



INFORMATIONAL FEATURES OF CRIMINAL ACTIVITIES UNDER THE CONDITIONS OF FORENSIC INTERPRETATION

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Abstract: The article considers the thesis that information about a criminal act, in order to obtain the status of evidence, must be transformed by certain algorithms into a form accessible to its perception by participants in criminal proceedings. The author comes to the conclusion that it is necessary in the conditions of judicial translation to develop a system of tactical recommendations for the implementation of investigative actions aimed at minimizing the loss of evidentiary information.

Keywords: information, transformation of information, evidence, investigation of crimes, criminal proceedings, judicial translation, translator.

The concept of "forensic activity" is quite ambiguous in forensic science. Some forensic scientists deny the existence of such a phenomenon as criminalistic activity, while others, on the contrary, develop its theoretical foundations.

Among the first is Professor R.S. Belkin, who wrote: "There is and cannot be any "criminalistic activity" in the investigation process, in addition to criminal procedural, operational-investigative or administrative-legal activities..." [1, pp. 236-237].

The opposite position is held by Professor V.Ya. Koldin, who noted: "Meanwhile, the system of criminalistic activity as a special area of professional activity of state bodies, which has specific tasks, is not defined in the works of R.S. Belkin... We do not find the very concept of criminalistic activity, which dissolves into activities to combat crime, solve, investigate and prevent crimes... We state with all certainty that without the identification of criminalistic activity as an object of criminalistics and analysis of its structure, intra-system connections and patterns, i.e. without a praxeological analysis of criminalistic activity, there is no possibility at all to develop any methods and means optimizing this activity" [2, p. 14-15].

We also find the concept of criminalistic activity in the works of Professor N.P. Yablokov, who distinguishes criminal activity and criminalistic activity in the object of the science of criminalistics. N.P. Yablokov defines criminalistic activity as an activity for the investigation and disclosure of crimes, antagonistic to criminal activity and generated by it, carried out by criminalistic techniques, means and methods [3, p. 46].

For the purposes of our research, we will take as a basis the definition of criminalistic activity proposed by N.P. Yablokov.

Traditionally, the activity of investigating and solving crimes is considered in its specific aspect: how to work "with information about a crime and its participants – giving it the status of judicial evidence, collecting this evidence, their research, evaluation and use in order to prove the truth" [4, p. 37]. In other words, information about a criminal act within the framework of criminalistic activity must go through the following stages:

1. The stage of identifying information potentially of forensic significance;

2. The stage of procedural registration of the revealed information, its transfer to the status of material evidence;
3. Analysis and use of physical evidence to expose a criminal and make a decision on a criminal case.

Since criminalistically significant information can have a different nature, a different form of presentation and be contained on different media, for the purposes of its use in forensic activities, such information must be transformed into a form accessible to its perception by participants in criminal proceedings: the information must be expressed by linguistic means, and by means of the language of legal proceedings, after which it must be recorded in writing. A logical question immediately arises: who performs such decoding of criminally significant information? Since the subject of forensic activity is an investigator, it is logical to assume that it is he who decodes the information. However, this is not quite true.

We can distinguish 4 situations:

1. The information is decoded by the investigator. For example, when examining the scene of an incident, the investigator personally perceives the information picture of the event that took place, which is reflected in the protocol.
2. The information is decoded by professional assistants of the investigator (operatives, specialists, experts). For example, information about the causes of death is decoded by a forensic medical expert and provided to the investigator in a ready-made form.
3. Information in a recoded form is provided to the investigator by participants and eyewitnesses of the criminal act. In this case, the investigator is dealing with indirect information, which, for various reasons, will never exactly correspond to the information picture of the event that occurred.
4. If the participants and witnesses of a criminal act do not speak the language of legal proceedings, the information provided by them will be subjected to secondary recoding as a result of involving an interpreter in investigative actions.

Upon careful consideration of the above situations, it can be noted that the 1st, 2nd and 3rd situations were the subject of consideration by criminologists: the features of recoding information in the 1st situation are considered within the framework of forensic technology, the features of recoding information in the 2nd situation - within the theory of operational investigative activities and forensic examination, the features of recoding information in The 3rd situation is within the framework of legal psychology.

However, the features of transcoding information in the 4th situation, which we propose to call the situation of mediated communication, have not received proper coverage in legal science to date. Despite the fact that there are quite a large number of works devoted to the procedural status of the translator, the information features of investigative actions involving the translator are not considered in them.

Let's consider the informational interaction of the investigator, the witness and the interpreter on the example of such an investigative action as an interrogation. At first glance, it may seem that during the interrogation with the participation of an interpreter, information is transformed twice: the first time – when the translator recodes the investigator's message to the interrogated, the second time – when the translator recodes the interrogated's message to the investigator.

In fact, everything is much more complicated. As E.V. Breus points out, the translation process is a multidimensional phenomenon in which not only linguistic forms are compared, but also



the linguistic vision of the world and the situation of communication, along with a wide range of non-linguistic factors determined by the general concept of culture [5, p. 5].

In relation to the interrogation situation, the information is transformed as follows:

1. Generation of the information message by the investigator and its perception by the translator.
2. Generation of the message by the translator and its perception by the interrogated person.
3. Generation of the information message by the interrogated person and its perception by the translator.
4. Generation of the message by the translator and its perception by the investigator.

The participation of an interpreter, designed to ensure the communication of the investigator with the interrogated person, translates the information interaction of the investigator with the interrogated person to a different level, qualitatively different from traditional interrogation, when its participants communicate in the same language.

Indeed, the control information generated by the investigator comes to the interrogated person, on the one hand, in a transformed form, on the other – it comes formalized within a different non-linguistic situation. In turn, the information generated by the interrogated person comes to the investigator in a transformed form with the loss of the non-linguistic situation. Moreover, the communicative situations "translator – interrogated" and "interrogated – translator" are not controlled by the investigator.

If we use an approach borrowed from the field of mathematical modeling and define interrogation as an investigative action that is a controlled nonlinear process used by the person conducting the investigation to obtain evidentiary and orienting information from a nonlinear subject, then the participation of an interpreter is a non-linear interference in the interaction of the investigator and the interrogated.

The process of information transformation in the translation process inevitably leads to the loss of part of the information contained in the original message. And in relation to the criminal procedure sphere, translation (as a means of conveying meaning in one language by means of another language) always leads to the loss of part of the evidentiary information. In this regard, the task of the subject of forensic activity should be aimed at minimizing such a loss.

To minimize such losses, it is necessary to develop a system of tactical recommendations for the implementation of investigative actions in conditions of indirect communication.

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