

Rules for Qualifying the Crime of Suicide in Aggravated Circumstances

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Additional features of the criminal offense, depending on the law, have different significance. These signs may be provided as a necessary sign in the basic structure of the crime, as well as as a qualifying sign in the elements of mitigating, aggravating or special aggravation.

Article 103 of the Criminal Code of the Republic of Uzbekistan consists of two parts, the first part of which establishes responsibility for merciless treatment of a person or continuous humiliation of his honor and dignity, causing him to commit suicide or attempt to commit suicide. In the second part of this article, for those actions:

a) against a person who is dependent on the guilty party financially or in other aspects; b) against a minor or a person whose pregnancy is known to the guilty person; c) colluding in advance by a group of persons; g) liability is established for the use of telecommunication networks, as well as the Internet global information network.

If we analyze some of these aggravating circumstances, we can see that the responsibility for the cases of committing against a person who is financially or other dependent on the culprit is described as follows. For example, "Degradation of the victim, who is financially or otherwise dependent, consists of various forms: insults, ridicule and slander, unjustified punishment, regular physical and mental suffering, corruption and slander, spreading fabrications.

In some regions of our country, as a result of the above-mentioned reasons related to family relations, in more rural areas, women commit suicide by setting themselves on fire. According to the analysis, the number of victims was between 17 and 27 years old, women with incomplete secondary education, and the convicts were between 30 and 45 years old, mostly husbands and close relatives of the victims ¹.

If we give an example from court practice in this regard, citizen D. He always had a rude attitude towards his sick mother-in-law. He starved him by taking advantage of his dependence and his old age and weakness. He committed suicide because of his daughter-in-law's torture ².

Dependence, on the other hand, can occur in any situation and in any field of activity, when a person considers himself obliged to another person due to a situation that has arisen, and using this, a person forces a person who is dependent on him to commit a crime ³. In other words, dependence in another way is any other dependence that does not have signs of material and service dependence. It can occur as a result of relationship between kinship, friendship, sex, neighbors, teacher and student, guardian and subordinate. Also, any dependency arising from the service rendered or to be rendered may be a separate dependency.

¹ *Musaev M. Himself himself to kill level to deliver investigation to do - Tashkent . A. Navoi in the name of Uzbekistan National library publisher . - 2007. - B.8.*

² Criminal case No. 2021/31/12. (Explored time: 14.12.2021y).

³Комментарий к Уголовному кодексу Российской Федерации. -М, 2004. - P.78.

In the case of responsibility for crimes committed against a minor or a woman whose pregnancy is known to the perpetrator, it is necessary to think about the concept of a young child.

Despite the fact that the concept of "young child" is used in a number of norms of the Criminal Code of the Republic of Uzbekistan (Articles 46, 56, 148, 277 of the Criminal Code), its definition is not given. But in the scientific literature, the term "young child" means persons under the age of 14⁴.

As we mentioned above, although the concept of "young child" is used in several norms of the Criminal Code, according to the content of the law, they represent different young people. For example, Article 46 of the Civil Code stipulates that women on leave to take care of a "young child" cannot be punished by correctional labor, while Article 148 of the Civil Code stipulates liability for illegally refusing to hire or dismissing a woman knowing that she is caring for a "young child". is implied. The concept of "young child" used in both norms is related to the labor legislation and refers to "children under 3 years of age" (Article 237 of the Labor Code).

According to the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated June 14, 2002 "On judicial practice in cases related to bullying", "young child" means a person under 14 years of age⁵. M.H. Rustamboev also states that a young child should be understood as a person under the age of 14.⁶

As we can see, the age criterion for expressing the concept of "young child" in criminal law is determined based on the specific aspect of each norm.

In several norms of the Criminal Code, committing a crime against a person under the age of 14 is defined as an aggravating circumstance, and the concept of "young child" is not used. For example, articles 118, 119 of the Criminal Code, part 4, provide for responsibility for committing a crime "against a person under the age of 14". As we can see, the same issue is expressed differently in the same criminal law.

In addition, the concept of "young child" is not defined in any area of our national legislation. In the Civil Code, persons under the age of 14 are defined as "minor children"⁷. Under the current legislation, persons under the age of 18 are defined as minors.

There is another aspect of the matter, that in practice, when the sentence is applied to a minor, there is no final decision on whether the guilty victim knew or did not know that the victim was a minor. Therefore, in order to prevent different interpretations in judicial investigation practice, it is necessary to replace the sentence "to a minor" with the sentence "to a person whose minor is obvious to the guilty person".

In addition, as a result of the perpetrator's socially dangerous aggression, not only the health of the woman, but also the life or health of the fetus, which has the right to live, is endangered. That is why Article 97, Part 2, Clause "b", Article 103, Part 2, Clause "b", Article 104, Part 2, Clause "a", Article 105, Part 2, Clause 110 Article 2, paragraph "b" of the article, as a necessary sign of prosecution, the perpetrator must have known that the victim was pregnant before committing the socially dangerous assault. S.V. Borodin understands that when a woman knows that she is pregnant, it is important that she is not actually pregnant, but that she is aware of it⁸.

⁴ *Doronina E.B.* Bespomoshchnoe sostoyanie poterpevshego v strukture sostava ubiystva: theory, law and practice. Dis candy. walk nauk - Yekaterinburg, 2004. - P.57; Krasnyuk G.P. Nenasilstvennyye seksualnyye posyagatelstva na lits, ne dostigshikh chetyrnadtsatiletnego vozrasta. Dis candy. walk nauk Krasnodar, 2000. - S. 53.

⁵ Uzbekistan Republic Plenum of the Supreme Court decision No. 9 dated 14.06.2002 . [Electronic source] – URL: <https://lex.uz/docs/1452654> (access time: 11.10.2021).

⁶ *Rustambayev M.Kh.* Course of criminal law of the Republic of Uzbekistan. Tom 5. Special part Textbook. 2nd edition, completed and again processed . - T.: Uzbekistan Republic National guard Military -technician a Institute , 2018. – 212 pages.

⁷ Uzbekistan Republic of Citizenship code . [Electronic resource] – URL: <https://lex.uz/docs/111189> . (app time : 11 . 11.2021) .

⁸ *Borodin S.V.* Prestupleniya protiv jizni. - SPb: Yuridichesky center, 2003. - S. 137-138.

According to paragraph "b" of the second part of Article 103 of the Criminal Code, the fact that the woman is pregnant must have been known to the perpetrator before the injury to her body.

A woman's pregnancy can be known to the perpetrator in various ways, that is, from her appearance, from previous acquaintance, from the victim herself, and other similar circumstances. If the victim herself falsely told her that she was pregnant, but the aggressor intentionally inflicted serious bodily injury on the victim's body without knowing that it was a lie, the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan did not explain how to qualify such an act of the aggressor.

A woman who is under mental or physical influence can have a miscarriage or bipop that affects her pregnancy and may affect the health of the future child. This can happen not only when the life or health of a pregnant woman is violated, but also in other violent crimes, such as robbery, assault, defamation, and unnatural sexual satisfaction. A woman's health and fetus can also be seriously affected by violence that causes the victim to become emotionally aroused. Suicidal behavior can harm the victim, and defamation or abuse can also pose serious risks to the pregnant woman and the fetus.

The characteristics of the organized group, distinguished by jurist Yu.S. Polatov, are unique and fundamentally different from the above, that is, strict adherence to casteism; threatening or using violence; service requirements of these groups by the community; to retain officials and authorities in order to maintain their security; establishing a monopoly in a certain area or field of activity; limited membership; specialization; receiving rational income as a result of criminal activity⁹.

The social danger of this crime increases even more when the crime of suicide is committed by a group. Because one of the group acts together to commit the crime with intent and another with malicious intent, which in turn forms a group consisting of several individuals. Without such a group, without combining the actions of all the criminals, each of them could not have committed these crimes alone or without the help of another.

Russian scientist A. As stated by Gurov, criminal result is achieved due to the joint actions of group members when committing a crime by prior collusion. When each member of the group commits a crime, he understands all aspects of the crime and knows that it is committed directly together with several persons¹⁰.

The nature of the crime is to reach a pre-agreed agreement by the participants to bring it to the level of suicide committed by a group of individuals. When using the subject and methods of influencing the victim and others, it is characteristic to agree in advance on the methods of committing the crime among the group members. If the objective part of the criminal acts is agreed upon by the perpetrators before they are committed, the social danger of the group committing the crime will be higher.

The crime of bringing suicide to the level of suicide or attempted suicide committed using telecommunication networks, as well as the Internet worldwide information network, is qualified by paragraph "g" of the second part of Article 103 of the Criminal Code of the Republic of Uzbekistan.

A telecommunications network is a technological system designed for the transmission of information through communication lines, and access to it is carried out using computer equipment. The Internet is a global information network whose parts are logically connected to each other by means of a single address space.

In particular, today there are 9,000 sites on the Internet promoting easy ways to commit suicide, more than 4,000 sites with erotic content, and 12 percent of pornographic sites. Also, 42 percent of children and adolescents are exposed to online pornography, 49 percent are engaged in violent and

⁹ Polatov Yu.S. Organized crime concept about some comments . (Uzbekistan Republic of new codes theory and practice) -T.: 1994. - B.97-101.

¹⁰ Gurov A. " Organized nestuinost ne misr , a reality". -M.: Knowledge. 1992. - S.30 .

evil computer games, and 41 percent are engaged in extreme militancy (brutal wars, killings, shootings, explosions and holocausts) ¹¹.

The peculiarity of ideological influence and pressure, which is carried out through the Internet and does not require a lot of money. It is done without the reader, listener, or viewer noticing, and does not cause direct victimization. Information warfare does not destroy the enemy, it is highly effective without requiring large costs ¹².

In this, the wishes, mentality, and existing problems of the population of the countries where the ideological influence is directed are carefully studied.

However, in the current legal norm, some circumstances are not defined as special aggravating factors. In particular, the norms of aggravating responsibility for suicide or attempted suicide against two or more persons, as well as an elderly or infirm person, have not been reflected. This will not fail to have a negative impact on the objective and legal evaluation of the crime by the judicial investigation practice. Taking this into account, in order to prevent a number of misunderstandings and misinterpretations arising in the application of the norm, it can be said that these cases should be included in the relevant part of the article as norms that aggravate liability.

¹¹The Commission on Crime Prevention and Criminal Justice [http: Justice. \[Electronic resource \] – URL: http : // www . unodc . org / unodc / commissions / CCPCJ / index . html ? Refmentutop .](http://www.unodc.org/unodc/commissions/CCPCJ/index.html) (application time: 12.08.2021).

¹² *Gafurov U.* Spiritual and educational forms of protecting young people from destructive ideas spread over the Internet (based on the work of the First President of our country I.A. Karimov "High spirituality - invincible power")//Technologies of protecting young people from information and psychological attacks: theory and practice. - T., 2012. - B.101.