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Committing a Crime Using Information Technology as an Aggravating Circumstance

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Annotation: In the modern world, when there is a daily development of new technologies, the use of artificial intelligence in the process of work in various fields is increasingly spreading and becoming the norm. However, in parallel, the commission of crimes using the same computer technologies is also spreading. The article considers the issue of including a new circumstance in criminal legislation that aggravates the punishment of committing a crime using information technology. The article presents doctrinal opinions, as well as legislative prerequisites on the expediency of introducing such an innovation in article 56 of the Criminal Code of the Republic of Uzbekistan.

Key words: artificial intelligence, information technology, aggravating circumstances, information security.

At the beginning of the 21st century, the problem of combating crime acquired a new dimension due to the active intrusion of information technology into criminal activity. The presence of an intellectual component, the technical capabilities of computer technology and modern information networks make the use of technical devices and information technologies for criminal purposes very attractive and dangerous, since it significantly reduces the ability to quickly expose criminals, as well as the available data capabilities make them a universal tool for committing crimes. In this case, the object can be not only the sphere of economics, but also the person himself or the peace and security of mankind.

R. M. Aisanova "The composition of unlawful access to computer information in Russian, international and foreign criminal legislation", S. D. Brazhnik "Crimes in the field of computer information: problems of legislative technique", A.V. Glushkova "Problems of legal regulation of Internet relations", A.M. Doronina "Criminal liability for unlawful access to computer information", A. A. Zhmikhova "Computer crime abroad and its prevention", M. A. Zubova "Computer information as an object of criminal law protection", T. M. Lopatina "Criminological and criminal law foundations of countering computer crime", S. G. Spirina "Criminological and criminal law problems of crimes in the field of computer information", T. L. Tropina "Cybercrime: concept, condition, criminal law measures of struggle", V. N. Shchepetilnikova "Criminal law protection of electronic information" and other scientists wrote in their works that computer technology and information technology are a fundamentally new factor in criminal activity.

These authors noted that the current criminal situation indicates a steady increase in crime directed against information security, and that this type of crime is becoming more sophisticated..

At the same time, the increased social danger of using technical devices and information technologies for criminal purposes should become the basis for reviewing approaches to sentencing individuals who use information technology as a method of committing a crime..

Thus, the purpose of this article is to consider the validity of the provision that the use of technical devices and information technologies for criminal purposes should be considered as a circumstance aggravating criminal liability..

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Scientists V. D. Kurushin, V. A. Minaev [1], T. A. Martirosyan [2], O. A. Fedotova [3] and others indicate that the interests of a person, society and the state in the information sphere should be considered as a key link in understanding the essence of information security, and information security itself is defined as constantly maintained and the ensured state of security of the information sphere of state interests, interests of society and citizens.

Such an important role of information security in the life of individuals and society requires that criminal encroachment on it be considered as an act that poses a direct threat to the national security of the country, creates threats in vital segments of public relations. In this regard, it would be advisable to introduce some clarifications into the Criminal Code of Uzbekistan. It seems that the use of computer equipment and information technology should be considered as an aggravating circumstance for the crime committed.

Punishment is a measure of coercion applied on behalf of the State by a court verdict to a person found guilty of committing a crime in accordance with the procedure provided for by law, and consisting in the deprivation or restriction of certain rights and freedoms of the convicted person provided for by law..

The use of punishment has several purposes:

- in order to correct;
- in order to prevent the continuation of criminal activity;
- and also in order to prevent the commission of new crimes by both convicted and other persons. After all, we must not forget that punishment and criminal legislation are primarily aimed not at punishing, but at preventing the commission of illegal acts.

So, as mentioned above, a person who is found guilty of committing a crime in accordance with the procedure established by law is subject to punishment. The court shall impose punishment within the limits established by the article of the Special Part of the Criminal Code, which provides for responsibility for the crime committed, in accordance with the provisions of the General Part of the Criminal Code.

When imposing punishment, the court must take into account:

- the nature and degree of public danger of the crime committed,
- the motives of the deed,
- the nature and extent of the damage caused,
- the identity of the culprit,
- circumstances mitigating and aggravating punishment.

As you know, the list of circumstances mitigating punishment is non-exhaustive, but the circumstances aggravating punishment are given in a limited and exhaustive number. In addition, the court has the right not to recognize the circumstance as aggravating, which is another manifestation of the humanity of criminal law. Despite this, in the Republic of Uzbekistan, realizing the seriousness and scale of the problem, was adopted Resolution No. PP-153 of the President of the Republic of Uzbekistan dated 30.04.2025 "On measures aimed at further strengthening activities to combat crimes committed with the help of information technology". [4] In this Resolution, in the chapter on improving regulatory mechanisms, paragraph "e" defines the use of information technology in the commission of a crime as a circumstance aggravating responsibility and punishment.

As L. D. Gauchman points out, the grounds for recognizing the need for aggravation of punishment are: the commission of a crime using specially manufactured technical means (such as a computer,

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computer system, hacker program, etc.), the commission of a crime using the trust placed in the perpetrator by virtue of his official position or contract, increases his public danger, the onset of serious consequences as a result of the commission of a crime if it is causally related to the committed act, the commission of a crime as part of a group of persons, a group of persons by prior agreement, an organized group or a criminal community (criminal organization), committing a crime motivated by national, racial, religious hatred or enmity, out of revenge for the lawful actions of others [5].

All these signs are present in all types of crimes against information security, both individually and collectively, which indicates an increased social danger of using computer technology and information network technologies as a means of committing a crime.

It should be noted that most crimes that infringe on information security are carried out remotely, due to the technical capabilities of computers, information and network technologies. In this regard, the person who commits this crime is at significantly less risk than a potential criminal who directly commits a criminal act. It is noteworthy that such crimes can often be committed from a territory that is not covered by the Criminal Code of Uzbekistan, as well as by citizens of foreign countries who cannot face justice in Uzbekistan. This seems to reflect the special cynicism of those who commit crimes against information security, the alleged "impunity" contributes to the involvement of other persons in criminal activities, and the expansion of the range and number of criminal acts directed against the information security of the Republic of Uzbekistan. This state of affairs, of course, requires a harsh reaction from the state, in this regard, the aggravation of criminal liability against persons whose criminal activities are directed against the information security of the country seems to be quite justified.

In addition, the number of criminal acts in which computer, information, and network technologies can be used, as noted at the beginning, is striking in its number and variety.

An analysis of the norms of the Criminal Code of the Republic of Uzbekistan shows that this provision (aggravation of punishment) can be applied to a significant part of the articles of the Code, in particular, the use of computer equipment, information and network technologies, can be considered an aggravating circumstance if the following criminal acts: driving to suicide (Article 103 of the Criminal Code), defamation (article 139 of the Criminal Code), violation of privacy (Article 141-1 of the Criminal Code), violation of the secrecy of correspondence, telephone conversations, telegraphic or other communications (Article 143), obstruction of the exercise of the right to vote or the powers of proxies (Article 147), infringement of copyright or inventive rights (Article 149), theft (Article 169), fraud (Article 168 of the Criminal Code), extortion (Article 165), causing property damage by deception or abuse of trust (Article 170), intentional destruction or damage to property (Article 173), false entrepreneurship (Article 179), organization and conduct of gambling and other risk-based games (Article 278), legalization of proceeds from criminal activities (Article 243), acquisition or sale of property obtained by criminal means (Article 171), abuse of power or official authority (Article 205), terrorism (Article 155), financing of terrorism (Article 155-3), manufacture, storage, distribution or demonstration of materials containing a threat to public safety and public order (Article 244-1) and many others. [6]

Taking into account the public danger of this type of crime, as well as if we adopt an approach regarding the need to aggravate criminal liability in relation to crimes in the field of information security, it seems advisable to supplement article 56 of the Criminal Code with paragraph "o", indicating in it that the commission of a crime using computer technology, information and network technologies, is an aggravating circumstance. punishment.

The need for these changes in the Criminal Code is obvious, since nowadays crime has already gone beyond computer technology and is actually becoming a factor destabilizing the socio-political, moral and economic situation in the Republic of Uzbekistan.

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Of course, these illegal acts have an increased social danger, since they intrude into the sphere of national security of the state, into the sphere of information security of society and individuals, as well as into the sphere of finance, thus posing a direct threat to the material well-being of citizens.

It seems that the list of these crimes should be open, since constantly improving computer technology, information and network technologies create new threats to information security and, accordingly, in the near future it is possible to expect the emergence of new forms of crime in the information space of the Republic of Uzbekistan.

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