



## THE ISSUE OF MUTUAL DIFFERENTIATION OF THE CONCEPTS OF PARTICIPATION AND INVIOABILITY IN CRIMINAL LAW

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### Annotation.

It is known that in criminal law there is a concept of participation, which in practice poses several problems for the judge to qualify the crime. Because it is important to determine the extent to which each participant is involved in the crime. The following is a general theoretical basis for complicity in the crime and its distinction from involvement.

### Keywords:

Participation, executor, organizer, one who shows the way, helper, involvement in the crime.

If the crime specified in a special article of the Special Part of the Criminal Code of the Republic of Uzbekistan is committed by one person, the issues of qualification and punishment of the crime shall be resolved on general grounds in the Criminal Code. When a case involves the participation of two or more persons in a specified crime, whether the participation consists of a specific group, an organized group, or a criminal association, the question arises as to how the liability issues should be resolved. If the crime is committed with the participation or at the same time by the said groups, the essence and content of the crime will change. Because the specified crime was committed by two or more people, the actions involved in the crime were combined, and an agreement was reached with them. Crimes are committed as far as possible when the performance is committed by one person. There is an opportunity to commit a crime quickly and thoroughly. After all, persons who commit a crime in complicity can be committed by any specified participant of actions that represent the objective aspect of the criminal act. When individuals commit a crime together, they have the courage, the determination, the courage to commit the crime. Participation in the commission of very dangerous crimes, the thorough production of a crime plan, the difficulty of exposing a crime, and many other origins.

We need to focus on what the concept of complicity in crime actually means. According to **Article 27 of the Criminal Code** of the Republic of Uzbekistan, *complicity is the joint participation of two or more persons in the commission of an intentional crime [1]*. This means that for a crime to be found to have been committed in complicity, the objective aspect of the crime must have been committed by two or more persons with prior conspiracy.

Special signs have been developed in criminal law to consider a crime committed as complicity, which includes:

- involvement of two or more persons in the commission of a crime;
- the sanity of the persons involved in the crime and the age of the subject of the crime;
- the existence of an objective and subjective connection between them [2].

The degree of participation of the participants in the crime is divided into types of participants in the crime depending on their role in the commission of the crime. The participants in the crime are the executor (co-perpetrator), the organizer, the one who shows the way, and the accomplices, and it is important to have a clear idea about them. It is important to determine the responsibility of each of them depending on the type of involvement in the crime, the difference between them, as well as the position and level of guilt.

In particular, we should beware of differences between these four participating entities:

**An executor** is a person who has directly or partially committed a crime or who has committed a crime using persons or other means (for example, animals) who cannot be prosecuted by the law (**Article 28 § 2 of the CC**). The absence of the perpetrator excludes participation in the crime.

According to Professor of Criminal Law Rustambaev, **the organizer** of the crime is the most dangerous person among the participants in the crime. He is usually considered the initiator of the crime, the "idea" of committing a particular crime belongs to him, and then everything he does (finding and combining participants, developing a crime plan and the actions of the participants in its execution) directing, coordinating and correcting the actions of the participants, if necessary) [3].

**A one who shows the way** is understood to be interested in the commission of a crime, that is, to arouse in another person a desire to commit a crime. Interest is expressed in actions such as compromise, persuasion, persuasion, persuasion, persuasion, command, deception, and so on. Usually, the action of the one who shows the way ends from the moment the person consents to the commission of the crime.

Promising in advance to assist in the commission of a crime or the disappearance of traces of a crime, as well as to give their advice, instructions, tools to assist in the commission of a crime, to assist in the removal of obstacles, to conceal the offender, to conceal a weapon, traces, and means of a crime, criminally obtained property, and to promise in advance to receive and transfer such items - shall be deemed an auxiliary. [4]

There is also the notion of involvement in criminal law, and in most practical matters there is confusion about the types of involvement and involvement. In particular, the essence of involvement in a crime can be seen in the set of actions expressed in assisting in the commission of a crime or the disappearance of traces of crime without prior promise (Article 31 of the Criminal Code). These actions may include:

- Failure to report to the authorities without prior promise, knowing full well that a crime is being prepared, a crime is being committed or that a crime has been committed;
- in the form of actions expressed in the concealment of the offender, weapons, and means of committing a crime, traces of the crime, items obtained by criminal means without prior promise.

The main difference between complicity in the crime and the type of auxiliary participation is that if the accomplice commits his actions with prior promise, the perpetrator commits his actions without prior promise.

According to **Article 241 of the Criminal Code**, close relatives of a suspect, accused or defendant are not liable for involvement in a crime if the crime is of a low or less serious social risk.

In summary, most participatory crimes are considered aggravating in the sanctioned part of the crime because of their ability to be committed accurately and quickly, and their difficulty in detecting and qualifying crimes. stricter penalties are imposed for crimes committed. However, for practice, a thorough identification of each participant's involvement and the imposition of a penalty to distinguish it from involvement will serve to determine the criteria for fairness.

## References:

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