



Concept, Objective And Subjective Features Of Extortion

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Abstract: The article is devoted to the comprehensive analysis of extortion as a criminal offense, examining both its objective and subjective elements. The study explores the relationship between the act of extortion and material, personal, and psychological harm to the victim. Comparative legal analysis with foreign jurisdictions, including Russia, Germany, and France, highlights the similarities and unique features of Uzbek legislation. The research demonstrates that extortion involves both coercion and the threat of harm, and requires careful differentiation from related crimes such as robbery, fraud, and blackmail. The findings are significant for both academic research and practical application in law enforcement and judicial practice.

Keywords: extortion; criminal law; objective side; subjective side; threat; property crime; Uzbek Criminal Code

Extortion is considered one of the most dangerous crimes against property, as it involves not only material harm but also encroachment on the personal freedom, safety, honor, and dignity of the victim. In the Criminal Code of the Republic of Uzbekistan, this crime is regulated by Article 165, which defines extortion as *"the demand for the transfer of property, property rights, or the performance of other property-related actions under the threat of violence, destruction of property, or dissemination of information that may cause significant harm to the rights or lawful interests of the victim"* [1].

This formulation reflects the classical post-Soviet criminal law doctrine, where extortion is understood as the forced seizure of property, not through direct theft or robbery, but through psychological coercion of the victim. As Rustambayev M.Kh. notes, *"extortion has a complex structure, where material harm is only*



part of the overall criminal impact, while the key element is the threatening pressure on the victim's will" [2].

A comparative analysis of Article 165 of the Uzbek Criminal Code with similar provisions in foreign countries shows that the national model largely corresponds to the approaches of Continental European countries and the CIS, but has some specific features. In Russian criminal law (Art. 163 of the RF Criminal Code), the focus is on the demand for property transfer or other property-related acts under the threat of violence or dissemination of information discrediting the victim, which is almost identical to the Uzbek norm [3]. Russian doctrine also pays special attention to qualifying circumstances, such as commission by a group, use of violence dangerous to life or health, or in cases of especially large amounts.

In German criminal law, extortion is regulated by §253 StGB ("Erpressung"), where it is defined as "*coercion to a property-related action through the threat of significant harm or use of violence*" [4]. Unlike Uzbek and Russian approaches, German legislation differentiates the types of harm that may justify threats, not limiting them solely to property damage.

In French criminal law, extortion ("chantage," "extorsion") is regulated under Art. 312-1 of the Code pénal, emphasizing that the crime consists of "*obtaining property, money, or obligations through violence, threats, or coercion*" [5]. A feature of the French model is the clear distinction between blackmail and violent coercion.

Thus, the analysis of foreign approaches shows that Uzbek legislation follows the general theoretical model but has its own specific features:

1. A broad understanding of threat, including the threat to disseminate any information capable of causing harm;
 2. An emphasis on causing "*significant harm,*" requiring assessment of the degree of danger of the act;
 3. Differentiated sanctions considering the level of social danger of the crime.
- Several authors note that the Uzbek construction of extortion is flexible but may create difficulties in qualification, especially when demands for property transfer are combined with deception or physical violence [6].



Objective Side of Extortion. The objective side includes the set of external features of criminal behavior: actions, threats, violence, the object of the crime, and consequences.

The main act is the demand for the transfer of property or the performance of property-related actions. Lopashenko N.A. notes that the demand represents “*an active volitional influence on the victim, expressed in the form of direct coercion*” [7]. Such demands may be expressed orally, in writing, through intermediaries, or via electronic communication (telephone, messengers).

Judicial practice in Uzbekistan confirms that the crime is considered completed at the moment the demand is made, not upon receipt of property. The Plenum of the Supreme Court of Uzbekistan states that “*extortion is considered a completed crime from the moment the unlawful demand is made, regardless of the actual receipt of material benefits*” [8].

The threat represents a psychological impact on the victim aimed at suppressing their will and inducing property-related actions. Article 165 of the Criminal Code of Uzbekistan identifies the following types of threats:

- Threat of violence, including bodily harm;
- Threat of destruction or damage to property;
- Threat of dissemination of information capable of:
- disgracing the victim,
- harming their rights and lawful interests,
- damaging business reputation.

Korobeyev A.I. emphasizes that a threat should be interpreted as “*real, objectively possible harm, which the victim perceives seriously*” [9]. The Plenum of the Supreme Court of Uzbekistan notes that the threat must be specific, real, and causally linked to the demand for property transfer [10].

Although the main mechanism is psychological pressure, Article 165 also covers cases involving physical violence that is not life-threatening. Exceeding this threshold qualifies the act under cumulative offenses (Arts. 104, 109, 137 of the Criminal Code of Uzbekistan). Malkov V.D. notes that the combination of extortion with physical violence complicates qualification and often leads to judicial errors [11].



The object of extortion includes property, property rights, and property-related actions (e.g., debt forgiveness, waiver of rights, transfer of documents). Uzbek court practice includes cases involving money transfers via payment systems, cryptocurrency, cars under power of attorney, or signing fictitious contracts.

Consequences in the form of material damage are not a required element, as the crime is considered completed upon the threat. However, actual damage is considered when imposing penalties.

Subjective Side of Extortion. The subjective side includes form of guilt, motive, purpose, and characteristics of the perpetrator.

Form of guilt: Extortion is committed exclusively with direct intent. The person is aware of the unlawfulness of their actions, the nature of threats, and the intent to illegally obtain property. Rustambayev M.Kh. notes that direct intent *“has a purposeful character and expresses a persistent desire to obtain property benefits through coercion”* [12].

Motive: The most common motive is personal gain, though others may include revenge, elimination of a competitor, or demonstration of criminal authority. Malkov V.D. highlights motives related to criminal subculture, including extortion for payments, levies, and protection schemes [13].

Purpose: The purpose of extortion is always to obtain material benefit, distinguishing it from other forms of threats.

Subject: The subject of extortion is a sane person aged 14 or older (Part 2, Art. 17 of the Criminal Code of Uzbekistan), reflecting the social danger of the act, its prevalence among adolescents, and their ability to understand the consequences of threats.

Differentiation from other crimes: Correct qualification requires distinguishing extortion from robbery, assault with intent, fraud, coercion to act (Art. 138 of the Criminal Code), blackmail, and self-justice. The main difference lies in the nature of violence, the timing of its application, and the property nature of the demand [14].

In summary:

1. Extortion is a complex crime combining property and personal encroachments;
2. Its main mechanism is a threat that suppresses the victim's will;



3. It is socially dangerous, reflected in the lowered age of criminal responsibility;
4. Clear differentiation from related offenses is required;
5. Extortionists are usually antisocial and often involved in criminal groups;
6. In modern conditions, extortion increasingly occurs in the digital space, requiring new methods of prevention and investigation.

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