

**ADVANCEMENT OF CRIMINAL INSTRUMENTS, INVESTIGATION AND
DETERMINATION OF CRIMINAL INSTRUMENTS IN EXAMINATION OF THE
SCENE OF A CRIMINAL INCIDENT**

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Abstract. *This article analyzes the methods of presenting, verifying and identifying clues in criminal staging during the examination of a crime scene. The importance of drawing up a crime scene inspection report for presenting and verifying clues is considered.*

Keywords: *staging, scenario (version), investigation, operational search activities, examination of the crime scene, interrogation.*

The immediate tasks of the initial stage of the investigation are to quickly determine the presence or absence of sufficient evidence indicating the composition of the crime, as well as circumstances that exclude the conduct of a criminal case. Therefore, all work at this stage is aimed at collecting factual information that should subsequently be considered sufficient for making a decision on the case. In addition, the timely disclosure of committed crimes and ensuring high-quality investigation are the most important conditions for increasing the effectiveness of the initial investigation. In particular, the cognitive element of activity in examining the scene of a crime includes understanding the situation, facts, events, establishing causal relationships between them, and putting forward models.

The search element of the activity is the examination of the presented patterns, the search, the identification of changes that occurred as a result of the crime, their examination, the seizure of traces and objects. The confirmatory element of the activity in the examination of the crime scene is the identification, confirmation and recording of traces, objects, established facts found during the examination.

The presentation of patterns requires the investigator to fully understand the facts and circumstances at the crime scene, not by chance, but carefully and purposefully, and allows not to make a general assessment, but to find traces of the crime. In order to ensure the expediency of the examination of the crime scene, it should be based on the naming and confirmation of typical patterns, as well as patterns that take into account the circumstances of the event requiring examination, which can explain this event, its individual elements and the place where it occurred as a result of this event. This requires the investigator to constantly analyze the path and results of each action during the investigation. Patterns are created to determine the content of certain facts and situations, and to search for information sources (search patterns)¹.

At the beginning of the examination of the crime scene, which is carried out before the initiation of a criminal case, general ideas about the nature of the entire incident are presented and verified in order to determine whether a certain type of crime has occurred. The actual basis for

¹ Пулатов Ю.С., Утанов М.А. Преступное поведение: Уголовно-правовой и криминалистический анализ //Хуқуқ-Право-Law. – Т.: 2005. – № 2. – С. 33-35.

such ideas is the statements and explanations of the victims, the explanations of witnesses, and information obtained from persons who first learned about the incident before the examination of the crime scene.

If during the examination of the crime scene there is only information about the discovery of the body, before the examination begins, all possible scenarios are put forward and checked, which could explain the onset of death: natural death due to illness, accident, suicide, death due to negligence, death by intentional infliction of harm to health, intentional murder.

All facts and circumstances that testify in favor of each of the scenarios presented during the examination of the crime scene, on the contrary, should be rejected or questioned.

Based on the use of forensic science on the types and locations of traces that arise during the commission of the crime under investigation, routine search patterns are put forward for such traces, objects that may contain or may contain their probable or necessary content, and actions are taken to identify, expose, and seize them appropriately.

The presentation and verification of patterns allows us to correctly determine the presence or absence of a causal connection between the event under investigation and the traces and objects found during the examination of the crime scene.

When examining the crime scene, along with the presentation and verification of general patterns of the essence of the crime in general, specific patterns of individual circumstances of the crime are proposed and verified: about the time, method, weapon and means of its commission, the persons who committed it, the relationship between them and the victim. Specific patterns are also formed taking into account the information available at the time of the general, initial examination and those that emerge during it². At the initial stage of the examination of the crime scene, typical specific patterns are usually presented and verified, based on generalized data from the practice of investigating certain types of crimes.

Based on the traces and objects found during the examination of the crime scene, a causal analysis is made between the facts identified - the gender, age, physical characteristics of the perpetrator, and his relationship with the victim.

For example, if a body is found in a house, the absence of signs of assault and signs of a struggle allows us to put forward the hypothesis that the crime was committed by a person familiar with the victim, and the attack was unexpected for the second.

The detection during the investigation of traces of tools that require skill or great physical strength to use by persons working in male professions (plumber, mechanic, electrician, etc.) allows us to put forward the hypothesis that the person committed the crime. The discovery of cigarette butts, clothing, dishes, hairpins, hair pieces, and traces of lipstick at the crime scene gives us the basis for putting forward the hypothesis that the criminal is a woman. The use of information obtained during the examination of the crime scene, as well as information obtained and generalized from the practice of investigating crimes, allows us to put forward and verify personal hypotheses regarding the age of the criminals.

The presentation and verification of images during the examination of a crime scene ensures its high-quality execution at all stages: preparatory, working and final, with the elements

² Бартенов Е.А. Тактика осмотра места происшествия и трупа. – Новосибирск, 2015. – С. 57.

of identification prevailing, thus ensuring the examination of the crime scene and recording its results.

The protocol of the examination of the crime scene should be drawn up in such a way as to clearly reflect the logic of the investigator's search and verification actions at the scene of the crime, through which it is determined which general and specific figures are reflected in the protocol and in what circumstances, supporting or refuting this or that figure. In addition, the content of the figures and the assessment of the results of their examination should not be reflected in the protocol.

In particular, in accordance with Article 141 of the Criminal Procedure Code of the Republic of Uzbekistan, the protocol of the examination shall record all things found during the examination, in the same order in which they were examined, in the same state in which they were observed during the examination. The investigator's figurative conclusions, figures, and assessment conclusions regarding the essence of the examined event, the mechanism and circumstances of its conduct should not be reflected in the protocol of the examination. Any negative situation that cannot be explained based on the initial scenario should be recorded in the inspection report, but one should not draw a clear conclusion that at first glance the incident was staged.

The results of the examination serve as a valid basis for the presentation and verification of general (if the essence of the incident after the examination has not yet been determined) and specific images included in the investigation plan³.

An important component of the investigator's investigative activity during the examination of the crime scene is the identification of signs of staging - the artificial creation of a situation that does not correspond to the state of the incident in order to mislead the primary investigation authorities⁴.

Today, in practice, we can cite the following types of staging:

- 1) concealing a crime under the guise of a non-criminal incident (for example, an accident or suicide to stage a murder);
- 2) concealing one crime under the guise of another (for example, organizing a robbery to stage a robbery);
- 3) concealing some circumstances of the crime by creating a false impression about its individual elements (the commission of the crime by another person in another place, at another time, for other reasons);
- 4) concealing immoral behavior, negligence and other crimes under the guise of a committed crime (for example, organizing a theft in order to stage the disappearance of money or documents).

³ Лозовский Д.Н. Программно-целевой метод в процессе расследования преступлений [Электронный ресурс] // Вест. Адыг. гос. ун-та. Электрон. дан. [Б.м.], № 3. 2010. URL: <http://cyberleninka.ru/article/n/programmno-tselevoy-metod-v-protsesse-rassledovaniya-prestupleniy> (дата обращения 12.10.2019).

⁴ А.А.Хакбердиев. «Жиноий инсценировкалари таснифлашнинг назарий асослари, уларни аниқлаш ва тергов қилиш методикаси». Ю.ф.ф.д. диссертацияси. Тошкент. -Б.82. 2021 й.

Signs of staging, in particular, various contradictory circumstances, facts of artificially changing the situation⁵, the presence of unique signs of crimes, the vivid manifestation of individual traces, etc. Signs of staging are reflected in the material conditions of the crime scene in the form of negative circumstances.

At the scene of a crime, traces of staging, which carry information about the event, appear against the will and desire of the person who committed it. Their formation is ensured by excitement, the criminal's haste in conditions of time constraints, the lack of necessary skills, etc. In some cases, the person who staged the crime, as if he had seen it, tries to present it in a way that is pleasant to him, acts calmly, skillfully and carefully, doing everything to achieve the most favorable goal, but loses the sense of proportion and reality. In such cases, he leaves many unnecessary, unreal traces of the simulated crime and at the same time gives them a clear sign, leaving an unnatural imprint on the image he created.

The following actions are taken by the investigator to identify the staging: creating a mental model of the event, the signs of which seem to lie at the scene of the crime and on the surface, reflecting the idea that everything happened this way; creating competing models of other possible events that could occur in this situation (for example, suicide by staging a murder); studying the models, eliminating their consequences and verifying them; determining whether some consequences are true and others are not; drawing a conclusion about the correspondence of any model to the original (the event that actually occurred), which cannot be excluded from the verification of the models and the traces found; presenting a comparative analysis; taking measures to obtain additional information that objectively confirms the truth of this model and excludes the possibility of error; making a decision to complete the process of identifying the event.

The process of identifying a crime scene is carried out in a certain sequence⁶: first, the investigator, by identifying the existing state of the crime scene and the contradictions necessary in the circumstances of this investigation, understands the state of the fictional event, which reveals the essence of the real event, and also compares the current situation with other information obtained from other sources of evidence and available at the moment, and finally, the crime scene that actually occurred at this location is identified.

Information about negative circumstances⁷, especially staged events, allows us to more accurately determine the essence of the incident, whether criminal or non-criminal.

Based on the identification of negative circumstances during the examination of the crime scene, the following conclusions can be drawn:

- 1) the image put forward by the investigator is incorrect;
- 2) the crime was staged;
- 3) the mechanism of the incident was misinterpreted by interested parties.

During the examination of the crime scene, the investigator, in order to identify negative circumstances, should:

⁵ Астанов И.Р. Жинойт ишлари бўйича экспертиза ўтказиш: назария ва амалиёт: дисс. ... юрид. фан. номзоди. – Т.: ТДЮИ, 2010.

⁶ А. Ҳақбердиев. Жинойт инсценировка тушунчаси, элементлари, уларни аниқлаш ва тергов қилиш усуллари. Юридик фанлар ахборотномаси. Т.: 2020 й. – № 1. – 172-174 б.

⁷ Гросс Г. Руководство для судебных следователей как система криминалистики. – СПб, 1908. – С. 801-802.

- 1) not limit himself to identifying the detected objects and traces, but try to find an explanation for their location and condition, taking into account the previously presented patterns;
- 2) not limit himself to collecting information confirming a certain pattern, but actively search for other information confirming other patterns;
- 3) compare the specific explanations given by the persons concerned with the specific conditions of the crime scene;
- 4) should seek the help of specialists by consulting on the possible consequences of certain actions⁸.

During the inspection of the crime scene, negative circumstances should be checked and their absence or presence should be reflected in the report. Since the classification of certain circumstances as negative is the result of their assessment, they cannot be called negative in the report of the inspection of the crime scene.

The most difficult problem in the examination of a crime scene is the state of inconsistency of knowledge, when a reasonable assumption is unexpectedly refuted by a fact that contradicts it, the facts do not deny each other, but compete with each other. In a number of cases, this is usually associated with the concealment of a crime, or, in other words, with staging⁹.

Criminal activity in the implementation of staging may consist in artificially creating the state of a certain event as a whole and changing some elements of the existing state of a certain event.

In addition, theorists and practitioners of law note the following as the most frequently used types of staging:

- 1) concealing the fact of committing a crime (for example, a fire is set to conceal a theft);
- 2) concealing one crime and showing another (for example, a murder is hidden under a traffic accident);
- 3) staging a crime (for example, burning an old but insured car to obtain payments);
- 4) criminalization of non-criminal behavior (for example, a woman's self-harm in order to hold an unfaithful spouse accountable);
- 5) falsifying some evidence and misdirecting the investigation (for example, throwing personal documents of another person at the crime scene).

A very vivid depiction of the crime scene or incident is a characteristic feature of the staging.

Trying to provide the investigator with the necessary explanation, the criminal seeks to present the crime scene as reliably as possible. In his opinion, this can be achieved by imitating the signs of the incident that need to be visually depicted. In this case, the sense of proportion is often lost. As a result, during the examination, it was found that there were unjustified destructions, deliberate irregularities, and excessive expression of traces. In particular, when creating an imaginary, artificial environment, certain actions of the person who committed the

⁸ Ўзбекистон Республикаси Жиноят-процессуал кодексининг суриштирувчи (381-модда) ва терговчининг ваколатлари (36-модда), мутахассиснинг ҳуқуқ ва мажбуриятлари тўғрисидаги қоидалари (70-модда).

⁹ Еникеев М.И. Основы юридической психологии: Учебник / Под ред. М.И. Еникеева. – М.: Норма, 2009. – С. 227.

criminal act inevitably contradict the general associations of things, and it is these contradictions that are the most important circumstances in the process of solving the crime.

It should be emphasized that the goals of the interaction between the person who committed the crime and the investigator investigating the committed crime are clearly opposite, since the person who committed the crime does not want to be held criminally liable for his actions and tries in every possible way to hide his guilt by preventing the investigation and distracting from the real event using various methods of committing false actions.

Thus, criminals in most cases use various disguises and forgeries to hide their actions, or, in other words, they use such a combined method of hiding the crime as a staged event. Therefore, it becomes even more difficult to detect and expose the crime. Ultimately, the person who committed the criminal act tries to complicate the examination of the scene of the crime, to direct the investigator to a false path of circumstances and circumstances specially invented in order to obtain a negative result of the investigation.

In the process of investigating hidden crimes, the investigator's analytical and reflexive activity is of primary importance as a source of information about the incident and the identity of the accused. Many criminals are well aware of this, and therefore, when examining the crime scene, the investigator is forced to struggle with various inconsistencies. In this case, some of the signs do not correspond to the group of other signs at the crime scene, or inconsistencies arise when comparing the explanations of interested persons with the crime scene. By distorting the description of the incident, creating a fictional atmosphere, and falsifying personal evidence, the offender tries to inspire the investigator with the wrong impression of the incident, to create misleading concepts that will lead the investigation in the wrong direction.

The method of concealing a crime reveals the character and abilities of the criminal, his skills and habits, fantasies, and inventions. At the same time, it is also of great importance for the criminal to be aware of the role of certain material evidence in the investigation process, which is characteristic of the specific traces of a given type of crime.

Studying the processes of determining the goals associated with the creation of various criminal stagings at the scene of a crime is an important condition for understanding the subjective side of crimes hidden by the staging.

Based on the above analysis, we would like to put forward the following proposals. First, it was considered necessary for the employees of the preliminary inquiry and investigation body to have forensic psychological knowledge in identifying criminal staging. The reason is that in very many cases, employees of law enforcement agencies who are not skilled, experienced or have no psychological knowledge fall into the trap of criminal stagers during the investigation and investigation processes and act according to their wishes without realizing it or understanding it. Second, it is necessary to widely use the "teacher-student" tradition in the process of introducing a system of correct distribution of serious and extremely serious criminal cases among the investigation body employees, taking into account their experience and skills, as well as introduce a system of mutual exchange of experience between the investigators and investigators. Thirdly, it is necessary to organize an investigation program and a mechanism for compiling a reference book on a serious and extremely serious criminal case as a result of the investigative actions carried out by highly qualified and experienced investigators. The investigation program and

reference books compiled as a result of this mechanism, which are compiled in separate case files, will help young investigators and other law enforcement officers in the future to quickly expose and prevent crimes. In addition, the groundwork will be laid for conducting appropriate propaganda and awareness-raising work in order to prevent criminal staging and any violations.

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