



Research Article

CRIMINOLOGICAL CHARACTERISTICS AND PREVENTION OF THE ACQUISITION OR SALE OF PROPERTY OBTAINED BY CRIMINAL MEANS

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ABSTRACT

The relevance of the research topic is that the manifestation of criminal relations in various spheres of public life, including the economy, is increasing quantitatively. The main factors contributing to this process are the weakening of control in the administrative sphere, insufficiently dynamic and timely improvement of the legal framework for combating crime. In the system of illegal economic activity, a fairly independent direction has emerged, associated with the acquisition or sale of property obtained by criminal means. Today it is a pronounced way of carrying out the illegal circulation of material values, the responsibility for which is provided for in Art. 171 of the Criminal Code of the Republic of Uzbekistan. Little has been studied about the personality of criminals who have committed crimes in the sphere of the economy, whose characteristics differ significantly from the characteristics of subjects who have committed other crimes, both in terms of age, level of education, and social status.

KEYWORDS

The identity of criminals who have committed crimes in the sphere of the economy, the acquisition, sale of property knowingly obtained by criminal means.

INTRODUCTION

Research methodology. Content analysis of laws, comparative analysis. The empirical base of the study was: materials of statistical reporting. The study of the "personality of an economic criminal" is impossible without the basic criminologically significant properties of the personality of a criminal in general.

According to N.S. Leikin, the identity of a criminal is a set of criminologically significant properties of a person that led to the commission of a crime. In turn, V.A. Ananich believes that the personality of a criminal is nothing more than a set of socially significant negative properties formed in it in the process of diverse and systematic interactions with other people, as well as as a result of the active influence of electronic means of communication, printed publications and other factors. Yu.M. Antonyan, considering it as a set of negative criminogenic qualities of a person that caused (or could cause) a person to commit a crime. Known definitions of the personality of a criminal are generalized and do not reflect the personality of a specific criminal.

The scientific and practical value of determining the identity of a criminal in criminology makes it possible to identify the characteristics of a particular type of personality who has committed an economic crime. Taking into account the ongoing discussions in criminology about the term "personality of the offender", its specificity and role in the commission of crimes, in relation to the type of crime under consideration, the following definition of the concept of the personality of a modern economic criminal can be proposed. The personality of a criminal who commits economic crimes should be understood as a set of criminologically significant personality traits that have been formed in the course of her professional and commercial activities, which, in interaction with external conditions and

circumstances, determine the use by her of certain means prohibited by the current criminal legislation to achieve mercenary or other purposes. When studying the personality of a criminal, criminologists, as a rule, set the goal of revealing the patterns of criminal behavior, and therefore an important task for criminology arises - to investigate the factors that, at the individual level, form attitudes towards illegal behavior or contribute to their implementation. The criminological characteristic of the offender's personality includes socio-demographic, moral-psychological and criminal-legal features.

In order to identify the features of the criminological portrait of persons committing economic crimes, scientific criminologists studied the materials of criminal cases for various periods. So, for example, S.M.S. Kazakevich notes that the characteristics of the accused in cases of this category differ significantly from the characteristics of subjects who have committed other crimes, both in terms of age, level of education, and social status. An analysis of the statistical materials of Uzbekistan showed that the analysis of the statistical materials of Uzbekistan in terms of the age of offenders in January-June 2022 showed that of the total number of recorded violators, the largest share were citizens aged 31 years and older - 63.7% (25138 people), further 25-30 years old - 19.3% (7607 people), small proportions among 18-24-year-olds - 13.5% (5338 people), 16-17-year-olds - 2.7% (1050 people) and 13-15 year olds - 0.8% (306 people).

Thus, according to the Ministry of Internal Affairs of the Republic of Uzbekistan, the total number of registered crimes in January-June 2022 in the country amounted to 46,529 cases¹), an increase, compared to the corresponding period last year, amounted to 1.0%. The number of crimes for this

period, based on 10 thousand people, reached 13.1 cases.

Crime in all lines of services, depending

on the severity of its commission in the regions

(in January-June 2022, units)

<p>Republic of Uzbekistan</p> <p>Registered</p> <p>46529</p>	<p><i>not representing a great public danger</i></p> <p>21 264</p>	<p><i>less serious</i></p> <p>12 667</p>	<p><i>serious especially grave</i></p> <p>10 874</p> <p>17 24</p>	<p>10 874</p>	<p>17 24</p>
<p>Republic of Karakalpakstan</p> <p>Registered</p> <p>1 521</p>	<p>648</p>	<p>479</p>	<p>356</p> <p>38</p>	<p>356</p>	<p>38</p>

The number of crimes by the severity of their commission

(in January-June 2020-2022, units) Of the number of registered

offenses, 45.7% (21,264 units) fall on the share of crimes that do not pose a great public danger, less serious - 27.2% (12,667 units), for severe - 23.4% (10,874 units), for especially severe - 3.7% (1724 units). The number of less serious crimes increased from 6,188 cases in Q2 2020 to 12,667 cases in Q2 2022. The increase was 2.0%. The number of serious crimes increased by 2.5 times in

January-June 2022 compared to the previous period of 2020. Especially serious crimes in January-June 2022 increased by 1.6 times compared to January-June 2020, when the number of crimes amounted to 1078 cases. Crimes that do not pose a great public danger in January-June 2021 decreased by 0.4 times compared to the previous period of 2020, and, compared to

January-June 2022, increased by 2.1 times. At the same time, the number of crimes, which do not pose a great public danger, in the II quarter of 2021 amounted to 9954 cases.

Among the committed especially serious crimes, the city of Tashkent excels -

21.2%, Tashkent - 15.0% and Samarkand - 12.1% of the region. Relatively small shares fall on Navoi - 1.0%, Jizzakh - 1.5% of the region and the Republic of Karakalpakstan - 2.2%.

The largest number of registered crimes was committed in the area of economy - 46.0% , crimes against public order security rank second - 22.1%, followed by crimes against order functioning of authorities, administration and public associations - 17.7%, as well as crimes against the person - 13.7%. Insignificant shares in crimes against peace and security - 0.4%, in the field of ecology - 0.1%. According to the results of January-June 2022, among economic crimes in total 913 cases of fraud were detected (46.2%), 6556 thefts (33.2%), 2,846 embezzlement or embezzlement (14.4%), 609 evasion taxes (3.1%), 390 robberies and robberies (2.0%), 208 manufactures, sale of counterfeit money, excise stamps or securities (1.1%), 206 extortions,

425 violations of the rules of trade or provision of services, 71 production, manufacture, acquisition, storage, transportation for the purpose of sale or sale of substandard or counterfeit medicines or medical devices prescription, sale of medicines or medical products appointments outside pharmacies, and their branches, etc.

As rightly noted in many sources, economic crimes are primarily intellectual crimes, which implies a high educational level of the criminal, which has an unconditional impact on the habits, worldview, circle of interests, and the position of the individual in the social structure of society. In terms of educational level, among those who committed economic crimes, the group with higher and secondary specialized

education dominates (more than 2/3), and only a small part falls on people with secondary and incomplete secondary education.

According to the social status, criminals who commit economic crimes are characterized by approximately the same features - these are employees, as well as persons engaged in individual labor activity. As already noted, economic crimes are committed mainly by persons aged 30 to 49 years. Speaking about the social status of these persons, it should be emphasized that at this age a person is considered socially mature, he has fairly well-established worldview positions.

From the analysis of the materials of criminal cases, it follows that 65% of the persons who committed economic crimes were married and had children. This circumstance can be explained by the psychological attitude of the person to the unlawful act committed by him. In ordinary public consciousness, the commission of economic crimes is considered a less serious crime than, for example, robbery or robbery. Meanwhile, the public danger and harm to the country from crimes that encroach on the existing economic system or its individual elements is much greater.

Based on the results of the analysis of the results of the personality characteristics of criminals who commit illegal acts of an economic nature, contained in the materials of criminal cases, the proceedings on which were completed in 2018-2020, there is a tendency to change the criminological portrait of this category of criminals . Thus, the number of women among offenders is increasing. Age - 25 years and older. Social status also changed. If earlier employees and individual entrepreneurs dominated, now it is the heads and other officials of economic entities of all forms of ownership, civil servants and persons equivalent to them. Offenders usually have higher education. It would seem that the growth of the educational level of

managers and civil servants should act as an anti-criminogenic factor, but the proportion of people with higher education among the participants in economic crimes has recently increased and is about 70%. Economically and socially active citizens with special knowledge are increasingly involved in the commission of economic crimes.

The focus of the economy on the creation and consumption of material goods made it possible to form a predominantly material value orientation among those who commit economic crimes. For this category of criminals, self-interest, concern for the personal, deceit, survival at any cost in a competitive environment, belief in the omnipotence of money, the desire for personal enrichment, etc. began to prevail in the value system. Such a person sought to move from satisfying elementary vital needs to enrichment by any means. . And if a person with such value orientations became a leader or other official of a business entity, then, naturally, she did not strive to work in the legal direction. Undoubtedly, these circumstances influenced the establishment of mercenary motivation in the commission of crimes, which was basically the dominant one in the commission of economic crimes.

The psychological and mental properties of the personality of a criminal who commits economic crimes are formed mainly under the influence of the social environment. Therefore, here the specific nature of this crime is manifested. In the generally accepted understanding, the characteristics of perpetrators of crimes are such qualities as indiscipline, a negative attitude towards work, the performance of civil duties, and disregard for the rules of human society. With regard to the personality of an economic criminal, such persons are outwardly law-abiding citizens, but their attitude to the law can be called selective: that is, while accepting and implementing some rules of law, they

ignore the implementation of others, which is dictated by the motivation of criminal behavior.

Persons who commit crimes of an economic nature take an active part in the economic, political, social life of society, give the impression of benevolent, sociable people with a wide range of interests. They are characterized by extensive experience in interpersonal contacts, high entrepreneurial spirit and the ability to find the right line of conduct. The model of behavior of persons who commit crimes against the order of economic activity is becoming more and more acceptable by society. At the same time, a negative assessment on the part of citizens is given not on the principle of violation of moral and legal foundations, but on the principle of the ability to benefit from economic processes. Only selfish motives associated with material and value orientation remain unchanged.

As you know, in criminology there is a well-established point of view that an indicator of the depth, persistence and malignancy of the antisocial orientation of the personality of a criminal is a combination of such factors as the severity of the crime committed, the nature and role of the situation preceding the crime. A detailed study of the criminological portrait of persons committing crimes in the sphere of the economy made it possible to divide them into the following types according to the degree of depth and persistence of their antisocial orientation: an accidental criminal, a situational criminal, an unstable criminal and a malicious criminal.

Let us consider in more detail each of the identified personality types of a criminal who commits economic crimes.

An accidental criminal is a person who has committed a non-serious economic crime for the first time, which contradicts his socially approved previous behavior. As

a rule, such persons commit an economic crime for the first time as a result of a random combination of circumstances and a specific life situation.

A situational criminal is a person who is characterized by the commission of a serious economic crime for the first time under the influence of an unfavorable combination of external circumstances. Basically, this category of persons committing economic crimes has a positive social orientation and a stable level of legal awareness.

An unstable criminal is a person who commits crimes of an economic nature, due to his significant deviations from socially approved behavior, however, these deviations are unstable and, under certain conditions, this can lead to both a decrease and an increase in the criminality of a person.

A malicious criminal is a person who commits economic crimes, which is characterized by the presence of persistent and significant deviations from socially approved behavior. Such individuals are distinguished by legal nihilism, pronounced antisocial views and a clear focus on continuing to lead a criminal lifestyle, including engaging in criminal activities in the economic sphere.

Determining the typology of persons committing crimes in the economic sphere will make it possible, to one degree or another, to predict the behavior of such persons in the event of conditions conducive to the commission of economic crimes, and, of course, will have a proper impact on the development of necessary measures to prevent and prevent economic crimes. We can say that the successful prevention of economic crime is possible only with the knowledge of the personality of the offender, since it is the most important link in the entire mechanism of criminal behavior.

Thus, the criminological portrait of a person who commits economic crimes differs significantly from the characteristics of persons who commit illegal acts of other types, both in terms of education, age, gender, and social and marital status (status), moral and psychological properties.

The trends characteristic of modern economic crime inevitably led to a number of changes in the previously compiled criminological characteristics of a person who commits economic crimes. These changes affected both the gender of the criminals, their age, educational level, and social status. Only selfish motives related to their material and value orientation remained unchanged.

According to the author, the application of the above methods and reference to the works of scientists and publicists, materials of criminal cases made it possible to draw the following conclusions:

1. Against the background of an ever-increasing proportion of mercenary and mercenary-violent crime in the overall structure of crime, the number of crimes under Art. 171 of the Criminal Code of the Republic of Uzbekistan, is growing more intensively.
2. The latent nature of the acquisition or sale of property obtained by criminal means is largely predetermined by the relationship of this crime with previous criminal encroachments, as a result of which property and other material values are obtained with impunity.
3. In conditions when the activities of law enforcement agencies aimed at searching for stolen property often do not bring visible results, citizens lose confidence in law enforcement agencies, this gives rise to the passivity of the victims in protecting their violated rights, and encourages numerous representatives of

the criminal world to acquire or sell property with impunity, obtained by criminal means.

4. The acquisition or sale of property obtained by criminal means is determined by a complex of objective factors: poverty and unemployment of a large number of citizens; significant differentiation of the population in terms of income and level of material security; functioning in the country on a significant scale of the speculative criminal economy; creation of artificial conditions for the bankruptcy of enterprises; discrepancy between wages and price levels and labor productivity; permission to export abroad strategic raw materials and other national wealth without effective control by the state; insufficiently effective work of law enforcement agencies to prevent this type of criminal activity, the penetration of criminal elements into the structures of executive power.

6. Subjective determinants of criminal offenses under Art. 171 of the Criminal Code of the Republic of Uzbekistan, are defects in the legal consciousness of citizens, money-grubbing, a clear underestimation of the public danger of this type of crime by representatives of the legislative and executive authorities.

7. A characteristic feature of persons committing illegal acts under Art. 171 of the Criminal Code of the Republic of Uzbekistan is that most of them do not have obvious signs of personality degradation. Basically, they have a very high level of intelligence, lead an outwardly decent lifestyle (they have families, children, a permanent place of work, etc.), but at the same time they often involve close relatives, friends and acquaintances in the commission of relevant crimes. All this prevents their timely identification and application of criminal punishment to them.

8. Priority measures to prevent the acquisition or sale of property obtained by criminal means are: intensifying the activities of law enforcement agencies to bring the perpetrators to criminal liability; restoration of the practice of making submissions on the elimination of circumstances conducive to the commission of crimes under Art. 171 of the Criminal Code of the Republic of Uzbekistan; creation of a body that controls the implementation of the provisions of the relevant regulations; legal education of citizens on the issues of combating criminal manifestations in society and the state.

REFERENCES

1. Ananich, V. A. Typology and classification of the offender's personality and their significance for the effectiveness of prevention measures. Minsk, 2021
2. Antonyan Yu.M. A course of lectures on criminology. M.: RIPO IGUMO, 2004
3. Leikina, N. S. The identity of the offender and the criminal liability of L. : Publishing House of Leningrad State University, 1968. - 128 p.
4. Kazakevich S.M. Criminological portrait of a person committing economic crimes. [/https://cyberleninka.ru/article/n/kriminologicheskij-portret-litsa-sovershayuschego-ekonomicheskie-prestupleniya](https://cyberleninka.ru/article/n/kriminologicheskij-portret-litsa-sovershayuschego-ekonomicheskie-prestupleniya). 2017