



## IMPROVING THE INVESTIGATION OF CRIMES INVOLVING SEXUALLY TRANSMITTED DISEASES, HIV, AND AIDS

Kurambayev Tokhir Khosinbayevich

Deputy Head of the Department of Investigative  
Activities, Doctor of Philosophy (PhD), Major

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**Abstract.** In order to improve law enforcement practice, the author has developed substantiated proposals related to establishing the truth about these types of crimes, correctly qualifying the acts, and implementing measures to protect the confidentiality of information about the private lives of participants in the process.

**Keywords:** Sexually transmitted disease, HIV, AIDS, sexual, virus, immunodeficiency, syndrome, transmission, liability, criminal legislation, qualification.

The main goal of the consistent reforms implemented in the judicial and legal system of our country in recent years is significant in its aim to elevate human dignity and strengthen the principles of humanism in criminal and criminal procedural legislation.

The Decree of the President of the Republic of Uzbekistan No. PP-3723 of May 14, 2018, "On Measures to Fundamentally Improve the System of Criminal and Criminal Procedure Legislation," sets priority tasks for creating an effective system of criminal procedure legislation, ensuring state legality and law and order, and providing reliable protection of human rights and freedoms, the interests of society and the state, as well as peace and security.

Based on this, the internal affairs bodies should conscientiously fulfill the tasks of early detection of the most valuable for a person venereal diseases or HIV infection that harm his health and life, their detection from the "hot trail" and ensure the inevitability of responsibility, as well as regularly improve this activity.

In recent years, the number of sexually transmitted infections or HIV infection cases has been increasing in our country. Specifically, in 2019, 58 criminal cases were initiated by investigative agencies on this type of appeal, while in 2020, this figure almost doubled, reaching 132. In 2021, 145 criminal cases were initiated, and in 2022, 166 cases were initiated.[2]

It is known that most crimes of this type are committed implicitly, without witnesses, including as a result of HIV-infected prostitute infecting a healthy person with a disease or putting him at risk of contracting the disease. Such crimes are complex from the point of view of investigation, proof, and create certain difficulties. In order to effectively apply the criminalistic description, methodology, and tactics of conducting investigative actions in the investigation of crimes of leaving at risk or infection with venereal diseases or HIV, the investigator, the investigator, requires professional knowledge, proper use of information from pre-investigation verification bodies, timely and high-quality conduct of urgent investigative actions.

When committing crimes of leaving or transmitting a venereal disease or HIV at risk, it is possible to obtain preliminary information about the method, motives and goals of its commission, the person who committed the crime, as well as in cases where the identity of the

victim is known, it is possible to make appropriate assumptions about the person who committed the crime, the relationship between them, and the methods of committing the crime. If the crime has not been committed for a long time, it will be more possible to identify a suspicious person by obtaining information about the main cases of transmission of a venereal disease or HIV infection at the scene of the crime or by conducting preliminary investigative actions. In such cases, the operational information of operational personnel and the operational-search measures they conducted in the appropriate manner will allow for the identification of circumstances that need to be proven in subsequent investigations.

It is known that crimes of this type are usually committed on the basis of information received by operational services, messages from medical institutions or written applications. In most cases, when the disease is reported to the DIA, only the victim is known, and the person who infected the disease, the witnesses of the incident, the place of the incident, the circumstances and time of the incident are unknown. In such cases, it is first necessary to immediately obtain information from the victim. At the next stage, to clarify the true circumstances of the crime committed, it is important to determine who the suspect had sex with or with whom he used drugs by injection, in which medical institution he received medical treatment, etc.

When the identity of the perpetrator of the crime is known, the primary task of the investigator is to prove the commission of acts aimed at hereditary or HIV infection (sexual contact, injectable drug use, homosexuality, non-compliance with sanitary and hygienic rules during treatment, etc.) [3]. In carrying out this task, it is important to put forward and verify similar hypotheses. Since it can be considered that the presence of a venereal disease or HIV infection has been established, assumptions aimed at explaining whether the disease was transmitted to the victim and the purpose of transmission come to the forefront. Therefore, the following concepts can be used to explain the purpose of transmitting the disease to another person: leaving a venereal disease or HIV at risk or contracting it - as a result of a deliberate failure to comply with the doctor's requirements for the victim; the person infected another without knowing about the disease; the victim himself was previously aware of the perpetrator's illness, etc.

It is advisable to start verifying hypotheses about this type of crime from the next two. Because it is necessary to check whether the suspect has been previously warned of responsibility, what is expressed in the victim's awareness of the suspect's disease, whether the suspect's disease poses a risk of transmission to the victim (i.e., whether the suspect is receiving antiretroviral therapy). Of course, such an investigation is preliminary, and final conclusions can only be drawn based on the results of the investigation.

At this stage of the investigation, the investigator must solve the following main tasks: whether or not the suspect was previously warned of responsibility, the relationship between the victim and the victim, the victim's personality, whether the suspect's disease causes a risk of transmission or transmission to another person, if so, what evidence should be proven of his criminal actions, and other similar procedural actions should be carried out.

Analysis of law enforcement practice shows that there are currently different approaches to criminal cases involving the risk of transmission of a venereal disease or HIV infection. In particular, accusations are being made of persons infected with a venereal disease or HIV through bite, kissing, and other household situations.

In particular, citizen A.A., who was registered for HIV by the AIDS Center of the Republic of Karakalpakstan and warned of responsibility, was accused of biting citizens V.A. and D.A. during a quarrel and leaving them at risk of contracting the disease.[4]

In particular, according to the results of a survey conducted among practicing employees, to the question "Have you ever encountered a venereal disease or HIV-infected crime in your career?", 51% of participants indicated that they had never encountered such crimes in their work, 40% had encountered them rarely, and only 9% had sufficient knowledge and skills about this type of crime [5].

As a result of scientific research based on medical science, it has been established that a venereal disease or HIV can be transmitted mainly through sexual contact; injection and instrumental (sprints, needles and medical instruments); hemotransfusion - infused blood or its components are transferred to a healthy person, perinatal - from an infected mother to the fetus; breast milk - through the infected mother's milk to the baby; professional - it can be transmitted through skin wounds and mucous membranes of people who analyze the blood and secretions of [6].

Therefore, based on the aforementioned circumstances, it can be concluded that law enforcement officers lack sufficient knowledge and skills in investigating this type of crime.

In addition, in the investigated criminal cases, when an HIV-infected person had sexual intercourse with a stranger, 95% of the procedural decisions issued to him regarding cases of HIV infection used expressions such as..." knowing about his illness, without informing the victim..." and if the person was prosecuted under Article 113 of the Criminal Code, in another case, when the HIV-infected husband infected his wife who was aware of this, cases were found to be recorded in the following content:..."being in sexual contact without protective equipment..." [7].

In particular, citizen A.Ya, a resident of the Ulungur district of the Andijan region, knowing that he was infected with HIV, without informing citizen T.M. about it, began to have sexual relations with him in the summer of 2021, leaving him at risk of contracting HIV, in another case, citizen Y.U. knowing that he was infected with HIV, constantly had sexual relations with his spouse Sh.K. without protective equipment, and it was noted that he infected him with HIV [8].

According to the results of a survey conducted among law enforcement practitioners on the question "How do you understand the term 'wittingly' in Article 113 of the Criminal Code?", 77% of respondents indicated that it means intentional transmission of the disease to another person after being officially warned of responsibility, while 23% indicated that they understand it as intentional transmission to another person while having suspicion about their own disease [9]. It is evident that almost one-third of practitioners lack sufficient knowledge in this area.

In our opinion, the above circumstances are logically contradictory. In the first case, the person was prosecuted for allegedly not informing the victim of their illness, while in the second case, they were held accountable for engaging in sexual intercourse without protection. According to criminal law requirements, liability arises when a person's illness is known to them in advance and they knowingly infect another person. Therefore, in this case, it can be concluded that a person who violates the doctor's instructions and fails to take measures to prevent disease transmission to another person can be fully liable for criminal prosecution.

Consequently, there is a need to develop a resolution of the Plenum of the Supreme Court "On Judicial Practice in Cases Relating to Venereal Disease or HIV Infection Risk or Transmission." This resolution would aim to clarify how to calculate the terms for holding a person accountable for this type of crime, determine in which cases a person's actions can be assessed as putting someone at risk of or actually transmitting venereal diseases or HIV, and address similar issues. It would also provide guidance on legal assessment of these crimes by investigators in law enforcement practice, prevent the emergence of various approaches in different localities, and ensure high-quality investigation of these crimes.

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