



CRIMINAL-LEGAL DESCRIPTION OF CRIMES RELATED TO EXTREMISM

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| Article history: | | Abstract: |
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| Received: | November 05 th 2023 | In this article, the subjects of this crime are: 1) materials mixed with the ideas of religious extremism; 2) materials based on the ideas of religious separatism; 3) materials based on the ideas of religious fanaticism (fundamentalism); 4) materials aimed at extermination; 5) materials aimed at inciting to evict citizens by force; 6) materials intended to cause panic among the population |
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Preparation or distribution of materials that threaten public safety and public order (CC244¹-a.). At this point, it should be noted that the correct identification of the object of this crime is largely related to the correct assessment of the social danger of the subject of this crime. In the crime of preparing or distributing materials that threaten public safety and public order, the subject of the crime is also a concept within the scope of the crime. Due to a socially dangerous act (action or inaction) against an object protected by the criminal law, the subject of the crime is directly affected. From this point of view, the correct identification of the specific characteristics of the subject of the crime makes it possible to correctly define the object of the crime.

According to the content of the law, the objects of this crime are: 1) materials mixed with the ideas of religious extremism; 2) materials based on ideas of religious separatism; 3) materials based on the ideas of religious fanaticism (fundamentalism); 4) materials aimed at extermination; 5) materials aimed at inciting the forced displacement of citizens; 6) materials intended to cause panic among the population.

The object of the crime is social relations that ensure public safety and public order.

Criminal Code Section 244¹ provides for in the first part of the crime on the objective side:

Surrounded by ideas of religious extremism, separatism and fanaticism, yohud, calling for the massacre or forced displacement of citizens, was committed in order to prepare or distribute materials aimed at causing panic among the population, as well as to disseminate attributes or symbolic signs of religious-extremist organizations. yohud show.

Preparation is understood as the preparation of criminal objects of any type and in any way.

Storage refers to any deliberate actions associated with

the presence of objects of crime next to the culprit, in a building, on hidden lands and other places. When determining liability for the storage of criminal objects, it is necessary to determine whether these objects were stored for the purpose of distribution, otherwise the uncertainty of such a goal will deny that they are qualified under this norm.

The preparation of materials that threaten public safety and public order from the moment a copy of the materials in this form is prepared, regardless of whether the material was distributed or stored for distribution purposes, the crime is considered completed.

In the event of a relapse within a year after the application of the above actions, first administrative punishment (Article 184 of the CLC: storage of materials that threaten public safety and public order for the purpose of preparation or distribution), criminal liability arises under the first part of Article 244¹ of the Criminal Code.

Article 244¹ of the Criminal Code provides for the second section of the Criminal Code to distribute information and materials in any form aimed at creating panic among the population, which, on the objective side, are permeated with the ideas of religious extremism, separatism and fanaticism, calling for massacre or forcible eviction of citizens, as well as violation of citizens' peace, libel is expressed in attempts to spread fabrications that destabilize the situation, as well as to use religion in order to commit other acts directed against the rules of behavior and public safety that have been decided in society.

By dissemination, it is understood that the material of this kind is revealed in oral or written form, at least to one person. Methods of combing can vary. For example, they can be distributed among the population in the form of flyers, published in the media, shown on



television, posted on internet networks, etc. Distribution methods do not affect the qualification of a crime.

Defamatory fiction refers to the dissemination of non-truthful information, the falsity of which is known in advance. Situation-destabilizing fabrications are understood as false evidence, information that can lead to violations of public order, temporary interruptions in the activities of enterprises, institutions, organizations, the emergence of fears, panic, insecurities, etc. The use of financial or other material assistance received from religious organizations, as well as foreign countries, organizations and citizens, is understood as the use of financial or other material assistance received from religious organizations, foreign countries, organizations and citizens in order to prepare or distribute materials that threaten public safety and public order.

According to Law No.699 "on freedom of conscience and religious organizations" of July 5, 2021, "to forcibly change the constitutional order of the Republic of Uzbekistan, to undermine its sovereignty and territorial integrity, to undermine the constitutional rights and freedoms of citizens, to promote war, national, racial, ethnic or religious enmity, to encroach on the health and morality of citizens, to disrupt citizens' harmony, to spread, the use of religion is not allowed for the purpose of committing other actions directed against society and the state"¹.

In this regard, the second part of Article 244¹ of the Criminal Code establishes criminal liability for such actions.

Article 244¹ of the Criminal Code provides for the second part of the Criminal Code, the crime is considered completed from the time of distribution of the specified data or materials, regardless of the resulting consequence.

The subjective side of the crime is expressed in the right oath, that is, the guilty person realizes the social danger of what he is committing, gets his eye on the consequences and wants them to happen.

The purpose of the crime is defined as a necessary feature of the crime, and the purpose of this crime is the distribution of materials inspired by the ideas of religious extremism, separatism and fanaticism, calling for extermination or forced displacement of citizens, or aimed at creating panic among the population, or using religion, established in society. - committing other acts against the rules of conduct and public safety. The subject of the crime can be any sane individual over the age of 16. If the subject is an official, based on the circumstances of the case, it should be classified as a

set of crimes under Article 244¹ of the Criminal Code, Article 205 (abuse of power or official authority) or Article 206 (deviation from the scope of power or official authority)..

If the above-mentioned actions: pre-conspired or by a group of persons; using a service position; if committed using financial or other material support received from religious organizations, as well as foreign countries, organizations and citizens, the act is qualified by the relevant paragraph of the third part of Article 244¹ of the Criminal Code.

Regardless of whether two or more persons conspired in advance or not, as well as by an organized group, the commission of one (or more) of the above-mentioned actions is qualified by paragraph "a" of the third part of Article 244¹ of the Criminal Code.

Article 244¹ of the Criminal Code, part 3, paragraph "b" means that such a crime is committed by an official or from his official authority in order to use certain powers, as provided for in the first or second part of Article 244¹ of the Criminal Code.

Methods of receiving financial or other property support from religious organizations, as well as foreign countries, organizations and citizens (cash, money transfers, bank account transfers, publishing or other equipment) are qualified by Article 244¹, Part 3, Clause "c" of the Civil Code does not affect It is enough to establish that such financing was carried out for specific criminal purposes.

The crime of forming, leading, participating in religious extremist, separatist, fundamentalist or other prohibited organizations is established in **Article 244²** of the Criminal Code of the Republic of Uzbekistan.

The Republic of Uzbekistan also prohibits the formation, leadership, participation in such organizations and leads to criminal prosecution in the manner prescribed by law. Because the activities of such organizations undermine public safety, and the team threatens a peaceful GI. In this regard, the direct object of the crime being analyzed is social relations that ensure public safety.

The objective side of this crime:

formation of religious extremist, separatist, fundamentalist or other prohibited organizations;
to lead them;

participation in them is expressed in the tooth.

By forming religious extremist, separatist, fundamentalist or other prohibited organizations, it is understood that any action aimed at organizational strengthening and formation of the activities of such an organization, as well as the selection of candidates for

¹ 2021 йил 5 июлдаги "Виждон эркинлиги ва диний

ташкilotлар тўғрисидаги" №699-сонли ЎРҚ.



participation in the organization, their recruitment and other similar actions take place.

Leadership of such organizations means their management, issuing mandatory instructions and orders, distribution of tasks among members of the organization, development of their plans, and any actions related to the management of such organizations.

Participation is defined as giving consent in any form (written or verbal) to cooperation within the framework of such organizations, knowingly aware that the existence of such organizations is illegal.

Religious extremist, separatist, fundamentalist organizations mean stable association of two or more individuals or groups to carry out religious extremist, separatist or fundamentalist activities.

Other prohibited organizations mean associations prohibited from operating in the territory of the Republic of Uzbekistan according to the legislation of the Republic of Uzbekistan.

It is prohibited to establish paramilitary public associations and armed structures, religious parties, their branches and other structural units.

The crime referred to in the first part of Article 244² of the Criminal Code is considered completed from the moment when a religious extremist, separatist, fundamentalist or other prohibited organization is created or led or participated in them.

The subjective side of the crime is represented by the fact that it is committed with the right intention, that is, the perpetrator is aware of the social danger of the act he is committing and wants to commit such acts. The motive (intention) and purpose of the crime may be different, but they do not affect the qualification of the crime.

The subject of the crime can be any sane individual over the age of 16.

If the above actions resulted in serious consequences, the act is qualified by the second part of Article 244² of the Criminal Code.

Other serious consequences are determined by the investigation and the court based on the set of details of the case in each specific case (severe bodily harm, death, extensive damage, forced displacement of people, etc.) will be resolved.

If a minor is involved in creating, leading, or participating in religious extremist, separatist, fundamentalist or other prohibited organizations, the crime is qualified by clause "b" of the second part of Article 244² of the Criminal Code.

The third part of Article 244² of the Criminal Code stipulates a norm that exempts a person from liability if he voluntarily reported the existence of prohibited

organizations and helped to solve the crime. If the person fulfills the conditions specified in this norm, he is released from responsibility for the crime provided for in the first part of this article.

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