



The Specific of Investigating Robberies

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Peculiarities of the investigation of crimes of aggression

Abstract: This article is a crime of trespass specific features of the investigation, the general description of the investigative actions carried out during the investigation of this type of crime, the use of the object of crime, the objective sign, the subject and the subjective signs in the investigative practice are devoted to a wide range of scientific and practical analysis. It is also explained in the article that the author discussed the specific individual characteristics of the persons who commit this type of crime based on the regional analysis, the opinions and opinions of scientists regarding the prevention of this type of crime from a victimological point of view, and the criminological description, arguing from a practical point of view.

Keywords: invasion, victimological prevention, composition and signs of crime, criminogenic areas, practical analysis, specific features of investigation, circumstances of origin of crime.

Article 53 of the Constitution of the Republic of Uzbekistan states that "property in various forms forms the basis of the economy of Uzbekistan aimed at the development of market relations. Taking into account the supremacy of the rights of consumers, the state guarantees the freedom of economic activity, entrepreneurship and work, the equal rights of all forms of property and their legal protection in every respect."¹

Among the rights belonging to a person, the right to property occupies an important place, and its appropriate legal protection serves as an indicator of the economic well-being of the population. According to the European Convention for the Protection of Human Rights, people have the right to own property that is legally theirs. Governments cannot take property without reason, and neither do other people².

According to the information of the Department of Internal Affairs of the Samarkand region in 2022, the number of crimes against personal property in the region was 31.7% of all registered crimes. At the regional level, 16 criminal cases related to invasion were initiated, of which 14 or 87.5% of criminal cases were indicted.³ was sent to the appropriate trial. The analyzed topic is very relevant today, because the institution of property protection, the construction of social relations in general and the stability of the individual are important for society and the state.

In this article, we will consider the features of the criminalistic description of the crime of aggression, in particular, the elements that the criminalistic description includes. In particular, we analyze information about the subject of the attack, the situation (place and time) of the crime, as well as the methods of committing the crime, the mechanism of formation of traces, the identity of the victim and the criminal.

¹Constitution of the Republic of Uzbekistan. Tashkent. Justice-2022. <https://constitution.uz/uz/clause/index#section2>

²European Convention for the Protection of Human Rights. Protocol-1 Article 1. 1950 // https://uz.zahn-info-portal.de/wiki/European_Convention_on_Human_Rights#Article_1_-_property

³Reports of the Investigation Department under the Ministry of Internal Affairs of Samarkand region

It is known that in the special part of the criminal code of the Republic of Uzbekistan, the content of crimes is placed in sections and chapters on the basis of the principle of "seriousness to lightness", and the fact that the crime of aggression is defined as the most serious crime in the section of crimes in the field of economy shows how socially dangerous these types of crimes are for society and the individual. According to Article 164 of the Criminal Code, by invasion- attack with the use of force that is dangerous for the victim's life or health or threatening to use such force in order to rob someone else's property. According to this concept, property is the direct object of aggression, and the life or health of the victim is an additional direct object.

To date, scientists have not given a unanimous solution to the descriptive concept of criminalistics, and there is no single opinion about its structural elements.

G. A. Abdumajidov called the criminological description of crimes "generalized evidentiary information about the most important aspects of the considered types of crimes and a system of scientific conclusions and recommendations based on them"⁴ described as.

According to T.B. Mamatkulov and a group of scientists, the criminalistic description of crimes is reflected in criminalistically significant symptoms such as the type, group, and method of committing a particular crime, the mechanism, and specific conditions, and the identity of the subject of the crime and other circumstances, a specific criminal act and Finally, it is understood to ensure the successful solution of tasks related to the detection, investigation and prevention of crimes⁵.

According to R.A. Alimova and A.N. Norboev, the concept of criminological description should include scientific conclusions and recommendations developed based on the most important signs of certain crimes, which are of evidentiary value.⁶ The stated opinion means that the criminological description of crimes is conceived by these authors as both a theoretical and a practical concept.

N.P. Yablokov stated that "the typical criminological description of the type of crime is manifested in the characteristics of such elements as the type, diversity, the system of scientific description of the criminalistically significant signs of the group and the method, mechanism and environment of their commission, their personality. Characteristic of the described type of crime subject matter and other elements, their knowledge, together with the essential aspect of description, by revealing the interrelationship between them, ensures the successful investigation of crimes⁷."

S.I. Vinokurov gave a brief definition of this concept and defined the criminalistic description as a scientifically developed system of typical signs of a certain type of crime, which allows to determine the mechanism of trace formation, to understand the primary investigative tasks.⁸ The general concept of criminalistic signs can be reduced to the following definition: Criminalistic description is a dynamic system of interrelated signs of the crime, manifested in the method and mechanism, the crime is also manifested in the person of the subject of the crime and the person of the victim.

It should be said that the subject of criminal aggression is so important to the structure of the criminalistic description that the information about it allows the investigator to define and carry out the necessary search activities.

In the elements of the considered crime, the object of aggression may be property belonging to someone, as well as human health. As property, cash or securities in the currency of the Republic of Uzbekistan, bank cards belonging to foreign banks, jewelry, coin collections, valuable medals, antiques (pictograms, pictures and other valuable items), clothes, computer and household appliances, transport tools etc.

⁴Abdumajidov.G'.A. Criminalistics: Textbook.-T., 2003.-B.219

⁵Mamatkulov.T.B Criminology: Textbook/ Ministry of Internal Affairs of the Republic of Uzbekistan, 2021.- p. 384

⁶Alimova.R.A., Norboev.A.N.. Crime investigation methods: Instructional manual. - T.: TDYuI publishing house, 2007. - p. 12.

⁷Yablokov.N.P. Criminalistics: uchebnoe posobie dlya vuzov. Izd. 3-e, pererab. i dop. M., 2005. S. 64

⁸Vinokurov.S.I. Kriminalisticheskaya characteristic prestupleniya, ee sodержanie i role v postroenii metodiki rassledovaniya. Methodology of rassledovaniya prestupleniya (obshchie pologeniya). M., 1976. S. 101.

The information describing how the crime was committed is one of the most important structural elements of criminal signs. Regarding the definition of this concept, scientists put forward different points of view. For example, A.N. Kolesnichenko defines the method of committing a crime as a combination of individual actions, methods used by the subject in a certain sequence, "the expressed method of criminal behavior"⁹. R.S. Belkin "this is a person, a system of actions of a subject determined by the subject and conditions of criminal aggression, aimed at achieving a criminal goal and united by a single criminal plan"¹⁰. In our opinion, N.P. Yablokov gave a more precise definition of this concept, defining it as "an objectively and subjectively conditioned system of actions of the subject before, during and after the commission of a crime, which leaves various characteristic traces on the outside, with a permit means the help of criminological methods and tools to understand the essence of the incident, the specificity of the criminal behavior of the criminal, his personal information and, accordingly, to determine the most optimal ways to solve the problems of solving the crime"¹¹.

It should be noted that the methods of committing assault are more serious than other crimes. In these types of crimes, assaults are often committed with the threat of inflicting minor, moderate or severe bodily harm, and sometimes causing the death of the victim.

As a rule, an important component of the method of committing the category of crimes in question is their careful preparation. In this case, preparatory measures include: pre-identification of the object of future aggression, making a plan for committing a crime, searching for accomplices and dividing roles between them, choosing the most convenient time and place, hiding the appearance, looking for firearms or cold weapons, as well as weapons of destruction, if prepare vehicles if necessary.

The most thorough preparation is carried out in cases aimed at seizing the property of state or commercial structures (for example, currency exchange offices, cash registers) by means of invasion. For this purpose, criminals study the working order of the institution or enterprise, shifts, the route of movement of employees, security conditions and quality, etc. If an attack on citizens is planned, their lifestyle is studied, the place where valuables are stored, their number and other circumstances are determined.

Among the methods of invasion, the following can be counted:

1. Sudden attack and violence in unattended open spaces.
2. Assault with violence or threat of violence in open space, yards, entrances of houses.
3. Attacking the residential premises by any pretext or violence.
4. Invasion actions carried out in the buildings of sellers, cashiers, bank employees, commercial enterprises, financial institutions, communication offices.
5. Attacks on drivers of vehicles aimed at stealing money, cargo or valuables.

It should be emphasized that the listed methods are not a final list, it can be supplemented based on the criminogenic situation and individuals in the area.

The circumstances of committing a criminal act are one of the main elements in the criminalistic description of the crime, because the analysis of its content allows to determine in detail a significant number of criminalistic features of the crime.

The circumstances of any crime are characterized, first of all, by such conditions as place and time.

When choosing a place for an attack, criminals follow certain conditions: they determine the specific subject of the crime, the time of day, places that are not crowded, allow immediate escape from the

⁹Kolesnichenko. A.N. *Obshchie polozheniya metodiki rassledovaniya otdelnyx vidov prestupleniy*. Kharkiv, 1965. S. 18.

¹⁰Averyanova.T.V., Korukhov Yu. G., Rossinskaya E. R.; pod ed. Belkina R. S. *Criminology: uchebnik dlya Vuzov*. M., 2000. S. 66.

¹¹Yablokov.N.P. *Criminalistics: uchebnoe posobie dlya vuzov*. S. 65.

scene, allow the victim's property to be quickly and safely occupied, and commit the attack in the recorded place. . For example, if we choose the entrances of multi-storey buildings, elevators as a place for invasion, it can be explained by the fact that the victim's ability to resist the perpetrator is limited in such places. In addition, there are usually no strangers here who can help the victim defend himself from the attack, report the incident to law enforcement authorities, and participate as a witness.

Today, based on forensic practice, we can define the following as typical places for raids: railway stations, stations, bus stations and airports, intercity trains, offices of organizations, service and residential buildings, courtyards and entrances to houses, open spaces. , parks, public transport stations, etc.

Attacks in open areas mostly occur at night. This is due to the fact that there are few people in these places, that is, they are not crowded, the criminal is not seen by witnesses and he does not face resistance. At the same time, at certain times of the day, Paynet branches, offices of communication companies, warehouses, and gas stations are the most vulnerable places to attacks. If an attack is made on a home, criminals often choose a time when the residents are away or sleeping. Also, during the day, shortly before the lunch break or before the institution closes, attacks are carried out on financial institutions, jewelry stores, when customers are minimal, but there are employees who are able to open cash registers.

The mechanism of trace formation in the commission of the crimes we are considering is manifested in the presence of the following traces:

- traces of struggle at the scene; finger, shoe prints. Most often, fingerprints are found on doorknobs, keys, tables, chairs, on the surface of glass cabinets, and footprints are found on the surface of the floor at the entrance door. Microparticles can usually be found in chairs, sofas, door frames, window side panels, in cars - seats, seat belts;
- things that carry smell information about the guilty person - personal belongings of the criminal left at the scene, as well as sofas, armchairs, cars that are guilty;
- items used for tying - tape, ropes, wires;
- firearms, cold weapons, as well as items used as weapons;
- traces of shoes, fingers, vehicles left at the time of escape.

The main element of the criminological description of the crime is the personality of the criminal. It is impossible to carry out a criminalistic analysis without taking into account information about the characteristics of the person who committed the crime. As a result of any criminal activity, there is information about the criminal's identity, his socio-psychological characteristics, criminal experience, special knowledge and skills, gender, age, etc. It should be noted that the subjects of the crimes analyzed today are mostly men. Women are seven times less likely to commit assault than men¹².

Most of the attacks are committed by people aged 16-40. As a rule, after they join the group, adults commit less criminal acts than minors within a certain period of time, but they are more careful in their preparation. Their groups often consist of two or three people and are characterized by the fact that they commit several crimes of a stable nature or cause great damage.

Juveniles often commit criminal acts spontaneously and demonstratively without prior preparation. At the same time, they behave very aggressively, rudely. Their groups are the least organized and usually unstable.

A complete and objective investigation of a criminal case is impossible without determining the characteristics of the victim's behavior before, during or after the crime. It is difficult to determine the reasons for the crime and the conditions that allowed it to be committed without studying the identity

¹²Reports of the Investigation Department under the Ministry of Internal Affairs of Samarkand region

of the victim. In addition, during the investigation of the criminal case, it is necessary to take into account the cases of the victim hiding other crimes or staging the crime for other reasons.¹³

Therefore, during the investigation, it is necessary to collect information about the identity of the victim, his lifestyle, acquaintances and contacts. Most often, this category includes the elderly, women, teenagers, that is, the category of persons who cannot actively resist when the criminal attacks. In addition, wealthy people with large amounts of money, jewelry, and other valuables are often victims.

In order to properly qualify the crime in question, investigators must have a good grasp of criminal law norms. The criminological description of the crime of invasion under analysis requires a complete and comprehensive study. This is because raiding and robbery have similar content. In this regard, investigators often face the problem of wrong qualifications.

Summing up, the criminalistic description of the crime of aggression shows that it is necessary to pay attention to the effective investigation of this type of crime, to resolve the controversial issues that arise during the investigation of the crime, and to the circumstances that must be proven within the framework of the criminal case. The purpose of the above is to facilitate the investigation of the crime and ensure the guilt of the guilty persons and the innocence of the innocent persons.

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¹³Komissarov.V.I. Criminal characteristics of robbery and robbery // Pravo i ekonomika: mejdistiplinarnye podkhody v nauke i obrazovanii. XII Mejdunarodnaya Nauchno-Practicheskaya Conference. V 4-x chastyakh. Moscow. 2017. S. 221-227