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**Research Article** 

# CONCEPT OF OBJECT OF THE CRIME AND IT'S ROLE IN THE **QUALIFICATION OF CRIMES**

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### ABSTRACT

This article is dedicated to role and significance of the object of the crime in the qualification of crimes. In it the author conducted an analysis the special role of the correct qualification of crimes in the competition of criminal law norms in law enforcement practice. So, clarified accurate and objective qualification is the foundation for the differentiation of criminal responsibility and the individualization of punishment through criminal legislation in the Republic of Uzbekistan.

## **K**EYWORDS

Corpus delict, object of crime, circumstances of the commission of a crime, qualification of crime, single crime, set of crimes, objective side of the crime.

#### NTRODUCTION

In criminal law, the qualification of a crime is understood as the determination of the

signs correspondence between the committed crime and its signs considered on the

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basis of a criminal law norm, as well as its legal consolidation.

In the theory of criminal law, the concept of qualification of crimes is defined in different ways. The proposals of scientists existing in the doctrine of criminal law regarding qualification of crimes by dividing them into the following groups:

the first group of scientists determines that "the qualification of crimes is the correspondence of the signs of a particular act to the signs of the composition of a particular crime provided for in the criminal law" [1].

The second group of scientists notes that "the qualification of crimes consists in determining the exact correspondence of the signs of the committed act and the signs of the corpus delicti and their legal consolidation" [2].

The third group of scientists believe that "the qualification of crimes consists in the criminallegal assessment of the act, the choice and application of the criminal-legal norm in relation to it, which most fully defines its signs" [3].

the fourth group of scientists determine that "the qualification of crimes is the determination in a committed socially dangerous act of compliance with the signs of the corpus delictiprovided for in the provisions of the General and Special parts of the Criminal Code, as well as the conclusion on the application of a particular article of the Code [4].

Scientists of the fifth group argue that " the qualification of crimes is always associated with the choice and application of the norms of the criminal law. As a result of the qualification, the correspondence between the signs of the act and the signs of a specific corpus delicti is determined" [5].

Scientists of the sixth group do not agree with the definition that "the qualification of crimes is a comparison of the signs of a crime and the signs of a norm. They believe that this is an abstract law and a social phenomenon-a crime, are different categories" [6].

The opinion of scientists of the first group is somewhat contradictory, since although it is indicated that the signs of a particular act correspond to the signs of a crime, there are no opinions that the act in question is a crime. It is also difficult to recognize the opinions of the second group of scientists as justified, because instead of using a specific article of the Criminal

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Code, a more abstract concept is used, i.e. the concept of legal consolidation. The scientists of the third group gave a clear definition of the concept of qualification, they did not specify the legal consolidation of qualifications in their definition, believing that the choice of the norm itself carries out such consolidation. The scientists of the fifth group also point to the need to establish a correspondence between the signs of the act and the composition of a specific crime, but ignore the conclusion that it is necessary to apply the corresponding article of the Criminal Code. We believe that the fourth group of scientists gave a clear and complete definition of the concept of qualification of crimes, since in the views of scientists of this group it is assumed that first it is necessary to determine the criminality of the committed act, and the compliance of a socially dangerous act with the signs of a crime, the conclusion of the conclusion on the application of a particular article of the Criminal Code.

In order to bring to criminal responsibility and impose punishment, it is necessary to determine exactly which norm of the Special Part of the Criminal Code was violated. At the same time, it is important to determine that the committed act is

provided for or not provided for in the Special Part of the Criminal Code. This process is called the process of qualifying crimes [7].

In other words, the qualification of crimes, as it already canceled above, means establishment and legal consolidation of an exact correspondence between the signs of the committed act and the signs of the corpus delicti provided for by the criminal law norm.

The above definitions clearly indicate the extremely close nature of the relationships between the concepts of "crime", "corpus delicti" and "qualification of a crime".

Correct and complete identification of the actual circumstances of the commission of a crime is a necessary prerequisite for the correct qualification of the crime. The qualification of a crime as a criminal legal assessment indicates the presentation of a conclusion in which norm of the criminal law the socially dangerous act in question is provided for. The signs of a committed socially dangerous act, in the process of qualifying a crime, are compared with the qualification signs of similar crimes that are provided for in the law [8].

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The concept of qualification of crimes is used in a broad and narrow sense. In a narrow sense, qualification is a legal assessment of a socially dangerous act that corresponds to criminal law norms. In a broad sense, qualification is a certain logical process, the activity of certain persons to identify the presence in the act of a person who committed a socially dangerous act, the corpus delicti provided for by a Special part of the Criminal Code.

Qualification is a specific "thinking" process carried out by law enforcement officers, which provides for the application of the concept of the concept of substantive, procedural law based on dialectical and logical laws and categories, as well as the general doctrine of law.

Dialectics has an important methodological significance from the point of view of the categories of essence and phenomenon, exact (concrete) and abstract, content and form, general and particular, uniqueness and unity, cause and effect, quantity and quality, being the basis for providing a comprehensive, complete and objective criminal legal assessment to the committed crime by the employees of the competent authority [9].

The subject of the qualification of a crime must know that a socially dangerous act committed by an individual is a specific event that has its own form and content. The main purpose of this is to give an objective assessment of the event in accordance with a specific law and to draw a conclusion about the compliance or inconsistency of the committed action with a particular legal norm of criminal law.

In this regard, L. D. Gaukhman highlights the process of qualification from the point of view of epistemology, arguing that "the qualification of a crime is a process in the mind of the subject of the qualification of a crime, aimed at identifying the compliance of the signs of the committed act with the signs of the composition of a specific crime set out in the criminal law, as well as reflecting the similarity between the existing signs and elements of the composition of a crime" [10], he believes that it is possible to distinguish between qualifications in the criminal law and criminal procedure sense.

The "qualification process" is closely related to scientific methods of cognition and knowledge of legal sciences. From an epistemological point of view, this process is a movement, starting from knowledge based on the version about the

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commission or non-commission of a crime, to the conclusion about how the crime was actually committed. Qualification is not a mechanical movement, but a creative process within the framework of the law. "Legal assessment" precedes the process of cognition, which is impossible without independent creative skills and knowledge. The purpose of "legal creativity" is to study the similarity of a criminal phenomenon with the signs specified in the criminal law [11]. The process of qualifying crimes is the result of individual actions, the activity of human thinking. Today, a scientific approach to the qualification of crimes is important, but intuition is also not denied. The theoretical foundations of the qualification of crimes are of great importance in the activities of law enforcement agencies.

The qualification of crimes is a dynamic process that has certain features at various stages of criminal proceedings. The subjects of the qualification of crimes (specially authorized state bodies, their representatives) go from "ignorance to knowledge", "from general to private" [12].

The term "qualification of crimes" is considered in two different meanings: a) comparison by law enforcement officers (an inquirer, investigator, prosecutor, judge) of the signs of an offense committed with the signs of a crime specified in the articles of the Special Part of the Criminal Code; b) a legal assessment of a socially dangerous act specified in the criminal law, given by the state and law.

Thus, the concept of qualification of crimes is applied in theory and practice in two different ways:

- a) qualification comparison of a socially dangerous act in the criminal-legal aspect.
- b) qualification is a certain logical process, an activity to identify in the actions of a particular individual in the situation under consideration. signs of the corpus delicti established in the norms of the Special Part of the Criminal Code.

Both of these values are interrelated. When highlighting the concept of the qualification of a crime, it is possible to combine these two meanings, identify and legally fix the exact similarity between the signs of the committed act and the signs of the corpus delicti provided for in the criminal law norm.

A fair question arises, if the qualification as a specific logical process consists in the activity of

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identifying compliance of the specific circumstances in relation to a particular person with the signs of the corpus delicti established in the norm of the Special Part of the Criminal Code, that is, if the sign of evaluation is the law enforcement officer's legal awareness, what should be more priority?

In this question, the signs of a logical assessment are based on three factors: 1) the law; 2) the law enforcement officer's legal awareness; 3) signs of assessing the specific circumstances of the case.

At the same time, in recognizing any act as a crime, including its characteristic features, it is not the legal awareness of the persons applying the law that is crucial, but the law itself, that is, the criminal law.

The object of the crime in the qualification of the crime is characterized by the following features:

firstly, when carrying out a legal analysis of the corpus delicti, as well as when qualifying crimes, the object of the crime is the leading one among the "four" criminal legal elements;

secondly, the object of the crime plays an important role in distinguishing similar crimes during the qualification of a crime, that is, it is the

basis for differentiating criminal acts (for example, premeditated murder under Article 97 of the Criminal Code and intentional infliction of serious bodily injuries that caused the death of the victim under paragraph "d" of part 3 of Article 104 of the Criminal Code, or articles 104, 105, 109 of the Criminal Code and articles 277, 283, 285 of the Criminal Code):

third, it allows you to systematize a special part of the Criminal Code by dividing it into sections and chapters. For example: the section "Crimes against the person" consists of 7 chapters;

fourth, the object of the crime allows you to distinguish crimes from other offenses that do not have a criminal legal nature. The general object of the crime is broader in comparison with the object of another offense, it includes the basics of state security, human life and health, and others, covering objects protected only by criminal law. Public relations of the same kind can be protected and protected by various legal branches. For example, public relations related to property are protected, in addition to the norms of criminal law, by the norms of civil and administrative law (article 61 of the Administrative Code on petty theft, articles 164-169 of the Criminal Code). The criminal law protects public relations only when

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a more serious encroachment is carried out on them. At the same time, the object of the crime is more socially significant in comparison with the object of an administrative offense.

Therefore, we can conclude that the correct identification of the elements of the corpus delicti, the correct and clear qualification of the criminal act, is the criterion for the implementation of justice and the appointment of a fair punishment.

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