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## CHARACTERISTICS OF VOLUNTARY RENUNCIATION INSTITUTE OF PARTICIPATION

**Submission Date:** April 20, 2024, **Accepted Date:** April 25, 2024,

**Published Date:** April 30, 2024

**Crossref doi:** <https://doi.org/10.37547/ijlc/Volume04Issue04-08>

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### ABSTRACT

Every crime is aimed at breaking, changing or destroying principles, interests or other social benefits established in society. In the science of criminal law, an object is defined as an element similar to the composition of a crime. The object of the crime is understood to be objectively present, i.e. regardless of the individual's perception, social relations are protected by the criminal code.

### KEYWORDS

Criminal law, criminal code, legal statistics, special accounts, objective party, composition of a crime.

### INTRODUCTION

Voluntary withdrawal from committing a crime - according to Article 26 of the Criminal Code of the Republic of Uzbekistan, it means that a person stops the actions of preparing for a crime or actions directly aimed at committing a crime after realizing that it is possible to complete or bring it to an end, as well as to prevent such a result after realizing that a criminal consequence may arise.

The victim of fraud can be anyone who is the subject of property relations or other property rights. In particular, I would like to emphasize that with fraudulent actions against individuals, if they do not

have signs of sanity, such actions should be considered hidden, because the victim is unaware of the nature of what is happening. There are also difficulties in determining the minimum age at which a person can be considered a victim of fraud rather than theft. Voluntary renunciation of crime in the institution of participation should be determined individually in each specific case, with the involvement of specialists - psychologists and teachers. According to the information service of the Legal Statistics and Special Accounts Committee of the General Prosecutor's Office of the Republic of Uzbekistan, in January-July 2022, 17,500 fraud offenses were initiated by experts of

law enforcement agencies. 7.7 thousand crimes were committed in them. the first seven months of last year. More than half of the crimes committed this year - 9.8 thousand - are frauds on the Internet. Cases of theft of other people's property by means of deception through the World Wide Web have doubled. In the first half of this year, the damage caused by fraudsters increased by 19% and reached 32.9 billion soums. Most of them - 24.6 billion soums - were stolen from individuals (plus 53 percent), 5.8 billion soums - from the state (three times more). The number of new criminal cases related to the creation of financial pyramids, another type of fraud crime, which is highlighted in a separate article of the Criminal Code of the Republic of Uzbekistan, was 160 in January-July of this year. This is another third. Compared to the first half of 2021. In general, the number of such criminal cases in pre-trial proceedings has exceeded 350. This year, the damage has increased several times. The provision of Article 190 of the Criminal Code provides for criminal liability for fraud, that is, stealing someone's property or obtaining rights to someone's property by deception or abuse of trust. Fraud is a form of theft, so it has all the hallmarks of theft. The subject of fraud is the right to someone else's property, in addition to the property, which provides the possibility of actual possession, use and disposal of it in the future. From an objective point of view, the uniqueness of fraud is in its method

Participation in a crime is the joint participation of two or more persons in the commission of an intentional crime. Has types such as executor, organizer, agent, assistant. The person who directly committed the crime - the executor, the person who led the preparation of the crime or the commission of the crime - the organizer, the person interested in the commission of the crime - the witness, the person who assisted in the commission of the crime, as well as the criminal's weapons, traces and means of committing

the crime, or by criminal means An accomplice is a person who makes a prior promise to conceal the input, as well as to receive and transfer such input. Simple participation, complex participation, organized group, criminal association, participation of 2 or more persons in the commission of a crime without prior collusion - simple participation, participation in the commission of a crime with prior collusion - complex participation. Participation is manifested not only in the completed crime but also in the preparation of the crime and the intention to commit the crime. In the Republic of Uzbekistan, the scope of responsibility for participation in the crime and the forms of punishment are defined. The persons who formed or led an organized group or criminal association shall be held liable for all crimes committed by this group or association, provided that these crimes are covered by their criminal intent.

Unlike many other crimes that are characterized by a physical method of voluntary abandonment of the crime in the institution of participation, in fraud, the criminal's method of action is informational or based on a special trust relationship formed between the criminal and the victim. A person guilty of fraud uses a method of deceiving a person who owns, possesses, or controls that property in order to deprive another of property or a right to it, as a result of which that person fraudulently transfers the property voluntarily to another person. criminal. The objective aspect of fraud is the illegal appropriation of someone's property or the right to property by deception or abuse of trust with the aim of turning the property to one's own benefit or to the benefit of other persons. The primary act in fraud must be the act of taking property from the owner's possession through deception or breach of trust by the criminal entity. The mark of an objective party distinguishes fraud from other forms of theft by deception or breach of trust in the manner in which the crime is committed. Deception is a method of

influencing the mind of the victim, as a means of persuading him that the disposal of property is carried out by him in accordance with the law or other actions in his interests. The person guilty of abuse of trust takes advantage of the relationship of trust between himself and the owner or another person authorized to make a decision on the transfer of this property to third parties. In this case, trust may arise due to various circumstances: it may arise as a result of the perpetrator's official position or personal trust relationship with the victim, or as a result of the perpetrator's false information about his identity, solvency. Abuse of trust can also occur when a person does not intend to fulfill obligations to use someone else's property or free right to it for his own benefit or for the benefit of third parties. credit without reasonable intention to pay off a debt or perform other actions aimed at fulfilling the terms of the contract, advance payment for the performance of works, advance payment for the delivery of goods). The most common way to steal someone's property by exploiting the trust of the victims is through deceptive actions aimed at misleading the victims. In addition, criminals, as a rule, are not limited to one episode. A common method of extorting money from victims was to deceive them and abuse their trust by promising to help them secure housing under a government program.

According to the CIS Convention "On Human Rights and Fundamental Freedoms", "Everyone has the right to a fair and public hearing by an independent and impartial court within a reasonable period of time." Similar norms are also found in Article 10 of the Universal Declaration of Human Rights, according to which: "Every person, in order to determine his rights and duties and to determine the validity of the criminal charge against him, on the basis of complete equality, o "He has the right to have his case considered by an independent and impartial court in a public manner, in

accordance with all the requirements of justice." If the above norm is accepted as a constitutional-legal culture, if the suspect confesses his guilt, his case will certainly be reviewed in court, and it will be gathered whether the suspect really confessed or did not confess his guilt. must be clarified through direct examination of the evidence. In such cases, the stage of judicial investigation should be abandoned in whole or in part, and the personal qualities of the suspect should be directly examined, and therefore the sentence should be passed and the issue of compensation to the victim should be decided.

In addition to the multi-episode nature, another feature of fraudulent actions is their qualified nature, seriousness, including large damages, especially large damages, the presence of a group, and repetition. When deciding whether a person is guilty of committing fraud, the courts must remember that a mandatory sign of theft is the presence of a person's ulterior motive, that is, the desire to seize and (or) use someone else's property for his own benefit. or by disposing of said property as his own, including giving it to others. In the article, 36 cases were tried by Tashkent courts, and then 24 cases by Samarkand courts. The study of cases showed that justice in criminal cases by judges is carried out in accordance with the requirements of the norms of criminal and criminal-procedural legislation. In all criminal cases, there are decisions on the admission of criminal cases to trial and the appointment of the main trial. The 5-day time limit for accepting the case and the 15-day time limit to appoint the main trial were not found to be violated. In these decisions, all the issues provided for in Articles 319-320 of the Criminal Procedure Code are determined. In accordance with the requirements of Article 322, Part 4 of the Criminal Procedure Code, judges are appointed no later than fifteen days from the date of the decision to accept the case for trial.

Nevertheless, the majority of criminal cases of this category reach the court of cessation.

According to the decision of the Supreme Court of the Republic of Uzbekistan on June 22, 2021, the court documents of the protest of the Prosecutor General were canceled and the criminal case was sent to a new trial. The appellate court was once again acquitted and noted that there was no evidence that he had given false information about the condition and their price in the criminal case materials. According to the materials of the criminal case, in accordance with the instructions on this matter dated January 6, 2014, in accordance with the functional duties of the deputy director for transport and other authorized bodies, control the timely registration and re-registration of rolling stock, as well as the reliable and overseeing timely delivery. It was convincingly established in court that the management, by using their official position, by means of deception and abuse of trust, gave false information that the vehicles could not be used due to the expiration date. Moreover, it was he who convinced the management of the need to sell cars. Thus, he showed that he is the founder. He convinced him that 37 vehicles needed to be sold due to the end of their service life. After signing the contract for the sale of wagons and the delivery of the wagons, doubts arose about the legality of the transaction, and therefore an independent evaluation of the sold wagons was initiated. According to estimates, the market value of 37 cars was 173,244,677 soums. I also knew that the service life of the machines could be extended, given their actual technical condition. According to Umarova's instructions, it was found that she works as an accountant.

According to Article 41 of the Criminal Code of the Republic of Uzbekistan, deprivation of the right to occupy a certain position or to engage in certain activities consists in the prohibition of holding certain

positions in the public service, local state authorities or engaging in certain professional activities. When imposing an additional punishment, the court must indicate the additional punishment. In accordance with the normative decision of the Supreme Court of the Republic of April 30, 1999 No. 1 "On observance of the rule of law by the courts in the determination of criminal punishment", when an additional punishment in the form of deprivation of liberty is assigned to the defendant. on the right to occupy certain positions, the main part of the sentence should clearly indicate the type of position or activity. In particular, it cannot be allowed to deprive the defendant of the right to work in a certain field or in any institution or organization without determining the range of positions that he has no right to occupy.

With the widespread adoption of computer hardware and network technologies used for fraud attacks, computer hardware and computer network technologies have begun to occupy an increasing share. The seriousness of such acts, the presence of an additional object of aggression, and the increased risk caused by the difficulties in investigation and detection require an appropriate response from the legislator. Its optimal form should be a qualifier such as committing a crime using computer technology in the article on liability for fraud. Studying the problems of combating fraud in the legislation of the Republic of Uzbekistan shows the need to improve the norms of criminal law on responsibility for fraud. In modern conditions, more and more new fraud schemes are constantly being invented, which requires the state to take appropriate measures. It should be recognized that today our legislation requires changes, additions and additions aimed at showing the elements of fraud. This serves the interests of society, business, and also reduces cases of injustice and abuse by law enforcement agencies. Sorting out the actions of the organizers of "financial pyramids" is somewhat difficult. When



making deals with clients (victims), they do not hide the fact that payments to previous investors are made at the expense of the money of subsequent clients of the pyramid.

Normative regulation of the Supreme Court of the Republic of Uzbekistan "on changes and additions to the normative legal decision" on judicial practice in the application of the article of the Supreme Court of the Republic of Uzbekistan - in accordance with the legal decision. Pursuant to Article 67 of the Criminal Code, according to Part 2 of Article 67 of the Criminal Code, a person who commits any crime of moderate severity, regardless of the consequences, as well as repetition, accumulation, is released from criminal liability possible Repetition of crimes in his actions if there are the following grounds: a) the committed act falls into the category of crimes of average severity, b) the person who committed the crime reconciled with the victim; the person who committed the crime compensated the victim for the damage. Since Article 190, parts 1 and 2 of the Criminal Code belong to the category of crimes of small and medium severity, a sufficient number of cases of this category are terminated due to the reconciliation with Article 68 of the Criminal Code.

In order to eliminate shortcomings in the consideration of cases of this category, the courts should conduct a more in-depth judicial investigation, examine the evidence, carefully study the information about the identity of the culprits, material and procedural law in criminal cases. Must take measures to strictly comply with the norms.

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