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Research Article

THE LEGAL SIGNIFICANCE OF EVIDENCE IN THE PROCESS OF JUDICIAL INVESTIGATION

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ABSTRACT

Justice consists of judicial actions that complement and replace each other through court hearings. The stage of the judicial investigation is the most important part of the criminal procedure, the basis and basis for painstaking and substantive resolution of the case. The court is organized in such a way that the judicial investigation is its decisive part. It is at this stage that all the collected evidence is directly examined by the court and the grounds for the verdict are created.

KEYWORDS

judicial investigation, court, evidence, verdict.

INTRODUCTION

The content of the judicial investigation is to directly and verbally examine the conditions of the crime committed and the evidence with the active participation of the parties and other participants in the process to solve the case fairly, legally, and reasonably.

It is incorrect to consider the judicial investigation a stage for checking the information and documents collected during the preliminary examination. At this

stage, the court examines the cases and every piece of evidence in a new procedural environment with the parties' participation, independently and creatively, comprehensively and in detail, unlike the conditions of the initial investigation.

The procedural goal of the court investigation is not only to study the preliminary investigative materials submitted for consideration in court but also to create an opportunity to determine the absolute truth by

examining the evidence collected and presented by the initiative of the trial participants and the court itself [1].

Proof means the activity regulated by law that is the basis for solving the issue of criminal responsibility carried out to identify and solve cases. The concept of proof has two meanings in the criminal process: 1) the implementation of cognitive activities to determine, investigate, and check the circumstances of the case (prove knowledge), and 2) the logical justification of a specific opinion thesis (proving justification) [2].

In the first sense of proof, it is an activity regulated by law, consisting of collecting, verifying, and evaluating evidence with the support of inquiry, investigation, prosecutor, and other participants of the proceedings.

The court is doubtless a participant in procedural proof without dispute. Based on the evidence, it determines the presence or absence of circumstances that need to be proven in the criminal proceedings and other events necessary for the criminal case. The court's participation in the proof is exceptional and distinguished by its features in the dispute process [4].

In accordance with the criminal procedural legislation, the court, along with the investigator, the investigator, and the prosecutor, is authorized to collect evidence by means of investigations and other proceedings provided for in the Criminal Procedure Code, as well as to check the evidence by comparing it with others, to determine their sources and to obtain other evidence that confirms or refutes the evidence under investigation, evidence admissibility, relevance.

At the initial stage of the investigation, the court begins to participate in collecting evidence to some extent. This activity is manifested in the resolution of the investigator's request to conduct investigative

actions related to protecting the constitutional rights and interests of the individual, as well as in reviewing and resolving the question of their legality if such investigative actions are carried out without obtaining prior court permission. Exercising these powers, the court sanctions certain activities of the investigator aimed at searching for, gathering, and collecting evidence.

Gathering evidence at the trial stage is manifested in their identification and recording. The determination of evidence by the courts is carried out as follows:

1. Directly as a result of the discovery of new circumstances in the process of checking the evidence presented by the parties;
2. By conducting direct judicial investigative actions to identify new evidence.

The court collects evidence in two ways:

1. Obtaining evidence through written applications;
2. Receiving them directly during the implementation of procedural investigative actions at the court session.

When examining the evidence, the judge first assesses it based on his inner conviction. Such examination consists of hearing the testimony of the questioned persons, checking the written documents of the case, conducting a visual inspection of objects, objects, and documents, and a preliminary evaluation of each piece of evidence. When evaluating the evidence, the judge is free to independently analyze each piece of evidence without relying solely on the parties' opinions and make independent conclusions about the quality of the evidence.

Correct assessment of evidence by the court is essential and necessary to ensure legal, reasonable,

and fair judgments reflected in Article 455 of the Code of Criminal Procedure of the Republic of Uzbekistan. In accordance with Article 463 of the Criminal Code of the Republic of Uzbekistan, the conviction may not be based on assumptions, and a sentence may be issued only if the accused person's guilt is proven during the trial.

When determining the admissibility of certain evidence, the court has the opportunity to independently accept the available information from the parties' point of view and to decide based on personal assessment. This right is also an obligation of the court. The most important role of the court in the evidentiary activity is manifested in the final evaluation of the set of evidence. The court's main task is to solve the criminal case based on its essence. Such an assessment shall be made in the court's final decision.

It is a generally recognized rule in judicial practice that the judge, until the end of the trial and the resolution of the issue before the court, emphasizes that they have been proven in his interim decisions and oral comments on the circumstances that need to be established, as well as the prohibition of deciding in advance the task of evaluating the evidence that should be carried out at the final stage of the proof. This prohibition stems from the requirements of the court to observe impartiality and fairness in the consideration of the case and to conduct a thorough and complete examination of all the presented evidence for any disputed issue, to observe the determination of all the circumstances of the case.

Verification of evidence has a special place in the appeal and cassation stages of the court. Proceedings in the appellate procedure, in accordance with the law, provide for the conduct of a judicial investigation in accordance with the rules of trial, as in the court of first instance. At this stage, it is necessary to examine the

evidence, particularly to re-examine the victim and the witness, question new witnesses in the case, conduct a forensic and physical examination, and request proof and documents.

Evidence and documents must be thoroughly examined and announced, among other evidence. At this point, the persons appointed to recognize them may draw the attention of the courts to one or another circumstance related to their examination. All court actions related to the inspection of evidence and publication of documents must be reflected in the minutes of the court session.

It is essential to correctly resolve the issue of the admissibility of evidence in the process of proof. The conditions for the admissibility of evidence are as follows:

The relevant subject obtained the evidence, i.e., by the official authorized to conduct the proc

edural action related to getting the evidence.

Factual information must be obtained only from the sources mentioned in the second part of Article 81 of the Civil Code.

The evidence was obtained in compliance with the rules and regulations regarding the conduct of the procedural action related to its receipt.

All the law requirements on recording the process and results of the investigation and judicial action must be followed in obtaining the evidence.

It should be explained to the courts that non-compliance with any of the conditions mentioned above regarding the admissibility of evidence is grounds for declaring the evidence inadmissible [5].

Unlike the defence and prosecution parties, the court, as the entity that decisively resolves the case, is not obligated to prove the opinions and opinions of a legal nature put forward in the course of the proceedings. In adversarial criminal proceedings, only the parties are involved in justifying their point of view and proving their right before the court. The court directly examines and evaluates the evidence presented by the parties.

Another essential characteristic of the court as a subject of evidence is that it exercises leadership over the evidentiary process at the trial stage.

The general leadership role of the court in criminal proceedings is reflected in the guidance of procedural evidence. It takes a leading, central position among other participants in the process. Such management is carried out in two directions: the first is the organization of the proof process, and the second is control over it. The organization of the proof process is a supportive activity aimed at creating the necessary conditions for effectively implementing the proof task under the procedural forms provided by the law. First, this activity gives the parties the opportunity to actively and fully participate in the process of proof.

Control over the proof process is demonstrated through the evaluation of its results and in the verification of the compliance of other subjects with the normative procedures established by the proof process. This includes warning and remedying violations of the rules and conditions established by law for collecting and studying evidence. At the court session, such control is carried out by the presiding officer, who is responsible for ensuring compliance with the legal procedures for court proceedings, including court investigative actions, and issuing court decisions on the relevance of one or another evidence.

According to the identified facts and circumstances, judges carry out the measures of criminal procedural proof based on their internal beliefs, control the evidence of this or that fact, and issue conclusions. Based on these conclusions, the court is prevented from drawing erroneous conclusions and transferring subjective error to normative rules. In other words, in proving evidence, the court must have internal confidence in the evidence collected in the established legal order, which requires an impartial basis.

The law allows judges to question the defendant, the victim, and witnesses personally, hear experts' conclusions, examine physical evidence, and publish the report and other documents. The law also imposes the obligation to read and broadcast. In doing so, the judge uses the first sources as much as possible, i.e., personally interrogating the witness and familiarizing themselves with the contents based on the original copies of the documents. The court will issue a verdict based only on the evidence examined and confirmed at the hearing.

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