



SOME ISSUES OF THE OBJECT AND OBJECTIVE SIDE OF THE CRIME OF ABUSE OF POWER OR CAREER AUTHORITY

Ikramov Akmal Nuritdinovich

Master of Law Enforcement Academy of the Republic of Uzbekistan

Email: AkmalIkramov1111@mail.ru

<https://doi.org/10.5281/zenodo.11475976>

"Today, people are gaining confidence in justice, in reality. They objectively assess the performance of leaders and officials of different levels, openly criticize the shortcomings. It is very important for our national development".

Sh.M.Mirziyoev

A special place in the system of crimes against the management order is the social danger of the crime of abuse of authority or career, which as a result of this crime is considered socially dangerous with a large or serious loss of rights of certain citizens or interests guarded by law or the interests of the state or society. The social danger of this crime in the form of organized crime and corruption is further increased by the fact that it becomes extremely dangerous, the state becomes dangerous by the fact that it causes the consequences of the crisis of society also cause the characteristics of risk.

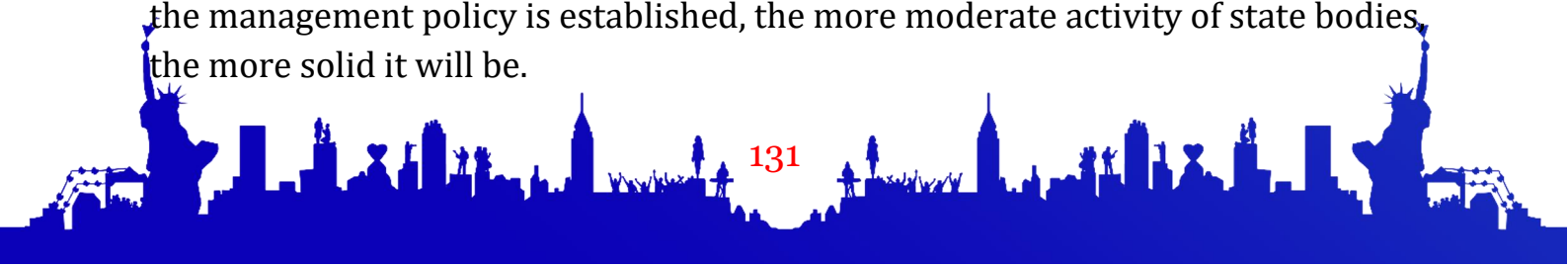
Based on the above, we will express the relevance of our research work as follows:

First of all, the social danger of these crimes is expressed in the harm to the state and society and citizens, as a result of the fact that it is committed in connection with the norms established in the laws and legislative acts by officials who are considered the main task of ensuring the comfortable existence of the state administration, morality of the country.

Secondly, since the adoption of the current Criminal Code, major reforms have been carried out in the criminal justice sphere. Article 205 of the Criminal Code, entitled "abuse of authority or career authority, contains theoretical and practical problems related to the norms established by liability, which require a special study to be carried out to solve these problems.

Thirdly, in scientific journals and publications, this issue is poorly covered. This is a sign that the problems of responsibility for the crimes of "abuse of authority or career authority" are overlooked by researchers.

Fourth, in the all-round sustainable and evolutionary development of the state, the policy of management is of strategic importance. The more correctly the management policy is established, the more moderate activity of state bodies, the more solid it will be.





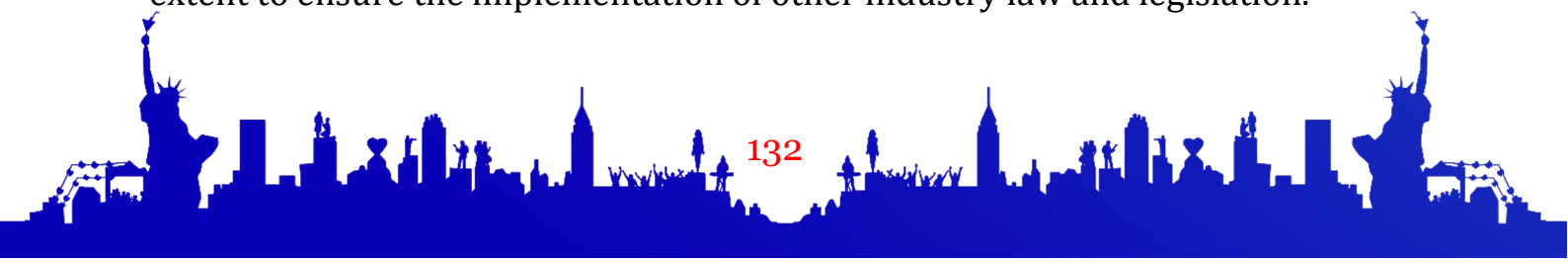
Fifth, theoretical and practical skills should be developed in the qualification of this act, in the identification and solution of existing problems in the assignment of punishment to officials who committed such a crime.

In this regard, a comprehensive study of the criminal justice aspects of abuse of power or career authority is of urgent importance.

In addition, the creation of an effective system of criminal and Criminal Procedural Law is one of the priority tasks of the State on ensuring law and order, ensuring human rights and freedoms, reliable protection of society and state interests, peace and security, as established by the decree of the president of the Republic of Uzbekistan dated May 14, 2018 PQ-3723 At the same time, this decision indicates that there are a number of systemic problems and shortcomings in this area.

Taking into account the above, the master's thesis is based on the priorities established on the basis of the lectures of the president of the Republic of Uzbekistan, the generally accepted norms of international law, the Constitution of the Republic of Uzbekistan and the legislation adopted on its basis, and the content and essence of the concept of improving criminal and criminal The need to improve the norms of responsibility for crimes of abuse of authority or career competence assumes the need to conduct scientific research on this issue.

This dissertation study was published by the president of the Republic of Uzbekistan "on measures to further reform the judicial system, strengthen guarantees of reliable protection of rights and freedoms of citizens"(2016.), "On the strategy of action for the further development of the Republic of Uzbekistan" (2017.), "On additional measures to strengthen guarantees of the rights and freedoms of citizens in judicial and investigative activities" (2017.), "On measures to further improve the system of prevention of offenses and combating crime" (2017.), "On measures to radically improve the structure of the judicial system of the Republic of Uzbekistan and improve the efficiency of its activities" (2017.), "On measures to radically improve the system of criminal and Criminal-Procedural Law" (2018.) decision,"on measures to strengthen guarantees for the protection of the rights and freedoms of the individual in judicial and investigative activities" (2020.), The Court of Justice of the Republic of Uzbekistan (2021) laws, "On additional measures to further improve judicial performance and improve the efficiency of Justice" (2022.), "On the development strategy of New Uzbekistan for 2022-2026" (2022.) decrees, and serve to some extent to ensure the implementation of other industry law and legislation.





Issues of responsibility for crimes of abuse of authority or career Authority have been under insufficient research for many years. Despite the fact that the general and specific characteristics of these types of crimes, the problems in their qualification are studied within the framework of separate crimes, the issues of improving legislation on official crimes on the basis of international standards and advanced foreign experience have not been studied in a comprehensive way as a subject of Special Research. A separate or a group of officialdom problems with crimes B.D.Akhrarov, R.A.Zufarov, K.Tajibaev, G.R.Abdurasulova, A.P.Allabergenov, A.X.Sattarov, and R.While studied by such scientists as Kabulov, some of our national scientists, including I.Ismailov, M.X.Rustamboev, M.A.Rajabova, A.X.Rakhmankulov, K.Tajibaev and M.The Kadyrov studied some aspects of these crimes to some extent, in addition to other types of crimes. E. from foreign legal scholars on the issues of criminal legal analysis of official crimes.S.Shimshilova, G.N.Mironova, V.B.Komarov, A.V.Research was also carried out by the krylovs on one aspect or another.

Abuse of power or career power under Article 205 of the criminal code, that is, the intentional use of the career powers of an official of a state body, an organization with the participation of a state or a self-governing body of citizens in the event of a large amount of damage or serious damage to the rights or interests of citizens protected by, —

a fine of one hundred and fifty to three hundred times the amount of the base calculation is punishable by a fine or deprivation of a certain right for up to five years, or compulsory public works for up to three hundred and sixty hours, or correctional work for up to three years, or restriction of freedom for one to two years, or imprisonment for up to three years.

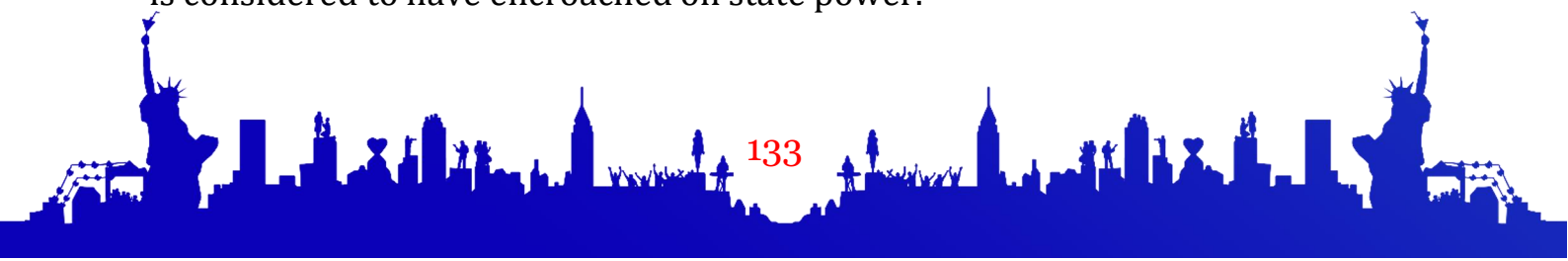
That act:

- a) by causing too much damage;
- b) if committed in the interests of an organized group, —

a fine of three hundred to six hundred times the amount of the base calculation or deprivation of a certain right is punishable by a restriction of freedom for two to five years or imprisonment for up to five years.

The object of the crime we are analyzing is social relations, the rights and legitimate interests of citizens, which ensure the normal functioning of state authorities, management and local self-government bodies.

By disrupting the normal functioning of state authorities, the guilty person is considered to have encroached on state power.





Scientists who have analyzed the problem of the object of crime believe that it always connects its basis with the existence of the rule of law, the procedures established in it. In this regard, M.Usmanaliev argues that "the higher the value of an object that is a danger to society, the higher the level of social danger of crime".

Developing modern concepts of the issue of the object of crime, A.V.Naumov says it should be considered any interests guarded by criminal law . G.P.Novoselov also expressed his opinion on the issue of the object of crime, saying that the object of the crime was committed in relation to whom it was committed, that is, certain or group persons should be understood as aggressiveness of a criminal nature in relation to the material or intangible relations included in the criminal law, which causes such persons to

N.I.Vetrov, interpreting the content of the object of the crime, says that social relations should be understood, which are directly guarded by the criminal law and are at risk of harm or harm as a result of criminal aggression .

N.I.Vetrov's proposal to study the objects of crime in three groups is similar to each other in order to clarify the protection of social relations in the internal category of each other by the criminal law. The object of the crime is considered a muxim for what exactly the category of crimes is attributed to the crime committed as a result of interpretation in such an order.

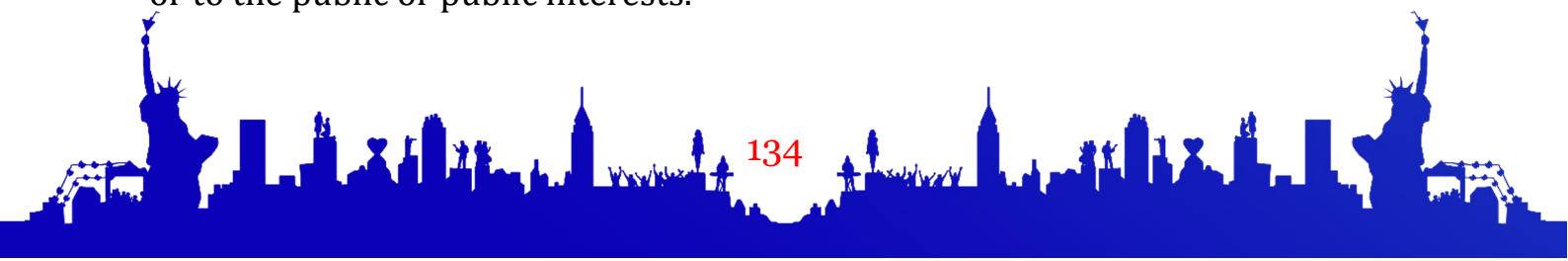
Despite the fact that special and direct objects have been interpreted in different ways, such an opinion is repeated by many scientists .

In this regard, a.B.According to Sakharov, in general, in the crimes of office, special and direct objects are similar to each other .

In our opinion, such an opinion of the author cannot be agreed with, since it is difficult to determine the degree of damage to a concrete object on the carpet, based on the concept of a special object, of course. In the similarity of criminal objects, it will not be possible to give such damage legal pleasure.

The objective side of the crime is considered to be the source of many scientific works as elements of the composition of the crime. In general, the general signs of the objective side of official crimes are indicated in Article 205 of the Criminal Code.

That is, it is said that" the abuse of authority or career power, that is, the intentional use of the official's own career power, is caused by a large amount of damage or serious damage to the rights or interests of citizens protected by law or to the public or public interests."





This crime is a crime of material content and requires the presence of the following necessary signs:

- a) socially dangerous malaise or malaise;
- b) criminal consequence;
- C) causal connection between them.

The crime is considered completed by the origin of the criminal consequence, and to what extent the consequence affects the severity of the liability. Criminal law defines criminal liability for career abuse only in cases of socially dangerous damage.

O.M.Guk, trying to classify serious harm in the crime of abuse of power or career authority, includes the following in these:

- 1. Material harm to individuals in the state, society or aloxia;
- 2. Violation of the political, labor, residential or personal rights of citizens;
- 3. To cause a violation of the reputation or status of the state apparatus or certain branches of them, or the public apparatus.

A necessary sign of qualification under the article being analyzed is a large amount of damage or serious damage to the rights or interests of citizens protected by law or to the public or public interests as a result of abuse of power or career power.

Serious loss is a concept that is assessed, therefore, it is difficult to express it in formalized quantitative indicators, and it should not be considered to consist only of material damage. At the moment, in most cases, the consequence of abuse of office is property damage, when determining which it is necessary to take into account the size of material damage, the value of material objects, the possibility of obtaining property benefits, many other similar factors, since their sum testifies to the rights of citizens or to the interests guarded by law, or to the seriousness. The severity of the damage can be determined by the violation of the constitutional rights and freedoms of citizens and the degree of decrease in the prestige and confidence of the relevant authorities of the state.

The severity of the damage caused can also be manifested in the primacy in the activities of state organizations, institutions, enterprises, public associations, etc. Violation of the constitutional rights and freedoms of a person and a citizen by an official should also be considered a serious disadvantage.

The Supreme Court of the Russian Federation, as a serious disadvantage in the decision of the plenum, determined the honor and dignity of the individual, the right of citizens to respect personal and family life, their inviolability.





Abuse of authority or career Authority – a causal link between them is important because it is a crime of material composition, that is, because it is necessary to bring an official to criminal responsibility according to the article being analyzed that the consequences indicated in the dispositions of the substance arise, and is a necessary sign of the objective party. These consequences can be attributed to an official only after a causal link between the abuse of authority or career authority and significant damage or the rights of citizens or serious damage to the interests protected by law or the public or public interest is established.

The crime is considered completed from the moment of significant damage to a large amount or serious damage to the rights or interests of citizens protected by law or the public or public interest.

List of literature used:

1. <https://president.uz/uz/lists/view/4547>
2. Usmanaliev M. Ugolovnoe pravo (Obtshaya chast). - Tashkent: new century generation, 2005. –131-132 str.
3. Kommentariy K ugolovnomu kodekodu RF. OTV. Editor prof. A.V.Naumov 1997. S. 30,53.
4. Ugolovnoe prava RF Obtshaya chast. M. 1997. S. 135.
5. Vetrov N.I. Ugolovnoe pravo. Obshaya chast M. 1999 S. 112
6. Ugolovnoe prava RF Obtshaya chast. M. 1997. S. 119.
7. Sakharov A.B. Ugolovnoe prava RF Obtshaya chast. M. 1997. S. 121
8. Guk O.M. Problemnii Voprosi ugolovnoy otvetstvennosti za zloupotrebleniya vlast'yu ili slujebnim pologeniem. Autoref.dis .kand.yurid.nauk. - Kiev. 1988. S.9.
9. M.H. Rustambaev, B.J. Akhrarov. Qualification of crimes against the management procedure. Tutorial. - T.: Tdyui nashrièti, 2006. -134 PP. In the title: Ministry of Justice of the Republic of Uzbekistan, TDYUI.
10. Jumayev, F. B. (2023). Legal Services for Collection of Expenses: Problems and Proposals. Multidisciplinary Journal of Science and Technology, 3(6 (International Scientific Researcher)), 9-13.
11. That Is, P.S. Obtshestvenno opasnie posledstviya doljnostnix prestupleniy / / zakonnost. 2014. № 3.
12. Yuridichesky slovar [elektronny resurs]. - URL: <http://www.pravo.by> (Data dostupa: 25.07.2015)
13. The criminal law course of the Republic of Uzbekistan Volume 4. M.H. Rustambaev. TDYUI. 2011. - B 214

