

CLASSIFICATION OF FRAUD CRIME, CRIMINAL LIABILITY AND COMPARATIVE ANALYSIS WITH FOREIGN CRIMINAL LEGISLATION

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Annotation: In this article, we analyze the crime of Fraud defined in Article 168 of the Criminal Code of the Republic of Uzbekistan, its criminal structure, criminal nature, types of punishment for the person who commits a socially dangerous act, and the Federal Republic of Germany's cooperation with this type of crime in Uzbekistan. A comparative analysis was conducted with the legislation of the Republic.

Key words: Criminal Code, fraud, property of another, robbery, breach of trust, deception, foreign experience, investigation, crime structure, criminal liability

It's no secret that crimes related to fraud and extortion have increased recently. It is a pity that the crime of fraud or the number of citizens who are caught by fraudsters and extortionists is not decreasing. In addition, as development progresses, new types of fraud are also being reported. There are also many frauds carried out through information technologies and the Internet.

The increase in fraud crime in the Republic of Uzbekistan has a negative impact on the social and economic life of the state and society. According to the information provided by the Main Department of Criminal Investigation of the Ministry of Internal Affairs, in January-July 2019, 1,954 fraud crimes were registered in the country, while in the same period of 2020, this number was 3,881. In 2019, 1,748 people were arrested, and the fraud detection rate was 98.2 percent, and in 2020, this figure is 95.9 percent. If we look at the data of the State Statistics Committee, this crime is divided according to the gender of citizens. In 2020, 5,496 fraud crimes were committed by men, and in 2021, this crime will double, that is, the number of fraud crimes is men. reached 11921 by In 2020, 1,109 fraud crimes were registered by women, and by 2021, it will be 2,295. In total, fraud crimes were reported 24,554 times in 2021.

Article 168 of the Criminal Code of the Republic of Uzbekistan stipulates responsibility for the crime of fraud, which is the act of seizing another's property or the right to another's property by deception or abuse of trust. input is understood.

If we analyze the crime of fraud in a legal way, the object of this crime is establishing relationships aimed at protecting the property or property rights of others, and the subject is property of others or the right to property of others as a legal category. From the objective point of view, fraud consists in obtaining another's property or another's property right by deception or abuse of trust. It is deception or abuse of trust that causes the owner or other legal owner of the property to think of transferring the property or property rights to the criminal.

Fraud is defined as intentional acts committed by the perpetrator, aimed at concealing the true fact or misrepresenting the owner of the property, knowingly and untruthfully informing the owner of the property. Misleading: it is manifested in the fact that the guilty person pretends

to be an official or an employee of a law enforcement agency, that is, it is understood that the guilty party misleads the victim about the identity of the guilty person, the intention of his authority, and about his property.

Deception by the perpetrator of the crime of fraud can be done in two ways: Active deception and passive deception. Active deception is manifested in misleading the owner using a means of conveying information that is false. Inactive deception consists in the fact that the victim must be informed about the factual circumstances of legal importance by the perpetrator, not telling the information and not delivering such messages. A necessary sign of the crime of fraud is the voluntary transfer of property or rights to property to the guilty party. Voluntary surrender, the victim, that is, the owner of the property, surrenders his property due to the lie of the accused or the fact of lying or hiding the truth.

The crime of fraud specified in Article 168 of the Criminal Code is committed with the right intention by a sane person who has reached the age of 16.

The crime of fraudulent acquisition of property by deception is considered completed when the accused takes possession of the said property and when they have a real opportunity to use it as they wish or dispose of it.

In parts 2, 3 and 4 of the crime of fraud, responsibility for the commission of this crime in aggravating circumstances is indicated:

in a considerable amount (paragraph a of part 2); by a group of persons (paragraph b of part 2);

in large quantities (paragraph a of part 3); by a repeat or dangerous recidivist (section 3(b); that it was committed by using the service position (paragraph v of part 3) that it was committed by using the information system, including information technologies (paragraph g of part 3);

in a large amount (paragraph a of part 4); by an extremely dangerous recidivist (paragraph b of part 4); if it is committed by an organized group or for its interests (paragraph v of Part 4).

When analyzing the crime of fraud, the study of foreign experience is of particular interest. For example, according to the current German Criminal Code, the crime of Fraud is considered to have 7 components, including:

Fraud (§263) - Deception and theft of property as a result of concealment of the truth leading to misrepresentation.

Computer Fraud (§263a) - Influencing a processing operation by means of an electronic computing machine for the purpose of obtaining property damage;

Fraud aimed at obtaining subsidies (§264) is a crime that includes 4 alternative actions: providing false information to the recipient of the subsidy; use of the subsidy despite the restriction; not informing the subsidy body with important information or facts; use of a certificate (subsidy) obtained through false information;

Investment fraud (§264a) - providing false information or concealing important information related to the sale or purchase of shares to high-ranking persons during investment;

Fraud in the field of insurance (§265) - In order to obtain insurance compensation, damage or complete failure of the insured object. According to the JK of the Federal Republic of Germany, if the circumstances of §263 do not exist, liability arises from this article.

Solving services by deception or manipulation (§265a) - that is, when committing this crime, the subject uses machines or telecommunications networks or vehicles fraudulently, that is, without paying for the service.

Credit fraud (§265b) - i.e., making false statements about personal, economic circumstances at the time of obtaining a loan for one's own benefit, i.e., by this false statement, the case is positively is an offense related to the settlement of:

Abuse of trust (§266) - that is, damage to the person who gave the power of attorney as a result of abuse of the legalized power of attorney given to the subject.

In the Criminal Code of the Federal Republic of Germany, the crime of Fraud is divided into the above types, and basically they are punished with almost the same types of punishment, i.e. imprisonment from 6 months to 10 years or fines.

An important point in the Criminal Code of the Federal Republic of Germany is that the person who committed the crime of fraud is punished regardless of whether he compensates for the damage or not. We can see the same norm in the Criminal Code of the Republic of Uzbekistan, amended and supplemented by Law No. ORQ-416 of December 26, 2016. That is, it is established that in the case of compensation for the material damage caused, the punishment in the form of restriction of freedom and deprivation of freedom will not be applied.

Part 5 of Article 168 of the Criminal Code stipulates that if damage is eliminated as an incentive norm, the punishment of restriction of liberty or deprivation of liberty shall not be imposed.

In conclusion, it should be noted that according to the German legislation, the methods of committing the crime of fraud are clearly indicated, taking into account that, it would be appropriate if the legislation of the Republic of Uzbekistan clearly indicated the methods of committing the crime of fraud.

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