



THE SIGNIFICANCE OF THE INVESTIGATIVE ACTION IN THE PROVISION PROCESS

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Abstract: This article analyzes the views and opinions of foreign and domestic scientists regarding the importance of the investigative action of interrogation in the process of proving, situations that should be paid attention to during the interrogation, and the features of its implementation. When planning, opinions are analyzed regarding the connection of the investigative action of interrogation with other investigative actions. As a result of the analysis, proposals were developed that reflect the features of this investigation.

Keywords: investigation, evidence, evidence, information, tactics, method, crime, communication, psychologist, conclusion, citizen, security, message, registration.

Interrogation is considered the most crucial means of obtaining evidence in the process of proof. There is a close relationship between the procedural order and tactics of conducting this investigative action, which allows for its proper execution and continuous improvement in quality. In addition to verbal communication during interrogation, non-verbal communication is also important, and its implementation is only possible based on an analysis of the psychology of this investigative action. After all, questioning is an action consisting of mental phenomena that occur in the process of obtaining and analyzing information relevant to the case from a person through communication.[1]

To achieve the goal of interrogation, it is important to properly organize the investigative action, more precisely, to choose the tactical method leading to the goal. As S.P. Jeltobryukhov states, achieving the goal of interrogation means that the investigator should exert a highly flexible influence on the interrogated person, taking into account all circumstances and conditions, in order to obtain reliable information about the case. In other words, the tactics of conducting this investigative action are determined primarily by the position taken by the interrogated person in relation to the investigated event and the situation arising during the interrogation - whether it is confrontational or non-confrontational. Depending on the specific situation, the investigator chooses appropriate tactical methods of interrogation.[2]

In turn, I.P. Ishchenko acknowledges that the tactical method of interrogation is "a category of criminalistics that is a scientifically sound recommendation used by the interrogator to achieve the tasks of interrogation by overcoming the 'obstacles' intentionally or unconsciously created, expected, or already existing by the person, through the provision of an acceptable psychological influence on this person." [3]

In this regard, L.V. Bertovsky's definition of interrogation tactics deserves attention, according to which "interrogation tactics is a system of the most rational methods and techniques based on the norms of criminal procedure, ensuring the obtaining of objective, complete, and reliable testimony." [4]

According to T.B. Mamatkulov, Sh.T. Djumanov, A.A. Tadjiev, and others, interrogation tactics are a set of the most effective methods that are proportional to the specifics of the criminal case, the personality of the interrogated person, and the conditions of interrogation.[5]

A simple analysis of this phrase shows that it is related to the concept of the word "tactics." Tactics is a set of tools and techniques used to achieve a set goal.[6] In turn, a tool refers to something that serves as a means for achieving a goal or performing a task, such as an instrument, measure, action, or method.[7] A method is a way of bringing something to light, implementing it; a manner, type, or order of action. The tactical method is the most active and effective action or approach chosen by the investigator to establish a relationship under certain conditions.[8] A method is a way of bringing something to the surface, a way of doing it; a way, type, order of action. The tactical method is the most active and effective action or method chosen by the investigator to establish a relationship under certain conditions.

Based on the foregoing, it can be concluded that the tactical method of interrogation is a course of action aimed at achieving the investigator's interrogation goals.

In this regard, we cannot agree with the definition of interrogation tactics put forward by I.P. Ishchenko. Firstly, interrogation tactics are not implemented solely through psychological influence. Secondly, tactics are not a scientifically sound recommendation, but a set of methods and techniques.

Regarding the definitions of L.V. Bertovsky, T.B. Mamatkulov, and others, we partially support the definitions provided by them, but cannot say that they are complete. Because L.V. Bertovsky, in his definition, indicated that the interrogation tactics should be based on the norms of the criminal process, but did not fully cover the system of methods and techniques that ensure the receipt of instructions. T.B. Mamatkulov and others focused only on the general aspects.

It is noteworthy that the above analysis leads us to conclude that the psychological foundations of interrogation are an integral part of interrogation tactics. Based on this, we believe it is advisable to focus on highlighting interrogation tactics.

The general rules of interrogation tactics are legality, activity, expediency, objectivity, completeness, and consideration of the questioner's personal characteristics, which are implemented at all stages of interrogation. The legality of the interrogation means that the interrogator strictly fulfills all procedural guarantees of its conduct. The procedure for conducting investigative actions, including interrogation, is determined by the Criminal Procedure Code of the Republic of Uzbekistan. The norms of the Criminal Procedure Code regulate the relationship between the investigator and the investigator with the participants in the criminal process. Indeed, the active measures taken by the investigator, based on compliance with the legislation on the disclosure of the crime, the disclosure of the perpetrators, and the clarification of all circumstances of the case, contribute to the formation of a firm belief among citizens in the expediency and impartiality of the preliminary investigation and criminal proceedings [9]. However, strict adherence to the requirements of procedural norms does not mean a complete guarantee of compliance with the law. In some cases, the law allows the investigator to make an alternative decision. Therefore, legitimacy, as N.I. Porubov said, should be understood as strict adherence not only to the law, but also to its meaning [10].

Activity is understood as the intensity of the interrogation, the superiority of the investigator's initiative in achieving objective results, the use of effective tactics that not only stimulate the intellectual activity of the interrogated person, but also force him to provide objective information. The activity of interrogation directly depends on the psychological qualities of the investigator, which ensure the creation of communicative connections, namely politeness, emotional stability, calmness, the ability to talk to people, the ability to correctly understand their situation, the ability to speak confidently and listen attentively. All of this makes the investigator an active participant in the investigative action, i.e., in obtaining new information about the investigated event and its participants, capable of conducting a conversation in a strictly defined direction without a passive recorder of the information provided by the interrogator.

Purposefulness involves conducting an investigative action with a predetermined and developed goal to obtain accurate information, rather than secondary information indirectly related to the subject of the interrogation. Purposefulness refers to the investigator's knowledge of the subject being questioned, their desire to achieve the goal, and their ability to implement tactics in a strictly defined direction. What questions and how does the investigator ask to get a certain result

know exactly what evidence should be presented in sequence, and when.

The impartiality of the interrogation is ensured by the impartial, impartial position of the investigator, the lack of interest in reducing the obtained testimony at will, changing their content in accordance with the participants' beliefs or ideas, actions about the investigated event. The investigator is also not entitled to receive testimony from the person being questioned in accordance with their position, as well as to ask guiding questions.[11]

The completeness of the interrogation lies in the fact that the investigator expresses the testimony of the interrogated person literally, in a way that is rich in the highest degree of detail (using other recording tools besides the interrogation protocol).

Interrogation tactics include preparation for interrogation; establishing psychological contact with the interrogated person; free narration; asking questions to the interrogated person; familiarizing the interrogated person with audio and (or) video recordings of the protocol and its testimony.

The success of the interrogation largely depends on its thorough preparation. Preparation for interrogation should be understood as a set of preliminary measures taken to ensure the effectiveness of interrogation and save the investigator's time. For the investigator, this begins not from the moment the interrogated person comes to his office, but from the moment he learns about the crime committed, the nature of the case, the identity of the interrogated person and the need to interrogate him.

Another key factor in the success of the interrogation depends on the investigator's choice of the right tactical method depending on the situation. For example, at the stage of preparation for interrogation, the tactical method of interrogation is used to identify the interrogated person, establish psychological contact with him, determine his attitude towards the subject of interrogation and the persons involved in the case, and finally choose the appropriate tactics. In the free narrative stage, it is used to obtain complete and objective evidence. At the stage of asking questions to the interlocutor, tactics are applied depending on whether the question is contradictory or non-contradictory.

If the question is uncontradictory, the tactical method is aimed at obtaining new evidence. On the contrary, in our opinion, tactical methods are classified according to what evidence the investigator has: 1) if there is evidence that fully discloses the suspect; 2) insufficient evidence; 3) if there are only suspicions based on concrete evidence.

According to N.P. Yablokov, all tactical methods of interrogation can be conditionally grouped into the following three groups of methods: the first, based on forensic therapy, is a soft, i.e., patient conversation on abstract topics, explanations, appeal to common sense, logical and legal analysis of the existing situation, etc.; the second, combines tactics characterized as intense continuous pressure, its main tactical tools are methods of exposing facts, demonstrating the possibilities of investigation; the third, the alternative use of the possibilities of the tac

A number of scientists who have conducted research on this matter have different opinions on what actions the interrogator's training includes in this process. Specifically, according to M.I. Yenikeev, preparation includes: 1) determining the circle of persons subject to interrogation, as well as making a decision to summon the person being interrogated first. It should be noted that often the person who has the most important information for the criminal case is interrogated first; 2) Determining the method of summoning a person for questioning. It can be called in writing, by telegram or telegram. After selecting the method, the questioner must be summoned; 3) Identification of the circle of interrogated persons and study of the materials of the criminal case. Also, determine the subject of the interrogation and the range of questions that need to be clarified; 4) Developing a mental model of interrogation, as well as determining the tactics of one's own actions and methods of interrogation based on forecasting the development of the situation during this investigative action; 5) drafting a questionnaire plan reflecting the tasks and questions to be clarified. In addition, the plan should include the start time of the interrogation and other important circumstances. The plan can be written in writing; 6) ensuring all necessary technical means and materials necessary for recording the progress and results of the interrogation, as well as for applying the collected information; 7) selection of normative documents, material evidence, materials and objects necessary for conducting the interrogation; 8) identification and preparation of the place of interrogation. For example, destruction of noise sources, removal of unauthorized persons from buildings, etc.; 9) ensuring the participation of the person to be interrogated in the interrogation [13].

In this regard, the views of O.V. Chelisheva are noteworthy, who conditionally divided interrogation into preparatory, preparatory, and final stages. In his opinion, the questioner should address the following tasks at the preparatory stage: 1. Determining the subject of the interrogation. Determining the subject of the upcoming interrogation requires studying and analyzing the case materials, identifying the circumstances from which information should be obtained during the interrogation. 2. To study the identity of the person being questioned; 3. Then, determine the circle of other participants who have the right to participate in the interrogation according to the law and take measures to ensure their participation in the interrogation (defender, teacher, legal representative, expert, translator); 4. Determining the place and time of interrogation; 5. Preparation of necessary case materials and material evidence for their tactical use during interrogation; 6. Determine the tactical need to use audio or video recording equipment to record the interrogation process; Creating a written

plan is one of the main forms of preparing for the interview. The plan should, as far as possible, comprehensively reflect the subject matter of the interrogation [14].

In turn, S.A. Sisoyeva, in contrast to the views of the aforementioned scholars, believes that the process of preparing for interrogation consists of the following 3 elements. According to him: 1) studying the case materials, analyzing evidence, identifying a number of issues that need to be clarified; 2) the study of the interrogator's personality and the choice of interrogation tactics; 3) creating the necessary conditions for a successful interrogation [15].

F.A. Abdumajidov and a number of other Uzbek scientists have their own views on this issue, according to which preparation for the interrogation includes the following:

- study of the criminal case;
- determining the attitudes of the witness towards the accused, the victim, and certain evidence in the case;
- setting out the questions to be asked during the interrogation;
- preparation of materials that become necessary during interrogation, documents that are material evidence;
- determination of the time and place of interrogation[16].

According to Sh.T. Djumanov, when preparing for interrogation, the investigator proposes the following actions: - to thoroughly study the materials of the criminal case and, based on the obtained information, determine or clarify the procedural position of the interrogated person; - to determine the subject of the interrogated person's testimony; - to study the socio-demographic data, psychological, psychophysiological qualities and state of the interrogated person; - to determine the circle of persons who should participate in the interrogation [17].

In our opinion, this is stated above by a number of scientists

all the opinions are valid, and the rules proposed by them allow us to understand that preparation for the interrogation is a very difficult process, requiring serious efforts from the interrogator. However, in the aforementioned proposals, we can see that the questioner does not specify which actions should be taken at the preparatory stage, which are tactical and which are organizational. Based on this, we propose separating the stage of preparation for the interrogative-investigative action based on its organizational and tactical aspects.

According to it, at the preparatory stage, the interrogator determines the place and time of the interrogation, which helps to organize the purposeful conduct of the investigative action, ensures the arrival of the interrogator of the investigative action, prepares the necessary technical means depending on the need to use audio or video recording equipment to record the interrogation process, and takes measures to ensure their participation in the interrogation, identifying the circle of other participants (defender, teacher, legal representative, expert, translator) who have the right to participate in the interrogation. In short, it creates the necessary conditions for a successful interrogation. Tactically, by identifying the subject of the interrogation and studying and analyzing the materials of the case, he identifies the circumstances that need to be clarified during the interrogation. They study the person to be interrogated and choose the tactics and strategy of interrogation, taking into account their personal characteristics.

Indeed, knowing the respondent's behavior in advance and using it will help them choose tactics that can lead to success. When choosing the interrogator's interrogation tactics, it is necessary to consider the intellectual, emotional, and volitional qualities of the

interrogated individual, as well as their moral level. Then prepares the necessary case materials and physical evidence for tactical use during interrogation. In this case, it is necessary to select the necessary materials and determine the best tactical sequence of their use during the interrogation. To ensure the security of important documents, it is necessary to prepare copies of them. After that, he formulates the questions to be asked to the interrogator.

Based on the opinions of the aforementioned scholars, an analysis of forensic literature and judicial and investigative practice, we propose the following perfect algorithm of tasks to be performed by the interrogator at the stage of preparation for interrogation:

1. By carefully studying the materials of the criminal case, first of all, determine the subject of the interrogation, the persons to be interrogated and the range of questions to be clarified, and determine who should be called in the first place for interrogation;
2. To study the socio-demographic data, psychological, psychophysiological qualities, and state of the person being interrogated.
3. Preparation of the necessary case materials and material evidence for their tactical use during interrogation, selection of interrogation tactics based on this and the above;
4. Determining the place and time of the interrogation;
5. Solving the issue of using technical means to record the progress and results of the survey;
6. If a lawyer, teacher, legal representative, expert, and translator are required to participate in the interrogation, take measures to ensure their participation in the interrogation;
7. Determining the method of summoning the interrogated person and other persons participating in the interrogation. Ensure that they are called after the method is chosen;
8. Compilation of an interrogation plan.

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