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FEATURES OF MURDER INVESTIGATION

ZHAKUPOVA Gulim Abdoldaevna

master of Law, Senior Lecturer

BEISEBAEVA Arina Baqytzhankyzy

4th year student of the Faculty of Law and Economics

Zhetysu University named after I. Zhansugurov

Taldykorgan, Kazakhstan

This scientific article examines the forensic characteristics of murders as a combination of information about the typical methods of their commission, the situation, the traces, the socio-psychological characteristics of the victim and the killer, the relationship between the offender and the victim.

Key words: murder, traces, corpse, interrogation.

An important element of the criminalistic characteristics of murders is information about the methods of their commission. Murders, which consist in intentionally causing death to another person, are committed: by causing bodily injury (firearms, cold, explosive devices, various kinds of objects, feet); by poisoning, drowning, dropping from a height. The number of wounds and the area of their application may be different. If we consider the situation of their commission, it is worth noting that murders are committed most often indoors, in the evening, at night and in the morning.

Murder in the premises is often preceded by a situation of domestic showdowns, quarrels, fights, feuds (usually occur during the joint drinking of alcoholic beverages), outdoors – a situation of criminal showdowns, attacks with the purpose of rape, robbery.

The killers can be persons of both sexes, often men aged 16-55 years, women 20-35 years. In 90% of cases, murderers are somehow connected with their victim (wives, mistresses, lovers, husbands, friends, relatives). A third of male murderers are persons who have previously been convicted of various crimes. Murderers are usually people who have a low level of intelligence, have a low level of professional training, impoverished vital interests, are indifferent to someone else's life [1, p. 18].

The murder investigation methodology is a system of scientific provisions, technical means, tactical techniques, methodological rules and recommendations used in the disclosure, investigation and prevention of these most serious crimes. At all

times and among all peoples, murder was punished to the fullest extent of the criminal law – from years of prison and hard labor to the death penalty, which was often arranged in public, to intimidate some and to edify others.

The criminalistic characteristic of murders is defined as a system of interrelated generalized data on the most typical signs manifested in the method and mechanism of murder, the circumstances of its commission, the identity of the murderer and other aspects of this crime, information about which is important for the practical solution of the investigation tasks.

The criminalistic characteristics of murders are based on objective processes of commission and concealment of this crime, which determine the patterns of reflection of the signs of the deed in real reality. Its elements are:

1) *typical criminalistic situations of committing murders*. In this regard, there are murders with the use of explosives, firearms, poisons, stabbing objects; murders committed by organized criminal associations; in a fight; on transport; on sexual grounds; contract, disguised murders, as well as from selfish, hooligan motives; obvious murders and those that occurred in the absence of eyewitnesses, etc.;

2) *information about the subject of criminal encroachment*, which is a person's life; in this case, this element is practically obvious;

3) *information about the most common methods of committing murders*, which are inextricably linked to a specific situation and differ in a great variety in terms of tools, methods of their use, time, place, murder situation.

All types of firearms and cold weapons, explosives, explosive devices, toxic substances, etc. can be among the instruments of crime. The time and place are chosen by the criminal, as a rule, based on considerations of their own safety, the convenience of using the instrument of the crime, the location of the victim and other factors [2, p. 8].

Typical methods of committing murders are considered to be: inflicting fatal bodily injuries to the victim with various types of weapons; introducing a lethal amount of toxic substances into the body; bringing the victim into a helpless state or using this state to deprive him of life; dropping the victim from a height, throwing him out of a moving vehicle, etc.

The variety of ways of using the instruments of crime depends both on the nature of the instruments and on the time and place of their use. In some cases, the method of committing murder is chosen by the killer in such a way that a sufficient period of time has passed between the criminal act committed and the death of the victim, used by the killer to create false evidence of innocence;

4) *information about the typical personality characteristics of a criminal always refers* to the main elements of the criminalistic characteristics of this category of crimes. Two types of criminals are more or less clearly distinguished here. The first category is persons who have committed so-called domestic murders on the basis of family, office or domestic conflicts. These torts are usually characterized by a lack of preliminary preparation and taking measures to conceal the murder itself, its tools and traces. Often these acts are committed by persons who are not connected with the criminal environment, and in some cases positively characterized. After the murder, they can turn themselves in, and during interrogations they do not shy away from giving truthful testimony and do not interfere with the activities of the investigation [3, p. 25].

The second kind of murderers is a much greater social danger, because they encroach on a person's life with premeditated intent according to a carefully developed plan, pursuing selfish, hooligan or other base goals. Among them there are repeat offenders who have made it their profession to commit robberies, assaults,

murders, banditry and other dangerous crimes.

5) *typical traces of a crime are*, first of all, material traces left on the victim of the crime from the murder instruments, for example, traces of an explosion, bullets or shot, etc., the corpse of the victim; instruments of the crime; traces of the perpetrator's presence at the murder scene, etc. Ideal traces are those images that arise in the minds of eyewitnesses in connection with their perception of the circumstances of the murder.

A murder case is initiated upon the discovery of a corpse with signs of violent death or disappearance of a person under circumstances that suggest his violent death. If there is not enough data to suggest the murder of a missing person, then the investigator, with the help of police officers, checks the message about the unknown absence of a citizen [4, p. 81].

His whereabouts are being investigated: a) at the place of work – whether he has become a victim of industrial injuries, whether he has been sent on an urgent business trip; b) in police departments – whether he has been detained, arrested for any offense; c) in temporary detention facilities for detainees and arrested; d) in medical detox centers; e) in hospitals – whether he has been placed on inpatient treatment; f) in an institution for organized recruitment of labor – whether he has received a referral to work in another city; g) at the military commissariat – whether the disappeared person has been drafted into the army without notifying relatives about it; h) at relatives and friends – whether he is temporarily staying with them without informing his relatives about it; i) at the morgue – whether there is an unidentified corpse there. In relation to the disappeared child, inspections are carried out in orphanages, reception centers, and in relation to physically disabled and old people, respectively, in homes for the disabled and the elderly.

The check should be thorough enough to give reliable knowledge about the presence or absence of grounds for initiating a criminal case. So, the fact of death due to illness must be accurately established by surveys of the deceased's relatives, a doctor's certificate, documents of a medical institution. When reporting the discovery of a missing person, it is best to see this firsthand.

A decision to refuse to initiate a criminal case can be made only if it is absolutely certain

that there was no murder of a certain person. In the resolution, it is necessary to give sufficiently convincing reasons for refusal and send a copy of it to the person who applied to the law enforcement agency with a statement about the murder [5, p. 38].

If the results of the check are negative and there are no reasons for the secret departure of the wanted person, there is a basis for initiating a case of his murder. It should be remembered that the untimely initiation of a criminal case is fraught with very negative consequences. A murderer who remains at large is able to destroy traces of what he has done, commit another serious crime. Traces can change irreversibly under the influence of unfavorable external forces. The circumstances of the crime, perceived by witnesses, can be largely erased from their memory. Timely and reasonably justified initiation of a case is one of the necessary conditions for a successful investigation.

Examination of the scene of the accident and the corpse first of all makes it possible to understand the general nature of what happened, whether the corpse is in an open area, for example, on the territory of a settlement, on the street, in the yard, in a vacant lot, in a field, meadow, forest, or indoors (in an apartment, corridor, stairwell, attic, etc.). It is necessary to pay attention to the absence or presence of signs of the criminal's forcible entry into the premises, traces of struggle and self-defense that preceded the murder, take measures to detect the tools with which it was committed, the consequences of their use, for example bullets, cartridges, shot, buckshot, wads, gunshot wounds, traces of poison in food, beverages.

Important objects of search and analysis during the examination are traces - displays of the criminal – his hands, feet, teeth, clothing fabric, etc., as well as body secretions: blood, semen, saliva, sweat, nasal mucus. Valuable finds can be things dropped, lost, abandoned by a criminal: items of clothing, a headdress, things with tags, numbers of consumer service enterprises; a tag with the mother's name tied to the arm of a newborn corpse, tags and stamps on underwear (in cases of infanticide); a belt buckle, a button, a comb; a postal envelope with the addresses of the recipient and sender; note, travel card, etc.

During the examination, signs may be found indicating the following circumstances:

a) *about the time of the criminal event*: the location of the hands of the stopped clock on the victim's hand or in his home; the soil dry or wet after the rain under a corpse in an open area; electric lighting turned on (the murder was most likely committed at night); hot, warm oven or food, wet towel, dried saliva on cigarette butts (the murder was allegedly committed recently); the date on the last issue of the newspaper, an unopened calendar sheet (the crime was committed not earlier than this date);

b) *about the number of criminals*: the number of cutlery on the table (in cases when the murder was preceded by eating, alcohol), traces of different shoes, cigarette butts, different types of cigarettes, the manner of smoking (crumpling the cigarette holder, etc.);

c) *about some of the signs and properties of the killer*: unusual actions with a corpse, for example, an attempt to set fire with the help of unsuitable means, the theft of clothes that are of no value, senseless mockery of a corpse, its aimless movement from one well-marked place to another of the same, dismemberment of a corpse into very small parts (murder is allegedly committed by a mentally disabled person); causing multiple injuries to various parts of the body (murder is allegedly committed by a very cruel person or a person who has served a significant term of imprisonment);

d) *prior to the murder of action*: the presence on the table, tableware, food, alcoholic beverages (probably had a feast); a tape player (listening to music, dancing), etc.

e) *the re-enactment of the murder of a suicide*, accident, natural death of the victim shows signs of inconsistent with natural causes or an accident, for example, a considerable distance from the walls of the house, from the balcony which supposedly fell victim, the presence of two ligature marks on the neck of the victim, etc.;

f) *about the motive of the murder*: cracked drawers, open closet doors, discarded valueless items (the murder was allegedly committed in connection with the seizure of money, securities, things); removed, torn garments of the victim, signs of sexual intercourse (the murder was apparently committed in connection with rape); the presence of a large amount of damage to the victim, the destruction of valuable items (the

murder was probably committed on the grounds of revenge);

g) *the discrepancy between the murder site and the location of the corpse* is evidenced by traces of dragging (on the ground and the corpse), the absence of soil particles on the victim's shoes, traces of vehicles, the presence of a device for carrying the corpse, the absence of a puddle of blood with extensive bodily injuries (the murder was committed not where the corpse was found).

Forensic medical examination has as its objects corpses, cadaveric materials, trace-forming secretions of the human body, living persons (suspect, accused). With its help, three series of questions concerning the victim, the circumstances of the murder and the criminal are solved. One of the pri-

orities is the question of the cause of death: was it natural or violent. In the latter case, it turns out that it followed as a result of the impact of blunt objects, cutting, stabbing, piercing-cutting tools, or was the result of strangulation (with a loop, hands, closing the breathing holes with a soft object, squeezing the chest, abdomen); poisoning, drowning, dropping from a height, exposure to technical electricity, radio emission, too high or excessively low temperature [6, p. 18].

It also clarifies the mechanism of causing death, the sequence of infliction of bodily injuries; how the perpetrator and the victim were mutually located, the victim's posture at the time of the murder, the time of death, whether the place of discovery of the corpse coincides with the place of murder of the victim, etc.

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ОСОБЕННОСТИ РАССЛЕДОВАНИЯ УБИЙСТВ

ЖАКУПОВА Гулим Абдолдаевна

магистр юридических наук, преподаватель-лектор

БЕЙСЕБАЕВА Арина Бақытжанқызы

студентка 4 курса факультета права и экономики

Жетысуский университет им. И. Жансугурова

г. Талдыкорган, Казахстан

В данной научной статье рассматривается криминалистическая характеристика убийств, которая представляет собой сочетание сведений о типичных способах их совершения, обстановке, следах, социально-психологической характеристике потерпевшего и убийцы, связях между преступником и жертвой.

Ключевые слова: убийство, следы, труп, допрос.

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CONCEPT AND SIGNS OF ENVIRONMENTAL CRIMINAL OFFENSES

SAILAU Meruert

3rd year student of the faculty of law and economics

KONYSBEKOVA Makpal Rymkulovna

master of Law, Senior Lecturer

I. Zhansugurov's Zhetysu University

Taldykorgan, Kazakhstan

This article examines the concept of «environmental offense» by making a comparative analysis of the opinions and definitions of this term by various domestic and foreign scientists. Also, the structure of environmental offenses is considered: object, subject, objective and subjective sides, and also analyzes the classification of environmental offenses.

Key words: environmental crime, environmental law, civil offenses, administrative offenses.

For the first time, the concept of «Ecology» was introduced into scientific circulation by E. Haeckel in his work «general morphology», published in 1866. The word itself has long been used to refer to the subject of Natural Science – a branch of biology that studies the interaction of living organisms with the environment.

In recent years, the concept of «Ecology» has begun to give a social meaning. This was caused, first of all, by the deterioration of the living environment under the influence of people's personal life, changes in the nature of production activities, the emergence of new views on the problems of consumption and use of Natural Resources, etc.

Environmental criminal offenses cause harm to the natural environment, that is, a person should treat nature as his environment with care and consider it as one of the values that he effectively uses. At the same time, it is a source of further strengthening and development of the socio-economic basis of the population, society, and the state. Natural wealth is the property of the entire people of Kazakhstan, so it must be protected from encroachment on the interests of this people.

The vast majority of norms establishing liability for environmental criminal offenses form a blank disposition. Because it is often closely related to the Environmental Code of the Republic of Kazakhstan (adopted on January 9, 2007) [1], the code of administrative offences of