

RESEARCH ARTICLE

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CRIMINALISTIC ASPECTS OF THE INVESTIGATION OF CRIMES OF INTENTIONAL HOMICIDE

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Abstract

This article discusses the use of modern technologies in the investigation of a murder crime, the creation of an algorithm for investigating a murder crime, the actions that an investigator should take in connection with a crime, investigation planning, preliminary and subsequent investigative actions, scientific, theoretical and practical solutions to forensic problems related to the disclosure crimes stopped.

KEYWORDS: Criminalistic description of crimes, criminalistics, crimes of a criminal nature, investigation methodology, individual crime.

INTRODUCTION

It is known that the Decree of the President of the Republic of Uzbekistan dated January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026" No. PF-60 states that one of the priorities to be implemented is to make justice and the rule of law the most basic and necessary condition for development in our country.

In order for justice and the rule of law to prevail in our society, it is necessary, first of all, to protect our citizens from various attacks on their health and life. However, life is a natural human right protected by criminal law. The right to life is an inalienable right of every human being and it is protected by law. Attempting to kill a person is the most serious crime.

If we pay attention to statistical data, in 2022, 365 intentional homicides were recorded in our country. According to international ratings, there

are 7 murders per 100,000 inhabitants in the USA and Russia, 22 in Brazil, 3 in Kazakhstan, 2 in Azerbaijan, Canada, and 1 in Uzbekistan. .

The law protects the life of any person, regardless of his age, health, physical and moral qualities, from birth to death. After all, everyone has the right to life, freedom and privacy.

The right to life is the direct object of the crime of intentional homicide. In this regard, it is necessary to consider human life as its starting and ending point.

Scientific abstraction takes the main place in the method of investigation of murder crimes and it is called criminalistic description of murder. Among other types of crimes, in the investigation of crimes of intentional homicide, scientifically based methodological recommendations developed in the science of criminology, especially the

criminalistic description of crimes, are considered very important.

This conceptualization of a typical, criminologically significant information system of a murder crime, the latest analysis, as well as their interrelationships, helps to form investigative versions and to choose the right direction of investigation.

Criminalistic description of the crime is a system of describing the criminalistic features of the crime, the person who committed it, the specific characteristics of the method, mechanism and environment of the crime, type, group and individual crimes. Its subject matter and specificity are aimed at ensuring the successful resolution of the problems of certain criminal acts and the detection, investigation and prevention of crimes.

In order to achieve the intended goal in the investigation of intentional homicide crimes, the investigator must first of all understand the criminalistic description of the crime he is investigating. In particular, this issue has its own characteristics in the crimes of intentional homicide, and this aspect distinguishes this type of crime from other types of crimes. During the investigation, the investigator determines the existence of a causal connection between the committed act and the resulting consequences and its severity; use of special knowledge and criminalistic methods to solve crimes quickly and fully; it is important to determine the scope of cases that need to be proven and determine the algorithm of investigation and procedural actions required to be carried out on them.

Although the criminalistic description is important in the investigation of homicide crimes, the analysis conducted during the study shows that most of the investigators and investigators working in the current forensic practice do not fully understand what the "criminalistic description" is.

Therefore, we found it appropriate to first explain the concept of criminalistic description and the definitions given to it by scientists. After all, as B.E.Esimbetova said, "Criminalistic description of crimes has always been the focus of attention of scientists, so scientific studies were conducted in

this regard". However, there is still no consensus among scientists about what should be understood by criminalistic description.

In particular, G.A.Abdumajidov defined the criminalistic description of crimes as "summarized evidentiary information about the most important aspects of the considered types of crimes and a system of scientific conclusions and recommendations based on them" .

In turn, A.F.Lubin stated that "considers the important inferential knowledge of criminal activities as a criminalistic description, works as an "informational means of investigation" along with organizational and technical tools" .

According to A.M.Shmonin, "it is not accidental that the criminalistic description of crimes appears as a systematic description of the important aspects, characteristics, signs and internal relations of the object reflected in it. This is related to the in-depth development of the methodology of investigating certain types of crimes, as well as the formation of the theoretical foundations of criminalistics".

We fully support A.M. Shmonin's opinion. In fact, all crimes in the Criminal Code are distinguished from each other by their structural elements, method of commission, place and other aspects. Including the crime of premeditated murder, it differs from other crimes by the important aspects, features and characteristics of the object. Based on this, we can conclude that the criminalistic description of each type of crime should be formed separately.

N.A. Selivanov also confirmed our above opinions. According to him, the criminalistic description of the specific crime is formed as a result of the study of the crime and is its result.

L.Ya.Drapkin believed that the criminalistic description of crimes is a set of the most general circumstances that reflect the important aspects and characteristics of any crime, and they should be determined by procedural means during the investigation and trial of a criminal case .

In our opinion, the definition given by L.Ya.Drapkin is universal and is considered the most universal definition.

According to R.S.Belkin, the criminalistic

description of a specific crime cannot fulfill the tasks it has as an element of the criminalistic methodology, and in practice it is not needed at all.

We do not agree with the above opinion of RS Belkin. In our opinion, each crime has its own criminalistic aspects. These aspects are acceptable in one way or another through the criminalistic analysis of a specific crime. To date, the criminalistic description of crimes is the final branch of criminalistics, an integral element of the methodology of crime investigation, without which we believe that it is impossible to form special methods of investigating certain categories (groups, types) of crimes.

Thus, if we think about the criminalistic description of the crime of intentional homicide, the methodology of the investigation of the crime of homicide includes recommendations for performing a set of actions to determine whether the death of a person occurred due to murder or other reasons during the investigation. Therefore, in all cases where a body is found or when information is received about a person's disappearance for unknown reasons, it is necessary to conduct an investigation in accordance with the rules of investigation of the crime of murder. In most cases, unsolved homicides are attributed to poor quality of initial investigation and search operations and the lack of evidence of homicide.

In the investigation of murder crimes, the time of the crime, the place of the crime, the method, the guilt of the person who committed the crime, the reasons for this crime; as well as the circumstances describing the person of the accused, the characteristics and level of the damage caused as a result of the crime; factors that contributed to the commission of the crime and other circumstances related to the crime should be determined. The characteristics of the elements listed above prevail in the investigation of murder crimes.

A criminalistic description describes the main features and characteristics of important sources of evidentiary information specific to the crimes under investigation. For the criminalistic description of murder crimes, the sequence of identification of these signs plays an important role

during the detection and investigation of the crime. Therefore, when describing the characteristics of the signs of murder, it is necessary to describe the sequence determined by the specific characteristics of the investigation of this type of crime and based on the level of their actual occurrence.

The criminalistic description of the crime of murder consists of the following elements:

- preliminary information about the crime; system of information on the method of committing and concealing the crime, their consequences; the identity of the alleged perpetrator; the identity of the victim and the circumstances of the crime: time, place, circumstances, etc.

According to E.P.Ishchenko, the basis of the criminalistic description of murder crimes is the objective processes of committing and concealing these crimes, which determine the forms of actual reflection of the symptoms of the case. Its elements are:

1) typical criminalistic situations of the crime of murder. In this case, murders committed using firearms, explosives, poisons, as well as by organized criminal groups, as well as in quarrels, on sexual grounds, maliciously, with low intentions, hooliganism or orders, concealment, masking or absence of witnesses to the crime, and other circumstances are emphasized.

2) information on the subject of a criminal attack on a person's life; (this element is often obvious).

3) information about the most common methods of committed homicide crimes, which are inextricably linked to a specific situation and characterized by great diversity in terms of tools, methods of their use, time, place and state of aggression.

According to N.P. Yablokov, the sequence of identification of these signs during the detection and investigation of the murder plays an important role for the criminalistic description of the crime of murder. Therefore, when describing the characteristics of the signs of murder, it is necessary to describe the sequence determined by

the specific characteristics of the investigation of this type of crime and based on the degree (speed) of their actual occurrence.

T.V.Averyanov and R.S.Belkin argue that the criminalistic features of the crime of murder allow us to consider the most common reasons for opening a criminal case - reports of a found corpse, statements made by witnesses and victims, their relatives, etc.

According to N.G.Shurukhnov, the criminal description should consist of the following elements:

- a) method of committing and concealing the crime;
- b) crime scene;
- c) the time of the crime;
- d) crime traces.

According to I.R.Astanov, the criminal description of murder includes the following:

- a) method of committing a crime;
- b) motives of criminal action;
- c) crime scene;
- d) crime time;
- e) consequences of the event;
- f) crime traces.

Based on the analysis of the above scientists and practical experience, we believe that the criminalistic description consists of the following elements:

1. The identity of the criminal;
2. The identity of the victim;
3. Crime scene;
4. The time of the crime;
5. The method of committing the crime and concealing it;
6. The situation in which the crime was committed;
7. Consequences of the incident;
8. Criminal motives;
9. Traces of crime;

10. Typical incident location information.

The crime scene and the place where the body was found are an important source of information about the way the crime was committed, the mechanism of its commission, the circumstances of the crime, the identity of the criminal and the victim. The place where the crime was committed and where the body was found are often the same place, and their coincidence increases the possibility of a quick identification of the circumstances of the case.

The location of the incident is described by the following characteristics:

- location in the region (in border areas - outside settlements, near or far from transport highways, abandoned places with few people's visits);
- closed areas - buildings, rooms, vehicles or open spaces;
- the presence of traces of the actions of the victim and the killer, as well as their interaction with each other.

These characteristics determine the generality of the search efforts necessary for the investigation of the scene of the incident, and at the same time provide a basis for making preliminary assumptions about the circumstances of the incident.

For the crime of homicide, first of all, infliction of bodily injury caused mechanically (sharp-edged objects, hard objects, firearms and firearms, vehicles, etc.) is characteristic. In addition, suffocation (hanging), drowning, poisoning, burns, hypothermia, starvation, falling from a height, etc. are rare features.

The method of the crime of murder is a set of methods of committing, criminal weapons and tools, as well as actions taken to prepare, commit and hide the crime using them. The most common types of homicide include:

- causing physical injury to the victim, both with and without using various weapons;
- damage to blood vessels, suffocation, use of cold weapons and firearms, etc.
- dropping from a height, drowning, burning, etc.

(before that it is necessary to overcome the resistance of the victim);

- intake of strong or toxic substances in an impossible dose, etc.

Methods of concealing the crime of murder include concealment of the body; destruction of criminal weapons and other traces of crime; the killer creating a false alibi for himself; as well as an attempt to present the crime of murder as another non-criminal act (for example, suicide, death due to illness, etc.).

Based on the above, we can conclude that the criminalistic description of the crime of homicide is a very broad concept. This means that a more serious approach is required in the investigation process. Consequently, the process of investigating the crime of murder is very intense and requires many investigative actions. The result of these investigative actions has a great impact in solving the crime. This requires careful study of every detail and insignificant (minor) things, in which it is necessary to set the questions correctly, because the result may depend on the solution of the question.

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