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## Concept And Types Of Computer Information As Evidence In The Criminal Process Of The Republic Of Uzbekistan

**Khosiyat Mamatkulova**

Lecturer at the Department of Criminal Procedure Law, Tashkent State Law University, Uzbekistan

### ABSTRACT

In this article the concept of information, the right to access information, computer information are studied and discussed. In addition, the provisions on the information society are disclosed. Also, in the article the types of computer information and some features of their use in criminal proceedings are defined and disclosed.

### KEYWORDS

Proof, information, computer information, informatization of society, computers, types of computer information.

### INTRODUCTION

The informational nature of evidence ensures the establishment of the circumstances of the crime, knowledge of the mechanism of the crime. Evidence should be clothed in a criminal procedural form, which means the compliance of the procedure for obtaining certain information with the requirements of the law. With the development of information technologies, the rapid spread of electronic information capable of establishing the circumstances of a crime committed, the question of the use of electronic evidence in

legal proceedings has become acute. [1, p.696]

Proof is an activity regulated by procedural law to establish and substantiate the circumstances of a criminal case, on the basis of which the issue of criminal liability can be resolved.

According to article 81 of the Criminal Procedure Code of the Republic of Uzbekistan, evidence in a criminal case is any factual data, on the basis of which, in the manner prescribed by law, the body of inquiry, the investigator and the court establish the

presence or absence of a socially dangerous act, the guilt of the person who committed this act, and other circumstances, relevant for the correct resolution of the case.

These data are established by: testimony of a witness, victim, suspect, accused, defendant, expert opinion, material evidence, sound recording materials, video recordings and film photography, protocols of investigative and judicial actions and other documents.

The definition of the concept of information is given in the Law of the Republic of Uzbekistan "On the principles and guarantees of freedom of information" dated December 12, 2002. According to Article 3 of this Law, information is data about persons, objects, facts, events, phenomena and processes, regardless of the sources and form of their presentation; information resources - individual documents, separate arrays of documents, documents and arrays of documents in information systems (libraries, archives, funds, data banks and others).

In accordance with the Constitution of the Republic of Uzbekistan, everyone has the right to freely seek, receive, research, distribute, use and store information.

Access to information can be limited only in accordance with the law and in order to protect human rights and freedoms, the foundations of the constitutional order, moral values of society, spiritual, cultural and scientific potential, and ensuring the country's security. Article 9 of this Law, everyone has the right, either directly or through their representatives, to apply for information in oral, written form, including in electronic form through the information system. The written request must contain the name, patronymic, surname, address of the applicant (for a legal entity - its details) and the name of the requested information or its nature. Requests are subject to registration in the prescribed manner.

In a written request, the e-mail address of the applicant may be indicated. The indication of the e-mail address in the written request is the consent of the applicant to receive a response to the request in electronic form through the information system. A response to a written request, including sent in the form of an electronic document, must be given as soon as possible, but no later than fifteen days from the date of receipt of the request, unless otherwise provided by law.

Relations on access to information are regulated by the Law of the Republic of Uzbekistan "On guarantees and freedom of access to information" dated April 24, 1997. Every citizen is guaranteed the right to access information. The state protects the rights of everyone to search, receive, research, transfer and disseminate information. State bodies, citizens' self-government bodies, public associations, enterprises, institutions, organizations and officials are obliged to provide everyone with the opportunity to familiarize themselves with legislative acts, as well as documents, decisions and other materials affecting his rights and legitimate interests. Access to information is provided through the publication and distribution of legislative acts and relevant materials.

Article 9 of the Law of the Republic of Uzbekistan "On guarantees and freedom of access to information" establishes that state bodies, citizens' self-government bodies, public associations, enterprises, institutions, organizations and officials cannot provide information containing state or other secrets protected by law.

The media have no right to disclose the source of information or the author who signed under a pseudonym without their consent. The source of information or the name of the author can only be disclosed by a court decision.

In connection with the rapid development of the scientific and technological revolution, a new type of social relations has been formed - informational. These social relations were formed in connection with the emergence of information resources that have their own distinctive features: [2, p.2-5]

- 1) They are not consumed and are subject not to physical, but to obsolescence;
- 2) Their use allows you to sharply reduce the consumption of other types of resources, which ultimately leads to tremendous savings;
- 3) The process of their creation and use is carried out using computer technology.

Information relations arise and develop in the process of collecting, processing, accumulating, searching, receiving, transmitting and disseminating information. The objects of these relations can be: information, information processes, information systems and resources, information sphere (environment) and products; information security, means of providing automated information systems and their technologies; dictionaries, thesauri and classifiers; instructions and techniques, computer programs; databases and data banks; topology of integrated circuits and integrated circuits themselves; means of international information exchange.

A quantitatively limited set of information, namely, a document or documented information, is mainly subject to legal regulation. At the same time, documented information as an organizational form acts as information recorded on a material carrier by documenting information with details that allow one to determine such information or, in cases established by law, its material carrier.

In a legal sense, not every medium containing information can be recognized as a document, but only one that has details that allow it to be identified in relation to the owner, owner and

user of information. At the same time, one of the gaps in the current legislation is that specific signs that allow identifying a particular document are not established by law. It seems that the properties of the details and the procedure for identifying the document should be determined in each case separately, depending on the physical properties of the information carrier.

Computer information - information that is in the memory of a computer, on machine or other media in a form that is accessible to a computer, or transmitted through communication channels. [3]

Computer information is information recorded on a computer medium or transmitted through telecommunication channels in a form that is accessible to a computer. [4, p.84]

One of the special types of information subject to legal regulation and already enshrined in criminal law as a subject of unauthorized access is computer or machine information. Information legislation contains a definition of information that corresponds to the modern level of legislative regulation of information relations, however, a significant drawback is the lack of general legislative criteria for determining the details of documented information, first of all, subject to legal regulation, as well as the lack of legal interpretation of such concepts as "machine medium", "computer", "computer system", "computer network", which generates ambiguous interpretations of these concepts in scientific literature and law enforcement practice. [5, p.113-117]

The information must have a certain value, as well as the presence of a restricted access status. Despite the fact that the owner of information is given the right to independently establish the mode of access to it, in this case he is limited by law and can receive criminal legal protection only in

relation to that information, the classification of which as confidential is directly provided for by legal acts. Otherwise, there would be an unjustified expansion of the subject of criminal law regulation of information protection. The information that has a certain value for the owner, but is not defined as confidential by legislative acts, can be protected by the owner by legal means in a civil or other manner.

In addition to these definitions, it should be noted that computer information means not only the information itself (information), but also the form of their representation in a machine (computer) form, i.e. a set of symbols recorded in the computer's memory, or on a machine medium (diskette, optical, magneto-optical disk, or other material medium). When considering cases, it should be borne in mind that under certain conditions, physical fields can also be carriers of information.

Particularly successful is the definition of computer information, which is given by Doctor of Law, Professor of the Department of Criminalistics, Moscow State University. M.V. Lomonosov V.V. Krylov, offering the following forensic definition of computer information as a special object of criminal encroachment. Computer information is information, knowledge or a set of commands (program) intended for use in a computer or its control, located in a computer or on machine media - an identifiable element of an information system that has an owner who has established the rules for its use.[6, p.205-207].

When using computer information as a means of committing another crime, the relationship for its protection will inevitably suffer, i.e. itself becomes the subject of a socially dangerous act.

Mechanical elementary reflection of facts is inapplicable for computer information. The

mechanism for the formation of computer information is determined by an algorithm that is specified by the developer (development team) and is implemented in a specific program; thus, the program is a means of reflecting facts. In this case, we are dealing with a reflection that occurs through hardware and software indirectly through the intellectual consciousness of a person (program developer). [7, p.150]

A negative consequence of the informatization of society is the emergence of the so-called computer crime. The difficulty in resolving the issue lies in the fact that the range of unlawful actions committed using computer technology is extremely wide. The category of computer crimes should include those crimes in which the object of criminal encroachment is information processed and stored in computer systems, and the computer is the instrument of encroachment. [8, p.40-43]

The main types of computer information in its form of presentation, methods of encoding and storing it, which is of the greatest importance for computer science, are:

graphic or pictorial - the first view for which a method of storing information about the world around was implemented in the form of rock paintings, and later in the form of paintings, photographs, diagrams, drawings on paper, canvas, marble and other materials depicting pictures of the real world;

sound (acoustic) - the world around us is full of sounds and the task of storing and replicating them was solved with the invention of sound recording devices in 1877; its kind is musical information - for this type, a method of encoding using special characters was invented, which makes it possible to store it in the same way as graphic information;

textual - a method of encoding a person's speech with special characters - letters, and different peoples have different languages

and use different sets of letters to display speech; this method has become especially important after the invention of paper and book printing;

numerical - a quantitative measure of objects and their properties in the surrounding world; Information resources in modern society objectively have significant value, the current criminal legislation does not contain an integrated approach to the problem of ensuring information security by criminal law measures.

Computer information is divided into the following types:

- Text information;
- Graphic information. Graphic information means a drawing, drawing, photograph, picture in a book, image on a TV screen;
- Sound and video information.

Law enforcement officials experience difficulties in qualifying crimes in the field of computer information. There are several reasons for this: [9, p.150-151]

- 1) it is insufficient elaboration of the current legislation, as well as the investigative and judicial practice of bringing to criminal responsibility for computer crimes;
- 2) difficulties of proof and forensic research related to the use of non-traditional media, insufficient knowledge and practice of this object of law;
- 3) forensic problems, consisting in the fact that technical and forensic, tactical and methodological techniques, methods and means of disclosing and investigating such crimes have not been fully worked out both at the theoretical and practical levels;
- 4) organizational difficulties, consisting in the fact that with a relative saturation with hardware and technical means, law enforcement agencies still do not have a developed system of local networks, a

sufficient number of qualified specialists to use such means for investigation purposes.

## CONCLUSION

Considering these circumstances, the Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with Increased Liability for Committing Illegal Actions in the Field of Informatization and Data Transfer" dated November 30, 2007, dangerous acts related to illegal use of computer systems, criminalized and the current Criminal Code was supplemented with a new chapter XX1 "Crimes in the field of information technology". This shows how important computer information is in our life. [10, p.3-4]

Thus, the need to establish criminal law protection of computer information is caused by the increasing importance and widespread use of computers in many areas of activity and, along with this, the increased vulnerability of computer information. The dynamic conditions of the modern development of society often encounter problems that are a mirror image of its desire to create more perfect effective models of existence. One of these problems is abuse in the use of computers, information technology. It is necessary to establish in detail and comprehensively the grounds, procedural order and features of the use of computer information as evidence in criminal proceedings. The public danger of illegal actions in the field of electronic technology and information technology is expressed in the fact that unauthorized interference in the activities of automated control and monitoring systems of various objects can cause serious and irreversible consequences



associated not only with property damage, but also with physical harm to people.

Based on the study, the following conclusions and proposals were developed:

- 1) Electronic media - relatively new sources of evidence that can be identified in different forms: material and virtual. There is no unified, generally accepted classification of electronic evidence, namely, a reasonable classification that will help to correctly use documents as evidence in criminal proceedings. Material sources of electronic information can be personal computers, mobile communication devices, multimedia devices (cameras, camcorders, audio and video players), various kinds and types of information carriers (flash drives, optical disks, magnetic disks, etc.); virtual - sites of the Internet telecommunications network, log files of the subscriber's connection with the address of the Internet provider, IP addresses of users of the Internet telecommunications network, etc.
- 2) Pre-trial proceedings (pre-investigation check, inquiry, preliminary investigation) must contain the necessary procedural forms of seizure and inclusion of electronic media as material evidence.
- 3) The assessment of electronic sources of evidence should be carried out with the participation of a specialist.

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