

**QUALIFICATION OF EMBEZZLEMENT AND ASSIGNMENT COMMITTED
IN THE SPHERE OF ECONOMIC ACTIVITY**

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RELEVANCE

One of the most important components of the national security of the Republic of Uzbekistan is to ensure the economic security of the state. The possibilities of the economy of the Republic of Uzbekistan provide national interests and determine the totality of the main interests of citizens, society and the state. The economy, being a sphere of circulation of material values, has always been attractive for criminally oriented individuals and criminal associations. Moreover, criminal enrichment in the economic sphere has always implied specific ways of committing crimes. Therefore, criminal encroachments in this area, figuratively called white-collar crimes, were and are characterized by relative complexity of ways to take possession of material values, a certain "sophistication", sophistication, relatively high educational and general intellectual level of their perpetrators.

PURPOSE OF THE STUDY

The main purpose of this dissertation research is a comprehensive study of the potential of criminal-legal means of combating the assignment and embezzlement of other people's property committed in the sphere of economic activity in the context of the economic transformations in Uzbek society. Also the purpose of the study is to develop scientifically grounded proposals and recommendations aimed at improving and further optimizing the criminal-legal norms providing for liability for these crimes and the practice of their application.

MATERIALS AND METHODS

The methodological basis of the study was traditionally used in legal science general scientific methods - dialectical, historical, systemic, logical, as well as private scientific methods - comparative-legal, sociological, statistical and others. Various types of interpretation of legal norms were used. Formulated concepts, conclusions and recommendations were argued and illustrated by examples from investigative and judicial practice, statistical and other factual data. The theoretical basis of the dissertation research were conceptual provisions of the general theory of law, branch legal sciences, fundamental works on the theory of law, criminal, criminal-executive, civil law, criminology, psychology, economics, other literary sources on the selected topic, normative and other official material related to the topic of research studied by the author. The normative base of the work is represented by the criminal and civil legislation of the Republic of Uzbekistan, including the legislation in force in the USSR, as well as modern foreign criminal legislation. The resolutions of the Plenums of the Supreme Court of the Republic of Uzbekistan on the issues of qualification of crimes against property are analyzed.

DISCUSSION



Assignment is defined as unlawful, gratuitous retention of another person's property entrusted to the offender or at his disposal, with subsequent use of it in his own interests or for the benefit of others, causing property damage to the owner or other proprietor of this property, if the perpetrator has not yet taken this property, if he has not spent and alienated it, it is considered a form of robbery.

Embezzlement is a form of robbery expressed in the free transfer of another person's property entrusted to the perpetrator or at his disposal, to the detriment of the owner or other owners of the property, if the perpetrator, prior to the discovery of the fact of robbery, had already illegally alienated the said property for his own benefit or for the benefit of other persons, - "embezzlement" is a form of robbery.⁶

Economic activity as an object of crimes provided for by Section 10 of the Criminal Code of the Republic of Uzbekistan is proposed to be considered in two senses: in a broad sense, economic activity is any activity related to the production, exchange, distribution and consumption of material goods and services; in a narrow sense - entrepreneurial activity of commercial and other organizations and individual entrepreneurs.

In the Decision of the Plenum of the Supreme Court of the Republic of Uzbekistan "On some issues arising in judicial practice in cases of crimes in the sphere of economy" from 17.04.1998 is presented that "theft is the most dangerous encroachment against property".

The object of embezzlement and assignment in the sphere of economic activity are social relations aimed at protecting not only other people's property, but also the interests of legitimate entrepreneurial activity of commercial and other organizations and private entrepreneurs. Therefore, an additional object of embezzlement and assignment in the sphere of economic activity should be recognized credit and financial, informational, foreign economic, commercial and other legal relations that develop in the process of entrepreneurial activity.

The property that is not in the ownership of the perpetrator, but was in the ownership of some other person, excluding from this concept the property that is not in the legal possession of the perpetrator, should be understood as someone else's property. The object of embezzlement and assignment in the sphere of economic activity may be non-cash monetary funds, securities in a non-documentary form of fixation, any property having market value (land plots, subsoil, other objects of nature, enterprises, residential houses, other immovable property). Thus, the subject of assignment and embezzlement in the sphere of economic activity is someone else's property, which, in our opinion, should include property rights.

CONCLUSIONS

⁶ Rustambayev M.H. Course of Criminal Law of the Republic of Uzbekistan. Volume 4. Crimes in the sphere of economy. Crimes in the sphere of ecology. Crimes against the order of activity of government bodies, administration and public associations. Textbook. Edition 2nd, supplemented and revised - T.: Military-Technical Institute of the National Guard of the Republic of Uzbekistan, 2018..



Seizure, as an external manifestation of theft, is characteristic of all forms of theft, including embezzlement and embezzlement committed in the sphere of economic activity. At the same time, the term "seizure" should be given the meaning of exclusion of property from the funds of the owner or other owner, because to give "seizure" in modern economic conditions the meaning of only physical movement of property in space is not quite right. For this reason, it is proposed to change the wording "seizure and (or) circulation" to "seizure and circulation" in the legislative definition of embezzlement.

It is proposed to abandon the feature of gratuitousness in the legislative definition of theft. The gratuitousness is represented in other constructive features of theft, directly specified in the law - the selfish purpose and property damage, which cannot occur in the case of compensatory seizure of another's property. We believe that the recognition of the sign of gratuitousness of theft of another's property in situations involving partial compensation for the value of the seized property distorts the etymological meaning of the term "gratuitous", which means "free, unpaid".

Under Article 167 of the Penal Code, property is entrusted to or in the possession of a person who has committed the offense of embezzlement or looting of another's property. We suggest that the general concept of embezzlement be revised as follows: "Under theft in the articles of this Code is understood committed with a mercenary purpose and causing real property damage to the victim withdrawal of other people's property from the funds of the owner or other owner and conversion of such property in favor of the perpetrator or other persons".

