



The Determinants Of Murder

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ABSTRACT

The transition period to a historically new qualitative development of society, unfortunately, occurs along with negative phenomena, including crime, which is a phenomenon that is socially dangerous for the individual, society and the state. As the first President of the Republic of Uzbekistan I.A. Karimov affirmed, "the growth of crime is not only a serious obstacle in the way of economic reforms, but also directly threatens the achievement of the goals set in the transition period"¹.

Consequently, in every country, including in Uzbekistan, the prevention of the number of illegal violations, a sharp decrease in the state of crime, counteraction and the fight against crime are of great importance. It should be noted in this connection, in order to achieve effective results in combating crime and preventing its forms in a particular area, reducing its quantitative and qualitative parameters, reducing the level of negative consequences, first of all, it is necessary to study the phenomena, events, circumstances and processes that serve as the main causes of the presence of crime in society, factors of its development and negative impact, as well as the causal relationship between them.

KEYWORDS

Criminal behavior, criminological analysis, phenomena, commission of crimes, economic situation, mental stress, criminogenic significance, criminogenic factors.

¹ Karimov I. A. Uzbekistan on the threshold of the XXI Century: threats to security, conditions and guarantees of progress. - Tashkent: Uzbekistan, 1997. - p. 85.

INTRODUCTION

Causality from a philosophical point of view is considered as a category that determines the natural, social, objective connection, dependence between phenomena². The cause denotes the main phenomenon that determines the world movement, which ensures the necessity of changes as a result of the transition from one state to another in a certain time interval. The consequence, in turn, is a new phenomenon, the result of causality, which appeared under the influence of the cause in the chain of phenomena³. Thus, the occurrence of a consequence (the commission of a crime) depends to a certain extent on the degree of development of its causes and conditions. As K.R.Abdurasulova correctly states, the category of causality includes not only the cause, but also the condition, the result (consequences), the relationship between them, as well as the inverse relationship between the cause itself and its consequences⁴. V. N. Kudryavtsev also expresses his opinion on this problem: "the whole set of necessary conditions creates sufficient conditions for the commission of a crime. If there are sufficient conditions and causes, the consequences will come inevitably"⁵.

As rightly claimed Z. Zaripov and I. Ismailov⁶, when studying the problems of causality of crimes, it is advisable to understand that "a

crime is a separate socially deviant behavior of a person based on his personal moral and psychological mood". This, in our opinion, makes it possible to answer complex questions about the social roots of the conduct of persons committing crimes in our society, in what way and what determines the formation and development of this kind of behavior.

Knowing of the causes and conditions that give rise to or contribute to the commission of murders is one of the main starting points for organizing the fight against these crimes. To obtain such knowledge, it is necessary to methodologically correctly determine the direction of the study of these causes. Studies of the causes of crime can be conducted at various levels of criminological analysis. In this paper, a local problem is posed, and we are interested in causality at the level of individual criminal behavior, where the mechanism of an individual crime, the identity of the criminal and the cause of his act are investigated.

The mechanism of criminal behavior is the main line of development of causal relationships and plays a leading role in the genesis of crime. Criminal behavior of a person is a process that unfolds both in space and in time. It includes not only the actions that change the external environment, but also the psychological phenomena and processes that precede them, which determine the genesis of the illegal act⁷.

² Explanatory Dictionary of the Uzbek language: more than 80000 words and combinations of words. C.III. N-orderly. / Editorial board: T.Mirzaev and others. - Tashkent: National Encyclopedia of Uzbekistan, 2006. – p.408..

³ Philosophy: encyclopedic dictionary. / Responsible editor: q.The Nazarov. - Tashkent: East, 2004. - What?352.

⁴ Abdurasulova K. R. Criminology: Textbook. Responsible ed.: d. yu. n., prof. M. Rustamboev. - Tashkent: TSYUI, 2008. - p. 31..

⁵ Kudryavtsev V. N. The concepts of Soviet criminology. - M., 1985. - p. 35.

⁶ Zaripov Z., Ismailov I. Criminology: Textbook. - Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 1996. - p. 60.

⁷ www.stud.kz

The elements of the mechanism of criminal behavior are "mental processes and states that are considered not in statics, but in dynamics, and moreover not in isolation, but in interaction with environmental factors that determine this behavior"⁸. These phenomena (processes and states) that determine the criminal behavior of persons who commit murder are the object of our research.

From a criminological point of view, intended murder is included in the category of crimes that are committed with the use of violence, in some cases, for profit purposes⁹, for example, from profit motives (clause "i" of part 2 of article 97 of the Criminal Code). In this aspect, the causes and conditions of violent crimes, analyzed by criminologists, are directly related to the factors of intended murder.

So, the reasons for committing intended murders in most cases are recognized as the following factors:

Firstly, *the unfavorable economic situation*. If you look at the crime statistics, you can see that more than a third of intended murders were committed on the grounds of profit motive. These violent crimes can be taken into account along with crimes committed on the basis of the pursuit of personal goals. In criminological characterization of violent

crimes committed out of profit motives, it should be taken into account that the generalized information should reflect the important features and properties of these crimes, as well as the factors that are essential in the development of prevention measures¹⁰.

Secondly, *the unfavorable atmosphere in the family*. President of Uzbekistan Shavkat Mirziyoyev, having studied the situation with crime in Uzbekistan, pointed out at a video conference dedicated to improving the effectiveness of crime prevention and combating crime that the analysis of crimes related to family relations showed that for 10 months of this year, 165 of the total number of murders were committed as a result of domestic quarrels between husband and wife, mother-in-law and daughter-in-law, and 66-as a result of conflicts between neighbors¹¹.

Many scientists, when analyzing the causes of intended murders, pay special attention to the unfavorable atmosphere in the family¹². In particular, this applies to girls, potential victims of domestic violence. Independent expert of the project "Violence against Children" at the UN General Secretariat P.Pinheiro claims: the results of studies conducted in the United States indicate that the number of female child victims who died at the hands of their relatives and friends is more than twice the number of

⁸ Zaripov Z., Ismailov I. Criminology: Textbook. - Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 1996. - p. 32.

⁹ A profit motive is an incentive expressed in the desire to obtain some material or other property benefit as a result of the commission of a crime, or to get rid of certain material costs. // Uzbekistan yuridik enciklopediyasi. / Team of authors: R. A. Mukhitdinov, A. A. Akhmedov, N. Tuichiev, etc. / Answer. ed.: N. Tuichiev. - Tashkent: Adolat, 2009. - p. 627..

¹⁰ Allaukhanov E. N. Criminological problems of prevention of self-serving and violent crimes. / Ed. by D.

yu. n., prof. E. I. Kairzhanov. - St. Petersburg: Law Center Press, 2005. - 282 p.; Yastrebov B. V. On the question of the concept of criminological characteristics of crimes. No. 37. - M., 1982 – - p. 16. and others.

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<https://uz.sputniknews.ru/society/20171116/6838628/uzbekistan-prestupnost-mirziyev.html>

¹² Criminology: Textbook. / A. I. Alekseev, Yu. N. Argunova, S. V. Vanyushkin, I. al. / Under the general editorship of D. yu. n., prof. A. I. Dolgova. - M.: Norma, 2002. - p. 457.

similar victims-male children¹³. In addition, in the regions of Africa, where the customs of early marriage and "execution of women because of dishonor" are still in use, the deaths of women aged 10-14 and 15-19 years old will not only not fall, but possibly a tendency for their growth.

Based on this, it can be stated that the main reason for the commission of murders are domestic conflicts, consisting mainly in the conflict of interests of the subject and the victim, the interests of third parties that they defend. According to E. F. Pobegailo, V. P. Revin and N. A. Gorduz, "the household sphere is formed on the basis of a complex system of connections within the family, between the individual and small social groups, as well as the individual and society. A complex system of interpersonal relationships and mutual influences determines the behavior of people in everyday life, while gaps in moral education and the negative personal attitude formed on this basis contribute to the commission of "domestic" crimes¹⁴.

By nature, domestic conflicts are one-time, lasting and multiple, open and hidden, can arise spontaneously and exist for a long time¹⁵. According to our research, most of the conflicts that led to the murder were random. In 25.4% of cases, there were good, friendly relations between the perpetrator and the victim before the crime was committed, and in

14.2% of cases, the relationship was tense or hostile. The majority of murders (60.4 %) in the considered situations were committed against family members (as a rule, spouses, cohabitants), relatives, friends, neighbors, employees at work.

In most cases, the victims of crimes are women. Many other scientists confirm this fact. Especially often women are victims of violence in sexual crimes¹⁶.

Thirdly, *the shortcomings in education, the unfavorable environment, the shortcomings of the social employment system*. Lately, the criminological literature has increasingly begun to talk about the criminogenic significance of improper leisure activities. The nature of a person's needs and range of interests (hobbies) are known to influence their value orientations. "The scarcity of leisure activities corresponds to the scarcity of spiritual needs, since the nature of behavior, personality is derived from the level of its culture"¹⁷.

It is worth noting, however, that in some cases such phenomena become the cause of a crime, affecting the behavior of a person through his consciousness. In others, the person chooses a different, non-criminal behavior, regardless of the action of one or another phenomenon. Therefore, it is impossible to explain through causality, for example, the relationship between the age of criminals(murderers),

¹³ Пинхейро П.С. Болаларга нисбатан зўравонлик бўйича бутунжаҳон ҳисоботи. – Тошкент: Mega Basim, 2009. – С.68.

¹⁴ Pobegailo E. F., Revin V. P., Gorduz N. A. Criminal-legal and criminological aspects of the fight against domestic violent crimes. - M.: 1983. - p. 5.

¹⁵ Abeltsev S. N. The personality of the criminal and the problems of criminal violence. Law and law. 2000. - p. 123.

¹⁶ Antonov-Romanovsky G. V. Problems of combating rape. Collection. - M., 1983. - p. 46.; Shostakovich B. V., Ushakova I. M., Potapov S. A. Sexual crimes against children and adolescents. - Rostov-n/D, 1994. - p. 6.

¹⁷ Kobets P. N. Personality of a recidivist and peculiarities of its formation. // J. Law and Law. - 2001. - No. 11. - p. 42.

their education, and sometimes even such clearly anti - social phenomena as alcohol and drug use - and the general state of crimes (murders). In the criminological literature, it is often said that any crimes are the result of an unfavorable personality formation in a certain social environment. We consider it necessary to emphasize that specific crimes that have their own specifics have their own set of causes. Thus, the situational (and impulsive) nature of murders indicates that the primary cause (condition) that determines their commission is the criminogenic situation. In general, scientists define it as "what specifically arose, developed at the time of the commission of the crime "around" the person who committed the crime"¹⁸.

If we consider that intended murder is included in the category of violent crimes, it is advisable to pay attention to the following opinion of K. P. Paizullayev. He believes that the main causes of violent crimes are the following ¹⁹:

- 1) Commission of crimes under the influence of alcoholic beverages, narcotic drugs and psychotropic substances. Practice and experience show that almost half of violent crimes are committed under the influence of these means;
- 2) The commission of crimes due to mental stress. Many serial murders, as the study of the personal files of the murderers shows, occurred because of deep nervous experiences experienced in childhood (for example, the famous Ukrainian serial killer

A. R. Chikatilo was taken to a cemetery as a child and left there for a few days, also as a child, his mother told him that someone "ate" his brother);

- 3) Commission of crimes in connection with concussion of the brain and mental disorders. Many murderers experienced concussion in childhood and subsequently committed crimes under the influence of this painful condition;
- 4) Commission of crimes in connection with the economic situation. A crime is committed in connection with the need for a certain material object, thing, food, consumer products, money or other valuables;
- 5) The commission of crimes in connection with a biological predisposition. According to some scholars (C.Lambroso), a person is already born a criminal.

In this regard, as S. N. Abeltsev rightly notes, "genetics always displays itself in the behavior of someone who forcibly takes the life of someone else. Murders are committed by people with their biological and social characteristics, and it is this relationship that should be taken into account when studying the relevant causes and conditions. Due to heredity, murderers have certain motivations and needs, although their essence is largely social²⁰. After all, the killer satisfies his needs through violence, and this says that his nature is affected, including innate diseases. This is

¹⁸ Kudryavtsev V. N. Delinquencies: their causes and prevention. - M.: 1977. - p. 38.

¹⁹ Peyzullaev Q.P. Crimes committed using violence: a study guide. - Tashkent: TDYUI, 2009. P.69-97..

²⁰ Emelyanov V. P. Criminality of minors with mental anomalies. - Saratov: 1980; Vinogradov M. V., Golik S.

I., Kolpakov V. G. Analysis of the structural relationship of neuropsychological anomalies and certain types of criminal behavior // Proceedings of the Academy of the Ministry of Internal Affairs of the USSR-M.: 1986. p. 75; Ivanov N. G. Mental anomalies and problems of criminal responsibility. - M.: 1995 – - P. 38.

where the importance of studying the psyche of the killer comes from²¹.

The relationship between biological and social factors in the mechanism of criminal behavior, in our opinion, is obvious and indisputable. Thus, the genetic, pathological features observed in individuals are not in themselves the reason for the commission of a crime. However, in a favorable situation, with certain anomalies in education and other factors, they can have a criminogenic significance. At the same time, it is scientifically proven that certain variants of hereditary physiological defects, congenital malformations of an individual can hinder his social adaptation in society, cause social insufficiency and ultimately lead to violence against other people.

In general, I must say that any criminal violence, first of all, is a manifestation of the basic aggressiveness of a person. "Aggression" (from the Latin word *aggressio*, which literally means "attack") is a general term used to refer to a variety of behaviors, including attack, seizure, border crossing, violence, threat of such actions, hostility, belligerence and its implementation. Readiness for such behavior as a stable personality trait is called

aggressiveness, which is always based on one or another psychological conflict, conscious or unconscious²². Aggressive and violent crimes, motivated by hostility to others, are malicious and destructive in nature and aim to cause physical or mental harm to the victim and even destroy him²³.

Genetically determined aggressiveness manifests itself when committing crimes in a state of extreme emotional disturbance. In an acute conflict situation, a non-aggressive person can slow down an emotional outburst, refrain from violence, and for an aggressive person, such a situation can serve as a "trigger" for committing violent actions²⁴. However, this needs a little clarification. The "trigger mechanism" of aggression depends on the subject's interpretation of the frustrating²⁵ situation.

Turning to the conditions for committing murders, it is necessary, first of all, to address such problems as drunkenness, alcoholism and drug addiction. The fact that all this is included in the corresponding causal complex and is an incentive to commit criminal acts (in particular, murders) is eloquently evidenced by the data that characterize the identity of the killer.

²¹ Abeltsev S. N. The personality of the criminal and the problems of criminal violence. Law and Law. 2000. - p. 154.

²² Pobegailo E. F. Psychological determinants of criminal aggression. Criminal law, - 2002. - No. 1. - p. 101

²³ Zelinsky A. F. Criminal psychology. - Kiev: 1999. - p. 170.

²⁴ www.lawtheses.com

²⁵ The theory of "frustration-aggression", developed within the framework of the behavioral direction, the founder of which is considered to be the American psychologist John Dollard. "it proceeds from the postulate that aggressive behavior is caused by a special state of the human psyche that arises as a result of insurmountable obstacles to the implementation of its plans and goals.

Frustration is a conflicted emotional state caused by insurmountable difficulties for a given individual, obstacles to achieving a goal, the collapse of plans, the collapse of hopes, the experience of a major failure. It is the direct cause of aggressive encroachment on the source of frustration (frustrator), and sometimes on objects that are not involved in the occurrence of frustration." (Pobegailo E. F. Psychological determinants of criminal aggression. - p. 105). This theory is intended primarily to explain emotional hostile aggression, motivated by anger, anger and is an end in itself, in contrast to the so-called instrumental aggression, which is a means to achieve a goal (see: Antonyan Yu.M. Violence. Person. Society-Moscow: 2001. - p. 109).

In a state of alcoholic intoxication, a person very quickly loses self-control, inadequately perceives the surrounding environment, people, their actions, becomes rude and aggressive. In the motivation of his behavior, egocentric motives, base instincts and attraction come to the fore. Therefore, it is especially typical for drunks to commit murders from hooligan motives, as well as murders during fights and quarrels. Alcohol intoxication contributes to the formation of a sudden intent to murder, which can be evidenced by the nature of the tools used by a drunken killer. As a rule, they use piercing and cutting tools, as well as objects that accidentally "turn up at hand"²⁶.

Drunken aggressiveness is dangerous because it can arise literally from "nowhere", for no reason at all or cause on the part of the victim, which, by the way, can be almost any person who has fallen into the field of view of the killer at this moment. At the same time, the criminal sometimes does not even try to foresee all the possible consequences of his actions. The sudden, impulsive determination to take the life of another person is realized immediately. It is worth noting that the state of intoxication affects the commission of murders in different ways. It is interesting that some authors speak about this issue. According to B. S. Beisenov, "alcohol intoxication contributes to the identification and implementation of a previously unconscious, but vaguely intended criminal purpose by the subject". And in some people, it can cause such changes in the psyche

that become the only, subjective basis for the crime committed²⁷.

It should be borne in mind that the role of drunkenness and alcoholism, as well as drug addiction in the etiology of murders, is not limited to the fact that the state of intoxication contributes to or directly causes the commission of these crimes. A significant part of the murders, as already mentioned, is associated with the systematic and excessive use of alcohol. In this regard, special attention should be paid to the criminogenic role of habitual domestic drunkenness and chronic alcoholism. Alcoholics, as a rule, create an unbearable atmosphere in the family, create scandals at home, terrorize the family and others, so the victims of attacks on their part are often people close to them.

It should also be noted that in most cases, the state of alcoholic intoxication of the victims played an important role in the emergence and exacerbation of such conflicts. According to our data, 58.5% of the victims were at the time of the murder in some degree of alcoholic intoxication. These figures almost exactly coincide with the data obtained by studying the state of intoxication at the time of the murder of the criminals themselves.

The conditions that facilitate the commission of murders include the assistance of accomplices. Joint actions of criminals, as is known, increase the capabilities of the performer, facilitate the implementation of the planned criminal plan. V.N.Kudryavtsev draws

²⁶ Pobegailo E. F. Intended murders and the fight against them. Voronezh. 1965. - p. 41.

²⁷ Beisenov B. S. Alcoholism: criminal-legal and criminological problems. - M.: Legal literature, 1986-p. 39. See also: Antonov-Romanovsky G. V. Systematic

abuse of alcoholic beverages and the commission of violent crimes. // Issues of combating certain types of crimes. Collection of scientific works. - M.: 1986-p. 28-42; Babayan E. A., Gonopolsky M. H. Textbook on narcology. M.: 1981.

attention to the significance of this factor, who writes: "Here joint actions represent a typical case of close interaction, in which the mood and actions of some individuals determine the conduct of others. In these conditions, the fear of possible consequences decreases: each of the participants, counting on the help of the other, acts more confidently and decisively, which increases the intensity and social danger of the actions of all the accomplices"²⁸.

All this suggests that murderers are characterized by a desire for joint action and that a certain niche here is occupied by the desire of a person to establish himself in a criminal group, in an informal social environment. In particular, this desire is characteristic of minors, which indicates the absence of deterrent principles in this category of criminals.

Traditions and norms of behavior adopted in the microgroup, the family to which the criminal belongs, the nature of the criminal's interaction with his immediate environment can also stimulate criminal behavior. For example, the family, where violence is perceived as a common way of resolving conflicts, or the criminal's inner circle, which supports his "initiatives" (from approval to assistance), not only stimulate criminal behavior, but also generate an appropriate lifestyle. "In turn, an antisocial lifestyle determines the scope, content and direction of the criminal's communication, as well as contributes to his further criminal activity"²⁹.

In addition, to the conditions favorable to the commission of these crimes, one should also

include some shortcomings of law enforcement activity. The main ones are the following:

- a) The failure of the internal affairs bodies to take timely and appropriate measures on the received reports (complaints and statements) of citizens on the real threat of murder by certain persons, on planned murders, on systematic violations of public order and on conflicts that create a criminal situation. Proper response to such signals, up to the initiation, if there are sufficient grounds for this, of criminal proceedings against the perpetrators, in our opinion, would greatly contribute to the prevention of murders, as well as other serious crimes.
- b) Insufficient activity of the internal affairs bodies, the police in the search for fugitive criminals. A criminal, who is at liberty, has a stronger sense of impunity, which often leads to the commission of crimes, including very serious.
- c) Insufficient, and sometimes false disclosure of murders and other serious crimes. As you know, "... the person who committed the murder and remained at liberty is a potential murderer"³⁰.
- d) Untimely establishment of administrative supervision over persons who have previously been repeatedly convicted. The weak fight against recidivism is one of the significant shortcomings of preventive activities. According to the fair remark of A. A. Plotnikova: "Persons released from places of detention are included in the group of persons who, due to objective and subjective reasons, are most

²⁸ Kudryavtsev V. N. The genesis of the crime. The experience of criminological modeling. Moscow: Publishing House "FORUM", 1998. - p. 129.

²⁹ Kudryavtsev V. N. Ibid. - p. 131.

³⁰ Pobegailo E. F. Intended murders and the fight against them. Voronezh. 1965. - p. 177.

predisposed to commit crimes against the person (risk group). This is due to the fact that after their release from prison, these persons cannot actively join the normal life of society, overcome the difficulties and temptations encountered, and resist the negative influence of the criminal environment, which is often the most important reason for re-committing crimes.

An important factor is that the issues of social adaptation of persons who have served their sentences are still not being resolved at the proper level. Thus, it should be noted that persons with a criminal record need increased attention of prevention subjects. Also, when conducting educational work and applying other measures to prevent recidivism, the main emphasis should be placed on persons convicted for the first time, since correction is better carried out during the first execution of the sentence.

- e) Failure to take sufficient measures to combat such criminogenic factors as hooliganism, drunkenness, drug addiction and vagrancy.
- f) Insufficient work of the public order protection bodies, the prosecutor's office, as well as the court to identify the true causes and conditions (circumstances) that contribute to the commission of murders and other serious crimes and not to clarify the prerequisites for the real possibilities of their (prevention) elimination.

CONCLUSION

These are, in our opinion, some of the main reasons and conditions that contribute to the commission of intended murders.

In conclusion, it can be said that the study of the causes and conditions of intended murder is useful not only in the criminological aspect, but also from the point of view of criminal law. In addition, the knowledge of the factors that contributed to the commission of crimes, the study of the conditions for their commission, their correct assessment is recognized as an important element in the prevention of such offenses and other socially dangerous acts.

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