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#### **Contacts**

Editorial office address: Tashkent, st. Sayilgoh, 35. Index 100047.

Principal Contact

Tel.: (+998 71) 233-66-36

Fax: (+99871) 233-37-48

E-mail: [info@legalreport.tsul.uz](mailto:info@legalreport.tsul.uz)

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## CIRCUMSTANCES TO BE DETERMINED WHEN INVESTIGATING INTENTIONAL KILLING

***Topildieva Dilrabo Mirshakhidovna,***

*Lecture of Tashkent State University of Law*

*E-mail: [d.topildieva@gmail.com](mailto:d.topildieva@gmail.com)*

### ARTICLE INFO

### ABSTRACT

#### Keywords:

This article addresses issues related to the Murder, consequence, circumstances that are to be established in the facts, circumstances, investigation of murders committed with intent. By intent, cause of death, establishing some facts, we are considering the issues evidence, crime, situation. of their proof and the appointment of appropriate examinations, which is fundamental in the disclosure of these types of crimes.

Investigation of murders, as well as other crimes, requires the investigator to find out all the circumstances of the case, to prove it in order to produce the correct qualification of the offense and assign the appropriate punishment, taking into account all the features of the crime.

A quick and complete investigation and disclosure of them, comprehensive identification and elimination of the causes and conditions that contributed to the commission of each murder is the

most important task of the operational-search and investigative bodies. Premeditated murders are often carefully prepared for a long time, sometimes by clever methods.

Circumstances subject to proof in murder cases are an essential part of the methodology for investigating these crimes. It is the establishment of these circumstances that is the goal of the entire work of the investigator.

The main task of a murder investigation is to establish the event of a crime. First of all, it is necessary



to establish the fact of the death of a certain person - a violent death, i.e. caused by an unauthorized hand. Based on the materials of the case, there should be no doubt that death was due to illness, later an accident, old age and suicide. If there is no definite information about the victim's identity, then it is not considered fully investigated.

In order for the sentence passed to be justified and fair, it is necessary to establish as many facts as possible about the victim. These facts are his gender, age, place of residence, activity, profession, place of work, position held, the presence or absence of a criminal record, as well as his state of health, character traits, habits and other facts that are important for compiling a complete picture of the victim and his life.

Murder cases are initiated on the basis of citizens' statements, reports of institutions, enterprises and organizations, law enforcement agencies as a result of direct detection of signs of a crime, as a result of a confession. The reason is the discovery of a corpse.

Optimization of the disclosure and investigation of murders is facilitated by the specification of the range of circumstances to be established in the process of investigation of murders, which should be classified according to

their logical sequence. Subject to establishment:

- cause of death, whether it is violent;
- whether there was a homicide, suicide or accident;
- who is the victim, what factual data characterize his personality;
- time, place, method, tools and means of causing death [1].

The time of death is a circumstance that must be established with an accuracy of the hour and minute. In cases where such a possibility is absent (when a skeletonized corpse is found), the time of death is set within a certain interval based on the forensic medical examination of the corpse. It is subject to clarification:

- time of infliction of bodily harm (whether they are lifetime or posthumous);
- whether the place where the corpse was found is the place where the murder was committed, whether there are negative circumstances indicating that death was caused elsewhere;
- who directly committed the murder, how many criminals were, who was an accomplice in the murder, what data each of them is characterized by;
- if a premeditated murder was committed (except for murders in excess of the limits of necessary self-

defense and in a state of strong mental excitement), then were there persons who provided an unpromised cover in advance;

- motives of murder, form of guilt;

- the nature and amount of damage caused by the murder. In this case, in addition to the obvious physical damage, we can talk about causing material damage (murder of the breadwinner: in an attempted murder, when the victim became disabled);

- circumstances mitigating and aggravating liability;

- circumstances that contributed to the commission of the crime, etc.

The listed circumstances to be clarified in the investigation of murders are not exhaustive. They can be concretized and expanded depending on the circumstances of the case under investigation: from the kind and type of death, the cause and time of its occurrence, the tools used and other conditions. The above list of circumstances can be adjusted taking into account the individual characteristics of the murder victim and the offender. In each specific case, it may be necessary to clarify other circumstances, including those related to the commission of other crimes [2].

As already noted, assassinations are characterized by careful preparation. In this regard, it is recommended to make every effort to clarify the following issues:

- whether the offender made preliminary reconnaissance, studying the lifestyle of the intended victim, the time and routes of the normal movement of the person concerned, the place of his leisure time, receiving information about his use of vehicles, the organization of security, the location at one time or another;

- what technical means were acquired by the criminal for the purpose of committing a murder and hiding his tracks;

- how the named funds were acquired;

- whether the offender made training to improve the killing skill and if so, where, when, with whose help they were carried out;

- whether a detailed murder plan was developed, in the positive case, what exactly was provided for - the time, place, method, means of murder, actions with the corpse and to hide the traces of the crime, ways of arriving at the scene and leaving it, the point of arrival of the criminal after the murder, being in which was foreseen in advance as a measure that impedes the investigation [3].

Also in the process of investigating murders, the investigator must establish a number of circumstances, the range of which is largely determined by the specifics of these crimes.

General circumstances. Are established in all cases of committing these crimes:

- the exact place and time of the crime (the address of the premises or coordinates of the area, day, hour, and, if possible, minutes, the duration of the crime);
- actions of the offender to prepare a crime;
- instruments of murder, other objects and means used by a criminal in the commission of a crime;
- mechanism for committing a crime;
- actions of the offender to conceal the crime and his participation in it;
- the presence of a causal link between the actions of the offender and the resulting consequences,
- the nature of the intention of the offender, the purpose and motives of his actions;
- the identity of the perpetrator, characterizing his data,
- the personality of the victim, characterizing his data, including the victimological aspect of behavior.

Circumstances characteristic of certain types of crimes. Subject to establishment:

- when a crime is committed by a group - the role of each participant in the crime;
- upon discovery of parts of a dismembered corpse - the belonging of all discovered parts to one body, the method and mechanism of dismemberment, the identity of the victim;
- with mercenary motives for the murder - the nature and amount of damage;
- in cases of committing a murder in a state of intense emotional excitement or exceeding the limits of necessary defense - the mental state of the perpetrator and the reality of the attack from which he defended.

The following situations are most common in the investigation of murders.

- at the time of the initiation of the criminal case, the person who committed the crime is not known to the investigation;
- at the time of the initiation of the criminal case, the person who committed the crime is known to the investigation. In addition, the specificity of the investigative situation is influenced by the period of time elapsed from the moment the crime was committed to the



beginning of the investigation, and a number of other factors [4].

In the event that a crime is committed by an unknown criminal, the primary task of the investigator is to detect and consolidate traces of the crime and other evidence, identify additional sources of information about the circumstances of the crime and identify the criminal. For this purpose, the scene of the incident and the corpse, the interrogation of witnesses, the examination and examination of the victim's clothing and other material evidence, the appointment of

forensic and other types of examinations are carried out.

In a situation where the criminal is known to the investigation, the main task of the investigation is to verify his involvement in the crime. The suspect is interrogated, examined, and his clothes are removed and examined. To find the clothes he was wearing at the time of the crime, as well as the items that were with him, a search is conducted at his place of residence. Forensic, biological and other investigations are carried out if necessary.

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