



ISSN NO. 2320-5407

Journal homepage: <http://www.journalijar.com>

INTERNATIONAL JOURNAL
OF ADVANCED RESEARCH

RESEARCH ARTICLE

A violent crime against the person and their analysis

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Manuscript Info**Manuscript History:**

Received: 14 September 2015
Final Accepted: 26 October 2015
Published Online: November 2015

Key words:

Constitutional Court, Legal Norms,
Legal Theory, The 3C Theory

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Abstract

This paper aims to examine the concretization of legal norms made by the Constitutional Court related to the 3C theory by MacCormick. The type of research used is juridical-normative. The approaches used in this research are legislation, conceptual, and cases. This research uses primary, secondary legal materials and non-legal materials. Furthermore, legal materials are analyzed by logical-deduction based on the normative and philosophical perspectives. After that, it is presented in a systematic writing to answer the problems that have been formulated. The results showed that the concretization of legal norms made by the Constitutional Court in a case Number 011/PUU-III/2005 and Number 012/PUU-III/2005 in line with 3C theory by MacCormick.

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INTRODUCTION

Annotation.

In this article we discussed a violent crime against the person and their analysis, also expressed about the kinds of violent crimes against the person.

Tags: against the person to demonstrate how violence, murder, rape, life, health, deliberately, the purpose of sentences.

We know that when we are talking about violent crimes, we understand not only the means of getting the target of violence, but also a criminal act, which are elements and motives of the crime [1; p.13].

Of course, there are many opinions in the legal literature on the classification of any crimes to violent crimes.

In the dictionaries of legal terms listed the following violent offenses:

- 1) Intentionally kill;
- 2) an act of terrorism;
- 3) assault on a man who has international immunity;
- 4) Intentional (heavy, moderate, slight) injury;
- 5) death threats or violence
- 6) the infliction of physical suffering man forced false imprisonment
- 7) Rape
- 8) committing violent actions of sexual nature
- 9) Interference in the investigation or resolution of courtcases (crime against justice)
- 10) Hostage-taking
- 11) The use of violence to the chief [2; page 157].

Legal encyclopedia stated that the Criminal Code of the Republic of Uzbekistan there are a number of violent crimes. These include:

- 1) Murder (Article 97)
- 2) death threats or violence (st.112)
- 3) Rape (Article 118)
- 4) The forcible sexual satisfaction
the need for unnatural form (Article 119)
- 5) Forcing a woman to enter
sexual intercourse (Article 121)
- 6) The violent illegal
deprivation of liberty (Article 138) [3; Page 171].

According to other authors to violent crimes include crimes against life, health, sexual freedom, property, peace, human security and public order. [4; page 200]

We also express their opinion on the definition of the circle of violent crimes. In our opinion, these crimes must be understood in the broad and narrow sense. In the broad sense, it must be understood any illegal violent crime as a violent crime.

Ie, some of them to commit acts of violence to demonstrate how the rest of the way.

Therefore, in a broad sense, to violent crimes include:

- 1) The offense against the person
- 2) Crimes against peace and security
- 3) Theft of another's property
- 4) Crimes against the order of the functioning of government,
Management and public associations
- 5) Crimes against public order
- 6) War crimes

in the narrow sense, when we talk about violent crimes, violence must be understood not only as a method of the objective side of the crime, but also an integral element of motive [5; p.14.]. These include deliberate murder, deliberate (heavy, moderate) bodily injury, rape, violent satisfaction of sexual demands in an unnatural shape, etc.

A.R.Ratinov O.Yu. Mihaylov and offer a special kind of violent crime. They divide them into "interest - violence" and "dangerous-violence [6; p.15.]".

Islamic law the crimes attributed to the group of crimes as "Casas (place)," or "dia." such as murder, causing bodily injury. for these crimes could retaliate [7; p.78.].

in "Mukhtasar" stated that the price of revenge free man who was killed, was a thousand gold coins and thousands of silver coins, and a hundred camels. for causing bodily injury is a penalty on the basis of "Dia".

dia - is the price of blood. according to Shariah, it is assigned not only for murder but also of causing bodily injury, depending on the severity of the injury. For example, in full glare of Dia, for one eye - half of Dia [8; p.84.].

These issues have found their place in the villages of India. According to the criminal law, it was the difference between intent and negligence, crimes committed for the first time and recidivist serious and slight offense.

Also taken into account when sentencing, the degree of guilt, complicity to which varna treated the suspect or accused.

Manu prohibits any violence against the person. There, in crimes against the person were murder and causing bodily injury.

for murder the death penalty. for self-defense, defense of the gift intended for donation and protection of Brahmins and women is not the death penalty. (Manu chapter 8. Article 351). They consider it necessary defense.

In the village of Indian memorials, infliction of bodily injury was considered as an insult [9; p.146.].

In addition, the UN documents indicated that violent crime - a premeditated murder and reckless homicide, assault by means of application of violence, rape and other violent crimes.

However, according to V.V.Luneeva not entirely correct include offenses committed through negligence for violent crimes [10; p.193.].

as previously mentioned, violent crimes can be committed only intentionally. the bulk of these crimes is a crime against human life and health. This is mainly due to the state of alcoholic intoxication.

half of the violent crimes that have been discovered and registered, committed while intoxicated. For example, 25 May 2007, A. and D. worked in the house of A.

they were unhappy over the fact that the owner paid them less, they drank, and returned to the place of work and had a fight with the owner. to kill him, they took a knife and stabbed A. Once in the chest, D. twice in the stomach stabbed. The investigation revealed that A. and D. because of intoxication did not realize what they were doing.

When we study the violent crimes, it is advisable to study the characters of their motivation.

Under the present provisions of the Criminal and Criminal Procedure Code, the motive is the means of proof in a criminal case.

Based on the results of criminal procedure and criminological research, as separate criminal law, motivated violent crimes are jealousy, revenge, extortion, robbery, sexual satisfaction, etc.

You can combine a group of criminological motivation of crimes in relation to different objects (murder, serious bodily injury, rape, robbery, etc.).

Certainly is delicious is necessary, since it is directly related to the similarity of the actus reus.

According to surveys conducted among employees of law enforcement bodies, the motive of the accused against the victim is 20% self-interest, 28% of revenge and hatred, 32% of extortion, 20% low intention.

In conclusion, we can say that the circle of violent crime a wide and varied. The bulk of it is a crime against the person, which includes:

- a) Here object may only be a person. Premeditated murder, premeditated murder in the heat of passion, premeditated murder of the mother of a newborn child, intentional infliction of death by exceeding the limits of necessary defense, intentional infliction of death in detention exceeded the necessary measures the person who committed socially dangerous act causing death by negligence, incitement to suicide
- b) CRIMES AGAINST HEALTH. Intentional grievous bodily harm, intentional moderate bodily injury, infliction of will fulserious or moderate injury in the heat of passion caused intentional grievous bodily harm in excess of self-defense, causing intentional grievous bodily harm in excess so fthenecessary measures of detention of the perpetrator of socially dangerous act, intentional slight bodily injury by negligence causing moderate or serious bodily injury.

The threat of murder or violence, the spread of venereal disease or AIDS, forcing a woman to have an abortion, improper performance of their professional duties, leaving in danger.

C) crime against human freedom: crimes against freedom, honor and dignity, kidnapping, unlawful deprivation of liberty. Here, too, there are signs of violence, but there is the economic factor comes first. Crimes against , honor and dignity.

D) Rape also refers to violent crimes. but sexual intercourse with a person under sixteen years of age and satisfying sexual desires by unnatural form are not violent crimes.

Footnotes:

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