



## THE ROLE OF SPECIALISTS IN USING MODERN TECHNICAL MEANS FOR DETECTING, COLLECTING, AND RECORDING EVIDENCE IN CRIMINAL PROCEEDINGS AND PROBLEMS ARISING IN JUDICIAL AND INVESTIGATIVE PRACTICE

Abduvakhobov Sherzodbek Abduvakhobovich

Teacher of the Department of Criminal-procedural Law of the Academy of the MIA of the Republic of Uzbekistan

Email: [sherzodbekabduvahobov01@gmail.com](mailto:sherzodbekabduvahobov01@gmail.com)

ORCID: 0009-0008-4580-3540

<https://doi.org/10.5281/zenodo.13861745>

**ABSTRACT:** In criminal proceedings, it is possible to obtain evidence that can be used in the future process of proof through the use of modern technical means by a specialist for detecting, collecting, and recording evidence. Unfortunately, the analysis of judicial and investigative practice shows that in the process of proving, specialists do not always have sufficient knowledge, skills, and experience in using modern technical means. In our opinion, this will inevitably create problems when using evidence in the future process of proof.

To eliminate these problems, a specialist involved in criminal proceedings must have sufficient knowledge, skills, and experience in using modern technical means.

**KEYWORDS:** specialist, specialist opinion, technical means, information technologies, investigative practice, investigative action, evidence detection, evidence collection, evidence recording, information technologies.

**INTRODUCTION:** It is impossible to imagine the activities of a specialist in proving without special technical means. Because in the process of proving, it is impossible to achieve the goals of detecting, collecting, and recording evidence without the use of modern technical means. Technical means create the possibility of finding highly reliable and authentic evidence [1, P.35].

The technical means used by specialists in carrying out investigative actions can be classified according to their type and purpose of application. In particular, V.F. Vasyukov also classified the technical means used by specialists in performing investigative and other procedural actions as follows:

by type, technical means are divided into: - devices; tools and accessories; equipment and materials; complexes of scientific and technical means;

by purpose of use, they are divided into: means of detecting physical evidence (traces of crime and objects); means of recording; means of seizure [2, P.124]. This classification, in our opinion, is also appropriate. Because the technical means used are diverse, and they should be distinguished according to their purposes of use.

The main part of the technical means used by specialists when participating in investigative actions consists of means designed to detect physical evidence. The means of detecting traces of crime and objects include modern physico-chemical means that serve to detect invisible and barely visible traces.

In investigative practice, specialists of the Expert-Criminalistic Center of the Ministry of Internal Affairs working in this field use various technical forensic tools to search for and detect traces during investigative actions, in particular: special reflectors (Godox CBA-TB0006, Godox CBA-TB0001); equipment providing various lighting modes (Total thi013,

KHR Ubuy, MUR Ubuy, BDT Ubuy, SX-UL31LED); portable flashlights; portable LED lamps (for searching biological traces, blood traces, seminal fluid, fragments of bones and teeth, and other types of traces at the scene of the incident); light filters (Telesin CPL filter GoPro 9/10/11/12 and Telesin ND filter GoPro 9/10/11/12, as well as SmallRig 4217 Attachable 1/4 Effect Black Mist Filter 52mm); protective glasses (O11 Jupiter Blue Ray 5-3.1 PC and O37 Universal Titan 2-2 PL or RZ-15 START 2S-1,2 PS); liquids for enhancing papillary lines ("Liquid for enhancing papillary lines" liquid or spray for taking fingerprints, restoring papillary patterns in people with weak relief of papillary lines or exposed to aggressive environments, to prevent leaving ink or skin traces on the scanner glass); equipment for taking fingerprints; means for taking footprints and other traces (such as "Krimelast", "Iskatel", "Sledokop"); devices for removing dust traces; "Criminalist" mobile cyanoacrylate cameras (for detecting and recording hand traces on objects and obtaining hidden traces by fumigation with vapors, designed to obtain hidden traces on objects of various shapes and sizes from different materials) [3].

In particular, forensic specialists use the following in the technical and forensic support of evidence: optical magnification tools (Magnifying glass x3.5 with backlight Deli diameter D65); electronic-optical microscopes (Regula-4305, Violam R-11, PH05M, table magnifying glass with backlight (model DR86-C), pocket microscope PH50XPM, binocular microscope with built-in camera); luminoscopes (Filin, Filin LED HD, Filin GEO, Tagler LN-ZU Sova, Orion); ultraviolet illuminators; means for detecting additions, corrections, chemical treatments, washing of photographs, traces of re-gluing in document forgery (ultraviolet lamp).

To detect traces and objects at the scene of the incident, forensic specialists also use in investigative practice: magnetic metal detectors and lifters (MDREGION); portable X-ray and holography devices (Ularus); detectors, including counterfeit banknote detectors (DORS 1330).

According to criminal procedural legislation, the most commonly used means of recording evidence in investigative actions include means of photo or audio recording (dictaphones, video equipment, and cameras).

The means of recording traces of crime and objects used by forensic experts can also include measuring instruments (calipers, rulers, scale rulers, electronic scales) and means of graphic representation (rulers of various shapes, pencils, colored pens, erasers). Measuring tools allow for accurately determining and recording the exact dimensions and relative positions of traces of crime and other objects.

Specialists can use technical means for recording and seizing traces and objects either individually or in combination. Special complexes of scientific and technical means have been developed in the form of investigative suitcases (Criminalist, Suitcase crim-ka VK-7 or Dactoset), briefcases, and bags. Currently, sets of technical means for narrow directions are being developed, including: a set of search tools; a set of technical means for inspecting the scene of a traffic accident (tape measure, protractor for determining angles, laser, drill, various rulers); a set of technical means for inspecting the site of a fire (laser for measuring temperature, various types of shovels, sieves, magnetic detector); a set of technical means for inspecting explosive devices and explosion sites (sieves, various shovels, magnetic detector, metal detector); a set of technical means for working with micro-objects (various types of tweezers, brushes, sterile swabs and gauzes, syringe, gloves, scotch tape, 7x magnifying glass,

illuminators); a set of technical means for working with hand traces (brushes, magnetic and non-magnetic powders, dactyloscopic ink and roller); a set for document inspection (magnifying glass, UV illuminator, IR illuminator, Regula 4305, microscope) and others.

The level of equipment of specialists with technical means during investigative actions is increasing year by year. This can also be explained by the availability of mobile forensic laboratories. The use of a mobile forensic laboratory allows for conducting dactyloscopic, trasological, automotive, ballistic, and other types of research on-site. The cars where forensic laboratories are located are equipped with: projectors; various means for protecting the area of the incident site (cones, tapes); computer complex and programs; microscope; cyanoacrylate chamber; ninhydrin device; drone; refrigerator; gasoline generator; household appliances and electrical equipment.

In investigative practice, specialists use various digital photo, video, and audio equipment and computer technology of foreign production, which provide high quality recording and reliability of the results obtained.

In particular, digital photo (Nikon D850, Nikon D7500, SONY, CANON, MINI DV, Sony DCR-HC52), video (Sony FDR-AX700B, PANASONIC M-3000), and audio equipment (Cenix VR) are used to record information on disposable or reusable digital media. Computer equipment (laptops, computers) is used to transfer information from rewritable media to non-rewritable media and in some cases to ensure the process of printing images.

Thus, in the course of the study, it was found that in investigative practice, a specialist is often involved in the use of technical means in cases where the use of video or audio recording is required.

Video recording is mandatory for recording evidence during the inspection of the scene of particularly serious crimes, searches, verification of testimony at the scene, investigative experiments, detention of a person, refusal of a defender, personal search and seizure conducted during the detention of a person.

Honored Lawyer of Uzbekistan A.O. Sharafutdinov noted in his reflections that video recording is conducted by the person conducting the investigative action or by a specialist, and the direction of action, all established circumstances should be commented on by the head of the investigative-operational group or one of the group members [4, p.15].

In this regard, we can agree with the opinion of A.O. Sharafutdinov. Because the official conducting investigative actions should pay attention to certain aspects of investigative actions recorded on video. If a specialist is involved, they can be explained the circumstances that should be paid attention to.

It is advisable to invite forensic specialists to record videos of such investigative actions. Because the use of video recording during a search is a complex, often extremely contradictory investigative action that requires the investigator to concentrate all their strength, attention, and skill. In such conditions, it is difficult for the investigator to conduct video recording themselves and achieve good results.

The use of sound recording technology in investigative action does not present much difficulty and does not require constant monitoring by the user. Therefore, the investigator can use them independently in the process of conducting investigative action. In some situations, when it is not possible to involve a specialist, the investigator himself must have sufficient knowledge in the field of information technology for the legal and high-quality conduct of investigative actions [5, p.33].

Involving specialists in investigative actions to assist in detecting, recording, and seizing objects, documents, substances, and traces of crime, with the exception of some of the above-mentioned exceptions, is not a mandatory requirement of the law. However, in cases where the official carrying out the proof does not have sufficient knowledge and skills to detect, record, and formalize evidence, it is possible to ensure the quality of the investigation by involving specialists.

In particular, when investigating crimes in the field of information technology, the examination of digital information has its own specific complexities. In this case, of course, there is a need for the participation of a specialist [6, p.88].

B.B. Jumaev included the lack of qualified specialists in the field of digital technologies and insufficient qualifications of existing specialists among the main problems of investigative practice [7, p.89]. In this regard, we can agree with the opinion expressed by B.B. Jumaev.

In the process of proof, there are also certain problems related to the participation of a specialist, as well as the effective use of special technical means. For example, there are problems such as the lack of necessary technical means or insufficient skills of the specialist in the effective use of technical means, or the inability to find such a specialist. In general, the analysis of the results of the survey conducted during the study with the aim of a deeper study of the current situation related to the role of a specialist in proving in criminal proceedings, his legal status, identifying existing problems and finding optimal solutions for them, allows us to get an idea of the current situation in this area.

The survey involved 554 employees of judicial bodies, prosecutors, internal affairs bodies, the legal profession, and legal scholars. More than 81% of the survey participants were employees of investigative bodies. In addition, 26.5% of them have work experience from 5 to 10 years, 36.8% - more than 10 years. All survey participants gave a clear answer to the question of who is a specialist as a participant in criminal proceedings. In particular, they noted a doctor conducting an examination, an accountant or auditor conducting an audit, a psychologist, a teacher, and some even recognized an interpreter as a specialist. At the same time, they acknowledged that the uncertainty of the legal status of these participants causes certain problems [8].

To the question "What problems arise in connection with the participation of a specialist in criminal proceedings?", asked with the aim of identifying problems related to the participation of a specialist and finding their optimal solutions, the respondents answered as follows: 94.22% - "difficulty in finding a person with special knowledge"; 62.82% - "lack of knowledge of the specialist"; 81.05% - "difficulty in paying for the participation of a specialist"; 96.03% - "uncertainty of the procedural status of the specialist". In addition, to the question "Were there cases when the participation of a specialist was necessary, but he did not participate?" respondents answered: 46.21% - "happens often"; 25.81% - "sometimes did not participate"; 27.98% - "participated in all necessary cases". Also, to the question "What problems arose in the future use of evidence (information) obtained during actions involving a specialist?" respondents answered: 94.58% - "in obtaining and formalizing electronic information"; 67.33% - "related to ensuring the admissibility of evidence"; 98.74% - "related to the use of specialist opinion"; 9.03% - "related to the unsuitability of evidence obtained by the specialist". In particular, to the question "If it is necessary to improve the procedural status of a specialist, in which direction do you think this should be done?" respondents answered: 99.28% - "It is necessary to expand his rights"; 96.21% - "It should be clearly

indicated who can participate in the case as a specialist and what their tasks are"; 90.43% - "The duties of the specialist should be clearly defined"; 84.30% - "The payment for the specialist's participation in the case should be clearly defined". To the question "Is the work of a specialist in a structural unit subordinate to the body of inquiry or investigation a circumstance that prevents his participation in the case?" respondents answered: 7.94% - "Yes, in such cases he should be disqualified"; 91.88% - "No, in many cases specialists are employees of structures subordinate to the investigative body"; 89.53% - "Yes, this is indicated in the Criminal Procedure Code, but it is not observed". To the question "What procedure should be established so that the specialist's opinion can be used as evidence?" respondents answered: 94.77% - "It should be established that such a specialist works in units independent of the bodies of inquiry, investigation and court"; 95.67% - "The specialist's opinion should be defined as evidence equal in strength to the expert's conclusion"; 4.33% - "There is no need to establish such a procedure". In addition, to the question "Should a specialist have the right to refuse to perform his duties?" respondents answered: 93.68% - "Yes"; 6.2% - "No"; 91.34% - "Should have such a right in exceptional cases" [8]. As can be seen from the results of the survey, there are serious problems in the investigation of criminal cases related to ensuring the participation of a specialist, which are waiting for their solution.

**CONCLUSION:** Based on the results of the survey conducted during the study, it is advisable to reflect in the relevant resolution and regulation the following ideas "a specialist is paid for participation in the case and performance of his duties, except for cases when these duties are performed as part of an official assignment", "payment for work performed by a specialist is made in the amount specified in the contracts concluded between interested parties or in the regulation adopted by the Cabinet of Ministers".

### References:

1. Носиров У.М. Ҳодиса жойини кўздан кечириш: Ўқув амалий қўлланма/ Генерал-майор Ш.Т.Икрамовнинг умумий таҳририда. — Т.: Ўзбекистон Республикаси ИИВ Академияси, 2014. — 35 б.
2. Правовой статус и правовая регламентация участия специалиста в уголовном процессе: теоретические, процессуальные и организационные аспекты: монография / Е.А. Семенов, В.Ф. Васюков, А.Г. Волеводз; под редакцией А.Г. Волеводза. — Москва: МГИМО-Университет, 2020. — С., 124.
3. O'zbekiston Respublikasi IIVning "Ichki ishlar organlari ekspert-kriminalistika bo'linmalarini zamonaviy texnika, axborot-kommunikatsiya tizimlari va maxsus vositalar bilan ta'minlash me'yorlarini tasdiqlash to'g'risida"gi 2022-yil 27-aprel kunidagi 125-son buyrug'i.
4. Шарафутдинов А.О. Кўздан кечириш тергов ҳаракатини ўтказиш ва расмийлаштириш тартиби: Ўқув қўлланма. — Т.: Ўзбекистон Республикаси ИИВ Академияси, 2022. — 15 б.
5. Бутунбаев Т.Н. Ахборот технологиялари соҳасидаги жиноятларни тергов қилишда кўздан кечириш тергов ҳаракатини ўтказиш тартиби ва хусусиятлари: Ўқув амалий қўлланма. — Т.: Ўзбекистон Республикаси ИИВ Академияси, 2014. — 33 б.
6. Орипов С.С. Ахборот технологиялари соҳасидаги жиноятларни тергов қилиш хусусиятлари: Ҳуқуқий тадқиқотлар журнали. 2021. (6-сон). 88-б. ISSN 2181-9130, Doi

Journal 10.26739/2181-9130 URL:[https://api.scienceweb.uz/storage/publication\\_files](https://api.scienceweb.uz/storage/publication_files)  
(мурожаат қилинган сана: 15.03.2024).

7. Жумаев Б.Б. Кибержиноятларни тергов қилишда алоҳида эътибор қаратилиши лозим бўлган жиҳатлар: Eurasian journal of academic researchinnovative academy research support center. (3/2023) 89-бет. URL:<https://www.doi.org/10.5281/zenodo.8361888>

8. Huquqshunoslar o'rtasida o'tkazilgan so'rovnoma natijalari.

