

# CRIMINAL COMPLICITY: ITS THEORETICAL AND PRACTICAL ASPECTS

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**Abstract** - The article explores and analyzes the structure of offenders, general regulation of relations with them, national and foreign legislation relevant to this topic. There are also some suggestions on improving the legislation in this regard.

**Index Terms** - a criminal complicity, an organized crime, a criminal group, a committer, a head for crime, an instigator, a helpmate, an initiator.

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## INTRODUCTION

The study of investigative work shows that most crimes are committed by a group of individuals. Certainly, the crimes committed by a group of people involved are of higher social danger, because the crime committed by a group of individuals rather than one committed by one person is more damaging to social relations.

Participation is a broad concept that is composed of various types of individuals - groups of international terrorism, separatism, religious extremism and other crimes, or groups of illicit drugs or firearms may occur. It is clear that, regardless of the offenses committed by an organized group or criminal association, it poses a serious threat to the interests of the individual, society, and the state, causes material and moral damage, undermines society's development, and leads to other negative consequences.

Following the Independence of the Republic of Uzbekistan, major changes have been made in almost all areas of law, including criminal law. Article 27-29 of the Criminal Code of the Republic of Uzbekistan, adopted on 22 September 1994 and enacted on April 1, 1995, was first described in the form and forms of crime for the first time.

In particular, they should be guided by their advice, guidance, tools, or barriers, as well as the use of weapons, traces and means of crime, or criminal prosecution the person who has promised in advance about the confiscation of such items, as well as the receipt and handling of such items shall be identified as helpmate.

Taking into account the social danger of organized crime, the Criminal Code has introduced Article 242 which establishes responsibility for the establishment of a criminal association and the creation of armed groups.

Scientists who have studied in the field of

convergence are only legal in some areas of organized crime. However, thoughts about thoughts, their characteristics, differences in the forms of participation and other issues are rarely studied. This situation leads to different interpretations of the law enforcement practices in the law enforcement process, as well as the forms of participation [1].

M. Usmonaliev notes that the participants of the criminal proceedings should take into account the degree of involvement of the perpetrators of the crime and their role in the commission of the crime [2]. M. Kovalev acknowledges the classification of participants according to the form and classification of crime. According to this theory, the degree of participation of the subject of the crime, its role in the crime, is the main criterion [3].

In determining the concept of participation in crime, it is expedient to use the best practices of foreign countries in this area. In particular, countries such as Romania, Albania, Latvia, Russia and Kazakhstan are defined in criminal law in a criminal offense. For example, Article 27 of the Criminal Code of the Republic of Kazakhstan states that intentional participation of two or more persons in an intentional criminal offense shall be recognized as a participation in a criminal offense [4]. Additionally, the analysis of the criminal law in foreign countries indicates that criminal law does not describe criminal participation in Canada, Mexico, Argentina, England, Germany, Italy, Turkey and Japan. In these States the legal content of criminal participation is reviewed on the basis of the definitions given to its types. For example, in the United States Criminal Code of New York, participation is a person who commits, commits, orders, or deliberately commits a crime [5]. The views of theoretical scientists who comment on this topic are different. Particularly, the issue of the fact that literature has been expressed as

inadequate evidence of participation in crime is controversial. In this regard, M.D.Shargorodskiy points out that human inaction is never harmful, and therefore, such behavior does not lead to any connection. Therefore, deciding whether or not the inadmissibility of a cause is related to a particular criminal offense should not be an issue. Because it means that in certain situations, man responds to inaction [6].

Particular attention is being paid to classified classification of persons who participated in crimes in legal literature and criminal law. In particular, Part 1 of Article 28 of the Criminal Code of the Republic of Uzbekistan states that "offenders, criminals and assistants, as well as criminals, shall be recognized as criminals". According to legal literature, the types of participation varies from one another to the extent and nature of participation. Researchers suggesting that the nature of the accustomed nature of participation cannot be a part of crime, unless there is a major crime, i.e. the idea that there is no genuinely criminal participation support. The authors of the other group argue that the offender is responsible not only for the crimes committed jointly but also for what he has done [8].

One of the key figures in the crime committed in the fight against corruption. The performer exists only when he / she collaborates with other people - the organizer, the witness and the assistant who performs their functional role. A.Yakubov points out that if the objective of the crime is to co-operate with several people, they are considered co-operatives. A.Yakubov also implements those who do not directly implement the crime component of the offense but use those who cannot be the subject of crime. However, inclusion of the initiator (initiator) of the offense would be the basis for the person designated by A. Yakubov as a direct bearer or co-ordinator, but as a initiator [9].

The activities of the initiator (the initiator of the crime) are extremely dangerous. He may use various individuals, and sometimes his subordinates, to commit crimes. The initiator (the initiator of the crime) primarily chooses the organizer or witness of the crime and provides them with financial support. Part 3 of Article 28 of the Criminal Code states that the organizer is "a person guilty of committing an offense or committing a crime."

The issue of the head of a crime is almost identical to the legislation of the countries included in the Commonwealth of Independent States, and is basically described as follows: the organizer of the crime; leads the crime; constitutes a criminal group; heads guilty criminal groups or criminal associations [10]. Thus, the head of crime is the person who organizes or implements the execution of the crime as well as the person who created or directed the organization or the criminal association (criminal organization). The head of crime is an active initiator of

the crime, a person who creates his plan and prepares for the crime. It is he who chooses the other participants, and ensures the harmonization of actions in the course of the criminal act. The organizer can accomplish his / her duties with other participants, either individually or at the same time as an executor.

The legislator points out four types of organizational activities:

- a) organization of a crime;
- b) guilty of guilty verdicts;
- c) Establishment of an organized group or criminal association (criminal organization);
- d) Guiding an organized group or criminal association

The heads of crime main task at this stage is to prepare for the crime. Organizational activities at this stage are reflected in the selection of offenders, the selection of the offender, the development of the plan, and the search for weapons and means of crime. Organizational activities such as guiding crime and managing an organized group or criminal association are directly involved in the commission of the offense. At the same time, the tasks of the group are distributed, attention is paid to the sequence of actions, the form of interaction of the participants is developed. When the intent of the offender is not completed by the head of crime for reasons beyond his control, the offense must be trained for the crime or assassination [11].

One of the participants in the crime is a instigator. The instigator is a person interested in committing a crime. His main task is to involve the perpetrator in a crime. At the same time, he may incite the perpetrator to commit a crime by fraud, money laundering, threats, and other means [12]. The speeches are always intentional. He is conscious of the outcome of socially dangerous consequences as a result of the actions of the person involved in the crime. As you know, the witness is not an actor, so there is no need to commit the crime himself. However, in scientific and theoretical literature, we find that the witness is the one who committed the crime when committing a crime, and whether the person who committed the crime was to be found guilty or not. In our opinion, when the perpetrator himself commits a crime, it is best to bring him to justice as an executive.

As provided for in Article 28 of the Criminal Code of the Republic of Uzbekistan, has been assisted in the commission of a crime by giving advice, indications, means or obstructions, as well as assisting the perpetrator, the weapon used to commit the crime, traces, means, or objects acquired through the use of a criminal offense, and that the person who has previously promised to take and transfer such things is recognized as a helpmate. The definition of a helpmate in a number of countries included in the Commonwealth of Independent States does not differ from our definition of our Criminal Code.

The distinction between the assistant and the perpetrator is that it helps the offender to carry out the crime without realizing the objective aspect of the offense, preparing for the crime, or committing a crime [13].

Joint involvement in crime means that criminal and criminal activities are carried out jointly and jointly. Thus, joint involvement in crime means:

1) The conduct of each participant is complementary to that of other participants as they are necessary for the exercise of their conduct; all participants have to have a reasonably correlated with the offense committed by the performer;

2) The resulting criminal offense is general and uniform for all participants [14].

It is worth noting that the second priority of the Strategy of Action on the Strategy for the Five Main Areas of Development of the Republic of Uzbekistan for 2017-2021, adopted by the President of the Republic of Uzbekistan Shavkat Mirziyoyev and the reform of the judicial and legal system include the improvement of the efficiency of coordinating the activities of combating crime and the prevention of offenses, such as the perfection and liberalization of criminal and criminal procedural legislation, decriminalization of certain criminal offenses, humanization of criminal punishments and their enforcement current issues.

Following the independence of the Republic of Uzbekistan, the Criminal Code of the Republic of Uzbekistan was broadly covered by the legal aspects of the issue of participation in criminality and the aspects related to qualification. However, one of the pressing issues remains a problem in the criminal law, which is the responsibility of systematizing the functions of persons involved in committing offenses and the social danger of the offense.

Thus, based on the above, the following conclusions can be drawn: Firstly, in the theory of criminal law there is a new feature of participation - attempts to separate the initiator of the crime. However, the subject of the initiator of the crime has not yet been covered in the scientific literature and the current legislation. In our opinion, it is necessary to include the initiators today among the participants of the crime. It should not be forgotten that many of the crimes committed by the society are their customers. In our practice, the initiator (client) of the crime is involved as the organizers. Based on the requirements of today's article, Part 1 of Article 28 of the Criminal Code "committed as part of the offender, organizer, witness, and assistant along with the perpetrator", part 2 of this article provides that "the direct impetus to the commission of a crime, and the person who is interested in committing the offense shall be deemed to be the buyer".

Secondly, if we take into account the legal status of the instigator who is one of the perpetrators, he / she can carry out his / her work by means of extortion, money laundering, intimidation and other means. However, the Criminal Code of the Republic of Uzbekistan does not explicitly define what constitutes the activity of a witness. In our opinion, it is desirable to amend Article 28 § 4 of the Criminal Code as follows: "A person who is interested in committing a crime by extortion, intimidation, deception and other means is recognized as an instigator."

Amendments to our national law on the legal status of criminals as described above and the qualifications of their crimes is crucial in penalizing the offenders in a fair trial.

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