

Identification of a Victim in a Crime Involving Violence against a Person

Salomat Saparovna Niyozova ¹

¹ Doctor of Law, Professor of the Department of Criminal Law, Criminology and Anti-Corruption,
Tashkent State University of Law

Abstract:

This article analyzes the issues related to the emergence of a victim of violent crimes against the person, and studies the views and opinions of scholars in this regard.

The article emphasizes the importance of studying the behavior of the offender and the victim of crime as a new scientific direction in victimology. In addition, the article analyzes the origin (genesis) of the victim in violent crimes, the role of the victim in the criminalization process, and the mechanism of these crimes includes three main links - motivation, planning and execution.

As a result of the research of this article, the study of the victims of victims of violent crimes against the person has allowed them to be divided into the following types.

In particular, it was found that there were victims who fell into a state of helplessness as a result of naivety or confidence, mental illness or mental retardation, abnormal appearance, medical, physical inactivity or consumption of alcohol, drugs, etc.

It is also related to the fact that the victim's actions as a result of the conflict between the perpetrator and the victim affect the offender emotionally (for example, the victim's actions directly affect the offender) or the formation of revenge or other negative motives and harm to the person or relatives. Studied as a type of victims of crimes committed in order to direct the victim to a specific action.

This article provides relevant suggestions and recommendations that determine the status of the victim.

Keywords: family, violence, prevention, victim, person, crime, subject, individual, special, universal, classification.

Patients and methods.

The current study is conducted using several general scientific methods including historical, systematic, structural, comparative legal, logical, accurate sociological, scientific, comprehensive research, induction and deduction, statistical data analysis.

Results. The acceleration of globalization in the world is an indication of the increase in violence. According to the United Nations, “In 2019, the results of a global research illustrate that 35% of women in the world have experienced physical and mental abuse at least once in their lives” [1].

In 2018-2019, 72 percent of trafficking victims in the world were women, including minors (23 percent), and four out of every five victims of child trafficking were girls. Methodic framework, the development of this system, the need to develop effective mechanisms for the restoration of violated human rights. There is a tendency in the world to improve the field of violence against people, to identify specific areas of its criminal and criminological legal regulation, to bring national legislation in line with international standards and to strengthen interstate cooperation in this area. In particular, the development of effective measures to combat crime, the emergence of the phenomenon of violence, the characteristics of the violent person, the prevention of violent crimes, criminological description of these crimes, the level of victimhood, protection, person violence, and application to legislation is relevant.

As a result of creating a unique national system and regulatory framework for the prevention of violent crimes in the country and its compliance with international standards, special attention is paid to the protection of citizens from various offenses and crimes. In this regard, there is research in the field of “improvement and liberalization of criminal and criminal-procedural legislation, decriminalization of certain criminal acts, humanization of criminal penalties and their execution, coordination of activities to combat crime and prevent and increase its effectiveness” [2] has been identified as a priority for sentencing for violent crimes against an individual. Taking into account the victim’s behavior and emphasizing the importance of improving and investigating the prevention of these crimes.

In court practice, once a crime has been committed, the attention of the state and law enforcement agencies is focused only on the offender and the victim of the crime is forgotten. All efforts are aimed at uncovering the crime and punishing the accused. However, the relationship between the two defendants, the accused and the victim, remains limited. Such attitudes often lead to crime. In this case, the analysis of the crime by the victim and the study of the victim’s behavior, victim prevention is a branch of criminology that falls within its scope [3].

In criminology, the relationship between the victim and the accused, the issues of the victim's criminal behavior are studied in detail, go beyond the scope of criminal law and depend on the social sphere.

Individual, the study of the victim (victim) of a crime and his or her behavior began in the mid-nineteenth century and many scientific advances have been made over the years. However, we observe that this practice intervals far behind in matters relating to the victim. (For instance, law enforcement treats a victim with distrust and negligence in the course of their activities. The perpetrator is accused as a defendant. Such treatment of the victim may make him or her a victim of repeated crime (resulting in secondary harm).

In turn, criminology studies not only the victim himself, but also why, how he became a victim of the crime, the occurrence (formation) of the criminal situation, and the extent to which it influenced its formation and criminal reason.

Victimology is the doctrine of the victim that falls into the category of “the relationship that shapes the relationship between the accused and the victim”. [4]

According to the victims, in the West, victimhood emerged in a separate area. First as part of criminological research and studies, and then as a separate independent network: social and political changes in society; reduction of the system of social assistance and financial assistance, growth of unemployment; reduction of guarantees of compensation to the victim as a result of the crime; strengthening the focus on human rights and freedoms in society; an increase in the number of crimes against the person; crime prevention measures occur only due to factors such as a decrease in the activity of the offender and a change in his attitude to prevention.

Victimology as a new scientific field provides new opportunities to study the dynamic development of offender and victim behavior, including the impact of the offender and victim as an initiative or response [5], the behavior between them, the tendencies, types of certain categories of victims and types of victims does [6].

Discussion

Victimology is a “separate root” of criminology, a scientific field that encompasses certain aspects of criminology, psychology, sociology, and pedagogy. The original place of victimology as a science of the victim of crime is still unclear, and in the future it may take on an entirely different appearance, says I.A. Fargo [7].

S.B.Khodjakulov states “Victimology, in its essence, studies not only the damage caused by the offense, but also the damage caused by various events”. Therefore, victimology in the study of the identity of the victim covers not only criminal or other types of offenses, but also various negative situations, events [8].

Nowadays, much attention is paid to the victimological analysis of crimes. Such problems are interpreted in different ways in the literature [9].

Victimology in the broadest sense is the field of human science in which the victim's behavior creates dangerous situations and increases the likelihood of becoming a victim of crime or accidental non-criminal events [10]. The idea that victimology is the science of a person with behavior that deviates from safety requirements and standards has been a widespread tradition among sociologists

Victimology as a new scientific field has created new opportunities in the study of the dynamic development of offender and victim victim behavior. In this case, the influence of the offender and the victim as an initiative or response, the behavior between them, the propensity of a certain category of people to the victim, the type and types of victims of the crime.

Some criminologists also say that “Crime is not only a socially dangerous act, but it also covers the causes, circumstances and victims of crime [11]. The perpetrator and the victim are inseparable”, he said [12]. According to them, all the circumstances of the crime are formed around the offender and the victim, and when the criminological analysis of the crime, its criminological-legal and socio-victimological features are studied.

I.V.Limanskaya argues that “although victimology is a part of criminology, it is necessary to study and prevent the victimization of violent crimes” [13]. Developing his views, criminologists turn their attention to all crimes committed by force, as well as the crime of murder, which threatens social relations[14]. Of course, the relationship between the victim and the perpetrator comes first. This requires that all participants in the crime be investigated.

For example, intentional homicide, grievous bodily harm, sexual assault, and violent crimes involving greed, self-expression, and aggression are always associated with the victim's identity.

When we analyze the origin (genesis) of the victim in violent crimes, the identity of the victim plays an important role in the criminalization of the perpetrator, and the mechanism of these crimes

involves three main links - motivation, planning and execution. In this case, the victim participates as an element of the unavoidable situation, starting with the mental state and behavior of the perpetrator, compliance with this mechanism, as well as the motivation of criminal behavior.

The criminological study of criminal behavioral motivation begins with the identification and analysis of external and internal factors that lead to the emergence of a person's intention to use force. The emergence of such a tendency is associated only with the characteristics of the guilty person and constitutes the beginning of the crime. Examples include ruthlessness, arrogance, cake keeping, jealousy, selfishness, sexual tendencies associated with unnatural needs, and so on. The existence of such persistent motives and their implementation in violent crimes is more related to the identity of the perpetrator than to the victim. This is noteworthy for "multi-episode" crimes, i.e., crimes committed by individuals who have committed a multi-episode crime that uses sexual violence, the motives of which are usually not related to personal feelings or the victim's behavior.

According to criminological research, many factors affect the growth of violent crimes and their victims and the level of social risk[15].

One such factor is the formation of motivation for human behavior. According to A.N.Ilyashenko, the effective study of the factors of formation of the offender's personality requires the study of motives for criminal behavior [16]. Because behavioral motivation is inextricably linked to the individual and his or her characteristics and interests.

For example, it is characterized by hooliganism, robbery, etc., and based on the main motive, these crimes should be included in the group of crimes committed for malicious purposes.

Of particular importance is the motive for crimes committed by minors, according to V.V.Luneev, "some teenagers commit aggression and robbery not for money, but in order to show who they are in front of their group. In many cases, criminal behavior is multi-motivated, and the leading motive can be found there" [17].

"It also requires special attention to the issue of the motives for the serious crimes committed by minors and the conditions that allow them to do so. The reasons for the use of violence by minors cannot be explained without linking them to the main contradictions of the transition period they are experiencing. According to R.M.Abizov and G.A.Yurkov, the study of the consequences of the unresolved following major conflicts in society allows to understand the causes of crimes committed by minors by force [18].

The analysis of criminal cases shows that selfish motivation based on the use of force in the commission of domestic crimes is predominant and can be combined with motives of selfishness. In one-fifth of the crimes under consideration, the victims were relatives and family members of the perpetrator, and the underlying crimes were hostile personal relationships or alcohol abuse. About two-thirds of domestic violence offenders were under the influence of alcohol at the time of the crime, and about two percent were under the influence of drugs [19].

The amount of damage caused by crimes committed under the influence of alcohol is high. Those who are addicted to alcohol cause suffering not only to the victims and their relatives, but also to their loved ones.

It should be noted that it is difficult to draw a clear line between the motivations of violence and selfishness in this way. That is why the term "selfishness and violence" is used in the criminological literature. But these motivations differ in their criminological composition (including the role of the victim) and social methods.

In this case, the tendency to aggression can be determined by the external circumstances, the impact of a particular situation in life, and various factors of the external environment can have an

aggressive nature. However, in violent crimes, the emergence of the victim and the behavior of the victim are manifested as such a factor. The study of a large number of cases of such crimes allows us to distinguish several factors that determine the motivation of aggression-violence, which is directly related to the victim.

For example, the presence of factors that hinder the achievement of this or that goal. In this case, this factor may be related to the fact that the victim creates obstacles to a particular behavior of the perpetrator, or the physical presence of the victim may create such obstacles, regardless of his personal characteristics or behavior. This allows the subject to select two or more situations, one of the objects or events.

Also, verbal insults, intimidation, ill-treatment of the perpetrator or his relatives, or illegal actions in the form of physical violence are undoubtedly factors that contribute to violent crimes.

Although stable motives are less determined by personality traits and the victim's behavior, they are involved in the motivation and appearance of violent crimes committed by force[20]. For example, one or another characteristic of the victim's behavior or actions, which is manifested in certain circumstances, can become a stable motive associated with the identity of the perpetrator - a factor that motivates the realization of jealousy. The possibility of aggression also depends on how the subject interprets the situation. Usually, the subjectively perceived behavior of the victim does not always correspond to his or her actual character.

Our research on Victimological Prevention confirms the conclusion that the majority (approximately 85%) of violent crimes are based on interpersonal conflict, which is sometimes persistent (especially in the family). It is in such conflicts that the motives of aggressive behavior are formed under the influence of mutual resentment, insults, intimidation: anger, jealousy, enmity, and so on.

It is almost impossible to make a definitive (positive or negative) assessment of the role of the victim in this element of the genesis of crime in research on victimological prevention of violent crimes. In this case, it can be assessed in a certain way only if it is approached from the point of view of the subjective attitude of the offender. In any case, the influence of the victim on the motivation of criminal behavior is somewhat stronger.

The subject plans to commit a crime while trying to achieve a certain goal under the influence of the formed motive. The majority of violent crimes are committed during a conflict, under the influence of the situation, in a state of strong emotional excitement.

Convenient, appropriate conditions for the commission of a crime may be created by the perpetrators themselves. Such individuals always find a reason to quarrel. For them, any situation can be a basis for suspicion of infidelity, uncontrollable, free to act, lead to the commission of a crime. In most cases, the culprit is angry, frightened, excited when a criminal act is committed as a result of mental excitement. Emotions, on the other hand, make it difficult or restrictive for him to comprehend his behavior. Turning to the case law in this regard, M. in court. It became clear from the criminal case against a person named that M. It is possible that a woman named Sh., who was living with her out of wedlock, had committed the same crime of premeditated murder.

M. and Sh. lived together for a long time without being married. Ammo Sh. suddenly M. begins to refuse close contact with, develops a habit of driving him out of the house.

It is known from the case study that M. He also underwent a serious gynecological operation. The change in his relationship with him seemed to torment him. Sh. by his character he demonstrated that he did not see M. as a woman.

Presumably, M. with an ax Sh. It was not jealousy that compelled him to strike again and again, but revenge for these discriminations, a desire to protect his reputation. The perpetrator says his actions were motivated by infidelity, anger [21].

In our opinion, M. did not perceive the real causes of his behavior as a result of the influence of mental defense mechanisms. Nevertheless, sometimes some crimes are more carefully planned. According to scientists, such acts account for 23% of crimes committed by force, and according to practitioners - 30%. Crime planning means that the subject determines the method of his criminal actions, chooses the object, methods and means of the crime, determines the place and time of its commission [22].

While the subject anticipates the chances of achieving his goal, the difficulties or obstacles he may encounter along the way, the consequences of the act, it is impossible not to take into account the various qualities of the victim from the aggression he is planning.

The main elements of the criminal mechanism include the conditions of moral formation of the offender, criminal motivation, specific life situation, the decision to commit the crime and the victim's behavior in the situation of the crime.

In general, aggression motivated by the subject's self-expression, the discriminated person's self-defense, or his or her desire to resolve a conflict between individuals implies the choice of the other person's identity as the object. In this case, the ability to achieve the goal is determined by the presence or absence of obstacles. This will depend not only on the personal qualities and behavioral characteristics of the victim, but also on the location, time properties and other real elements of the situation in which the intended crime was committed.

Thus, in planning a crime, the subject takes into account the physical and mental capabilities of the victim in resisting violence, such forms of resistance (active or passive).

The victim's carelessness, light-heartedness, inability to hope for someone's help, his or her presence at the victim's place or time, and other similar circumstances may be taken into account by the offender as conditions that facilitate the commission of the intended crime.

Sometimes in crime planning, the subject perceives the victim, who is characterized by belonging to a deviant environment, as a convenient object to achieve his or her selfish goal. The subject himself seeks to justify his criminal conduct in a neutral manner and even to assess it as socially useful. Such aspects are typical of homosexuals, prostitutes, drug addicts, and other perpetrators of antisocial behavior through violence. Although the motivation of such individuals is not directly related to the victim's behavior, in crime planning their behavior is considered as socially undesirable traits, and the victim himself as a category of person less protected by the state and society. For this reason, it seems safe for the offender to use such victims as objects of aggressive tendencies. For example, victims of trafficking fall into this category.

In this regard, I. Yu. the final link in the genesis of violent crimes is the victimological situation, which is the interaction between the perpetrator and the victims during the direct implementation of this violence[23]. At the crime planning stage, the subject evaluates potential victim abilities only as a condition that facilitates the execution of the intended action. This allows the victim's behavior in the context of the aggression initiated at the time of the crime to have a significant impact on his or her development and the execution of the perpetrator's plans.

The negative (careless, immoral, or illegal) behavior of the victim may motivate the crime or create the conditions for its commission and facilitate its commission. The optimal behavior of a potential victim, on the other hand, allows for the avoidance of criminal aggression or the avoidance of its serious consequences.

In the development of measures to combat and prevent crime, it is necessary to take into account the victimological features of crimes committed by force. This requires, first of all, the identification of the scope, social roles and situations of individuals who have the qualities that motivate or facilitate the commission of a crime.

In the process of studying the external environment of victims of serious crimes committed by force, the situational element of the crime, as a characteristic feature of the objective aspect of the crime, its importance in the genesis of crime should be properly assessed. It should be borne in mind that the typical socio-psychological characteristics of the victim, in harmony with the personal characteristics of the offender, may evoke a tendency to aggression in the subject.

Elimination of the causes of aggravated violent crimes requires the development of well-thought-out, scientifically based social, economic, political-legal and special victimological, criminological measures that are able to create conditions to reduce the level of aggression in society. In this case, it is important to reduce the number of factors that contribute to these crimes.

The cooperation of the authorities and the activities related to the prevention of negative situations in society can eliminate and put an end to the tendency of people to use aggression and violence caused by conflicts and conflicts with each other.

V.I.Polubinsky and A.L.Sitkovsky, referring to the crime of murder, said: the crime situation will be determined [24], he said. IV Limanskaya distinguishes the criminological and criminal aspects of this "unity". These, in turn, include crimes that the victim has personally caused by his or her own behavior. Such behavior addresses the issue of the extent to which it affects crime and the issue of criminal liability [25].

Criminal law examines the process of victimization in crimes committed under the influence of strong emotional arousal in the offender as a result of the victim's antisocial, immoral behavior [26]. In such cases, the victim's behavior is a mitigating circumstance. It must be acknowledged that science studies the victim's illegal behavior and the defendant's attitude towards him, but pays little attention to the problem of criminal liability.

Indeed, one of the main features of violent crimes against an individual is that the commission of the act is directed against an individual who has certain legal interests.

Criminal law includes a number of offenses that are distinguished by their distinctive character. But we will group it into a larger scientific study. A.L. Repetskaya, who used the aspects of such a combination and the methods of committing the acts as a criterion, distinguishes the following number of common features: the existence of a criminal act; the homogeneity of the object of aggression, that is, the entry into social relations that protect the physical interests of the individual; a method of committing a type of crime, such as violence or intimidation with the use of force; the existence of intent in crimes of violence or intimidation with the use of force[27].

It is well known that a victim of a violent crime is only an individual who has been harmed in some way as a result of the crime. It is important to keep in mind that the damage done to a victim as a result of a crime is not always the same.

In general, the concept of "victim" is manifested in various ways in the system of criminal law. In substantive and procedural law, the term "victim" is used in Bulgarian and Romanian criminal procedure law as a term "victim". Foreign sources use the term "victim" or "injured". From the point of view of the Uzbek language, all the above terms have the same meaning, but from the legal point of view their meaning is different.

Some scholars (A.N.Krasikov, D.V.Rivman, L.V.Frank, etc.) include crime victims as individuals who have been directly harmed as a result of a crime. In this sense, one can agree with their opinion [28].

Changes in the economic and political spheres, in the process of lawmaking and legislative activity, are reflected in the victim's teachings on the role of the victim in criminal relations, ensuring the rights and freedoms of the individual, security.

According to Article 54 of the Code of Criminal Procedure of the Republic of Uzbekistan, “a victim, as well as a person with a mental illness, shall be recognized as a victim if there is evidence that the socially dangerous act caused moral, physical or property damage to the person” [29].

Article 27 of the Code of Criminal Procedure of the Russian Federation states that “a victim is a person who has suffered moral and physical harm as a result of a crime”, the concept of “victim” in these codes is understood in terms of criminal procedural law. The differences given indicated that the material and procedural criteria were mixed.

In the literature, the victim is distinguished by his or her affiliation to the substantive legal system, according to the nature of the legal criterion. According to VG Kvashis, it is necessary to refer to criminal law to define the concept of “victim” of a crime. The notion of ‘victim’ is essentially related to this right, derived from the knowledge of harm, i.e. the harm inflicted on someone by a particular crime is taken into account [30].

In the objective reality, the appearance of the victim does not depend on the proceedings of the persons authorized to conduct investigative actions, but occurs only when the person is harmed. The Code of Criminal Procedure, on the other hand, deals only with the determination of the fact of damage and participation in criminal proceedings.

The law denies that the victim “appeared” through such a process. According to VI Kaminskaya, this is “developed on the basis of the rules of criminal procedure and criminal law. But there are some criminal law concepts that are not even given in the criminal law”. I.V. Limanskaya and other scholars, who analyzed Article 42 of the Criminal Procedure Code of the Russian Federation, considered the victim as a general concept in criminal and criminal-procedural law. they give[31].

Adding to the opinion of these scholars, we see, first and foremost, that the interests of the individual are harmed and aggressed against him. It also reveals the specific material and legal characteristics of the victim.

According to Article 295 of the Code of Administrative Responsibility of the Republic of Uzbekistan, “a victim is a person who has suffered moral, physical or property damage as a result of an administrative offense”.

The information presented raises the issue of facilitating the use of legal criteria in law enforcement practice. The introduction of the concept of victim in the criminal law is a principle of interpretation of the law. In this case, it is necessary to correctly interpret the criteria of law enforcement practice, because in the criminal law sense, the court should consider the case with the victim. until the flour must be distinguished from the victim. The victim participation in the proceedings and demand compensation for damage caused by a common terms. On the other hand the criminal legal issues.

Criminal and criminal-procedural legislation, in qualifying an act according to established norms, takes into account the results of the investigative actions (first finding the victim, and then qualifying the crime) rather than the actual state of the case. However, a person who has committed a crime may also be released from criminal liability at different times due to reconciliation with the victim (JK, Article 66).

Some literature has also suggested that criminal and criminal procedure law define a person who has suffered as a result of a crime as a “victim” in the criminal law and a “victim” in criminal proceedings. These propositions lead to a departure from the scope of the theory.

In the Uzbek dictionary, “victim” means a person who has suffered moral, physical or material damage as a result of a crime[32].

V.G.Kvashis, in explaining the concept of a victim, distinguishes the following features: “The victim can be an individual or a legal entity. A victim is a person who has suffered moral, physical, or material damage. Damage to the victim must have been caused as a result of the crime. If there is no crime, there will be no victim[33].

In determining the meaning of the term victim, whether the crime is completed or not, the presence of aggression and harm, the victim; it is necessary to show general signs, such as their connection with the deed.

There has been a perception in the literature that victims can be harmed not only by crime but also by the dangerous actions of the mentally retarded, which have deviated from the theory and are also reflected in the laws. For example, Article 49 of the Criminal Procedure Code of the Russian Federation stipulates that “in order to be recognized as a victim in criminal proceedings, he must have suffered moral, physical and property damage as a result of the crime”.

Criminal law stipulates that there are a number of reasons for engaging in the opposite activity: first, that the activity results in a harmful consequence. For example, if a person goes beyond the limits of “last necessity” in the course of harm, then there can be no question of a necessary measure in the criminal law. In this case, the necessary protection may be applied to the circumstances in which the person is apprehended. Avoidance of harm is the protection of rights and legitimate interests protected by criminal law.

Second, the situation of interest for the offender’s criminal law is that it contains “similarities” such as certain types of crimes. While criminal law protects individual and collective rights, as a rule, their offense is represented in some specific ways [34].

An integral feature of the crime is the violation (damage) of the right, which is the basis for the “emergence” and involvement of the victim.

If the rights protected by criminal law are violated by a person who has reached the age of criminal responsibility but is not related to mental disorders, then the harm becomes dangerous to society. This act is reflected in the “last resort” and “necessary defense”, “Physical or mental coercion or intimidation (Article 41¹ of the Criminal Code, Article 21¹ of the Code of Administrative Offenses)”, and the victim is the object of this act.

It should be noted that the infliction of moral, physical and property damage is the basis for the “emergence” of the victim.

Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 7 of April 28, 2000 “On some issues of application of the law on compensation for moral damage” puts an end to the debate on moral damage. According to the first part of paragraph 2 of this decision, “Moral harm means the mental and physical (discrimination, physical pain, harm, discomfort, etc.) suffering (suffered) as a result of the offense (inaction) committed against the victim” [35].

Causes of moral damage include loss of relatives, inability to lead an active life, unemployment, disclosure of service or family secrets, restriction of rights, and physical pain.

Physical damage, on the other hand, manifests itself in health disorders and pain as a result of delivery to the body. This is reflected in the chapter “Crimes against health” of the Criminal Code of the Republic of Uzbekistan.

In our view, if we evaluate victimology as part of the criminological science that studies the victim as an individual, the notion of “victim” is relatively preferable to the notion of “victim”. This is because the concept of ‘victim’ means more sacrifice, while the concept of ‘victim’ helps to conduct victimological research without being limited to substantive and procedural law.

In conducting victimological research, it is important to analyze the specific features of the crime, the moral, psychological, emotional aspects of the victim. Rejection of these precludes the study of all real factors of interaction in an unstable situation. The set of characteristics and preferences of an individual who is at risk of becoming a victim of a crime in certain unstable situations is not fully disclosed.

However, any connection between the perpetrator and the victim in the occurrence of violent crimes against a person has no criminological significance. Only other circumstances (e.g., an illegitimate child), i.e., specific circumstances such as the mother’s moral views, her financial situation, are of criminological significance.

Therefore, it can be said that victimology is characterized not only by the “ordinary victim” but also by the various circumstances that lead to the choice of the victim or the features that have a socio-psychological impact on the motive of the crime. It is well known that the victims of rape are only women, and this is important not only from a criminological point of view, but also from the fact that the woman's behavior (especially in relation to the offender) is in some way indicating why this woman became a victim.

It is therefore important to investigate these situations. Victimology examines not only the “victim” himself, but also why, in what situations he becomes a victim of crime, the emergence (formation) of a criminal situation, the extent to which it influences the formation of a criminal motive.

A comparative analysis of the gender data of about 200 victims of homicide, grievous bodily harm, torture, and rape revealed that 38% of homicide victims were men, 40% were women, and 22% were minors. 30% of victims are men, 50% are women, 20% are minors, 78% are victims of torture, 22% are minors, 76% are women with threats to kill or injure, 24% are minors, touch 76% of women, 24 percent are minors.

According to the results of research, female persons are victims in 75.8% of cases of domestic violence. For example, women become victims in 70% of cases of threats of murder or causing serious harm. As the study conducted by scientists has shown, most often victims of pressure in the family are the wives (cohabitants) (48.1%), children (15.6%), as well as the parents (14.2%) of the culprit. In addition, these crimes are committed against spouses (cohabitants) (5.1%), sisters and brothers (3.8%), as well as other family members or relatives of the perpetrators - grandfathers, grandmothers, grandchildren, uncles, aunts, nephews, parents and siblings of husbands (cohabitants) and others (13.2%). Overall, members of the female family own an overstated degree of victimization, the proportion of which among all the victims of domestic violence crimes learned is 75.8% [36].

Comparison of the age groups of the victims with the structure of the population of the republic makes it possible to draw indicators of victimization. High levels of this indicator were noted in the age groups of 18 to 25 years.

The highest rate of victimization occurs between the ages of 18 and 25, or 36%. The high level of victimization of this group of people is due to their moral and spiritual characteristics, in particular, the unwillingness to depend on anyone in their thoughts and actions, the desire for independence in

behavior, frivolity, and often sexual indifference. the inability to adapt to the specific characteristics of the partner in the marriage union, etc, shows its effect.

Two-thirds of the victims were socially active, ie 18.5% of the employed, 10.9% of the employees, 17% of the private entrepreneurs, 12.8% of the students, 10% of the college students, 30.8% of the unemployed and non-students. .

Victims can be classified according to their position in the criminal behavior mechanism, and they can be divided into two categories: those who incite to commit a crime and those who do not. In the first group, it is necessary to study separately the category of victims who incite to commit unlawful acts.

According to the survey, 68.3% of victims in conflict situations were active-negative, of which: 20.0% were verbal (insulting, threatening), 48.3% were physically abusive (beating, bodily injury, etc). 23.0% were active and positive: 15.4% were seeking help (from law enforcement agencies, relatives, neighbors, etc.), and 3.4% were from negotiators.

They more emotionally and more sharply perceive negative social impacts: family and production conflicts, stains, disorder of private life, quarrel with close people. Women quite often assess these or those situations as menacing and dangerous as for themselves, and the relatives, for example, of children. From there are their illegal acts having protective character, aiming to protect themselves or the family [37].

In addition, the recurrence of immoral and illegal actions also has a negative impact on the formation of the offender. The forms of victim behavior, which is a criminogenic condition depending on the circumstances of the crime, also vary. In a criminal situation (where a crime is being committed), the actions of the victim may be a motivating factor in resolving the offender in a controversial criminal manner or serve as a mitigating circumstance for the realization of a personal criminal purpose[38].

The second problematic issue is that many of the people with limited responsibility are socially dangerous and there is a need to confront this danger by tightening criminal penalties or resorting to security measures. Japanese researcher Asada and other Japanese experts in this field note that guilt in the criminal-legal sense should be as limited as possible to censure for this action, and security measures are fraught with the threat of a transition to inhuman treatment of convicts [45].

Like any human personality, the personality of the victim includes a system of moral and spiritual characteristics, attitudes, intentions, beliefs, life goals, mental and comparative aspects of dreams. The moral and spiritual characteristics of a person are interrelated with his social characteristics. Like other characteristics of a person, the characteristics that influence the commission of a crime in certain situations also play an important role in the social life of that person. And it is formed under the influence of certain social conditions. Thus, the interpretation of the social and moral characteristics of the individual is seen as a relationship between the individual and society [39].

At the level of generic crimes, the following are mandatory features: socially dangerous acts in the form of action or inaction, socially dangerous consequences, a causal relationship between a socially dangerous act and its consequences. Optional signs of generic crimes are method, place, time and environment, tools and means of committing a crime [40].

Conclusion

In our opinion, the study of the identity of victims of violent crimes against the person, his status and the relationship between society creates the need to study the following questions:

1. social demographic characteristics of the victim, such as gender, age, social origin, type of occupation, marital status;

2. the results of the life and upbringing of the person, which allows to determine the process of its formation in the family, school, work and other places;
3. views and habits of the victim, motives of behavior, attitude to society and work;
4. Those around him, in particular, social groups, views, values, instructions, etc., which are connected with the views of the victim.

The status of the victim has an impact on the scope of the criminal investigation. A number of articles of the Criminal Code of the Republic of Uzbekistan contain classification features that allow to discuss the status of a victim of a crime. For example, crimes committed against a person or his close relatives in connection with the performance of their duties, profession, civic duty; crimes committed against a pregnant woman, a young child, a disabled person or a person dependent on the perpetrator. Here, the criminal law provided for appropriate indications of the status of the victim as circumstances that aggravate the guilt and punishment of the offender.

Based on the above, in practice, the victim's behavior should also be taken into account when determining the extent of the offender's criminal liability at the time of sentencing.

As we explore the status of the victim, his or her role may be overt or covert. By transparency, it is necessary to understand the victim recognized by the subjects of criminal procedural activity. The latent role of the victim varies from a victimological perspective. It is he who creates concepts such as 'potential', 'latent' and 'accidental victim'.

The criminal law provides for certain elements of criminogenic function related to the role of the victim in crimes involving violence against a person. However, from a victimological point of view, the number of such related elements is higher than that specified in the law, and crimes committed by force can be studied in different groups.

In summary, this type of victim includes:

First, victims who have fallen into a state of helplessness as a result of naivety or confidence, mental illness or mental retardation, abnormal appearance, medical, physical inactivity, or consumption of alcohol, drugs, etc;

Second, victims of crimes resulting from a conflict between the perpetrator and the victim, In this case, the victim's actions may have an emotional impact on the offender (e.g., the perpetrator's actions directly affect the offender's affective state) or the formation of revenge or other negative motives resulting from the conflict;

Third, crimes committed for the purpose of directing the victim to a specific action involving harm to a person or his relatives. These include crimes committed through violence or intimidation with the use of force. Examples include kidnapping, intentional bodily harm, unlawful deprivation of liberty, and hostage-taking;

Fourth, we study them as crimes of a complex victimological nature. These include crimes in which it is not possible to determine who is the victim and who is perpetrator at the time of the crime. The scandal takes such a form that the victim of the threatened crime becomes the subject of the crime. An example of this is intentional crimes that go beyond the necessary defensive boundaries.

Analyzing the above, it is important to determine the legal status of the victim in criminal motivation, as well as the use of the word "victim" in the "Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography" (adopted by the UN General Assembly on 25 May 2000). Instead of the word "victim", the theory of criminal law refers to the "victim" as follows: "The rights and freedoms are violated as a result of moral, physical and property damage An individual is said that the concept of a single theory.

The inclusion of the theoretically unique concept of the victim in the theory of criminal law, in turn, fully discloses all types of harm inflicted on the victim of the crime. It also serves to address the problems that arise in practice and to establish a single status of the victim of the crime in criminal law”.

From a criminological point of view, the victim of a crime should be assessed as a factor that influences the crime dynamically and genetically.

References

1. <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#notes>.
2. The President of the Republic of Uzbekistan's Decree PD-4947 number “About Actions of the Strategy in the more developing of the Republic of Uzbekistan” in 2017.02.07.
3. Kvashis V.G. Fundamentals of Victimology. Problems of protecting the rights of victims of crimes, Moscow: 1999. 24 - p.
4. Ismailov I., Abdurasulova Q.R., Fazilov I.Yu. Criminology. General part. Taskbook.-Academy. T.: 2015. –P. 179-180.
5. Migurrin D., Do F. Victims of Economic Crime // Journal International de Victimologie. – 2017. – Vol.8. – №2. – P.147-175.
6. Mendelsohn B. The Origin of the Doctrine of Victimology // Mendelsohn Excerpta Criminológica. 2015. №3. P. 239-244.
7. Fargo, I.A. Criminal law and criminology basic teachings about the victim. St. Petersburg, Legal Center Press, 2017. P.195.
8. Xujakulov S.B. Victimological prevention of the offenses. // Ministry of Internal Affairs of the Republic of Uzbekistan's data.– T.: 2017. №31-number. P.26
9. Safiullin N.Kh. Criminological analysis of victim behavior of minors, Kazan: 1996. 45 – p; Sitkovsky A.L. Victimological problems of prevention of mercenary crimes against the property of citizens. Author's abstract. diss ... cand. jurid. Sciences. - M., 1995.; Voitenko S.G. Criminological study of victimization of persons with deviant behavior. Author's abstract. diss ... cand. jurid. Sciences. Moscpw: 1997.
10. Miers D. Offender and stata compensation for victims of crime: Two decades of development and change // International Review of Victimology. – 2014. – №20 (1). – P. 145-168.
11. Migurrin D., Do F. Victims of Economic Crime in a Crand Scale // Journal International de Victimologie. – 2010. – Vol.8. – №2. – P. 147-175.
12. Polubinsky V.I., Sitkovsky A.L. Theoretical and practical foundations of criminal victimology. Monograph. Moscow: VNII MVD of Russia, 2006. –p. 8.
13. Limanskaya I.V. Victimological prevention of violent crimes against the person. Author's abstract. Diss ... Cand. jurid. sciences. Moscow: 2002. –p. 12.
14. Limanskaya I.V. Victimological prevention of violent crimes against the person. Author's abstract. Diss ... Cand. jurid. sciences. - M., 2002. 22 - p; Varchuak T.V. Victimological aspects of the prevention of property crimes in a large city: Author's abstract. diss ... cand. jurid. sciences. Moscow: 1999.
15. Ilyashenko A.N. Violence. Personality. Society. Theses of the scientific and practical conference. - M., 2000. 12 –p.

16. Ilyashenko A.N. Combating violent crime in the family. - M., 2003. 115 – p.
17. V.V.Luneev Criminal motivation. Moscow: Nauka, 1991. 230 – p.
18. Abyzov R.M., Yurkov G.A. Violent crimes of minors: characteristics, personality typology, prevention. - Bamaul: 2001. - pp. 73–74.
19. Urazaliyev M.Q. The reasons of the negative social accidents in relating to the crime and preventing them. (Monography). – Tashkent:TSUL, 2017.P. 40.
20. Kotova N.K. Victimological problems of criminal aggression. - Astana, 2001. 148-p.
21. From the archive data from the Court of the Tashkent region. –Tashkent, 2017.
22. Vishnevetskiy K.V. The mechanism of victimological determination. Journal of Theory and Practice of Social Development // Krasnodar University of the Ministry of Internal Affairs of Russia. - No. 10/2014 - S. 154-156.
23. Fozilov I. Yu. Against the trading humans` fights criminological-lawful problems.Monography. T.MIA Academy. 2016. P.167.
24. Polubinsky V.I., Sitkovsky A.L. Theoretical and practical foundations of criminal victimology. Monograph. - Moscow: All-Russian Research Institute of the Ministry of Internal Affairs of Russia, 2006. 18 – p.
25. Limanskaya I.V. Victimological prevention of violent crimes against the person. Diss ... Cand. jurid. sciences. - M., 2002. 25-p.
26. Commentary on the Criminal Code of the Russian Federation: Special part. - M., 1996 .- S. 18.
27. Repetskaya A.L. The guilty behavior of the victim and the principle of justice in criminal policy. - Irkutsk: Irkut. University, 1994. 12 – p.
28. Rivman D.V. Criminal victimology. - SPb., 2002. 26 – p.
29. Processual-criminal law. Taskbook. General part. /The group of the authors. – T.: TSUL. 2017. P.103.
30. Kvashis V.G. Fundamentals of Victimology. Problems of protecting the rights of victims of crimes. Moscow: 1999. 28 – p.
31. Limanskaya I.V. Victimological prevention of violent crimes against the person. Diss ... Cand. jurid. sciences. Moscow: 2002. –p. 28.
32. The Uzbek language`s definition dictionary / Under A. Madvaliyev`s reduction. T.2. – T.: Uzbekistan national encyclopedia, 2006. P.61.
33. Kvashis V.G. Fundamentals of Victimology. Problems of protecting the rights of victims of crimes. Moscow: 1999. -p. 30.
34. Kvashis V.G. Fundamentals of Victimology. Problems of protecting the rights of victims of crimes. Moscow: 1999. 30-p.
35. Decrees of the Plenum`s Collection The Supreme Court of The Republic of Uzbekistan 1991 – 2006 years. 2nd tome. – T.: The Supreme Court of The Republic of Uzbekistan, 2007. p. 37.
36. S.S.Niyozova. Prevention of Crime in the Family and the Role of Victimology in the Republic of Uzbekistan. International Journal of Advanced Science and Technology Vol. 29, No. 3, (2020), pp. 3962.
37. **Abzalova K.M. Conflict situation as the reason of murders committing by women.** Economy. Management. State and Law #8. p.69.

38. S.S.Niyozova. Prevention of Crime in the Family and the Role of Victimology in the Republic of Uzbekistan. International Journal of Advanced Science and Technology Vol. 29, No. 3, (2020), pp. 3962.
39. Malkina-Pykh I.G. Psychology of victim behavior. Moscow: Eksmo, 2006. –p. 195.
40. Khudaykulov F. K. Signs Of The Objective Side Of Crime In The Theory Of Criminal Law Belonging To The Romano-Germanic Legal Family: Theoretical And Practical Problems //The American Journal of Political Science Law and Criminology. – 2021. – T. 3. – №. 01. – C. 57-62.
41. Salomat, N. (2020). Comments on the comparative analysis of the experience of foreign countries in the field of victimological prevention of violent crimes against the person. Review of law sciences, (4).
42. Niyozova, S. (2018). Special prevention of victimization in crimes committed against person by use of violence. ProAcademy, 1(1), 46-49.
43. Niyozova, S.S. (2020). The role of the victim in crimes committed by the violence of the person. Electronic Journal of Legal Research, 2 (5).
44. Sayidov, R.A. (2020). Institute of legal monitoring in the cis (commonwealth of states): legislation and practice. jurisprudence, 1(1).
45. Niyozova, S. (2020). Analysis of neobxodimosti i vajnosti zakonodatelstva, prinyatogo v period pandemii i qaarantina. Review of law sciences, (2).
46. A.M.Mamajanov. Foreign Experience in Solving the Problem of Limited Sanity. International Journal of Pharmaceutical Research | Dec 2020 | Vol 12 | Supplementary Issue 3. pp. 535.
47. X.Ochilov, D.Kamalova. Criminal responsibility for inchoate offence according criminal code of the republic of uzbekistan. International Journal of Advanced Science and Technology Vol. 29, No. 5, (2020).
48. A.A.Allanova. The Concept of Tanosil (Sexually Transmitted Infections) or HIV / AIDS Transmission and Criminal Liability Issues. International Journal of Pharmaceutical Research | Oct - Dec 2020 | Vol 12 | Issue 4.
49. Khaydarov Sh. D. The subjective side of crimes related to the failure to perform professional duties properly. Materiály XV Mezinárodní vědecko - praktická konference «Vědecký průmysl evropského kontinentu - 2019», Volume 10 : Praha. Publishing House «Education and Science» -55 s.
50. Khudaykulov F.Kh. Offence of infanticide: national and foreign experiences. Review of Law Sciences – 2020. – №. 4.
51. N.K.Hojiyev. Liability For Aggression Against Human Health. International Journal of Pharmaceutical Research | Jan - Mar 2020 | Vol 12 Issue 2530-2535. 1.