

## **The Object of the Crime and the Signs of its Objective Side in the Preparation, Storage, Distribution or Demonstration of Materials That Threaten Public Safety and Public Order**

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**Abstract.** *The elements of the crime composition distinguish its objective and subjective aspects in four cases. The elements of the crime composition are the object, subject, objective side, and subjective side of the crime. Its features, in turn, provide a description of the elements of the crime composition. They are connected to the elements as part of the object's composition.*

**Key words:** *Political parties, non-governmental non-profit organizations, freedom of conscience, religious organizations, epistemology, crime, human, behavior, action, inaction*

### **Introduction**

The word "sign" usually denotes a set of specific qualities, composition, properties, and characteristics of an object or phenomenon, allowing it to be recognized and distinguished from others. The development of the study of signs in epistemology, based on logic, allows us to distinguish their specific features from the range of categories<sup>1</sup>. M.Kh. Rustamboyev states, "Any crime is an external manifestation of

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<sup>1</sup> Xudaykulov.F. Jinoyat tarkibi ob'ektiv tomoni zaruriy va fakultativ belgilarining jinoyat-huquqiy ahamiyati: tahlil va taklif. Huquqiy tadqiqotlar jurnali 1 son 6 jild 73 bet 2021-y.

human behavior, that is, an act or omission committed under the control of consciousness and will"<sup>2</sup>, He expresses his opinion.

In general, any crime has two sides: external and internal manifestations of human behavior. On the outside, it is a socially dangerous act (action or inaction) controlled by consciousness and will. The inner manifestation of a person's behavior is their psychological attitude towards the act they have committed (in the form of intentional or carelessness from the forms of guilt). It is precisely this situation that legal scholars emphasize, and the separation of objectivity and subjectivity in human behavior is conditioned and carried out only for a deeper understanding of the phenomenon being studied for scientific and educational purposes<sup>3</sup>", They emphasize. In the act committed by the perpetrator, in practice, there is usually the subject who committed the crime, the objective side of the crime, which consists of circumstances proving the commission of the crime, the object protected by criminal law, and the guilt of this criminal act in the form of intent or negligence<sup>4</sup>.

The related (special) object of the crime is social relations that regulate and ensure public safety.

The main direct object is social relations in the field of compliance with the procedure for the production, storage, import or distribution of materials of religious content established by the laws of the Republic of Uzbekistan. The direct additional object is the normal moral environment in society, the moral and physical health of citizens. Based on this, the subject of the crime is materials of religious content, that is, objects aimed at religious purposes, religious literature and other information materials.

In particular, V.B. Malinin and A.F. Parfenov noted that "the main (necessary) sign of the objective side of the crime is action or inaction at the initial stage of the development of a criminal offense that damages an object protected by criminal law." A socially dangerous consequence is one of the main signs of material crimes.

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<sup>2</sup> Rustambayev M.H. O'zbekiston Respublikasi jinoyat huquqi kursi. I tom. Jinoyat haqida ta'limot: Darslik. 2-nashr, to'ldirilgan va qayta ishlangan. – Toshkent: O'zbekiston Respublikasi Milliy gvardiyasi Harbiy-texnik instituti, 2018. – B. 157.

<sup>3</sup> Rustambayev M.H. O'zbekiston Respublikasi jinoyat huquqi kursi. I tom. Jinoyat haqida ta'limot: Darslik. 2-nashr, to'ldirilgan va qayta ishlangan. – Toshkent: O'zbekiston Respublikasi Milliy gvardiyasi Harbiy-texnik instituti, 2018. – B. 157.

<sup>4</sup> Xudaykulov.F. Jinoyat tarkibi ob'ektiv tomoni zaruriy va fakultativ belgilarining jinoyat-huquqiy ahamiyati: tahlil va taklif. Huquqiy tadqiqotlar jurnali 1 son 6 jild 73 bet 2021-y.

The process of developing a crime, from a socially dangerous act (inaction) to the occurrence of a harmful consequence, reflects the causal connection between the act and its outcome. Which is also a necessary sign of the objective side in a material crime<sup>5</sup>”, They express their opinions.

The objective side of the crime is expressed in the illegal preparation, storage, import or distribution of materials of religious content for the purpose of illegal distribution.

The structure of Article 244.1 of the Criminal Code has administrative preclusion, and if the perpetrator commits the same act again within one year after the person is brought to administrative responsibility for such actions, they will be held criminally liable.

Law of the Republic of Uzbekistan "On freedom of conscience and religious organizations"<sup>6</sup> According to the law, the authority to produce, export, import, and distribute materials of religious content is granted to central bodies managing religious organizations. Specifically, institutions licensed to conduct this activity have the right to print and distribute items necessary for performing religious rituals. The preparation of materials with religious content is considered complete at the time one copy of these materials is produced.

Illegal possession of materials with religious content is considered a continuing offense and is deemed complete when the act is terminated or the offender voluntarily confesses. If the offender transfers such materials to third parties, the act is classified as another form of the objective element of the crime being analyzed, namely illegal distribution.

The illegal importation of materials with religious content into the Republic of Uzbekistan involves bringing these materials from abroad into the territory of our country for distribution purposes, in violation of the procedure established by law.

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<sup>5</sup> Объективная сторона состава преступления: учебное пособие / А.Н. Попов, Л.А.Зимирева, П. В.Федышина. Под общ. ред. А.Н. Попова. – Санкт-Петербург: Санкт-Петербургский юридический институт (филиал) Академии Генеральной прокуратуры Российской Федерации, 2015. – С.18.

<sup>6</sup>«Vijdon erkinligi va diniy tashkilotlar to'grisida»gi Qonuni. 1998.yil 1-may. 618-I-son.

The objective element of the crime in question, as provided for in the first part, consists of preparing or storing for distribution materials imbued with ideas of religious extremism, separatism, and fundamentalism, calling for massacres or forced displacement of citizens, or aimed at creating panic among the population, as well as actions of preparing or storing for the purpose of distribution or display of attributes or symbols of religious extremist and terrorist organizations.

Law of the Republic of Uzbekistan "On Freedom of Conscience and Religious Organizations"<sup>7</sup> In accordance with Article 10 of the law, materials of religious content consist of books, treatises, magazines, newspapers, leaflets, other printed publications, signs, objects, symbols, audiovisual works (television and cinema films, video films, clips, recordings of concert programs, cartoons, and others), electronic media (floppy disks, CDs, DVDs, built-in and removable memory cards, materials posted on the Internet and others) that reflect the doctrinal foundations of religious teachings, their history, ideology and interpretations, the practice of conducting rituals of various religious teachings, as well as religious viewpoints on individual persons, historical facts, and events.

Preparation, import and distribution of materials of religious content on the territory of the Republic of Uzbekistan shall be carried out after obtaining a positive conclusion of the religious expertise in order to prevent the spread of ideas and views that lead to disruption of interfaith harmony and religious tolerance in society, calling for religious violence and chaos.

The procedure for the preparation, import and distribution of materials of religious content is determined by the Cabinet of Ministers of the Republic of Uzbekistan<sup>8</sup>.

The preparation of materials of religious content is considered completed at the time of preparation of one of these materials.

The illegal storage of materials of religious content is a prolonged crime and is considered complete when the act is stopped or the perpetrator confesses his guilt. If the perpetrator transfers such materials to third parties, another form of the

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<sup>7</sup>O'zbekiston Respublikasining "Vijdon erkinligi va diniy tashki-lotlar to'grisida"gi<sup>7</sup> qonuni. <https://lex.uz/docs/5491534>.

<sup>8</sup> <https://lex.uz/docs/5491534>

objective side of the crime in which the act is being analyzed is recognized as unlawful distribution.

The illegal import of materials of religious content into the Republic of Uzbekistan is expressed in the import of these materials from abroad to the territory of our country for the purpose of distribution in violation of the procedure established by law.

Recently, when using the term "extremism," only religious extremism has been considered. This is a very narrow understanding of extremism. However, this concept applies not only to religious, but also to other relations related to political and public life.

The concept of "extremism" has been given different definitions, but to this day, there is no single definition of it. Lexically, "extremism" means adherence to extreme opinions and measures, and adherence to extreme measures<sup>9</sup>, "Religious fundamentalism" refers to a return to the origins of any religion, while "separatism" means the desire to separate or become independent.

Extremism arises under the influence of factors such as the crisis of existing social structures, economic and social crises that worsen living conditions, the weakening of state power, and other elements. Extremists, taking advantage of prevailing social and political sentiments, attempt to carry out their political actions without regard for the constitution and current laws. From this perspective, extremism is a form of legal nihilism.

**The categorization of extremism based on political, national, or religious characteristics is largely conditional. In practice, all these forms are interconnected, and extremism itself is not found in a "pure" form. Extremist activity can be divided into the following types:**

1. Religious extremism - this is the manifestation of any religion in a distorted manner, intolerance towards representatives of other religions or sects, the use of misinterpreted religious doctrines as a political weapon against the secular state and constitutional order, the violation of state sovereignty and territorial integrity

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<sup>9</sup> O'zbek tilining izohli lug'ati. –M.: Rus tili, 1981. –T.2. 442-b.

through inciting religious conflicts and contradictions, or the forceful seizure of state power or violent change of the existing system.

In this context, the phenomenon of extremism that distorts the pillars of Islam is called "ghuluw" (excessiveness)<sup>10</sup> and foreigners<sup>11</sup> It should be noted that this action was a vivid example of this.

Political extremism refers to the illegal activities of political parties and movements, as well as certain citizens and officials, aimed at violently overthrowing existing state power, destroying legitimate state structures, establishing a totalitarian dictatorship, and provoking national and social conflicts. From this perspective, extremism is also a political partisanship based on extreme views. This is because it also exists as the actions of supporters or opponents of various religions, political groups, parties, and entire states. M.A. Rajabova, who conducted research in this field, also evaluated extremism as a political term, stating that "the aspects of extremism related to politics lie in the fact that the leaders of informal extremist organizations aim to change the official state power unconstitutionally by taking drastic and decisive measures on political issues, that is, by using force and violence." The reason they are called unofficial is that they are not registered with the Ministry of Justice to officially operate in accordance with the requirements of the Constitution of the Republic of Uzbekistan, the laws on "Political parties," "Non-governmental non-profit organizations," and the current law "On freedom of conscience and religious organizations."

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<sup>10</sup> G'uluv – (*arabcha*) haddan oshish, chuqurlashish degan ma'noni bildiradi.

<sup>11</sup> Xorijiyalar (*arabcha* "chiqqanlar", "g'azablanganlar") 7-asrda paydo bo'lgan islom dinidagi radikal sekta tarafdorlari.

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