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HUMAN AS A OBJECT OF CRIME: CONCEPTIONS OF OBJECT, SUBJECT MATTER OF THE OFFENCE AND VICTIM

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Abstract: The targeted aim of this article is investigation of persons' place on the scope object of the crime as the element of composition of the crime. On the one hand, theory of the Criminal Law cases person considered as object of crime on the other hand, subject matter of the offence and in some other cases, victim of the crime. The article devoted to propose solutions on the controversial arguments related to person.

Key words: object of the crime, human, conception, social relationship, interest, human rights, subject matter of the offence, body, victim, person, physical signs, social signs.

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The object of the offense - the social relations protected by the criminal law, and because of the criminal act it is inflicted on these social relations and is damaged [1]. Any criminal offense is assaults not only property, object but objects that protected by criminal law. The crime scene is not asocial relationship, but a social relationship protected by criminal law only. In this regard to M.H.Rustambaev object of crime is a social category, which is the most important and socially significant and protected by criminal law, and is at risk of being damaged or damaged as a result of the crime [2].

The nature of the damage that has been caused or threatened by criminal prosecution and that the subject matter should be based on the facts in the description of the concept of an offense, scientists have discovered that the subject of crime: social relations [3; 4], human (human) [5], human rights [6], certain social (legal) interests [7; 8] or social security [9]. In some foreign criminal-legal systems, the term "crime object" is not used in its entirety, they rather use the term "legal interest," "protected legal interest, and other similar concepts [10].

As we see, most scientists are consider human as objects of crime. On the other hand, in most cases people are who considered as the subject matter of crime or a victim by scientists. What is so far detailed is the controversial situation in the theory of crime.

In the below conception of "human as a object of crime" will be analyzed.

According to the concept of the proponents of this concept, the doctrine of the crime object should be linked with the application of the concept of "object": an object is something that is opposed to human activity [11].

The proponents of this concept G. Novoselov describe their rules as follows:

First of all, it not only social relation but its one side considered as crime. Furthermore, the passive subject of the is mentioned rather the active subject of the particular social relationship. Otherwise object of crime will be out of this discussion only as composition of crime;

Secondly, because one of the parties to social relation is human, only humans can become objects of crime, as they are opposed to each other as subjects and objects.

The theoretical side G. Novoselov's definition of the concept of the crime proposes that: "Crime object - is person, individuals or a large number of people whose material and non-material property that protected by criminal law under the danger of causing damage or already caused damage"[12].

E.Frolov, a proponent of the Concept, also noted that not only the material characteristic of the consequences of the crime and the social impact that it presents its own interests, concludes as: the offense does not threaten or harm any person (interests, law norms, relationships, etc.), the object should be considered as something, not something [13].

Indeed, it substitutes the concept of subject matter and object, whose contents are "incorporated into the victim's category unreasonably"; where an object is always a person or a large number of persons, and subject matter of the offence - certain material or non-material wealth of these persons. This view does not meet the requirement of the concept's on object of crime - to determine exactly what may be damaged or could be under damage as a result of a criminal offense.

This approach does not distinguish between different crimes, for example, terrorism is committed to a large number of individuals, and therefore, these crimes can be distinguished only by their 'object' - damaged interests. The "mixing" of the object and subject of the crime leads to the loss of the essence and content of both the subject matter of the offence and the object. Therefore, in our view, human beings can not be described as crime objects.

Concept: "Human - subject matter of the crime".

A number of articles of the Special Part of the Criminal Code

have provisions related to in physical or mental harm. What is the subject matter of such crimes? Given the fact that the subject matter of the crime is the optional feature of the crime, subject matter of the offense is not a necessary feature to determine crime. This is especially the issue of the subject matter of crime in criminal offenses that targets person (crimes against person).

In some references, some authors assert that the subject of an offense is that "person is the subject matter of the crime as a living biological entity." [14]

When person is assaulted criminal law and criminal procedure law should consider person as victim not subject matter of crime.

The subject matter of the crime and the concept of the victim are different concepts and it is not right to replace them or mix them. The subject matter of the crime and the victim are the separate concept of social relations, whereas the subject matter of the offense is the element of the offense, and the person is the subject of social relations. However, in some cases (for example, Article 134 of the Uzbek Criminal Code) the dead body may be the subject of the offense.

Concept of "human-victim".

A. Demidov describes man as an independent object of criminal protection. At the same time, he identifies two main areas: a human being as a prerequisite for the normal functioning of social relations and human as independent self-defense facility [15].

In general, the problems of the victim of crime have been studied efficiently for many years between related subjects. Though the independent section of criminology, the existence of a crime victim (victimology), has some degree of independence in the investigation of the victim, PG Pogrebnyak said that the issues of the victim should be studied in a number of subjects. These issues are of such a nature that the separation of them from some subjects (criminal law, criminal proceedings, forensic sciences) can not be avoided without their knowledge of these constituent structures [16].

It is clear that the idea of a crime object also related to the victim's identity [17]. Even though the victim is often mentioned in the criminal law articles, the victim's doctrine does not have a long history in criminal law. The criminal law does not describe the concept of a victim of crime. According to the provision set in the first part of Article 54 of the Criminal Code, "such person shall be recognized as a victim by the interrogator, prosecutor or court, if there is evidence of the offense, as well as the socially dangerous act of a deceased person, has resulted in moral, physical or property damage.

A person who is a victim of criminal law is a "social conception that includes all persons who have been harmed by crime" [18], a socialized image. Consequently, it is not possible to distinguish between all victims of trafficking in human

beings. However, it would be appropriate to dwell on some of the criteria, because, "these symptoms included in the elements of the victim's personality are inextricably linked with the nature of the attacking subject.

In general, they describe the object." The topic here is on "special victim". At the same time, it should be mentioned that the principle of equality before the law is not violated in Article 5 of the CC. P.S. Dagal divides the characters describing the victim's identity into two groups: 1) physical signs; 2) social features.

The physical signs of the individual include age and gender characteristics: women, man, baby, juvenile, and so on. Social features of the person include the state of

the person in the system of state-legal relations (official, military serviceman, etc.).

It should be noted that the victim of the crime and scarified of the crime should be distinguished from one another. The victim's concept is broader than the concept sacrificed, and it is the sacrificed who is directly affected by the crime. The victim can be either the other people or the state and society.

Thus, in the doctrine of the crime object today, more attention must be given to the group of signs that characters this object as an element of the crime component. At the same time, it is primary to focus on the issue of updating the role and significance of the victim in the doctrine of the crime object.

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