



**DIFFERENT ASPECTS OF THE CRIME OF FRAUD AND THE  
CRIME OF DAMAGE TO PROPERTY THROUGH DECEPTION OR  
BREACH OF TRUST**

***Ochilov Asliddin Akramovich***

*2nd year student of Tashkent State University of Law, Faculty of  
International Law and Comparative Legislation*  
*ochilovasliddin27@gmail.com*

*University address: 13 Amir Temur Street, 100000, Tashkent*

*Permanent residence address: Samarkand region, Samarkand district,  
Yangijoy neighborhood, Spitamen 30*

***Abstract:*** Through this article, the criminal field, which is considered one of the interesting and at the same time relevant areas of jurisprudence, will be explained more clearly. is spoken. Of course, according to this article, the provisions of the Criminal Code are consistently studied, and it is aimed to bring some information and analysis to the discussion of the field.

***Keywords:*** *looting, breach of trust, damage, legal system, fraud, criminal law, owner of the property*

**Introduction:**

What are the differences between the crime of property damage by deception or breach of trust and the crime of fraud? In order to give a full answer to this question, let's first describe the main definitions of the two concepts. According to part 1 of Article 168 of the Criminal Code, fraud means obtaining someone else's property or the right to someone else's property by deception or abuse of trust. As for the composition of the crime of fraud, the direct object of the crime is social relations aimed at protecting someone's property or property rights. From an objective point of view, fraud is the acquisition of someone's property or someone's right to property by deception or abuse of trust. When defining the concept of deception, it should be remembered that the owner or the person entrusted with the property himself gives it to the fraudster voluntarily and willingly, and any fact by the guilty person in order to mislead the victim, misrepresentation or concealment of the truth or knowingly reporting false information. The guilty person unlawfully takes property from a separate relationship based on mutual trust between himself and the owner or a person in possession of the property for the purpose of unlawfully taking someone else's property for his own benefit, use for is understood as abuse of trust.

The crime of fraud is considered a crime of material content, and it is completed from the moment when the property of another person is acquired and the offender has the opportunity to dispose of the stolen property at his own discretion (sale, exchange, gift, etc.) is a crime. From the subjective point of view, fraud is committed with malicious intent, for the sake of greed, and the presence of malicious intent is a necessary sign of fraud. The subject of this crime can be any sane individual over the age of 16.

Now, let's analyze property damage by deception or abuse of trust (Article 170 of the Civil Code). The direct object of this type of crime is property relations arising from various contractual and other obligations. The object of the crime can be any property, regardless of the form of property. From the objective point of view, the crime consists of causing considerable damage to the owner by deception or



abuse of trust, without signs of robbery. From the subjective point of view, the crime is committed knowingly and with the right intention for a malicious purpose. The subject of this crime can be any sane individual over the age of 16.

Summing up from the above information, let us now focus on the specific aspects of the crimes of property damage through fraud and deception or abuse of trust. Although both types of crimes are primarily economic crimes, while fraud is a crime related to the theft of another's property, property damage by deception or breach of trust is theft of another's property. -includes crimes not related to gambling. In this context, robbery means taking someone else's property for one's own benefit or that of other persons, causing damage to the owner or other owner of this property, illegally and without payment. Fraud and the types of crimes described in Article 170 are objectively distinguished by whether or not there is a sign of robbery.

If we dwell on the similar aspects, in Article 168 and Article 170, the crime is committed by deception or abuse of trust. However, in case of fraudulent acquisition of property or the right to it from the owner and its illegal transfer to the benefit of the guilty person or others, property loss by deception or abuse of trust will not be included. That is, the person guilty of this does not get the property benefit from illegal possession of someone else's property, but from not paying the required amount.

When we analyze these differences in accordance with paragraph 15 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan on the case law on fraud, it becomes clear that, unlike fraud, cheating or abuse of trust In case of property damage, the property of another person is not directly confiscated and the guilty person does not have the right to his property, but according to the relevant law or clauses of the contract, the goods that are usually transferred to the ownership or disposal of the owner or must be paid to him monetary values are also illegally embezzled. For example, a "gas station" employee, performing additional work not specified in the labor contract, or an inter-provincial passenger bus employee, embezzles the money received from the client by transporting passengers without a corresponding ticket, while another person checks the gas meter, uses

natural gas for free by disconnecting from the grid, or the person flies to his destination with a fake plane ticket.

In this case, there is no decrease in the existing mass of the property of the victim (train administration, "gas station" administration, and the state), the damage is in the form of the lost profit that should reach the victim when the guilty person properly fulfills his obligations. For example, if the guilty person had not disconnected the gas meter from the network illegally, then the amount of gas used by him would have been recorded accordingly, and the payment from it would have been delivered to the state treasury.

**REFERENCES:**

1. Rustambayev M.Kh. Course of criminal law of the Republic of Uzbekistan. Book 4.
2. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated 23.06.2023 No. 17 "On Judicial Practice in Fraud Cases"
3. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 11 of April 17, 1998 "On some issues arising in the judicial practice of criminal cases in the field of economy"