
Definition and Criminology of the Crime of Fraud in Social Networks

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Abstract: In the article, the reasons for committing crimes related to fraud in social networks, the factors causing it, and the tasks aimed at preventing the commission of this type of crimes are analyzed in detail.

Keywords: The object of the crime of fraud, the objective aspect, the special object of the fraud, the related object, the direct object.

At the heart of the large-scale reforms being carried out in our country, first of all, human interests, rights and freedoms are. Today, all law enforcement agencies, including the Ministry of Internal Affairs, are working to serve the interests of the people, ensure the legal rights of citizens, and fight crime without compromise. Due to rapid changes in the global economic system, fraud has become much easier to commit and has become one of the most latent crimes in the world. For example, according to research conducted by the PwC International Research Center in 2020, 47% of the losses suffered by the world's leading companies as a result of economic crime in the last 2 years were due to fraud, and this year, the loss to these companies in the amount of 42 billion dollars was recorded as the highest figure in the last 20 years. .

Due to the inviolability of the right to property in the world, special attention is paid to protecting it from criminal encroachments, determining responsibility and punishment for fraud, compensating for the damage caused by crime, improving the relevant norms of the criminal law, and researching the effective directions and perspectives of preventing crimes against property.

In particular, the adoption of "Updated Standards for Combating Fraud and Corruption" at the 165th session of the UN Finance Committee and the adoption of uniform standards for combating fraud and corruption means that today combating fraud is gaining global importance.

Strengthening the protection of forms of ownership in our country, determining the guarantees of property and property rights, exempting from criminal liability in connection with reconciliation of persons who have committed part 1 of Article 168 of the Criminal Code of the Republic of Uzbekistan (the act in question), limiting freedom in case of compensation for the material damage caused and a number of purposeful measures are being implemented with special attention to the application of the incentive provisions on non-custodial punishment in the practice of law enforcement. "Improving the system of combating crime and prevention of violations against the economic foundations of property encroachment" is defined as one of the priorities of ensuring the rule of law and further reforming the judicial system, and research in this area is gaining importance.

As people deal with each other in social life, various relationships are established between them. Some people establish this relationship in a pure, honest way, fearing others, while others abuse people's simplicity and trustworthiness. Just as society cannot exist without people, society cannot exist without property. At the basis of any society there exists the right of person, property and property. Therefore, we will not make a mistake if we say that the person and property form the basis of society. Therefore, protection of person and property has always been the priority of criminal law.

Theft by fraud is a relatively common type of theft. In addition, a person who earns the necessary means for living by deceiving people is not only dangerous as a criminal, but due to his actions, in addition to causing material damage to the state and citizens, the consequences of fraud have a negative effect on the population, especially on the education of young people. Fraud is a type of property invasion, especially through social media. Fraud is flexible and takes many forms. Liability for fraud is established in the Criminal Code, and the description of fraud in the criminal law is used as its definition. The disposition of Article 168 of the Criminal Code is reflected as follows: "Fraud, that is, acquiring another's property or the right to another's property by means of deception or abuse of trust."

While the universality of this definition is considered very convenient for investigative and judicial bodies in qualifying the act, the fact that the criminal, the reasons and methods of committing fraud are not divided into types is the reason why the statistics of fraud crimes remain high.

The result of the analysis is the specialization of methods (types) of fraud through social networks, that is, in the process of modernization of these criminal methods, the ineffectiveness of today's anti-fraud measures is clearly visible. In order to develop effective measures to combat and prevent fraud, first of all, it is necessary to analyze the concept of fraud.

The approach to the concept of fraud in different literature is different, and the main approach is explained by the objective side of the crime, that is, the method of encroachment on property. In explaining the concept of fraud, we found it necessary to proceed from the approach based on lexical, theological, criminal law (doctrinal) and legislation of foreign countries.

First, let's look at the dictionary meaning of the analysis of the concept of fraud. In the explanatory dictionary of the Uzbek language, "deceit" (deceiver, deception, misdirection, trick, makr) means to mislead a person on purpose, capture, cheat, trick; means makr. "Fraudster" (fraudster, trickster, swindler) is a person who engages in fraud, extortion, and deceit; means extortionist, trickster. "Fraud" means deception, deception. Fraud is a concept with a negative connotation and is used when a person is given a bad description.

Secondly, Avesta is of particular importance as a legal source, and it also contains norms of civil and judicial law. In particular, property and property relations were regulated in Avesta, and the distribution of property during this period was mainly focused on military power, and property was mainly collected in the hands of elders, military chiefs and dignitaries.

Fraud is prohibited not only by law, but also by religious beliefs. In Islamic law, deception, fraud, defrauding someone, cheating in trade are explained and prohibited.

Thirdly, Chapter X of the Criminal Code is called "Robbery of other people's property", and Article 168 defines the crime of fraud. According to it, it is "fraud, that is, acquiring another's property or the right to another's property by means of deception or abuse of trust." This definition is the criminal legal definition of fraud.

Fraud is a voluntary transfer of property or property rights, provision of services and (or) conclusion of transactions, acceptance of obligations or release from obligations, with the

purpose of deceiving others' property, abuse of trust or using misleading information and methods. is damage to the victim or the interests of a third party.

Fraud is defined as illegal and gratuitous acquisition of another's property or rights to property by deception or abuse of trust, as a result of which the owner (his representative), another owner of the property or an authorized body transfers the property or the right to it to another person, i.e. this property or allows the right to it to be taken away by another person.

Deception in fraud is defined as deliberate actions by the perpetrator, which are aimed at misrepresenting the true facts that should be reported to the owner or other owner of the property, or to mislead such persons.

Any crime violates the foundation of society and harms it, as well as attacks normal social relations.

In the legal analysis of any crime, the objective and subjective features of the crime are important.

The analysis of the objective signs of the composition of fraud includes the analysis of the signs of the object and the objective side of the crime.

Scholars consider property rights, property interests, economic category, legal category, a combination of economic and legal categories as the object of robbery, or they reject property as an object of crime in general.

Based on the above, it can be concluded that the special object of fraud is a set of social relations in the economic sphere, and the related object is social relations aimed at protecting property. The direct object of fraud is social relations aimed at protecting the property or property rights of others entrusted to the offender or at his disposal.

The object of the crime of fraud has a certain economic value, that is, material value. Therefore, when a fraud crime is committed, the value of the subject of the crime, that is, the object that is directly targeted by the attack, is assessed and the value is determined through appropriate procedural actions.

The subject of fraud can be movable and immovable property. When the court verdicts were studied, it was found that in many cases, movable property, money, foreign exchange wealth and material goods were the subject of robbery. The fact that the subject of fraud can be not only property, but also rights to it is important for determining the time of completion of the crime. It is common practice for documents containing property rights to be the subject of various fraudulent operations. From the moment the fraudster receives the documents reflecting the rights to the acquired property, the crime is considered completed, regardless of whether the fraudster obtained the relevant property in terms of goods or monetary equivalent according to this document. In other words, as a result of acquiring the right to the property, the culprit also acquires the property itself.

From an objective point of view, fraud consists of obtaining another's property or another's property rights by deception or abuse of trust. In contrast to many other crimes that are characterized by a physical method, in the crime of fraud, the actions of the perpetrator have an informational nature, or the relationship between the perpetrator and the victim is formed on the basis of mutual trust. The law specifies a lie or breach of trust that characterizes this form of extortion as a method of acquiring property or obtaining title to property. However, cheating does not mean taking property and transferring it to the criminal. Fraud involves deception or breach of trust as an accessory to the principal act.

In fraud, the main act is defined as the transfer of property from the ownership of the owner to the benefit of the guilty party or persons designated by him, conditioned by deception or abuse of trust. The same related actions constitute the signs of the objective side of fraud. The

peculiarity of this crime is that "voluntary" alienation and transfer of property to the criminal is observed from the outside by the owner. It is fraud or breach of trust that causes the owner or other legal owner of the property to intend to transfer the property or property rights to the criminal. In this way, by influencing the mind and discretion of the victim or by abusing his trust, the fraudster achieves the goal of transferring property to his own benefit or to the benefit of other persons. Here, deception or breach of trust is embodied as a necessary method of robbery.

Fraud is divided into two types in the law, depending on the specificity of the methods of committing the crime:

- robbery by deception;
- Robbery by abuse of trust.

Forensic practice, as well as the theory of criminal law, as a method of committing fraud, the following deception is defined as the fact that the owner of the property or the person to whom the property is entrusted voluntarily gives it to the fraudster, any fact by the guilty party in order to mislead the victim. misrepresentation or concealment of the truth or knowingly reporting false information. It should be noted that unless it is proved that any misrepresentation or concealment of the truth was done intentionally (for malicious purposes) and there is no method of deception, the act cannot be considered as fraud.

In fraud, it is necessary to record that the fraud was committed by means of deception if the deliberate deception as a means of concealing the truth is committed by keeping silent about facts or circumstances that should be reported to the victim. An example of fraudulent larceny is the permanent collection of social security payments for a deceased person. It should be noted that such actions should not be random. In this case, the culprit does not know about the possible mistake and hides the funds and turns the illegally acquired property into his own profit. Taking someone else's property in an accidental manner cannot be qualified as fraud.

The deception may be in relation to past, future or present facts or circumstances. Deception as a method of fraudulently robbing the culprit of their true goals; the subject may be related to its price, quantity and quality. Fraud can also depend on the identity of the fraudster, his career and social status, and his profession.

Fraud scams take many forms. Cheating can be verbal or written, in the form of falsification of the subject of the transaction, in the form of deception in playing card games, in the form of using forged payment objects in the calculation, or in other forms. As a rule, various forms of deception are used to commit fraud. Fraudulent fraud can be committed with or without the use of some material means. A false document is often used as a material means of deception in trespassing on the victim's property Abuse of trust is one of the ways to commit fraud. Abuse of trust should be understood as the use by a guilty person of a special relationship based on mutual trust between himself and the owner of the property or a person in possession of the property in order to illegally obtain the property for his own benefit. Relationships based on trust can be established between the fraudster and the victim in rental, lease, sale, assignment contracts, etc.

Breach of trust must be distinguished from fraud as a means of committing a crime. Deception is expressed in active actions aimed at the goal of transferring one's property, forming a relationship of trust in the victim towards the culprit. In other words, trust is a necessary step for the perpetrator to take possession of the victim's property by abusing the victim's trust. The culprit uses such special methods of gaining trust with himself and the owner or other legal holder that he gains the trust of the victim through various deceptions. Breach of trust is rarely seen in isolation as an independent form of fraud.

The essence of any form of abuse of trust and deception lies in the fact that the perpetrator, who has gained trust, creates a false impression on the victim about certain circumstances and convinces him of the usefulness or necessity of transferring property or property rights. In other words, in fraud, the victim voluntarily gives up the property because he believes or is deceived by the culprit.

At this point, it should be mentioned that the crime of fraud differs from other crimes. The decision of the Plenum of the Supreme Court of the Republic of Uzbekistan "On judicial practice in cases related to fraud" contains the following points: "If fraud was used by a person to facilitate the acquisition of another's property, and in the process of taking away the property, the owner, owner of the property or another person realized his true intention the rest, even if the culprit knows it, but continues to keep the property against the will of the owner or owner of the property, the act should be qualified as robbery, and in cases of concealing the property without informing the owner or owner of the property, it should be qualified as fraud. It is necessary to distinguish fraud from a number of crimes in the field of economy, including other forms of looting of another's property. The difference between fraud and theft (Article 169 of the Civil Code) is that the person guilty of fraud does not take away property from the possession of another, but the victim himself, who was deceived by him, owns the property or the right to property. Fraud differs from extortion (Article 165 of the Criminal Code) in that in extortion, the victim acts under the influence of fear, his will is broken, and in fraud, the will of the victim is distorted as a result of deception.

The analysis of the fraud crime in Uzbekistan in the last decade shows that this crime has increased by 12% in the last decade. According to the information provided by 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 number is 95.9 percent. While studying the statistical data, the methods of committing the fraud crime caught our attention. A total of 2,151 of the frauds committed during the 7 months of 2020 are related to money transactions, 336 involve the promise of employment abroad, and 331 are enrollment frauds. The question of who commits crimes is also answered in statistical information. According to it, 463 cases were committed by women, 511 cases were committed by persons with previous convictions, and in 1277 cases, unemployed persons resorted to fraud.

It is important to study a number of factors affecting the fight against fraudulent crimes and the detection and prevention of those who may commit them. In researching scientific research in the field of criminology, first of all, in determining the main factors affecting the fight against fraud crime, first of all, it is required to take into account the phenomena and processes of an objective and subjective nature. It is they who, by influencing the behavior and mind of a person, support their decision-making in committing a fraudulent crime or serve to create a favorable environment for committing it. Studies have shown that there are many factors that influence the fight against fraud. They can be divided into two main groups depending on the degree of influence: general factors that directly affect the fight against fraud and special factors that affect the fight against fraud. This classification of factors is fraud.

Therefore, in the commission of fraud crimes, the desire of the victims to quickly acquire a lot of property or illegally own property is often the main motivation for fraudsters to commit crimes. In addition, one of the economic and political factors of the fight against fraud is the spread of the evils of corruption and the tendency to solve any issues in a corrupt way.

In the fight against fraud and its prevention, first of all, it is necessary to identify the areas of social life where the population is the victim of fraud the most. These areas can have different directions according to their characteristics in each period. Including money and credit, car sales, charity funds and their activities, construction and real estate activities, recruiting

organizations and others.

Law enforcement agencies should focus on areas where fraud is most common or at risk for fraud. For example, if activities related to providing property interests based on very favorable economic offers are visible under large advertising banners and slogans, the relevant law enforcement agencies should express their reaction to this issue before the number of victims increases.

The main method used to prevent fraud is to attempt to acquire the property of others based on false or misleading information or documents. Therefore, it is important not to forget that the preparation of false information plays an important role in the commission of this crime.

In the fight against fraud, it is not enough to apply the same preventive method for all its forms. Therefore, in the fight against all forms of fraud, it is necessary to develop approaches that take each of them into account. For example, the preventive method used against fraud in the banking and credit sector is not suitable for crimes committed in the field of recruiting activities.

In short, in order to increase the effectiveness of exposing crimes related to fraud, to further improve work in this direction and to eliminate existing shortcomings,

firstly, in order to further increase the efficiency and effectiveness of preventive measures, by involving the general public in it, regularly posting information on Internet sites and other social networks about the reasons and conditions that cause fraud crimes,

secondly, through mass media, including newspapers, radio and television, publish articles about this type of crime, broadcast, show and video clips, hold meetings in neighborhoods, educational institutions and communities with the participation of video bloggers,

thirdly, in order to prevent fraudulent crimes committed through the Internet using information technologies, to speed up monitoring of various sites and social networks regularly through fast ways,

fourthly, to respond immediately to applications and messages in this regard, to conduct rapid search activities to identify guilty persons,

fifth, to further strengthen departmental and procedural control over fraud-related criminal cases, to provide practical assistance to investigators in the investigation of cases of this category, and to regularly hold training sessions in each local Investigation Department regarding such crimes, and to discuss existing problems and their solutions serves to prevent fraud-related crimes.

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