

The Object and its Significance in Crimes of Looting Other's Property by Using Computer Tools

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Abstract: It should be noted that some types of plundering can damage not only property, but also other social relations protected by criminal law, that is, such crimes affect several social relations at once. In criminal law, crimes of this type are called crimes of a complex nature if the damage is caused to more than one object as a result of the commission of a socially dangerous act.

The crime of looting other people's property by means of computers is also a crime of a complex nature, ie not only property relations, but also social relations in the field of information technology, and in some cases social relations in the field of public administration. will also be damaged.

As a rule, in complex crimes, the object is qualified depending on the main direct object, if the objects affected are two or more social relations protected by criminal law.

In robberies of other people's property using computer tools in most cases, the object of the crime is not in the direct possession of the victim, ie non-cash money is usually kept in a special institution (bank) or device (plastic card) where the money is stored and authorized to carry out certain operations.

Key words: plundering, property, computer facilities, thieving, embezzlement, computer tools, prevention, fraudulent, computer fraud, looting.

1. Introduction

Global cybercrime is becoming increasingly trouble by taking more than 200,000 casualties, causing nearly 500 billion property damage to individuals and businesses as a result of these crimes, and by Juniper Research in 2016, the loss from computer fraud by 2019 is about 2.1 trillion US dollars, the crime rates by 10-15% each month indicate that the fight against these crimes is internationally recognized. The sharp development of social relationships has resulted in the expansion of forms and forms of crime related to the plundering of others' property. In particular, modernization of computer equipment, in turn, contributes to the expansion of its capabilities and the increase in the number of offenses, in particular the usage of computers facilities, and the increase of their social danger.

In the Global Information and Computerization Age in the world, along with the most prominent discoveries in our life, it is necessary to determine the criminal-legal and criminological aspects of embezzlement of one's belongings by the use of computer tools by threatening information security, and to counterbalance bank plastic cards, which are non-cash payments. defining criminal responsibility for conducting fake bank plastic cards, analyzing the situation and dynamics of these crimes, the causes and conditions of the disease, the study of the criminality and the elaboration of recommendations for their prevention.

As a result of the judicial reforms in Uzbekistan during the years of independence, certain progress has been achieved in ensuring the compliance of society members with the law, raising the responsibility of law enforcement agencies, protecting citizens against external threats and harassment and combating crime. As the second priority point in the priority areas of the law-making and further reform of the judicial-legal system of the Strategy of activities for 2017-2019 approved by the Decree of the President of the Republic of Uzbekistan dated February 7, 2017, PF-4947, is the priority task of «strengthening the effectiveness of coordinating the activities of crime prevention and combating offenses» as a priority for the continuation of reforms.

Using a computer technologies in our country to spoil others' property or embezzlements (in accordance with «g» part of 3 chart of 167 article), by 10.5% in 2010-2016; Theft (robbery) by using these devices (in accordance with «v» part of the second chart of 168 article) by 20.6%, unauthorized entering the computer system and made theft (in accordance with «b» part of the third chart of 169 article) by 16% increased. The majority of these cases are unchangeable, so that it is impossible to restore the violated property rights of individuals due to the large number of damages inflicted on legal entities and individuals. There is a need for further improvement of criminal responsibility for these crimes in the course of the ongoing judicial and legal reforms.

This dissertation research will serve to a certain extent for the fulfillment of tasks mentioned in Criminal code of the Republic of Uzbekistan (1994) and laws of the Republic of Uzbekistan «On prevention of offenses» (2014), «On internal affair bodies» (2016), Presidential Decree «On measures to further improve the system of crime prevention and combating crime» (2017), the Decree of the President of the Republic of Uzbekistan on the «On the Strategy for Further Development of the Republic of Uzbekistan» (2017) and other legislative acts.

2. Methodology

Historical, structural, comparative legal, logical, exact sociological, complex research of scientific sources, induction and deduction, and statistical data analysis were used in the research.

3. Discussion and Results

A detailed analysis of its objective features in the study of the composition of a particular crime - allows to draw clear and accurate conclusions about them. In general, the objective signs of a crime are the features of the object and the objective side of a particular crime. The act deserving a criminal punishment - the analysis of the content of the crime begins with the identification of the object of the crime. "Object" is derived from the Latin word "objicio", which means "against" [1; p. 130], and the object of the crime represents the social relations associated with values, wealth, protected by criminal law in itself [2; 356 -b.].

In recent publications [3; p. 74] the object of the crime is divided into four types: general, related, special and direct objects. According to it, the common object of crimes is social relations, which are protected by the sum of all articles of criminal law. According to R. Kabulov, the general object of the theft crimes is the social relations protected by criminal law and listed in Article 2 of the Criminal Code [4; p. 234]. E.O. Alaukhanov writes that "although the crime of robbery encroaches on social relations related to property, they are closely related to other groups of social relations, all of which together form a common object of the crime of robbery" [5; p. 12.].

The looting of other people's property is literally directed against the economic foundations of the state. After all, as defined in the Constitution of the Republic of Uzbekistan, the basis of the economy is various forms of property. As a result of the crime of robbery, social relations related to property are damaged.

A related object of the crimes in Part III of the Special Part of the Criminal Code is social relations in the field of economics [6; p. 38]. V. Didenko argues that, these crimes occur as a result of encroachment on property relations in the economic sphere, the object of criminal aggression in this area can be combined on the basis of a single concept of "economy" [7, p. 3]. B. Nikiforov also noted that "the specificity of social relations is determined by, first of all, the commonality of social interests that make up the content of social relations; secondly, the closeness and similarity of the participants of social relations"[8; p. 155]. At the same time, the main feature of a related object is that it unites a group of social relations that are close to each other.

A common feature for the crimes of looting the property of others is the special object of these crimes, i.e., the social relations associated with the property [9; p. 358].

Experts consider property as a special object of looting as a thing, property rights, property interests, economic category, legal category or generally reject property as an object of crime. In our opinion, the special object of the crime of looting in Chapter 10 of the Special part of the Criminal code, which contains the legal norms established for liability for looting of another's property by means of computers, is the property and property rights of others. According to E.O. Alaukhanov, "the object of aggression in the looting of property, that is, the social value that is violated in any case and always, is the property relations established by the state. In short, the main and direct object of the crime of theft crimes is property relations ". In our opinion, it would be expedient if this definition, given to the direct object of theft crimes, was applied to its special object. The reason is that it is advisable to determine the direct object of the crime of theft crimes, including the looting of another's property using computer means, based on the forms of robbery (misappropriation, embezzlement, fraud and theft).

It should be noted that certain types of theft crimes can damage not only property, but also other social relations protected by criminal law, that is, such crimes affect several social relations at once. In criminal law, this type of crime is called a crime of a complex nature if the damage is caused to more than one object as a result of the commission of a socially dangerous act. The crime of looting other's property by means of computers is also a crime of a complex nature, i.e by committing these types of crimes not only property relations, but also social relations in the field of information technology, and in some cases social relations in the field of public administration will also be damaged. As a rule, in complex crimes, the object is qualified depending on the main direct object, if the objects affected are two or more social relations protected by criminal law.

In criminal law, "the main direct object is defined as social relations protected by criminal law that are socially dangerous aggression directly targeted. That is, without this object, there would be no criminal structure" [16, p. 20]. It

is the looting of other people's property using computer tools, as a form of theft, that primarily encroaches on property relations. In this case, the intent of the perpetrator is directed to the property or property rights of other persons. In the process of aggression against this object, a second social relationship, which is simultaneously aggressed with it, forms an additional direct object.

An additional direct object is another social relationship that is protected by criminal law when the main direct object is attacked. An additional direct object in the looting of other people's property by computer means is often social relations in the field of information technology.

Based on the above, it can be concluded that the general object of the crime of looting the property of others using computer means is the general social relations protected by the criminal law; related object - a set of social relations in the field of economy; the special object consists of property relations.

The direct object of this crime, as noted above, should be identified in relation to each form of these theft crimes.

In particular, the direct main object of misappropriation and embezzlement of other's property by using computer means is property relations arising between the owner and the persons who have the right to own, use and dispose of his property; an additional direct object is social relations related to the security of computer information, as well as the order of using automated data processing systems; while misappropriation of official position, social relations that ensure the normal functioning of public authorities, administration and local self-government are also an additional direct object of the crime. Some experts argue that fraudulent looting of another's property using computer tools may not, in some cases, encroach on an additional direct object in some cases, unlike other types of computer looting.

After all, an offender can rob a victim by deceiving or abusing his trust without affecting the database stored in the computer system (for example, offering to send a certain amount of money to the specified address to win by giving false information about winning the lottery via the Internet) to do) is also referred to as a manifestation of computer fraud.

Without agreeing with this view, we would like to point out that the main feature of all computer looting is that in all these types of crimes, two objects which protected by criminal law are invaded, i.e. there are an additional direct object, at the same time the main object.

Hence, the direct main object of fraudulent looting of other's property by using means of computers is the social relations connected with property and property rights; an additional direct object is the relations in information exchange system, as well as in the field of information security.

The direct main object of looting of other's property by using computer means is the relations related to property and property rights; the additional direct object is social relations in the field of information security and inviolability, ensuring the normal functioning of the computer system or network.

The literature suggests that it would be appropriate to recognize social relations in the field of information technology as the main direct object in the looting of other people's property using computer tools and to classify the act as a crime in the field of information technology.

In our opinion, this idea contradicts the general rules and requirements of criminal law. Indeed, the question of which article of the Special Part of the Criminal Code qualifies a two-object act as committed depends on the social relations (the main direct object) to which the offender's criminal aggression is directed. In the case of looting of other's property using computer tools, the intention of the perpetrator is primarily aimed at looting other's property, which damages the information system during the seizure of property.

In short, the main direct object of the crime of looting others property by using computer means is a property relationship characterized by specific features that apply to each form of computer looting; an additional direct object is social relations in the field of information technology.

REFERENCES:

1. Уголовное право. Общая часть: Учебник для вузов / Под ред. И.Я.Козаченко, З.А.Незнамова. – М.: НОРМА, 2001 – С.130.
2. Большая юридическая энциклопедия. Самое полное современная издание. – М.: Эксмо, 2008. – С. 356.
3. Коржанский Н.И. Объект преступления и предмет уголовно-правовой охраны. – М., 1980. – С. 74.
4. Кабулов Р. Уголовно-правовые меры борьбы с хищениями: теория и практика: Дисс. ...докт. юрид. Наук. – Ташкент, 1997. – С. 135, 137;

5. Алауханов Е.О. Квалификация хищения совершенных по подложным документам / Отв. ред. проф. Г.А.Ахмедов. – Алматы – Ташкент: Адолат, 1994. – С.12.
6. Мирзаев У. Ўзлаштириш ёки растрата йўли билан талон-торож қилганлик учун жавобгарлик муаммолари. Юрид. фан. ном. ... дисс. – Тошкент, 2009. – Б. 38.
7. Диденко В.П. Квалификация хищений государственного или общественного имущества путем присвоения, растраты или злоупотребления служебным положением. – Киев, 1992. – С.3.
8. Никифоров Б.С. Объект преступлений. – М., 1960. – С.155.
9. Уголовное право. Учебное пособие / Под ред. Проф. Л.Д. Гаухмана и проф. С.В. Максимова.- М.: Элит, 2007. - 358 с.