


# Subject Matter of a Crime as a Sign of the Composition of the Crime

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	<p><b>Abstract</b></p> <p>The article examines the category of “subject matter of crime” as one of the key elements of the composition of crime in criminal law. The relevance of the topic is due to the development of information technology, the emergence of digital assets and new forms of ownership, which requires the adaptation of criminal law norms. Based on the analysis of doctrinal approaches, the concept and features of the object of the crime, its relationship and differentiation with the object of encroachment, as well as the difference from the instruments and means of committing a crime are considered. Special attention is paid to the classifications of objects: by physical nature (material and intellectual values), by legal regime (withdrawn from circulation or limited in it) and by cost characteristics as a qualifying feature. The significance of the subject of the crime for the qualification of the act, the delimitation of related structures and the determination of the direction of the encroachment on the example of the norms of the Criminal Code of the Republic of Uzbekistan is revealed.</p>
<p><b>Keywords:</b> The subject matter of the crime, the classification of the subject matter of the crime, the composition of the crime.</p>	

## Introduction

In the science of criminal law, four elements of a crime are traditionally distinguished: the object, the objective side, the subject and the subjective side. Each of these elements includes a number of features that together form a legal structure that makes it possible to classify an act as criminal. Within the framework of the doctrine of the object of crime, the key place is occupied by the category of “subject matter of crime”, which has been causing discussions among legal scholars for a long time. The issue of the concept and meaning of the subject matter of a crime is becoming particularly relevant in the light of the development of information technology, the emergence of new forms of ownership and digital assets, which sets the task for legislators and law enforcement officers to adapt existing criminal law norms to the realities of modern society. [1].

**The concept and signs of the subject matter of a crime.** In the modern theory of criminal law, the subject matter of a crime is understood as tangible and intangible objects of the surrounding reality, which are indicated in the criminal law in connection with or in connection with the

commission of a crime. Traditionally, the objects of a crime are things of the material world or intellectual values, affecting which the criminal violates social relations protected by criminal law.

V.N. Kudryavtsev considers the subject matter of a crime as a thing or process that serves as a condition (prerequisite) for the existence or form of expression or consolidation of a particular social relationship and is directly influenced by the perpetrator [2].

G. A. Krieger considers “the subject matter of a crime to be that which is directly affected by the criminal when the latter encroaches on certain social relations” [3].

In this case, the subject matter of the crime should be distinguished from the instruments and means of committing a crime: if the subject matter is the target of a criminal offense, then the instruments and means serve as a tool to achieve this goal. [4]. For example, when a car is stolen, it is the subject matter of a crime, and the lock pick used to steal it is the instrument of the crime.

**The relationship between the subject matter and the object of the crime.** One of the most difficult theoretical issues is the distinction between the subject matter and the object of the crime. The object of a crime is public relations protected by criminal law, which harms or creates a real threat of its infliction. [5]. Unlike an object, which is an abstract category, the subject matter of a crime is always material (or expressed in information) and acts as a carrier of those social relations that the criminal encroaches on. [6]. The subject matter of the crime is an independent optional feature of the composition of the crime, since it is not indicated in all compositions, but only in some [7]. For example, when accepting a bribe (Article 210 of the Criminal Code of the Republic of Uzbekistan), a bribe is the subject matter of a crime.

**Classification of subject matters of a crime.** The variety of subject matters of crime, fixed in the norms of the Special part of the Criminal Code of the Republic of Uzbekistan, necessitates their systematization. One of the key criteria for dividing the subject matters of crime is their physical nature and connection with the material world. On this basis, material and intellectual objects are traditionally distinguished, and the latter are becoming increasingly important in the modern digital society. Tangible subject matters include physical objects that can be felt, measured, or otherwise perceived by the senses, such as property, weapons, and narcotic drugs. Intellectual objects exist in the information field and represent information, data, and information, which requires special ways to protect them in criminal law. [8].

Thus, the classification of subject matters of crime by their physical nature makes it possible to identify material and intellectual objects, each of which has its own criminal law specifics. While material objects have a physical form and traditionally act as objects of criminal encroachment, intellectual objects are associated with information, data and digital resources, the importance of which is constantly increasing in the context of the development of modern technologies. This indicates the need for further improvement of criminal law mechanisms for the protection of both material and information values.

The second criterion of classification is the specificity of the legal regime of the subject matter. The legislator identifies items that have been withdrawn from free circulation or restricted in circulation, which increases their public danger and entails stricter criminal liability. This category includes, for example, weapons, ammunition, radioactive materials, highly potent and toxic substances. Special consideration should be given to the classification of subject matters according

to their cost characteristics, which often acts as a qualifying feature of many crimes against property. [9].

The classification of subject matters of crime according to the specifics of their legal regime and cost characteristics is of great practical importance for criminal law. Items withdrawn from free circulation or restricted in it have an increased public danger, which leads to the establishment of stricter criminal liability for illegal actions with them. Special consideration should be given to the classification of subject matters according to their cost characteristics, which often acts as a qualifying feature of many crimes against property. In other words, the cost characteristic of the subject matter of the crime has significant criminal significance, since in many cases it is the size of the value of the object that acts as a qualifying feature of crimes against property. This allows the legislator to distinguish the degree of public danger of an act and differentiate criminal liability depending on the property damage caused.

**The importance of the subject matter of the crime for qualification.** The subject matter of the crime plays an important role in the process of qualifying the deed, performing several functions. Firstly, the subject of the crime allows you to determine the object of the encroachment. For example, the subject matter of theft is someone else's property (Article 169 of the Criminal Code of the Republic of Uzbekistan), and the subject matter of kidnapping is the person himself (Article 137 of the Criminal Code of the Republic of Uzbekistan). Assigning an item to a certain category (drugs, weapons, cultural assets) directly affects the qualification of the act. Secondly, the signs of the subject matter of the crime help to distinguish between similar types of crimes. For example, the subject matter of the crime makes it possible to distinguish between theft and illegal arms trafficking: if the subject matter of the encroachment is ordinary property, the act is classified as a crime against property, and if the subject matter is weapons, ammunition or explosives, responsibility comes under special articles providing for more severe penalties. Similarly, the subject matter of the crime helps to distinguish the theft of narcotic drugs from the usual theft of property, since the special properties of the subject matter determine the increased public danger of the act.

Thirdly, in some cases, the subject matter of the crime acts as a qualifying feature that determines the direction of the criminal act and its social danger.

**The legal nature and place in the system of attributes.** The issue of the place of the subject matter of the crime in the system of signs of the composition remains debatable. Some scientists consider the subject matter of the crime to be optional features of the object of the crime, while the other part refers to the features of the objective side. However, most modern researchers agree that the subject matter of a crime should be considered as an independent element of the composition, since it has specific features that cannot be reduced to other elements. [10]. Despite various scientific approaches, from including it in the object of a crime or the objective side, the prevailing position in modern criminal law doctrine is to recognize the subject matter of a crime as an independent criminal category, due to its specific role in characterizing the act and its qualification.

Thus, the subject matter of a crime is a multifaceted criminal law category that plays a key role in determining the direction of criminal encroachment, delineating related elements and assigning

punishment. The development of digital technologies and the emergence of new forms of ownership require further improvement of legislative techniques and the development of uniform approaches to the qualification of crimes based on the subject. In modern conditions, the subject matter of a crime should be considered tangible or intangible goods (values), about which social relations arise and, acting on which, the perpetrator commits a criminal offense.

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