



LEGAL DIFFERENCES BETWEEN INTENTIONAL AND NEGLIGENT HARM TO HEALTH

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ABSTRACT

This article analyzes the legal distinctions between intentional and negligent infliction of harm to health within the framework of the criminal law of the Republic of Uzbekistan. The concept of forms of guilt, their types, practical significance, and their impact on judicial practice are studied from a scientific perspective. Articles 104, 105, 109, and 111 of the Criminal Code of the Republic of Uzbekistan are subject to comparative analysis.

Crimes involving the infliction of harm to human health hold a special place in criminal law. The correct characterization of such crimes requires the precise determination not only of the material elements of the act but also of the form of guilt. The mental attitude of the person who committed the crime regarding the infliction of harm to health whether the harm was intentional or caused by negligence generates fundamentally different legal consequences. In the Criminal Code of the Republic of Uzbekistan guilt is defined in two forms: intent and negligence. In the case of causing harm to health, the boundary between these two forms is of decisive importance not only for the correct characterization of the crime but also for the appointment of a just punishment. This article provides a comprehensive theoretical and practical analysis of these differences. Guilt in criminal law is a person's mental attitude toward their socially dangerous action or

omission and the resulting socially dangerous consequences. According to Article 14 of the Criminal Code of the Republic of Uzbekistan, an act is considered a crime only if the fault consists of intent or negligence. This rule the principle of guilt forms the foundation of criminal law. According to Article 21 of the Criminal Code, a crime is recognized as intentional if the person who committed it realized the socially dangerous nature of their act and wanted to commit it.

There are two types of intent:

Direct intent a person commits an act while realizing the social danger of their action, believing the consequences to be inevitable or possible, and wishing for these consequences to occur. In this case, the person acts with a criminal intent and sets a negative outcome as a



goal.¹ Circumstantial intent is when a person, realizing the social danger of their actions, considers the occurrence of a consequence inevitable or possible and, despite not wanting this consequence to occur, treats it indifferently or consciously allows the act to be committed. In indirect intent, the person does not directly aim at the consequence, but approaches it indifferently.

The main difference between the two types of intent is manifested in the volitional aspect: in direct intent, the person wants the consequence, while in indirect intent, they are indifferent or indifferent to the consequence. From a practical point of view, this difference is of great importance in judicial practice. Article 22 of the Criminal Code defines guilt in the form of negligence, which is divided into two types:

Self-confidence a person commits an act while realizing the social danger of their actions, knowing that a socially dangerous consequence may arise, but having a frivolous belief that such a consequence will not occur. The most important difference between self-confidence and recklessness is that a person believes they can prevent a negative outcome, but this belief turns out to be groundless. Negligence is when a person does not realize the social danger of their actions, does not know that a socially dangerous consequence may arise, but can and must know when acting with the necessary caution and vigilance. In carelessness, a person cannot see the possible consequences at all, and this inability to see is their fault.

Article 104 of the Criminal Code establishes liability for the intentional infliction of grievous bodily harm.² The circumstance provided for in part 1 of the article is characterized as follows: the intentional infliction of serious bodily harm dangerous to life at the time of its commission, resulting in the loss of sight, speech, or hearing, or the malfunction of any organ or its complete loss of function, a mental illness, or a permanent loss of at least thirty-three percent of general working capacity, or a miscarriage, or an irreparable deformity of the body, shall be punishable by imprisonment from three to five years.

Article 111 of the Criminal Code establishes liability for causing harm to health through negligence. Under this article, the infliction of moderate bodily harm through negligence is punishable by a fine of twenty-five times the amount, or by compulsory community service for up to three hundred hours, or by correctional labor for up to two years; while the infliction of severe bodily harm is punishable by a fine of twenty-five to fifty times the amount, or by compulsory community service for three hundred to three hundred sixty hours, or by correctional labor for two to three years. Main legal differences and their practical significance : The most significant difference between intentional and negligent infliction of harm to health is embodied in the subjective side of the crime that is, in the form of guilt. In the intentional infliction of harm, a person acts either knowing that harm will be caused to the victim, desiring this result,

¹ Criminal Code of the Republic of Uzbekistan. - Tashkent, 1994

² Criminal law. General part. Textbook for higher educational institutions. Under the general editorship of M. Usmonaliev. – Tashkent 2018.



or acting indifferently toward it. In carelessness, a person either mistakenly believes they can prevent the consequences or fails to see the consequences at all. The form of guilt directly affects the amount of punishment. Article 104 of the Criminal Code provides for imprisonment for a term of at least three, but not more than ten years. ³Under Article 111, the maximum penalty for grievous bodily harm is two to three years of correctional labor. This difference reflects the legal assessment of whether a person had a criminal intent or not.

Conclusion: After reviewing the above analysis and scientific literature, the following conclusions can be drawn: Firstly, the form of guilt intention or negligence is the primary criterion for legally clearly delimiting crimes involving the infliction of harm to health. The same result for example, grievous bodily harm is classified under entirely different articles depending on whether it was caused intentionally or through negligence and is punishable by entirely different penalties. Second, in judicial practice, the most difficult issue is often to distinguish between indirect intent and self-serving negligence. In both cases, the individual is aware that a dangerous consequence may occur; the difference is that in indirect intent, the

individual is indifferent to this consequence, while in self-confidence, they believe they will prevent a negative result. believes. Incorrectly establishing this threshold leads to incorrect qualification and unfair punishment. Thirdly, the degree of harm and the form of guilt are the main criteria for determining liability. A comparative analysis of Articles 104, 105, 109, and 111 of the Criminal Code shows that the legislature recognized the distinction between intent and negligence as the basis of a policy of just punishment. Fourth, the health of the individual is one of the highest values guaranteed by the Constitution of the Republic of Uzbekistan. Therefore, law enforcement agencies dealing with crimes involving the infliction of harm to health must carefully analyze and prove the form of guilt. **In my opinion**, the very fact that negligent damage is a crime means that the perpetrator must be held accountable before the law even if there was no criminal intent. This is the social protection function of criminal law. However, in such cases, reformation and prevention should take precedence over punishment as the goal of punishment. This approach also fully aligns with the trend of humanizing Uzbekistan's criminal policy.

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³ Rustamboev M.Kh. Criminal Law. General part. - Tashkent, 2017.



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