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THE CONCEPT OF FRAUD AND ITS FEATURES

The article is devoted to investigation of fraud as a socially dangerous phenomenon, which at the present stage of development of market relations is quite common offence. Discusses the peculiarities of the subject, namely, that they may be someone's property, and the right to such property. The objective side of the crime is expressed in 2 forms: misappropriation of property by deception or abuse of trust, and receipt of another's property by deception or abuse. Definition of cheating as a way of fraud which in our opinion requires clarification, since the definition proposed by the Plenum of the Supreme Court of Ukraine provides for the verbal form of deception and does not cover other types of fraud, and in our time is a very common such forms of fraud hypnosis introduction into a trance. Discusses the concept of «abuse of trust» as a kind of deception, but in comparison with Ukraine in France abuse of trust is a separate offence. Are defined as optional elements of the objective side, which will help to distinguish between fraud and other

crimes. However, for the development of forensic recommendations are important, after all the time, place and are furnished in a natural connection with the person of the offender. According to the Criminal Code of Ukraine, the subject of the crime may be a sane physical person who reached the age of criminal responsibility. But in the case of fraud is specific by the fact that the subject may be a person to whom this property was entrusted to the use of, or the person whose property has been transferred to the employment contract. Further study of the personality of the offender is necessary direction in the investigation of crimes. Discusses the identity of the victim as an important element of crime investigation, because there is a certain link between the victim and the perpetrator. Because the offender choosing himself a sacrifice pays attention to details such as age, gender, property status, lifestyle. Proven need for clarification regarding the definition of the forms of expressing the behavior of the offender to improve the effectiveness of the investigation of the crime.

