



# UNIQUE ASPECTS OF OBJECT AND DOCUMENT EXAMINATION IN CRIMINAL INVESTIGATIONS

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Article history:	Abstract:
<b>Received:</b> 11 <sup>th</sup> May 2024 <b>Accepted:</b> 7 <sup>th</sup> June 2024	This article analyzes the specific features of examining objects and documents, their differences from other investigative actions, and the purpose and objectives of conducting an examination. It also discusses the problems that arise while examining objects and documents and ways to solve them. Based on the results obtained, recommendations for improving the examination of objects and documents have been developed.

**Keywords:** examination of objects and documents, investigative action, evidence, criminal process, investigator, technical means.

## INTRODUCTION

Inspection of objects and documents is an important investigative activity in criminal proceedings. It is an effective method of collecting and strengthening evidence in a criminal case and helps to solve the crime quickly and completely.

Specific features of inspection of things and documents, procedures, and problems of its conduct are important. This article examines the theoretical and practical aspects of the inspection of objects and documents, its purpose and tasks, as well as issues of its improvement. It should be remembered that observation is not only observation but also includes certain calculations and measurements, as well as comparing some things with each other. In the process of conducting a criminal case, various things can play an important role in the fate of the case.

## MATERIAL AND METHODS

The method of comparative legal and statistical analysis was used in the research work. Generalization, induction, and deduction methods were also used in the work.

## RESEARCH RESULTS

If we analyze the scientific views of scientists on the examination of things, according to the definition of R.Vagapov and G.Abderyakhimova, the examination of things and documents is carried out in accordance with the criminal procedural legislation in order to directly perceive and study the objects and traces important for the investigation of the case by the investigator. things to increase and actions to study documents [1, P.19-20].

In our opinion, the above definition cannot be partially agreed upon. The reason is that inspection of objects and documents can be carried out not only by the investigator but also by other participants of the criminal

proceedings who are authorized to conduct proceedings.

According to N. Ugolnikova, the investigative act of examining an object begins with the study of the general characteristics of a certain object by the person performing this investigative act. During this study, he examines the condition of the object, notes its name and, if possible, its purpose, and in some cases also notes the rules for its use.

Then, the authorized official conducting the inspection must determine the individual characteristics of the object, whether it has defects, if so, in what form, the characteristics that are unique to this object, as well as the signs that indicate the intensity of use of the object. Also, it is considered necessary to study the issue of the actual relevance of the thing under review to the ongoing work.

In cases where the knowledge and skills of the authorized official conducting the inspection require the appointment of an expert, he cannot exclude the participation of an expert. Therefore, it is necessary to observe the rules of caution during the examination to identify the traces that will be sent to the expertise later, while working with such things and the traces on them [2, P.67-69].

According to A. Tarasov, the inspection of things can be carried out before the initiation of a criminal case because this type of inspection belongs to the category of investigative actions aimed at collecting traces of crime, as well as other evidence.

Inspection of things should be done with the participation of at least two impartial people or with the use of technical means. The participation of a specialist and an expert in this type of investigation is not excluded in any case [3, P.134-137].

In our opinion, the views mentioned above are correct, and in some situations, looking at things can be



dangerous for the life and health of the participants of the investigation. If there are such probabilities (for example, if an explosive substance or ammunition is being inspected), in this case, the participation of impartial persons should be excluded and technical recording means (video footage) should be used.

According to A. Manyugin, the investigator faces a lot of problems when examining things and documents. One of the most important factors of all the problems that arise in the implementation of this investigative action is the psychological unpreparedness of the investigator. This is because the investigator has the right not to use the recommendations of the criminologist in carrying out the investigation. This creates problems such as the ineffective use or rejection of technical forensic advice that is common to all investigative efforts.

In addition, the problem is that in order to inspect things and documents, the investigator is often required to obtain a court order to carry out this investigative action. This is reflected in cases where it is necessary to review and withdraw data located in the phone's memory [7, P.197-199].

In our opinion, the above-mentioned points are appropriate, and in the current legislation and in the practice of judicial investigation, clear limits should be set and observed on the powers of inspection of electronic data-carrying devices and obtaining information from them.

According to M.Bondareva and A.Sysenko, another problem related to the inspection of things and documents may arise when a large number of things are seized and all of them are the same copy, or when a large number of documents of the same template or a large number of identical things are seized.

In such cases, that is, when a large number of objects, each of which is a single copy, are seized, each object must be examined and, accordingly, the special characteristics of each of them must be indicated in the inspection report. The same rule applies to browsing documents because, despite the fact that documents have many external characteristics in common, the content of each document is individual [5, P.22-24].

In our opinion, the above opinion regarding the review and recording of a large number of species and documents is partially valid and cannot be fully agreed upon. This is because any items and documents seized during an investigation that are deemed to be relevant to the case may be found to be insufficiently relevant to the case upon further review. In addition, in some cases, although such things and documents are important enough for the case, it is impossible to record each of them in the inspection report.

#### **ANALYSIS OF RESEARCH RESULTS**

Therefore, it is appropriate to record such things and documents in the minutes with a brief description of their general characteristics.

According to the generally accepted rule, the examination begins with the study of the general appearance of the thing and carefully examines its small elements - general and special signs, composition, traces of injuries, etc. The main focus is on micro-objects found in objects, for example, biological traces play an important role in crimes committed by the use of violence. In this case, the location of the trace is clearly indicated, and the connection of the object with the carriers is determined. This information will play a key role in the formation of the mechanism of learning traces in the future.

It is recommended to look for micro-objects (traces) using various light-emitting devices called "Ultraviolet rays". During the examination of clothes, its external and internal parts are studied. Often, after washing clothes, various kinds of marks may have been transferred to the inside.

Our national scientists have put forward a number of scientific views on the examination of things and documents. In particular, M. Chutbaev touched on the procedural aspects of the inspection of things and documents, including the fact that the inspection of things and documents by an investigator, investigator, and court does not require a lot of time or additional technical means, in the place where they are found, if it requires a lot of time or additional technical means. states that further inquiry, preliminary investigation, or trial may be conducted at the venue.

When inspection of things and documents is carried out at the place where they were found, the reasons for the discovery of these things and documents, for example, search, seizure, examination of evidence at the scene of the incident, and other investigative actions, are reviewed and recorded. It is not required to issue a statement of inspection of individual items and documents. As in other investigative activities, technical means may be used in the examination of objects and documents.

However, it is necessary to pay particular attention to the fact that things and documents that have been found in a necessary condition and must be inspected do not cause them to be lost or damaged, taking into account that they may be of evidentiary importance in the criminal case [6, P.230].

In our opinion, the above-mentioned view that "examination can be carried out in the place where they are found, if it does not require a lot of time or additional technical means, if it requires a lot of time or additional technical means, then in the place where the inquiry,



preliminary investigation or trial is held" is defined by the current legislation. repeats such norms. At the same time, this scientist does not define exactly what the concept of "a lot of time" means.

If we analyze the national legislation on the inspection of things and documents, in accordance with Article 140 of the Code of Criminal Procedure of the Republic of Uzbekistan, the official of the body conducting the pre-investigation investigation, the investigator, the investigator, and the court should inspect the things and documents in the place where they are found. if they require additional technical means, they will examine it later at the place where the inquiry, preliminary investigation, or trial is held.

The inspection may be carried out using technical means, as long as it does not result in the loss or damage of items or documents.

According to the scientific review given to this article by S. Sakhaddinov, this article defines the procedural basis of inspection of things and documents. According to it, two different procedures of inspection of things and documents are established: first, inspection of things and documents by the inquirer, investigator, and the court in the place where they are found; second, inspection at the place of inquiry, preliminary investigation, or trial.

As long as the inspection of objects and documents does not require a lot of time or additional technical means, they will be inspected on the spot, and full information about this, as well as the progress and results of the inspection, will be included in the inspection report. If the inspection of things and documents requires a lot of time or the use of additional technical means, as well as there is a need to obtain an expert's opinion or an expert's opinion, then the things and documents will be inspected later with the participation of appropriate means and persons [7, P.284].

Although object browsing and document browsing share a number of common features, document browsing is distinguished by having a number of unique properties that are not duplicated in other browsing objects (types). In particular, in the opinion of scientists such as Yu. Gavrilin, A. Pobedkin, and V. Yashin, the purpose of this action is to identify and strengthen the signs that can cause the documents to be accepted as material evidence, as well as to determine the facts and circumstances that are important for the case recorded in the documents [8, P.23].

S.shcherba singles out the tasks of reviewing documents, identifying general information describing this document, reviewing various signatures, dates, which surnames are indicated, to whom it is addressed, and other similar facts. In his opinion, the most

important thing in this situation is to identify and define the connection between the document and the criminal case.

Also, S.Shcherba emphasizes the need to restore this document in cases where its content and appearance are damaged when reviewing documents and to identify the features that indicate the individual characteristics of the document [9, P.267].

E. Arestova believes that the inspection of things and documents should be studied as a separate action when they are found outside the place of the incident [10, P.41].

In our opinion, we cannot agree with the above opinion of E. Arestova regarding the inspection of things and documents. The reason is that when there is a risk of loss of things found and traces in documents or other information important for the criminal case, it is necessary to examine them at the place where they were found.

In addition, the legislation also provides for the examination of objects and documents at the place where they are found, and if the examination requires a lot of time or additional technical means, they can be examined later at the place where the inquiry, preliminary investigation, or trial is conducted.

According to K. Kostenko and E. Avdeeva, at the initial stage of examining documents, it is appropriate for the investigator to determine the following general features of a specific document:

- a) what the document represents, what is its content;
- b) where and in what order it is stored;
- c) what are the appearance and details of these documents;
- d) how its origin was carried out, from whom (from where) and to whom (where) this document was sent [11, P.130].

The further tactics of the investigator's actions may differ depending on the role this document plays in the case, that is, it depends on whether the document is embodied as material evidence or a means of confirming certain facts and circumstances. Inspection of documents is carried out in order to consider documents as material evidence and to find other things of importance in the criminal case. At the beginning of the inspection, the appearance of the document, its details, and its original origin should be at the center of attention.

The next stages of the review will depend on its nature. If during the inspection there are reasons to indicate that the document is material evidence, then during the inspection it is necessary to find traces of a crime or obvious signs indicating that it was the object of a criminal act. The examiner himself or with the help of a



specialist examines the document using the necessary methods and available technical means (magnifying glass, ultraviolet light, electronic-optical converter, etc.). If necessary, it is necessary to compare the document with its duplicate, copies.

When examining documents as material evidence, the investigator should examine their content, form, materials, and individual parts, and elements (signature, seal, stamp, etc.) and decide the issue of authenticity of the document. To identify signs of forgery, special inspection methods should be used, and in some cases, the investigator turns to an expert for help. All signs (alterations, erasures, additions, etc.) indicating the complete fabrication of the document or its partial forgery are recorded in detail in the examination report.

In the report of the investigative action, a full description of the inspection action, the methods and tools used, and what signs were found should be specified in detail.

If the document appears as a means of confirming any facts, attention should be paid to its parts that play a corroborative role.

The inspection report records everything found during the investigation, and the part of the document that has direct evidentiary value can be described verbatim, if necessary. In this way, if only a certain part of the documents has evidential value, the rest of them will be prevented from being used.

During the investigation of certain crimes, it may be necessary to examine animals. The purpose of this is to determine the signs that allow determining the belonging of animals to a certain person or farm, and the signs that can confirm the identity of animals.

S.Shumilin and B.Zavidov stated that if special knowledge is needed in the study of the document under review, the appointment of appropriate expertise is required [12, P.28].

It is inappropriate to disagree with our opinion. The reason is that the person examining the documents has certain knowledge and skills that do not exempt him from the obligation to appoint an expert in necessary cases.

K. Mittermaer lists the requirements that the investigator must follow during the inspection. In his opinion, first of all, it is necessary to be very careful when working with documents, to prevent them from being bent or rubbed with any substance, and not to be placed on dirty surfaces. In general, the form in which the document was received should be preserved.

It is advisable to carry out the initial inspection during the day and when there is good light so that all the

necessary parts of the document are visible. After all, any special tools can be used during this time.

Acquaintance with a truly authentic document will also give a positive result so that there is no doubt about the authenticity of the document. During the review process, it is necessary to check the condition of the front and back sides of the document, including its edges. In this case, the presence of any stains, lines, etc. in the document should be determined [13, P.102]. According to M. Zhijina, the following should be studied and checked when reviewing documents:

– material means, that is, what the document is reflected in (written paper, etc.); if it is on letterhead, then what kind of letterhead it is made on - typographic, using computer technologies, made by hand; its dimensions. Thus, it is necessary to pay attention to the integrity of the document and how it is stored. If the document has many pages, the difference in the quality, thickness, color, font size of the pages, intervals between words and lines, as well as other features of text execution must be taken into account.

– how the document or its individual parts were produced by means of technical means: printed on a printer (electrophotographic (laser), liquid ink, matrix), printed on a typewriter, or made using copy paper; if a copy is provided, how the copying was done (photocopying, digital photography, etc.); in the case of manuscripts and signatures, which writing device was written (pen, pencil, etc.);

– other features of the document: torn or cut edges, folded areas, dirt, painted and rubbed parts [14, P.78]. In our opinion, the detection of the above-mentioned cases will contribute to the quick and full investigation of criminal cases.

R. Vagapov and G. Abderyakhimova, commenting on the common problems that arise when examining things and documents, list the following problems:

– low level of competence in the use of technical means. This condition can affect the quality and completeness of obtaining information that is important for work when looking at things and documents. It is very important to be able to identify the capabilities of forensic technical tools and to use them correctly in order to increase the efficiency of inspection;

- carelessness of the person examining things and documents. It is important to record every document found during the inspection, with their name and other details. Sometimes, due to the need to review and study a large number of items, it is not possible to immediately review items and documents. Therefore, the law provides the opportunity to seize things and documents that are important for work. The investigator



must carefully study them without violating the integrity and content, and ensure their safety;

- Incorrectly and incorrectly filling out the report of inspection of things and documents. This may result in the loss of work-critical information;

- Violation of the rules of drawing up a report, packaging, and transporting things and documents. It should be noted that improper sealing (packaging) of inspection objects may raise doubts about the authenticity of physical evidence in the future. If there is a need to break the integrity of the seal, the investigator should reflect on the reasons for this and actions related to breaking the seal in the inspection report. Otherwise, the items obtained during the inspection may be recognized as inadmissible evidence. It should be remembered that compliance with these requirements is the most important means of ensuring the reliability and admissibility of evidence [15, P.19-20].

According to A. Nikitin, one of the common problems that arise in the examination of objects and documents, in addition to the above, is related to the subjective opinion of the investigator about the traces of crime reflected in the objects to be examined. For example, the investigator stated in the inspection report that there were several dark red-brown blood-like stains on the defendant's jeans, shirt, and boots. After all, in this case, the investigator expresses his subjective opinion about this substance without appointing an expert and without being fully convinced [16, P.130].

A. Gulyants, in addition to the above, acknowledges that acquiring a wider range of knowledge in the field of criminalistics, in particular, increasing the level of special knowledge and skills within the framework of academic training, and improving the acquired knowledge in the system of professional development, also helps to achieve positive results in the field [17, P.185].

### **CONCLUSIONS**

In our opinion, it is appropriate to consider the above-mentioned mistakes in the practice of inspection of things and documents and some ways to eliminate them. must implement and adhere to the following:

– compliance with laws, regulations, and recommendations in the field of criminalistics;

– practical application of acquired theoretical knowledge, tactics, and methods. In addition, methods and methods of investigation of crimes and certain investigative actions should be developed and put into practice;

– carelessness should not be allowed when examining things and documents;

– proper use of technical tools that allow obtaining additional information important for work.

From the above, we can conclude that there are many problematic issues in the system of modern investigative actions, without solving them, it is impossible to ensure the effectiveness of inspection of things and documents. Improving the efficiency of the inspection of things and documents implies not only the responsibility and qualification of the person inspecting them but also the development and implementation by the legislator of specific rules and recommendations necessary for the effectiveness of his activity during the investigation of the case.

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