

**CRIMES AGAINST PROPERTY: CURRENT PROBLEMS  
AND THE NEED FOR LEGISLATIVE IMPROVEMENT**

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**Abstract:** This article examines issues of criminal liability for the intentional destruction of property or damage to property based on a comparative legal analysis. The study highlights control mechanisms at various stages of the criminal process, as well as the role of investigators, prosecutors, and courts in identifying and eliminating errors. Criminal liability norms for property-related crimes in the Romano-Germanic, Anglo-Saxon, and Muslim legal systems are analyzed using the legislation of France, Germany, the USA, the United Kingdom, and states based on Islamic law as examples. In particular, ordinary and aggravated forms of property damage, crimes committed by organized groups, the institution of a victim's complaint, and types of punishment are examined. The article reveals similarities and differences between Muslim law and Article 173 of the Criminal Code of the Republic of Uzbekistan. Based on the research findings, scientific and practical proposals are put forward to improve the criminal legislation of Uzbekistan, taking into account foreign legal experience.

**Keywords:** damage to property, intentional destruction of property, criminal liability, criminal procedure, comparative law, Romano-Germanic legal system, Anglo-Saxon legal system, Muslim law (Sharia), organized group, aggravating circumstances, victim's complaint, social danger, Criminal Code of the Republic of Uzbekistan.

At each stage of the criminal process, there are control mechanisms and functions in relation to the previous stage. In particular, the investigator at the pre-investigation stage, the prosecutor at the preliminary investigation stage, and the court at the pre-trial stage must identify and eliminate errors committed earlier.

The Romano-Germanic legal system is considered closer to the structure of the legislation of the Republic of Uzbekistan. In this system, countries such as France and Germany play an important role. In the Anglo-Saxon legal system, the legislation of the United States and England is highlighted. The Muslim legal system includes laws applied in Islamic states. In the French Criminal Code, a special section is devoted to crimes against property, and in its second chapter crimes involving the intentional destruction of property or damage to property are set out. Article 322-1 of the Code

consists of two parts. According to the first part, damage to property is punishable by two years of imprisonment and a fine of 30,000 euros. If a person causes damage to unauthorized buildings, vehicles, public roads, street furniture, or public property, a fine of 3,750 euros is imposed. This legislation also provides for aggravated forms of punishment, taking into account the nature of the damage and its social danger. In aggravated cases of property damage, especially when crimes are committed by several persons or an organized group, penalties are further increased. Types of property crimes and liability measures are differentiated.

**Damage to property:** According to Article 322-1, damage to property is punishable by two years of imprisonment or a fine. If the crime is not socially dangerous, penalties may be mitigated.

**Forest fires and other fires:** Under Article 322-5, penalties are imposed if property damage occurs as a result of forest fires or other fires. If the offense is committed by several persons or an organized group, penalties are aggravated.

**Threats and violence:** According to Article 322-6, crimes committed using threats or violence entail severe penalties. If the crime is committed by several persons or by public officials, punishment is aggravated. This offense is considered highly socially dangerous and is punishable by up to fifteen years of imprisonment and a fine of up to 150,000 euros.

**Attempt:** Under Article 322-4, an attempt to commit the above-mentioned crimes is punishable by the same penalties.

**Social danger of property damage:** In France, crimes involving damage to property not only cause harm to property but also negatively affect public order and security. Therefore, strict penalties are established to protect property and prevent crime. To prevent property crimes, the state and public organizations carry out various activities, educational programs, and public awareness campaigns.

**Educational and awareness measures:** In France, educational and awareness-raising measures are also envisaged to prevent crime and protect property. These measures increase legal awareness among the population and encourage active participation in combating crime. The establishment of criminal liability and strict sanctions for the intentional destruction of property or damage to property in French legislation is aimed at strengthening social relations. This experience can serve as a key source for improving the legislation of the Republic of Uzbekistan.

In the Criminal Code of the Federal Republic of Germany, provisions on damage to property are set out in Article 303. According to this article, damaging or destroying another person's property is punishable by imprisonment or a fine. Under Article 303c of the German Criminal Code, a victim's complaint is required, and official intervention by prosecution authorities is not mandatory. German criminal legislation also provides for aggravated circumstances of property damage, taking into account

the severity of the crime and the amount of damage. In addition, the distinction between intentional and negligent crimes is clearly defined.

Norms establishing liability for damage to property:

First, unlawful damage to or destruction of another person's property is punishable by imprisonment or a fine, taking into account the social danger of the offense (Article 303).

Second, a victim's complaint is required; if the victim does not file a complaint, official intervention by prosecution authorities is not mandatory, except in cases involving public interest (Article 303c).

Third, penalties are also established for damage to public property. Persons who cause damage to state property or the property of public organizations are also punishable by imprisonment or a fine (Article 304).

Aggravated circumstances of property crimes:

First, if the crime is committed by an organized group, penalties are aggravated, and both the term of imprisonment and the amount of the fine may be increased.

Second, penalties differ depending on whether the property crime was committed intentionally or negligently; intentional crimes are punished more severely.

Third, if property is completely destroyed as a result of the crime, the level of social danger is considered high, and penalties are aggravated.

The Criminal Code of the Federal Republic of Germany clearly defines liability for the intentional destruction of property or damage to property and provides for aggravated circumstances of criminal liability. This legislation is aimed at preventing property crimes and protecting public interests.

In U.S. legislation, both state and federal laws regulate the intentional destruction of property or damage to property. In the criminal codes of states such as California, New York, and Texas, intentional destruction of property or damage to property is punishable by imprisonment and fines. In these states, property crimes are considered highly socially dangerous, and strict penalties are imposed. Under federal law, individuals who damage federal property may be punished by up to ten years of imprisonment or a fine of up to 250,000 dollars. This law plays an important role in protecting federal property and preventing crime. When developing norms that determine penalties for property crimes, it is necessary to take social danger factors into account and include significant thresholds to ensure proper assessment of such crimes.

As in U.S. legislation, Uzbekistan should also impose strict penalties for property crimes committed by organized groups. This would strengthen the fight against organized crime.

In the United Kingdom, damage to property is punishable by imprisonment and fines. For example, a person who damages property may be sentenced to

imprisonment, with the term depending on the severity of the crime. Fines for property damage depend on the seriousness of the offense and the amount of damage. If the crime is committed by an organized group or poses a high level of social danger, penalties are aggravated.

As in UK legislation, Uzbekistan should also link criminal prosecution for property crimes to the victim's complaint. This would ensure the application of fair punishment to offenders.

When developing norms that establish penalties for property crimes, it is necessary to take social danger factors into account. This helps prevent property crimes and ensure public safety. Crimes involving the intentional destruction of property or damage to property pose a serious threat to social and economic stability. Preventing such crimes and establishing criminal liability for them is an important task of every state.

Let us examine liability for the crime of intentional destruction of property or damage to property in Muslim legal families and in the criminal legislation of the Republic of Uzbekistan. Muslim legal families include countries such as Egypt, Pakistan, Sudan, South Sudan, Lebanon, Syria, Iraq, and Afghanistan, where penalties are applied based on Sharia law.

Muslim law (Sharia) is primarily based on the Qur'an and Sunnah. Property crimes, including intentional destruction of property or damage to property, are punished with severe penalties in Islamic law. According to Sharia principles, the protection of property rights and punishment of offenders are of great importance.

**Khiyana (Zina):** Khiyana, or intentional damage, is considered one of the serious crimes in Islamic law. Severe penalties are prescribed for this offense, and the offender may be required to provide full compensation or face punishment.

**Diya and Qisas:** Compensation for damage (Diya) or retribution (Qisas) are among the fundamental principles of Islamic law. If a person causes damage to another's property, they must compensate for the damage.

**Hudud punishments:** Hudud punishments are special penalties prescribed in Islamic law for property crimes, as stipulated in the Qur'an and Sunnah. These punishments are very severe and strictly regulated by law.

According to Article 173 of the Criminal Code of the Republic of Uzbekistan, criminal liability is established for the intentional destruction of property or damage to property. Under this article, damaging or destroying another person's property is punishable by imprisonment or a fine. Depending on the social danger of the crime and the amount of damage, penalties are aggravated.

**Criminal liability:** In both legal systems, criminal liability is established for the intentional destruction of property or damage to property. Penalties include imprisonment or compensation.

Protection of property rights: Both Muslim law and the legislation of Uzbekistan attach great importance to the protection of property rights. In both systems, strict measures are applied to property crimes.

As for differences, in Muslim law criminal liability is based primarily on religious norms and provides for severe punishments, whereas in Uzbek legislation criminal liability is established based on laws and codes.

Penalties: In Muslim law, compensation (Diya) or retribution (Qisas) is often applied for property crimes, whereas Uzbek legislation provides for imprisonment and fines.

The comparative analysis of Muslim law and the legislation of Uzbekistan shows that both legal systems establish strict penalties for the intentional destruction of property or damage to property. Similarities and differences between the two systems play an important role in preventing and punishing property crimes. Taking foreign experience into account and improving the legislation of Uzbekistan, as well as introducing effective protection measures, will contribute to strengthening social relations in the country.

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