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The Composition of Crime in Criminal Law of Some Foreign Countries and Differences with National Criminal Law

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Abstract: The article widely uses logical, inductive, deductive, systematic, logical-legal, comparative-legal research methods. In particular, the analysis and study of the issue of the importance of the composition of crime(structure of a crime) in countries such as Russia, Moldova, Germany, South Korea, and Australia, and compare it with our national legislation. Then as a result of the emergence of various theories and concepts about composition of crime, three main conceptual approaches to the doctrine of the composition of crime in criminal law theory were developed by representatives of the criminal law school: the concept of scientific abstraction of the composition of crime, the concept of real composition of crime and "the normative or legislative model" of the composition of crime. The analysis of the signs of the composition of crime. All characteristics of the composition of crime are divided into two groups of characteristics: objective signs – those that describe the crime in its external manifestation; subjective signs – those that describe the perpetrator of the crime and their mental attitude towards the act committed. Each group of characteristics consists of two elements, which combine certain features that characterize the crime from different perspectives. At the same time, the doctrine of criminal law and existing scientific research were analyzed, and reasonable theoretical recommendations were developed in this regard. At the same time, the theoretical and practical problems related to the composition of crime and its types were highlighted, and the results of the survey on the introduction of the norm related to the structure of the crime into the criminal legislation were reflected, and in this regard, specific proposals and recommendations were developed for improving the criminal legislation of the Republic of Uzbekistan.

Key words: crime, the composition of crime, scientific abstraction of the composition of crime, real composition of crime, the normative or legislative model of the composition of crime, objective signs, subjective signs facultative signs, necessary signs.

Introduction

The fight against crime and its prevention has become of global importance, as developing effective measures to combat crime, understanding the causes and conditions of criminal activity, and analyzing *the composition of crimes*, including both their internal and objective (external) aspects, hold significant scientific and practical value. Unfortunately, in recent years, both the quantity and quality of crimes have been increasing worldwide and in most countries. The crime index per 100,000 people stands as follows: in the USA – 49.2, in England – 46.9, in Germany – 38, in France – 54.5, in Italy – 47.3, in Japan – 22.6, in Russia – 39.7, and in Uzbekistan – 31.3. Over the past three years, the crime rate in Uzbekistan has increased by 45.24 points [1]. According to the United Nations Office on Drugs and Crime (UNODC), every year, half a million crimes are committed worldwide through socially dangerous forms and methods, with the majority of these crimes ending in murder [2]. The above points indicate that studying and improving certain criminal law compositions, applying the provisions of the Criminal Code correctly, and ensuring the imposition of fair punishment are priority tasks.

In our country, great attention is being paid to the fight against crime, the reform of criminal legislation, and improving the application of criminal-legal norms within law enforcement and judicial

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bodies. Efforts are being made to strengthen the principles of legality, equality before the law, democracy, humanism, fairness, accountability for guilt, and the inevitability of responsibility. Significant work is being done in this regard, leading to the development of this area, with a number of targeted measures being implemented. Specifically, the consistent continuation of the policy to improve criminal, criminal procedural, and criminal executive law, the wide implementation of the principle of humanism in the system of criminal penalties and their execution. In addition, the establishment of the principle “Law is paramount, punishment is inevitable” as the main guideline, all demonstrate the need for research in this field and the determination of priorities for the development of the country's criminal legislation [3].

When law enforcement agencies assess the actions of individuals who have committed a crime, the criminal composition is of great importance. In some cases, the incorrect qualification of criminal cases is directly related to the failure to properly identify the criminal composition and its specific legal significance. It is essential to correctly identify the subjective and objective elements of the criminal composition, including the nature, structure, and specific types of both the objective side (the object, the objective side) and the subjective side (the subject, the subjective side) in order to ensure accurate legal classification.

Methodology

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

Discussion

It is known that the cases of crimes committed by individuals have existed throughout the history of humanity and have always been distinguished by their social danger. Therefore, today, in all countries of the world, combating criminality has been established as one of the key directions of state policy. The initial and important stage of implementing criminal-legal policy in any state is determining criminal responsibility in legal documents. The purpose of this is to identify what constitutes a crime and to determine what type of punishment should be applied to it by comparing the features of the actual offense committed in social life with the elements of the crime as specified in the criminal law.

As can be seen, in evaluating whether an act is a crime or not, the composition of crime(structure of a crime) plays a central role. For this reason, the practice of defining any behavior that causes harm to objects in society or has the potential to cause harm as a crime, based on the specific signs and characteristics stipulated in criminal law, is common in the criminal legislation of all countries. However, in all of them, these signs and characteristics may not necessarily be referred to under the general term "composition of crime(structure of a crime)." In this study guide, the concept and importance of the composition of crime in the criminal law of several foreign countries, and attempt to analyze the similarities and differences with the concept of the composition of crime in national legislation.

Based on this necessity, it is essential to study the issue of the importance of the composition of crime(structure of a crime) in countries such as Russia, Moldova, Germany, South Korea, and Australia, and compare it with our national legislation.

Russian and our national criminal law are considered similar in certain aspects. At the same time, there are some differences between them regarding the importance of the composition of crime(structure of a crime) in qualifying an offense. Specifically, Article 16, Part 2, of the Criminal Code of the Republic of Uzbekistan establishes that the basis of criminal liability is the composition of crime(structure of a crime). According to this, "the commission of an act that contains all the signs of the composition of crime(structure of a crime) specified in the Criminal Code serves as the basis for criminal liability." Based on the content of this provision, judicial and investigative bodies focus on

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determining the composition of crime when qualifying a particular act as a crime and classifying it under a specific article of the Special Part of the Criminal Code.

In the Criminal Code of the Russian Federation, there is no specific article regarding the importance of the composition of crime(structure of a crime). However, in the theory of criminal law of this state, similar to our national legal system, there are views on providing a legal assessment of the act based on the object of the crime, its objective side, the subject, and the subjective side.

According to Part 1 of Article 17 of the Criminal Code of the Republic of Uzbekistan and Article 19 of the Criminal Code of Russia, the following characteristics of the subject of the crime are considered necessary signs when qualifying an act as a crime and classifying it under a specific article:

1) being a physical person;

2) having reached the age of criminal responsibility;

3) mental capacity.

Thus, in the legislation of both countries, the main signs of the subject of the crime, as an element of the crime composition, are identical. However, Article 20 of the Russian Criminal Code provides for two different ages of criminal responsibility. The age for general criminal responsibility is set at 16, while for certain crimes in the Special Part of the Russian Federation Criminal Code, the age is set at 14. According to Article 17 of the Criminal Code of the Republic of Uzbekistan, depending on the nature of the crime, a person can be considered a subject of the crime at the ages of 16, 14, or 18. Therefore, the differences in age limits for certain crimes indicate that the criminal laws of the two countries have distinct practical approaches regarding the characteristics of the subject of the crime. For example, Article 105 of the Russian Criminal Code provides for criminal liability for premeditated murder. This article consists of two parts, with premeditated murder in aggravating circumstances qualifying as a more serious crime under the second part.

The noteworthy point is that for both parts, the age of criminal responsibility is set at 14 years. In contrast, according to Part 1 of Article 97 (murder) of the Criminal Code of the Republic of Uzbekistan, the age of the subject is 14 years, and the same age applies for Part 2 (murder in aggravating circumstances). This can be explained by the fact that compared to other crimes; premeditated murder in aggravating circumstances carries a higher social danger.

Moreover, **in Russia,** as well as in other CIS countries, and also in states with developed legal systems such as Germany and France, the age for criminal liability for premeditated murder is set at 14 years. It is known that under civil law, minors who are under 14 years of age are recognized as children of a young age. Minors of this age may, in certain cases, not fully understand the nature of their actions and the consequences arising from them.

At the same time, a number of crimes are provided for in Russian criminal law that are not considered as separate crimes under our Criminal Code. For example, Article 164 of **the Criminal Code of the Russian Federation** defines the crime of "unlawfully seizing documents or objects that have particular value from a historical, scientific, artistic, or cultural perspective, regardless of the method of robbery [4]. In this context, the term "robbery method" refers to robbery, theft, fraud, extortion, and other illegal methods. In contrast, under the Criminal Code of the Republic of Uzbekistan, such actions are not qualified as a separate crime under a specific article. That is, if a person unlawfully seizes documents or objects of particular value from a historical, scientific, artistic, or cultural perspective, it is qualified under Articles 164-169 of the Criminal Code, based on the method of robbery. Thus, under the Russian Criminal Code, documents and objects of particular value are protected as an independent article within the crime's special object, and this does not require additional qualification of the crime as theft, robbery, fraud, or other similar crimes. This is because Russian criminal law treats crimes

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involving documents and objects of particular value as a separate offense, establishing them as an independent crime.

In the criminal law of Moldova, along with similarities to our national legislation, there are also certain differences. Specifically, in the Criminal Code of Moldova, a separate article reinforces the importance of the composition of crime(structure of a crime). According to Article 15 of the Code, the degree of social danger of a crime is determined by analyzing the elements of the composition of crime: the object, the objective side, the subject, and the subjective side, through the evidence characterizing them [5].

From this, it can be understood that when qualifying an act as a crime, not only the degree of its social danger is considered, but also, during the process of qualification under a specific article, the elements of the crime occupy a central place. In Articles 17 and 18 of the Criminal Code of Moldova, the essential signs of the subjective side, namely the concepts of intent and negligence, are explained. Furthermore, just as in Uzbekistan, the Criminal Code of Moldova also contains complex crimes, which are referred to as 'committing a crime through two forms of fault' and are classified as a single offense during qualification. According to Article 19 of the Criminal Code of Moldova, if a crime committed intentionally leads to consequences that are considered more severe under this law and these consequences were not foreseen by the perpetrator's intent. Criminal responsibility for these consequences arises only if the person foresaw the social dangerousness of the consequences in advance, but erroneously believed they would not occur, or if they did not foresee the social dangerousness of the consequences, but, depending on the situation, should have been able to foresee them and, if necessary, consider them. As a result, this crime is considered to have been committed intentionally." The content of this provision is identical to the content of Article 23 of the Criminal Code of the Republic of Uzbekistan. Thus, we can say that the approaches regarding the criminal composition and its importance in qualification for complex intentional crimes are similar in both Uzbekistan and Moldova.

In Moldova, the general age of criminal responsibility is 16 years old, but for certain crimes (the list of which is provided in part 2 of Article 21 of the Moldovan Criminal Code), criminal liability may apply as early as 14 years old. An important aspect is that Moldovan criminal law also establishes criminal liability for legal entities. According to part 3 of Article 21 of the Code, A legal entity not related to the administration of the community shall be subject to criminal liability if any of the following conditions are present:

a) if the legal entity fails to comply with legal requirements that prescribe the omission of certain actions or the fulfillment of a specific obligation;

b) if the legal entity engages in activities without adhering to its designated purpose and financial accounting documents;

c) if actions taken by the legal entity or by an authorized official acting on its behalf for the benefit of the entity have caused significant harm to individuals, society, or the state. The criminal liability of a legal entity does not exempt an individual who is guilty of committing a crime from personal liability [6].

Based on the content of the article, if signs of a crime are detected in the activities of a legal entity, both the legal entity itself and the individual (for example, the head or employee of the legal entity) who is guilty of the crime should be held liable. When qualifying a crime committed by a legal entity, as in our national legislation, it is appropriate to recognize only the guilty individual as the subject of the crime. This is because holding the entire legal entity accountable for a legal violation committed by an individual does not fully align with the principles of justice.

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The concept of composition of crime(crime composition) is not specifically defined in the **German Criminal Code**. However, Articles 13-15 of the General Part of the Code contemplate that a crime may be committed either through an action or inaction, and may occur as a result of intent or negligence. For example, according to Article 13 of the German Criminal Code, "the failure to perform actions that are required to prevent the socially dangerous consequences specified in this law constitutes criminal liability". Article 15 states, "If the law does not prescribe a penalty for actions committed through negligence, only actions committed with intent shall be punishable" [7].

It follows from this that, in German criminal law, both objective and subjective sides of an act are essential when considering it as a crime and qualifying it under a specific provision. That is, whether the crime was committed with intent or negligence helps differentiate between similar crimes from the objective perspective. At the same time, the Code also reflects the characteristics specific to the subject of the crime. In particular, according to Article 19, a person who has not reached the age of 14 at the time of committing a crime is considered to have acted without guilt. This provision is ultimately important for qualification, as it determines the age of the criminal subject. Thus, in Germany, a person may be held criminally liable starting from the age of 14 for any crime. In the process of qualifying the crime based on the subject, the mental capacity of the person must certainly be examined. This is because this characteristic is included in the necessary attributes of a criminal subject under the German Criminal Code. Another similarity between German criminal law and our national legislation is the existence of a penalty for attempted crimes (Section 23 of the German Criminal Code). That is, whether the crime has been completed or is an attempt does not affect the qualification of the act; this factor is only considered by the court when determining the penalty. The similarities between the criminal laws of our Republic and Germany are explained by the fact that both legal systems belong to the Romano-Germanic legal family.

Among the countries of Central Asia, **South Korea** stands out with its developed legal system. Along with other areas of law, criminal law and legislation have also been significantly developed. In this country, the Criminal Code's General Part defines the essential signs of a crime, such as the age of criminal responsibility, the commission of a crime by a mentally incapable person, criminal intent, negligence, and the commission of a crime through action or inaction. These signs are specific to each crime in the Criminal Code, and without them, an act cannot be considered a crime. Therefore, **South Korean criminal law** establishes that the identification of these elements is mandatory in every case. In some provisions of the Criminal Code, the essential signs are directly stated, while in others, they must be determined based on the nature of the crime.

For example, in this country, crimes such as arson (Article 164), setting fire to public buildings or objects (Article 165), and setting fire to other objects (Article 166) are committed intentionally. If the fire is caused by negligence with respect to these objects, the act should be qualified under Article 170, rather than the above-mentioned articles. As we can see, South Korean criminal law recognizes two different forms of culpability, which help distinguish similar crimes from an objective side and serve to properly qualify the act.

Along with this, just like in the Criminal Code of the Republic of Uzbekistan, in certain articles, a facultative sign of the crime is established as a primary sign. In such cases, these facultative signs are also significant for qualification. For example, Article 122 of the South Korean Criminal Code provides for criminal liability for a public official's unjustified refusal to perform their duties or abandoning those duties, while Article 129 provides for criminal liability for a public official's acceptance of bribes. To qualify an act under these provisions, the subject of the crime must be a public official. Additionally, according to Article 152 of the Code, a witness who knowingly gives false testimony after taking an oath may be punished by up to five years of imprisonment or a fine of up to ten million won [8]. In this case, the subject of the crime must not be just any person, but rather a

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person who has been summoned as a witness. The Criminal Code not only defines the facultative signs of the subject and subjective side but also outlines the facultative signs of the object of the crime and the objective side, such as the method, time, place, conditions, and tools used in the commission of the crime. For example, in Article 180 of the Code (causing damage to protective devices and mechanisms during a flood or disabling them), the condition of committing the crime, i.e., the occurrence of a flood, is an essential element of the objective side. Without this element, it is not possible to qualify the act under this provision.

When studying the experience of foreign countries regarding the composition of crime(composition of crime), **Australian** criminal legislation stands out due to its distinctiveness. Unlike other countries, in this state, the Criminal Code's General Part provides complete information about the concept, classification, and importance of elements of an offence. Specifically, according to Article 3.1 of the Code, a crime consists of both material and fault elements (physical and fault elements). In turn, as stated in Article 4.1, the material elements of a crime include the following: ***– conduct; – a result of conduct; – circumstance*** [9].

Among these elements, behavior is manifested in two forms: action (act) and inaction (omission). In comparison with our national legislation, behavior, which includes both action and inaction, is considered a socially dangerous act; the result of the behavior is a socially dangerous consequence; and the relationship between behavior and its result represents a causal connection between the criminal act and the consequence. Therefore, the material element defined in the Australian Criminal code can be referred to as the objective aspect of a crime. According to article 5.1 of the Australian Criminal code, the fault elements of a crime may include: *a) intention; b) knowledge; c) recklessness; d) negligence.*

It is known that the Criminal Code of the Republic of Uzbekistan considers the forms of fault as intention and negligence. The Australian criminal law, on the other hand, also distinguishes between the forms of knowledge and recklessness. In fact, these concepts are not unfamiliar. Specifically, when we talk about knowledge, it refers to a person's understanding of the socially dangerous nature of the act they have committed and their awareness of the consequences arising from it. Recklessness, in turn, is considered a type of negligence by itself. Thus, the four elements of fault defined in the Australian Criminal Code form the subjective aspect of a crime. Although the Code does not specifically address the object of the crime, each norm in the criminal law protects a specific social relationship, and these are considered the objects of the crime. For the criminal subject, the Code reflects the criteria of age and mental health.

In analyzing the criminal laws of Russia, Moldova, Germany, and South Korea above, we observed that the minimum age limit for criminal responsibility is 14 years. However, in Australian criminal law, this threshold is set at 10 years. According to Section 7.1 of the Australian Criminal Code, children under the age of 10 are not held criminally responsible. Section 7.2 further states that children aged 10 to 14 can only be held criminally responsible if they understand the unlawfulness of their actions. Thus, the Australian Criminal Code, unlike the experience of other countries, defines the elements of the crime not only in theory but also explicitly within the legal norms.

Results

As a result of the emergence of various theories and concepts about composition of crime, three main conceptual approaches to the doctrine of the composition of crime in criminal law theory were developed by representatives of the criminal law school:

I. The concept of scientific abstraction of the composition of crime. According to its principles, the structure of a crime is an abstraction from scientific research, a scientific construct present in theory, representing a scientific-theoretical framework. It consists of objective and subjective elements and

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characteristics. Their unique features characterize these elements. “The composition of crime refers to the combination of objective and subjective elements and characteristics that describe a socially dangerous act as a crime [10, P. 48-50, 186-192, 16-21, 64-72, 59-60, 91].”

The scientific view expressed in this concept, that "composition of crime is a scientific abstraction" raises the following question during its examination: How can "scientific abstraction" play a role in qualifying a socially dangerous act as a crime? Qualifying a crime is a specific, practical operation carried out in practice.

II. The concept of real composition of crime. This concept is based on the traditions of the criminal law school of the 1920s. Representatives of this school argued that the composition of crime consists of a set of important "descriptive" characteristics of the act, and they aimed to justify the classification of crimes into specific groups based on these characteristics [11, P.141, 105].

According to the concept of real composition of crime, "the composition of crime exists as an inseparable part of the crime in real objective reality. Crime and the composition of crime are interrelated, with the crime as a whole and its composition of crime as a part of it [12, P. 363-366, 111, 216].”

In the concept of real composition of crime, a socially dangerous act committed in real life has a composition of crime, which consists of a combination of objective and subjective signs, and these signs reflect the social danger of the act. The objective signs of the composition of crime represent its object and objective side, while the subjective signs reflect its subject and subjective side. The real composition of crime consists of internal structures such as the elements, signs and the crime itself. Therefore, the signs express the crime as a part of the whole, and the elements represent the crime as part of its composition of crime(structure). In other words, every crime has its own structural composition of crime and system, which, in turn, constitutes its core. A crime and its composition of crime and signs are interrelated, complementing each other as inseparable parts of the whole.

III. “The normative or legislative model” – the composition of crime. This concept emerged in the 1950s in countries belonging to the Roman-Germanic legal family and began to be recognized under the name of the "normative" or "legislative model."

This concept is the most widely spread, and according to its scientific views, “the composition of crime reflects the legislative structure (construction), the normative model, and the legal description of the crime in the law [13, P. 25, 77, 16].”

Each concept has its distinguishing features, and this concept differs from the "scientific abstraction" concept in the following aspects:

- in the "scientific abstraction" concept, the composition of crime is accepted as an extremely doctrinal understanding. However, in this concept, the composition of crime is recognized as a legislative category provided by the law.
- such an approach in this concept contrasts the notion of crime with the concept of the composition of crime. While a crime is a real social phenomenon, the composition of crime is a formal and legal concept. According to this concept, the composition of crime signifies the expression of the signs of a crime as outlined by the legislator in the law.

The supporters of this concept include A.I. Rarog, A.N. Ignatov, I.Ya. Gontar, and others [14, P. 26, 10].

“Currently, when defining the structure of a crime, a group of scholars base their views on the concept known as the normative or legislative model [15].”

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“The concept of the composition of crime and its elements is not provided in the criminal law, and the definition of composition of crime is considered theoretical. Nevertheless, the concept of “composition of crime” is widely used in the Criminal Code, the Criminal Procedure Code and judicial-investigative practice [16, P. 24].” (**The concept of scientific abstraction of the composition of crime**).

“The composition of crime is a prohibitive norm or a behavioral standard of a member of society. The composition of crime, as envisaged in criminal law, is considered the normative basis for criminal liability [17, P. 110, 97]”. (**The normative or legislative model – the composition of crime**).

“The structure of a crime is the minimal and sufficient combination of objective and subjective elements that characterize a particular socially dangerous act as a crime [18, P. 95, 90].” **(The concept of real composition of crime).**

"The composition of crime is the minimal and sufficient combination of objective and subjective elements that characterize a specific socially dangerous act (action or inaction) as a crime. It is known that it is not possible to express all the characteristics, signs of an act committed in objective reality as a crime in the Special Part of the Criminal Code. Because the 'minimal' combination requires the presence of the four elements of the composition of crime (object, objective side, subject, and subjective side), while the 'sufficient' combination reflects the specific elements of the composition of crime as envisioned by the legislator in the Special Part of the Criminal Code."

In the current Criminal Code, there is no definition of the concept of the composition of crime(structure of a crime), which forms the basis of any crime. As a result, the concept of the composition of crime has developed as an abstraction. It is well known that the characteristics of a crime and the characteristics of the composition of crime are interrelated and mutually dependent. Their relationship must certainly be taken into account when qualifying a criminal act. Unfortunately, in judicial and investigative practice, there are cases where such aspects are not properly understood when providing a legal assessment of an act as a crime.

The significance of the composition of crime is determined by the functions it performs in criminal law:

I. Firstly, the presence signs of composition of crime in the act committed is the only basis for criminal liability. In this regard, the absence of composition of crime and its signs in the committed act excludes criminal liability (fundamental guarantee function).;

II. Secondly, the composition of crime makes it possible to distinguish one a number of crimes from another and is the theoretical basis for the qualification of crimes (discriminatory-qualification function);

III. Thirdly, the composition of crime is a tool for understanding the most important criminal legal institutions of the General Part of the Criminal Code (institutions of crime, guilt, unfinished types of crimes, complicity and others) and all types of crimes that are provided for in the Special Part of the Criminal Code (cognitive and methodological function).

The composition of crime, as established in criminal law doctrine, serves as a classic example of a legal structure. It is traditionally represented as a system comprising four elements, or subsystems, each of which is defined by a specific set of characteristics. These characteristics act as the primary components of the composition of crime, forming the basis for its application in both lawmaking and law enforcement.

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The composition of crime is a set of legally significant elements that characterize a socially dangerous act as a crime. **The composition of crime** is *the minimal and sufficient combination of objective and subjective elements that characterize a specific socially dangerous act (action or inaction) as a crime.* Because the **"minimal"** combination requires the presence of the four elements of the composition of crime (object, objective side, subject, and subjective side), while the **"sufficient"** combination reflects the specific elements of the composition of crime as envisioned by the legislator in the Special Part of the Criminal Code.

In real life, crimes are characterized by a vast variety of signs; one might even say that no two crimes are entirely identical. However, despite these differences, it is possible to identify common traits that, to some extent, are inherent in all crimes.

As a legal structure, the composition of crime: a) is logically coherent, forming an internally structured system of elements and signs, and consists of larger formations – subsystems; b) is normative, representing a legislative description of a crime and a statutory concept of a crime; c) as a normative phenomenon, it describes the most typical and recurring signs of a certain group of real-world phenomena; d) as a normative phenomenon, it characterizes the features of socially dangerous behavior of a specific type; e) the characteristics of the composition of crime are individually necessary, and collectively sufficient, to qualify an act as a crime [19, P. 142-143].

Thus, the composition of crime represents a legislative model of a crime and serves as a specific embodiment of the characteristic of a crime known as unlawfulness (the formal legal basis for criminal liability).

In modeling a crime, the signs of the composition of crime do not constitute a mere collection of disparate features but rather a specific system of closely interconnected elements. However, this does not preclude the possibility of examining them separately.

The signs of the composition of crime are divided into four groups according to the elements of it (with mandatory and facultative signs being distinguished within these elements based on their significance for qualification):

All characteristics of the composition of crime are divided into two groups of characteristics:

- ***objective signs*** – those that describe the crime in its external manifestation;
- ***Subjective signs*** – those that describe the perpetrator of the crime and their mental attitude towards the act committed.

Each group of characteristics consists of two elements, which combine certain features that characterize the crime from different perspectives.

The elements of the composition of crime are: the object of the crime is the social relationship violated by the crime. A separate characteristic of the object is the **subject of the crime,** which refers to the physical object (property, goods, etc.) involved in or affected by the criminal act. **The subject of the crime** refers to the material object or property that is directly affected by the criminal act. It is the tangible object that the crime is aimed at or that serves as the means through which the crime is committed (e.g., stolen goods, weapons used in a robbery, or drugs involved in trafficking).

I. The object of the crime refers to the set of social values and goods protected by criminal law, taking the form of social relations:

1. **Mandatory signs**: **– primary direct object** – the main social relation or value directly violated by the crime; **– additional direct object** – if the specific nature of the offense involves a dual-object

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structure, this refers to the secondary social relation or value affected' – **social relations protected by the relevant criminal law norm** – the general social interests that the law seeks to protect.

2. **Facultative signs**: **– optional object** – a secondary object, which may not always be involved but could be considered in certain cases; **– subject** – the tangible object or property involved in the crime; **– victim** – the individual or entity who suffers harm or injury as a result of the crime.

II. Objective side of the crime – the external side of the criminal act, characterized by the action/inaction of the offender, the changes in objective reality brought about by this action/inaction, as well as the accompanying circumstances of the crime's commission.

Mandatory signs for all types of composition of crime: the act in the form of action or inaction (the conduct of the perpetrator).

Mandatory signs for material types of composition of crime: **– consequences** – the result or outcome caused by the criminal act; – **causal link** between the act and the consequences – the direct connection between the perpetrator's actions or inaction and the resulting harm or change in objective reality.

Mixed characteristic: **method of committing the crime** – since the act is always committed in a certain way, but not always is the method significant for the qualification of the crime.

Facultative signs: ***place of committing the crime*** – the location where the crime is committed; ***time of committing the crime*** – the period during which the crime takes place; ***circumstances of committing the crime*** – the surrounding conditions or context of the crime; ***tools of committing the crime*** – the instruments or means used to commit the crime; ***means of committing the crime*** – the methods or resources utilized during the commission of the crime.

The subject of a crime is an individual possessing specific qualities (having reached the age of responsibility and not suffering from mental disorders) who has committed a crime.

The subject of a crime is characterized by **three mandatory signs:** a natural person; age; sanity. **Facultative signs of the subject** may include profession, position, socio-demographic characteristics, and other features.

In the subjective of a crime, *guilt (***intent or negligence***)* is considered **a mandatory sign**, while *motive, purpose, and emotions* are considered **facultative signs.**

All signs of composition of crime, the composition of crime (both mandatory and facultative) are necessary and sufficient. The necessity of crime signs means that none of them can be excluded without destroying the structure of the crime as a whole. The sufficiency of crime elements indicates that no additional signs, not included in the composition, are required to establish the presence of a crime.

The legislative function (purpose) of the composition of a crime lies in the fact that, first, a crime cannot be established apart from the composition of the crime without identifying its signs. Therefore, the composition of a crime serves as the legal basis for criminal liability.

Specifically, by providing a detailed (element-based) description of a crime and thereby equipping law enforcement with criteria for its identification and documentation, the composition of a crime serves as a practical tool for the qualification (evaluation) of a crime. In this way, the composition of a crime upholds the principle of legality, preventing law enforcement from arbitrarily deciding, based on subjective discretion, the presence or absence of a crime and criminal liability.

In particular, the differentiation of specific crimes is made based on the elements of the composition. Ultimately, the composition of a crime allows for the correct determination of punishment and the application of other forms of criminal-legal measures. Therefore, in criminal law theory, it is generally

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accepted to speak of the threefold (triple) significance of the signs of the composition of a crime: they allow for the determination of the presence of a crime and its differentiation from other acts; they influence the qualification (i.e., the choice between the basic or qualified composition); they influence the punishment and liability.

Conclusion

Based on the analysis of the method of committing the crime and its importance, it makes it possible to make the following suggestions, recommendations and conclusions:

I. Recommendations for the development of the theory of criminal law:

1. The composition of crime is the minimum and sufficient set of objective and subjective elements that characterize a specific socially dangerous act (action or inaction) as a crime. It is known that it is impossible to reflect all the signs characterizing an act as a crime in objective reality within the Special Part of the Criminal Code. This is because the "minimum" set requires the presence of the four elements of the composition of crime (object, objective aspect, subject, subjective aspect), while the "sufficient" set expresses the specific elements of the composition of crime outlined by the legislator and reflected in the Special Part of the Criminal Code.

II. Suggestions for improving the Criminal Code of the Republic of Uzbekistan:

1. In the current Criminal Code, there is no definition provided for the concept of the composition of crime, which constitutes the basis of any crime. As a result, the concept of composition of crime has been treated as an abstraction. It is well known that the elements of a crime and the elements of the composition of crime are interrelated and interdependent. Their relationship must be taken into account when qualifying an act. Unfortunately, in judicial and investigative practices, there are instances where such aspects are overlooked when giving a legal assessment of an act as a crime.

Based on the scientific abstraction of the composition of crime, its normative or legislative model, and the concept of an actual composition of crime, as well as scientific works dedicated to the composition of crime and its elements, a proposal has been made to introduce a new Article 16^1, titled "Composition of crime" into the General Part of the Criminal Code. This proposal stems from research into the criminal legislation of foreign countries, such as Germany (where terms like "legal elements of a crime" and "elements of an act" are used in the criminal legislation, e.g., Section 1, Chapter 2, Moldova (Article 52) [20], and others, where the concept is reflected as a distinct provision in their criminal codes.

It is proposed to introduce a new Article 16^1 into the General Part of the Criminal Code:

"Article 16^1. Composition of crime.

The composition of crime represents the necessary and sufficient combination of objective and subjective elements prescribed in the articles of the Special Part of the Criminal Code that characterize a socially dangerous act (action or inaction) as a specific crime.

The composition of crime serves as the legal basis for qualifying a crime under a specific article of the current Code.**"**

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