



THE ROLE OF FORENSIC SCIENCE IN THE INVESTIGATION AND DETECTION OF CRIMES

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Abstract

In a rapidly evolving environment of science and technology, the successful consideration and resolution of certain issues in the judicial process requires the use of specialized knowledge, which allows for fair and reasonable judicial decisions. The use of such knowledge is done through the appointment of experts and research. The article elaborates on this issue.

Keywords: Expertise, employee, laws, legal reform, expert opinion, interest.

As the President of the Republic of Uzbekistan Sh. M. Mirziyoev noted, “Today, the issue of training highly qualified, professional personnel to increase the efficiency and strengthen the activities of law enforcement agencies is of great importance. The appointment and conduct of specialized knowledge and expertise play a uniquely important role in the fight against crime. Physical and chemical methods of research are widely used in their conduct. The first of these is based on the study of physical laws and phenomena, and the second on the study of the chemical form of the motion of matter.

The study and analysis of the legislation of foreign countries, along with information about the legal reform of these countries, allows to identify the norms that can be applied in national legislation.

In order to ensure the fairness, transparency and impartiality of research in conducting expert opinions around the world, research work is being carried out in leading research centers and higher education institutions to improve the stages of research, evaluation criteria for issuing scientifically based conclusions.

Also, in order to study and analyze the organizational and methodological mechanism of the relevant articles of the Code of Criminal Procedure, which are directly addressed in the forensic examination, the positive achievements of a number of countries in order to improve the norms of national legislation and the scientific sources of forensic examinations were examined. In particular, reforms in the legislation of Germany, Moldova, Belarus, Estonia, Albania, Kazakhstan, China, Kiev, Turkmenistan, the Russian Federation and scientific and practical sources on forensic science were studied and analyzed.

Also, when considering the analysis of the criminal procedure codes from the organizational point of view, Section 289 of the Procedural Code of Turkmenistan provides for the appointment of an expert examination, which states: “Expertise may be appointed on the initiative of participants in this process. These persons shall submit to the investigator in writing the questions on which, in their opinion, an expert opinion should be given, indicating the object of research, as well as the person (persons who may be invited as experts by name). In this case, the investigator has no right to refuse to appoint an expert examination. Paragraph 10 of Article 173 should include the appointment of an expert



examination by the investigator on the initiative of the participants in the proceedings (suspect, accused, defendant or witness) in order to protect their rights and interests.

This is because there may be cases where the circumstances that were not identified or disclosed during the investigation are known only to the participants in the proceedings, and they may have evidence to prove it and the need to appoint an expert for this evidence. The above grounds, of course, further strengthen the protection of the rights and freedoms of citizens.

In the process of appointing a forensic examination, the participant in the examination has the right to hand over the objects and documents to the investigator in the presence of attesting witnesses or a lawyer. The fact that the investigator has the right to consider the questions raised by the initiator for the examination with a reasoned decision, if there are questions beyond the competence of the examination, if during the examination the participant of the initiated process is asked to inform the expert, this shall be provided by the investigator.

The study of foreign forensic experience has shown that trasological examinations are often carried out in private forensic centers, as the scope of trasological examinations has expanded to such an extent that not only the criminal world, but also digital examinations are widely used in China today. In addition, the field of microtracheology is widely developed. At the Kiev Institute of Non-Governmental Expertise, the Russian Federation "Southern Center of Expertise and Research", the Guild "Scientific-Consulting Center", St. Petersburg "Severo-zapadnyy Center of Independent Expertise and Methodology" the reason is the large number of types of trasological examination, on the other hand, the size of the objects belonging to each type is very large. For example, there are a variety of locks provided for the study of locks, while the survey of vehicles includes many questions in the paid service, in the field of transport tracing not only trasological traces, but also a range of diagnostic questions to be solved at the scene. The complexity and importance of the process of identification and assessment of identification marks in relation to objects in the research stages of tracing examinations can be seen from the types of examination objects included in the scope of this paid service.

If we look at the analysis of the practice of trasological examinations in Uzbekistan today, in 2017 it was 1250 (7% of the total examinations), in 2018 - 1113 (11% of the total examinations), in 2019 - 1697 (14% of the total examinations) reached. The analysis shows that the demand for trasological examinations in relation to the percentage of examinations is growing from year to year, but a number of problems in their research result in low efficiency, which indicates that trasological examinations have not been formed over the years.

The experience of non-governmental forensic activities in the above developed countries also shows the high demand for trasological examinations, which shows that clear pricing and the effectiveness of trasological research is one of the most important expert conclusions. Therefore, in order to further shape the effectiveness of tracing examinations in the expert work of the national court, it is necessary to apply the relevant experience of foreign experience in our practice and strengthen its role in the detection and prevention of offenders.

In this regard, the expertise of the United States can be used, because in the United States, expert institutions and modern forms of conducting expert investigative action are unique. Appointment and



conduct of examination is carried out in several forms. Their first form is a form of controversial expertise appointment. The second form of expertise is an expert who is a technical consultant. The suspect, the civil plaintiff, the defendant will be given the opportunity to obtain a technical advisor at his own expense. Based on this advice, the person will be able to apply to the body that appointed the examination for a re-examination. The third type of expertise is the expert witness, which is specific to the Anglo-American type of criminal procedure.

In our opinion, it is necessary to introduce the application of such a norm in the national legislation to expand the powers of experts of private expert institutions, which will create a wide range of opportunities for experts to conduct complex examinations.

In addition, there is no single system of forensic institutions in the United States. It has expert institutions and forensic laboratories. Because criminal investigations in the United States are conducted primarily by police forces, forensic examinations are conducted in police forensic laboratories. Some special services also have "criminal detective laboratories", which are also engaged in the collection, examination and storage of specific evidence.

In addition to the establishment of laboratories working with trasological traces in the national expertise, based on the US experience, it is necessary to establish "criminal investigation laboratories" with special powers for experts, which will allow private experts to collect, verify and store evidence.

The forensic laboratory in the United States is divided into stationary and moving types, and those in motion are housed in special vehicles. The activities of many forensic laboratories are divided into:

- a) chemical laboratory;
- b) fingerprint research laboratory;
- c) laboratory of technical forensic examination of documents;
- g) an identification laboratory for the inspection of firearms;
- d) photolab;
- e) laboratory for examination of various X-rays, ultraviolet rays;
- j) laboratories working with silver nitrate reagents.

Based on the experience of this laboratory, it is necessary to organize a laboratory to work with traces in our national expertise and create laboratories that will allow tracing not only trasological but also ballistic and forensic technical documentation, transport trasology and other fields.

According to Article 168 of the Criminal Procedure Code of Japan, an expert has the opportunity, if necessary, with the permission of a judge, to examine and examine the body of a person on board the house of a person under guard, ie when the accused is under house arrest or in open court. An expert is required to show his or her consent when entering the defendant's home, but it is permissible to conduct an examination without permission when performing these actions during the trial. In addition, an expert may, with permission, inspect objects of crime, dissect a corpse, open a grave, or inspect a particular object, and so on. can lead to actions.

The court's permission may be in the form of written consent, which may include the name of the accused, the crime, the crime scene, the person to be searched, the corpse, the opening of the grave, the violation of its integrity for examination, the names of experts and witnesses and other matters specified in court rules. The court may also specify the possibility and circumstances of the search for the body of a person presumed dead. The expert is required to present to the person who is the object



of research a document confirming that the court has given permission for the actions to be taken during the examination.

In our opinion, based on the experience of Japan, our national legislation, ie Article 681 of the Code of Criminal Procedure of the Republic of Uzbekistan, called the powers of an expert. inspection and expertise. These powers include giving the expert the authority to obtain the necessary information on the object in the process of conducting a comprehensive examination, with the direct official request of certain specialists to obtain the necessary information. And it should be noted that this information can be reflected in the expert opinion.

In conclusion, the effective use of the positive experience of foreign countries in the examination of criminal cases will serve as an important criterion for further improving our national criminal procedure legislation and the efficiency of forensic science, and will have a positive impact on improving the efficiency of long-term forensic examinations.

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