

USING SPECIALISED KNOWLEDGE TO OBTAIN SAMPLES FOR EXPERT EXAMINATION IN CRIMINAL PROCEEDINGS IN THE REPUBLIC OF UZBEKISTAN

Parakhatova Shakhnoza Ernazarovna

Doctoral student in the field of 12.00.09 'Criminal Procedure. Criminalistics,
Operational-Investigative Law and Forensic Examination'

<https://doi.org/10.5281/zenodo.16718060>

Keywords: expertise, samples, specialist, expert, expert research, special knowledge

Our republic is undergoing large-scale reforms aimed at reliably guaranteeing human rights and freedoms and improving crime detection processes. The criminal procedure legislation of the Republic of Uzbekistan provides for such procedural actions as obtaining samples for expert examination. An analysis of the system for using specialised knowledge in criminal cases requires broader application in this area of modern capabilities of new types of expertise, high technology (hi-tech), auditing, and selection of samples for expert examination.¹

In accordance with Article 189 of the Criminal Procedure Code of the Republic of Uzbekistan, an investigator, inquiry officer or court, and, if necessary, with the participation of a doctor, other specialist or expert, has the right to obtain samples for expert examination, provided that this does not involve exposing the person from whom the samples are taken and does not require special professional skills. On the instructions of the investigator, inquiry officer or court, samples for expert examination shall be obtained by a doctor or other medical specialist if obtaining the samples involves exposing the person or requires special professional skills.² In view of the above, it seems reasonable to conclude that the participation of a specialist in the process of obtaining samples for expert examination is highly effective and efficient as a tactical technique. In this regard, it seems appropriate to pay special attention to the use of specialised knowledge in obtaining samples for expert examination within the framework of this study.

According to procedural scientists, the procedure for obtaining samples for expert examination must inevitably be accompanied by the subsequent appointment of a forensic examination. Formulating conclusions about the ownership of samples to a specific object without the use of special knowledge

¹. Astanov, I.R., Procedural and Criminalistic Aspects of Using Specialised Knowledge in Criminal Cases // Doctoral Dissertation in Legal Sciences, 2018.

² Criminal Procedure Code of the Republic of Uzbekistan dated 01.04.1995

and conducting the appropriate expert examination is unacceptable from a procedural and scientific point of view.

In his scientific work, V.A. Gavrikov proposes a classification of tactical aspects of obtaining samples for comparative research into two separate groups. The first group includes general issues such as planning and preparing the procedure for obtaining samples, the participation of specialists and other competent persons, the use of specialised knowledge and scientific and technical means, and the proper procedural formalisation of the relevant actions. The second group, according to the researcher, covers specific tactical techniques used in obtaining various types of samples, such as handwriting, soil, materials, substances, products, blood, saliva, and others.³

The use of special knowledge is one of the general principles of tactics, as it can be applied in the course of any investigative action. As noted in scientific literature, the use of special knowledge contributes to the effectiveness of investigative activities, ensuring more reliable and accurate results, as well as minimising the likelihood of errors on the part of the investigator. The relevance of involving a specialist in obtaining samples for expert examination is due, the rapid development of science and technology, as well as their active integration into everyday life, which leads to an expansion of the list of objects that can be the subject of expert examination, which, in turn, presents the investigator with the task of correctly determining the necessity and procedure for obtaining the relevant samples.

It should be emphasised that the concept of 'special knowledge' is not limited exclusively to scientific or technical disciplines, but covers a much broader range of areas. Thus, I.F. Krylov points out that, along with scientific and technical knowledge, investigative and judicial practice may require special knowledge related to the fields of art, sports, collecting, professional skills, traditions, customs, etc. In this regard, the researcher defines special knowledge as information and skills that go beyond generally accepted professional knowledge and are acquired through in-depth training and specialisation in a specific, narrow field.

The participation of a specialist can take various forms, the main ones being consultations on obtaining samples and providing practical assistance to the investigator directly in the process of obtaining samples for expert examination. As noted earlier, obtaining samples for expert examination based on a tactical plan can be divided into three stages: preparatory, working and final stages.

³ Gavrikov, Vladimir Alekseevich. Obtaining samples for comparative research (Criminal procedural and forensic aspects): Dissertation ... Candidate of Legal Sciences: 12.00.09: Moscow, 2004, 171 p. RGB OD, 61:04-12/1061

The use of special knowledge is a general provision of tactics, i.e. special knowledge can be applied in the course of any investigative action. The relevance of involving a specialist in obtaining samples for comparative analysis is also determined by the fact that modern science and technology, as well as their integration into everyday life, lead to an expansion of the types of objects that can be subject to expert analysis, and therefore the investigator may face the question of obtaining such samples.

Bibliography:

1. Astanov, I.R., Procedural and Criminalistic Aspects of Using Specialised Knowledge in Criminal Cases // Doctoral Dissertation in Legal Sciences, 2018.
2. Gavrikov, Vladimir Alekseevich. Obtaining samples for comparative research (Criminal procedural and forensic aspects): Dissertation ... Candidate of Legal Sciences: 12.00.09: Moscow, 2004, 171 p. RGB OD, 61:04-12/1061
3. Criminal Procedure Code of the Republic of Uzbekistan dated 01.04.1995.



WOC
WORLD
ONLINE
CONFERENCES

