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**THE CRIME OF RESISTING A REPRESENTATIVE OF AUTHORITY OR A PERSON  
FULFILLING THEIR CIVIC DUTY DIFFERS FROM THE CRIME OF INTENTIONALLY KILLING  
THAT PERSON OR THEIR CLOSE RELATIVES DUE TO THE PERFORMANCE OF THEIR  
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**ABOUT ARTICLE**

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**Key words:** Criminal code, representative of authority, person fulfilling civic duty, intentional killing, relative, criminal act, qualification.**Received:** 07.09.2024**Accepted:** 12.09.2024**Published:** 17.09.2024**Abstract:** This article provides a detailed examination of the social significance and qualification issues related to the crime of intentionally killing a person or their close relatives due to the performance of their official or civic duty.

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**INTRODUCTION**

Alongside the crime of resisting a representative of authority or a person fulfilling their civic duty, the Criminal Code establishes criminal liability for the intentional killing of a person or their close relatives due to the performance of their official or civic duties.

The article 97 of the Criminal Code of the Republic of Uzbekistan addresses intentional homicide. When we analyze the crime of homicide, it falls into the category of serious crimes due to its social danger and consequences. According to part 2, clause "g" of article 97, criminal liability is established for the intentional killing of a person or their close relatives in connection with the performance of their official or civic duties.

It is known that the object of the crime of intentional homicide is the life of another person. While the main object of the crime outlined in part 2, clause "g" of article 97 is the life of another individual, it is also appropriate to consider the normal functioning of state authority bodies as an additional object.

"Well, in what circumstances does the crime of intentional murder become an aggravating circumstance, specifically in relation to a person committing this act due to fulfilling their official or civic duty? In this case, the significant factors are related to the individual performing their official duties or civic responsibilities. Furthermore, the motive and purpose of the crime are also of considerable importance.

In the decision No. 13 of the Plenary Session of the Supreme Court of the Republic of Uzbekistan dated September 24, 2004, titled 'On Judicial Practice Regarding Intentional Murder Cases,' certain issues related to this type of crime are reflected."

"First, what do we understand by the performance of official duties, and who are the individuals related to those fulfilling these duties? According to the aforementioned decision of the Supreme Court, the performance of official duties refers to the actions of a person that fall within the scope of their service (labor) responsibilities. If we pay attention to this definition, we can see that the duty is manifested specifically in the execution of tasks.

We can also find a logical confirmation of our above statement in Professor M. Rustambayev's definition, which states that the performance of official duties encompasses the activities of any individual working in any institution, enterprise, or organization who is fulfilling obligations assigned to them in relation to their service or other work."

According to researcher V. Zobov, the performance of official duties refers to the fulfillment of obligations arising from labor contracts established with organizations and institutions, regardless of the form of government—state, municipal, private, or any other duly registered management structure. It is noted that the researcher emphasizes that any employee of a legally operating organization can be a victim of this crime, and it has been scientifically stated by the researcher that it is referred to as an official duty rather than merely a service obligation.

Taking the above into account, it is worth noting that the victim of the crime specified in paragraph "g" of part 2 of Article 97 of the Criminal Code is considered to be an individual who has performed an official duty or a civic obligation.

The Supreme Court Plenary resolution states: "When we talk about the fulfillment of civic duties, it refers to the execution of obligations specifically imposed by law on a citizen, as well as the performance of other socially beneficial actions (such as preventing an offense, reporting to authorities about a

committed or planned crime, or providing testimony that reveals a person's criminal activity as a witness or victim, etc.)."

Another important issue is the matter of who is considered a close relative of the victim of a crime according to legislation.

According to the Supreme Court Plenary's decision No. 13 dated September 24, 2004, regarding "Judicial Practice in Cases of Intentional Homicide," it is explained that "close relatives refer to individuals related by blood or marriage, namely parents, biological and step-siblings, spouses, children, including adopted children, grandparents, grandchildren, as well as the parents of spouses, biological and step-siblings."

This definition is also reflected in the legal terminology provided in the eighth section of the Criminal Code.

The motive for the crime of intentional murder of a person or their close relative in connection with the performance of their official or civic duty may be revenge or pressure on the victim of the crime, and the purpose of the crime may be to obstruct justice (for example, to stop or terminate investigative actions). In this case, the person who committed the crime may intentionally kill not only a close relative of the victim, but also a person who is generally related to him, in order to achieve this goal, i.e., the person realizes the motive and purpose behind the crime.

It should be noted that if the murder of a person or their close relative is committed in connection with the performance of their official or civic duty, specifically after the person's lawful actions, then this is a case of a crime committed out of revenge.

The situation that needs attention is the case of murder with the intent to take revenge, as well as murder with the intent to take revenge for performing a service or civic duty. In the case that is the subject of the study, it is essential that the murder was committed due to the person's performance of their official duties or civic duty.

It is clear that the question arises as to how the crime of intentional murder is qualified if it is committed in connection with resisting a law enforcement officer. In particular, according to the resolution of the Supreme Court of the Republic of Uzbekistan dated September 24, 2004, No. 13, intentional murder of a law enforcement officer performing his official duties or a person performing his civic duty in connection with resisting him shall be qualified as a crime under the relevant part of

Article 219 and paragraph "g" of the second part of Article 97 of the Criminal Code. This opinion is also emphasized by Professor M. Rustambaev in his scientific view.

Another important issue in the study is the attempted crime. The issue of a person's mistake regarding the object during the commission of a crime is also crucial. In this case, it is important to clearly define the purpose and motive of the socially dangerous act to properly qualify the act.

If in this case, the person intentionally killed the victim, and this was specifically related to the victim's performance of their official duties or civic duty, and the person made a mistake regarding the victim's identity with the intent to restrict, stop or prevent such actions, as well as to take revenge, the act is qualified according to the relevant part of Article 25 of the Criminal Code in conjunction with paragraph "g" of part 2 of Article 97 of the Criminal Code.

## **CONCLUSION**

In conclusion, it can be seen that the importance of the purpose and motive for which the person killed the victim is crucial in this crime, namely, the intentional killing provided for in paragraph "g" of part 2 of Article 97 of the Criminal Code must be related to the performance of official duties or civic duty.

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