

## Systematization of crimes against the order of military service in the legislation of the Republic of Uzbekistan

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### *Article history:*

*Received: 28<sup>th</sup> January., 2022*

*Accepted: 29<sup>th</sup> January., 2022*

*Published: 31<sup>th</sup> January., 2022*

**Abstract.** *The article analyzes the general situation with the classification of the norms of responsibility for crimes against the order of military service, reflects current scientific proposals on the norms requiring additional classification, and provides feedback on theoretical and practical effectiveness.*

**Key words:** *statutory rules for relations between military personnel, systematization, main object, additional object, the procedure for performing special types of military service, abuse of power.*

According to Article 52 of the Constitution of the Republic of Uzbekistan, “Protection of the Republic of Uzbekistan is the responsibility of every citizen of the Republic of Uzbekistan. Citizens are required by law to perform military or alternative service”[1]. According to Article 17 of the Law “On the Defense Doctrine of the Republic of Uzbekistan”, military service is carried out by the ministries of defense, internal affairs, emergencies, the national guard, the state security service, etc. It is a special type of public service in the performance of general military duty in the ranks of the relevant government bodies, troops, military structures, and institutions of ministries, state committees, and departments [2]. Legal regulation of liability for violating the procedure for military service and the performance of the duties assigned to it is an important means of ensuring national security and protecting its territorial integrity. Articles 279-302 of the Criminal Code of the Republic of Uzbekistan provide for liability for crimes committed by servicemen of ministries and departments that provide for military service, as well as by persons conducting military training. The legislator, taking into account the specifics of crimes against the order of military service, singled them out into independent sections and formed a system of crimes against military service.

There is no definition of "war crimes" in the criminal legislation of the Russian Federation. Military personnel, as a rule, are held criminally liable for malfeasance under Articles 285 (abuse of official powers), 286 (abuse of official powers), and 293 (negligence) of the Criminal Code of the Russian Federation [3]. Also, the Criminal Code of the Republic of Georgia does not provide for malfeasance in the system of crimes against military service. Military personnel is generally liable for malfeasance under Chapter XXXIX (Articles 332-3421) of the Criminal Code.

We see that in the Criminal Code of the Republic of Kazakhstan there is a unified systematization of crimes against life, crimes against health, and life or crimes that threaten health, as “crimes against the person”. In our national criminal law, the crimes in question are systematized. “Military criminal offenses” are grouped under Chapter 18 of the Criminal Code of the Republic of Kazakhstan, deviation from the scope of which (Article 451) is expressed in the inaction of the authorities (Article 452) [5].

Scientific views on the systematization of crimes discussed in the CIS countries T.A. Lesnevsky - Kostareva, P.S. Danilov, O.K. Zatelepin, N.N. Marshakova, T.N. Volkova, V.G. This was reflected in the scientific works of Syzrantsev and other scientists.

In particular, T.A. Lesnievsky-Kostareva (in the Criminal Code of the Russian Federation) proposes to divide war crimes into general and special groups depending on the direct object [6]:

**General group:**

Crimes against the order of subordination and mutual military relations - failure to comply with an order (Article 332), resistance to a superior or forcing him to violate official duties (Article 333), use of force against a superior (Article 334, infliction of bodily harm under the Criminal Code of the Republic of Uzbekistan, Art. 283), violation of the rules of the Charter on relations between servicemen who are not subordinate (Article 335), insulting a serviceman (Article 336) ;

Crimes against the procedure for performing military service - voluntary abandonment of a military unit or place of service (Article 337), desertion (Article 338), refusal of military service by imitation of illness or other extortion (Article 339), and crimes against the procedure for using military property - abandonment of a fallen warship (Article 345), deliberate destruction or damage to military property (Article 346), negligence in the destruction or damage of military property (Article 347), loss of military property (Article 348);

**Special group:**

Crimes against the procedure for passing special types of military service - violation of the rules for performing military duties (Article 340), violation of the rules of the border service (Article 341), violation of the statutory rules for performing guard duty (Article 342). ), violation of the rules for serving in ensuring public security and maintaining public order (Article 343), violation of the rules established by law for performing internal service or patrolling the garrison (Article 344);

Crimes against the procedure for using the military-technical property as a source of danger - violation of the rules for handling weapons and objects that pose an excessive danger to others (Article 349), violation of the rules for driving a vehicle or machines (Article 349. 350-m.), Violation of flight or flight preparation rules (Article 351), violation of the ship's navigation rules (Article 352).

V.G. Syzrantsev divides alleged crimes into five groups [7]:

1. Crimes against the order of subordination and the statutory rules of relations:

articles 332-336 of the Criminal Code of the Russian Federation;

2. Crimes against the organization of military service:

articles 337-339 of the Criminal Code of the Russian Federation;

3. Crimes against the procedure for passing special types of military service:

articles 340-344 of the Criminal Code of the Russian Federation;

4. Crimes against the order of storage of military property:

articles 346-348 of the Criminal Code of the Russian Federation;

Crimes against the use of military equipment and the handling of weapons:

Articles 345, 349-352 of the Criminal Code of the Russian Federation.

P. S. Danilov considers it erroneous in defining the immediate object of classifying the crime of leaving a warship as a group of crimes against the procedure for the use of military equipment and argues that the object of the crime is public relations aimed at ensuring the safety of military property [8]. In general, there are different approaches to the immediate object of the crime of leaving a warship (Article 289 of the Criminal Code of the Republic of Uzbekistan). IN ORDER. Zatelepin describes leaving a warship as a crime against military service under special circumstances. In our opinion, the immediate object of leaving a wrecked warship is the established order of social relations at the time of the wreck and accident. That is, in the event of a disaster, the commander must organize the evacuation of the ship's crew, take all necessary measures to preserve navigation logs, maps, secret documents, weapons, and other valuables, and if this is not possible prevent them from falling into the hands of the enemy, they must be eliminated. Consequently, the object of the crime is the established procedure for the performance of the duties of military service assigned to the commander.

N.N. Marshakova proposes to systematize crimes against military service as follows: [10]

1. Crimes that threaten the order of subordination and the statutory rules of relations: articles 332-336 of the Criminal Code of the Russian Federation;
2. Crimes that threaten the order of military service: articles 337-339 of the Criminal Code of the Russian Federation;
3. Crimes that threaten the procedure for passing special types of military service: articles 340-345 of the Criminal Code of the Russian Federation;
4. Crimes that threaten the order of storage of military property: articles 346-348 of the Criminal Code of the Russian Federation;
5. Crimes that threaten the use of military equipment: Articles 349-352 of the Criminal Code of the Russian Federation.

In our opinion, N.N. It would be wrong to include the abandonment of the dead warship Marshakova in the group of crimes that threaten the passage of special types of military service. In addition, the author notes that violation of the rules for handling weapons and objects that pose a source of increased danger to others (Article 349 of the Criminal Code of the Russian Federation, Article 297 of the Criminal Code of the Russian Federation) belongs to the category of crimes that threaten the use of military equipment. We would not agree. This is because the term "military equipment" does not include weapons and other items.

Based on the foregoing, the following general conclusions can be drawn:

In our opinion, resistance to the chief or forcing him to violate his official duties (Article 281), intimidation of the chief (Article 282), infliction of bodily harm (Article 283), insulting a subordinate (Article 284), violation of the rule of the Charter on relations between non-subordinate military personnel (Article 285) is, in essence, mutually exclusive, are offenses that contradict the statutory norms of relations and are not subject to the current chapter XXI of the Criminal Code of the Russian Federation (crimes against the order of obedience and military honor).

In this regard, domestic scientists, in particular M. Rustambaev, stated that the direct object of the crimes provided for in articles 279 (disobedience), article 280 (disobedience to orders) of the Criminal Code of the Republic of Uzbekistan is the order of subordination in the Armed Forces of the Republic of Uzbekistan. - The direct object of the article (violation of the rules of the charter of relations between military personnel who are not subordinate to each other) is public relations that ensure the fulfillment of the requirements of general military regulations governing the rules of relations between military personnel. We support the idea that

However, we do not agree with the scholar's approach to defining the direct object of Articles 281-284. In particular, in his opinion, the main object of the crimes in question is:

- According to article 281 of the Criminal Code of the Republic of Uzbekistan - public relations aimed at ensuring the normal service of the chief, the principle of individuality, and good name of a serviceman who performs his duties;
- Under article 282 of the Criminal Code of the Republic of Uzbekistan - public relations that ensure the life, health, and physical integrity of the leader;
- According to article 283 of the Criminal Code of the Republic of Uzbekistan - health, the physical integrity of the chief, public relations that ensure his reputation;
- According to article 284 of the Criminal Code of the Republic of Uzbekistan - public relations ensure respect for the honor and dignity of a leader or subordinate [12].

We think that the objects mentioned by the scientist are not the main objects of these crimes, but additional ones.

In this regard, V.K. Duyunov (on the example of the Criminal Code of the Russian Federation) distinguished between the main and additional objects of the crimes incriminated to him as follows: [13]

- the main object of resistance to the commander or forcing him to violate his duties, the use of force against the commander, insulting a serviceman - the procedure for interaction between the commander and the serviceman, established by law and the General Military Regulations;

- resistance to the chief or forcing him to violate his official duties, an additional object of violence against the chief - the honor, dignity, and health of the commander or another person appointed to such a position;

An additional object of the crime of insulting a serviceman is an insult to the honor and dignity of a serviceman.

In this regard, we call on V. K. Duyunov and T. A. Lesnievskaya-Kostareva, V. G. Izrantsev, N. N. Marshakov, P. S. Danilov to resist the boss or force him to violate his official duties, inflict corporal damage to a subordinate or the boss himself. violation of the rules of relations between non-subordinate military personnel is a crime against the rules of relations.

Therefore, in our opinion, the title of Chapter XXI should be stated in the wording "Crimes against the established order of the statutory provisions on obedience, military honor, and relations."

Now let's look at the specifics of the guard service, internal service or garrison patrol, combat duty, and border service. The security service is a special service for the protection of military and state facilities, regulated by law and general military regulations, as well as persons held in a guardhouse and a disciplinary unit. The guard duty is the performance of combat duties and is a service for the protection and transportation of persons in custody and serving sentences in penitentiary institutions [14]. The transition to the internal service involves the appointment of a day watch (except for the guard and the guard) to ensure the established order, protect the building and property of the military unit (unit) and perform other duties of the internal service. checkpoint of the unit, guards personnel, weapons, ammunition, buildings, and property, patrols the corresponding garrison in each garrison - a type of service aimed at monitoring the observance and maintenance of military discipline by military personnel on the streets and in other public places (railway stations, railway stations, airports, etc.) by the order of the chief [16]. Combat duty is organized in the Strategic Missile Forces, Air Defense Forces, and other branches of the military, and the order of its performance is determined by special orders [17]. By the Law of the Republic of Uzbekistan "On the State Border" dated August 20, 1999, to suppress attempts to illegally change the border crossed by military personnel anywhere while protecting the State Border, Uzbekistan to prevent an armed invasion of troops and gangs, to eliminate armed and other provocations on the border, to protect the population and all types of property from aggression, to prevent and suppress border crossing Prevention of smuggling of explosives, poisons, radioactive, narcotic drugs, weapons, ammunition, and other items prohibited border, economic and political Prohibited publications containing information that is harmful to the interests, public safety, public order, health and morals of the population, etc. procedures should be followed to prevent the wearing of video and audio recorders [18]. This means that in the conduct of these types of service, not only the general procedure for military service but also special rules must be observed. Therefore, it is advisable to systematize articles 291-294 in a separate chapter "Crimes against the procedure for passing special types of military service."

Thus, in our opinion, it is advisable to highlight the theoretical and practical importance of systematizing the criminal law norms that determine responsibility for this category of crimes.

While the theoretical significance of systematization lies in the effective technical and legal consolidation of the norms of crimes against the order of military service, their consolidation, systematization, differentiation, and consistency, the practical significance:

Firstly, the establishment of specific criminal law norms makes it possible to distinguish between criminal offenses and other unlawful (administrative, disciplinary, civil law) actions that do not entail



criminal liability, thereby achieving the correct qualification of this category of crimes, criminologically justified differentiation of criminal liability;

- secondly, to ensure the completeness and accuracy of the content of criminal norms;
- and third, make it understandable and accessible to law enforcement.

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