



SPECIFIC FEATURES OF THE INVESTIGATION OF UNFOSTERED CRIMES

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Abstract

The article describes the circumstances that need to be clarified regarding the specifics of investigating unsolved crimes and what actions should be taken to resolve these circumstances.

Keywords: Unsolved crimes, objective reality, subjective error, regulations, psychological barrier, preparation, commission, concealment of traces, loyal witnesses.

Introduction

One of the most important pillars of the rule of law is the principle of the inevitability of punishment. However, in practice, there are cases where some crimes are not solved. According to our criminal procedure legislation, criminal cases suspended due to the lack of identification of the person who should be involved as an accused (Article 364 of the Criminal Procedure Code) are referred to in criminalistics and investigative practice as "**unsolved crimes**" (in foreign practice *Cold cases* - frozen cases).

Re-investigation of unsolved crimes over the years is not a simple investigative action, but an extremely complex intellectual process that fights with lost time, erased memories, and destroyed evidence. In this article, we will deeply analyze the specific features of investigating cases of this category, the views of major scholars on this matter, and the scientific polemics (disputes) between them.

Reasons for non-disclosure: Objective reality or subjective error? Before developing a methodology for investigating crimes from previous years, it is necessary to answer the question: "Why was this crime not solved in a timely



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manner?" This very question caused the biggest scientific polemic among forensic scientists.

Criminologist Professor R.S. Belkin, in his works, connects unsolved crimes mainly with objective factors. In his opinion, the failure to solve the crime is due to the criminal's extremely professional actions, the absence of any material evidence at the scene, or the disappearance of evidence due to natural factors (rain, fire). R.S. Belkin calls this a "state of information scarcity" and teaches that it is wrong to blame the investigator[1].

However, another forensic scientist, N.P. Yablokov, strongly opposes this approach. According to N. P. Yablokov (who cannot disagree with this), 80% of crimes remain unsolved not for objective reasons, but due to subjective factors - namely, the incompetence of the preliminary investigator, superficial inspection of the scene, indifference, and the loss of "golden time" within the first 24 hours[2].

In this case, the position of N.P. Yablokov is more consistent with the investigative practice of modern Uzbekistan. Practice shows that when reviewing "old cases" opened years later, it was revealed that there were many logical and tactical gaps in the documents of the initial criminal case. Therefore, it is tactically correct for a new investigator re-investigating an unsolved crime to start the case not with the question "What trace did the criminal leave?," but with the question "Where did the previous investigator make a mistake and what did he miss?."

The most important feature in the investigation of unsolved crimes is the overcoming of psychological barriers. Restoring a criminal case, which has been gathering dust for years, requires great mental and intellectual energy.

Russian criminologist V.N. Karagodin, in his research devoted to "methodology for investigating crimes from previous years," puts forward the following firm position: "A suspended criminal case must never be returned to the investigator who initiated it earlier." V.N. Karagodin explains this by the psychological phenomenon of "blinding." That is, the old investigator becomes so convinced of his initial erroneous versions that, even if he sees new evidence, he denies it at the subconscious level[3].



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In contrast, some procedural scholar A.M. Larin objects to this opinion, stating that it is advisable to leave the case with the old investigator himself. According to them: "The old investigator knows by heart thousands of pages of the case, the characteristics of the witnesses, and the topography of the scene. It will take months for a new investigator to learn all this. This is a waste of time." [4]

Although A.M. Larin's argument seems logical, from the point of view of forensic tactics, V.N. Karagodin's opinion prevails. In the investigation of unsolved crimes, the principle of a "new look" plays a decisive role. In practice, many complex murders were solved precisely when the newly appointed investigator analyzed the case documents in a different logical sequence. The new investigator will be free from the influence of old authorities and assumptions. He treats a criminal case like "white paper" and can ruthlessly investigate old mistakes.

In ancient investigative rules, there is a belief that "Time is the friend of the criminal, the enemy of the investigator." Indeed, over the years, witnesses die or are forgotten, the scene changes, and biological traces disappear.

In the first months after the commission of the crime, the criminal is extremely vigilant, exercises self-control, and carefully preserves his alibi. Years later, when he believes the case is "closed," he becomes complacent and starts making mistakes (for example, putting stolen items up for sale, bragging to someone while drunk).

During the preliminary investigation, the wife, lover, or accomplices who were loyal to the criminal may, years later, quarrel with him, divorce him, or have conflicting interests. The new investigator uses these broken ties to use the tactic of obtaining testimony against the criminal from former "reliable witnesses." This is the biggest tactical advantage created by the time factor.

When restoring unsolved criminal cases from previous years, the following special forensic algorithms and tactical methods are applied:

1. Analytical Reconstruction: The first thing an investigator does after handling a case is to reassess the evidence. The "Chessboard" method is used. The testimony of each witness, the conclusion of each expert examination are plotted in time and space. As a result, "time gaps" (for example, the 20-minute discrepancy between the time of the alibi stated by the suspect and the time of



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the incident) that were not visible during the preliminary investigation become apparent.

2. Investigation of material evidence and modern technologies: Today, the biggest factor driving the disclosure of unsolved crimes is scientific and technological progress. At that time, only blood types (A, B, O) could be determined from blood stains taken 15-20 years ago. Today, it's possible to isolate a DNA profile from that preserved old spot and compare it with the ADIS (Automated Dactyloscopic and Identification System - for example, "Papillon") database to find the exact criminal.

Some practitioners (including representatives of digital criminology) claim that "today, it is not the investigator's mind that solves the crime, but artificial intelligence and a DNA database." However, traditional criminologists categorically deny this: "DNA can reveal the identity of the criminal, but the motive of the crime, the formation of intent, and procedural confession are carried out only by the investigator's tactical skills. Evidence doesn't speak for itself; it's dictated by the investigator."

3. Harmony of "Sleeping Agents" and Operational-Investigative Measures: Uncovered cases cannot be opened while sitting alone in the interrogation room. For this, it is necessary to create a strong Investigative-Operational Group (IOG) consisting of an investigator and an operative officer (DIA OO). In the case resumed, operatives work with the contingent in correctional institutions (prisons) (intra-cameral agency). Because often people who have committed old crimes are already imprisoned for other crimes (theft, drug addiction), and they like to boast to their cellmates about their old "heroic deeds."

Summoning and interrogating a suspect or witness in an old case is the highest pilot of forensic tactics. Because the suspect comes with a strong psychological shield saying "This case has been closed, they can't prove anything."

How will the investigator break this shield? The "unexpectedness" tactic: The suspect is brought for questioning without a summons, on the street or at the workplace, and they are questioned about an old crime with unexpected details. The goal is to disrupt and confuse his pre-prepared psychological defense. The tactic of "filling the void": the investigator partially discloses to the suspect some information about the case (as if he knows everything), but does not reveal the



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main details and expects the criminal himself to make a logical mistake and reveal these details. Tactics of using a polygraph (Lying Detector): Although the polygraph report is not a direct material evidence in the procedural legislation of Uzbekistan, its use in unsolved crimes is of great tactical importance. The suspect experiences severe stress during the very process of going through the polygraph, and the probability of confessing in subsequent interrogations increases sharply.

Investigating unsolved (remnants of past years) crimes is a complex chess game played against time, space, and human memory. Based on the analysis of scientific polemics and practical experience in this area, for the further improvement of investigative practice in Uzbekistan, the following can be noted:

1. Specialization: Under the investigative departments of the prosecutor's office and internal affairs bodies, it is necessary to create special, narrow departments consisting of the most experienced investigators engaged exclusively in "Exposing crimes of past years" (foreign analog *Cold Case Squads*). Transferring old cases to the duty investigator, who has a lot of daily work, means freezing them again.

2. Digitalization of archival evidence: It is necessary to create modern cryo-conditions for storing material evidence of old works (biological traces, microfibers) and their full integration into the national digital DNA and fingerprint database.

3. Adaptation of legislation: It is advisable to introduce into the Criminal Procedure Code norms that further simplify the procedures for restoring cases remaining from previous years and legalizing the results of operational-search activities as evidence.

The main tools of an investigator for unsolved crimes are patience, inductive logic, and extreme meticulousness. Because, as major criminologists emphasize: *"A crime is not perfect, there is only an insufficiently investigated scene."*



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