropriation or embezzlement, fraud. The object of the talons weighing is the property of others.

The concept of "plunder" is derived from the Russian word "khishchestvo," its meaning in Uzbek: "savagery, bloodthirstiness, robbery, excessive wastefulness." [3]

In criminal law, the term "robbery" is used in two senses. In the first case, it refers to a specific method of committing a crime against property. In the latter, it is used as a generalized legal category, a concept that describes any form and type of robbery. [4]

Property is a legal relationship arising between the owner of the property and other members of the company (non-owners) on the possession, use and disposal of property.

According to Article 167 of the Civil Code of the Republic of Uzbekistan, the Republic of Uzbekistan has both private and public forms of ownership.

Subjects of private property rights are citizens, business associations and societies, cooperatives, public associations, social funds and other non-state entities.

The property of the republic shall be land, underground resources, water, air basin, flora and fauna and other natural resources, property of state authorities and administration bodies of the republic, cultural and historical assets of state significance, funds of the



republican budget, gold reserves, currency and other state funds, as well as enterprises and complexes with other material assets, educational, scientific, scientific institutions and organizations, intellectual research results created or acquired at the expense of budgetary and other funds of the state, other property. (Article 214 of the Civil Code).

Objects of material or moral value, that is, objects that are used for human labor, can be the subject of theft. Public property is state property consisting of republican property and property of administrative territorial entities (municipal property).

Some scholars believe that it is not necessary to specify the form of guilt in these crimes when defining the general concept of robbery. In particular, according to A.P. Sevryukov, because the robbery is not committed carelessly, it is not necessary to indicate that it is committed intentionally in the concept of theft.[6]

The subject of robbery may be objects of material and moral value, i.e., consumer value, movable and immovable property, as well as domestic animals, even if human labor is not absorbed.

The subject of robbery, like the subject of material existence, must have specific characteristics, signs (weight, quality, size, etc.). In this regard, electricity, heat energy, gas, water, pipelines cannot be the subject of crimes of embezzlement. However, such actions may be guilty of other crimes: fraud, causing property damage by misuse of such an act or trust (Article 170 of the Criminal Code) or violation of the rules for the use of electricity, thermal energy, gas, water pipelines (Article 185-2).

Non-absorbed natural objects are not subject to theft. The second situation creates the possibility of distinguishing between crimes in the field of ecology and the embezzlement of other people's property.

Land, underground resources, forests, which are objects of state property, cannot be the subject of pilferage. However, in case of violation of the rules for the use of land, underground resources, the perpetrator is punished according to Article 197 of the Criminal Code, which establishes liability for violating the conditions for the use of land, underground resources or requirements for their protection.

If forest damage has been caused, the perpetrator's act is qualified by Article 198 of the Criminal Code, which establishes liability for damage to arable land, forest or other trees, and their destruction. Violation of the rules of hunting, fishing or the rules for catching other species of animals, violation of the established procedure or conditions for catching rare animals or collecting or preparing medicines, food and ornamental plants, actions of the guilty person are recognized as violation of the order of use of the animal or plant world, which entails liability under Article 202 of the Criminal Code of the Republic of Uzbekistan.

The encroachment on these objects differs from theft in that only human labor, possessing exchangeable value, i.e., material value, can be the subject of theft. For example, theft of timber, theft of livestock raised in the reserve, the fishing of fish raised in specially adapted ponds, and the seizure of fish caught by fish farms are qualified as robberies.

Describing appropriation, embezzlement, and embezzlement as a form of embezzlement, A.V. Shulga concludes that "anti-law in the embezzlement of another's property is the embezzlement of the owner's powers in relation to the property in a way prohibited by criminal law, accompanied by the appropriation of a certain property."

According to lawyer T.Kh. Khasanov, the owner's right to own, use, and dispose of his property cannot be mastered. However, it is possible to deprive the owner of the opportunity

to independently determine the fate of his property, using the trust of the owner, using the fact that the owner has granted him the right to own, use, and dispose of it without losing his ownership.

The words "obtaining" and "withdrawing" can be used in relation to such forms of robbery as robbery, extortion, robbery, fraud, and theft, but if we take into account that the guilty person, without taking the property, immediately gives it to others, we can see that the use of these words is inappropriate. In this form of theft, due to the fact that the property was entrusted by the owner to the guilty party, the guilty party cannot himself withdraw the property, but may unlawfully exclude it from the owner's control and turn it in his favor (in appropriation) or in favor of other persons (in rastrat).

I.A. Klepitsky also emphasizes that looting can also be carried out without the confiscation of property, by means of conversion.[8] According to I. Uporova and G. Gorodentsev, misappropriation does not constitute a sign of property seizure, as the property passes into the possession of the perpetrator on a legal basis.[9] They equate with the withdrawal of legal ownership of another's property on the basis of contractual relations or the position they hold. This opinion is also supported by Yu.N. Demidov.[10] According to A.P. Sevryukov, the absence of a sign of illegal seizure of property from the owner or other owner of the property during the appropriation, embezzlement is a distinguishing feature of this crime from other forms of embezzlement.[11] According to T. Kh. Khasanov, embezzlement is the illegal seizure of another's property or property rights in order not to return it intentionally, in favor of himself or third parties, without compensating for it with malicious intentions.[12] According to Yu.I. Lyapunov, appropriation is expressed in the seizure of material assets and their disposal in favor of the perpetrator[13]. S.V. Sklyarov opposes this, arguing that appropriation and embezzlement are not a characteristic feature, but rather an orientation of property towards one's own or other interests, in which the perpetrator is simultaneously the subject of the crime of embezzlement and the "lawful owner" of the property being embezzled.

In conclusion, theft of someone else's property is a criminal act that means the seizure, removal, or destruction of property, property, or needs by other individuals or organizations through violence or coercion. Such crimes usually violate the rights of others and undermine public safety. Theft of other people's property violates the legal order in society and increases crime.

To prevent these crimes, it will be possible to reduce and prevent robbery crimes by implementing measures such as raising legal literacy in society, providing information about the consequences of crimes, installing signaling systems and video cameras to protect property, establishing strict punishments for crimes, introducing crime detection mechanisms, and understanding the responsibility of each individual to protect their property.

References:

1. <https://lex.uz/docs/6445145>
2. Постановление Пленума Верховного зПленума от 21 сентября 1971 года. Сборник постановлений Пленума Верховного Суда СССР, 1924-1977гг. -М., 1978, -С. 42 -134.
3. Русча-ўзбекча луғат. -Т.: Ўқитувчи, 1984. -Б. 685.

4. Уголовное право. Особенная часть: Учебник для вузов / Отв. ред. – проф. И.Я. Козаченко, проф. З.А. Незнамова, доц. Г.П. Новоселов. – 3-е изд., изм. и доп. – М.: Норма, 2001. – С. 260.
5. <https://lex.uz/mact/111189>
6. Севрюков А.П. Хищение имущества: криминологические и уголовно-правовые аспекты. – М.: Экзамен, 2004. – С. 24.
7. Шульга А.В. Присвоение или растрата в условиях становления рыночных отношений / Под ред. Р.Р. Галиакбарова. – Краснодар, 2004. – С. 7-8.
8. Уголовное право. Учебное пособие / Под ред. Проф. Л.Д. Гаухмана и проф. С.В. Максимова. – М.: Элит, 2007. – С. 94.
9. Упоров И., Городенцев Г. Понятие присвоения и растраты вверенного имущества в уголовном праве России // Уголовное право. – 2004 – № 4 – С. 95.
10. Демидов Ю.Н. Проблемы борьбы с преступностью в социально-бюджетной сфере. – М, 2003. – С. 289.
11. Севрюков А.П. Хищение имущества: криминологические и уголовно-правовые аспекты. – М, 2004. – С. 116.
12. Хасанов Т. Х. Талон-торож қилишнинг умумий тушунчаси ва унинг ижтимоий хавфлиги // Ta'lim va rivojlanish tahlili onlayn ilmiy jurnali. – 2024. – Т. 4. – №. 2. – С. 59-63.
13. Ляпунов Ю.И. // В кн.: Комментарий к Уголовному кодексу Российской Федерации. – М., 1996. – С. 354; Владимиров В.А., Ляпунов Ю.И. Ответственность за корыстные посягательства на социалистическую собственность. – М, 1986. – С. 124.
14. Скляр С.В. Уголовная ответственность за хищение недвижимого имущества // Российская юстиция. – 2001. – № 6. – С. 53.
15. Маматкулов, Т.Б., & Ахмедова, С.Т. Аспекты взаимодействия инспекторов профилактики с махаллэй в охране общественного порядка и обеспечении безопасности граждан (на примере Узбекистана) aspects of interaction of prevention inspectors with. редакционно-издательским советом Краснодарского университета МВД России Редакционная коллегия: КД Рыдченко, кандидат юридических наук, доцент (председатель), 505.
16. Ахмедова, С. Т. (2013). Обеспечение общественного порядка и общественной безопасности при проведении массовых мероприятий. science and world, 26.
17. Ахмедова, С.Т., & Янгибаев, А.К. (2022). Особенности деятельности инспекторов профилактики по законодательству республики узбекистан features of the activities of prevention inspectors under the legislation of the Republic of Uzbekistan. In Административно-правовое регулирование правоохранительной деятельности: теория и практика (pp. 32-37).
18. Ахмедова С.Т. Об актуальных проблемах совершенствования административного законодательства Республики Узбекистан. – 2022.
19. Ахмедова, С. Т. (2024). К Вопросу об освидетельствовании на состояние опьянения водителей транспортных средств. Евразийский журнал технологий и инноваций, 2(Special Issue 6), 55-59.

