

HISTORICAL ANALYSIS OF THE INVESTIGATION OF CRIMES COMMITTED BY WOMEN

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Abstract. Women's violent crime is considered in the historical aspect. Various sources are analyzed to determine the types of violent crimes committed by women, their causes and conditions. The social role of women in society in different historical periods is determined, which is of great criminalistics significance.

Keywords: female crime, punishment, history, criminalistics, causes and conditions, investigative practice.

It is very important to use a historical approach to this scientific problem for modern analysis of the situation and trends of crimes committed by women, because it is impossible to understand and analyze without referring to the historical roots of scientific knowledge, the system of ideas and categories that make up its modern level. "History not only warns against repeating past mistakes and reinventing the same thing. It shows the direction of action, where we are going, and allows us to predict our development"[1].

Such a scientific understanding can be realized only by applying a comprehensive, historical-systematic study of philosophical, religious, scientific, worldview and other information about this phenomenon. At the same time, interesting information can be obtained from more literary sources, since a systematic statistical report has not survived to this day. When it comes to women's crime, their social status makes one think. "Throughout the centuries, the attitude towards women has been ambiguous. On the one hand, there was great chanting, admiration, and worship, and on the other hand, there were cases of dependence, slavery, and humiliation, where a woman could even be an object of property"[2].

One of the XV century "manuals" for fighting crime was Sprenger and Crater's "The Witches' Hammer", according to it, it is found that the thread of belonging to the female gender is one of the evidences that clearly determines the guilt, and that their guilt is certain even without proof. At the same time, the special place of women in human society was noted in ancient Greece. The Greeks said, "A nation in which women are slaves will never be free, because a slave only educates a slave". This attitude was observed in certain stages of the history of a number of other countries, and there was no question of a fair investigation. For example:

- In Japan, women are forbidden to pray and participate in any religious activities.
- Temples are prohibited in China.
- In India, he was deprived of the right to read the sacred texts, because they considered that woman and lie are words that reflect the same meaning.
- In ancient Egypt, women were often and most brutally sacrificed on the

banks of the Nile.

- According to the Roman law, a woman was considered a person who was dependent on her husband, did not have his property, could not be a witness, guarantor, guardian, or leader.

In Islamic countries, the Holy Quran established equality between men and women based on the fact that they were created from one soul. Islam treats women with respect and dignity. Such a benevolent attitude essentially predetermines peace, tranquility, happiness, progeny and progress of mankind in general. Many researchers also point out that Sharia played a dual role in relation to the position of the muslim woman, and even more positive than negative.

Regardless of the status of women in the history of the development of society, there have always been women criminals. However, women's criminal behavior has been the subject of only episodic scientific research. In addition, a deeper study of crimes committed by women has allowed researchers to conclude that women's crime differs from men's crime in certain aspects. Italian prison psychiatrist Cesaro Lombroso was one of the first to pay attention to female criminality. During his scientific research, he studied the skulls of 3839 living people and 383 corpses (dead) and based on this he collected and analyzed his theoretical data. In addition, he examined and interrogated 26,886 criminals, and then compared his results with 25,447 students, soldiers, and ordinary citizens.. Based on these studies and as a result of summarizing practical materials, he published the book "Woman: Criminal and Prostitute" in the 19th and 20th centuries. In this case Ch. Lombroso for the first time was able to identify different types of female criminals. The author identified the following types of women - criminals: born criminals; random criminals; women convicted of crimes committed; suicidal (suicidal women)

Бу ишда Ч. Ломброзо биринчи марта жиноятчи аёлнинг ҳар хил турларини аниқлашга муваффақ бўлди. Муаллиф аёлларнинг қуйидаги турларини – жиноятчиларни аниқлади: туғма жиноятчилар; тасодифий жиноятчилар; **women excited by committed crimes**; ўз жонига қасд қилувчи (суикасдга мойил аёллар)[2].

As a result of Ch. Lombroso's research, the moral and spiritual qualities of women (murder, theft, etc.), as well as the influence of these factors, the method, the commission of the crime and the subsequent behavior (repentance or complete absence) were explained. However, these studies lack sufficient resources to develop separate investigative methods.

After Ch. Lombroso's research, a number of foreign researchers conducted various researches in order to determine "the types of crimes committed by women, their causes and conditions", such as Gabriel De Tarde, S.N. Tregubov, I. Ya. Foinisky, M.F. Gernetae and others.

In the last quarter of the XIX century, Gabriele de Tarde drew attention to the fact that the sex of the criminal has a different physiological effect on the commission of a crime. In his opinion, a strong physiological influence on crime is shown by a female criminal. Also, according to his research at that time, crimes that required more force were more often committed by girls who grew up in rural

conditions than those committed by urban boys or women (women), and it was somewhat more difficult to investigate and punish them.

It should be noted that, at first, attention was not paid to studying crimes according to whether they are committed by men or women. In particular, at the beginning of the XX century, women's crimes did not attract the special attention of Russian criminologists-researchers from a criminological point of view. It should be noted that during this period, criminology was considered as an independent science, and as a result, the scientific work of many scientists and researchers led to the creation of a general methodology for investigating crimes, which is the basis of criminology, but the topic of women's crime did not find its place in this science.

But with the passage of time, the development of countries has led to an increase in the type and size of crimes committed by women in all spheres of social life. This required a more in-depth study of knowledge in this regard. In this regard, the scientific achievements of representatives of criminal procedural law, criminologist practitioners and scientists are of particular importance.

S.N. Tribubov, I. Ya. Foynitski and a number of other scientists developed general recommendations on investigative practice, which formed the basis for the development and formation of the concept of criminalistic description of crime investigation in this science. I. Ya. Foynitski was one of the first to draw attention to the need to set specific rules for the investigation of crimes, "separate rules for questioning, examining, testifying, and interrogating the accused". At the same time, in his opinion, in his "Report on Investigative Actions", he emphasized that after collecting sufficient investigative materials, the conclusion should be handed over to the prosecutor's control and an objective assessment should be given to the identity of the criminal, but he did not divide the crimes into types.

The knowledge of the above topic was studied more deeply by criminological scientists in the years after the October revolutions of 1917 and in the 60s and 70s of the last century and gave impetus to new scientific achievements. I. A. Kirillova, L. Sh. Berekashvili, V. A. Serebryakova's scientific articles were published, by the 70-80s scientists, like Yu. M. Antonyan, A. A. Gabiani, M. N. Holodniuk, N. F. Kuznetsova, N. S. Leykina, A. S. Michlin, E. V. Sereda, D. A. Shestakov, T. M. Yavchunovskaya studied the topic, in the 90s A. V. Chernysheva, I. V. Korzuna began to defend dissertations[3].

But this existing knowledge does not fully meet today's demand, which calls for the crimes committed by these women and their investigation instead. The biggest reason for this is the fact that the country is developing every hour in all areas, and even women commit more crimes than men in some types of crimes.

On January 19, 2022, President Shavkat Mirziyoyev pointed out that the measures taken at the meeting of the video selector on the implementation of the tasks set in the prevention of violations and the fight against crime in our country, the existing problems and their solutions, despite the efforts made, the reduction of fraud crimes is not being achieved.

Although women's crime is committed in a much smaller amount compared to men's crime, women's crime is ahead in terms of negative consequences. On January

19, 2022, President Shavkat Mirziyoev at the meeting of the video selector on the implementation of the tasks set in the prevention of violations and the fight against crime in our country, the existing problems in this regard and their solutions, emphasized the following: “despite the efforts being made жиноятчи 300 women were charged under Article 168 of the Criminal Code of the Republic of Uzbekistan, and the number of women who committed the crime of cohabitation and brothel keeping in Tashkent in the past 10 months was 203, 18 women were charged under Article 104, and 43 under Article 135 of the Criminal Code of the Republic of Uzbekistan - having been sentenced for crimes such as intentional infliction of grievous bodily harm, human trafficking, as well as, 89 people were charged with the crime of embezzlement or embezzlement, 14 people were charged with the crime of violating the rules of trade and service, 29 people were charged with the crime of taking bribes and mediating bribe-giving specified in Articles 210-212 of the Criminal Code, and 24 people said that a woman was sentenced for illegal handling of narcotics or psychotropic substances, and 30 of our sisters were sentenced for the crime of hooliganism specified in Article 277 of the Criminal Code. 192 of them were sentenced to imprisonment for violations, and 769 were sentenced to non-custodial sentences[4].

The above indicators of crimes committed by women show that there is a need for a full scientific study of the subject from a criminological point of view and effective use of the proposals in this regard in the practice of crime investigation. The reason is that women today are more active in all aspects of social development than in previous centuries, and along with the achievements, the types and number of crimes they are the subjects of are increasing. This calls for new research to aid in the investigation of crimes committed by women.

Criminology helps the investigator by teaching theoretical, practical and methodological knowledge about the investigation of criminal cases, and in order to determine the objective truth in solving all types of crimes, it is suggested to the investigators to thoroughly study the criminalistic description of the crimes that they have accepted for work. Taking into account that each crime has its own characteristics, a number of methods of their investigation have been developed in science to date. But today’s developing times require the enrichment of existing knowledge in science with new scientific and theoretical achievements. In particular, the emergence of new types of crimes and the researches and proposals of a number of practitioners and scientists in this regard are encouraging the science not to freeze at one point and the fundamental knowledge to be further refined.

We also take into account the need to expand the scope of the study of criminology and the fact that the number of crimes committed by women has increased, and the need for investigators to create a special methodology for investigating this type of crime, we propose to include a chapter or paragraph known as “Methodology of investigation of crimes committed by women” in the scope of the subject of criminalistics.

The purpose of creating a special methodology for the investigation of crimes committed by women is to assign an individual punishment to the woman who

committed the crime, and in this case, not to punish her, but to appoint the punishment prescribed by law only for what she committed, and to focus on educating her. As a basis for this, in our criminal legislation, we should pay attention to the fact that the punishment is assigned directly taking into account the nature of the crime and the level of social danger, the reason for the act, the nature and amount of the damage caused, the “identity of the culprit”, as well as mitigating and aggravating circumstances.

It is clear from this that the task of the investigator, investigator and prosecutor is not limited to identifying, investigating, exposing the crime and presenting the criminal case in court, rather, by determining specific information about the “personality” of the criminal, as noted above, that she is being punished only for the act she committed, and that the goal of the law enforcement agencies (investigation, investigation, prosecutor’s office, and court) is to understand that the act he committed is against the law, and that whenever possible, mitigating circumstances are taken into account when punishing her by the “Law” that punishes her only for what he did explaining, regardless of the situation, he should win the trust of the person who committed the crime by showing that he is neutral and that he is her friend.

Only then can the inquirer, investigator, and prosecutor get rid of the fear and mistrust that is still present in our society and gain respect among the people. This situation is especially common among juvenile offenders and women (girls). Also, the main feature of punishment in the criminal law is its individual appointment by the court, the determination of the minimum and maximum amount of punishment and aggravating and mitigating circumstances. On the one hand, the punishment imposed by the court directly relies on the ability of the investigator to use the knowledge of criminalistic tactics, techniques and methodology to apply criminal procedural law in practice.

Also, the creation of “methodology of investigation of crimes committed by women” does not have a negative impact on the issue of gender equality, which is the topic of today. The first reason for this is that the classification of crimes committed by men and women (women) in the field of science directly leads to the emergence of the methodology of investigating crimes committed by women (women) in general crime, as well as the methodology of investigating crimes committed by men. allows them to be created by themselves and to maintain equality between them.

Based on the above-mentioned points, we recommend to study “Methodology of investigation of crimes committed by women” as a separate chapter or paragraph within the discipline with the following system (paragraph or plan):

Criminological description of crimes committed by women;

Typical investigative situations, scenarios and investigative planning;

Initial and subsequent investigative actions (in the case of crimes of fraud, begging, concubinage and keeping a brothel and intentional killing of a mother's own baby);

International legal norms and the experience of some foreign countries in improving national legislation on the investigation of crimes committed by women.

Therefore, the creation of the “Methodology of the investigation of crimes committed by women” within the scope of the science will directly enable the investigator, investigator and prosecutor, in turn, to communicate with the women who have committed the crime and gain trust. and assist in the proper organization of the investigation, and the court expands the possibility of using the information about the criminal case and the criminal's identity found in the investigation process to discuss the case in court and impose a fair punishment.

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