



CRIMINAL LIABILITY IN FRANCE AND UZBEKISTAN FOR ILLEGAL TREATMENT

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Annotation

The article provides a comparative, legal and scientific analysis of the specifics of criminal liability for the illicit trafficking of weapons under French criminal law and the norms of liability for such crimes in the Criminal Code of the Republic of Uzbekistan, and offers suggestions for improving national legislation.

Keywords: France, Uzbekistan, criminal law, weapons, illicit treatment, criminal liability, punishment.

It is no secret that the crimes related to the illicit trafficking of weapons and the use of these objects have become one of the most pressing problems for the international community, going beyond the borders of one state.

Determining the main directions of the policy of foreign states in the field of combating arms-related crimes, as well as the characteristics of their legal strength in the legislation of the states is important for a thorough analysis of the problem under study. Indeed, the study of foreign criminal law on criminal liability for the illicit trafficking of weapons is of great importance, first of all, taking into account the experience of foreign countries in the process of improving national criminal law in this area. Therefore, in our opinion, the study of foreign experience in criminal law regulation of the problem studied on the basis of comparative legal analysis is not without its benefits.

In this regard, the study of criminal law measures to combat the illicit trafficking of weapons in the criminal law of the French state, one of the founders of the Romano-Germanic family of law, is of particular interest. Because the legal system of Uzbekistan is also noteworthy because it belongs to this family of international law [1, p. 136].

French legislation regulates the legal handling of weapons, as well as imposes certain restrictions on the free circulation of these weapons, which are not too severe for them [2, p. 121]. In France, for example, the Law of 18 April 1939 "On the Order of Military Equipment, Weapons and Ammunition" regulates the



circulation of weapons, according to which all weapons and related materials are divided into 8 categories [3]. The first category includes military weapons and ammunition, while the second includes military equipment. The third category of items consists of military materials (special means of protection against chemical and bacteriological weapons - gas masks, respirators, special clothing). The fourth category includes firearms and ammunition that do not belong to the first category.

It should be noted that citizens will be able to own these weapons as a result of the issuance of a license under certain conditions by the prefect, ie the head of the police department. Such weapons include all types of self-defense firearms and their ammunition. Hunting weapons fall into the fifth category. The sixth category includes cold steel. However, it remains to be seen what items will be included in this type of cold steel in this law.

The French legislature has closed this gap in France

In Article 135-72 of the Criminal Code of 1992, the term "weapon" is defined as a weapon and includes any objects specially designed for murder and bodily harm [4, p. 187]. In particular, weapons and specially prepared objects are understood to be any means used to assassinate, injure or threaten human life or to cause such deception.

E.V. Zeitseva stated in French law that "the use of any animal for the purpose of killing or injuring people is equated to the use of a weapon" [5, p. 48], i.e., the inclusion of animals in objects that can also be used as weapons. But he did not make any argument to substantiate the case.

Although the French criminal law defines the concept of a weapon or a specially prepared object used to commit crimes against life and health, the Criminal Code of the Republic of Uzbekistan defines the concept of "weapon or means that can be used as a weapon" of June 29, 2019. The Criminal Code and the Criminal Code do not define the concept of "means that can be used as a weapon." Therefore, in order to fill such a gap in the future, it is expedient to develop a definition of the concept of "means that can be used as a weapon" in these national laws.

The seventh category includes rifles, weapons used at fairs and other specially prepared places, as well as weapons used in signaling and sports competitions.

The eighth category includes antique and collectible weapons for collection, including their mock-ups. Ancient weapons consisted of firearms developed before January 1, 1870 [6, p. 615].



V.M. When Ledjiev explained the classification of weapons in French law, he said that the first and second categories of weapons were owned by the state's armed forces and did not belong to private individuals. expressed the view that the right should be exercised by persons who have obtained special permission from the police and gendarmerie.

V.M. Ledjiev's views do not seem to be correct, because the first and second categories of military weapons and equipment are state-owned, which means that they cannot be purchased and stored by ordinary citizens with any permission.

Under French law, all military weapons are prohibited from free circulation of explosives. If a person is convicted of a previous crime, he may be sentenced to imprisonment or a heavier penalty, and a violation of the rules of possession of a weapon may be punished by imprisonment for up to five years.

There are also criminal penalties for illegal possession of weapons of 1, 4 and 6 categories and their equipment. Such responsibility is determined even if the person has the right to keep these weapons and objects. However, the responsibility is determined separately depending on which category they belong to [7, p. 135].

Under French law, individuals are given the right to freely purchase all weapons of the fifth and eighth categories [8, p. 30].

The French Criminal Code, adopted in 1992, establishes criminal liability for the illicit handling of weapons in the following procedures [4, p. 187]:

the norms of the French Criminal Code on terrorist conduct deserve special attention in regulating the illicit trafficking of weapons;

According to the French Criminal Code, carrying a weapon while participating in a riot (Article 412-4), carrying a weapon and the like while participating in an insurgent movement (Article 412-4) is prohibited.

According to Article 421-1 of the French Criminal Code, terrorism:

manufacture or storage of lethal weapons, explosive mechanisms and equipment related to military armaments;

manufacture, sale, import, export, storage, transportation or illegal carrying of explosives or weapons made with their use;

storage, carrying, transportation of the first and fourth categories of weapons and their ammunition, production, preparation, storage, collection, acquisition, transfer of biological, poisonous weapons, if these actions significantly increase public order through intimidation and terrorism criminal liability shall be



established until the imposition of a life sentence for an individual or collective operation with the intent to cause a violation.

Under French law, the commission of a crime by the use or threat of a weapon is defined as an aggravating circumstance of sentencing. For example, in the case of violation of the physical and mental inviolability of the person (Articles 222-3, 222-10, 222-24 of the French Criminal Code), the offender is punishable by imprisonment for a term of fifteen to twenty years.

According to Article 222-13, paragraph 10, of the French Criminal Code, a criminal offense punishable by imprisonment for three years and a fine of 300,000 francs for committing acts of violence with the use or threat of use of a weapon for a period not exceeding eight days. responsibility is defined.

Article 311-8 of the French Criminal Code provides for imprisonment for twenty years for the crime of theft with the use or threat of use of a weapon, or by a person carrying a weapon for which a permit is required, or with a weapon prohibited to be carried. fines of up to three years' imprisonment and a fine of 300,000 francs. The same procedure applies in the case of extortion. If the crime of extortion is committed by members of an organized group under the threat of using or using a weapon, or by a person carrying a weapon requiring a permit or with a prohibited weapon, it is punishable by life imprisonment (Article 312-6 of the French Criminal Code).

There are similar cases in the Criminal Code of the Republic of Uzbekistan, namely: intentional infliction of grievous bodily harm "using a weapon or objects that can be used as a cold weapon" (Article 104, paragraph 2, item "l" of the Criminal Code of the Republic of Uzbekistan); Intentional infliction of moderate bodily injury "using a weapon or objects that can be used as a cold weapon" (art. 105, para. 2 of the Criminal Code of the Republic of Uzbekistan); Committing an aggression "using a weapon or other objects that can be used as a weapon" (Article 164, part 2, item "a" of the Criminal Code of the Republic of Uzbekistan); Violation of the rules of use of fauna and flora "with the use of prohibited weapons or means" (Article 202, paragraph 3, item "g" of the Criminal Code of the Republic of Uzbekistan); Organization of mass riots committed by "use of force against a person with the use or threat of use of a weapon or other objects used as a weapon" (Article 244, part 3 of the Criminal Code of the Republic of Uzbekistan); c) hooliganism "by demonstrating (as a weapon) a cold weapon or objects that can be harmful to human health in practice, threatening or using them" (Article 277, paragraph 2, item "c" of the Criminal Code of the Republic of Uzbekistan) ; b)



hooliganism "by demonstrating a firearm, threatening or using it" (Article 277, part 3, item "b" of the Criminal Code of the Republic of Uzbekistan); as well as such procedures (more precisely, "using a weapon") in some articles of the chapter "Crimes against the order of military service" (Article 281, part 2, item "b" of the Criminal Code of the Republic of Uzbekistan; Article 283 of the Criminal Code of the Republic of Uzbekistan). 2-q., «B» b.; 285-m., 2-q., «B» b.).

Analyzes show that the Criminal Code of the Republic of Uzbekistan, as well as French criminal law, recognizes the commission of other crimes with "use or threat of use of a weapon" as aggravating circumstances and imposes heavier penalties for ordinary crimes. However, under French law, in addition to imprisonment, a large (very) amount of fine is also imposed. Six to four hundred times the amount of the basic calculation for violation of only one rule of the Criminal Code of the Republic of Uzbekistan, ie the use of fauna and flora "with the use of prohibited weapons or means" (Article 202, part 3, item "g" of the Criminal Code). is punishable by a fine of up to 100 times. In all other cases, it is punishable by restriction of liberty or imprisonment. Of course, in the future, the application of such practices in national criminal law will be useful.

At the same time, although French law stipulates that "intimidation with a weapon" must be accompanied by "use of a weapon" in all these cases, we believe that the Criminal Code of the Republic of Uzbekistan provides for such cases under French law. Physical harm to a person may not be carried out by "threatening (intimidating) with a weapon", but by facilitating the acquisition of another's property in a robbery or causing a riot or intimidation by intimidating the public or an individual in violation of public safety and order The introduction of such a procedure in the process is logically correct and expedient.

Based on the above, in order to further protect the physical and mental integrity of citizens in our country from violent criminal aggression and taking into account the positive experience of French criminal law, the above-mentioned articles of the Criminal Code of the Republic of Uzbekistan committing crimes that may be committed with violence other than liability (for example, Article 97, 118, 119, 137, etc. of the Criminal Code of the Republic of Uzbekistan) "using weapons or means that can be used as a weapon" to determine the recognition of cases as aggravating circumstances in the imposition of punishment. Inclusion in Article 56 of the Criminal Code (aggravating circumstances) as a separate clause or in cases of intentional infliction of moderate or severe bodily injury "using a weapon or objects that can be used as a cold weapon" of the Criminal Code of the Republic



of Uzbekistan It is expedient to include in the relevant articles of the Special Part, based on

It should be noted that when we previously studied issues related to these problems [9, p. 59–67], these proposals are scientifically substantiated. A draft law on amendments and additions to the Criminal Code was drafted and formally submitted to the legislature. Of the Republic of Uzbekistan

The Law of the Republic of Uzbekistan No. ZRU-645 of November 5, 2020 "On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the further improvement of legislation on public safety" Of Article 105

Paragraph 2 (m) was amended to include the following wording:

Of course, in order to further improve the national criminal legislation in this regard, the use of crimes that may be committed violently (for example, Articles 97, 118, 119, 137, etc. of the Criminal Code of the Republic of Uzbekistan) as a weapon or weapons it is expedient to continue practical work on the definition of punishment as an aggravating circumstance by separating the responsibility for the cases of "using possible means".

Thus, it is clear that the handling of firearms in French arms legislation is sufficiently and detailedly regulated.

Since all types of weapons and their equipment in circulation are divided into separate categories by law, it is commendable that the responsibilities are also defined in a separate order in accordance with the principles of justice. It is also expedient that the full provision of personal and mental inviolability of citizens be used in the criminal law of any other state as a robust legal mechanism in the fight against the illicit trafficking of weapons.

It should be noted that the issues of criminal liability for the illicit trafficking of weapons in the Criminal Code of the Republic of Uzbekistan are almost identical in content and closeness to the French criminal law, which, in our opinion, indicates that they belong to a single family of law.

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