



DIFFERENT AND SPECIFIC CHARACTERISTICS OF THE CRIMES PUBLIC DISORDERS

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Abstract. *This article explains the concept of the crime of mass riots, its specific features. The article also analyzes the similarities and differences between the crime of mass riots and the crime of hooliganism. Important features are given in the qualification of these crimes.*

Keywords: *public disorders, hooliganism, arson, vandalism, explosion, use of force.*

The crime of public disorders is a crime of very complex content, which includes several criminal features according to its composition.

The crime of public disorders is committed by a large group, while the crime of hooliganism can also be committed by several individuals or an organized group with prior agreement. It is assumed that the action in the mass riots will take place under the influence of the organizers. However, this is not a distinguishing criterion, and practice shows that dozens of participants can also be involved in the crime of hooliganism. During mass riots, according to many experts, public safety is compromised. Therefore, in the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 9 of June 14, 2002, hooliganism is a crime against public order, in which intentional disregard for the rules of conduct in a society is committed in connection with the beating of a person, inflicting minor bodily injury on him or causing significant damage or destruction of another's property.

It is stated that not all of the above consequences are required to be present at the same time in order to qualify an act under Part 1 of Article 277 of the Criminal Code[1].

Intentional disregard for the rules of conduct in society means a gross violation of public order (interpersonal relations, rules of conduct, formed social life) established by normative legal acts, norms of etiquette and morals, customs and traditions. Intentional disregard for the rules of conduct in society means a gross violation of public order (interpersonal relations, rules of conduct, formed social life) established by normative legal acts, norms of etiquette and morals, customs and traditions.

According to the content of the law, the offender must understand that by his actions he is violating public order. There must be a causal link between these



actions and the violation of public order. An act without a causal link must be assessed as an administrative offense or crime against a person or property.

There are also relevant criteria for qualifying a criminal riot with a crime, including: only organizers and participants of mass riots are criminally liable under Article 244 of the Criminal Code if they have committed direct massacres, vandalism, arson and other similar acts, or armed resistance to government officials, if the actions of a group of persons violate public order, but are not accompanied by massacres, vandalism, arson and other similar acts, such actions can not be considered public disorders, if appropriate, cause liability under Article 277 of the Criminal Code [2]. It should be noted that hooliganism accounts for 22% of total crime and is growing at an annual rate of 9%. Statistics on these crimes in our country show its "prevalence". In 2015, hooliganism accounted for 3.6% of all crimes; in the year 2016. - 3.2%; in 2017. - 2.5%; in 2018 - 2.05%; in 2019 - 2.3%, and in 2020 it was 2.5%. Of course, given that these data do not reflect other crimes and administrative offenses committed as a result of hooliganism, the scale of hooliganism is even greater [3].

Public disorders are often associated with violence against civilians and are accompanied by armed resistance to a government official. The objective aspect of public disorders is broader and involves a series of actions that are not part of the hooliganism. These include organizing riots, preparing a person for riots or participating in them, inciting riots, as well as inciting violence against civilians, massacres, arson, use of explosives or other substances and substances that pose a threat to others.

Hooliganism, on the other hand, involves resisting a government official or other person responsible for protecting the public.

The emergence and development of public disorders are influenced by the following factors: a) economic and political crises, declining living standards, its sharp social and property stratification, increasing the gap between living standards. different groups and strata of the population, the emergence of unemployment; b) the development of separatism, nationalism and political extremism; c) legal nihilism; low level of educational work with young people; d) deterioration of the environmental situation; e) general increase in crime and poor detection of crimes committed; f) shortcomings in the work of law enforcement agencies. It should be noted that the use of force is a mandatory sign of the composition of public disorders, and for hooliganism it is only an optional sign of the purpose [4]. Scientists have different positions on this. First, the position of some is that the use of force during riots can only be physical [5]. Others argue that the term "violence" includes both physical and mental violence. [6].

Violence against a person should be understood as any bodily injury or any other act that similarly restricts his or her liberty and impedes the exercise of his or her legal rights. The sign of use of a weapon also has its own characteristics for each of



the crimes under consideration. For example, use for the crime of mass riots is recognized as “the use of a weapon to cause harm, the health of the victim, the destruction of various objects, the destruction of property, as well as the creation of a real opportunity for these consequences”[7]. When committing a crime of hooliganism with the use of weapons or objects, the person must understand the intentional actions aimed at the use of these objects in order to physically and mentally affect the victim [8].

The issues discussed above shows that the composition of the crime of public disorders requires a detailed review, taking into account the systemic nature of the practice and criminal law formed by the legislature. These problems have not only theoretical but also practical significance, as the effectiveness of regulation by the legislation of the Republic of Uzbekistan in the field of criminal law depends on the solution of these problems.

References:

1. <https://lex.uz/docs/1452654>
2. <https://lex.uz/docs/1442601?query=%D0%9F%D0%BB%D0%B5%D0%BD%D1%83%D0%BC>.
3. F.Khudoykulov, A.Allanova, What is the responsibility for hooliganism and petty hooliganism? https://uza.uz/uz/posts/bezorilik-va-mayda-bezorilik-uchun-qanday-zhavobgarlik-or_306263.
4. Kudashkin S.K. To the question of the distinction between mass riots and group hooliganism. Bulletin of the Moscow University of the Ministry of Internal Affairs of Russia. 2020;(3):184–188.
5. Duyunov V.K. Criminal law of Russia. General and Special parts. M.: RIOR, 2008. S. 487; Prokhorov L.A., Prokhorova M.L. Criminal law. M: Jurist, 1999. P. 423.
6. Chuchaev A.I. Commentary on the Criminal Code of the Russian Federation. M.: Infra-M, Contract, 2010. S. 625.
7. Russian criminal law: textbook: in 2 volumes. T. 2. Special part / G.N. Borzenkov, L.V. Inogamova-Khegay, V.S. Komissarov [and others]; ed. L.V. Inogamova-Khegai, V.S. Komissarov, A.I. Raroga. - 2nd ed., revised. and additional - M. : Prospekt, 2009. - S. 337.
8. Clause 2 of the Decree of the Plenum of the Armed Forces of the Russian Federation “On judicial practice in criminal cases of hooliganism and other crimes committed out of hooligan motives” dated November 15, 2007 No. 45 // ATP “Consultant Plus”.