

Behavior of Murder Victims

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Abstract: This article examines the behavior of victims of premeditated murder, their behavior before the crime was committed, and their relationship with the offender before the crime was committed.

Keywords: Murder, criminal, victim, victimization, victimology, behavior, provocation, active and passive behavior.

INTRODUCTION. Currently, in criminology, in the presence of the necessary materials about the personality of the criminal and his behavior, there is a need for information about the victims of the crime of premeditated murder. Knowledge of these people, their analysis and generalization of information about them, along with studying the personality of the criminal, helps to better determine the direction of preventive measures, identify groups of people who are more susceptible to one or another socially dangerous influence, that is, identify risk groups and combat gives them the opportunity to “work.”

The behavior of victims is closely related to their personal characteristics, since a person and his psychological characteristics are a necessary condition and result of his activities. The internal psychological content of behavior that develops in a certain situation, which is especially important for a person, becomes relatively stable characteristics of a person, and they, in turn, influence his behavior.

The personal characteristics of the victim play an important role in choosing the direction of his behavior, as well as in choosing the means of realizing the two intended goals in interaction with a potential criminal.

The actions of a criminal often depend not only on his personal characteristics, inclinations and aspirations, but also on the behavior of the victim, who, through his reckless, immoral and illegal actions, can create the “idea” of a crime. Contributes to the criminal environment and the beginning of a criminal outcome. Therefore, it is necessary to comprehensively and objectively assess the significance of the victim’s behavior when analyzing the role of a specific life situation in the commission of a crime.

The behavior of victims is closely related to their personal characteristics, since a person and his psychological characteristics are both a necessary condition and a result of his activities. The internal psychological content of behavior, which develops in certain situational conditions, which is especially important for a person, becomes a relatively stable characteristic of a person, and a person’s characteristics, in turn, influence his behavior. In certain circumstances, the personality of the victim is an active factor that can prevent or facilitate the commission of a crime. The personal characteristics of the victim play an important role in choosing the direction of his behavior and in choosing the means of achieving goals in interaction with a potential criminal.

Within the framework of a criminal situation, the behavior of a victim of a crime of premeditated murder can be classified in different ways. According to G. Kaiser, the behavior of the victim can be of the following types: legal, illegal, neutral, since there is no direct connection between the behavior of the victim and the behavior of the criminal.

Especially due to the high victimological potential, the wrong behavior of the victim has a special victimological significance. Often this behavior is a source of provocation and conflict. Its forms are different: from physical and moral violence applied to the person who committed the crime or his relatives, to an insulting attitude towards the personality of the subject of the act and disrespect for public order that is not directly related to the specific person who committed the act.

According to criminologist N.K. Gor, it is necessary to distinguish bad behavior from the behavior of the victim and from the negative characteristics of the victim. According to him, an offense is manifested in the latter's violation of certain legal norms, and the victim's behavior is mainly associated with a violation of moral norms or provocation to some type of crime. The victim's misconduct occurs before the crime is committed. In contrast, the negative character of the victim determines his behavior long enough before the crime is committed and is associated with a violation of moral and legal norms.

Victimology proceeds from the fact that human behavior can be not only criminal, but also reckless, dangerous, careless, sometimes provocative and, therefore, dangerous to oneself, which increases the likelihood of criminal aggression. Some researchers use the term "victim behavior" to refer to inappropriate, careless, immoral, provocative, etc. behavior.

If the victim's behavior is defined as one of the types of social deviant behavior, random, malicious, aggressive, provocative behavior is distinguished. This classification is constructed by analogy with the definition of victimological types, that is, it is based on the factor that determines a person's victimization.

The behavior of the victim can lead to the emergence of a criminogenic situation, and in some cases to the commission of a crime, since he can become a potential victim of a crime by committing a crime through intentional or careless actions.

This behavior means that the victim, by his actions immediately before committing a criminal offense, creates a dangerous situation for himself and encourages him to commit a crime. In this case, the person is already showing some activity, even if he does not want to attack himself.

Of particular importance is the study of the issue of resistance of the victim during the investigation and consideration of criminal cases of mental murder. However, it is even more important from a victimological point of view if we consider it as a factor counteracting resistance to murder (or, conversely, as a factor contributing to the emergence of criminal consequences). increase the activity of the population in the fight against criminal aggression. At the individual level, the possibility of such resistance is determined by the physical, moral and volitional qualities of the victim, experience of behavior in similar situations, and skills of quick orientation in ongoing events. At the level of public consciousness, the possibilities of effective resistance to criminals are determined by ideas about the admissibility or impermissibility of actions related to causing harm to other persons, including criminals.

It is an active element of the situation; the victim, through his behavior, can bring the offender to a sudden and sometimes undesirable situation for the offenders, having strong influence, fear, hatred, anger, and strong psychological reactions. This often turns into a killer, even though he had no intention of killing the victim at all before committing the crime. In other cases, the potential victim will influence the potential offender by constantly humiliating and humiliating him, thereby motivating him to commit the crime.

Among the forms of behavior of the victim before committing a crime, provocation should be noted, that is, the behavior of the victim in the form of threats, violence, insults, which often arise when drinking alcohol together.

There are different forms of provocations. An active form of provocation is usually the behavior of the victim that poses a great threat to his life, and he hopes to have a psychological impact on him due to his social status, character or insufficient physical strength. When committing domestic crimes, there is often an incorrect assessment of the possible reaction of a family member who has become the object of provocation. Victims often believe that family traditions or fear keep them from using violence.

The passive form of provocation is less common than the active one and is associated with the victim's failure to fulfill obligations arising from social friendships, family and other relationships (for example, non-payment of public debt). Provocations of one form or another are often long-term in nature and occur within the context of conflict situations. A long-term unpleasant effect on the human psyche accumulates hatred in it, and ultimately some minor incident can cause a murderous reaction.

Persistent provocative behavior by the victim often precedes the killing of close family members.

Unconscious provocation can occur when the potential victim is not aware that his careless action could cause such a reaction with dangerous consequences. However, in no case should it be considered a provocation to utter fair words from citizens against bandits and rowdies, who, due to their negative orientation and abilities or character traits, can perceive such words as a reason for insults and revenge. In such cases, the victim is not to blame, and the criminal acts according to his subjective idea of the existing situation, which he mistakenly perceived. Thus, any behavior of the victim that is contrary to the interests of the offender cannot be considered as provocation.

It is clear that the victim in a case is often the first to commit illegal actions in the form of attacks, insults, threats, and forcing the accused to respond with violence. After the initiation of a criminal case, the instigator of the dispute becomes the victim and the accused, who allows provocative actions, although in most cases he himself suffers physical and moral damage.

A similar situation was reported by D.V. Riveman explains it very clearly. Riveman says that often in the mechanism of a crime, the roles of the criminal and the victim are so intricately intertwined that in general one has to say that the difference between them is very relative, because only chance decides who is the victim and who is the criminal. who is the criminal? In addition, these roles are interchangeable, and one person unites these cases with the concept of "criminal-victim".

There is a typical conflict situation in which illegal actions in the form of violence are initiated by the victim himself. However, the court's verdict did not provide an appropriate criminal legal assessment of the victim's actions and did not take into account mitigating circumstances when sentencing the accused.

In our opinion, the defining elements of provocation on the part of the victim are:

- negative orientation of the victim's behavior, in which awareness and forecasting are not important;
- the negative behavior of the victim became the reason for the subject's illegal actions;
- the intention to commit a crime comes from a person influenced by the inappropriate behavior of the victim.

V.I. Polubinsky identifies two forms of provocative actions of a potential victim - active and passive.

An active form of provocation is observed in cases where the potential victim, through his actions, directly provokes the aggression of the offender. Depending on the mental state of the victim, who is an active instigator of the criminal act, his actions can be divided into direct and indirect.

With direct provocation, the victim takes the initiative to commit a crime against him and

encourages the potential criminal to commit certain illegal actions. In fact, an active form of provocation is a crime committed directly intentionally, since in such a situation the causer of harm is aware of the social danger of his act, can foresee the onset of socially dangerous consequences and wants them to occur, and the person who committed the crime can commit another crime. This type of provocation has a forensic nature and in this case is aimed at exposing the provoked person; on the contrary, when a person is involved in the commission of a crime by a provocateur, this action is considered as the personal benefit of the provocateur. Consequently, the actions of such a provocateur are prosecuted, but not for provocation, but for the actual crime covered by his intention.

With indirect provocation in an active form, the victim, through his negative actions, causes a criminal reaction against himself. That is, with indirect provocation, the actions of the provocateur are also intentional, and when committing illegal actions, he understands the socially dangerous nature of his act and foresees or wants to provoke a response from the provoked person, but the beginning of certain consequences. in the form of causing harm to him (the provocateur) is always not covered by the intention of the provocateur. Most often, examples of indirect provocation are found in domestic disputes, where the commission of a crime is a consequence of the immoral, illegal, criminal behavior of the victim, which must be taken into account when sentencing the criminal. It influences the determination of the role of the victim in the commission of a crime and the determination of responsibility based on the act.

The passive form of provocation is expressed in carelessness or other actions of a potential victim that create an opportunity for a potential criminal to commit a crime. If there are elements of such provocation in the behavior of the victim, there is no need to talk about criminal charges against the victim for his victimized behavior; such behavior in itself is not punishable, and the offender cannot be acquitted.

Analyzing the stated provisions, we came to the conclusion that it is appropriate to distinguish between the types of deliberate provocation of the victim and careless provocation, that is, not only in the form of incitement to action, but also in relation to the action performed. . Such a classification will be important in preventing provocative crimes and in developing special preventive measures against the most provocative victims.

According to A. A. Masterkov, victimological provocation does not pose a serious threat to social relations protected by criminal law, with the exception of rare cases when the victim-provocateur believes that objects protected by criminal law are subjected to expedient attacks.

Analyzing the opinion of A. A. Masterkov, we can come to the conclusion that the active form of provocation (direct and indirect) is expressed in the unlawful actions of the victim and should be considered as a mitigating circumstance when assigning punishment. The passive form of provocation (careless action) does not lead to criminal legal consequences and is considered a purely victimological category in assessing the actions of an unintentional instigator.

Undoubtedly, the provocative behavior of the victim in the process of victimization can cause unlawful actions by the accused. Therefore, studying the personality of the victim of a crime and his behavior is no less important than the personal qualities and actions of the criminal, since the provocative behavior of the victim has a certain criminal legal significance and must be taken into account. The behavior of the victim must be taken into account when deciding on the classification of crimes and punishment of the perpetrator, which makes it advisable to consider the problems of victimization in their criminal legal form.

Another form of victim behavior is carelessness. Negligence towards the actions of the victim is understood, of course, not in the criminal legal sense, but in the criminological sense.

Victims of intentional homicides do not take the necessary precautions, are not aware of the ultimate consequences of their actions, and do not create favorable conditions for crimes to be committed against them. There are two types of negligence: accidental negligence and persistent negligence. In case of accidental negligence, the victim accidentally creates a situation that poses

a threat to his life and health. With persistent negligence, the victim regularly creates a dangerous situation for his life and health by coming into contact with a dangerous substance.

Provocation and negligence as a type of behavior of the victim is a guilty behavior that shows the conscious and unconscious attitude of the victim to the consequences of the crime and includes any causal factors influencing the unlawful actions of the criminal. In addition to criminal behavior, we must not forget that people, as a rule, become victims of criminal aggression.

A generalized analysis of the crimes of premeditated murder we studied allowed us to identify various types and forms of manifestation of the victim's guilty behavior and classify them according to several criteria.

Based on the form of the victim's mental attitude to his behavior and its immediate consequences in the context of his interaction with the criminal, it is possible to distinguish between the intentional and careless actions of the victim from the crime of murder.

Intentional reckless behavior by the victim is also characteristic of the crime of manslaughter. This happens even if the victim is aware of the negative nature of his actions and cannot foresee their direct consequences, although he should and can foresee them.

Thus, a potential victim who drinks alcoholic beverages or replaces them with strangers, random people, may be aware of the negative nature of his actions, but may not foresee the criminal offense that the use of such alcohol may entail. Of his person or property, although he may foresee or anticipate it, he hopes to prevent it. If the victim is not aware that her actions are negative and can lead to victimization when she should know, the victim's careless behavior is obvious.

CONCLUSION. Identification of some types and forms of guilty behavior of the victim shows the complexity and multi-element nature of this concept. In addition, the presented types of guilty behavior of the victim exist only in certain relationships with each other, overlap each other and form various combinations that do not have the same meaning for individualizing the responsibility of the offender.

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