



 Research Article

## THE ESSENCE OF EVIDENCE EVALUATION IN CRIMINAL INVESTIGATIONS

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### ABSTRACT

The article explores the essence of evidence evaluation, reveals the content of 'internal conviction' and improves the quality of procedural actions for assessing evidence by the preliminary investigation bodies.

### KEYWORDS

Bodies of preliminary investigation, assessment, evidence, essence, inner conviction, procedural actions

### INTRODUCTION

The presumption of innocence (Article 23 of the Code of Criminal Procedure of the Republic of Uzbekistan), enshrined in the Constitution of the Republic of Uzbekistan, is the fundamental principle of criminal procedure law, according to which a person is considered innocent until his guilt in committing a crime is proven in the manner prescribed by law and established by a legal entity.

In criminal proceedings, proof of accordance with Art. 84 of the Code of Criminal Procedure consists in gathering, confirming, and assessing evidence in order to prove the truth about the circumstances relevant to the case's legal, reasonable, and fair resolution. Its legal application protects citizens' rights and liberties by upholding the principles of guilt of the committed unlawful act, establishing the truth in the case, and imposing just punishment for the deed. However, as

practice reveals, these principles are sometimes ignored, leaving residents without assurances to protect them from both criminal intrusion and illegal criminal punishment.

Taking into consideration the current requirements, as defined by the Constitution of the Republic of Uzbekistan, criminal procedural legislation, and other regulatory legal acts of the republic [1], the authors of this work attempted to introduce some aspects of methodological support for their implementation.

Article 95 of the Code of Criminal Procedure of the Republic of Uzbekistan, in Part 1, establishes the main provision for assessing evidence in terms of relevance, admissibility, and reliability, based on the principle of "establishing the truth" of the Criminal Procedure Law of the Republic of Uzbekistan (Article 22 of the Code of Criminal Procedure).

Part 5 of Article 95 of the Code of Criminal Procedure provides that the totality of evidence is considered as sufficient to settle the case if all relevant trustworthy evidence that undeniably demonstrates the truth about each and every one of the conditions to be proved is gathered.

These legal norms are founded on the subject of criminal prosecution observing rigorous legality in the implementation of legal norms associated to the criminal process on the one hand, and professional freedom in judging the acquired evidence on the other [2]. At the same time, the term of 'freedom' implies "the subject's ability to manifest his will on the basis of awareness of the laws of natural and social development", "the absence of restraints and prohibitions..." [3]. The law defines the volitional element of evaluative activity as an inner conviction. At the same time, the Code of Criminal Procedure of the Republic of Uzbekistan does not disclose the content

of this concept, and in the theory of evidence, the problem of determining the nature and essence of inner conviction has been the subject of scientific discussions for a long time.

To examine the evidence in this manner, the subjects of criminal procedural proof must be critical of their conviction, as well as study, verify, and undertake a comparative examination of the evidence underpinning the adopted judicial or investigative decision. On the other hand, from an objective standpoint, inner conviction should be based on information about facts with evidentiary value, and only practice [4] is the primary method of learning the facts and an objective criterion for the correctness and trustworthiness of the conclusion.

If we consider the principle of "establishing the truth" in its entirety, as well as the independent norm of "evaluation of evidence" (Article 95 of the Code of Criminal Procedure), we can say with certainty that the subject of proof is directly related to the law in the evaluation process, because in order to make a specific procedural decision, only internal conviction is insufficient, as it must be substantiated on the totality of evidence available in the case.

Internal conviction should be examined in two ways: as a technique of evaluation and as a consequence, both of which have the following key characteristics:

1. The subjects of evidence evaluation are required to be guided by their own conviction, i.e. to analyze the evidence personally rather than relying on an assessment previously supplied by others.
2. No evidence has a preset force, and the accused's confession, in particular, has no priority and must be analyzed in connection with others.

3. Although the review of evidence by different subjects is not required for later evaluation by the court, prosecutor, investigator, and interrogating officer, the person who accepted the case for proceedings must re-evaluate the available evidence.

A number of measures in contemporary criminal procedure rules ensure the independence of preliminary investigation authorities in the appraisal of evidence. At the preliminary inquiry stage, it is vital to analyze evidence based on internal conviction by the person whose processes the criminal case is located, and no one has the right to demand from him conclusions that do not conform to his own conviction. It should be remembered that the evidence is also evaluated by other parties in the process, such as the accused, defence, victim, and so on. But they are not included in the list of subjects, valuation activities, enshrined in Art. 95 of the Code of Criminal Procedure of the Republic of Uzbekistan, because their assessment is not mandatory when making procedural decisions by the subjects of criminal prosecution. According to the criminal procedure legislation, the person conducting the investigation is obliged to comprehensively evaluate each evidence in the case, regardless of the stage (stage) of the investigation of their totality and complexity. Only the evidence available in the case should be used to create an inner conviction, with the exclusion of information gained in violation of the law. If the investigator or interrogator is unsure about the infallibility of his opinion, he should not make a decision based on evidence evaluation without performing extra study, looking for new information to dispel any concerns that have emerged [5].

When analyzing the essence of inner conviction as a result of evidence evaluation, examine the following main aspects:

The gnoseological aspect, the content of which is specific information, judgments about the actual facts of the case. The investigated objects and facts are mirrored in the thoughts of the investigator and interrogator as knowledge and judgments, which are then translated into conclusions and conviction.

The logical aspect is that while analyzing evidence, judgments should contain knowledge of the impossibility of opposing or alternative opinions on the same subjects [6]. When evaluating evidence, inner conviction must be reliable, unequivocal, and the only accurate conclusion based on the case materials, which does not allow for any uncertainties, because any doubts are construed in favor of the accused.

The conscious aspect, rational, and motivated feeling of confidence that the reviewed evidence fits the requirements of relevance, admissibility, reliability, and sufficiency is the psychological aspect.

Internal conviction, we believe, is an independent, individual, stable, and ethically justifiable attitude of the subject of proof toward the attributes of evidence, serving as a method and outcome of evaluating evidence. Legal consciousness, according to procedural scientists, most properly reflects the moral basis of the principle of evaluating evidence since it is more general, specific, and this group is characterized by a higher level of knowledge and understanding of legal phenomena [7].

In connection to criminal procedural proof, both categories - conscience and legal consciousness - have a same character, the essence of which rests in self-control and awareness by the individual of his obligation and responsibility to society and the law. The norms of the Republic of Uzbekistan's Code of Criminal Procedure, regulating the methods of obtaining, fixing, and evaluating evidence, determined

the independence of the value of evidence either from its type or from its source, thereby categorically rejecting the theory of formal evidence, according to which the strength of various types of evidence is predetermined by the legislator, and the subjects of proof are obliged to proceed from predetermined score.

It should be noted that according to Art. 95 of the Republic of Uzbekistan's Code of Criminal Procedure, "the investigator, investigator, prosecutor, and court evaluate the evidence according to their inner conviction, based on a thorough, comprehensive, complete, and objective study of all the circumstances of the case, guided by the law and legal consciousness."

The provisions of Art. 95 of the Code of Criminal Procedure of the Republic of Uzbekistan appear to be extensively interpreted based on the meaning of the condition for analyzing evidence, which applies, in particular, to the investigator and the questioning officer. If doubts arise, the investigator and inquirer must confirm them with preliminary investigation data that contradict the conclusions in the court verdict that has entered into legal force, and provide a reasoned statement of their position to the supervising prosecutor, who, recognizing them as justified, has the right to initiate proceedings due to new and newly discovered circumstances [8] in accordance with Art. 522 the Code of Criminal Procedure of the Republic of Uzbekistan.

## CONCLUSION

In conclusion, it should be noted that in order to implement the provisions of the regulatory legal acts of the Republic of Uzbekistan, gaps in legislative and law enforcement judicial and investigative practice were identified in a timely manner to ensure

guarantees for the protection of the rights and freedoms of the individual in criminal proceedings and ad hoc investigations.

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