

LEGAL ANALYSIS OF THE CRIME OF FRAUD

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Abstract: *The article provides a general description of the concept of the crime of fraud, the criminal-legal description of the act, and some of its legal features. In addition, the analysis of the elements of the fraud crime was carried out. The author also says that the methods of committing this crime affect his qualifications stopped. Also on this topic studied the opinions of scientists who conducted research and described the criminal-legal description of fraud.*

Key words: *fraud, property of another, robbery, deception, breach of trust abuse, active deception, passive deception, crime structure, subject of crime.*

Any criminal aggression directly or indirectly damages social relations. Any social relationship protected by criminal law can be the object of the crime of fraud. At the same time, not all social relations are protected by law.

The object of the crime of fraud is public participation aimed at the protection of one's property or property rights.

Another's property is understood as acquisition of objects, money, and documents that are equal to the acquisition of property. In crimes of robbery of other people's property, the property is considered the property of another, regardless of whether it is state-private, mixed, public or other property [1].

Judging by the fact that the object of fraud is social-property relations, it can be concluded that the perpetrator, without having the right to the property, acquires property by deceiving someone or abusing his trust is a necessary sign of this crime. Otherwise, there will be no encroachment on property or social relations.

The subject acquires property by means of deception or abuse of trust, but pays a certain price for this violation. In this case, property relations are not officially broken. However, if a person pays only a fraction of the agreed value for an item, the crime of fraud is committed. For example, a person who buys a car promises to give the owner of the car an additional

amount in addition to the commission price, and then gives much less money than agreed. In this case, the crime should be qualified as fraud.

If we consider the subject of fraud in connection with the object of the crime, the subject of the crime is the property relations to which the material assets belong, but which were broken due to the crime.

Based on the above definition, it can be said that things of material value that can be involved in property relations can be the subject of fraud. The object of looting is material things that are always part of the material world. Therefore, the right to property cannot be the subject of robbery, as well as the crime of robbery by fraud.

In short, the subject of the crime of fraud can only be objects that have an independent material value. Therefore, the right to property, documents, and some factors that give such a right do not directly lead to the violation of property relations and could not be the subject of fraud. To say that its subject is things, money and other objects of the material world does not fully reveal the concept of the subject of the crime. Because material wealth means very general things.

In general, the subject matter of Fraud is property obtained by the criminal by deception or breach of trust.

According to the theory of criminal law, the objective side of the crime refers to the external signs of the criminal act. Any crime is a socially dangerous act by its social nature, that is, an attack on various social relations by action or inaction. Based on these considerations, it can be said that the objective side of the crime is the appearance of a socially dangerous act that takes place under certain circumstances, at a place and time, and that harms existing social relations in Uzbekistan.

The objective side of the crime of fraud is manifested in the acquisition of state, public, cooperative, private and personal property or the right to property by deception or abuse of trust. Fraud is a form of larceny, and differs from other similar crimes in that the transfer of property is caused by deception or abuse of trust on the part of the offender.

There are two main types of cheating:

1. Deception;
2. used by abuse of trust.

In criminal law, fraud is defined as false information or false information that is not true, or false facts necessary to identify the owner of property, or the intentional misrepresentation of such persons and other actions are understood.

Any circumstance that could lead to the allegation of fraudulent misrepresentation, such as a legal fact or circumstances, the nature of the property, the price, the identity of the accused, his power of attorney, his intention (for example, if the accused person presents himself as a legitimate person or a servant of a law enforcement agency) or a connection.

The content of a lie is information that is not true about a fictitious object, time, or event. The types of fraud can be divided into active (delivering false information) and passive (hiding the truth or other information).

It is possible to have any number of false descendants. Cheating, writing, or using other people's property in a dishonest way in order to gain some material wealth (such as money, playing cards) and to be able to verify certain documents.

The convenience, convenience and directness of the oral form of cheating, as well as other features (hand gestures, facial expressions, etc.) to) is different from. If there is a mistake in the recording, it will be used to establish a connection over longer distances.

The written testimony of the fraud can be divided into: 1) the subject uses the written form of the fraud to prove his identity in legal documents; to 2) false evidence to prove the existence of facts of legal significance in the case of fraud. The form of the deceit, which is neither written nor spoken, includes ceremonial clothing, insignia of service, orders, and all kinds of insignia.

Abuse of trust means criminal use of one's rights and opportunities in an illegal manner [2], illegal use of the trust and authority of a person who has given trust, causing harm to him [3].

Deception, as a method of fraud, can be divided into the following two types:

- 1) active deception;
- 2) inactive deception (passive).

Active deception by means of false information consists in misleading the owner. For example: the victim has a false impression of transferring the owner's property to the guilty's possession by presenting forged documents or other actions.

Inactive deception (passive) consists in the fact that the victim is obliged to inform the victim about the factual circumstances of legal importance, does not speak information and does not deliver such messages [4].

The subjective aspect of any crime is the mental (psychic) attitude of a person to the act he commits, and the crime is characterized by the motive, desire and purpose of the crime. The subjective side of the crime determines the inner nature of any act, that is, the inner content.

The subjective approach is based on deceitfulness and malice . A person realizes that he has violated the right of others to possess his property, or that he has violated the right of others to possess his property.

Fraud is defined by the following two categories of offences: first, knowingly deceiving a person with the intention of violating his trust and ultimately using his property or destroying his right to property; second, knowingly taking advantage of someone else's property in a way that is materially advantageous to him or her.

Q. Abdurasulova "Malice at the time of committing a crime lies in the desire to get material benefit based on committing a socially dangerous act, such as the intention to steal. [5] states that the purpose of fraud is a necessary sign of fraud. M. Kh. Rustambaev writes that fraud is subjectively committed with malicious intent, and the presence of malicious intent is a necessary sign of fraud [6].

The subjective side of crimes of robbery of other people's property is expressed only in the right intention. The motive of malice is a necessary feature of all robbery crimes. The subject of the crime of theft of the property of others can be any person who has reached the age of 16.

To sum up, if you don't steal someone's property, you're cheating on your own property. Also, this crime differs from other similar crimes by its complex structure, wide spread in society, and at the same time, it is difficult to qualify.

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