



ISSUES OF CRIMINAL RESPONSIBILITY FOR EXTORTION IN FOREIGN COUNTRIES

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ABSTRACT

Currently, criminal law, like all legal systems, cannot develop without taking into account the experience of other countries and without adopting certain norms, rules or institutions from their laws.

Legislators of the CIS and Baltic countries, like the Republic of Uzbekistan, followed the path of recognizing extortion as a crime against property. Extortion, which is considered a criminal offense against property, is associated differently with the elements of robbery of other people's property (first of all, robbery and invasion) in the criminal laws of different countries, including the CIS republics.

The main goal of this scientific article is to analyze the concept of extortion crime, its signs and characteristics, in addition, a comparative analysis of the crime of extortion with the criminal legislation of foreign countries, scientifically based opinions and considerations are presented.

Currently, criminal law, like all legal systems, cannot develop without taking into account the experience of other countries and without adopting certain norms, rules or institutions from their laws.

Legislators of the CIS and Baltic countries, like the Republic of Uzbekistan, followed the path of recognizing extortion as a crime against property (Russia, Georgia, Latvia, Ukraine, etc.). In some countries, the structure of extortion, theft, robbery, invasion, etc. together with included in the chapters on crimes against property. For example, in the Estonian JK, extortion is included in the sixth chapter on crimes against property, together with other offenses against property.

Extortion, which is considered a criminal offense against property, is associated differently with the elements of robbery of other people's property (first of all, robbery with the use of force and invasion) in the criminal laws of different countries, including the

republics of the CIS, that is: either different from robbery of other people's property, but the crime connected with it is recognized as one of the forms of robbery of other people's property.

For example, the Russian legislator included extortion (Article 163) in Chapter 21 "Crimes against property"¹. In the note to Chapter 24 of the Criminal Code of the Republic of Belarus, looting of other people's property is defined as theft, robbery, invasion, extortion, fraud, abuse of official position, embezzlement, illegal intentional acquisition of someone else's property or property rights with the help of computer technology. defined².

According to the Criminal Code of the Republic of Tajikistan (Article 250), extortion is the use of force against the victim or his relatives, damage or destruction of property, discrediting (derogatory) information about the victim or his relatives, information that should be kept confidential for the victim. is to demand the transfer of property or property rights, the transfer of property interests, or the performance of property-related actions by threatening to do so.

Thus, the legislators of Belarus and Tajikistan, like the legislator of Uzbekistan, connected extortion with the theft of other people's property and recognized it as one of the forms of this crime.

In the new criminal law of Ukraine, the composition of extortion is included in section VI "Crimes against property" between looting power networks, communication cable lines and their equipment by dismantling or otherwise (Article 188) and fraud (Article 190). In the Criminal Code of the Republic of Moldova, the composition of an act similar to extortion and called "blackmail" (Article 189) is placed between invasion and fraud in the chapter on crimes against property. From this it can be concluded that in the criminal law of these countries, extortion is one of the forms of robbery of other people's property.

Thus, in the CIS and Baltic countries, the content of extortion is recognized or not recognized as robbery of other people's property, depending on national legal traditions and historical peculiarities.

In most of the criminal laws of the countries under consideration, the dispositions of the articles providing responsibility for extortion, as in the Criminal Code of the Republic of Uzbekistan, have a descriptive nature, that is, they describe the features of this crime.

The definition of extortion as "requiring the transfer of property or property rights or the performance of other property-related actions" is almost the same in the criminal laws of the CIS and Baltic countries, which indicates that the influence of the Soviet school of criminal law is much stronger in relation to the analyzed content.

In this case, the legislators of Azerbaijan, Tajikistan, Ukraine, Estonia and other countries have directly indicated that the property demanded by the criminal should belong to someone else during extortion (in Georgia, it is discussed about someone else's property). Article 183 of the Criminal Code of Latvia defines "without legal grounds" and applies to the transfer of property, property rights, and other property-related actions.

The Georgian legislator replaced the definition of "committing other acts in the direction of property" with the definition of "property benefit" used in most of the criminal laws of the CIS republics regarding extortion.

When committing extortion, the above-mentioned requirements are strengthened by the perpetrator's specific actions that force the victim to fulfill these requirements. Legislators

of both the CIS countries and the Republic of Uzbekistan have traditionally defined such actions as violence against the victim or his relatives, damage to or destruction of property, or threats to disclose information that should be kept confidential for the victim.

However, at the same time, there are differences in the structure of the articles that stipulate responsibility for extortion, related to the legal traditions of a particular country. For example, according to the Criminal Code of Latvia, such actions of the perpetrator are from causing serious harm (Article 183), according to the Criminal Code of Ukraine - from threatening to limit rights, freedoms or legal interests (Article 189), according to the Criminal Code of Estonia - from threatening to limit personal freedom (Article 142) may consist.

According to the criminal law of Ukraine, in addition to threatening to damage or destroy the property of the victim or his relatives, threatening to commit such actions against the property entrusted to these persons or protected by them is also a sign of extortion (Article 189 of the Criminal Code). The Azerbaijani legislator included only the threat of destruction of another's property among the signs of extortion and did not say anything about damaging it (Article 182 of the Criminal Code).

In the criminal law of the Republic of Moldova, in the composition of extortion (or blackmail), the signs of this crime include not only the use of force, the threat of damage to property or its destruction, but also the threat of stealing the owner, owner or user of the property as a means of "influencing" the victim.

The criminal laws of the CIS and Baltic countries specify various persons as the target of extortion. For example, according to Article 163 of the Criminal Code of the Russian Federation (as well as the Criminal Code of Azerbaijan), the victim can only be implied, or they are directly indicated, as in Article 165 of the Criminal Code of the Republic of Uzbekistan: the victim or his close relatives (Georgia, the Criminal Code of Ukraine), the victim or his relatives (Belarus, Latvia, JK of Tajikistan), a person (JK of Estonia), a person or his relatives and relatives (JK of Moldova), etc.

In the criminal laws of several CIS member states, as in the Russian Federation (Articles 221, 226 and 229 of the Criminal Code of the Russian Federation), in addition to the general structure of extortion, special structures of crimes are provided, in which property relations are not the main, but additional object of criminal aggression. The objects of these attacks are radioactive materials, weapons, ammunition, narcotics, psychotropic substances, etc. This approach can be found in the criminal legislation of Azerbaijan, Kazakhstan and several other countries.

Illegal acquisition of narcotic drugs, psychotropic substances and their analogues (Article 264), as well as extortion of weapons, ammunition, explosives and detonating devices (Article 237) in the Republic of Georgia responsibility is also provided for. The criminal law of Tajikistan provides only liability for robbery (Articles 194, 199 and 202 of the Criminal Code), unlike the criminal law of Uzbekistan, there is no liability for extortion.

The JK of Latvia and Moldova does not provide for liability for extortion in relation to other objects. From this, it can be concluded that the general norms providing for responsibility for crimes against property apply to them.

A special feature of the Estonian criminal law is that it provides special liability for the possession of weapons, as well as narcotic drugs or psychotropic substances only by robbery, robbery or robbery (Articles 207, 210 of the Criminal Code). Unlike the Republic of

Uzbekistan, there is no separate liability for extortion of the specified items.

In the drafting of the Special Section of the criminal laws of various countries, the term "extortion" has been used to refer to other criminal acts, including crimes not related to trespass to property. For example, according to the criminal law of Russia, bribery, that is, a crime directed not against property, but against the interests of the state power, is indicated as an aggravating sign of the crime of bribery (Clause "c" of the fourth part of Article 290 of the Criminal Code of the Russian Federation).

Belarus (Article 430, Part Two), Georgia (Article 338, Part Three, Clause 3), Moldova (Article 333, Part Two, Clause "c"), Tajikistan (Article 319, Part Four, Clause "v"), Ukraine (Article 368, second part), Estonia (Article 164, second part, paragraph 4) can also be found in criminal laws.

Legislators of Kazakhstan (clause "a" of the fourth part of Article 311) and Uzbekistan (clause "c" of the second part of Article 210) also recognized bribery as a sign of aggravating responsibility for this crime.

A unique approach to solving this problem can be found in Latvian criminal law. Here, accepting a bribe by demanding a bribe is recognized as a sign of aggravating responsibility of the crime (the second part of Article 320 of the Criminal Code), and taking a bribe by means of bribery is recognized as a separate sign of aggravating responsibility (the third part of Article 320 of the Criminal Code).

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