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The Ways Of Improvement Of Activity Of Experts And Research Of Objects Of Expertise On Criminal Cases.

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ABSTRACT

The article deals with the development of the institution of expertise, improving the activities of experts. And also the issues of improving the criminal procedural legislation related to the institution of expertise are being considered.

KEYWORDS

Expertise, Code Of Criminal Procedure, The Expert, The Purpose Of The Examination, Examination, Expert, Expertise.

INTRODUCTION

Objects and the issues resolved by expertise.

The object of expertise is a comprehensive element, and it has important theoretical and practical values. Objects of expertise identifies of types of expertise is an important aspect and helps for the successful end of research. For permission of questions raised before the

expert an important element is definitions of object of research.

If to turn attention to the Uzbek explanatory dictionary "object" from Latin "objectum" – designates "thing", "activity of the person

directed regarding".¹ It to mean that, object is the directed things for research.

Feature of object of expertise in that that it is provided by persons appointing expertise.

For definition of object of expertise between scientists still there are disputes. If some scientists think that the expert it is necessary to send all materials of criminal case for research and it is object of research, and some are sure that it is necessary to send only the most necessary, key objects for research which could help achievement of the necessary result.

The transferred data the expert can be divided into 3 categories:

- a) Material materials, location of images, withdrawal method;
- b) Initial data which purpose of expertise was a basis for the resolution;
- c) Main materials of research. It to mean that all information is object of expertise but only which can give information about a crime or for identification break a situation.

In the course of an assessment of the carried-out expertise it is necessary to turn attention to a source, reliability of information, to method research.

From this communication it is necessary to distinguish "an expertise subject" from "object of expertise". In scientific literatures is said that the object is communication of established facts with a studied situation. For example, if an object of research is the knife, object is the cold weapon. It means that the subject is concretes a thing which were granting for research, and the object is group to which the subject belongs.²

Except of it the thing can be a subject concrete and its process of identification and diagnostics is object of studying.³

The subject research which is material evidence can beat object of several expert directions.

For example, the document can be object of research and accounting expertise and expertise of manuscripts.

Relying on fistula told it is possible to draw a conclusion that the subject is a thing which to belong to a crime and information on a concrete situation and object is methods and specifics its research.

Except of its object of expertise can be not only materiality and a spiritual state.

For disclosure of essence of expertise, it is important classification of objects of expertise. Classification of objects can be divided on theoretical and practical, classification of objects there is a speech in the first case about classification of concepts, of the second.

¹ Узбекский толковый словарь / под редакцией А.Мадвалиева. Т.2. – Ташкент: “Национальная энциклопедия Узбекистана ” Государственная научная редакция, 2006. – С.77.

² Аверьянова Т.В. Интеграция и дифференциация научных знаний как источники и основы новых

методов судебной экспертизы. – М.: Академия МВД России, 1994. – С.85.

³ Кирсанов З.И. Функции эксперта и специалиста в установлении обстоятельств уголовного дела // Информационный бюллетень Академия управления МВД России. – Москва, 1998. – № 6. – С.5.

In legal literatures objects of expertise, it is classified on some groups. For example, D.Ya.Mirsky divides classification of objects of expertise on the 2nd the basis:⁴

- 1) On procedural (proof) nature;
- 2) By the nature of things. T.P. Averyanova of objects of expertise classifies on identifying and identified.⁵

Except above stated objects of expertise, it is possible to classify on 3 groups: the main object (proofs connected with a crime event), comparative materials (samples for comparative research), materials giving information (procedural documents, protocols).

The known criminalist R. S. Belkin considers that the object of expertise is shared on concrete and uniform.⁶ In other sources the object is shared into the general, uniform and concrete.⁷

M.N. Rostov adds on above stated I will give out objects and direct object.⁸

From above stated opinions it is possible to draw a conclusion that objects of expertise share on 4 looks:

- 1) The general object – all witnesses and information source.
- 2) Uniform object – witnesses about group of objects.
- 3) Concrete object – information about a concrete, one crime.

- 4) Direct object – information about is frequent object. It follows from a question put before the expert.

Except of it one object of research can be object for studying of several types of expertise. For example, which letter found on a crime scene it can be used as object of criminalistics studying of the document or as object of dactyloscopy expertise.

Objects of expertise share still procedural to a form on some groups. In the first group belong objects of the procedural nature. These objects the second object by the ware nature which is withdrawn about a crime scene is studied and estimated in the course of preliminary investigation and the court.

Criminal procedural the code in article 175 it is devoted to objects of expertise. Material evidences, samples for expert research, other material objects, corpses and their parts, documents, and also case papers on which expertise is carried out can be objects of research. Expert researches are conducted also concerning the live person.

By production of expertise objects of research (except the live person) can be damaged or spent only in that measure in what it is necessary for carrying out expert research. Thus, it is necessary to get the written permission of the body (face) which has appointed expertise, for partial damage or an expenditure of object of research, except for

⁴ Мирский Д.Я. Некоторые теоретические вопросы классификации объектов судебной экспертизы, их свойства и признаки // Сборник научных трудов. – М.: ВНИИСЭ, 1986. – С.55.

⁵ Аверьянова Т.В., Белкин Р.С., Корухов Ю.Г., Россинская Е.Р. Криминалистика: Учебник для вузов / Под. ред. Р.С. Белкина. – М.: НОРМА, 2002. – С. 90.

⁶ Белкин Р.С. Курс криминалистики. – М.: Норма, 1997. Т.3. – С. 67.

⁷ Аверьянова Т.В. Статуса В.Ф. Эксперт. Руководство для экспертов органов внутренних дел. – М.: НОРМА, 2003. – С. 307.

⁸ Ростов М.Н. О содержании понятий, обозначаемы терминами «объект (экспертизы, экспертного исследования)», «качество», «свойство» и «признак» // Методология судебной экспертизы. Сб. науч. статей. – М.: ВНИИСЭ, 1986. – С. 42.

cases when features of the appointed expertise assume damage (damage) or object expenditure.

Damage or expenditure of objects of the research, made with the written permission of the body (face) which has appointed expertise, or connected with features of the appointed expertise, doesn't involve compensation of damage to the owner of these objects the public judicial and expert institution, other enterprise, establishment, the organization or the expert.

Objects of research if their dimensions and properties allow, have to be transferred to the expert in the packed and sealed look.

At impossibility of delivery of object of research to a place of work of the expert the body (face) which has appointed expertise, provides it easy access to this object and possibility of its research.

Objects of research are stored in the public judicial and expert institutions, bodies of inquiry, preliminary investigation, prosecutor's office and vessels by rules of storage of material evidences.

After completion of expertise objects of research if they are spent not completely, come back to the body (face) which has appointed expertise.

On procedural aspects objects of expertise share on the following types:

- 1) Objects which were found by means of activity of experts (in the course of dactyloscopy, tassology, ballistic research);

- 2) Documents relating to criminal case (at judicial and accounting, fire and technical, construction expertise);
- 3) Proofs revealed when checking live persons (it is judicial - medical, forensic-psychiatric, judicial and psychological expertise). It is possible to bring the suspects accused in group of these persons, the victim, witnesses;
- 4) Objects which have no procedural status, this object it is possible to bring corpses, an event place.

Research includes the main group of objects persons, animals, subjects, materials and traces of crime.

Based on above stated information we will consider the most main objects of expert research:⁹

- 1) Watch are the traces left into place a crime and being the basic I will give out proofs. They share on the following objects:
 - Prints of hands – to them it is possible to bring traces of fingers of hands and a palm. By means of these traces it is possible to find out a sex, age, group bloodы the criminal. Today prints of hands are the main means of identification and identification of the criminal. Fingerprints can remain on a surface till 10 years. They can be identified rare at 4000 by number to a heat;¹⁰
 - Traces of feet – they are called as "habitual" traces because on importance they stand on more exactly from research of prints of hands. It is possible to determine

⁹ Отахўжаев С.А. Эксперт хулосасининг далилий аҳамияти // Эксперт хулосаларининг далилий моҳияти: Республика идоралараро илмий-амалий конференция материаллари. – Тошкент, 2010. – Б. 3.

¹⁰ Пайзуллаев Қ.П. Зўрлик ишлатиб содир этиладиган жиноятлар. Ўқув қўлланма. – Тошкент: ТДЮИ, 2009. – Б. 71.

growth, a floor, style by a trace of feet gait, knowledge of the criminal of an event place;

- Traces of nails and teeth – in certain cases about a crime scene there is traces of teeth left in cigarettes, products a food, on a body of the person. These traces are made by 5% from total amount of traces. They are withdrawn, is measured, identified. If there is a database in a form jaws and teeth of people that the trace is identified. Sometimes address to experts – stomatology personals for information.

And from traces of nails, it is possible to take information about pressure and about quantities and length of nails;

- Other traces – about a crime scene can be found still traces of lips, clothes, elbows. They aren't the main objects research, but their withdrawals can give additional information about a crime.

2) Liquids and biological allocations – they too in the we say lies share on some types:

- Shelter – watch blood it is the most important element which can give information on the criminal. These traces generally remain in crimes connected with violence. 60% of cases murders by objects of a crime to serve the shelter of the person. These traces can beat and in micro forms. Their stays can be accompanied with some difficulties because light of blood can be adopted to color of a surface. Traces blood it is possible will reveal by means of different beams, for example, an ultraviolet;
- Sperm – in sexual crimes to form for information the basis sperm

traces. These traces can remain on a body of the victim and in it clothes. These traces are object is judicial – biological expertise;

- Saliva – today these traces are very important component of research of objects of a crime. From their help it is possible to reveal a floor, diseases, group крови the criminal;
 - Hair – if to mean that from the person in day falls to 100 hair and it is possible to define a sex, age by the found hair, diseases of the criminal.
- 3) Micro objects – to them can be brought: elements of glass, metal, soil.
 - 4) Corpse – a corpse is investigated by a forensic medical expertise. This expertise gives information on time, a way and about the crime tool.
 - 5) Documents – it is generally used in economic crimes, at falsification documents, money.
 - 6) The person – its mental or a physical state. Here defined possibilities of the criminal person in committing crimes.

In summary it is possible to say that the object is an important element of research of crime.

Legal expert status and issues of development relations with actors in the process.

Expert status in the conduct of criminal cases up to the present stage of development has a number of changes. In current history our State has been appointed a legal expert status. Under the present legislation, as expert can be convened any physical person who has special knowledge of the science, technology, culture or the skill to give a conclusion. As we became witnesses in the legislation in a designation of concept of the expert the main attention is given in possession in different areas of

knowledge of the person.¹¹ It is necessary to examine closely concepts of persons who have special knowledge. The use of special knowledge enters to the authority of the persons who have the special Legal status, that is, experts. Although the Court or the investigator may not take into account expert opinion, but they are not personally giving expert conclusion. It means, persons with special knowledge are subject of the expertise. Naturally, the Court or the investigator must ensure that the person appointed as an expert really possesses special knowledge. Because the current scientific and technological advanced society must carefully assess the knowledge of subject of the expertise.¹² Possession of knowledge in the certain area needs to be distinguished subjective knowledge. In evaluating the conclusions of the expert, it should be complied objectivity¹³. Evaluating by court or the inspector of knowledge of the expert has official value. The diploma, the certificate confirms competence of the expert of the certain area.¹⁴

In the legal literature are given different designations. In particular, T.V. Averyanova believes expert is having respective rights and obligations of the

criminal procedure law, an expert on art or craft.

Y.K. Orlov believes expert this is a physical person who has the necessary expertise to carry out the Expertise, for the purpose of the work of a number of rights and responsibilities. For the expertise it has a procedural freedom and independence, gives conclusions on career paths, and bears the responsibility.¹⁵

D.A. Kharchenko writes about it: the expert is a person who has special knowledge, according to the criminal procedure law of the specific images conducts expertise and gives conclusion.¹⁶

The above views are so referred to the notion of an expert. As an expert you can involve people with expertise, has a special legal status for the issue of detention, conforming to the requirements of the code.

The definitions of the term expert, we think we do not need to use the word specialist. Because in this case can be expert confuse with the other parties to the process.

It is appropriate to define the concept of specialist and expert. As Belkin considers specialist is a person appointed by the judge or

¹¹ Yu.K. eagles use of special knowledge in criminal legal proceedings: Manual. Vyp. 1 . – M.: MGYuA, 2004. – Page 8.

¹² Korenevsky Yu.V. Kriminalistika for judicial expertise. – M.: Yurid. litas, 2001. – Page 171-176.

¹³ Shepel V. N. Expertise in court on criminal cases in the light of the new legislation and prospects of its development: Avtoref. yew. ... edging. юрид. sciences. – M.: RGB, 2003. – Page 12.

¹⁴ Snetkov V.A. Activities of expert and criminalistic divisions of law-enforcement bodies for application of expert and criminalistic methods and means in

disclosure and investigation of crimes: Manual. – M.: EKTs Ministry of Internal Affairs of Russia, 1996. – Page 16. ; Zinin A.M. The criminalist in investigative actions: educational and practical grant. – M.: Right and law, 2004. – Page 11-12.

¹⁵ Yu.K. eagles the expert opinion and its assessment on criminal cases: Manual. – M.: Lawyer, 1995. – Page 5.

¹⁶ Harchenko D. A. Judicial expertise in the Russian criminal legal proceedings: Avtoref. yew. ... edging. юрид. sciences. – Irkutsk: East - the Siberian Ince. 2006. – Page 18.

magistrate for the collection, verification, assessment of the facts and to help to use them. Specialist has knowledge on certain areas.¹⁷

As T.V. Averyanov considers the conclusion of the specialist it is possible to be based the conclusion of the expert. But it does not mean that the expert will estimate the conclusion of the expert. Not the assessment of the facts, and check of the facts here means.¹⁸

A.V. Kudravceva believes that the specialist and expert can distinguish between the procedural provisions in the introductions of criminal cases. We need to distinguish between the level of address in the criminal process.¹⁹ As the author writes, the expert, in expertise uses the facts provided by the Court or by the investigator and render an opinion. The expert in the activity gives the opinion. But this opinion is based not for expertise. It based to the logical conclusions. In this basic attention is given situations on criminal case and knowledge of the expert.

According to A.V.Kudryavtseva specialist may be involved in the process where he can solve question by experience and knowledge? without involving complex technologies and laboratory calculations. Expertise shall be ordered when it is necessary to use special developed methods, laboratory equipment, complex calculations, special know ledges.²⁰

V.M. Bykov is considered that the technician is to be limited only by objects, Documents, glove evidence.²¹ He uses his special knowledge is not for the researches. He uses his knowledge and experience for the evaluation provided objects. Y.I. Goryanov considers the need for an authority to a specialist to give opinions on the case. He therefore proposes to amend the new view evidence in the criminal process.²² But it is impossible to agree with him. Because the difference between a specialist and expert it is in this. The technician gives its opinion in a criminal case figuratively.²³

In conclusion we can say that while the work of a specialist visually similar to the work of an expert, but they are distinguished by many

¹⁷ Belkin R. S. Kriminalistika. Short encyclopedia. – M.: Bol. I grew. энциклоп. 1993. – Page 80.

¹⁸ Averyanova T.V. Contents and characteristic of methods judicial экспертов issledovakniya. – M.: NORM, 1994. – Page 175.

¹⁹ Kudryavtseva A.V. The conclusion and indications of the expert as a type of proofs in criminal trial of Russia//Actual problems of the theory and practice of criminal legal proceedings and criminalistics: Сб. articles конф. – M.: Academy of management of the Ministry of Internal Affairs of Russia, 2004. – Page 55.

²⁰ Kudryavtseva A.V. The conclusion and indications of the expert as a type of proofs in criminal trial of Russia//Actual problems of the theory and practice of criminal legal proceedings and criminalistics: Сб. articles конф. – M.: Academy of management of the

Ministry of Internal Affairs of Russia, 2004. – Page 56.

²¹ V. M. bulls the conclusion and the indication of the expert as a new type of proofs//Materials of the 2nd All-Russian scientific and practical conference on criminalistics and judicial expertise – M.: EKTs Ministry of Internal Affairs of Russia, 2004. – Page 75.

²² Goryanov I.I. Judicial expertise in modern criminal legal proceedings: legal regulation and law-enforcement practice: Avtoref. yew. ... edging. юрид. sciences. – M.: RGB, 2006. – Page 55.

²³ Bishmanov B. M. Ekspert and the expert in criminal legal proceedings. – M.: Mosk. psikhologo-social institute, 2003. – Page 38.

features. First the expert opinion will be in the form of a Council and it reinforces the view of an investigator. Sometimes investigators also have knowledge of an expert. Expertise requires expertise in the case. Secondly, unlike the specialist expert on conducting a study. It only deals with the definition, collection and reinforcement of the facts. The expert draws the conclusion on research and bears the responsibility on it. In the third if to be excited criminal case on the conclusion of the expert the expert bears the responsibility on it, and in case of the specialist of the responsibility the inspector carries. Because the opinion of the expert serves as advice for the inspector. It should be noted that the expert personally answers the questions of the members of the Court in the judicial process. This means the expert's opinion is based only on the results of the research.

In literature, the experts are divided into the following categories

1. Members of the State Court.
2. The staff of the non-State judicial expertise.
3. The staff of the non-expert institution.
4. The person concerned by a decision of the Court or the investigator.²⁴

According to 10-article of the law «About judicial expertise» As the judicial expert can participate state judicial experts, employees of others of the organization or physical bodies.²⁵

The current time as a court expert could participate the state judicial experts, staff of other organizations or individuals. Here we would expand the rights and the responsibilities of an expert. The rights and

obligations of Experts backed up by in-article 68 of the "criminal procedure code". The expert has the following rights. See working materials on the subject of the expertise, the expertise request necessary materials, participate in criminal proceedings, to ask questions in the judicial process. Consider getting the evidence to conclude not only of subject expertise, but also to other matters related to the case.

In addition to this article, you can add the right to reimbursement of the costs and an expert in Where necessary, to carry out studies in the participation of a judge, investigator, prosecutor the accused and the victim.

The expert is the following: The available in mind 76 and 78 article situations to provide a withdrawal, to conduct a test provided by objects completely, to make the conclusion on the issues raised. At the invitation of an investigator, the judges and the prosecutor to appear in the judicial process, to testify to a survey conducted by the exploration, ask questions to the expert expertise, not to declare answers expertise, to ensure the safety material provided, to comply with the rules the judicial process. The same responsibilities in the expert are not to extend artificially of expertise and to apply expert opinion in the right of the organization. If the expert is not justifiable reasons would not with the judicial process, it can be applied to law. The expert is drawn from criminal responsibility If he will be able to incorrect conclusions, proclaim replies without the knowledge the prosecutor, if he fails to reach a conclusion.

²⁴ Zinin A.M. Omelyanyuk G.G., Pakhomov A.V. introduction in judicial expertise. – M.: MPSI, 2002. – Page 18.

²⁵ Суд экспертизаси тўғрисидаги қонун. Халқ сўзи, № 108 (5023). 2010 йил 2 июнь. – Б. 3-4.

We believe that the current 3-part 68-article must be a 4-part, As the 3-part to contribute to the following proposal, that is actions permitted to expert.

Expert: without the permission of the judge, Prosecutor, investigator and collection of information for the expertise; Without the written permission of the investigator or the Court is not allowed to study objects sent for study. The purpose of this part of the above two situations are not rights or duties, they are prohibited. The introduction of the legislation is to improve standards.²⁶ Emerging 4-part 68-articles we offer change into 5-part and add the word 'statement' after the words 'intentionally incorrect conclusion».

In this case the 68-article takes the following form:

68-article: the right and duty of expert(Fourth part) Expert for an intentionally incorrect conclusion or statement for the proclamation without the permission of the investigator or Prosecutor, materials of the criminal case, and work the same for filing or for refusal to work is involved criminal liability.

We all know that the correct conclusion of the expert in the same may its conclusion can deceive an investigator and judge. So, it is very important to enter the question of responsibility for false conclusion of expert in the code of criminal procedure.

In an expert not looking rarities excitation criminal case for supplies false conclusions, but

²⁶ In addition to the rights and obligations of an expert, there are prohibited actions of an expert, which are reflected in Article 61 of the Criminal Procedure Code of the Republic of Belarus, which is called an “expert”.

we can sometimes meet such situation. For example, in the process of investigation No. 2071 criminal case expert «Avtotexxizmat» OJSC incorrectly estimated the illegal vehicles included in the territory of the Republic of Uzbekistan by lowering prices. On the conclusion of the expert «Buhoroavtotehhizmat» No. 732 of October 19, 2007 Mercedes Benz truck, the S200 is priced compressor 767000 sum. Upon further expertise from January 31, 2008, no. 03-184 is the real price of a car is 8.500 000000.²⁷

Not competence of the expert on the science, not enough practical experience, innocent mistake, carelessness, the issues in the case, a study shall be made liable under article 238 of the Penal Code. In such situations, the expert shall apply administrative penalties.

We need to focus on the issue of attracting criminal liability for false opinion expert (article 238)

Under article 238 of the Penal Code to bring an expert to criminal responsibility must be the following: This conclusion should not be at the time investigation and trial process; this expert opinion must be considered the case in the court. Personal false information expert on themselves (education, Length of service, etc.) do not include the composition of the crimes

Filing a false conclusion is always accompanied by false information. Despite the effects of the false information, an expert in the trial examiner will attach to criminal responsibility.²⁸

²⁷ Ниязов М.К. Значение заключения экспертизы на стадии предварительного следствия // Эксперт хулосаларининг далилий моҳияти: Республика идоралараро илмий-амалий конференция материаллари. – Тошкент, 2010. – Б. 15.

²⁸ Тошпўлатов А.И. Ёлғон гувоҳлик учун жиноий жавобгарлик муаммолари: Юрид. фан. номз. ... дисс. автореф. – Тошкент: ТДЮИ, 2008. – Б.13.

According to article 417 penal code, criminal case for intentional incorrect. Finally, the expert shall be prosecuted after the judgment in the case. The purpose of the definition Liability experts is to increase the responsibility of experts in the disclosure Criminal case. Because if, during the criminal process the expert chooses not to work, it is to find another expert takes a long time. Define these elements requires from the Prosecutor and judges of good experience and sensibility. The expert may not only give advice but can give confirmation on the matter. The most important question is the level of penalty for a false conclusion to this day is not defined. We think that this paragraph needs to be developed and to the code of criminal procedure. For example, in March 31, 2009 7:30 in Djizzak city of Djizzak region on the assassination of D.Akulova born 1978, under article 97 1-part of the criminal case. During the expertise of the murder scene was found in the body of the murdered and in bed spots similar to the sperm. During the investigation of the medical expertise of Djizzak region do not determine who owns the mount sperm. After the expertise in the center of the DNA expertise determined that sperm belongs to b. Mazidov, born in 1986. He committed the murder in alcohol intoxication.²⁹

No ability to engage in a certain area, the expert is not wealth or technology related reasons will carry it to the incompetence of the expert. When one speaks about the competence of the expert refers to the activities of the expert with the law. When the expert is involved in a certain sphere, he has the experience and skill to this area. The expert may refuse to Affairs outside his competence.

If the expert has grounds set forth in the 76 - 78 articles he can to abandon the case, or if This situation will detect the suspect, the accused, the defendant, Counsel or the prosecutor expert may be denied from them.

In our opinion under the current laws, the matter is properly resolved. Person who provided material for the institution of criminal proceedings may not be experts. Previously involved as a specialist in the following stages may participate in the proceedings as an expert.

An investigator in the provision of expert information for research for more information can make a criminal case. In practice, in many cases also received samples of investigators provide experts for more asset search, experiment, confiscation. This will help the expert good to know. Experts to provide objective information on the occurrence of the offence. The investigator is one of the subjects who had the right to take samples. On this he must enter an act all that found for the effectiveness of the investigation. But should take into account that the investigator to provide expert information must not pass him secret information. Because an expert in the investigation may be confused and be the inseparable integrity of these secret information. On the investigator to provide expert information must clearly know that you need an expert. The expert can sometimes require the investigator to view the scene of the crime, to participate in the investigation. Because in examining the crime scene expert can get answers to their questions. The investigator should help expert. Because for many objects require permission of the

²⁹ Нуриддинов А.И. Одам ДНКси суд биологик экспертизаси-жиноятларни очишда муҳим манба // Эксперт хулосаларининг далилий моҳияти:

Республика идоралараро илмий-амалий конференция материаллари. – Тошкент, 2010. – Б. 48-49.

investigator. On this, the two parties in criminal process should work smoothly and as planned.

Under current law, the expert has the right to make the conclusion that there are facts established by them in the course of the study, but that it had not been asked by the appointing authority. This rule assumes that the limits are defined by two criteria initiative expert-legal (legal knowledge) and special (native competence).

One of the important rights experts these answering questions for the case which does not belong to the conclusions of the expert. It is therefore under the law means high confidence to the conclusion of the expert. Accepted into consideration new circumstances expert to solve the case has the right to ask additional questions. In practice, the expert if it finds new facts on the case, he immediately has to report this to the investigator. In its regular investigator should inform the expert about new situations. The result of the study should be directed not only to the verification of the facts, it must determine the motive for the crime.

The right to peer initiative aims to implement the principle of objective truth, for completeness of the evidence collected by the investigation and the Court.

Another one of the actors in the expertise this is the chief of the establishment. But unfortunately, ego status in the code of criminal procedure code is not defined. On this believe that the chief of the agency expertise should be included in the group of officers. Because the integrated and fees expertise works, he distributes the case, Defines the method research, generates a general conclusion. On this case it needs to be underpinned by the act of the chief of agency expertise. The duties of the head of the

institution as expertise to create the necessary condition for expertise, expertise papers, solve organizational issues to ensure the safety of objects. To the same rights as the head of the institution of expertise can offer control over correctness of expertise, perform orders of judges and assign responsibilities, determine the duration of the expertise.

It should be noted that due to the awareness of Heads of institutions expertise by experts, it should appoint experts in a specific case on the scope of the activities and experience. As we have seen the head of the institution has a significant role in the expertise system. We think the code needs to be paid to the rights and duties of the Director of the institution. The chief of the expertise of two kind of right. First the procedural rights, they distribute it among experts, explained the expert his rights and responsibilities, inform about the criminal liability for the willful wrong conclusion.

To a very significant issues related to the procedural status of the expert, legal science considers its independence with expertise and monitoring bodies which have designated for the expertise of theses' authorities exercise control over the lawfulness and compliance with the procedural expert forms. to this end, the investigating official or judge can, for example, to participate in the production of forensic expertise and the control questions: the duties of an expert, to inform the Court of expertise, in the provision of court facilities research, in setting the dates of expertise, as well as in ensuring the rights of the parties be present during the expertise.

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