

## Social Need for Determination of Responsibility in a Special Rule for Illegal Occupation of Material Cultural Heritage Objects

*Abduqodirov Farkhodjon Fakhritdin ogli*<sup>1</sup>

In our Republic, which has an ancient and rich culture, we have inherited unique manuscripts, rare art and cultural monuments from our ancestors as examples of our cultural wealth. The need to protect objects of historical, cultural, artistic, scientific or national value in the same way as other property is reflected in the Criminal Code of the Republic of Uzbekistan. For example, while Article 173 of the CC provides for liability for intentional destruction of another's property, Article 132 of the CC provides for separate criminal liability for "destruction, damage or destruction of tangible cultural heritage". However, according to the current criminal code, illegal possession of objects of material cultural heritage is characterized by crimes related to looting.

A.P Servyukov if the property is plundered not by material value, but by historical, scientific, creative or cultural value, the act should be qualified under Article 164 of the Criminal Code of the Russian Federation (robbery of objects of special value) stained. Analysis of the criminal law of some foreign countries showed that the Model CC of the CIS countries (Article 248), the Criminal Code of the Russian Federation (Article 164), the Criminal Code of the Republic of Georgia (Article 183), the Criminal Code of the Republic of Kazakhstan (Article 193). The Criminal Code of the Republic of Armenia (Article 180), the Republic of Azerbaijan (Article 183), the Kingdom of Spain (Article 235), the Criminal Code of the People's Republic of China (Article 328) provides a special norm for illegal possession of this category of objects. Liability is established and the special norm sanction is heavier than the sanction of robbery-related offenses. As part of the research work by T.Kh. Khasanov, a new article "Article 169<sup>1</sup>. Unlawful possession of objects of special value<sup>2</sup>. Protection of cultural heritage sites in the Republic of Uzbekistan is regulated by the Law No. 269-II "On protection and use of cultural heritage sites". Article 3 of the law defines the concept of "objects of tangible cultural heritage" as "ensembles, places of interest and monuments of historical, scientific, artistic or special cultural value". However, the law does not use the term "object of special value". Also, the concept of "objects of special value" is not defined in any normative legal acts. In this regard, in order to ensure the uniform application of the terms of special law and criminal law, it is expedient to use the concept of "objects of tangible cultural heritage" in the name of the article establishing liability for unlawful possession of this category of objects.

In addition, Article 169<sup>1</sup> in the proposal. There was a talk about the inclusion of a new article "Illegal possession of objects of special value" in the section "Crimes related to the looting of other people's property". However, objects of tangible cultural heritage may not be protected in the same way as the property of others because they have historical, scientific, artistic or special cultural value. In accordance with the Law of the Republic of Uzbekistan "On protection and use of cultural heritage sites" No. 269-II, cultural heritage sites are a national treasure of the people of Uzbekistan. This means that the looting of this category of objects harms not only the owner, but the wealth of the whole nation. Therefore, the inclusion of a crime, the subject of which is the objects of tangible cultural heritage, in the chapter "Crimes related to the looting of another's property" does not comply with the structure of the Criminal Code. According to statistics, more than 3,000 rare and unique cultural treasures have been looted in 14 museums across the country. These statistics show that today there is a need to strengthen the criminal protection of cultural heritage sites. In a survey conducted among the judicial authorities, 75% of respondents (468 people) said that the responsibility for the illegal possession of objects of historical, scientific, artistic and cultural value should be established in a separate norm. Based on the above, it is proposed to add a new chapter to the Criminal Code "Crimes against objects of tangible cultural heritage" and include Article 132 of the Criminal Code "Destruction, demolition or damage to objects of tangible cultural heritage" and the following wording:

**"Article 000. Unlawful possession of monuments or documents of historical, scientific, artistic or other cultural value".**

Unlawful possession of monuments or documents of historical, scientific, artistic or other cultural value through theft, fraud, robbery,

➤ is punishable by five to ten years in prison.

That's the move:

- 1) repeatedly or by a dangerous recidivist;
- 2) by a group of individuals;
- 3) by appropriation, misappropriation, or abuse of office;

<sup>1</sup> Doctoral student of the Academy of internal affairs of the Republic of Uzbekistan

<sup>2</sup> Хасанов Т.Х. Ўғрилиқ учун жиноий жавобгарлик ва олдини олиш: Юрид.фан.бўй.фал.док. (PhD) дис. автореферати – Т., 2019. – Б.18.

- 4) using violence that is not dangerous to life or health or threatening to use such violence;
- 5) if committed by extortion,
  - is punishable by imprisonment for a term of ten to fifteen years.

That's the move:

- 1) using violence that is dangerous to life or health or threatening to use such violence;
- 2) if it led to serious consequences,
  - is punishable by imprisonment for a term of fifteen to twenty years.

In the future, the inclusion of this article in the Criminal Code will serve to establish appropriate liability for cases of unlawful possession of objects of material cultural heritage.