



DISTINCTIVE FEATURES OF CRIMES COMMITTED BY AN ORGANIZED GROUP

Azim Baratov

Head of department

of Criminalistics and examination
of Tashkent state university of law

baratovazim.75@gmail.com

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Annotation: The article analyzes the organizational and tactical aspects of crimes committed by an organized group. Given the investigative practice, it is proposed to solve problematic issues and them, summarizing the opinions of scientists and practitioners.

Keywords: Organized group, emotional attitude, preventive, objective, behavioral, methodological, Social Psychology, subjective.

The members of the organized group are united by personal relations as well as highly developed criminal activities. It is considered a criminal subject that is organized in a certain way and acts in a united state in the form of a small group.

The concept of an organized group is clearly expressed in Article 29 of the Criminal Code of the Republic of Uzbekistan. In particular, it is stated that two or more persons joining a group in advance to carry out criminal activities together is considered an organized group.

In the theory of investigative methodology, the process of formation and operation of organized groups is not sufficiently studied today, which creates difficulties in the investigation and prevention of criminal groups, their identification and elimination. Theoretically, the development of private forensic methods in the field is one of the least studied areas in Uzbekistan[1]. Therefore, one of the issues of our research is to determine the specific features of their formation, the characteristics of the selection of the participants of the criminal group, as well as to study the uniqueness of the group's behavior.

Kolesnikova T.V. distinguishes a number of objective and subjective factors affecting the formation of criminal groups. Among the objective factors, he includes the specificity of the socio-political and criminal situation in the country, the existence of a hidden source of criminal income, contradictions between separate groups of the population, legal protection of citizens, etc.[2]. Agreeing with this opinion, it can be said that among the subjective factors of the formation of organized groups, we can include the orientation of the personality of criminals against the society, as well as the change of moral values in the individual, the increase of self-interest, and the manifestation of violence as an aggressive factor.

The rules of formation and operation of organized groups are formed as follows: voluntary association of participants; the purpose of the merger is criminal cooperation; development from simple associations to a higher level of groups; gradual expansion of criminal activity in time and volume, increase in the number of committed crimes, transition to extremely serious crimes; the formation of the internal psychological and functional system, the emergence of a leader; covers issues such as the development of emotional relationships, the gradual replacement of business relationships based on collaborative crime. Impunity for past crimes and the increased desire of participants for greater prey allow the

process of formation and subsequent development of an organized group. From the point of view of systematic analysis, criminal groups are considered a self-developing system and go through several periods. In this case, the sequence of step-by-step transition of criminal groups: a group of individuals, individuals on a prior agreement, an organized group, a criminal association shows a line rising from a low level to a high level of solidarity. Thus, the process of formation and operation of organized groups appears on the basis of common social and psychological laws. According to V.P.Lavrov, "the process of formation and operation of separate criminal groups has certain characteristics related to the uniqueness of the personal composition and environment of criminal activity" [3]. Studying the peculiarities of the formation of organized groups, the organized group is formed in different ways depending on the degree of clarification of the criminal idea. Accordingly, we divided the organized group into two main types.

In the first type of organized groups, we included groups specially formed to commit a specific crime or several crimes. Within the first type of groups, we distinguish the following subgroups:

1. Groups with a high level of organization in advance. The initiators of such groups know how to get property in one or another house, often they determine the place of crime (entering and exiting the apartment, etc.) in advance, plan criminal actions, determine the number of people needed to carry it out, and also choose a way to escape from the scene. According to the data of the practice, 80% of the initiators of the first type of groups are of this type. It should be noted that they do not have to have a previous conviction or similar criminal record. According to G.A. Abdumajidov, "an organized criminal group is distinguished by the stability of its personnel, even special norms of behavior are developed, the leader and a member of the group fighting for leadership can be an "oppositionist"" [4]. Agreeing with the above opinion, it can be said that their activities are planned and tasks are fully distributed. The selection of participants is carried out taking into account criminal experience, professional skills, quality of will, reliability, loyalty to traditions and other qualities. In addition, individuals belonging to such groups have access to criminal investigation methods, as well as information about operational search activities, so they can use important methods of organized crime, as well as use measures to disguise themselves and even conceal communications within the group.

During the serving of the sentence, the members of the group carefully study each other and the main basis is formed, approximately the future criminal direction is determined. As the analysis of investigative practice shows, despite the fact that the share of organized criminal groups formed in the places of deprivation of liberty is small, they pose a great danger to the society, they differ in the fact that they commit crimes and are ruthless towards the accused.

2. Groups that can gradually transition to organized criminal groups. The idea of the initiators of such a criminal group is not clear, they only determine the future criminal direction of the group and cannot determine the specific object of committing the crime until the group is formed. After that, the process of selecting group participants for the purpose is carried out, taking into account their business and professional qualities. Among the initiators of this type, there are people who intend to commit it not once, but several times.

Groups formed in this way have the characteristic of gradually growing into organized groups in cases where their participants have committed one or more crimes and

have not been held criminally liable. Joining a gang may be accidental for some members of such gangs, and may not be premeditated to commit a serious crime. During the criminal activity, a leader appears in the group and the process of uniting it into a whole begins. The impunity of crimes makes the participants want to continue criminal activities and further develop their activities. In order to achieve such a goal, the organized group looks for the next object of commission, thinks about the method of committing and preparing the crime, plans, organizes and coordinates the actions of the participants. It further unites the group, makes it stronger and more cohesive, and creates the basis for an increase in its level of organization.

In the second type of organized groups, we included organized groups formed by chance due to the situation.

In groups formed depending on the situation, the distribution of tasks usually occurs unexpectedly during the execution of the crime.

According to the described types of organized groups, the set of participants differs sharply from each other, which is significantly conditioned by the specific features of their formation, the scope of communication and the level of clarification of the initiator's idea. Groups of the first type, that is, groups with a predetermined level of organization, are usually formed as a result of the selection of participants for the purpose by the initiator of the creation of the group before committing the first crime. Often, this or that person's involvement in the group is based on the fact that the initiator has sufficient information about him and trusting relationships between them. As B.V. Romanov pointed out, the members of an organized group are connected by kinship ties and belonging to a common nationality, but often, such individuals are groups of individuals who have known each other since childhood, work, study, military service, spend holidays together, and serve time together[5].

The second type of groups was not specially formed, but was formed in the process of communication of acquaintances during several days before the time of committing the first crime. The inclusion of one or another person in their composition is usually not the result of a special choice, but the result of the flow of various situations.

A special type of organized groups is formed by the characteristics and situations of committing criminal acts by minors.

Thus, based on the definitions developed in social psychology and the specificity of the object of research, it would be advisable to express the concept of "organized group leader" as follows: on his own initiative, a person who has formed a group for committing a crime or is a leader in an oriented group against an already existing society, and who organizes a criminal group is considered. The mechanism of promotion of the leader of an organized group shows the unique nature of values among the members of the group: the valuable characteristics of individuals (persons) realized in the process of communication and cooperative activity useful for partners and the group as a whole, manifested in gaining recognition and authority within the group. The more actively a given process continues, the more likely it is to rise to the top. The leader secures the trust of all members in the group, therefore, in an organized group, a person's promotion to the leadership role is possible only when he has justified the expectations of the group members to a certain extent. Therefore, the leader's personality also depends on the quality of the group that is subject to his leadership instructions. As noted by V.M.Bykov, the rise of the leader occurs with the presence

of subjective and objective factors [6]. Objectively, as the criminal activity continues and the income from it increases, there is a need to coordinate the actions of all its members in the group, and such coordination can be achieved only when someone assumes leadership and management tasks. From the subjective side, the leader's actions are characterized by his attitude of guilt, that is, he realizes that his activities, as well as the activities of those who perform them, are dangerous to society, foresees possible dangerous consequences for the society and wants them to happen, in addition, the subjective side of the process of promotion as a leader of a criminal group is characterized by the personal qualities of the leader, the way he behaves, the way he influences others and the style of leadership. Social psychology is based on subjective factors in the content and essence of leadership.

Thus, only when the conditions of formation of the group, its system, the nature of mutual relations, and the distribution of roles are carefully studied, there will be an opportunity to positively open and investigate the organized group's organizer, all its members, and the crimes of robbery and home invasion committed by the group.

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