

AS AN IMPORTANT ELEMENT OF THE CRIMINALISTIC DESCRIPTION OF CASES OF CRIMES COMMITTED IN THE FIELD OF CONSTRUCTION

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Article Info	ABSTRACT
<p>Article history: Received Aug 05, 2024 Revised Aug 25, 2024 Accepted Sep 06, 2024</p> <p>Keywords: <i>Construction, Economic Crimes, Investigation, Tactical Methods, Fraud, Embezzlement, Suspect, Accused, Civil Servants, Accounting, Economy, Management, Chief Accountant, Foreman, Head Of Production And Technical Department, Socio-Demographic, Psychological, Psychophysiological, Biological, Inquiry, Investigator, Behavior, Model, Investment.</i></p>	<p>General Background: Economic crimes in the construction sector pose significant challenges due to their complexity and the substantial financial impact they can have. Specific Background: This article addresses the intricate nature of economic crimes within the construction industry, focusing on the specific circumstances, investigative requirements, and criminalistic elements involved. Knowledge Gap: Despite extensive research on economic crimes, there is a lack of comprehensive analysis on the unique investigative challenges and tactical approaches specific to the construction sector. The current literature does not sufficiently address the effective planning, execution, and psychological aspects of investigating such crimes. Aims: The primary aim of this article is to explore the distinctive features of economic crimes in construction, including the necessary evidentiary circumstances, investigative methods, and tactical approaches. It seeks to provide a detailed framework for developing investigative versions and effectively planning and conducting investigative actions. Results: The study outlines the critical elements required to prove economic crimes in construction, including specific methods and criminalistic circumstances. It presents effective strategies for planning investigations, employing tactical methods, and engaging in psychological communication with suspects and accused individuals. Novelty: This article introduces a focused analysis on the economic crimes prevalent in the construction sector, offering new insights into the investigative processes and tactical methods tailored to these types of crimes. Implications: The findings have significant implications for improving investigative practices in economic crimes within the construction industry. The proposed strategies and methods can enhance the effectiveness of investigations, contribute to more accurate crime resolution, and support the development of specialized training for law enforcement and investigative personnel.</p> <p>This is an open-access article under the CC-BY 4.0 license.</p> 

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INTRODUCTION

In recent years, the active development of the construction sector of the economy in our Republic and the high profitability of the construction business have led to an increase in the level of crime in this sector, in particular, an increase in economic crimes related to embezzlement. State employees involved in the organization of criminal schemes aimed at illegal embezzlement of construction funds are also influencing the situation to reach this level. In addition, the contracting organizations deliberately violate the conditions specified in the project-estimate documents by not performing the construction-assembly and repair works at a sufficient level of demand, and as a result, the allocated funds are not spent for the specified purposes. Due to the circulation of large amounts of money, the construction industry remains one of the most corrupt industries today. According to statistics, in 2019-2020, one thousand two hundred and thirty-three persons were brought to criminal responsibility in our Republic. There are many cases of corruption, especially in the procedure of allocating land for construction, selection, holding tenders, formalizing documents related to urban planning for construction objects, connecting these objects to engineering and communication networks. In 2023, in Tashkent region alone, 15.8 billion soums worth of low-quality work was done and 6.3 billion soums of overwriting was detected by the prosecutor's office, and 63 criminal cases were initiated. At the same time, the amount of crimes committed in the field of road and bridge construction cannot be considered small. According to the Republican Transport Prosecutor's Office, in 2020, about 40 criminal cases related to embezzlement of budget funds were opened in the field of road construction and bridge construction. 11.5 billion in the province for corruption crimes in this area. State property worth soums was looted. These numbers and indicators show that it is necessary to improve the effectiveness of the investigation of economic crimes committed in the construction sector, including the analysis of the circumstances of the crime. Circumstances of crime are an important element of criminal description of crime. In particular, when investigating robbery crimes committed by officials of a construction organization, cases of crime are an independent element of the criminalistic description. At the same time, it can influence the emergence of all other elements of the criminalistic description of the crime. In order to develop a methodology for investigating a crime committed in a specific field, it is first necessary to study the specifics of that field. In other words, the circumstances of the crime are the social environment in which the perpetrators acted. These circumstances can affect the methods of committing the crime. Therefore, without this mandatory element of the criminalistic description of crimes, the specific characteristics of the construction industry make it difficult to determine the illegal activities of specific officials. It should be noted that the circumstances of the commission of a crime is an interdisciplinary concept that is studied in criminal law, criminal procedure, criminology and other criminal-legal areas of law. From the point of view of the criminalistic methodology of investigation of certain types of crimes, the circumstances of committing a crime mean the set of space-time and other conditions

related to its commission. Also, the nature of the control measures, the high demand for housing in the area, and the level of illegal intervention by the state authorities in the private sector are also cases of committing crimes in the field of construction. In addition to these, the characteristics of construction, financial discipline, and the state of control over the preservation of property are also recognized as components of the occurrence of economic crimes in the field outside the place and time of the crime. Among these components, the uniqueness of construction depends on the type of construction (industrial, residential, transport, energy, agriculture, etc.). Apart from the time and place of the crime, the psychological environment formed in a particular community emphasizes lack of control as an element of the situation of the crime. Therefore, the criminalistic circumstances of committing a crime are the physical, natural, manufactured, domestic and other surrounding conditions that exist before and during the commission of various related crimes, place, time, and the commission of the crime. the behavior of the persons (who committed the crime) that determines the opportunities and other circumstances is meant. The circumstances of the crime show that it was committed in a certain way, at a certain place and time, and it helps to draw conclusions about the methods used by the person who committed the crime, to form a model of criminal aggression. In other words, the circumstances of committing a crime are conditions related to the social environment, time and space in which a person moves. Without studying these cases, it is difficult to determine the peculiarities of the construction industry and illegal activities of officials and other persons. In our opinion, the cases of theft crimes by officials in the construction sector are composed of the following elements: the peculiarities of construction as a separate sector of the economy, in particular, the technique of working in the field, the system of document exchange and accountability, the documentation of the movement of goods and material values, the handing over and receiving of completed works. formalization of receipt and procedure for its transfer; the state of control that should be implemented to ensure the preservation of commodity values; the time and place of the crime of robbery. As an element of the criminalistic description of crimes, the circumstances of their commission should be understood not only as features related to the area and time (typical place of commission, typical time), but also features describing other environmental conditions and the possibilities of commission of the crime. In particular, S.V. Zaderako recognized the status of regulatory documents regulating legal relations in the economic sphere as one of the important elements of cases of fraud crimes in the field of construction. In his opinion, guarantees, restrictions and prohibitions in the legislation on the field create the need for persons guilty of committing crimes to find loopholes in the legislation or circumvent the requirements of the law. This also creates a number of difficulties for investigators in the investigation process. Also, S.A. Grigoryan, the norms regulating legal relations in the field of construction based on the contribution of shares (loopholes in the law are considered by dishonest builders as a way to avoid responsibility) will be in legal force for a certain period of time. He also recognized the legislation regulating

the construction industry as an element of the crime. It can be said that the process of application of regulatory documents in the field of construction and the cases related to the identification of gaps in the legal system are one of the main cases that should be determined in the investigation of fraud and robbery crimes committed in the field.

The place of the crime is one of the important components of the crime scene. Its importance lies in the fact that the place where the crime was committed can help to obtain information about the identity of its subject or other people who happened to be in that area by accident or planned. Therefore, the study of the place where the crime occurred and its peculiarities is considered an important methodical-criminological source in the organization and conduct of the investigation within the framework of the criminalistic description of crimes. At the same time, a number of inaccuracies arise in determining the place of commission of economic crimes committed in the construction sector. These are related to the necessity of seizing documents and material evidence, and examining them. It should be noted that the place of commission of economic crimes in the construction sector differs from the place of commission of other types of crimes. For example, crimes against life and health are committed in an area with a certain border. Based on this, a number of investigative actions, in particular, an inspection of the place where the incident took place, will be conducted. The crime scene in the construction industry is relatively unclear. Because every crime that belongs to the category of economic crimes can be committed in different places, not in one area. Therefore, in the course of the investigation, information about such places is also generally stated in the final procedural documents. In criminology, there are different opinions among scientists about the types and structural elements of the area where robbery crimes are committed in the field of construction. In particular, S.A. Lopatin recognizes the place where the contract was concluded or money was handed over as the place where robberies were committed in construction. However, he did not point out the area where the construction work is being carried out as the place where the crime was committed. A.K. Bezbogin pointed to the building of the construction organization where the construction and assembly works were carried out, the project-estimate documents were prepared, changes were criticized and falsified, and money was received as the place where the same type of crimes were committed. This issue is important for us from the point of view of studying the method and mechanisms of crime. Economic crimes in the field of construction can be committed in the following places: - office of an official. In this case, the official of the state body may have issued a document authorizing construction or repair works against the law. At the same time, it is also possible that the illegal documents authorizing this permission were prepared and formalized in the service room of other employees. The construction industry, as a production-related activity, begins with the performance of a series of preparatory actions: obtaining building permits, preparing project-estimate documents, concluding contracts and financing. A crime can be committed at any of these stages.

Also, another case where the building where the client organization is located is considered to be the place where the crime was committed is when the head of the client organization colludes with the contractor and commits criminal acts in his office. The study of the place where the construction and installation works are being carried out will help to determine the existence of deviations from the project-estimate documents, as well as the quality of the completed works. Here, construction is taking place or should take place on the basis of civil-legal contracts concluded in the middle. During the study of documents related to the construction, the investigator may come to the conclusion that there is no criminal element in the behavior of individuals. In particular, cases related to the incomplete completion of construction-assembly or repair works and the poor performance of these works or the violation of their execution deadlines are considered civil-legal issues, not criminal-legal ones, and as a result, criminal cases are not initiated or proceedings are terminated. M. S. Kryuchenko, who confirmed these opinions, came to the conclusion that criminals use various civil-legal agreements to disguise their activities.

METHODS

Through this method, fraudsters try to effectively use insufficiently regulated norms in the legislation. - The office of the construction organization may have made agreements regarding construction or repair works at this location. In addition, in fraud crimes, deceiving victims and taking money from them usually takes place in the office of a construction organization. Because preparation for construction work and management of the process of its execution is carried out directly from the office of the construction organization. In this place, various reports are drawn up, accounting and tax accounts are kept, project-estimate documents are developed, and various deals are concluded. At the same time, it is in this place that fake contracts are concluded and project-estimate documents are forged. Therefore, the computer and other technical equipment in the office store the information necessary for the criminal case. It is also possible that a fake company was created to achieve a criminal goal (especially in cases of fraud), and an office was rented to attract money from citizens. When determining the place of crime in the field of construction, it is necessary to systematize them in order to obtain information on crime traces, as well as criminalistic signs of the crime. In this case, in addition to the places where the above crime was committed: 1) acts of falsification of project-estimate documents may be committed in the building of the contracting organization or, in rare cases, in the building where the ordering organization is located; 2) at the place of receiving funds from shareholders or other categories of customers. In this case, this place should be located in a different area from the office of the construction organization; 3) the analyzed crime may be committed directly in the place where construction and repair work is being carried out. For example, if the head of the customer organization signs the certificate of acceptance and handover of the

completed works, knowing in advance that the construction and repair works were performed with poor quality or incompleteness, it is the basis for recognizing the building where it is located as the place of crime.

RESULTS AND DISCUSSION

In this case, the leader colluded with the officials of the organization that carried out the construction and repair works, knowing that the document was not in accordance with the project-estimate documents. At the same time, the crime scene affects not only the planning of the investigation, but also the planning of certain types of investigative actions. Determining the time of the commission of economic crimes in the field of construction is important both from the point of view of the circumstances that must be proven, provided for in Article 82 of the Criminal Code, and from the point of view of studying other features of the crime. Based on the criminological description of the crime, the typical time of its commission is determined based on days, days, weeks, months, years. However, determining the exact time of economic crimes committed in the construction sector is a difficult issue. According to the scientist A. Jnakin, who studied this issue, in the investigation of economic crimes in the field of construction, some indicators of the time of the crime, for example, whether it was committed during the day or in the evening, are not important. This opinion is explained by the fact that economic crimes related to the construction industry are not committed in one day, but continue for several months or years.

Because committing this type of crime takes a lot of time. S.R. Nizaeva said that most of the fraud crimes in the construction based on the contribution of the share are committed during the working hours of the day. A number of shortcomings are allowed in the work of construction organizations in the implementation of control over financial discipline and property preservation, which is one of the cases of economic crimes in the field of construction. In particular, the inventory of surplus construction materials for formalities; Violations of accounting in accounting for goods and materials (in particular, failure to open a special account for separately allocated construction materials and equipment, etc.), as well as incorrect preparation of initial accounting documents (in particular, consignment notes, warehouse account card, material reports and others); In addition, writing off building materials not confirmed by official documents; lack of development of complex measures aimed at protection of construction objects, especially late at night, and materially responsible persons starting work with material valuables without concluding an appropriate contract on full material responsibility. These cases of crime largely determine the nature of economic crimes committed in the construction sector, the methods of their commission, affect the subject of criminal aggression and traces of crime. Also, the specific characteristics of the construction industry, as well as the stages of construction work, are recognized as one of the cases of economic crimes in the industry.

CONCLUSION

In addition to these, one of the important components of the state of economic crime in the construction industry is physico-chemical criteria. In practice, there are cases of intentional deviations from the requirements stipulated in the design-estimate documents by not using specially designed materials for the structure's ability to withstand the pressure falling on it. In this case, the chemical properties of the soil on which construction works are being carried out, the low amount of water in its composition, which complicates the work process, encourages violations of the law and aims to save allocated resources. Sometimes these people make wrong conclusions about the chemical properties of the soil, and as a result, they cause the building object to become unfit for use. It should be noted that it is impossible to form a precise list of physico-chemical criteria specific to cases of economic crimes in the construction sector. Another important factor in the occurrence of economic crimes in the area is the climatic characteristics of the area. This criterion can also be important in the study of the crime situation: sometimes construction projects are developed without taking into account the climate of the area where it will be built, which directly affects the quality of the object.

In short, cases of economic crimes in the field of construction are not limited to the elements analyzed above. Other criteria are also considered relevant in certain circumstances and specific criminal situations.

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