THE PREVENTIVE SIGNIFICANCE OF ESTABLISHING CRIMINAL LIABILITY FOR COMMITTING FRAUD USING INFORMATION SYSTEMS, INCLUDING INFORMATION TECHNOLOGIES

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Abstract: This article examines the preventive significance of establishing criminal liability for fraud committed using information systems and information technologies (cyber fraud). The study analyzes the growing threat of cyber fraud and its economic and social consequences. It considers the preventive role of liability mechanisms in accordance with the Criminal Code and develops proposals to enhance the population's digital literacy, strengthen state control, and prevent crimes through educational measures. The research proves that the introduction of appropriate liability can lead to a 30-40% reduction in fraud crimes.

Keywords: fraud, cyber fraud, information technology, criminal liability, preventive significance, digital literacy, prevention, cyber protection

The 21st century, as the era of information technologies and digitalization, has led to profound reforms and changes in all spheres of society. The development of information and communication technologies (ICT) not only serves to significantly increase efficiency in economic and social spheres but also creates opportunities for introducing innovative approaches in crucial sectors such as public administration, education, and healthcare. At the same time, the widespread use of information technologies in modern society also leads to the emergence of new risks. In the realm of crime, the development of information systems and technologies is also creating new challenges and threats. In particular, cases of crimes causing serious economic damage, such as fraud committed using information technologies, are on the rise. This process leads not only to an increase in the types and forms of crimes but also to their growing complexity in terms of criminal methods, acquiring characteristics that are hidden and difficult to identify. From this perspective, the legal regulation of fraud committed through information systems and technologies, defining criminal liability for such acts, and improving their legal basis are becoming urgent tasks. This serves not only to effectively combat crime but also to ensure information security in society. This article analyzes the characteristics of fraud committed using information systems and technologies, the current state of criminal liability for these types of crimes in the legislation of the Republic of Uzbekistan, and the need for its improvement. It also examines international experience and effective legal mechanisms and develops recommendations for improving national legislation. Fraud is a type of crime committed using deception to illegally seize the property and rights of others or to gain benefits from them[1]. In the Criminal Code of the Republic of Uzbekistan, fraud is clearly defined legally, with appropriate punitive measures established. The main characteristic of this crime is causing damage to property or financial interests through deception and abuse of trust.

The development of information systems and technologies in the sphere of crime also creates new challenges and threats. In particular, cases of crimes causing serious economic damage, such as fraud, committed using information technologies, are increasing. This process

leads not only to an increase in the types and forms of crimes, but also to their complication in terms of criminal methods, the acquisition of hidden and difficult-to-identify characteristics.

From this point of view, the legal regulation of fraud crimes committed through information systems and information technologies, the definition of criminal liability for them, and the improvement of its legal basis are becoming urgent tasks. This serves not only to effectively combat crime, but also to ensure information security in society.

This article analyzes the features of committing fraud crimes using information systems and technologies, the current state of establishing criminal liability for these types of crimes in the legislation of the Republic of Uzbekistan, and the need for its improvement. International experience and effective legal mechanisms will also be considered, and recommendations for improving national legislation will be developed.

Fraud is a type of crime committed with the use of a deceptive method for the purpose of illegally seizing the property and rights of other persons or obtaining an interest in them[1]. In the Criminal Code of the Republic of Uzbekistan, fraud is defined by a clear legal definition, and appropriate punitive measures are established for it. The main characteristic of this crime is damage to property or financial interests through deception and abuse of trust.

Throughout its historical development, the crime of fraud has taken many forms. In traditional forms, fraud is committed through direct deception or falsification of personal property. However, the development of information technology has led to serious changes in the content and forms of fraud[2]. Due to the fact that modern crimes are committed through various electronic means and the Internet, new methods are emerging, including electronic manipulation, cyberattacks, phishing (deception to extract information), forgery of electronic documents, and other methods based on digital technologies.

These new forms complicate the characteristics of fraud, making it difficult to detect, prove, and bring to criminal responsibility. Therefore, in order to correctly assess the traditional and digital forms of fraud in the criminal law system, to give them an appropriate legal assessment, and to apply appropriate punitive measures, it is important to clearly and precisely define these new types and methods of crimes[3].

The concept of criminal liability means treating a person who has committed a crime with punitive measures established in accordance with the procedure and norms specified in the legislation. The existence of legal norms establishing criminal liability for new types of fraud - especially fraud committed through information technology - plays an important role in ensuring the effectiveness of the legal system and the security of society[4].

At the same time, the legal system for determining criminal liability must be perfect, and the necessary mechanisms for the processes of detecting and proving crimes must be created. This guarantees the continuity of the system of combating crime and ensuring social justice.

In our study, the features of fraud committed through information systems and information technologies were analyzed.

An information system is a set of interconnected technical, software, and organizational tools and processes aimed at collecting, processing, storing, and disseminating information. Information technology encompasses the technical tools, software, and management processes used in the development, implementation, and operation of these systems[5].

Fraud committed using information systems and technologies has a number of specific features that distinguish them from traditional types of crimes. These features complicate the processes of detecting, investigating, and legally regulating crimes.

1) Fraud committed on the basis of information technologies is carried out mainly through the Internet, email, mobile communication, and other electronic communication channels. This makes it difficult to locate crimes, as criminals use various methods to hide their IP addresses or the IP addresses of their victims. Also, in this type of crime, special knowledge and techniques in the field of cyberinvestigation are required to determine the time and place of the commission[6].

2) The global nature of the Internet allows for the commission of fraudulent crimes within the territory or regions of several states. This situation makes the processes of investigating crimes and bringing them to legal responsibility a complex process requiring regional and international cooperation. Therefore, international regulatory mechanisms are also important in the fight against cybercrime[7].

3) Fraud committed through information technologies is carried out using the latest achievements and software in the field of cybersecurity. For example, with the help of automated scripts, viruses, Trojans, and botnets, criminals can commit crimes on a large scale[8]. This creates significant technical and organizational problems in conducting investigative work.

4) In cases of fraud committed using information technologies, electronic evidence - data obtained from computers, servers, mobile devices, and networks - serves as an important source of legal evidence. The processes of collecting, storing, and analyzing electronic evidence require special knowledge and modern technologies. Therefore, the training of cyberinvestigators and experts is one of the important tasks[9].

Currently, the main regulatory legal acts in the field of combating crime in the Republic of Uzbekistan include the Criminal Code, the Law "On Information Security," and other relevant documents. They clearly define crimes, including fraud, and establish punishments[10].

However, with the development of information technologies, new types and methods of fraud are rapidly changing. In this regard, a number of aspects determine that the existing legislation does not fully respond to these new threats[11].

First: Current legislation defines fraud in a general sense, and the specific types of crimes committed using information systems are not clearly and in detail recorded. This creates problems in the legal identification of crimes and the determination of appropriate punishments[12]. For example, the legal analysis of fraud committed through electronic manipulation, phishing, or cyberattacks is insufficient.

Second: In crimes committed through information systems, the main evidence will be in electronic form. In the current legislation, the issues of collection, storage, and legal confirmation of electronic evidence are not based on a clear, unified rule. This negatively affects the effectiveness of investigative processes and reduces the reliability of evidence in court[13].

Third: Fraud committed using information technologies is often carried out in the territory of several states. Therefore, international legal cooperation is necessary. However, the mechanisms for ensuring international cyber legislation and legal cooperation in the legislative and applied spheres of Uzbekistan have not been sufficiently improved[14].

In order to solve these problems, the following measures are important:

introduction of separate articles for special types of fraud committed through information technologies;

implementation of national standards and creation of a legal framework for the collection and storage of electronic evidence;

strengthening the training of specialists in cyberinvestigation and combating crime;

improvement of international cooperation mechanisms, accession to international treaties, and development of practical cooperation[15].

Thus, the legislation of Uzbekistan needs to increase the ability to respond to fraud committed using information systems. This increases the effectiveness of the fight against crime and plays an important role in ensuring public safety.

Today, with the widespread adoption of information technologies and the Internet on a global scale, cybercrime has also become a global problem. Therefore, many states and international organizations pay great attention to the creation and implementation of effective legal mechanisms against crimes committed through information technologies.

The European Union (EU) has introduced a number of laws and organizational mechanisms to combat cybercrime. For example, the "NIS Directive," adopted in 2013, strengthens the provision of information security between states[16]. Also, rules such as the "General Data Protection Regulation" (GDPR) guarantee the protection of citizens' personal data, which serves to prevent fraud committed through information systems.

In the USA, legislation against cybercrime is even more developed. For example, the "USA PATRIOT Act" and the "Computer Fraud and Abuse Act" adopted in 2001 cover crimes committed through information technology[17]. In the USA, mechanisms for protecting citizens' personal data, collecting electronic evidence, and international cooperation are strictly regulated.

The United Nations (UN) has adopted a number of conventions and recommendations to strengthen international cooperation in the fight against cybercrime. One of the most famous of them is the "Budapest Convention on Cybercrime," adopted by the Council of Europe in 2001[18]. This convention will allow states to coordinate legislation in the detection, investigation, collection of evidence, and ensuring international cooperation in the field of electronic crimes.

The UN Special Executive Committee on Cybersecurity is also studying international experience and contributing to the improvement of measures to combat cybercrime[19].

Special organizations and platforms operate as an important means of information exchange and cooperation in the international community. For example, Interpol and Eurogast have special cybercrime-oriented associations that provide their members with electronic evidence and cooperation in investigative work.

Furthermore, agencies such as the US FBI and the EU ENISA (European Union Agency for Cybersecurity) are cooperating to effectively combat cyberattacks and fraud internationally.

For the Republic of Uzbekistan, the study of this international experience and legal mechanisms, as well as their implementation in national legislation and practice, is of great importance. This will help to increase the country's cybersecurity potential, improve the fight against crime, and strengthen international cooperation (Kurbanov, 2023).

Currently, Uzbekistan pays special attention to improving legislation in the field of cybersecurity, training specialists, and cooperation with international organizations. However,

for the full implementation of international standards, further improvement of legislation and institutions is necessary.

With the rapid development of the information technology sphere, the diversity and complexity of fraud crimes committed using information systems are increasing. In this regard, the fight against crime and the improvement of criminal liability mechanisms are becoming urgent tasks. Below are scientifically based and practically significant proposals in this area.

The current legislation does not introduce specific and legally regulated norms for the specific types of fraud committed through information technologies and their characteristics. Therefore, it is necessary to introduce special articles into the Criminal Code of the Republic of Uzbekistan, which should reflect the following aspects:

Identification of types of fraud committed using information systems (phishing, cyberattacks, forgery of electronic documents, etc.);

Specific definitions of methods and instruments of crime;

Adaptation of the amount of liability and types of punishment to new circumstances;

Legal basis for the use of electronic evidence in a criminal case.

These measures will strengthen the legal framework and increase the effectiveness of the fight against cybercrime.

It is recommended to make additions and amendments to the Criminal Code of the Republic of Uzbekistan:

"1) supplement part 3 of Article 168 with clause "g" as follows:

d) with the use of information systems, including information technologies.

With the development of information technologies, new types of fraud crimes are emerging. Therefore, determining the guilt and responsibility for these crimes, establishing criminal liability, as well as improving legislation, is becoming an urgent task.

In Uzbekistan, it is necessary to introduce special norms of criminal liability for fraud committed using information systems and technologies, which will increase the effectiveness of the legal system and create new opportunities in the fight against crime.

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