

**VALYUTA QIMMATLIKLARINI QONUNGA XILOF RAVISHDA OLISH YOKI
O‘TKAZISH JINOYATINING SUBYEKTIV BELGILARI TAHLILI**

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**АНАЛИЗ СУБЪЕКТИВНЫХ ПРИЗНАКОВ ПРЕСТУПЛЕНИЯ,
ЗАКЛЮЧАЮЩЕГОСЯ В НЕЗАКОННОМ ПРИОБРЕТЕНИИ ИЛИ ПЕРЕВОДЕ
ВАЛЮТНЫХ ЦЕННОСТЕЙ**

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**ANALYSIS OF THE SUBJECTIVE ELEMENTS OF THE CRIME OF ILLEGAL
ACQUISITION OR TRANSFER OF CURRENCY VALUES**

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Annotatsiya

Ushbu tezisda valyuta qimmatliklarini qonunga xilof ravishda olish yoki o‘tkazish jinoyatining subyektiv belgilari tahlil qilinadi. Jinoyatning subyekti, unga qo‘yilgan talablar muhokama qilinadi. Jinoyat subyekti doirasi amaliy misollar bilan ochib beriladi.

Аннотация. В данном тезисе анализируются субъективные признаки преступления, заключающегося в незаконном приобретении или переводе валютных ценностей. Обсуждаются субъект преступления и предъявляемые к нему требования. Круг субъектов преступления раскрывается с помощью практических примеров.

Abstract. This thesis analyzes the subjective elements of the crime involving the illegal acquisition or transfer of currency values. It discusses the subject of the crime and the requirements imposed on them. The range of subjects is explained using practical examples.

Kalit soʻzlar. Valyuta qimmatliklari, jinoyat, subyekt, maxsus subyekt, jinoyat tarkibi, subyekt yoshi.

Ключавой слова. Валютные ценности, преступление, субъект, специальный субъект, состав преступления, возраст субъекта.

Keywords. Currency values, crime, subject, special subject, corpus delicti (elements of a crime), age of the subject.

INTRODUCTION

The subject of a crime refers to a mentally competent physical person who has committed a socially dangerous act and has reached the age specified by criminal law. The subject of a crime is one of the essential elements of the composition of a crime. This includes citizens of the Republic of Uzbekistan, foreign nationals, and stateless persons.

METHODOLOGY

According to criminal law, a person who commits a socially dangerous act (action or inaction) prohibited by criminal law and is capable of bearing criminal responsibility is recognized as the subject of a crime. The concept of the "subject of a crime" is used to determine the presence or absence of grounds for criminal liability when legally qualifying a committed crime. Additionally, the concept of the "personality of the criminal" is applied to ensure the inevitability of responsibility and to individualize the punishment for the subject of the crime. Only a person who has reached the age specified by law can be the subject of a crime. Determining the age for criminal responsibility primarily depends on the individual's social development and the appropriateness of applying methods and techniques characteristic of criminal legislation.

According to Article 17 of the Criminal Code of the Republic of Uzbekistan, mentally competent individuals who have reached the age of sixteen before committing a crime are subject to criminal liability.

RESULTS

Therefore, the minimum requirements for the subject of a crime are:

1. Reaching the specified age;
2. Mental competence;
3. Being a physical person.[1]

Only a subject who meets these three requirements can be recognized as the subject of a crime. Furthermore, criminal legislation defines the scope of special subjects for various crimes. The

purpose of this is to distinguish cases where such crimes are committed only by special subjects, to separate them as special norms from general norms, and to facilitate the qualification of the crime. For instance, in Article 177 of the Criminal Code, the general subject is recognized as the subject of the crime, and being a special subject is not required.

The subject of a crime defines the legal characteristics of the person who committed the crime. The concept of the subject of a crime is limited to the characteristics necessary to initiate criminal liability (physical person, age, mental competence) and encompasses only part of the characteristics of the person who committed the socially dangerous act.

A special subject of a crime includes additional requirements set by criminal legislation beyond the three requirements for a general subject, usually expressed in the disposition of the article. According to Q.R. Abdurasulova, the concept of a special subject of a crime refers to a person who, along with the characteristics of a general subject, possesses additional characteristics, which is of great theoretical and practical importance.

In the studied Article 177 of the Criminal Code, the subject of the crime is considered a general subject. For this crime, the general subject is a mentally competent physical person who has reached the specified age and committed a socially dangerous act.

DISCUSSION

When determining the age of the subject of a crime, it should be considered that a person is deemed to have reached a certain age not on their birthday but from the following day. If it is impossible to determine the person's age based on documents, it is established through a forensic medical examination, and the last day of the year determined by the expert, i.e., December 31, is considered the person's birthday.

According to the Resolution No. 21 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated September 15, 2000, "On Judicial Practice Regarding Crimes Committed by Minors," a person is considered to have reached the age for criminal responsibility not from their birthday but from the zero hour of the following day.

A special subject of a crime refers to a person who, in addition to general characteristics like mental competence and reaching a certain age specified by law, possesses additional characteristics defined by criminal law or directly implied by it, which determine the scope of persons who can be held criminally liable under this law. These characteristics may include: citizenship; demographic features; official position; military service affiliation; nature of work performed; professional and personal obligations; main status of the subject, and others.

Additionally, the special subject of a crime is categorized into subgroups based on the person's profession, type of activity, or legal status defining the nature of the work performed, such as medical personnel (Article 133 of the Criminal Code); members of election commissions (Article 146); persons entrusted with state and service secrets (Article 162); directors, chief

engineers, heads of technical control departments; store, warehouse, section managers, commodity experts, brokers (Article 167); persons entrusted with the custody or protection of property (Article 172); employees of enterprises, institutions, and organizations performing services related to the public (Article 189); ship captains (Article 300), etc.

It is noteworthy that the dispositions of the articles in the Special Part of the Criminal Code do not specify the general characteristics of the subject of a crime. However, the special characteristics of the subject are either directly indicated in the dispositions or clarified through interpretation, and in most cases, they are specified in special norms.

CONCLUSION

As mentioned above, this crime is committed with direct intent from the subjective side and is considered a materially composed crime from the objective side. The subjects of the aforementioned crimes are mentally competent physical persons who have reached the age of 16.

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