

## THE IMPORTANCE OF STUDYING THE BEHAVIOR OF A VICTIM OF THE CRIME OF PREMEDITATED MURDER

**Razhabov.R**

Senior Lecturer, Department of  
Combat and Physical Training,  
Academy of the Ministry of Internal Affairs

### **Annotation:**

This article discusses the purpose, meaning, features of studying the behavior of a victim of premeditated murder and the prevention of this type of crime.

### **Basic concepts:**

Intentional homicide, criminal, perpetrator, victim, victimology, victimological prevention, victim behavior, aggressive behavior.

## ҚАСДАН ОДАМ ЎЛДИРИШ ЖИНОЯТИДАН ЖАБРЛАНГАН ШАХС ХУЛҚ-АТВОРИНИ ЎРГАНИШНИНГ АҲАМИЯТИ

**Ражабов.Р**

Senior Lecturer, Department of  
Combat and Physical Training,  
Academy of the Ministry of Internal Affairs

### **Аннотация.**

Ушбу мақолада қасддан одам ўлдиришда жабрланган шахс хулқ-атворини ўрганиш мақсади, аҳамияти, ўзига хос хусусиятлари ва ушбу турдаги жиноятларнинг олдини олиш юзасидан фикр-мулоҳазалар билдирилган.

### **Таянч тушунчалар.**

Қасддан одам ўлдириш, жиноятчи шахс, айбдор, жабрланувчи, виктимология, виктимологик профилактика, виктим хулқ-атвор, тажовузкор хулқ-атвор.

The life of any person, regardless of his age, state of health or activity, is protected by criminal law. Therefore, any action aimed at taking the life of an infant, an elderly, healthy or sick person is recognized as murder <sup>1</sup>. Human rights and freedoms are protected by the norms of various branches of law, but criminal liability is established in criminal laws for violations of the rights and freedoms of citizens, and this area of law protects the rights and freedoms of citizens by applying such liability.

In the national legislation of all developed countries, special importance is attached to ensuring human rights and freedoms, in particular the protection of human life, health, honor and dignity from various criminal attacks. Unfortunately, in recent years, harassment and violence against women, children and the elderly in the sphere of family and domestic relations have become considered as one of the most common social phenomena. As a result, crimes of intentional infliction of bodily harm of various degrees of severity and premeditated murder are committed.

The analysis shows that negative human behavior is often one of the main factors in the occurrence of crimes and the victim of crime. In the mind of the person, as well as in the mind of the

---

<sup>1</sup> Рустабаев М.Х. Жиноят ҳуқуқи. Махсус қисм. –Т., 2007. –Б.498.

victim, there is a process of comparing his social status with the behavior of the victim. Based on the law inherent in the problem under study, it is certainly necessary to make a statement about victimology. According to victimology, a greater or lesser probability of becoming a victim of a crime or a victim of a crime is determined not only by personal qualities, but primarily by the interaction of external factors of the criminological and victimogenic situations in which the crime is committed <sup>2</sup>.

It should be noted that effective measures can be taken in society to prevent the victimization of persons from crimes, the less people are likely to become victims of offenses, the higher the level of victimization in them <sup>3</sup>. Due to the social and psychophysiological characteristics of the victims, there are various forms of their behavior in a criminal situation.

In many cases, the victimized behavior of the victim of the crime of premeditated murder gave an impetus to the commission of the crime. In some studies, it was found that 42.5% of female victims together with the offender consumed alcoholic beverages, as a result of which they could not resist, while only 57.5% resisted, because they had this opportunity <sup>4</sup>.

In the research work conducted by Zh. Khamidov, when studying issues related to the victim, it follows that the victims of the crime of premeditated murder, rape, causing bodily harm in 23% of victimized cases behaved well in front of the accused, in 35.8% were careless, in 22.8% were financially dependent, in 18.4% did not know their rights and freedoms <sup>5</sup>.

Naturally, cases of physical or psychological influence on the crimes of premeditated murder are not uncommon. Physical violence, in some cases, together with bullying or threats to the victim, can lead to various levels of bodily harm, even to premeditated murder. For example, there is a serious type of crime as a result of conflicts caused by insulting the honor and dignity of a person with obscene words <sup>6</sup>.

Physical violence is the act of inflicting bodily injuries of various degrees of severity on the victim, such as beatings, the use of physical force, rape, murder of relatives, relatives of the victim, etc <sup>7</sup>.

According to the general analysis, most of the premeditated murders committed in the sphere of family and domestic relations are caused by moral (psychological) violence. In our opinion, the occurrence of such acts in the family is primarily due to words or certain actions that strongly affect the individual's psyche.

When studying the behavior and characteristics of victims of crimes, it was found that 47.1% of them were intoxicated at the time of committing the crime, 31.4% had negative behavior before committing the crime, and 21.5% had a controversial situation <sup>8</sup>.

---

<sup>2</sup> Ривман Д.В. Криминальная виктимология. – СПб., Питер, 2002. 29– с.

<sup>3</sup> Надтока С.В. Виктимологические аспекты профилактики насильственных преступлений: автореф...дис. канд. юрид. наук. – М., 1999. (Nadtoka S.V. Victimological aspects of prevention of violent crimes. Abstract. Diss. ... Cand. the faculty of law sciences'. – М., 1999).

<sup>4</sup> Басков А.В. Виктимологическая профилактика корыстно насильственных преступлений, совершаемых в общественных местах: Автореф. дисс...канд. юрид. наук. – М., 2010.180–с.

<sup>5</sup> Хамидов Ж.Х. Криминологическая характеристика тяжких насильственных преступлений против личности, их предупреждение(умышленное убийство, умышленное тяжкое телесное повреждение изнасилование). Дис. на соискание ученой степени к.ю.н. – Т., 2008.– С.222.

<sup>6</sup> Хамидов Ж.Х. Криминологическая характеристика тяжких насильственных преступлений против личности, их предупреждение(умышленное убийство, умышленное тяжкое телесное повреждение изнасилование). Дис. на соискание ученой степени к.ю.н. – Т., 2008.– С.222.

<sup>7</sup> Рустамбаев М.Х. Жиноят хукуқи: Махсус қисм. –Т., 2006. –Б. 42.

Based on the results of the study, it is possible to divide the victim's victim behavior into several groups. In particular: 1) the state of intoxication of the victims; 2) careless dating; 3) immorality, bad manners; 4) leading an unhealthy lifestyle; 5) physical weakness; 6) hostility; 7) negative behavior.

In some legal literature, in order to study the identity of victims of crimes committed in public places, as well as to establish the necessary measures to conduct victimological prevention with them, victims are divided into the following groups: frivolous, immoral and positive individuals<sup>9</sup>.

The analysis of crimes against the person shows that the behavior (self-restraint) of victims in a criminal situation is diverse<sup>10</sup>. From a criminological point of view, it is more important to divide the behavior of victims into types, depending on their place in criminal behavior. Based on this mechanism, it is possible to divide the behavior of victims into two groups, that is, behavior that contributes to and does not contribute to the commission of a crime.

In addition to some of the above-mentioned behaviors of the victims, some authors also point to the provocative (motivating) behavior of the victim as an independent group. At the same time, speaking of a provocative act, we mean the behavior of the victim, which objectively manifests itself as one of the reasons for committing a crime (insult, slander, humiliation, betrayal, etc.). And motivating is understood as provoking a situation that contributes to the commission of a crime<sup>11</sup>.

48% of the victims somehow contributed to the crime, and 31%, on the contrary, opposed the crime. That is, there were some factors in their actions that influenced the criminal's inappropriate behavior<sup>12</sup>. The manifestation of victimization in the behavior of victims can be different. Their influence on the commission of a crime can be manifested directly through the situation that took place before the commission of the crime, or through the personality of the criminal, if in their past they influenced the formation of such a situation.

As noted in the study, in some cases, the victims themselves voluntarily participate in drunkenness, while during the commission of the crime they are in a state of alcoholic intoxication and do not have the opportunity to provide serious spiritual or physical resistance to the criminal<sup>13</sup>. When studying the behavior and characteristics of victims of crimes, it was found that 47.1% of them were intoxicated at the time of committing the crime, 31.4% had negative behavior, and 21.5% had disputable situations before committing the crime.

The behavior of the victim in the situation of committing a crime can not only affect the formation of criminal intent of the perpetrator, but also create a situation that promotes the implementation of criminal intent. For example, the fact that the victim himself does not keep his

<sup>8</sup> Штефан Ф.В. Насилия в отношении несовершеннолетних в семье: уголовно-правовой и криминологический аспекты (по материалам Уралского федерального округа): Автореферат диссертации на соискание ученой степени кандидата юридических наук. – Челябинск., 2011. – С.20.

<sup>9</sup> Антимонов А.С. Особенности расследования преступлений, совершенных несовершеннолетними женского пола: автореф... дис. кан. юрид. наук. – М., 2013. – Б.20.

<sup>10</sup> Ривман Д.В. Криминальная виктимология. – СПб.: Питер, 2002. 43–с.

<sup>11</sup> Ривман Д.В. Роль потерпевших от насильственных преступлений, совершенных в досуговой и производственной сферах // Криминологические и уголовно-правовые борьбы с насильственной преступностью, 1999. 48–с.

<sup>12</sup> Дрожжа Ю.С. Предупреждение убийств детей: Автореф. дисс. кан. юрид. наук. М., 2015. – С. 14.

<sup>13</sup> Каримжонов М., Бободўстов Ш. Номусга тегиш жиноятини тергов қилишда жиноят сабабларини аниқлашнинг аҳамияти: Ёш олимларнинг криминалистика ва бошқа ҳуқуқий соҳасларда ўтказган тадқиқот натижалари.(илмий мақолалар тўплами).–Т. , 2015. –Б. 70.

mouth shut, that is, the victim tirelessly responds to the cruel insults of the accused, or is in a state of alcoholic intoxication.

Impressionability in human behavior, rapid immersion in emotions, mockery, rudeness, inability to control oneself, inability to think about the consequences of one's behavior is often a characteristic feature of the psychology of a person who has been wronged<sup>14</sup>. Such people, as a rule, try to seize any favors of the victim, to put them in danger, to put their own interests above the interests of others, to react by force to specific actions of the victim.

In the criminological literature, such categories of persons who have committed crimes are studied as: a) consistently becoming a criminal; b) committing crimes in connection with the circumstances; c) committing crimes depending on the circumstances<sup>15</sup>.

The behavior of the victim, contributing to the commission of a crime, can be divided into the following groups: a) negative behavior and lack of spirituality of the victim; b) low level of legal awareness and culture of the individual; c) the degree of intoxication of the person.

In conclusion, it should be noted that the counteraction of crimes against human life and health, the development of necessary measures in the field of its prevention, is of great importance. The organization of such preventive work plays an important role in the prevention of premeditated murders. The fact that the victim does not take any action to prevent or stop the intentional killing of the perpetrator also plays an important role in the origin of this crime. The behavior of the victim also allows you to determine his interaction with the culprit before the crime and their relationship with each other.

---

<sup>14</sup> Муродов А.Ш. Оилада зўравонлик билан боғлиқ ҳуқуқбузарликлар содир этувчи шахсларнинг хусусиятлари // Ўзбекистон Республикаси ИИВ академияси Ахборотномаси. – 2018. – №3. – Б. 73.

<sup>15</sup> Алауханов Е.О. Криминология. Учебник. Алматы, 2008. –С. 173.