

The issue of evidence and proof in opening a criminal case

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Abstract:

This article provides information about evidence, which is one of the processes involved in opening a criminal case. Types of sources of evidence and several forms of proof are mentioned. Evidence is important in criminal proceedings.

Keywords: crime, evidence, proof, investigation, law, accused, victim, subject, object.

Introduction

The concept of evidence is of central importance in criminal proceedings. Evidence is information about facts, and facts that are the subject of evidence are not considered evidence. In the human mind, there are not objects, things, but their scenes, concepts and information about them. Factual information is information about facts obtained from legitimate sources. In the criminal procedural legislation, information about facts is treated as true information. Real information and their sources are interrelated, and their combination is the basis for the creation of evidence. Records of investigations and court proceedings are also evidential. They must be written in a high-quality, meaningful and literate manner. The responsibility of keeping the protocol is assigned to the investigator, the investigator, and the protocol of the court hearing is assigned to the secretary of the court session. Evidence should be obtained only from sources established by law. These sources are defined in Article 81 of the Code of Criminal Procedure of the Republic of Uzbekistan. If the information is obtained from other sources, this information cannot be used as evidence in the case. According to the latest amendments and additions to the Criminal Procedure Law on April 26, 2016, the results of rapid search activities conducted in compliance with the requirements established by law are now considered evidence in a criminal case after being checked and evaluated in accordance with the norms of the Criminal Procedure Code is acknowledged.

REFERENCES AND METHODOLOGY

Evidence is very important in the criminal process, and if this activity ends without results, if it is not determined who committed the crime and under what circumstances, the goals of the criminal process will not be fulfilled considered not achieved. If a mistake is made in the process of proof, there will be even more serious consequences, as a result of which an innocent person may be punished. Thus, the more complete and skillful the proof is, the more legality and justification of the verdict and other decisions in the case will be ensured. Proving means the activity of subjects to procedurally collect, consolidate, verify and evaluate any information related to a specific criminal case based on the criminal procedural law, as well as to confirm the existence of this information on behalf of the state. The main task of the criminal process is to determine the objective truth in the criminal case, and for this, every evidence, information, and fact found in the case must be proven. Evidence is a complex process and is the basis of criminal proceedings. In particular, proof is a process that regulates the criminal procedural

activity, as well as ensures the achievement of the truth in the criminal case in the judicial activity. The essence of this process is reflected in its elements, that is, in the collection, verification, strengthening and evaluation of evidence. Identifying evidence, working with it and procedural proof are the main activities of the criminal process. Procedural proof is not only an activity of thinking, but a legal activity aimed at determining the circumstances that are important for the case and allows making a final decision on the case. The subject and scope of proof, participants of proof, their obligations during the process of proof are one of the important issues in the science of criminal procedural law. Because the basis of criminal procedural activity is the process of proof. Only on the basis of reliable information obtained during the evidentiary process, any criminal case can be solved fairly. Along with the concept of proof in the criminal process, there are concepts such as the law of evidence, the theory of evidence. The subject and scope of proof, as well as the set of norms implementing this process constitute the right of evidence. The right of proof is a guarantee for achieving the purpose of proof in each case and determines the content of the conditions and directions of proof. The concrete content of the proof is made up of procedural actions and relations. The theory of evidence studies the epistemological, legal, logical and psychological foundations of proof, as well as regulates the practical application of legal norms during the investigation of crimes. Each piece of evidence collected in the case is separate and all evidence is brought into one system and evaluated in general. There should be no logical contradictions between the evidence, otherwise it is considered that the guilt of the guilty person has not been fully proven. This is a case that shows that the investigation was carried out one-sidedly, that the procedural interests of the accused were not fully examined, and that the investigation was carried out poorly and superficially. The investigator must follow his inner conviction when evaluating the evidence or making a conclusion on the criminal case. To prove it must comply with the requirements of the articles of the Criminal Procedure Code of the Republic of Uzbekistan. Failure to comply with this rule may result in finding the information collected in a criminal case illegal. For example, when the guilt of a person is not confirmed, when his guilt or innocence is not fully determined, when the procedural rights and legal interests of the victim are not ensured, the issue of fair resolution of the case remains unresolved. Proof represents the process of determining the truth. Its essence is manifested in the collection and examination of evidence. Practical experience of the judge, investigator and other subjects of the process, as well as their outlook, legal consciousness and thinking play an important role in the implementation of the proof process. Practical experience is the basis of knowledge activity, and this experience is mastered by the subjects of proof during the work process, as a result of which their level of practical experience increases over the years. Among the circumstances that must be proven, it is important to determine whether there are factual circumstances in each criminal case. The main purpose of evidence in criminal proceedings is to establish the truth. The concept of objective truth in the criminal process includes the reliable conclusions of the investigative, prosecutor's office and judicial authorities about the circumstances established in the criminal case. The goal of the proof process is achieved only if the objective truth is real. Relative truth in the criminal process means that the circumstances determined during the proof of any criminal case in the criminal process are not related to the events of the outside world and do not have legal and evidential value. In the criminal process, in absolute reality, all the circumstances identified in the criminal case are closely related to each other. In some cases, when the truth is not concretely defined, it is both relative and absolute. Determining the truth is the goal of criminal proceedings and one of the main conditions for a fair verdict. Determining the circumstances of the crime, as it were, constitutes the essence of objective truth. The procedure for determining the objective truth in a criminal case is regulated by criminal procedural legislation.

Types of sources of evidence: testimony of a witness, victim, suspect, accused, defendant; Expert's conclusion; Physical evidence; Sound recordings, video recordings, film and photography; Reports of investigations and court proceedings and other documents

Proving means the activity of subjects to procedurally collect, consolidate, verify and evaluate any information related to a specific criminal case based on the criminal procedural law, as well as to confirm the existence of this information on behalf of the state. The proof is closely related to the subject and the scope of proof determines the size and limit of circumstances, evidence and their sources that must be proven. The scope of proof defines the limits of any specific action to ensure that each element of the subject of proof is defined. The main task of proof is to determine all the necessary circumstances that are the subject of proof. A complete, comprehensive and objective determination of the circumstances relevant to the case by the subjects serves to establish the truth in the case, to correctly classify the crime, to ensure the inevitability of the punishment, and to issue a legal, fair and reasonable verdict in the criminal case. Article 82 of the Code of Criminal Procedure of the Republic of Uzbekistan includes the following cases that must be proven: the object of the crime: the nature and amount of the damage caused by the crime, the circumstances describing the identity of the victim; the time, place, method of the committed crime, as well as other circumstances specified in the Criminal Code; causal connection between the act and socially dangerous consequences; that the crime was committed by this person; the fact that the crime was committed with right or malicious intent or as a result of negligence or self-confidence, the reasons and goals of the crime; circumstances describing the person of the accused, the defendant. In the process of proof, the study of the causal connection between the time, place, method of the crime, as well as other circumstances specified in the Criminal Code of the Republic of Uzbekistan, the act and their socially dangerous consequences, plays an important role. When, where, by what means and under what conditions the crime was committed and what the causal connection is between the consequences resulting from them are resolved through the identification of these circumstances. Determining these cases requires great responsibility from the investigator. Because some circumstances, even if they are not the main facts, serve as auxiliary evidence in the discovery of the crime. In determining the time of some crimes, it is enough to determine the day or week. But in any case, the circumstances of the causal connection between the time, place, method, actions and their consequences of the crime must be fully, comprehensively and objectively determined, otherwise the preliminary investigation will be incomplete or one-sided. occurs.

CONCLUSION

In short, in the process of procedural proof, it is necessary to fully, comprehensively and objectively determine the circumstances that need to be proven in each criminal case. Information obtained from legal, reliable sources is used to determine the circumstances that need to be proven, which is one of the most necessary conditions of the proof process. In addition, when opening a criminal case evidence is important. Through this, we will learn how the crime happened, who is the victim, and who is the guilty person.

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