

3) if the person continues to be inactive, the situation will develop to the point of danger.

Non-interference occurs in a dangerous situation that arises regardless of the person's guilty behavior, and in this case, the person is not obliged to prevent the dangerous situation that has arisen" [1].

Yu.A. Vlasov, "putting at risk is a behavior not related to intentional harm to human health, and has a two-fold criminal-legal content: a) the reason for the creation of a dangerous situation for the victim and b) the emergence of the obligation to provide assistance to the person is a condition" [2], he writes.

"The peculiarity of the objective aspect of endangerment is that the subject has a period of time when he can provide assistance to the victim and has such an opportunity, but he does not use this time"[3].

As S.I. Molchanova noted, this crime "objectively, the crime is expressed in inaction, in which responsibility arises when two conditions are present:

- 1) he was forced to act;
- 2) in this situation, the person will have the opportunity to act.

The duty of the offender to act to save the life or health of the victim is explained by two situations:

1) the perpetrator must take care of the victim. Such obligation exists prior to the occurrence of the risk and arises from law, regulation, employment or contract;

2) the accused puts the victim in a dangerous situation for his life or health. The responsibility to act causing such an obligation may arise as a result of both illegal and non-illegal actions of the accused" [4].

The objective side of this crime is manifested in two forms of behavior:

- a) leaving the victim;
- b) Failure to provide urgent and necessary assistance.

It should be noted that inaction by itself does not directly harm the victim, but serves as a condition for negative impact by third forces.

Another important issue related to the crime of endangerment is whether or not the criminal offense arises if the actions of the person who caused the dangerous situation were legal (for example, in a traffic accident, a driver innocently endangers the life or health of a passenger).

Different opinions are expressed in the literature on this issue. For example, V. V. Lalats writes that "it does not matter whether a person's actions are guilty or innocent" [5].

The concept of risk is important to the crime of endangerment. In the explanatory dictionary of the Uzbek language, the concept of risk is defined as "(Arabic fear, fear, panic, fright, panic) - the possibility of a dangerous event or disaster, danger; worry, fear; defined as anxiety, worry"[6].

In other sources, "risk is a state of objective reality that exists in a specific space, in a specific period of time, and it is characterized by the existence of conditions or processes

that can cause damage to people, property or the environment, or cause such damage and development" [7].

Another group of scientists says, "Under certain conditions, an event, event, processes, objects, etc., which directly or indirectly has a harmful effect on human life and health, is said to be a risk" [8].

In the medical literature, "risk is a risk to human health, causing bad consequences - biological, genetic, environmental, medical-social factors, factors related to the external environment, production conditions, and lifestyle.

The concept of risk means the probability of change in health (health indicators) under the influence of a certain risk factor" [9].

In economic sources, risk is defined as "the probability or condition of loss, resulting from the adoption and implementation of certain decisions, the possibility of violation of the law and the combination of its negative consequences" [10].

In general, danger in criminal law can be understood as a real threat to a person's life, health, liberty, property and other interests protected by criminal law

RESULTS AND DISCUSSION

According to Article 117 of the Civil Code, which we are studying, putting at risk means "failure to provide assistance to a person who is in a dangerous situation for life or health and is unable to take measures for self-defense by a person who is obliged to take care of him".

Risk is divided into two according to its nature and level:

- 1) leaving life and health in a dangerous condition;
- 2) to leave in a dangerous state for health.

In the first case, a set of internal and external factors endangers human life, and in the second case, human health remains at risk of damage.

"The nature of danger directly affects the ability of others to intervene in this situation. Depending on the level of this possibility, this situation can be divided into three:

- 1) failure to provide such assistance by persons who have the opportunity to provide assistance to the victim;
- 2) not to provide assistance to persons whose freedom of action is limited due to subjective and objective reasons;
- 3) placing the victim in danger, as providing assistance to the victim is associated with a certain level of risk.

Depending on the time of occurrence of the danger, it can be divided into putting the victim under a direct threat and leaving it in a state of possibility of danger" [11].

"Failure to provide assistance" to a victim in danger implies failure to take active actions that could affect the change of the dangerous situation for the victim in a positive way"[7].

According to L.M. Nazmutdinova, "putting at risk is an act of inaction (failure to interfere, resist, eliminate) provided for by the criminal law and protected by the criminal law, endangering one's life or health for one or another objective reason. a socially dangerous act expressed in the denial or evasion of the fulfillment of moral and legal obligations to protect the vital interests of a person who is deprived of the opportunity to take measures to save himself in the current situation, provided that he has such an opportunity and is obliged to provide appropriate assistance" [12].

In accordance with Article 117 of the Criminal Code, the criminal law instruction on endangering is used for the following cases:

a) if the victim's life or health is in danger;

b) if the victim is deprived of the opportunity to defend himself (if he cannot get out of the dangerous situation on his own, if external help is a necessary condition for eliminating the danger);

c) if the culprit is obliged to help a person in such a situation (has such obligations arising from kinship, family ties, law, contract or others);

g) if the culprit himself put the victim in a dangerous situation; d) if the perpetrator has the opportunity to help the victim.

"Based on the nature and content of the obligation to provide assistance to the victim, four types of endangerment are distinguished:

a) failure to provide assistance to the victim by a person who should provide care based on kinship and family-marital relations;

b) failure to provide assistance to the victim by a person who is supposed to take care of the victim based on his position;

c) failure to provide assistance to the victim by a person who should provide care based on work obligations;

g) failure to provide assistance to the victim by the person who should provide care in accordance with the contract" [11].

The obligation to take care of another person and to act in order to prevent harm that threatens him does not seriously harm his personal interests, that is, does not contradict his natural and inalienable rights and freedoms, does not significantly limit them, in other words, the degree of limitation of human rights and freedoms is the duty of care should be proportional.

Criminal liability for endangerment arises only if the accused has the ability to render assistance. The conclusion that the person really had such an opportunity or not is made on the basis of a comprehensive study of all cases.

In particular, the subject's ability to provide assistance is evaluated according to objective and subjective criteria. An objective criterion represents the nature of the environment and the availability of adequate means of assistance. The subjective criterion determines the individual qualities of a person and expresses his awareness of the possibility of action to provide assistance.

Therefore, endangerment can be objectively committed in two forms of inaction.

The first is pure inaction, that is, a person does not provide assistance to a victim whose life or health is in a dangerous situation, regardless of his actions.

The second is dangerous (mixed) inactivity, according to which, if the victim is in a dangerous situation for his life or health as a result of his actions, the culprit does not help him.

It should be noted that, in some cases, the fact that the guilty person did not leave the scene of the accident, but did not provide assistance to the victim, was the basis for prosecution under Article 117 of the Criminal Code.

In particular, as a result of the bus driver opening the door of the bus without informing the passengers, the hand of the passenger who was near the front door of the bus was squeezed and he was moderately seriously injured. In this criminal case, the bus driver did not leave his seat, dropped the victim at the appropriate stop, but his actions were qualified by articles 117 and 266 of the Criminal Code [13].

An additional sign of the objective side of the crime - the circumstances of the crime - is provided as a mandatory sign of endangerment. The condition of committing a crime in endangerment is a condition for the emergence of a dangerous situation characterized by external factors.

The fact that the victim's life or health is in a dangerous condition creates an obligation on the subject of the crime to take necessary, immediate actions to help him.

Endangerment is deemed to have ended when one of the following occurs:

- the origin of the consequence in the form of death or damage to the health of the victim;
- providing assistance to the victim by third parties who did not expect the subject of the crime to provide assistance;
- termination of the influence of dangerous factors due to the occurrence of favorable natural conditions.

In the Criminal Code, this crime is defined as having a material content, according to which, the crime is considered completed from the moment of occurrence of the relevant consequences (moderate or serious injury to the body, death of person(s), other serious consequences).

When analyzing 30 criminal cases related to endangerment, in 37% of them, the victim was moderately severely injured, in 30% of them, severely, in 16.5% of them, lightly injured, and in 16.5% of them, the victim ended in death.

At this point, it should be noted that "in contrast to the JK of the Republic of Uzbekistan, in some foreign countries, this crime is considered a formal crime. In particular, in the RF, Kazakhstan, and the Kyrgyz Republic, criminal liability for endangerment arises regardless of the resulting agreement" [14].

CONCLUSION

At this point, the level of the consequence arising from Article 117 of the Criminal Code is not clearly defined. That is, causing a minor physical injury to a person's health can officially cause this crime.

In this regard, the literature notes that "threat to life or health is determined as a rule by the existence of a threat to the life or health of the victim" [15], "where possible damage to health should be in the form of severe or moderately severe injury" [16].

REFERENCES

- [1]. V. V. Babanina, Ugolovnaya Otvetstvennost Za Stavlenie v Odnosti [Criminal Liability for Leaving in Danger], Autoref. diss. ... cand. law science, Kyiv, 2010, pp. 11, 14.
- [2]. P. S. Berzin, Prestupnye Consequences and Mechanism of Criminal-Law Regulation, Autoref. diss. ... doc. law science, Kyiv, 2010, p. 12.
- [3]. A. Yu. Kosheleva, Osobnosti Prichinnoy Svyazi v Sostavakh Prestupleniy, Sovershaemykh Putem Bezdestviya [Features of Causal Relationship in the Composition of Crimes Committed by Inaction], Autoref. diss. ... cand. law science, Yekaterinburg, 2005, p. 7.
- [4]. Yu. A. Vlasov, Ugolovnaya Otvetstvennost Za Stavlenie v Odnosti [Criminal Liability for Leaving in Danger], Autoref. diss. ... cand. law science, Omsk, 2004, pp. 5-6.
- [5]. Yu. A. Vlasov, "The Qualification of Acts Related to Leaving in Danger (Art. 125 of the Criminal Code of the Russian Federation)," *Zakonodatelstvo i Praktika*, no. 2, pp. 19-20, 2003.
- [6]. S. I. Molchanova, Prestupnoe Bezdestvie, Posyagayushchee na Lichnyuyu Bezopasnost [Criminal Inaction Infringing on Personal Security], Autoref. diss. ... cand. law science, Tambov: Tamb. Mr. un-t im. G.R. Derzhavina, 2009, p. 21.
- [7]. V. V. Lalats, "Nekotorye Aspekty Subjective Side of Deyaniya, Predusmotrennogo St. 125 UK RF," *Vestnik YuUrGU*, no. 29, pp. 108-109, 2012.
- [8]. A. Madvaliev, Ed., *An Explanatory Dictionary of the Uzbek Language*. Tashkent, Uzbekistan: Unknown Publisher, p. 372.
- [9]. O. V. Mikitchik, "Sub'ektivnaya Storona Ostavleniya v Odnosti," *Advokat*, no. 5, pp. 26-34, 2009.
- [10]. S. M. Gazinazarova et al., *Life Safety of Activity: Study Guide*. Tashkent, Uzbekistan, 2012, p. 24.
- [11]. B. Mamatkulov and G. S. Avezova, *Understanding of Risk, Risk Factors. Methods of Calculating Risk Factors: Instructional Manual*. Tashkent, Uzbekistan: SSV TTRM, 2018, p. 6.
- [12]. U. Pirmukhamedova, "Issues of Improving the Legal Basis of the Risk Management System," in *15th ICARHSE International Conference on Advance Research in Humanities, Applied Sciences and Education*, New York, USA, June 28, 2023, p. 78.
- [13]. I. V. Soloveva, *Statisticheskie Metody Otsenki Sisteme Upravleniya Tamojennymi Riskami: Na Primere Yuzhnogo Tamojennogo Upravleniya*, Diss. ... cand. economy science, Moscow, Russia: RGEU (RINX), 2008, p. 86.

- [14]. Ya. A. Myts, "Ponyatie Ostavleniya v Odnosti," Federation, no. 9(11), pp. 41-42, 2005.
- [15]. L. M. Nazmutdinova, "Object i Ob'ektivnaya Storona Ostavleniya v Odnosti po Ugolovnomu Pravu Rossii," Kazanskaya Nauka, no. 8, pp. 108-110, 2014.
- [16]. Criminal case No. 1-1009-2305/540, considered on September 5, 2023, Yashnabad District Court for Criminal Cases, Tashkent City, Uzbekistan.
- [17]. S. R. Davletmuratov, "Comparative Analysis of Endangerment According to the Criminal Law of Some Foreign Countries," Bulletin of Legal Sciences, no. 1, pp. 94-95, 2019.
- [18]. S. A. Bochkarev, "O Prirode Obshchestvennoy Odnosti Prestupleniya," Business v Zakone. Economic and Legal Journal, no. 5, pp. 155-159, 2009.
- [19]. I. A. Chuchaeva, Ed., Kommentariy k Ugolovnomu Kodexu Rossiyskoy Federatsii (Postateyny), Moscow, Russia, 2012, p. 177.
- [20]. V. M. Lebedeva, Ed., Osobennaya Chast Ugolovnogo Kodeksa Rossiyskoy Federatsii. Commentary. Judicial Practice. Statistics, Moscow, Russia, 2009, p. 90.