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## Research Article

### THE ROLE OF INTERROGATION IN THE INVESTIGATION OF A CRIME OF BULLYING

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#### ABSTRACT

In this article the main aspects that should be paid attention to when interrogating the suspect (accused) of the crime of hooliganism are analyzed in detail, and the tactics of preparing and carrying out this investigative action are explained. In particular, the positive aspects of interrogating a detained suspect based on the specific characteristics of the crime of hooliganism, the circumstances that need to be focused on during the first interrogation of the suspect and the sequence of actions required for this, the content of tactical methods used during interrogation, conflicting and conflicting In non-technical questions, the issues of effective use of special knowledge have been investigated.

#### KEYWORDS

Harassment, interrogation, tactics, suspect, accused, psychological contact, detention, taking testimony, evidence.

#### INTRODUCTION

In recent years, large-scale work has been carried out in our country to fully realize the noble idea of "For human dignity", to implement international standards in the field of human rights and freedoms into national legislation, and to systematically and gradually introduce them into the activities of state bodies. Strengthening the guarantees of human rights and

freedoms and ensuring the rule of law, as well as their implementation in society and the life of every citizen, occupy a central place in the internal and foreign policy of New Uzbekistan.[1].

At the same time, the analysis of judicial investigation practice ensures the protection of the rights and

freedoms of a person in criminal-procedural relations, the correct definition of the scope of the cases that must be proven for the relevant types of crimes, and the sequence (algorithm) of investigative and procedural actions that must be carried out on them. indicating that there are tasks related to development. In particular, in recent years, shortcomings in the investigation of hooliganism crimes or the ineffective use of existing tactical methods by investigative bodies have led to an increase in undetected crimes in the practice of law enforcement, the failure to prove the guilt of the perpetrators, and the saddest increase in the number of decisions to close criminal cases or acquittals on the grounds of rehabilitation. causing an increase [2].

It is known that interrogation of the suspect (accused) is of great importance in the investigation of the crime of hooliganism. According to the requirements of the current criminal procedure law, suspects (accused) have the right not to testify. It is this factor that shows the need to prepare for the interrogation of this category of persons, in particular, to pay attention to the issues of establishing a psychological relationship with them, taking into account their characteristics. In this case, the truthful statements given by the investigating investigator in the framework of the criminal case did not aggravate his situation, on the contrary, he admitted his guilt, sincerely repented, and actively helped to solve the crime.

For this, the investigator must first establish a proper psychological relationship with the suspect. That is why the issue of establishing the correct psychological relationship with the suspect is constantly in the focus of attention of scientists in the theory of criminal procedure.

In particular, paying particular attention to the time of establishing psychological contact, he noted that it is

necessary to establish psychological contact with a person during the process of determining the questionnaire data and explaining his rights, and to maintain this contact during the subsequent stages of interrogation [3.B-97].

In this regard, A.A.Usmonova, A.N.Norboev [4.B-47-50] and P.V.Edilova [5.B-29-33] emphasized the importance of establishing a psychological relationship with a person and asked questions in this regard. previously recommended that the suspect should be asked questions not related to the criminal case, including talking about his interests, friends, relatives, type of activity, profession and other topics.

S.M.Trashkova and L.Yu.Eisner stressed the importance of eliminating psychological barriers and noted the need to influence him correctly using psychological knowledge, based on his psychological characteristics and the level of emotional sensitivity, when establishing a psychological relationship with the interrogated person [6.B-62-65].

According to D.V. Parshin, in order to establish a psychological relationship with the suspect (accused) of mowing, it is necessary to prepare thoroughly procedurally and tactically. Some of the tactical methods used in the interrogation process are planned during the preparatory phase, and another part is selected and applied directly during the interrogation based on the behavior and testimony of the interrogator. [7.B-145-152].

In our opinion, it is necessary to pay special attention to the following:

criminal case materials clarification of circumstances that may be known to the suspect (accused) through in-depth study;

to determine the issues that should be clarified during the interrogation, and to identify other sources who may be informed about the circumstances and facts related to the case;

to determine the range of circumstances in which the suspect (accused) can confirm or deny the guilt and clarify them during the interrogation;

collecting personal information about the identity of the suspect (accused). That is, it is necessary to pay attention to his biography, special knowledge, abilities, specific skills, level of physical and mental development or defects, temperament, peculiarities of character, scope of interest, type of activity and other aspects;

consultation with experts in the relevant field on cases requiring special knowledge during the interrogation process and determining the time and place of interrogation.

At the same time, in order to effectively carry out the investigative action of interrogation, it is necessary to pay attention to the following: preparation of case materials in advance; evidence that can be presented (witness's, victim's statements, expert's opinion, material evidence, audio recordings, video recordings, film and photo materials, reports of investigative actions and other documents) in-depth study of; determining the time and place of the interrogation; preparing things and documents that can be used during interrogation; preparing questions and determining the sequence of their questioning based on the content of the situations that need to be clarified during the interrogation.

It is worth noting that the situation that occurs when establishing psychological contact with the suspect

(accused) also affects the content of tactical methods used during interrogation.

O.N. Protsok recommended to correctly assess the specific characteristics of the interrogated person using reliable information found during observation, interviewing him and studying his personality, and based on these, choose tactical methods that will serve to obtain important information for the work [8.B-12 - 15].

During the questioning of the suspect (accused), it is necessary to determine his relationship to the case and other participants of the process, his possible position in relation to the investigative bodies, to establish a psychological relationship with the investigator that should be reliable and even based on cooperation and should not turn into conflicts.

In our opinion, we believe that the tactical methods proposed by B. S. Madrakhimov can be used in all types of interrogation processes. Because it was B.S. Madrakhimov who studied the process of questioning the suspect (accused) and divided the tactical methods used in the process of questioning into logical and psychological groups. Notably, these methods of influence, explaining mitigating circumstances, focusing on the positive characteristics of a person, creating the impression that the investigator has a lot of information about the criminal event and its participants, asking unexpected questions and observing how this affects him, using the suspect's dislike of any of the participants in the crime. As logical methods, a detailed examination of the testimony of the suspect before committing the crime, during the commission of the crime and the details of his subsequent actions, logical analysis of contradictions in the testimony of the suspect, [9.B-39-40].

During the initial questioning of the detained suspect (accused), it should be taken into account that he is experiencing stress, in particular, he may be confused and depressed. It is this factor that can prevent a suspect from giving false testimony. At the same time, in accordance with Article 225 of the current Code of Criminal Procedure, it is necessary to ensure his right to meet with the defense attorney freely [10.B-72, 148].

It is noted in the legal literature that interrogation of a person suspected of committing a crime of hooliganism at the same time as the arrest, that is, in a short period of time, serves to make the interrogation somewhat more effective.[11.B-55]. In fact, this opinion is justified in all respects. Because if the detainee is not interrogated in a short period of time, he will get used to the existing conditions, and there will be a high probability of refusing to cooperate with the investigative authorities due to the negative influence of the surrounding people.

In this regard, it is necessary to emphasize the tactical expediency of the law's requirement that the suspect should be interrogated no later than twenty-four hours after his arrest.[10.B-148]. In our opinion, this provision should be applied even when another precautionary measure is chosen against the suspect (accused).

In the theory of criminology, it is noted that investigative situations that arise during interrogation can be divided into conflicting and non-conflicting types.[12.B-241].

In a non-confrontational investigative situation, tactical methods aimed at obtaining complete and detailed information about the situation should be used. These methods may include detailing the testimony, asking additional questions about forgotten cases, showing photographs, drawings, or video recordings of the scene, presenting evidence,

and so on. In addition, he can be questioned at the scene of the incident[13.B-34].

In a situation where the suspect (accused) confesses, the investigator must determine the reason for the confession and the sources of obtaining evidence confirming these statements. Because, in accordance with the Constitution of the Republic of Uzbekistan and the current criminal procedural law, a person's (accused) confession can be used as a basis for their guilt only if it is confirmed by other evidence.[10.B-76].

In our opinion, when interrogating the suspect, it is necessary to obtain not only his testimony about the incidents of bullying, but also clarify other issues related to the location of the surrounding people, the time and circumstances of the incident. This method allows us to bring new witnesses to the evidence and to find out other facts about the case, and it also prevents the suspect (accused) from changing his testimony in the future.

At the same time, if the suspect (accused) gives information about his criminal partners during interrogation, it is necessary to immediately check this information. If the information is confirmed, it is necessary to determine the whereabouts of other persons who committed the crime and take measures to arrest them.

An analysis of investigative practice shows that suspects in bullying crimes commonly testify voluntarily about some circumstances and refuse to testify about other circumstances or knowingly give false information. In our opinion, it is in these situations that the investigator should focus on the suspect's correct statements about the situation and use the following methods:

the maximum details of the testimony, that is, the use of contradictions in the testimony itself and the results of the conducted investigative actions;

to give the person under questioning the opportunity to fully explain his false testimony in order to later rebut it in this case;

offer the suspect to tell about the situation of interest to the investigation in reverse, that is, from the end to the beginning, in chronological order;

presentation of evidence aimed at the prosecution of a person (for example, video recordings from surveillance cameras, expert opinions, etc.) and explaining their importance in the criminal case;

to determine the attitude of the suspect to the witnesses, and then to receive his testimony on the facts stated by these witnesses;

it is necessary to clarify whether or not the questioned person was at the place of the incident before the crime was committed. This method helps us to prevent a person from falsely testifying in the later stages of the criminal process that they left the traces found at the crime scene before the crime was committed.

According to the psychological literature, the suspect (accused) who gives a false testimony during interrogation may show the following signs as a result of his fear that his lie will be exposed: the appearance of drops of sweat on the upper part of the upper lip or on the forehead; occasional licking of lips as a result of dry mouth; frequent deep breathing; change in face color; appearance of vertical wrinkles on the face; begins to bite the lips; Trembling in the voice; increased blinking; covering the hands with "goosebumps" signs; start yawning; coughing nervously from time to time; loss of control over voice timbre and tone, etc[14.B-123-130].

Also, it became clear from the analysis that one of the reasons for the ineffectiveness of interrogations on the crime of hooliganism is that during the interrogation, the investigator does not have enough information about the incident, the suspect being interrogated, and his characteristics. As a result, in some cases violent suspects behave excessively during interrogation, causing the investigator to make tactical or procedural errors. In such a conflicting situation, attention should be paid to the following: the importance of voluntary confession and giving correct testimony to the interrogator, and excessive rudeness, explain that it is against his interests; to identify and eliminate motives for giving false testimony; persuasion of the futility of perjury; show details; using the positive qualities that exist in the personality of the interrogated person; in order to have a positive influence on him, by presenting evidence confirming the guilt of a person present in a criminal case, to make him think that the investigator is fully aware of the circumstances of the case; repeated questioning when necessary; not to disclose information known to the investigator, but not known to the suspect, to the suspect and his defense until it is necessary; asking questions in such a way (one after the other) that the interrogated person unknowingly tells the truth, etc. but not to disclose information not known to the suspect to the suspect and his defense until it is necessary; asking questions in such a way (one after the other) that the interrogated person unknowingly tells the truth, etc. but not to disclose information not known to the suspect to the suspect and his defense until it is necessary; asking questions in such a way (one after the other) that the interrogated person unknowingly tells the truth, etc. but not to disclose information not known to the suspect to the suspect and his defense until it is necessary; asking questions in such a way (one after the other) that the interrogated person unknowingly tells the truth, etc. but not to



the use of methods such as interrogation by several investigators[21.B-113-114].

In our opinion, we do not recommend using this method in all cases, recognizing that the musical background recommended by L. Yu. Aksenova can be used based on the character and mood of the suspect (accused).

Based on the above considerations and the analysis of investigative practice, we suggest using the following tactical methods to eliminate conflicting situations that arise during interrogation:

aimed at preventing false testimony, that is, creating a situation that has a positive effect on the interrogated person, asking questions that clarify the person's unclear or incomplete testimony, using methods to explain that it is against the interests of the interrogated person to give false testimony or refuse to give testimony by citing the existing evidence in the case;

using the positive aspects that exist in a person, that is, using the positive qualities of the person being questioned, conscience, justice, honesty, conscientious performance of one's duties, duty, explaining in detail that helping to uncover and investigate a crime is a mitigating circumstance of his guilt, etc.);

Based on the character and characteristics of the person being interrogated, choosing tactics aimed at obtaining the correct testimony from him, that is, creating a strict work environment during interrogation, asking additional questions to clarify unclear or incomplete testimony of the suspect (accused), using evidence related to the case presenting part in sequence.

During the preliminary interrogation of the suspect (accused) of the crime of bullying, it is necessary to determine the following, taking into account its specific aspects:

how the suspect arrived at the crime scene;

what happened before committing the crime of bullying, the wrongful behavior of the victim; why bullying was committed against this particular victim; what behavior of the victim distinguished him from others;

whether the suspect had a prior acquaintance with the victim; if known, what was the relationship between them;

whether the interrogated person consumed alcohol or drugs before committing the crime; if consumed, with whom, where and how much;

have a mental illness; whether registered in psychiatric, narcological dispensaries, if so, when and for what reason;

what specific actions the suspect took; what weapons did he use; whether the crime weapon was prepared in advance; where the guilty person got the weapon; whether measures have been taken to increase its harmful properties; whether he brought the weapon with him or took it from the scene of the incident;

whether the victim resisted the suspect; if resisted, by what means resisted;

What was the reaction of the person being questioned to the fact that he was grossly violating the public order by his actions, did he realize it;

what result the perpetrator intended to achieve by committing the crime of bullying; whether it achieved the intended result;



whether the suspect (accused) stopped the crime of hooliganism by himself or was stopped by the authorities and other persons, if his actions were stopped by the authorities and other persons, whether he was resisted, if he was resisted, when and how he resisted;

in which direction the interrogated person hid from the scene of the incident and where he went after that.

In conclusion, we can say that the correct choice of tactics for questioning the suspect (accused) of the crime of bullying and establishing a psychological relationship with them will significantly increase the effectiveness of this investigation.

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