

CURRENT OPPORTUNITIES AND PROSPECTS FOR THE DEVELOPMENT OF EXPERT FORENSIC ACTIVITY

Nurumbetova Sadokat Allayarovna

Scientific secretary of the Academy of the

Ministry of Internal Affairs of the Republic of Uzbekistan,

doctor of philosophy in legal science (PhD), associate professor

Abstract : In the article, the theoretical, legal and practical aspects of the processes of providing expert activity of state expertise institutions with information, as well as the capabilities of computer technologies available in practice, are deeply analyzed. In addition to the establishment of an electronic information system, specific recommendations were made to fill the existing gaps in some articles of the Law of the Republic of Uzbekistan “On Judicial Expertise”.

Key words: judicial expertise institutions, expert activity, systematized information resources, professional expert, data, modern informatization, catalogue, collection.

These days, international standards consider the effective guarantee of natural and civil human rights as a primary task. In our republic, the protection of the rights and freedoms of citizens begins with the provision of the Basic Law, the Constitution of the Republic of Uzbekistan. Meantime, according to the level of actions committed against human rights and freedoms, the inevitability of punishment has been established by relevant laws. In terms of legislation, in Article 81 of the Code of Criminal Procedure of the Republic of Uzbekistan states “Types of evidence – any real information that serves as a basis for the investigation, interrogation and court to determine whether a socially dangerous act has occurred, the guilt or innocence of the person who committed this act, and other circumstances important for the proper resolution of the case. This information is determined by the testimony of the witness, the victim, the suspect, the accused, the defendant, the expert’s opinion, material evidence, audio recordings, video recordings, film and photo materials, reports of interrogation and court actions and other documents” – due to that definition the expert’s conclusion is determined as evidence. An expert’s conclusion is a written document drawn up by a forensic expert or a commission of forensic experts that reflects the conduct and results of forensic expertise¹.

Judicial expertise – procedural action aimed at determining the circumstances of civil, economic, criminal and administrative court cases and consists of conducting forensic expertise and giving conclusions by a forensic expert based on special knowledge in the field of science, technology, art or craft². It can be seen from the definitions set out in these legal bases that the place of the expert’s conclusion is also high among the proof of evidence for determining the punishment for the illegal actions committed in our republic. Therefore, effective use of expertise is one of today’s requirements. At this point, a question arises, the role of the expert in the activity of the court expert, whether there are errors and shortcomings or problems in his work. It is necessary to think deeply about what can be done. Based on the current requirements, according to the statistical analysis of crime, it can be seen that the highest rate of crimes committed is fraud, and the rate of crimes committed with computer technologies is also increasing. If this is among the problems related to conducting research processes, it can be clearly seen in the work of the expert within the framework of the problems related to the scope of his work, especially in the activities of the internal affairs bodies, attached to activities outside the scope of his authority, there is no opportunity to work on

¹ Ўзбекистон Республикасининг Жиноят-процессуал кодекси. <https://lex.uz/docs/111460>.

² Ўзбекистон Республикасининг 2010 йил 2 июндаги “Суд экспертизаси тўғрисида”ги Қонуни. // <https://lex.uz/docs/1633102>

himself to increase the efficiency of the work, due to the large amount of new information there is also little opportunity to receive or get to know them.

When familiarizing with the problematic situations in expert activity, it is possible to see the need for new types of expertise or improvement of existing types of expertise as a result of the operation of new systems in the developing Republic of Uzbekistan. In this regard, it can be seen that there are no experts of this type formed in all regions of the republic to conduct research on the problems of determining the prices of products imported from foreign countries, non-standardized prices of raw materials, prices that change daily.

The fact that there are some problematic situations in the construction of wonderful structures that are being built in the territories of our republic, which is becoming more beautiful gradually, and the situations that are waiting for the solution of defining the rights of ownership in relation to mutual property between the citizens, also make it necessary to turn to the expertise of construction techniques. We cannot say that this type of expertise does not work, but it can be seen that it is not sufficiently organized in all regions, and there are still shortcomings in its methodology. A simple example is that the new constructions are more often done by demolishing the houses of a citizen who have been working for many years, allocating houses or land to them from other places, otherwise compensation will be paid. But these cases do not always end positively. On the basis of appeals received as a result of citizen's protest, it is possible to see that problems are arising in expert studies in solving a number of issues, such as cases of studying land, houses, buildings, raw materials used for them or damages caused to them, cadastral issues.

There are also a number of problems with social media advertisements, persuasive sources, counterfeit money or documents that make up fraud crimes. Because, in order to deceive a person and gain his trust, there are cases of showing fake documents. It can be seen that the citizens do not have the opportunity to check this document directly by taking this document to the expertise, or they do not contact the law enforcement agencies. Because for a person who is looking for a way for his needs, it seems to be the last effective way.

How to find a solution to such problems in the developing judicial expert activity? In the first place, regulating the expert's work according to the legal framework, that is, expanding the opportunity to fully use one's rights and obligations, taking measures not to be involved in work outside the scope of one's competence, working on one's own work, limited to the standardized training in terms of improving one's knowledge and skills. It is necessary to improve training courses using innovative education, to introduce wider use of foreign experiences and their implementation³. This task was specified by the President in the resolution PQ-4125.

The next issue is the introduction of new types of expertise and the improvement of studies with shortcomings in their methodology. If we look at the history of our expressions today, we can see a change at a high level⁴, because there were not as many types of expertise as in the previous expertises, and researches were conducted in such a way that technology and innovation were not formed in the expertises. Along with the development of time, a great change is taking place in this field. But it can be seen that there are no stumbling blocks. The fact that a number of scientific research works are being carried out, that foreign technologies are coming in, and that non-state court expert activities are being launched in order to provide materially, is considered a proof of this. But despite this, it is recommended to switch to digitized expert's conclusion when conducting research, because it makes proper and efficient use of time.

Based on the above considerations, it is proposed to reflect the following main tasks necessary to improve the activity of expert-criminological units in the legislation of the court on expert activity:

³ Суд-экспертлик фаолиятини янада такомиллаштириш чора-тадбирлари тўғрисида. ПК-4125-сон қарори. <https://lex.uz/docs/4172023>

⁴ <http://diss.natlib.uz/ru-RU/Researchwork/OnlineView/>

- to develop criteria for the organization of electronic information management of expert-criminological activities in the system of the Ministry of Internal Affairs;
- to determine directions of use of electronic information in expert-forensic activity;
- to introduce effective and rapid use of electronic information in expert-forensic activities;
- to fill gradually the electronic information base of expert-forensic activities with the necessary information;
- to formulate introduction and control of electronic informatization maintenance with continuous scientific and technical achievements;
- to organize analysis of samples of expert conclusions and their results in the electronic information system;
- it is recommended to add Article 27² to the Law "On Judicial Expertise" and title it as "Electronic informatization of the activities of state judicial expertise institutions" and fill in the following wording: "Information support of state judicial expertise institutions is the formation and use of systemized electronic information resources (search for necessary information, reception, input of new information) necessary for effectively solving the tasks faced by the expert in the process of organizing and conducting forensic expertise".

In conclusion, it should be noted that the informatization and digitization of modern professional expert activities, in any form, serves to improve the quality of research, which, in turn, increases the reliability of the conclusions of the expert expertise, which is manifested in the form of an expert conclusion as a component of the information collected during the investigation and preliminary interrogation, further strengthens the evidence base of the results of experts' activities.

References:

1. Ўзбекистон Республикасининг 2010 йил 2 июндаги "Суд экспертизаси тўғрисида"ги Қонуни. // <https://lex.uz/docs/1633102>
2. Ўзбекистон Республикасининг Жиноят-процессуал кодекси. <https://lex.uz/docs/111460>.
3. Суд-экспертлик фаолиятини янада такомиллаштириш чора-тадбирлари тўғрисида. ПК-4125-сон қарори. <https://lex.uz/docs/4172023>
4. Маматкулов Т. Б., Закурлаев ва бошқ А. К. Ўзбекистон Республикасининг «Суд экспертизаси тўғрисида»ги қонунига шарҳ. – Т.: Ўзбекистон Республикаси ИИВ Академияси, 2017. – 176 б.
5. Об утверждении Концепции развития экспертно-криминалистических подразделений органов внутренних дел Российской Федерации на среднесрочную перспективу (2016–2018 гг.): приказ МВД России от 24 ноября 2016 г. № 758. Доступ из справ.-правовой системы «Консультант Плюс».
6. Ш.Х. Иномжонов. Жиноят процессида далилларни тақдим қилиш ва улардан фойдаланиш муаммолари. Монография. Т-2006. 177 б.
7. <http://diss.natlib.uz/ru-RU/Researchwork/OnlineView/34231>.
8. <https://www.xabar.uz/huquq/firibgarlik-oz-nima-nega-odamlar-tez-va-kop-aladanadi>