

Theory of Reliable of Evidence in Prove Institute

Yangiyev Gayrat Avezxonovich

Senior science researcher at Tashkent State University of Law
gyangiev@mail.ru

Abstract:

The reliability of the evidence to prove the theory of the Institute plays an important role. Institute of evaluation of evidence, especially evidence that business depends on the reliability of the evidence in criminal proceedings. Surest valid, legal and criminal under the stark point of view is respected.

Key words: reliable evidence, remember, the material traces of intuitive knowledge, the investigation versions, the theory of knowledge, procedural sources, subjective, objective, logical conclusion, eligibility.

Criminal fair procedural decision is one of the most important conditions for the presence of reliable evidence in the case. Least understood definite evidence of the authenticity of the evidence. Proof of the authenticity of the content, its conformity with the realities of the information, its full confidence unconditional recognized if it is reliable. The reliability of the evidence in the first investigation and the court will be determined by checking it carefully. The theory of knowledge to determine the reliability of the evidence, all the properties of the object. a comprehensive and objective study methods.

To determine the reliability of the evidence in its external signs, the nature of each specific case, the characteristics of the most important and serious and need to learn the importance of the work for.¹

The reliability of the evidence of the actual source of evidence of the stages at the same time, the selectors may be determined as a result of a comprehensive study (for example, to get information on the person being questioned, remember, witnesses able to reflect the relations between the suspect and the victim, the origin of

traces of material and safety conditions, etc.). The final decision about the reliability of the evidence obtained from sources other than the contents of his procedural information received by comparison with the.²

To determine the reliability of the evidence and assess their true sources of information is an important part of the process in terms of the quality of evaluations.³ Procedural evaluation of sources of investigative and judicial authorities to prove the facts relating to the phenomenon of crime activities is important, because work on the subject to prove all the facts, circumstances prescribed by these sources. To identify any fact relevant to the original source of information and should be properly assessed, the quality, the reliability of the information, especially about the fact, which is not objectively wrong, you need to make sure there are no errors or false information.

However, proceeding from the fact that the source of the data is always meant to be reliable. This information shall be true or may be incompatible with their status (for example, a witness in the case told the truth about the circumstances known to him, mistake, mistake; he or she may say things vague). Thus, the evidence on the facts carefully examining them to determine the reliability of the source data, the actual content analysis, comparing with other evidence, to determine compliance with the mutual dependence on one another and did

¹ Grishina E.P. The reliability of the evidence and how to ensure that in criminal proceedings: Author. Diss ... cand. jurid. nauk.- M.: 1996.- P.18.

² Mandrik L.I. Remedial and criminalistic aspects of obtaining samples for comparative analysis: Author. diss. ... Cand. jurid. Sciences. - Minsk: BSU, 1991. - 17 p.

³ Snegirev E.A. Evaluation of evidence by inner conviction: Author. diss cand. jurid. Sciences. - Voronezh: Voronezh State University, 2002. -P.10.

not meet each other in case of need to determine the cause of the conflict. The procedural power can only be assessed on the investigative and judicial bodies established fact possible to draw conclusions about the reliability of the information.

Described the result of the reliability of evidence by the scientist. In particular, according to P.A.Lupinskaya which is a definite and prescribed by law to collect, monitor, and evaluate the results obtained knowledge reliable.⁴

According to A.K.Pedenchuk reliability, directly and indirectly, the information obtained to prove the theory or method of classification. Institute as well as the proven reliability rating classification this author: subjective (faith); the objective (science); logic (thinking).⁵

We believe that this proposal is based on the reliability information is correct, but separate from the criminal proceedings, based on the sum of the evidence and the evidence of improving the reliability of conclusions.

A much more complex understanding of the reliability of conclusions at this stage of the criminal justice proceedings, he or subjective forms can be seen as objective. Conclusion - the decision made by the subject law, must rely on reliable evidence. The findings trustable important requirement in criminal proceedings proof. The truth is always the truth always reliable or damage, the imposition of the rule. Our idea is true, but it can be proven (for example, the intuitive knowledge). Final decisions can not be based on such knowledge. If knowledge is based on a proven, reliable knowledge of the authenticity of a definite character.

In this regard, a wide range of proven reliability, definite, and therefore requires no further based on the fact that,⁶ we welcome it.

Today, the initial stages of investigation and trial witnesses, victims, suspects and accused by an important role in the issue of the reliability of the assessment of testimony. The last time the defendants during the preliminary investigation proceedings reject its cases, this situation affects their mental and physical end, therefore requires a serious approach to this issue.

Therefore, the criminal procedural law on the publication of the juvenile participants in criminal proceedings to assess the reliability of the testimonies of expert raised the issue on the involvement of psychological development. Because the evidence of the reliability of the testimony of minors is one of the most important stages of evaluation. A. Ergashev said that, in these cases, minors intellectual, psychological, special attention should be paid. This peculiarity show emotions easily, due to the fear of the current situation will be trying to show it bigger.⁷

We believe that crimes against sexual freedom, minors whose testimony is important to participate in the assessment staff psychologists. For example, who is charged with the third part of Article 118 of the Criminal K. as follows: 'My little girl of about 9-10 stranger to me, hugged me and said he could not live without me.'⁸

We believe that the use of the assistance of a psychologist can be done in two ways: 1) to participate as an expert in his interrogation; 2) the appointment of forensic psychological examination and conduct.

⁴ Lupinskaya P.A. Proof. Concept and general characteristics. Criminal process. -M.: 1995 -P. 151 - 152.

⁵ Pedenchuk A.K. Problems of ensuring the reliability of a forensic expert. M., 1992. -P. 76-88.

⁶ Solovyov B.B., Thunder., V.V. Nikolaychenko Evidence, evidence and their sources in the criminal process. p 13 - 14.

⁷ Ergashev A. The preliminary investigation stage, some aspects // interrogation of a juvenile criminal process and criminalistics. -2010. -№1. -P.131.

⁸ Tashkent's Mirabad District Criminal Court of 2008 archives.

Stop in to participate in the first psychological interrogation. According to T.Borodkina V.Samoroka that the moral behavior of the person on trial, the investigator's desire to get rid of the responsibility to monitor the falsity of the testimony, and allow conclusions about others. According to the film, check the reliability of the testimony, and the help of a psychologist to assess the use of two methods: 1) directly involved in the interrogation; 2) analysis of the video recording of the interrogation expert. In the first case, a psychologist questioned persons expressed his opinion about the degree of truth, in the second case it is a reasoned conclusion on these questions. In either case, the documents also should be considered a source of evidence. Authors, directed to the left eyes of the person on trial, and if he is a true story wrote, directed to the right - was projecting.⁹

You can agree with this, but the authors said that the issue of what method should be based on the opinion of a psychologist do not check. In addition, the evaluation of the person being questioned can not rely on previously developed guidelines.

It is reported by the I.V.Maxova can agree with the following: Assessment of evidence at the disposal of the investigator, which people perceive their true or false that separates it feels like to be highly reliable devices. But for too many years, the facial expressions of the person under interrogation, by studying the behavior of different gestures to assess the credibility of testimony given negative results.¹⁰

M.I.Enikeev and E.A.Chernyx to give false testimony shall be considered as one of the central understanding of the criminal justice proceedings, the following declaration: False

understanding of diagnosis and rapid diagnostic methods are not available. Psychopathic reactions (respiration and pulse rate of drying of the mouth, narrowing of the blood vessels at the same time, etc.) are not considered to be a reliable indicator. As well as the speech recognition feature (interruptions, intonation lexical features) and give them the opportunity to lie diagnostics.¹¹

The above authors assert, then we can say that, in practice, the person being questioned often failed to assess with the help of a psychologist. We can do A few examples.

One of the problems represents highly qualified psychologists responders. For example, the rape victims of the crimes involved in the 12-year-old girl to confront the 22-year-old teacher (teacher of foreign languages). The teachers questioned as an expert in child psychology involved.¹²

In some cases, teachers are not trained psychologist young witnesses or victims to confront in this country, then they will be questioned as a witness and evaluate in terms of the psychology of the show ages. In particular, the third part of Article 118 of the Criminal crime victims, 11-year-old girl to confront primary school teacher, the victim attended by the head of the class, and then he was questioned as a witness. Education and the victim's testimony at the following assessment: 'G. Testimony given by voluntary, impartial and fair.¹³

Of course, there are some situations effectively using the assistance of a psychologist. For example, young (6 years) to confront the victim of qualified teachers, a psychologist (an expert in child psychology). His interrogation is actively involved in this investigation bears witness to the action. Fully meet the requirements of Article 90 of the trial

⁹ Borodkin T. Samoroka B. The possibility of use of special knowledge in the field of psychology to verify the testimony of the interrogated person. // Criminal Procedure. -2006. -No. 3. -P.79-82.

¹⁰ Macha I.V. On the question of assessing the validity of the testimony. // Journal of Criminology. -2010. -№2 (30) .- P.80.

¹¹ Enikeev M.I, Chernih E.A. Psychology of Interrogation. Tutorial. -M.: 1994 -P.33-34.

¹² Chilanazar district Criminal Court archives 2009.

¹³ Hamza district criminal court in 2008 of archival materials.

protocol, all information more widely questioned the content word-for-word.¹⁴

Examples of the above analysis, we can say, with the participation of teachers of a victim or witness in Article 121 Penal Procedure Rules formally questioned. This is helping investigators estimate shows.

In addition, the Institute to prove eligibility and reliability - one of which is a cross, a common understanding. Acceptable many rules serve as a guarantee to ensure the maximum reliability of the evidence. Can not be a solution to the reliability of the evidence, the truth of that, where it is considered to be undesirable. The difference between them is that the eligibility requirements for legally formed and will evaluate them. The reason is found to be inappropriate for failure to comply with the requirements of this fact and is not included in the subject to prove it.

Reliability, depending on the characteristics of not only acceptable evidence of a crime and then be evaluated depending on its content. It is this ability to assess the reliability and acceptability of the difference. But is not limited to the admissibility rules to ensure the reliability of their evidence. Acceptable many other provisions of the same legal nature and causes of differences between these concepts. Acceptable the other side is not related to the reliability of the information received to ensure the rights of the person in general. These requirements affect the reliability of the evidence, but that evidence not considered a crime.

For example, December 19, 2003, the Plenum of the Supreme Court of the Republic of Uzbekistan to ensure the protection of the suspect and the accused shall have the right to the application of the laws on the practice court in paragraph 18 of its resolution of 17: collection, monitoring and evaluation of the citizens' legitimate rights and interests protection must be provided. Evidence

collection, verification and evaluation of torture, violence and other cruel or her honor and human dignity degrading treatment prohibited', says.¹⁵ This evidence will be considered eligible to apply for a time; they are not likely to be reliable. Such prohibitions gynecological, moral and ethical nature, so they have nothing to do with reliability.

Thus, the evidence to prove the reliability of the Institute to evaluate the long-term process, and it is on the basis of the sum of all the evidence collected during the formation of the final conclusions completed. To assess in terms of the reliability of the evidence of their investigative actions, to promote the versions of the investigation, the method of decision-making period.

Formation evaluation of the Institute of evidence to prove the reliability of the evidence, all the processes are analyzed, namely: from a survey of actual data retrieval, consolidation, transfer and registration conditions; if the material traces and reproduction conditions; expert research process and its conclusion that the case; the investigator (the court), the origin of the documents presented and the location.

It should be noted that assessment of the evidence to prove Institute, which covers all the knowledge about the reliability of the evidence gathered. Evaluation of the sum of the argument: that the evidence is reliable; what is important for a fact clearly reflected in how the event; them in touch with other evidence; what is the sum of the evidence for the role requires strong conclusions.

¹⁴ Yakkasaroy district criminal court in 2008 of archival materials.

¹⁵ Collection of the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan. 1999-2005. Ownership .: 2006 -B.141.