

**DISTINGUISHING FEATURES OF OFFICIAL CRIMES COMMITTED BY AN  
OFFICIAL OF A COMMERCIAL ORGANIZATION IN COMPARISON WITH  
CRIMES OF SIMILAR LEGAL COMPOSITION**

*Akramova Muazzam Turdikul kizi*

*Teacher of ISFT Institute Doctoral student of  
Academy of Justice of the Republic of Uzbekistan*

*Phone: +998970117618*

*akramovam@isft.uz*

**Abstract**

Official crimes committed by officials of commercial organizations represent a distinct group of offenses aimed at protecting service relations and lawful interests in the private sector. These crimes often overlap in their external characteristics with economically oriented offenses, corruption-related crimes, and general abuse-of-rights offenses, which complicates their legal qualification. This article examines the distinguishing criminal-law features of official crimes committed by officials of commercial organizations in comparison with crimes of similar legal composition. Using doctrinal and comparative analysis, the study focuses on the object of the crime, the subject, the objective and subjective elements, and the nature of harmful consequences. The research demonstrates that correct differentiation is essential for ensuring legality, fairness of punishment, and consistency in law-enforcement practice.

**Keywords**

Official crimes; commercial organizations; abuse of authority; private sector; differentiation of crimes; criminal law

**1. Introduction**

The development of market relations and the expansion of private economic activity have increased the role of commercial organizations in modern legal systems. Alongside these developments, criminal law has faced the challenge of effectively regulating unlawful conduct committed by officials of such organizations. Official crimes in the private sector, including abuse of authority and misuse of service powers, increasingly resemble other offenses with similar legal compositions, such as fraud, commercial bribery, or general economic crimes.

An official of a non-governmental commercial organization or another non-governmental organization is a person who, in a commercial organization whose authorized capital does not include a state share, permanently or temporarily performs organizational–managerial or administrative–economic functions on the basis of election or appointment; as well as an official of another non-governmental organization established or formed without the participation of a state body or state organization.

Organizational–managerial powers shall be understood as functions involving the management of a certain sphere of activity and the supervision of the production or work activities of individual employees. For example, such powers are exercised by the heads (directors) of non-governmental commercial or other non-governmental organizations, their deputies, heads of structural divisions, and similar officials. The activities of these officials may be manifested in the selection and management of personnel, their placement, organization of work, supervision and control, and in other forms.

Administrative–economic powers refer to functions related to the management and disposal of property, determining the conditions and procedures for its storage, ensuring its safekeeping,

transfer, and other related activities. For example, such powers may be vested in the heads of administrative and economic departments, supply and distribution services, warehouse managers, chief accountants, and others. (M.X.Rustamboev, 2016)

A person shall be recognized as an official regardless of whether he or she occupies a position involving organizational–managerial or administrative–economic functions on a temporary or permanent basis, whether through election or appointment.

Legal doctrine emphasizes that incorrect qualification of these acts leads to unequal application of criminal law and undermines the principle of legality (Monin, 2022). Therefore, distinguishing official crimes committed by officials of commercial organizations from structurally similar crimes is a key theoretical and practical task of criminal law.

This article aims to identify the main distinguishing features of such crimes by comparing them with offenses of similar legal composition, focusing on the elements of the crime and protected legal interests.

## 2. Methods

The research is based on **doctrinal criminal-law analysis**, which examines statutory elements of official crimes in the private sector. A **comparative legal method** is used to differentiate these crimes from similar offenses, such as fraud, commercial bribery, and general abuse-of-rights crimes. The study also applies **systematic interpretation** of criminal law norms and analysis of academic literature addressing private-sector corruption and abuse of authority.

## 3. Results

### 3.1 Object of the Crime as a Distinguishing Criterion

One of the main distinguishing features of official crimes committed by officials of commercial organizations is the **specific object of criminal protection**. These crimes primarily infringe upon service relations and the lawful interests of organizations, as well as the proper exercise of managerial or administrative functions in the private sector (Markuntsov & Wassmer, 2020).

In contrast, crimes of similar legal composition—such as fraud or misappropriation—primarily protect property relations. Although property damage may result from abuse of authority, it is not the primary object but rather a consequence of the violation of service interests (Holovkin, 2020).

### 3.2 Subject of the Crime

Another key distinguishing feature lies in the **special subject** of official crimes in commercial organizations. Liability arises only for persons who perform managerial, organizational, or administrative functions within a legal entity of private law. Scholars stress that an ordinary employee who lacks such authority cannot be considered the subject of an official crime, even if economic harm occurs (Sagandykova et al., 2023).

In contrast, crimes of similar composition, such as fraud, may be committed by any legally capable person, regardless of their service status. This distinction is crucial for correct legal qualification (Monin, 2023).

### 3.3 Objective Side of the Crime

From the objective side, official crimes in commercial organizations are characterized by the **use of service powers contrary to the lawful interests of the organization**. Such conduct may take the form of active actions or deliberate omission, provided that socially dangerous consequences occur (Monin, 2023).

Crimes of similar composition often involve externally similar actions, such as causing financial damage. However, the absence of abuse of service authority differentiates these offenses. For example, causing damage without using official powers typically constitutes an economic or property crime rather than an official one (Kamensky & Sysoev, 2018).

### 3.4 Subjective Side and Motive

The subjective side of official crimes in commercial organizations is usually characterized by direct intent. The offender is aware that they are using their service authority unlawfully and foresees harmful consequences. A self-serving motive or the intention to benefit third parties is common, although not always mandatory (Yatsynina, 2016).

In crimes of similar legal composition, intent may also be present, but it is not necessarily linked to the misuse of official powers. This connection between intent and service authority is a key distinguishing element.

#### 4. Discussion

The analysis demonstrates that the differentiation of official crimes in commercial organizations from similar offenses requires a comprehensive assessment of all elements of the crime. Overemphasis on the harmful result, such as property damage, often leads to misqualification. Legal scholars argue that the decisive factor should be the **abuse of service authority** and the infringement of service interests (Monin, 2022).

Comparative studies confirm that legal systems which clearly distinguish private-sector official crimes from economic offenses achieve greater consistency in law enforcement and better protection of corporate governance (Markuntsov & Wassmer, 2020).

#### Conclusion

Official crimes committed by officials of commercial organizations differ from crimes of similar legal composition primarily in their object of protection, special subject, and the use of service authority as the central element of the objective side. Correct differentiation of these offenses is essential for ensuring lawful criminal qualification, proportional punishment, and effective protection of service relations in the private sector. Strengthening doctrinal clarity and legislative precision in this area remains a key task for modern criminal law.

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