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Sufficiency Of Evidence - Significant Factor In The Institute Of Evidence Assessment

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ABSTRACT

The sufficiency of evidence implies not quantitative but qualitative assessment. The definition of sufficiency is when the conditions defining a criminal incident are closely related to the actual facts. The body of evidence in a criminal case represents the nature of their sufficiency. According to the requirements of criminal procedure law the sufficiency of evidence is an important aspect in making procedural decisions.

KEYWORDS

Sufficiency of evidence, assessment of evidence, impartiality, legality, constitutional norm, admissibility of evidence, credibility, thoroughness, defendant, examination of evidence, conviction, relevance of evidence, actual facts, body of evidence.

INTRODUCTION

In criminal proceedings, it is critical to appropriately handle the issue of evidence sufficiency. The analysis of this topic in the institute of assessing evidence on the basis of the principles of legality and impartiality will serve as a foundation for making the right decision in the future. It is crucial to first comprehend the notion and content of

evidence before understanding the nature of evidence sufficiency. Evidence is a set of facts that emerge in the human mind as a result of external stimuli, and is determined by the subject of evaluation of the evidence and reflects the principles of truth of other participants.

The evidence must contain factual information relevant to the criminal case; it must be obtained from sources established by criminal procedure legislation; it must be based on information about all of the circumstances that are important for the correct and lawful resolution of the criminal case; and it must be based on data collected on the basis of the reliability of the inspection results.

LITERATURE REVIEW

The criteria of truth and credibility, according to B.A.Azizkhodjaev, are critical in assuring the sufficiency of evidence [1]. A feature of the sufficiency of evidence is the ability to draw trustworthy conclusions based on the totality of evidence and to make a truthful decision in a criminal case [2]. B.A.Saidov states that pre-trial proceedings based on constitutional rules are a criterion for the sufficiency of the evidence acquired by the parties [3]. According to N.V.Saveleva the sufficiency of evidence is a quantitative indicator of the evidence required to resolve a case [4].

One of the most significant steps in the examination of evidence is determining the sufficiency of all evidence in a criminal case that is the topic of the evaluation. The question of whether the evidence in a criminal case is acceptable or not, its credibility and relevance may be resolved positively, but the question of the sufficiency of the evidence may not be settled. In this regard the subject of acquiring evidence comes up again.

The nature of their sufficiency is represented by the body of evidence on the case. The definition of sufficiency is when the conditions defining a criminal incident are closely related to the actual facts.

In order to properly understand what evidence is available in the pre-trial and trial stages of criminal proceedings, E.B.Bryanskaya established the practice of systematizing the collected data, the correct use of concepts and terms, the diversity of scientific, practical, and legal language, and the importance of scientific classification of evidence in criminal proceedings [5]. Before the last step of the evidence evaluation, determining the sufficiency of factual information for a decision in a criminal case is a separate issue. According to B.A.Saidov, the decision to charge someone as a defendant should be made only when enough evidence has been acquired in the case [6]. The evidence acquired may be relevant to the case, and the substance may be trustworthy and acceptable, yet it may not be enough to complete the proving process.

The court's internal confidence will be used to determine whether or not the evidence is insufficient. It would be incorrect to equate them with flaws in the examination or assessment of evidence. Despite the fact that the original investigation and trial were handled completely and impartially, it is unlikely that it will result in convincing conclusions.

According to Article 493 of the Code of Criminal Procedure, if the evidence examined by the court of first instance is insufficient for recognizing the defendant guilty and the possibilities to collect new evidence have been exhausted, the court shall reverse the sentence of conviction and dismiss the criminal case. In this respect, the sufficiency of the evidence is not related to the fact that the circumstances of the case have been thoroughly, completely and objectively examined, this rule is consistent with the

conclusion that the evidence is insufficient only in some cases.

DISCUSSION OF THE FINDINGS

The criminal procedure statute does not define the idea of “sufficiency of evidence”, nor does it indicate how much evidence is required to determine a criminal case or any of the conditions that must be met. This is correct since it is obvious that the amount of evidence required for each case would differ. Many legal criteria, on the other hand, stipulate that the sufficiency of evidence is the foundation for procedural determinations. If there is any dispute about the adequacy of the evidence of the accused's and defendant's guilt, or the admissibility of the evidence, the charge shall be deemed not to have been proved [7].

In accordance with the Article 22 of the Code of Criminal procedure, all circumstances subject to proof shall undergo thorough, comprehensive, full, and impartial examination. This norm also indicates that all the evidence collected on the case should be evaluated to determine whether they are sufficient for the case, or not. Ignoring any of the evidence obtained and making a decision based solely on individual evidence rather than a body of evidence, leads to negative consequences such as the issuance of illegal, unsubstantiated documents and a one-sided assessment of the case.

It should be remembered that the body of evidence that needs to be evaluated may include unreliable evidence as well. It's impossible to say which of them is trustworthy or not until all of the evidence has been thoroughly examined. The verdict must therefore indicate, in addition to the credible

evidence presented by the judges, the evidence found to be unreliable in the case and the reasons for the rejection of that evidence. In doing so, the court substantiates its assessment and conclusions. The court should answer the question of "Is this evidence sufficient to prove any case in the case?", while evaluating the body of evidence. As a result, the sufficiency of the evidence is a direct result of the evaluation of body of evidence.

The following factors are taken into account when reaching decision about the sufficiency of evidence: the body of evidence and the decisions made on their basis at what stage of the process; the scope of the circumstances that serve as the actual basis for the decision, its objectives.

In this regard, it is incorrect to state that the evidence evaluation in the preliminary investigation is just preliminary, and that the verdict at the trial stage is only final. Even at the initial investigation stage, the evidence can be evaluated in the same way as in the trial. The evaluation of the evidence in the termination of the criminal case in the preliminary investigation will be final, according to Article 373 of the Code of Criminal Procedure. As a result, the character of the evidence review is decided not by the steps in the process, but by the completion or continuation of the case-proving process.

Because the proving process is still ongoing and not every piece of evidence has been fully established, the fact that a body of evidence is sufficient to make a procedural decision does not entail that only evidence of reliability has been included in this body of evidence. For example, in order for a subject of evidence evaluation to involve a person in a criminal case

as a defendant, he must have grounds and sufficient evidence to make a decision in this regard (Article 361, Code of Criminal Procedure). However, the investigation will not be completed during this period, and the validity of the evidence will continue to be verified, so it is not possible to require the investigator to determine the credibility of each piece of evidence at this time. At the same time, in many cases, the investigator determines a sufficient body of evidence of a crime at the time of bringing a person to trial as a defendant. Although the charge (size, qualification of the charge) may change in the future, the investigator must at this time make sure that the crime actually took place, that it was committed by the accused, that all evidence was collected, examined and evaluated in accordance with the law.

Other standards are imposed by the law and jurisprudence when making decisions that end criminal proceedings. Evidence that was regarded credible in the review of the evidence, as well as evidence that was not evaluated owing to unreliability, must be included in these determinations. The problem of sufficiency of evidence is not adequately answered since the entire body of evidence acquired by the court is not evaluated, and this situation leads to a violation of the requirements of Article 22 of the CPC.

It is possible that the court's judgment of the body of evidence as sufficient prior to the completion of the trial, i.e. prior to the end of the trial, may lead to deviations from the accusation in court proceedings.

Evidence that the investigator considers credible may be judged differently after being examined in court. The court, on the other

hand, has the authority to analyze the entire body of evidence offered by the investigator in the indictment or the prosecutor's indictment in a different way.

The sufficiency of the evidence is that it is evaluated qualitatively, not quantitatively. Only solid evidence should be used to reach a decision, which means that all versions (hypotheses) of the case should be reviewed, contradictions eliminated, and the case evaluated. The credibility and completeness of a body of evidence and a system are considered while evaluating their sufficiency. A body of evidence is sufficient if it objectively and thoroughly reflects all of the circumstances surrounding the case's subject matter. The credibility of a body of evidence, on the other hand, is the confirmation of each case in a case by several pieces of evidence, which protects the judiciary from various errors.

CONCLUSION

The sufficiency of evidence can be described as follows after considering all of the preceding viewpoints and considerations: A body of credible, reasonable, and relevant facts that serve as a foundation for the proper settlement of a criminal case and determine the boundaries of evidence is referred to as sufficiency of evidence.

REFERENCES

1. Azizkhodjaev B.A. Assessment of evidence in criminal proceedings. - T.: Uzbekistan, 1995. - p. 21-32.
2. Inomjonov Sh.H. Problems of evidence theory. Educational manual / edited by

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- Prof. G.A.Abdumajidov, DSc - T.: 2006. - p. 25.
3. Saidov B.A. Improving the constitutional rights and freedoms of the individual in pre-trial proceedings: Abstract of doctoral dissertation. - Tashkent, 2020. - p. 43.
 4. Savelyeva N.V. Problems of evidence and proof in criminal proceedings: Educational manual // - Krasnodar: KubSAU, 2019. - p. 39.
 5. Bryanskaya E.V. Concept and types of evidence in criminal proceedings // Siberian legal bulletin. No. 4 (63). 2013. p. 86-92.
 6. Saidov B.A. Improving the constitutional rights and freedoms of the individual in pre-trial proceedings: Abstract of doctoral dissertation. - Tashkent, 2020. - p. 104.
 7. Saidov B.A. Improving the constitutional rights and freedoms of the individual in pre-trial proceedings: Abstract of doctoral dissertation. - Tashkent, 2020. - p. 59.