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A DIFFICULT INVESTIGATIVE SITUATION IN THE INVESTIGATION OF THE CRIME OF HOOLIGANISM

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ABSTRACT

This article examines the problems facing today's investigation and preliminary investigation of crimes related to hooliganism, and other issues related to this topic. The article describes tactics and combinations of further investigative actions in the investigation of hooliganism, gives the most important methodological comprehensive instructions to investigators and interrogators, a forensic description, and also develops a number of proposals for solving some emerging legal problems in practice. Investigative situations that may arise during the investigation of a crime of hooliganism are also analyzed, and the author believes that the most difficult of these investigative actions is a fight between groups due to hooliganism. The article criticizes the fact that the effectiveness of interrogation in some investigative situations when investigating hooliganism is reduced, which in turn negatively affects the quality of the investigation and preliminary investigation of this type of crime. The prospects for wider implementation of polygraph technology during interrogations are explored. In addition, a sequence of investigative and procedural actions has been developed, as well as a procedure for the actions of the inquirer and investigators in cases related to the inquiry and preliminary investigation that may arise during the investigation of the crime of hooliganism. The legal problems associated with the inquiry and preliminary investigation were also analyzed, and relevant proposals and recommendations were presented.

KEYWORDS

Hooliganism, investigative situation, further investigative actions, polygraph capabilities, lie detection, sabotage of the investigation, double accusation, forensic medical examination, bodily injuries.

INTRODUCTION

As you know, in each state, the formation of immunity to the so-called crime, which negatively affects the normal functioning of society, is considered urgent. Especially among the younger generation, work on promoting a healthy lifestyle far from crime is carried out with the same goals in mind.

In these processes, the coverage of its negative consequences in the Prevention of crimes such as bullying is counted – from the tasks of the Criminal Procedure to the investigation and inquiry.

Since the crime of bullying is considered a socially dangerous type of crime and negatively affects the conduct of normal activities of society, it is important in its prevention to prevent this type of crime, identify persons who committed the crime of bullying, carry out Qualitative Inquiry and investigation on them, and ensure the inevitability of responsibility.

METHODS

The research work analyzed the problems, normative misunderstandings and other rules to be taken into account in practice related to the conduct of further investigative actions in the investigation of bullying crimes, while using comparative-legal analysis, observation, generalization, induction and deduction methods.

RESULTS

When investigating hooliganism crimes, the order of primary investigative actions includes investigative actions such as inspecting the scene of the incident, obtaining explanations, appointing examiners, retrieving something item, personal search and seizure, as further investigative actions, we can count the investigative actions related to the following proof.

– speaking victims and witnesses;

– vision to recognize the victim and witnesses, witness the victim;

– search for a suspect and involve him as a suspect in the case, provide a defense attorney and interrogate him;

– to witness the suspect, to take samples from him for examination if necessary;

– checking the injured and suspect shows where the incident is faithful;

– examination (criminalistic, ballistic, assessment, psychological, etc.) relating to work, identification of the victim and suspect with appointments, decisions and conclusions;

– in the event of a discrepancy between the instructions of the participants, face them;

– in the event of sufficient grounds in a criminal case, it is necessary to involve the perpetrator of the crime as a defendant, to choose a precautionary measure against him, as well as to interrogate the accused;

– in the absence of circumstances that make criminal proceedings appear in court, it is necessary to complete the criminal proceedings and familiarize the parties with the documents of the case, confirm the indictment or indictment, as well as confirm the case of the Criminal procedure code 388 in order to send to court through the relevant prosecutor's office.

In most cases of bullying crimes, criminal cases are considered in content, based on data collected on the basis of the testimony given by witnesses and victims, or evidence from the result of an interrogation investigative action.

According to the Supreme Court of the Republic of Uzbekistan, according to Article 277 of the Criminal code, the majority of criminal cases sent for substantive consideration (63.8%, in the 261 criminal cases studied) were found to be criminal cases, proven only by an expert opinion, as well as by an investigative action of questioning the parties and facilitation[1]. The analysis of this data also means that interrogation is of urgent importance in the investigation of criminal cases related to bullying the investigative action.

In the course of scientific research as well as social surveys, it was found that the effectiveness of interrogation is falling in the case of the announcement of a double charge of bullying or hooliganism[2].

That is, the declaration of double guilt on the crime of bullying refers to the relationship in a criminal case in which both or more parties inflict bodily harm on each other on the basis of bullying and at the same time strengthen the guidelines of persons involved in the case, both as defendants and victims.

According to the commission of the crime of bullying, as well as in the investigation of this type of crime, the most complex situation is what we think is a conflict with one group on the basis of bullying by another.

In particular, on October 17, 2023, at approximately 10:50 pm, at a wedding reception in the Khiva district, Qattibosh neighborhood, citizens M.E. and S.B.'s drunkenly quarreled between citizens N.N.ga deliberate perpetrators of the crime of bullying delivered to bodily injury. In the case, a criminal case was initiated by Article 277 of the Criminal code of the Republic of Uzbekistan, but during the trial a citizen N.N.to the fact that evidence of bodily harm was also received by other persons, on the basis of the fact that the investigation was not carried out comprehensively and completely, a private ruling was issued against the

investigator in the criminal case, and part of the case was returned to the prosecutor's office[1].

In addition, on February 26, 2024, a number of citizens in AGTKSh (methane cartridge), located in the territory of the upper Chirchik district, committed the crime of bullying by plotting their turn and delivering bodily harm to each other. A criminal case was initiated by the territorial Police under Article 277 of the Criminal Code of the republic of Uzbekistan[3].

It is in such atypical situations that when conducting primary investigative actions, it will be necessary to pay attention to the following factors.

- immediate inspection of the scene without delay;
- when inspecting the scene of the incident, it is necessary to go to the scene with a full-fledged operational-investigative team, as much as possible to attract a specialist-criminalist, a specialist with special knowledge in determining blood and other criminal traces and obtaining;
- it will be necessary to obtain a full explanation from the employee or representative of the public who first arrived at the scene and collect primary data on the fact of bullying in this.

The practice of investigating bullying crimes does not always give the opportunity to collect enough evidence by inspecting the scene of a single incident or conducting a primary investigative action.

According to N.S.Bushkevich, "initial guidelines are very important in bullying crimes, and then a positive change in the situation towards the victim or the accused will cause the participants to change the primary guidelines they give"[pp. 4, 22-23], he argues. We agree with the opinions of the scientist that the majority of criminal cases justified on the basis of

rehabilitation in chunonchi practice are caused by changing the instructions of one of the parties.

H.T.Mahmudova believes that “...interrogation in the investigation of crimes emphasizes that the investigative action is effective in the basic theoretical system of views of special tests carried out on the polygraph apparatus” [pp. 5, 99-100]. Similar thoughts I.Kholodnov and Y.I.Savelyevs also stated that the means of proof in this are precisely those that appear in the interrogation process itself, but it is precisely the fact that its results are the opposite that the court has come to conclusions that it cannot be recognized as evidence [pp. 6, 53-70]. In addition to the opinions of scientists, it is necessary to add that the current code of Criminal Procedure does not provide for prohibitions on the use of a polygraph apparatus or the involvement of a psychologist in the interrogation process.

At the same time, in the typical situation that we have cited above, the issue of liability under false instructions of the person involved in the case as a victim with important information on the case is also controversial. Because, if a criminal case excludes criminal liability under instructions given as a suspect or accused, or the possibility of exercising the right to absolute silence, on the other hand, the obligation to issue instructions that, unlike the victim, are of evidential importance is met.

In our opinion, in the case of such an atypical investigative situation, technology such as a polygraph apparatus is considered appropriate when interrogating, as well as strengthening the testimony by involving an additional psychologist-expert in the work and informing his results to this participant during the interrogation investigative action, recording the entire process on video recording.

Among the first in the fight against crime is considered to be Daniel Defoe, a European scientist who proposed to analyze the pulse [pp. 7, 526-530]. After him, for several periods, various scientists have been working on the detection of lies and have discovered several types of polygraph apparatus.

It was only by the early 90s that significant changes were observed. In 1993, a reliable legal framework was created by the Russian Prosecutor General's office and the Ministry of Justice on the implementation of the psychophysiological method of “lie detection” in the service of federal bodies carrying out operational-search activities [pp. 8, 99-105].

At present, interest in the tests carried out by MIA and expert psychologists of the Republic of Uzbekistan through the polygraph apparatus has arisen, issues of their implementation have been raised.

According to U.S. congressional experts who have researched a number of questions related to polygraph testing, one of the advanced theories today is that a person being tested on a polygraph “if he wants to lie”, because of fear of examination, obvious physiological reactions arise. The detection of deception, which applies to this penalty risk perception theory and a number of other theories, is carried out using a polygraph apparatus [9, p.11]. At the same time in the US, such an experiment is also carried out with candidates who 75% have expressed a desire to get a job in police agencies [9, p.13].

At the same time, in the general rules of interrogation in the Criminal Procedure Code, it is advisable to eliminate legal gaps in the use of the polygraph apparatus, the use of expert assistance from a psychologist in the process.

In the later stages of the investigation, it will be necessary to carry out an investigative action to

examine a number of other, in particular, the shows of the suspect at the scene of the incident.

When conducting this investigative action, there are the following distinctive features:

– often the suspect has given a show without knowing exactly how the objects at the scene of the incident are located, since often the person who committed the bullying is intoxicated, so it is also advisable to objectively examine the suspect's shows and carry out this investigative action;

– hooligans often instruct the perpetrator of the crime of hooliganism by confirming facts that may have been evidence of the throwing of weapons or objects used at the scene of the incident, or of the concealment of these objects. In these cases, it is advisable to have his shows checked at the scene of the incident.

Conducting a search investigative action in the investigation of the crime of bullying:

When investigating this type of crime, it is often necessary to conduct a personal search, search for housing. Features of conducting these investigative actions include:

– the bully tries to throw away any illegal items in his pocket all the time when he sees employees of the internal affairs or the law enforcement agency. Therefore, when the bully is caught on the crime, it is necessary to immediately try to search for him personally. At the same time, the bully should be given the utmost importance, because at the time of holding him and taking him to chetroq, to the IIO building, he can throw away things in his pocket[10, p.39-47].

In addition to the fact that mainly the personality of the bully refers to the category of persons with deviant behavior, it can be moved in the process of catching it

on the basis of the motive of inflicting self-bodily injury and thereby getting rid of responsibility.

In such cases, taking the subject of immediate, self-inflicted bodily injury;

– to take measures to provide first aid or to call the first emergency medical aid, in which to request a certificate from medical personnel regarding the nature of bodily injury;

– viewing a video recording of the event process and adding it to the work;

– get an understanding from the witnesses of the incident and learn more;

– the case is implied by the act formalization and by the same act, taking a sharp-edged item(moyka), converting, attaching a photocadval;

– to obtain an explanation from a suspect who has suffered a self-inflicted bodily injury and to conduct a detailed interrogation of the case;

– taking copies from all the collected documents and deciding to add them to criminal case documents on hooliganism and separate the originals as separate material;

– the decision to separate a part of the criminal case and the tqd documents will be sent to the prosecutor's office in the order of the second part of Article 345 of the Criminal-procedural code of the Republic of Uzbekistan[11, p. 96-105].

Also in the process, the investigator and interrogator should take personal security measures, be extremely careful. Often when such events take place in practice, investigators have difficulty proving that these misappropriated stored items belonged to the

hooligan. When conducting a personal search, it is necessary to identify the biases in the identification of the person, as well as to determine whether they are familiar to the suspect or not;

– when conducting a search for a suspect in their housing, in combination with the search for objects at the time of committing bullying, it is also necessary to attach importance to objects that are being held illegally according to the law;

– in cases where bullying crimes are committed as part of a group, a search may be a factor in making investigative actions more productive by not letting individuals in a group report to another person in their home, that is, to a participant in the same group. It is not advisable to immediately notify the participants of the group by formalizing the hooligans with illegally stored objects that have left the House. It is necessary to use the obtained evidence effectively in the case, observing the tactical rules during the initial interrogation.

At the same time, it should be noted that in order to get rid of the criminal's liability, the state of self-bodily injury is legally assessed today by the first part of Article 236 of the Criminal Code. The substance, however, provides for “interference in the investigation or the resolution of court cases, that is, unlawful influence in various forms on the Inquirer, investigator or prosecutor in order to prevent the case from being studied comprehensively, thoroughly and objectively, or on the judge in order to achieve an unfair verdict, decision, verdict or decision.” The sentence “unlawful influence” provides for such cases that legal analysis is necessary and by nature implies discretionary authority, while the occurrence of the same actions at the time of the examination before the investigation on the fact of bullying is not covered, although this stage is significant in that it includes the

most important period, such as the transfer of the case to the investigation. Therefore, article 236 of the Criminal Code should be described in a new wording.

When investigating a hooligan crime, a display of identity recognition investigative action is often performed to identify the hooligan. Features of the display investigative action for recognition in the investigation of these crimes include:

– the suspect has escaped from the crime scene, but he is fully described by witnesses or the victim of his appearance. In such cases, if the pictures of the suspect are known, the picture of him is shown to witnesses and the victim in accordance with the rules for recognition. It should be noted that in such cases it is a condition to show the suspect to be recognized through his image;

– the perpetrator of the hooligan crime escapes the crime scene and tries to change his appearance (shaving his hair, getting his beard, or scratching a tattoo on his face) until he is caught. In such cases, conducting this investigative action from the investigator can lead to a certain difficulty, since it may have been a long time since. Therefore, during the interrogation of victims and witnesses, it is extremely necessary to put a specific question in front of them and determine from them which separately known signs the suspect can be recognized, otherwise this investigative action will not work;

– one of the factors that makes it difficult to recognize the person who committed the crime of bullying by witnesses or victims is that victims and witnesses are not familiar with the bully from the beginning, so they cannot clearly remember him in appearance. The second factor is the possibility of recognizable confusion as a result of the crime of bullying being committed in public places, in crowded places.

Examinations to be appointed on bullying crimes (any examination to be appointed consists of three parts, in the first part: to whom the examination is entrusted, in the second part: questions to be put before the experts, in the third part: a person sent to the discretion of the experts, something-an item and related documents are recorded):

- medical examination of the court. In this case, cases such as whether there are traces of bodily injury in a person, if there is a degree of severity, what object it was delivered from, when it can be reached, as well as the most important thing is that the level of severity of each bodily injury in bullying should be determined separately;

- forensic psychiatric examination. This determines the mental state of the individual, that is, the moment of committing a crime, the period after committing a crime, as well as signs of sanity;

- biological examination of the court. In this case, samples taken from a person (such as saliva, blood, sperm) are examined and clarifies cases related to the case;

- criminalistic expertise (dactyloscopic, thrasological, ballistic, correspondence, technical-criminalistic documentation).

We also believe that a criminal case scheme should be drawn up in a criminal case investigated on the basis of Group bullying with the second of a group of individuals, which creates a complex investigative situation for bullying crimes.

This should reflect the role and direct episodes of each participant in the crime of bullying, as well as the fact that each bodily injury received by the victims was caused by exactly which accused and how many times.

Research results and its analysis

From the above-mentioned analyzes, the following specific features should be distinguished in the investigation of bullying crimes:

First, by the situation with the announcement of a double charge on the crime of bullying – in a criminal case, the relationship between both or more parties to strengthening the guidelines of persons who have inflicted bodily harm on each other on the basis of bullying and who were simultaneously involved in the case as both accused and victims is implied, and in such an investigative situation.

Secondly, the Criminal Procedure Code does not provide for prohibitions on the use of a polygraph apparatus or the involvement of a psychologist specialist in the interrogation process, however, in the general rules of interrogation in the Criminal Procedure Code, it is also advisable to eliminate legal loopholes on the use of the expert assistance of a psychologist in this process.

Thirdly, since the personality of the bully refers to the category of persons with deviant behavior, in cases associated with the fact that in the process of catching it, it moves on the basis of the motive for inflicting self-bodily harm and thereby getting rid of responsibility, the criminal has a state of self-bodily harm in order to get rid of, today, in its legal assessment with the first part of Article 236 of the Criminal Code, the sentence “unlawful influence” in the content of the article provides for discretionary authority in its nature and does not cover the occurrence of the same actions at the time of examination until an investigation into the fact of bullying.

Fourth, the criminal legal coverage of socially dangerous acts related to pre-investigation Investigation, inquiry and preliminary investigation and

prosecution on the basis of the motive for self-bodily injury and thereby getting rid of liability in the process of apprehension of persons who committed crimes, as well as criminal legal coverage of the socially dangerous act related to Article 236 should be stated in the new edition.

CONCLUSIONS

As a result of the above opinions and analyzes, it is advisable to promote the following proposals and include the following amendments and additions to certain articles of the Criminal and Criminal procedural code.

In particular, Article 106 of the Criminal procedural code, entitled "recording the process and results of interrogation", should be supplemented with the tenth part of the following content.

During the interrogation process, the polygraph and the equipment for determining whether a person is giving truthful instructions by measuring the pulse of the heart can be carried out only with the participation of a psychologist-expert. The Cardiogram is attached to the interrogation protocol.

It is also advisable to supplement Article 112 of the Criminal procedural code with a third part of the following content.

In the event that the suspect and the accused are involved as victims or witnesses in this criminal case, they shall exercise the rights provided for by Chapter 12 of this code and fulfill the obligations of this chapter.

Article 236 of the Criminal code is intended to be stated in the following wording:

P.236. Interfering or interfering with the investigation or the resolution of court cases.

In order to interfere with or harm the decision of an investigation, investigation or judicial case, that is, to prevent the case from being studied comprehensively, thoroughly and objectively, the pre-investigation examination is carried out in various forms with the purpose of illegally influencing the judge in order to achieve an official, Inquirer, investigator or prosecutor of the body or —

it is punishable by up to three years of correctional work or one to three years of restriction of freedom or imprisonment for up to three years.

If that act was committed by an official, —

deprived of a certain right, he is punished with a restriction of freedom for three to five years or imprisonment for three to five years.

If those acts were committed by the perpetrator of the crime by intimidating himself or others with the infliction of bodily harm or delivering bodily harm in order to get rid of liability, —

deprived of a certain right, he is punished with a restriction of freedom for three to five years or imprisonment for three to five years.

As a conclusion, it can be said that since bullying crimes each require an approach based on a separate investigative situation, the criminalistic aspects of the initial and Subsequent investigative actions on the most problematic situations encountered during the study of criminal cases related to bullying were analyzed in a tactical sequence. However, there are also Investigative situations that require an individualistic approach to a criminal case that require additional procedural actions, along with investigative actions, which should be carried out in traditional investigative situations.

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