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THE OBJECTIVE SIDE OF CRIME AND CORPUS DELICTI: A COMPARATIVE LEGAL ANALYSIS OF THE CRIMINAL LAW OF UZBEKISTAN AND FOREIGN COUNTRIES

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Abstract: In this article, the logical, systematic, logical-legal, comparative-legal methods of research are widely used. In particular, the formation of the doctrine of the crime compound and its stages of historical development are described in detail. At the same time, in the development of the existing concept of criminal composition in the theory of modern criminal law, the specific importance of the features of the objective side of the crime and its differences with actus reus are described. In this article, based on the deduction method of research, as a basis for the doctrine of the crime compound , the objective side of the crime, i.e. corpus delicti (in ancient Roman law) - the structure of the law (classical German criminal law) - the concept of the crime compound (XIX-XX centuries (50-60 years) reflect the existing theoretical and scientific views on criminal law. This article also focuses on the specific signs of the objective side of the crime in the formation and development of the doctrine of the crime compound and the concept of the crime compound , their specific criminal-legal significance, as well as the only basis for liability mentioned in the Criminal Code of the Republic of Uzbekistan is the theoretical and practical problems related to the elements of the crime. At the same time, the criminal legislation of the USA, England, Wales, New Zealand, The Russian Federation, and Moldova was analyzed, and specific proposals and recommendations for improving the criminal legislation of the Republic of Uzbekistan were developed.

Keywords: objective side of crime, corpus delicti, actus reus, criminal act, consequence, causal link,

Introduction

Before researching the objective side of the crime, it is useful to clarify the concept of the crime. In particular, Article 16 of the Criminal Code of the Republic of Uzbekistan "Grounds for liability shall be commission of an act containing all elements of corpus delicti of a crime envisaged by this Code." as reinforced by the legislature. The legislature did not define the concept of crime compound. It used this concept only in eight places of the current Criminal Code of the Republic of Uzbekistan. They are: Article 10, Part 2 of Article 16, Part 3 of Article 26, Part 3 of Article 32, Part 3 of Article 40, Part 3 of Article 55, Part 4 of Article 56 of the Criminal Code and Section VIII in the "Legal Meaning of Terms" (A completed crime is a socially dangerous act that includes all the necessary elements of a particular crime.).

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The concept of crime compound can be defined mainly by interpreting the current Article 16, Part 2 of the Criminal Code of the Republic of Uzbekistan and the phrase "crime compound" provided for in the above articles.

In the theory of criminal law, a person's criminal behavior is conditionally divided into two. They are objective and subjective criminal behavior.

Objective usually refers to damage to objects protected by criminal law or leaving them at real risk of such damage, while subjective criminal behavior refers to the mental (mental) attitude to the committed criminal act. attitude is understood. Such a division is conditional, and can only be studied in scientific terms for a deeper study of this human behavior.

The content of the objective side of the crime creates the characteristics that characterize the external side of the crime. These include: action (action or inaction); consequence; a causal link between action and consequence; time, place, method, situation; weapons and means of the committing crime.

The list of these features of the objective side is generally recognized in the scientific literature. However, their classification on the basis of necessity or optionality is controversial. Necessary signs include signs that are specific to all criminal elements, and optional signs include signs that are specific to only certain crime components. Several opinions and comments have been expressed in this regard.

In the theory of criminal law, most scholars include in the objective aspect of the crime the circumstances that describe the socially dangerous act, the socially dangerous consequence, the causal link and the time, place and method of the committing crime in the Romana-Germanic family of law.

Another group of scholars recognizes a socially dangerous act as a necessary sign of the objective side of the crime, and classifies the remaining signs as necessary or optional, depending on the system of the crime (crimes of material or formal content) in the Romana-Germanic family of law.

Action or inaction at the initial stage of development of a criminal aggression that harms an object protected by criminal law is the main (necessary) sign of the objective side of the crime. The socially dangerous consequence is manifested as one of the main signs in material crimes. The process of development of a crime, from a socially dangerous act (inaction) to the occurrence of a harmful consequence, reflects the causal link between the act and its outcome. Which is also a necessary sign of the objective side in a material crime.

Indicates the causal link between the act, the consequence and the act and the consequence as necessary features of the crime, classifies the remaining features of the objective side as optional, and these signs are only necessary for crimes of a specific material nature.

Third group of scholars consider the act only as a necessary sign of the objective side, because only it is a sign of the structure of any crime, because the law does not allow to express it without specifying what signs the criminal act has.

A necessary sign of the structure of the crime is that it is a socially dangerous act. All other signs are optional signs of the objective side of the crime structure.

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Facultative signs may additionally describe all elements of the crime: a) for the object - an additional object, the subject of the crime; b) for the objective side - the place, time, method, status, weapon and means of the crime; c) for the subjective side - motive, purpose, emotion (mental inner experience); g) for a subject - a special subject.

In common law crime consists of mainly two compounds. They are actus reus and mens rea.

Actus reus called the external element or the objective element of a crime, is the Latin term for the "guilty act" which, when proved beyond a reasonable doubt in combination with the mens rea, "guilty mind", produces criminal liability in the common law–based criminal law jurisdictions of England and Wales, Canada, Australia, India, Kenya, Pakistan, Philippines, South Africa, New Zealand, Scotland, Nigeria, Ghana, Ireland, Israel and the United States of America. In the United States, some crimes also require proof of attendant circumstances and/or proof of a required result directly caused by the actus reus [1].

Methodology

Methods such as logical, systematic, historical, logical-legal, comparative-legal, analysis of criminal cases and statistical data, sociological surveys were used in writing the research work.

As well as analyzing of the criminal law of developed foreign countries like as USA, Canada, England and Wales, New Zealand, Germany, France and Russia.

Discussion

In the theory (doctrine) of criminal law, by the 1950s, the doctrine of the structure of crime was divided into "two main directions." The first is the doctrine (concept) as the core, the structure (internal structure) of the crime, the existing structure of the real objective reality (concept), and the second is the doctrine (concept) as a model of legislation or scientific abstraction. This division also led to a division of legal (presence of criminal elements) and social (presence of socially dangerous) grounds in understanding the basis of liability. Subsequently, the doctrine of the existence of legal and factual grounds for liability in the theory of criminal law gave rise to.

As a result of the above division, two main conceptual approaches to the doctrine of the structure of crime in the theory (doctrine) of criminal law have been formed:

The first concept. The concept of scientific abstraction of crime compound.

V.V.Sverchkov's criminal structure represents a "theoretical construction (construction) abstraction" and consists of four: two objective (object, objective side) and two subjective (subject, subjective side)) elements. A crime structure is a set of objective and subjective elements and signs that characterize a socially dangerous act as a crime. It is necessary to properly qualify the act as a crime and to bring the perpetrator to justice [2, p. 91].

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In the formation and development of this concept, the composition of the crime plays an important role in the development of the theoretical basis of the objective signs, in particular, the theoretical discovery and improvement of the signs representing the objective side of the crime. In particular, subjective signs (psychological attitude, direction of revenge, guilt) are formed depending on the external signs of the object of the crime and the criminal aggression directed at it.

The concept behind the concept of "crime is a scientific abstraction" raises a number of questions. How can scientific abstraction play a role in the qualification of a socially dangerous act? Qualification of a crime is a concrete-practical operation carried out in practice.

The scientific views in this concept are a logical continuation of the views of scientists and criminologists in the nineteenth and early twentieth centuries on the "general structure of crime (crime compound)."

The essence of the abstraction of "general criminal structure" is that it does not really exist in real life. It does not matter in qualifying the offense. It is important to study the elements that are common to all crimes. Common elements for all crimes are who is the subject of the crime, in what forms the crime takes place, what are the characteristics of the objective side of the crime, and so on. In such cases, the elements of the crime are considered only in theory. It is not expressed as the sole basis of criminal liability. When the composition of a crime is expressed as the sole basis of criminal liability, its content is understood only by type, and the crime itself includes elements such as subject, object, subjective side and objective side that exist in a particular reality.

The norms of criminal law also specify the exact composition of the crime. Elements of the composition of the crime are represented not only in the Special Part of the Criminal Code, but also in the norms of its General Part (age of criminal responsibility, sanity, guilt and its forms, etc.). In modern criminal law theory, the concept of existing crime as a scientific abstraction is inextricably linked to the concept of "general criminal structure."

The second concept. The concept of real crime compound.

One of the proponents of this concept is N.F.Kuznesova. Under this concept, the crime structure is a subsystemic core (basis, essence) of the crime, consisting of the necessary elements that characterize the social danger of the act, reflecting the features reflected in the disposition of the General and Special Parts of the Criminal Code [3, p. 11].

This concept is based on the criminal law school traditions of the 1920s. The school consists of a set of important “descriptive” features of the crime, which sought to justify their inclusion in the criminal group [4, p. 105].

According to this concept, the corpus delicti exists in the real objective reality as an integral part of the crime. Crime and the structure of crime are interrelated as a whole and as part of it.

Any crime, in the real sense of the word, has certain elements of a crime. These characters describe its elements, and the elements describe a particular crime as part of a whole. That is, every crime has its own structure and system, which in turn forms

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its core. Crime is the structure of a crime and its symptoms that interact and complement each other as an integral part of the whole.

According to this concept, the structure of the crime is the "core" and "skeleton" of the crime, representing the four elements. Proponents of the concept call the elements of the crime "subsystem." Subsystem means a system of signs that represent a criminal act as defined in criminal law. They include the object of the crime, the objective side, the subject of the crime, the subjective side. Elements of this subsystem also include optional signs. They are the time, place, situation, method, weapon and means of committing a crime, purpose, motive, object of crime, characteristics of a special subject, object of crime. These signs may become necessary if they are provided for in the criminal law or through the analysis and interpretation of certain elements of the crime provided for in the norm.

Representatives of this concept express their scientific views on the composition of the crime as a phenomenon expressed in the crime in the criminal law itself. In this approach, the composition of the crime is considered to be the quintessence (basis) of the crime. It does not consider crime to be a "theoretical and scientific abstraction" or a "model of law" that is the main idea of the first concept. Elements such as the object of the crime, the objective side, the subject, the subjective side play a key role in it as an event that organizes the crime and takes place in real life.

The analysis of existing scientific views on this concept raises a logical question. In particular, the object of the crime is a socio-legal phenomenon in the form of a social relationship, which is embodied in the criminal law, which is not a real feature, but a model of legislation. How can the elements of abstraction (developed in theory) manifest themselves as a real socio-legal phenomenon?

Proponents of this concept misinterpret the nature of the crime, which has a social character in a socially dangerous act, based on its nature. They recognize the corpus delicti as a legal phenomenon and the crime as a social phenomenon. In fact, both the crime and the composition of the crime are socio-legal phenomena due to their nature. The socially dangerous act committed actually exists and does not depend on the law to criminalize it. It exists in real life as a criminal event [5, p. 485-486].

Proponents of this concept view the notion of the composition of a crime as a concept developed in scientific theory as a result of a misguided comparative analysis. Crime and its content should be compared, not as a concept, but as a real phenomenon. Because the structure of the crime is central to any crime, and its characteristics represent the characteristics of the crime. According to the proponents of this concept, “any concept - both the concept of the composition of the crime and the concept of crime in criminal law is a legal abstraction (developed), and what is given in theory (science) is a scientific abstraction, ie by law or scientists. are abstractions developed in his scientific work. ” [6, p. 486].

Indeed, the set of signs that indicate the social danger of a crime committed is, in fact, objective. The legislature provides for a set of signs of this act in a certain norm of criminal law, and this socially dangerous act is strengthened by criminal law with its sign of illegality. In a certain norm of the criminal law, the most basic

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features of this criminal act are selected and strengthened. The resulting crime is a ready-made model prepared by the legislature, that is, it is properly qualified by a certain norm of the Criminal Code.

Proponents of this concept are N.F. Kuznesova, V.N. Kudryavtsev et al.

The third concept. Normative or legislative model – the concept of the crime compound.

The concept originated in the 1950s in the Roma Germanic family of states and became known as the "normative" or "legislative model."

This concept is the most common, and according to its scientific views, the composition of the crime includes the legislative structure, the normative model, the description of the crime in the law. Just as each concept has different aspects, the main difference from the first concept is that the first one describes the composition of the crime as a very doctrinal concept, while this concept represents it as a category of legislation. This approach to the concept contradicts the concepts of crime and criminal composition. Crime is a real social phenomenon, and the content of the crime is a formal and legal concept. According to this concept, the composition of the crime means that the elements of the crime are reflected in the law.

A.I. Rarog argues that a crime is the occurrence in real life of a certain socially dangerous act prohibited by criminal law with the threat of punishment, and the structure of the crime is such an instrument developed by the science of criminal law and enshrined in law that it to determine the legal structure (construction) of the act of endangerment and to conclude that the Special part of the act is a crime in this or that norm. The composition of a crime is a set of objective and subjective features provided for in criminal law that define a socially dangerous act as a crime [7, p. 52, 80].

One can agree with AI Rarog's scientific views that a crime is an act committed in the real world, and the composition of the crime is a means of determining the criminality of the act. This tool is developed in the theory of criminal law and is reflected in the criminal law, that is, strengthened. The above views may lead to the identification (identification) of the content of the crime with the norms provided for in the disposition of the criminal law. The notion of a “normative model” of the composition of a crime exists in German criminal law theory, which uses the concept of “composition of the law” instead of the concept of the composition of a crime.

"The composition of a crime is a set of objective and subjective features enshrined in criminal law, which characterizes a socially dangerous act as a specific crime (for example, theft or insult and robbery or hooliganism)." he says. According to the scientist, the nature of the crime is a legal, formal feature of the crime. He was considered a cagor to assess the crime according to the type of content [8, p. 330].

In fact, a typical crime is a collection of information that describes a particular crime under criminal law. Any socially dangerous act can usually be considered a crime only if it meets these criteria.

We know that the definition of a crime or its nature can never be the basis for criminal liability. Nor can the norm of criminal law disposition be such a basis. The basis of any type of liability is an offense, a particular person's social behavior. A

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definition, nature or rule of law of a particular offense cannot be a basis for liability. Considering the concept of a crime as a "legislative structure" or a "normative model" under this concept, in turn, contradicts the fact that the presence of all the elements of a crime is the only basis for criminal liability.

According to the first concept, the composition of a crime is a set of characteristics that characterize a socially dangerous act as a crime under criminal law. The elements of a crime not only describe the elements (parties) of the criminal law, but also characterize the four essential elements of the crime in turn. According to the second concept, the structure of a crime is a set of features that characterize a socially dangerous act as a crime, provided by the legislator in the disposition of a certain norm of the Special Part of the Criminal Code.

In fact, there is every concept that is emphasized. That's why these approaches have their own teachings. A group of scholars are currently working to describe the nature of the crime. based on a concept called the “normative” or “legislative model”. This approach also argues that the composition of a crime should be understood as a set of objective and subjective signs that criminalize a socially dangerous act under criminal law.

The legislature did not define "crime compound". The definition of the concept of crime is found only in research papers and textbooks.

The action takes two different forms. The first of these is in the form of physical violence, and the second is in the form of mental violence.

Physical violence is a form of active (active) action in which a person harms an object protected by criminal law due to physiological bodily movements and the use of physical force, or poses a real risk of such harm. For example, all crimes of intentional bodily harm are committed with active actions in the form of physical violence.

Psychological violence is a form of active (active) action in which a person has a mental (psychic) effect on an object protected by criminal law and causes harm or a real risk of such harm due to mental intimidation through the use of physical force. For example, the crime of intimidation with the use of murder or violence (Article 112 of the Criminal Code of Uzbekistan) is committed with the threat of psychological violence, that is, intimidation when there are grounds for real fear of committing these acts. In the study of the nature of the crime, such as mental violence, along with the method of the crime, the place, time and circumstances of the objective aspect of the crime must be taken into account [9, p. 150-151].

In the theory of the Romana-Germanic family of law usually distinguishes between two forms of inaction, “Pure” and “Mixed”. For example, Articles 221 and 279 of the Criminal Code of Uzbekistan provide an example of "pure" inaction. In this case, failure to perform the act prescribed by law is a fact of socially dangerous act, regardless of whether it has a socially dangerous consequence or not. Examples of “mixed” inaction are Articles 260 and 266 of the Criminal Code of Uzbekistan.

An act or omission is the first stage of a criminal aggression against an object protected by criminal law. They enter the objective side of the crime not in its entirety, but only in its external manifestation.

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The next sign of the objective side of the crime is the socially dangerous consequence. A socially dangerous consequence is a change in the environment as a result of the commission of an act provided for in this criminal law: material damage, physical, moral, political, organizational and other damage. Unlike action (inaction), the criminal consequence is an extremely objective category and belongs entirely to the objective side of the criminal act.

Any completed crime represents the external features of the process that takes place, from the action (inaction) to the emergence of socially dangerous consequences.

In particular, as a result of our research, liability for intentional concealment of a crime is punishable under Article 241^1 (2) of the Criminal Code "causing serious consequences" and Articles 244^4 and 248^1 (2) of the Criminal Code "causing moderate or severe bodily injury". Suggestions were made to supplement the liability in the form of "causing death" with an aggravating circumstance, which was taken into account by the legislature and reflected in the criminal law. Deliberate concealment from the account of a crime means serious consequences as a result of the commission of a crime of intentional concealment. In particular, this practice is already reflected in the criminal law of developed foreign countries (USA, UK, Canada, Russia, Kazakhstan, etc.).

The causal link is an optional feature of the objective aspect of the crime, is recognized only as a necessary feature in crimes of a material nature, and is an objective category that does not depend on the will and consciousness of the individual. It is the connection between the socially dangerous act committed and the socially dangerous consequence that occurs as a result.

In the theory of criminal law, the main reason for the occurrence of a socially dangerous consequence is an act or omission that causes damage to an object protected by criminal law or poses a real risk of damage. If there is no causal link between the act or omission and the consequence resulting from them, the act shall not be recognized as a crime and the person shall not be held criminally liable.

Crime is committed in many different situations and situations."The scope of the external circumstances of the crime should be limited only to the circumstances that directly determine the level of social danger of the crime" [10, p. 73-80].

Generally, optional signs are not considered necessary signs, as opposed to necessary signs, unless they are provided for in the article of the Special Part of the Criminal Code of the Republic of Uzbekistan. However, in order to prevent the wrong classification of the act, criminal prosecution of an innocent person, unjust punishment, even if they are not directly provided for in the article, the inquiry, preliminary investigation, prosecutor's office, court staff should identify optional features.

There is also the view that optional signs are not independent signs of the objective aspect of the crime. This is a condition for committing a socially dangerous act. For example, N.F.Kuznetsova said: "They (optional signs) are not independent elements of the objective side, they only describe the act (action or inaction) of the person who committed the crime. The place, time and circumstances of the

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committing crime do not belong to the objective side, except for the action (inaction) or taken together, but the external side of the socially dangerous action (inaction) is, in a certain way, in these places, time and situation [11, p. 27].

A mandatory sign of the objective side of the composition a crime is an act that in itself predetermines the solution of the issues of delimiting a number of crimes: theft, evasion, murder, storage, etc [12, p. 26].

We decided a comparative legal analysis of the criminal law systems of Uzbekistan and foreign countries which is the objective side of rape.

Actually, force and threat of violence are as the ways of commission of the crime in rape.

So force or the threat of its use in the corpus delicti under Art. 118 and 118 of the Criminal Code is a constructive sign of objective side – the way (method) of committing a socially dangerous act. Without delving into the discussion of the concept of the way of committing a crime, we try to give the definition. For example, the ways of committing a crime: "techniques, methods, tactical means used to commit a crime" [13, p. 17].

In its literal translation, actus reus means 'guilty act'. However, stricto senso, it is the conduct that denotes an action or omission that is contained in the definition of a specific crime. An action always renders a change in the material world (e.g., firing of a pistol) [14];

The notions of Actus Reus and Mens Rea are derived from the principles set forward by Sir Edward Coke in his Institutes of the Laws of England (1797). Particularly pertinent, is the phrase "actus non facit reum, nisi mens sit rea (An act does not make a person guilty unless the mind is also guilty)." This basic principle suggests that there are two elements which must be present in order for a crime to exist, and delineates between 1) a physical act which occurred and caused a criminal outcome (Actus Reus), and 2) an element of fault or intent (Mens Rea) (Coke, 1797).

The Model Penal Code defines three different "breeds" of Actus Reus, or guilty acts: commission, omission and possession (Baker, 2012) [15].

Most often, **the way commission of a criminal offence** is as a constructive or qualifying sign of the objective side the crime and corpus delicti. The way commission of a criminal offence is considered an obligatory element of the crime in cases when the legislator in the article of the criminal code indicates it.

There is no federal law that related to the rape in the **United States**.

(a)RAPE. – Any person subject to this chapter who commits a sexual act upon another person by –

(1) using unlawful force against that other person;

(2) using force causing or likely to cause death or grievous bodily harm to any person;

(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

(4) first rendering that other person unconscious; or

(5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance

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and thereby substantially impairing the ability of that other person to appraise or control conduct;

is guilty of rape and shall be punished as a court-martial may direct [16].

According to the US laws proof of threat means that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

According to the Article 131 of **the Criminal Code of Russia,** rape, that is, a sexual intercourse with the use of violence or of a threat thereof, with respect to the victim or to other persons or with the use of a helpless state of the victim –

shall be punishable with deprivation of freedom for a term of three to six years[17].

According to the English law **(England and Wales)** rape is a statutory offence which is defined as follows: Rape

(1) A person (A) commits an offence if he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis; in this situation B does not consent to the penetration, and (A) does not reasonably believe that B consents.

According to the French penalty code any act of sexual penetration, whatever its nature, committed against another person or on the perpetrator, by violence, constraint, threat or surprise, is rape. Rape is punished by a maximum of fifteen years' criminal imprisonment. Rape is punished by a maximum of twenty years' criminal imprisonment in certain aggravating factors (including victim under age of 15). Rape is punished by a maximum of thirty years' criminal imprisonment where it caused the death of the victim. Rape is punished by a maximum of imprisonment for life when it is preceded, accompanied or followed by torture or acts of barbarity [18].

In New Zealand instead of rape the term of sexual violation is used. According to the law Sexual violation is the act of a person who rapes another person. On the other hand person has unlawful sexual connection with another person. One person may be convicted of the sexual violation of another person at a time when they were married to each other [19].

In the theory of criminal law, the structure of a legal (specific) crime is a set of legal features, through which the legislature forms a specific type of crime (murder, theft, **rape**, etc.).

From this point of view, it is proposed to take into account the following when improving the provisions of Article 13 of the Criminal Code of the Republic of Uzbekistan, which regulates the operation of the criminal law in time [20, p. 1137].

But the existence of guilt is not enough to assess an individual’s actions, i.e., the motive and purpose of the crime are also of great importance [21, P. 124].

As noted above in the correct application of the norms established by the Criminal Code, it is important to understand the true nature of the crime, to understand its concept correctly [22, P. 141].

According to the Article 118 of **the Criminal Code of Uzbekistan**, Rape, that is, a sexual intercourse committed by force, threats, or abuse of helpless –

shall be punished with imprisonment from three to seven years.

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Results

After a comparative legal analyzing Romana-Germanic family of law, the criminal law systems of Uzbekistan and foreign countries. After that, we gave some recommendation and proposals. They are:

1) the signs of the objective side are the basis for the determination of criminal liability, on the basis of which the dispositions of the norms of the Special Part of the Criminal Code are formed;

2) in a certain case, the absence of the necessary features of the objective party means the absence of the crime;

3) identification of the signs of the objective side of any crime is the first step in the qualification of the crime (for example, finding a body with gunshot wounds);

4) other elements and signs of the crime are determined based on the characteristics of the objective side of the crime. For example, the presence of cut injuries may indicate that the crime was committed intentionally, while the loss of property may indicate that the property relationship was violated;

5) the objective side of the crime may affect the nature and degree of social danger of the act committed by the offender, while taking into account the distinction between crimes of a similar nature. For example, the method of looting another's property (secretly, openly, with or without the use of violence that endangers life or health) affects the qualification of this act as theft, robbery, or burglary, because these crimes differ only in the method of committing the crime;

6) based on the characteristics of the objective party, the time of completion of the crime of the most significant criminal significance is determined. For example, theft is deemed to have been completed when the property has been confiscated and the perpetrator has the opportunity to use or dispose of the looted property at will, while aggression has been deemed to have been completed at the time of the attempted robbery;

7) it is the legal structure of the objective aspect of the crime structure that serves to address many other criminal issues, such as participation in a crime, initial criminal activity, voluntary return from a crime;

8) a fair punishment may not be applied without determining the objective side of the crime.

On the basis of scientific results of the research on the criminal-legal aspects signs of the objective side of the crime in the qualification of the criminal act:

proposal to supplement part 2 of Article 278^7 of the Criminal Code, which establishes liability for illegal (unauthorized) use of the telecommunications network, with an aggravating circumstance in the form of «committing abuse of office» was used in the development of the twenty-third paragraph of Part 1 of Article 1 of the Law of the Republic of Uzbekistan dated October 22, 2018 No. LRU-503 «On amendments and additions to some legislative acts of the Republic of Uzbekistan to ensure public safety» (Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan. Act of the Committee on Budget and Economic Reforms No. 04/1-6-1/114 of 31.10.2019). The adoption of this proposal is served to give an accurate legal assessment of the illegal (unauthorized) use of the telecommunications network

with committing abuse of office in judicial practice and the appointment of a fair punishment;

proposals to supplement part 2 and 3 of Article 244^4 of the Criminal Code, which establishes liability for Unlawful import, transfer, acquisition, storage or use of unmanned aerial vehicles and part 2 and 3 of Article 248^1 of the Criminal Code, which establishes liability for violation of the order of storage and use of unmanned aerial vehicles, with an aggravating consequences were used in the development of the first and second paragraphs of the first part of Article 1 of the Law of the Republic of Uzbekistan dated May 2, 2019 No. LRU-534 «On amendments and additions to the Criminal, Criminal Procedure Codes and the Code of Administrative Liability of the Republic of Uzbekistan» (Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan. Act of the Committee on Budget and Economic Reforms No. 04/1-6-1/114 of 31.10.2019). These proposals are served to establish liability for the commission of the recorded crime in aggravating circumstances and the correct qualification of the criminal act;

Conclusion

In short, in the modern criminal law doctrine, the view of the content of the crime as an abstraction, category or model of legislation is becoming increasingly important. At the same time, they have separate concepts of crime and "law structure" and should be distinguished from each other.

In the 50s and 60s of the twentieth century, various concepts about it (abstraction, real crime structure, legislative model) were further developed on the basis of the characteristics of the objective side of crime. At all stages of historical development, the signs of the objective side of crime have been central to the emergence and development of the concept of crime.

In addition, in our opinion, the rules on the concept of crime, formed in the scientific-theoretical doctrine, as well as in the criminal law of foreign countries, should be strengthened at the legislative level, taking into account the characteristics of the objective side of the crime. Such an effective experience, especially in Moldova [23.]. Reflected in the norms of the General Part of the CC. In this regard, it is proposed to amend Part 1 of Article 16 of the Criminal Code of the Republic of Uzbekistan as follows:

“The socially dangerous act committed is the real basis for criminal liability, and all the elements of the crime provided for in the criminal law are the legal basis for criminal liability. The commission of an objective sign and a subjective sign describing a socially dangerous act (action or omission) of a crime provided for in this Code shall be considered a crime with the threat of punishment. The subjective nature of the crime is determined on the basis of the characteristics of the objective side of the crime."

In our view, the introduction of this amendment to the Criminal Code will define, harmonize the relationship between the concepts of crime and the composition of the crime, and will lead to the correct qualification of crimes by law enforcement officers.

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In conclusion, analyzing some of the rules that have long been effectively used in the practice of some foreign countries, came to the following conclusions:

First of all, the objective side of the crime is one of the four essential elements of the crime. An analysis of the literature and scientific work available in the theory of the Romana-Germanic family of criminal law allows us to conclude that the definitions given to the concept of the objective side of the crime reflect the nature of complexity, most of which are specific concepts only for material crimes. We can further clarify this clarification.

The objective side of a crime is the external behavior of a criminal act (action or omission) that is committed in a certain way, sometimes with the use of weapons or other means, and sometimes with harmful consequences in material crimes, in a specific place, time and circumstances of the committing crime.

Secondly, In the field of the Romana-Germanic family of criminal law, the practice of dividing criminal behavior into objective and subjective sides are recognized, and if the act is one of the necessary features of the objective side, the mental attitude of the perpetrator to his action is studied subjectively.

Thirdly, signs of the objective side of the crime are a set of necessary and optional signs. Necessary signs of the objective side of the crime: socially dangerous act; and material crimes include socially dangerous acts, consequences, and causation. Optional signs of the objective aspect of the crime include: place, time, method, status, weapon and means of the committing crime; socially dangerous consequences and causation (with the exception of material crimes).

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