

SOME CHARACTERISTICS OF EVIDENCE EVALUATION CRITERIA

Zakurlaev Abdumutal Karimovich

Public Safety of the Republic of Uzbekistan University of Criminal Law

Professor in Department of Legal Sciences Doctor of Law Sciences

ANNOTATION:

The article describes the concept of evidence and proof, criteria for proving evidence and inquiry, types of evidence evaluation by participants in the investigation and trial, and some aspects of some features of evidence evaluation criteria.

Keywords: Justice, evidence, evaluation of evidence, proof, inquiry, investigation, trial, process, examination of evidence, admissibility.

I have opened the door of justice in every country, I have blocked the path of oppression.

Amir Temur

Accuracy adorns any title.

Friedrich Schiller

INTRODUCTION:

As society emerged, vices such as goodness and resistance to it were formed. Therefore, the society gradually formed the rules of living in the society and the norms of morality, and established the order of the obligation of the members of the society to obey these rules. Of course, for the violation of these rules, various prohibitions, that is, the basis for liability, were created and laws were created.

Among them are a number of laws that define the rights currently in force, first of all the basic law is the Constitution, participants in the procedural action on the basis of which the legal criteria, that is to say civil, administrative, criminal, which are part of them and the content of the act committed, are of evidence and, as a result of the collection of evidence and its evaluation, the basis for proving the liability or

the criteria for proving the innocence of the person was formed.

Naturally, every piece of evidence requires proof, so the examination of evidence in different ways has formed new theoretical rules, methods and methods as a result of their substantiation.

Evidence verification in criminal proceedings means the activity of the investigator and the court to analyze and synthesize evidence, compare it with other evidence and gather new evidence.

Various documents, decisions, protocols and conclusions of the participants in the investigation, as well as the parties to the proceedings, reflecting the process and results of these actions, reflect any situation, and this document is of particular importance in ensuring the rights of the individual.

All evidence gathered in the case must be carefully, completely, comprehensively and objectively examined. In all cases, the reliability of the evidence must be verified (confirmed or denied). Sometimes the validity of the evidence (e.g., to determine whether there were procedural irregularities during the investigative action) or its relevance to the crime committed can be checked.

In theory, some authors understand the purpose of examining evidence as to determine the quality and properties of the evidence — whether it is true or false, acceptable or unacceptable, or valid.

Such a definition of the purpose of the examination of evidence is partly correct. In such an approach, the legal aspects of the examination of the evidence differ from the epistemological basis of the proof. As a result, verification refers only to the process of

gathering knowledge about the quality and properties of the evidence being examined. In essence, the second important aspect of the process is the accumulation of knowledge about the relationships of facts and situations that need to be sought through evidence. This aspect of the examination of evidence is present in every criminal case and has great theoretical and practical significance. Consideration of these aspects will help to gather knowledge not only about the evidence being examined, but also about the facts and real circumstances of the case.

It is recognized in the theory of criminal procedure that the examination of evidence begins with its analysis and synthesis.

The inquiry officer, investigator and court must analyze all aspects of the evidence - their content, sources of factual information, and sources of evidence.

Evidence analysis includes:

- a) To divide the set of evidence collected in the case into separate evidence, to consider each piece of evidence separately from other evidence;
- b) To divide each piece of evidence obtained into components, to separate from it certain facts, edges;
- c) Comparing the elements of each piece of evidence with each other and each piece of evidence with another piece of evidence.

The inquiry officer, investigator, and court shall divide the information, which previously contained the facts and circumstances of the evidence, into imaginary parts and analyze their content. In this case, regardless of their relationship with each other, each fact is examined and studied separately, from different angles. This examination allows for an in-depth study of the facts and an understanding of their essence. Separating the content of the evidence into separate components allows the investigator and the court to have a clear idea of

the aspects of the facts that are important for the case. During the analysis of evidence, the combination (synthesis) of its divided parts allows to study the approximate connections and connections between them, thus determining the presence or absence of contradictions between the contents of different aspects of evidence, the presence of objective and subjective factors, etc. By means of synthesis, the incompleteness, ambiguity of the evidence, the dependence of the content distortions on its other aspects can be partially or completely verified.

Analysis and synthesis are closely interrelated in evidence verification. In determining the acceptability and reliability of the evidence being examined in isolation from the synthesis itself, it is not sufficient for the investigator to have an idea of the information contained in that evidence. With the help of analysis and synthesis, the future direction and form of verification of evidence, that is, its comparability with other evidence, and the necessary aspects, relationships are determined.

Evidence reflects the circumstances and facts of the subject of proof, their connections, relationships and dependencies, and contains information about them, which can be found in other evidence, so they can be found not only by comparison, but also by gathering new evidence is checked.

In cases where analysis and synthesis do not help to examine the identified abstract cases between the connections, relationships, and dependencies of the evidence being examined, they should be compared with other evidence available in the case related to them. This, in turn, allows a full or partial conclusion to be drawn as to whether the content of the evidence is similar or not. The investigator may note that some of the information in the evidence under investigation, the reliability of which was previously in doubt, does not correspond to the

content of other evidence. Sometimes by comparing the evidence with other evidence, the investigator will have information about its other properties that cannot be obtained as a result of analysis and synthesis. For example, by comparing the evidence by the investigator, it is determined that the negative relationship between the witness and the victim with the defendant did not affect the veracity of the testimony, the circumstances relevant to the case and the unfavorable conditions for accepting the facts. In comparing the evidence, the investigator is not limited to recording these cases. The comparison allows the investigator to determine the extent to which other evidence influences the content of the evidence being examined, thereby correcting his or her perceptions of the nature and quality of the evidence and his or her knowledge of the nature and extent of the facts and circumstances to be established.

Thus, comparing evidence with other evidence provides the investigator with new knowledge about the individual aspects of the evidence being examined, the relationships, connections, and interrelationships of these parties, through which the quality and characteristics of the evidence - acceptability and reliability, serve to better understand their relationship to other facts. In other words, by knowing the quality and characteristics of the evidence under investigation, one gets a deeper insight into the area of characteristics, connections, and relationships of the crime being investigated. However, comparing the evidence after analysis and synthesis with others does not always give the investigator complete information about the qualities and characteristics that make up its content. The possibilities may be limited as a result of the lack or non-existence of evidence related to the examined evidence through various facts, the existence of undeniable doubts about their affiliation, quality and characteristics. For

example, if there is only one piece of evidence at the disposal of the investigator that is related to the facts under investigation, and there is a contradiction between them, it is not possible to draw a firm conclusion about the reliability of this evidence.

In these cases, the investigation should be continued only by finding new evidence. It should be noted that the ways, form, nature of the investigation are embodied in the evidence itself, its inaccuracy, ambiguity, inconsistency and inconsistency with the content of other evidence identified during the previous investigation, but not eliminated. It is also important that the path chosen in the examination of the evidence also determine the future direction of the evidentiary process in the criminal case.

Another characteristic aspect of the method of verifying evidence by gathering new evidence is that it is goal-oriented. Any qualities, characteristics, and connections of evidence that have not been identified during a previous investigation and that the investigator has questioned may be investigated. It is at this stage that the subject of proof will be able to fulfill the requirements of Article 94 of the Code of Criminal Procedure on the "thorough, complete, comprehensive and impartial" examination of evidence.

Evidence evaluation criteria:

- In addition to ensuring that the inquiry officer, investigator, prosecutor and the court gather the necessary information on all the circumstances of the case, that this information is collected in accordance with the requirements of the law;
- Their relevance to the subject of proof; the evidence gathered in the case may serve as a basis for making procedural decisions;
- That they are sufficient to reach a reliable conclusion about the circumstances of the subject of proof;

— Decide on the extent to which they contain complete and reliable information on the incident under investigation.

Evaluation of evidence is a mental activity that is carried out by the inquiry officer, investigator, prosecutor and the court in accordance with the logical forms of knowledge, ensuring the achievement of the truth. Of the Code of Criminal Procedure

Pursuant to Article 95, in assessing the evidence, the inquiry officer, investigator, prosecutor and the court shall carefully, fully, comprehensively and impartially consider all the facts of the case in accordance with the law and the legal conscience to determine the circumstances of each piece of evidence and conclude on the relevance, acceptability and reliability of the work and the adequacy of their sum.

In assessing the evidence, the investigator, prosecutor and the court must take into account the features that embody the necessary features:

- Relevance;
- Acceptability;
- Reliability;
- Sufficiency.

Each piece of evidence must be evaluated in terms of its relevance to the case under investigation, its acceptability in terms of legal requirements, and especially its reliability, and must be sufficient to resolve the case in substance. One type of evidence cannot always be considered superior, convincing, and significant over other evidence. There is an important rule in this regard - even a person's confession of guilt cannot be a sufficient basis for accusing him.

Evidence shall be recognized as relevant to the case only if it reflects information about facts or things that confirm refute or question the conclusions about the existing circumstances that are relevant to the criminal case. The task of the judiciary and investigative

bodies is not to reproduce the criminal case with material and facts that are not relevant to its content, but to investigate only those that are directly relevant to the objective determination of the truth, the correct resolution of the case. Therefore, in assessing the evidence, the inquiry officer, investigator, prosecutor and the court must first determine their relevance to the case.

The essence of the relevance of the evidence to the case lies in the fact that the evidence is limited to a range of serious circumstances to resolve the case. Criminal procedure legislation provides a basis for resolving this issue and, in general, determines the subject of evidence in criminal cases.

First of all, it is necessary to separate from all the evidence relevant to the case the actual information that indicates the existence of the event under investigation, the guilt or innocence of the accused in its commission. This evidence allows us to find an answer to the question of whether the actions of a person are intentional, negligent or accidental, the main issue of criminal procedural evidence - the criminal nature of the actions. Through communication, the content of a number of circumstances that affect the level and nature of a person's responsibility is disclosed through criminal procedure rules.

Acceptability – is the validity of evidence in terms of the legitimacy of the methods, techniques, sources of relevant information. Evidence shall be deemed acceptable if it is collected in the prescribed manner and meets the conditions provided for in Articles 92-94 of the Code of Criminal Procedure.

In order to be accepted, the evidence must meet the following requirements:

- 1) legality of the source (sources provided for in part 2 of Article 81 of the Code of Criminal Procedure);
- 2) the legality of the method of obtaining evidence (methods specified in Article 87 of the Code of Criminal Procedure);

- 3) legality of procedural registration;
- 4) the collection of evidence is carried out by an entity authorized to conduct investigative and judicial actions (Article 86 of the Code of Criminal Procedure).

Acceptability – is the validity of evidence in terms of the legitimacy of the sources, methods and techniques of obtaining relevant information.

The inquiry officer, investigator, prosecutor, and court may find the evidence inadmissible at the request of the suspect, accused, or on his own initiative. Evidence found to be inadmissible may not be included in any indictment.

Reliable evidence is evidence that is not in doubt. The most important condition for making the right procedural decision is the availability of credible evidence. It is considered credible if the authenticity of the content of the evidence, the relevance of the information contained therein, and its complete, unconditional credibility are acknowledged. The reliability of the evidence is determined by the preliminary investigation and a thorough examination of it in court. The theory of knowing how to determine the reliability of evidence is complete with all the features of the subject is achieved through a comprehensive and objective study method.

To determine the reliability of an argument, it is necessary to study in depth its external symptoms, the essence of each particular case, it is most important and serious features, and it is significance for the case.

An important component of the process of evaluating evidence and determining its reliability is the qualitative evaluation of actual data sources.

Assessment of procedural sources is important in the activities of the investigation and judicial authorities to prove the circumstances of the crime, because all the facts that constitute the subject of evidence in the case, the

circumstances are determined using these sources provided by law. In order to determine a fact that is relevant to the case, the source of the actual data must first be researched and properly evaluated to ensure its quality, the reliability of the information about the fact sought, and the absence of inaccurate, biased, erroneous or false information.

If all the convincing evidence of the case, which unequivocally confirms the truth of every case to be proved, is gathered, it is considered sufficient to solve the whole case. Sufficiency of evidence is defined as the ability to draw a credible conclusion based on a body of evidence and to make a truthful decision on a case.

Determining the sufficiency of evidence to make a procedural decision on a case is an independent task of evaluating the evidence. The evidence gathered in a case may be relevant, acceptable, and credible in its content, but may not be sufficient to make a final decision on the evidentiary process. In some cases, the evidence is sufficient for some of the cases to be the subject of proof, and not for the existence of other sought facts to be credible.

There are the following rules for evaluating evidence:

- 1) The inquiry officer, investigator, procurator, court shall base their assessment of the evidence only on the law;
- 2) The significance of any evidence is not predetermined;
- 3) The inquiry officer, investigator, procurator, court shall rely on their internal convictions in assessing the evidence;
- 4) Their internal confidence is based on the assessment of the sum of collected and verified evidence;
- 5) Each piece of evidence must be evaluated in terms of relevance, acceptability, reliability, and the sum of all the evidence collected must be evaluated in terms of sufficiency to resolve the case;

- 6) The assessment of the evidence by the inquiry officer, investigator, procurator and the court must be comprehensive, complete and impartial;
- 7) The inquiry officer, investigator, procurator and the court must evaluate the evidence in good faith.

The notion of sufficiency of evidence refers to the sum of the evidence gathered in a case. A set of evidence is a system of mutually agreed and interconnected evidence that accurately reflects the true connection of events and facts. If all the convincing evidence of the case is gathered, which unequivocally confirms the truth of all that is to be proved, and each case, their sum is considered sufficient to settle the case.

Evaluating the totality of evidence helps to determine the reliability and evidentiary value of actual data by comparing them with each other. Assessing the totality of evidence allows for the identification of incompleteness, ambiguity, and inconsistencies in the evidence.

The law stipulates that the inquiry officer, investigator, prosecutor, and court must evaluate all the circumstances of the case on the basis of their internal convictions. Internal confidence consists of the verification process and its outcome. The requirement of the law on internal confidence can also be understood as a power vested in the person conducting the case. Through this authority, his privileges in the field of evidence evaluation are strengthened, and it is reaffirmed that evaluation is directly his right and obligation. The inquiry officer, investigator, prosecutor and court shall not have the right to assign this task to another person or to apply in the case the assessments made by other persons.

These principles of evidence evaluation apply equally to all subjects of criminal procedural evidence at all stages of criminal proceedings. Prior to the evaluation of the evidence, evidence is collected, procedurally recorded, and verified throughout the investigation, review, and

resolution of the criminal case. Evaluation of evidence, in turn, necessitates the collection, study, and procedural recording of evidence.

Evidence evaluation provides the necessary groundwork for almost any procedural decision on a case. Without evaluation, the process of gathering evidence, researching, drawing conclusions, and making the right procedural decision is unimaginable. If the assessment were equated only with reasoning, it would not go beyond the consciousness of the relevant subject of the proof, would not be known to anyone other than that person, and would be deprived of any legal meaning.

Evaluation of evidence is subject to a certain degree of legal regulation as an element of criminal procedural evidence and is influenced by its norms. The rules of law determine not the order of reasoning, but the conditions, purposes and principles of evaluation of evidence, as well as the external expression of the results of their evaluation in procedural decisions and documents. Thus, the evaluation of evidence has both logical and legal features.

In the presence of indirect evidence, higher requirements should be placed on the evaluation of procedural evidence. Assessing them requires a thorough and thorough study and identification of all the circumstances, features and aspects of the crime, a deep understanding and analysis of the essence of each piece of evidence, to determine its integral connection with other evidence.

Evidence evaluation is performed to identify the following issues:

- That the evidence can be used as further judicial evidence in the case and that it does not contradict the law, the principles of proof;
- The relevance of the evidence or set of evidence to the case;
- How the evidence relates to other evidence gathered in the case, what the nature and significance of that connection is;

- The importance of the evidence and the sum of the evidence in determining the truth, that the sum of the evidence is sufficient to be the basis for a procedural decision;
- That the evidence can be used in future proof processes.

Thus, the evaluation of evidence is a thinking activity based on the logic and legal norms of the inquiry officer, investigator, prosecutor and court, which are the subjects of criminal procedural evidence, to determine the relevance, acceptability, reliability and sufficiency of evidence, as well as objective truth. Evidence evaluation is one of the

structural elements of criminal procedural evidence and is based on all the democratic principles that exist in criminal proceedings.

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