



## CRIMINAL-LEGAL CHARACTERISTICS OF PICKPOCKETING: ISSUES OF THE OBJECT AND SUBJECT MATTER OF THE OFFENCE

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**Abstract.** This article analyses the criminal-legal characteristics of pickpocketing (Art. 169(2)(a) of the Criminal Code of the Republic of Uzbekistan). The main focus is on the disputed aspects of the object of the crime. The author argues that pickpocketing is not purely a property crime but a dual-object crime, where the primary object is property relations, and the additional direct object is personal physical integrity and tranquillity. It also highlights practical problems arising from the varied interpretation of evaluative concepts regarding the location of the subject matter of the offence — "clothing", "bag", and "other hand luggage". Based on the analysis, proposals are developed to introduce clarifications into the Resolution of the Plenum of the Supreme Court so as to ensure uniformity in law-enforcement practice.

**Keywords:** pickpocketing, theft, object of the crime, dual-object crime, additional object, subject matter of the crime, evaluative concept, hand luggage, Resolution of the Plenum of the Supreme Court, qualification, personal integrity.

### Introduction

Among crimes against property, theft is one of the most prevalent offences, and its degree of social danger is differentiated according to the method, location, and other circumstances of its commission. The legislature has established liability for "pickpocketing" as a specific aggravated form of theft under sub-paragraph "a" of Part 2 of Article 169 of the Criminal Code (CC) of the Republic of Uzbekistan.<sup>1</sup> This is inextricably linked to the tasks of ensuring citizens' inviolability of property, maintaining public order, and consolidating the rule of law in society.

The legislature's decision to qualify pickpocketing separately is explained by the distinctive nature of this type of offence and its particularly high threat to public safety. A detailed analysis of its criminal-legal features is of significant scientific and practical importance for the correct qualification of this corpus delicti. The analysis demonstrates that there are several contested aspects and problems in understanding the object and subject matter of pickpocketing. The purpose of this article is to analyse the theoretical and practical problems relating to the object and subject matter of the pickpocketing offence and to develop proposals for their resolution.

### Research methods

<sup>1</sup>Ўзбекистон Республикасининг 1994 йил 22 сентябрдаги 2012-ХII-сонли Қонуни билан тасдиқланган Ўзбекистон Республикасининг Жиноят кодекси // Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси. – 1995. – № 1. – 3-м. – URL: <https://lex.uz/docs/111453> (мурожаат санаси: 09.11.2025).

The study employs systematic-structural, formal-legal (dogmatic), and comparative-legal methods of criminal-legal analysis. In particular, the norms of the Criminal Code<sup>2</sup> and the Civil Code<sup>3</sup> of the Republic of Uzbekistan were analysed, as were the provisions of Resolution No. 6 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated 30 April 1999.<sup>4</sup> The theoretical views of legal scholars R. Kabulov,<sup>5</sup> A.I. Rarog, and G.N. Borzenkov<sup>6</sup> were also studied. The empirical basis of the research consists of the results of interviews conducted with officers of the Criminal Investigation Department of the Kokand City Police Department, as well as a case drawn from the judicial practice of Kokand City Court in criminal matters.

## Results

### 1. The Legal Definition of Pickpocketing and the Problem of Its Object

Under the criminal legislation of the Republic of Uzbekistan, "pickpocketing" is recognised as an aggravated form of theft carrying a heavier penalty. Paragraph 2 of Resolution No. 6 of the Supreme Court Plenum defines it as follows: "Covert misappropriation committed from the clothing worn by the victim, or from a bag, suitcase, or other belongings held in his hand or directly at his side shall be deemed pickpocketing."<sup>7</sup>

Criminal-legal analysis begins with the identification of the object of the offence. Pickpocketing is located in Chapter X of the CC, and its generic object is the foundations of the economy — specifically, property relations.<sup>8</sup> As R. Kabulov notes, the immediate object of theft consists in the social relations of possession, use, and disposal that constitute the content of the right of property.<sup>9</sup>

However, this traditional approach leaves one question unanswered. If the immediate object of pickpocketing is solely property, why did the legislature separate it from simple theft (for example, house burglary) and designate it as an aggravating circumstance? The analysis shows that pickpocketing is not a purely property crime but a dual-object crime.

Its primary immediate object is: property relations.

Its additional immediate object is: the personal physical integrity and personal tranquillity of the individual.

<sup>2</sup>Ўзбекистон Республикасининг 1994 йил 22 сентябрдаги 2012-XII-сонли Қонуни билан тасдиқланган Ўзбекистон Республикасининг Жиноят кодекси // Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси. – 1995. – № 1. – 3-м. – URL: <https://lex.uz/docs/111453> (мурожаат санаси: 09.11.2025).

<sup>3</sup>Ўзбекистон Республикасининг 1995 йил 21 декабрдаги 163-I-сон Қонуни билан тасдиқланган Ўзбекистон Республикасининг Фуқаролик кодекси // Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси. – 1996. – № 2-сонга илова. – URL: <https://lex.uz/docs/111189> (мурожаат санаси: 09.11.2025).

<sup>4</sup>Ўзбекистон Республикаси Олий суди Пленумининг 1999 йил 30 апрелдаги 6-сонли "Ўзгалар мулкани ўғрилик, талончилик ва босқинчилик билан талон-торож қилиш жиноят ишлари бўйича суд амалиёти тўғрисида"ги қарори // Ўзбекистон Республикаси Олий суди ахборотномаси. – 1999. – № 2. – URL: <https://lex.uz/docs/1443984> (мурожаат санаси: 09.11.2025).

<sup>5</sup>Кабулов. Р. Ва бошқа муаллифлар Жиноят ҳуқуқи умумий қисм. ИИВ Академияси. Тошкент. 2012. 793 бет.

<sup>6</sup>Российское уголовное право: В 2 томах. Т. 2. Особенная часть // Под ред. проф. А.И. Рарога. – М., 2009. – С. 579.

<sup>7</sup>Ўзбекистон Республикаси Олий суди Пленумининг 1999 йил 30 апрелдаги 6-сонли "Ўзгалар мулкани ўғрилик, талончилик ва босқинчилик билан талон-торож қилиш жиноят ишлари бўйича суд амалиёти тўғрисида"ги қарори // Ўзбекистон Республикаси Олий суди ахборотномаси. – 1999. – № 2. – URL: <https://lex.uz/docs/1443984> (мурожаат санаси: 09.11.2025).

<sup>8</sup>Ўзбекистон Республикасининг 1994 йил 22 сентябрдаги 2012-XII-сонли Қонуни билан тасдиқланган Ўзбекистон Республикасининг Жиноят кодекси // Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси. – 1995. – № 1. – 3-м. – URL: <https://lex.uz/docs/111453> (мурожаат санаси: 09.11.2025).

<sup>9</sup>Кабулов. Р. Ва бошқа муаллифлар Жиноят ҳуқуқи умумий қисм. ИИВ Академияси. Тошкент. 2012. 793 бет.

A.I. Rarog and G.N. Borzenkov, in analysing theft committed "with unlawful entry into a dwelling", emphasise that it involves two objects — property and the inviolability of the home (a constitutional right).<sup>10</sup> Precisely the same logic may be applied to pickpocketing. If a dwelling is the person's "inviolable space", then his clothing, bag, and hand luggage constitute his "personal inviolable space". By reaching into the victim's pocket, the offender violates not only the victim's property but also his bodily space and personal domain.

This is confirmed by practitioners as well. In interviews conducted with officers of the Criminal Investigation Department of the Kokand City Police Department, more than 61 per cent of investigators, inquiry officers, and operational staff indicated that they do not regard pickpocketing as a purely economic offence, observing that it is closer to crimes against "public order" or crimes "against the person", since it engenders a persistent sense of fear and anxiety among citizens.<sup>11</sup> In a case from the judicial practice of Kokand City Court in criminal matters, a female victim also testified that the psychological harm, sense of disgust, and indignation caused by the fact that a stranger had "touched" her and "cut into" her bag were more severe than the material damage (150,000 soums) sustained.<sup>12</sup> All of this confirms that harm is caused to the additional object of the offence.

## 2. The Subject Matter of Pickpocketing and the Problem of Its Location

The subject matter of pickpocketing is another person's property. In criminal law, property must be a tangible physical object (the physical criterion), have economic value (the economic criterion), and constitute "another person's property" in relation to the perpetrator (the legal criterion). In this context, the concept of "property" in criminal law is narrower in scope than its counterpart in civil law.<sup>13</sup>

The principal feature distinguishing pickpocketing from simple theft is the location of the subject matter of the offence. The law<sup>14</sup> and the Plenum Resolution<sup>15</sup> specify this clearly: "clothing", "bag", or "other hand luggage". If the property is not in the victim's immediate possession but has been left unattended at his side (for example, on a table at a café), its theft constitutes simple theft, not pickpocketing.

The most significant theoretical and practical problem relates to the concept of "other hand luggage". This is an "evaluative concept" in the language of jurisprudence: no precise definition is given for it, and law-enforcement practitioners are obliged to assess it on a case-by-case basis. This leads to inconsistent qualification of offences in practice.

<sup>10</sup>Российское уголовное право: В 2 томах. Т. 2. Особенная часть // Под ред. проф. А.И. Рарога. – М., 2009. – С. 579.

<sup>11</sup>Ўтказилган сўровнома натижалари бўйича хулоса.

<sup>12</sup>Жиноят ишлари бўйича Қўқон шаҳар суди архиви материаллари (Жабрланувчи Х.К. иши).

<sup>13</sup>Ўзбекистон Республикасининг 1995 йил 21 декабрдаги 163-І-сон Қонуни билан тасдиқланган Ўзбекистон Республикасининг Фуқаролик кодекси // Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси. – 1996. – № 2-сонга илова. – URL: <https://lex.uz/docs/111189> (мурожаат санаси: 09.11.2025).

<sup>14</sup>Ўзбекистон Республикасининг 1994 йил 22 сентябрдаги 2012-ХІІ-сонли Қонуни билан тасдиқланган Ўзбекистон Республикасининг Жиноят кодекси // Ўзбекистон Республикаси Олий Мажлисининг Ахборотномаси. – 1995. – № 1. – 3-м. – URL: <https://lex.uz/docs/111453> (мурожаат санаси: 09.11.2025).

<sup>15</sup>Ўзбекистон Республикаси Олий суди Пленумининг 1999 йил 30 апрелдаги 6-сонли "Ўзгалар мулкани ўғрилик, талончилик ва босқинчилик билан талон-торож қилиш жиноят ишлари бўйича суд амалиёти тўғрисида"ги қарори // Ўзбекистон Республикаси Олий суди ахборотномаси. – 1999. – № 2. – URL: <https://lex.uz/docs/1443984> (мурожаат санаси: 09.11.2025).

**Example 1.** At an airport, a citizen is pulling a large suitcase on wheels. A "pickpocket" surreptitiously opens the side pocket of the suitcase and removes an item from it. Does this fall within the scope of "other hand luggage"? In our view, yes. The decisive factor here is not the size of the luggage but its physical connection to the victim (who is holding it by the handle) and the fact that the pickpocketing method has been employed.

**Example 2.** A citizen is standing on a crowded bus with a heavy bag (hand luggage) placed on the floor between his feet. A "pickpocket" bends down and steals a valuable item from the bag. In a survey, 63 per cent of the practitioners participating incorrectly assessed this as not constituting pickpocketing (because the luggage was "not in the hand"). In our view, this is pickpocketing. Although the bag is on the floor, it is located within the victim's "personal inviolable space" (between his two feet) and is under his immediate physical protection.

These contested scenarios arise because the Plenum Resolution provides no definition of these concepts, a situation that runs counter to the principle of legal certainty (*nullum crimen sine lege certa*).

### Discussion and conclusions

The results of the analysis revealed two main problems. First, the legal definition of pickpocketing reflects only its property dimension, without disclosing the nature of the encroachment upon the additional object — personal integrity. Second, the absence of clear criteria for the concept of "other hand luggage" — within which the subject matter of the offence is located — leads to incorrect qualification in practice.

In order to remedy these deficiencies, it is proposed to supplement Paragraph 2 of Resolution No. 6 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated 30 April 1999 with paragraphs of the following content:

**First Proposal:** "Pickpocketing is distinguished from simple theft by a higher degree of social danger. Its danger is expressed not only in the encroachment upon another's property but also in the encroachment upon the additional immediate object of the offence — the personal physical integrity and personal tranquillity of the individual. By covertly reaching into the clothing worn by the victim, or into his bag or other belongings, the perpetrator violates the victim's 'personal inviolable space'. ... When characterising the act, courts must also give a legal assessment of the fact that the offence was committed in close proximity to the person and his inviolable space, thereby causing harm to the additional object."

**Second Proposal:** "When introducing clarity regarding the concepts of 'clothing', 'bag', or 'other hand luggage' used in sub-paragraph 'a' of Part 2 of Article 169 of the CC, the following should be observed: 'Clothing' means clothing worn directly on the victim's body at the time the offence is committed. 'Bag' means a bag carried in the victim's hand, on his shoulder, at his waist, or directly at his side. 'Other hand luggage' means a parcel, package, suitcase, or other item that is directly in the victim's hands, on his shoulder, on his back, or otherwise in direct physical contact with his body (including a wheeled suitcase held by its handle), as well as items that, in public places, are under his immediate physical supervision and protection (for example, placed between his feet in a crowd or resting against his body). The defining criterion is not the name of the item but the fact of its being located within the victim's personal inviolable space."

These proposals place the emphasis not on the name of the "luggage" but on its location within the victim's personal inviolable space, thereby eliminating the varied interpretations that arise in practice

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