



## FEATURES OF SOME TYPES OF INTERROGATIONS IN THE CRIMINAL PROCESS OF THE REPUBLIC OF UZBEKISTAN

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<b>Received:</b> 7 <sup>th</sup> June 2021	The article gives a classification of interrogations by types, their features are considered. The article reveals problematic issues during the interrogation of individual participants in criminal proceedings, as well as the procedural status of minors as participants in criminal proceedings.
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### INTRODUCTION:

Setting the task of building a democratic rule of law state and a strong civil society involves increasing the requirements for compliance with the rule of law in the activities of law enforcement agencies. Compliance with the rule of law is impossible without the existence of a proper criminal procedure framework, however, to date, some criminal procedure institutions have not yet received sufficient development, and this has a negative impact on ensuring the rights and legitimate interests of citizens.

### MATERIALS AND METHODS

The Constitution of the Republic of Uzbekistan declared: «The highest value is a person, his life, freedom, honor, dignity and other inalienable rights. Democratic rights and freedoms are protected by the Constitution and laws» [1,p.3] (Article 13). The approach to the individual as the highest social value, reflected in the Constitution, requires improving the criminal procedure legislation and the practice of its application, overcoming various violations in the criminal procedure sphere.

The most important direction in solving these tasks is a clear and detailed regulation of criminal procedural relations in modern legislation. The State governed by the rule of law should ensure such an order of regulation of the emerging procedural relations that would ensure the protection of a person, society, and the state from crimes by creating conditions for their disclosure, exposing and convicting the perpetrators and establishing guarantees for the implementation of legal regulations. At the same time, the incompleteness of the legal regulation makes it possible to interpret certain provisions of the law at the discretion of the authorities, which is a favorable ground for violating the law.

### RESULTS AND ITS DISCUSSION.

Law enforcement agencies, represented by an inquiry and a preliminary investigation, at each stage of the investigation of a criminal case, encounter various manifestations of a criminal event in the surrounding reality in terms of form and content.

In the question of establishing the conformity of the conclusions of the investigator (inquirer) with the events that took place in the past, such a type of investigative action as interrogation plays a huge role. According to the opinion of research experts, the investigator and the investigator receive the lion's share of information about crimes that were previously committed or are in the process of preparation during the interrogations of suspects and witnesses.

Practice and analysis of statistics have proved that when organizing and conducting any type of interrogation, an investigator and an inquirer can spend more than half of the entire time devoted to work on organizing and conducting interrogations. It clearly follows from this that it is the interrogation that occupies a central place in the process of investigating a crime, without its qualitatively organized production, the investigation of a criminal case will be impossible in principle. Based on the analysis, we can absolutely say that interrogation as an investigative action is the most common means of finding evidence; at the same time, this diverse, multi-sided investigative action imposes high qualification requirements for its organizer for high-quality and complete criminal proceedings. Conducting even the most insignificant interrogation requires extensive knowledge, ranging from knowledge of forensic tactics to subtle knowledge in the field of personality psychology. It should be noted that the legislative bodies have quite fully regulated the procedure for organizing the interrogation process of various subjects of criminal proceedings, however, as often happens, during the practical implementation of these provisions, problems are identified not only in fixing its

results, but also in organizing the interrogation itself. It is this gap between legislation, forensic theory and practice that more than actualizes this topic for research.

Interrogations are divided into several types:

- depending on the procedural position of the interrogated person: interrogations of witnesses, victims, suspects, accused, experts, specialists;
- depending on the age of the person being interrogated: interrogations of minors, interrogations of adults;
- depending on the order: primary, repeated;
- depending on the content: basic, additional;
- depending on the persons involved in the interrogation: interrogations in the presence of a defender, a teacher, a parent, a legal representative, an interpreter, etc.;
- depending on the place in which the interrogation is conducted: in the office of the interrogating person, at the workplace of the interrogated, at the scene of the incident, at home, etc.;
- interrogation during a confrontation is a special type of interrogation.

Each of these types of interrogations has a single ultimate goal – to obtain any information relevant to the criminal offense under investigation. However, each of them, if there is a single goal, has a certain specificity. The law distinguishes between several types of interrogation, depending on the person who is being interrogated. According to the Criminal Procedure Code of the Republic of Uzbekistan, it follows that a witness and a victim can be interrogated (Articles 114-120 of the Criminal Procedure Code of the Republic of Uzbekistan); a suspect and an accused (Articles 109-112 of the Criminal Procedure Code of the Republic of Uzbekistan) [2].

There are different points of view among procedural scholars regarding the types of interrogations, especially those divided depending on the procedural status of the interrogated. Some procedural scholars have an opinion that the interrogation of witnesses and victims is one type of interrogation, since the procedural nature of their testimony is the same, therefore, both the victim and the witness are interrogated according to the same rules.

A number of other scholars argue that the testimony of the victims has some special features that give reason to characterize their testimony as a separate, in contrast to the testimony of witnesses, a source of evidence. In our opinion, the second point of view is more correct, since the victim is not just a witness, but also an eyewitness to a crime and, most importantly, a person who has suffered any harm (physical, property, moral). The victim, when assessing the circumstances of the incident, will have obvious subjectivity. Therefore, his perception of the crime that happened, and hence the testimony, will differ significantly from the testimony of a simple witness. In this regard, it would be advisable to single out the testimony of the victim as a special source of evidence. However, the current Code of Criminal Procedure of the Republic of Uzbekistan (Articles 114-120 of the Code of Criminal Procedure of the Republic of Uzbekistan) is prescribed to interrogate victims according to the same rules as witnesses.

The interrogation, depending on the age, also has significant differences, both of a procedural nature and in the tactical features of its conduct. It is not for nothing that criminal proceedings against minors are allocated in a separate chapter (Chapter 60 of the Criminal Procedure Code of the Republic of Uzbekistan). Special attention is paid to all types of interrogations involving minors, which differ significantly from the interrogations of adults, starting from the moment of calling for the specified investigative action. When interrogating a minor, it is necessary to take into account their age, gender, individual psychological characteristics, as well as the status of a teenager in criminal proceedings [3, p. 42]. Taking into account this peculiarity, the tactics of questioning a minor should be built, questions are formulated and the line of conduct of the investigator is chosen [4, p. 65].

Participants in criminal proceedings are interrogated, as a rule, at the place of the preliminary investigation or inquiry. If necessary, the investigator (inquirer) has the right to conduct an interrogation at the location of the interrogated person.

## **CONCLUSION.**

The interrogation is universal in its methods and the information obtained by the investigative action. With the help of a properly organized and competently conducted interrogation, the investigator (inquirer) can get at his disposal an evidence base for almost all the circumstances of the case that are important for proving.

## **REFERENCES:**

1. The Constitution of the Republic of Uzbekistan. - T., 2020. - p. 3.
2. Criminal Procedure Code of the Republic of Uzbekistan // URL: <https://www.lex.uz/docs/111460#253838>
3. Gribunov O.P., Tretyakova E.I., Kachurova E.S. Investigation of crimes committed by minors: a textbook. – Irkutsk, 2016. – 68 p.
4. Zagoryan S.G., Egorova Yu.V., Kruglova A.A., Misnik I.V. The practice of initiating criminal cases against parents and other legal representatives of minors who do not fulfill their upbringing duties and abuse children: a textbook. – Irkutsk, 2013. – pp. 25-26.