



THE HISTORY AND NATURE OF THE INVESTIGATIVE INTERVIEWING OF SUSPECTS

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Article history:	Abstract:
Received: 28 th May 2024 Accepted: 26 th June 2024	This article highlights the essence, types, characteristics and evolutionary development of interrogation of suspects in the world history and the history of Uzbekistan, at the same time, the author's definition of the concepts of interrogation of the suspect and tactics of the suspect is given in the article.
Keywords: investigative activity, interviewing, interrogation, judgment, favor, suspect, criminal, questioning, case, guilt, respond, crime, torture, evidence, criminal proceedings, procedural legislation, tactical methods.	

We are sure that the history of the formation of this investigative activity is longer and richer than the history of the development of other types of investigative activities. In particular, the emergence of the questioning as an investigative act in world history dates back to the 5th century BC, and it is also mentioned in the Laws of Manu. At that time, the requirements for the persons to be interrogated and the criteria for the truthfulness of their testimony were defined.¹

The history of the investigative act of interrogation is primarily concerned with the questioning of persons suspected of having committed a crime. Historians are informed that different methods have been used in the world history of questioning the suspect. For example, in ancient China, it was used to interrogate the suspect with the help of rice, that is, the suspect had to put dry rice in his mouth and listen to the suspicion and guilt being put on him. If the rice in his mouth remained dry at the end, the suspect's guilt would be confirmed, as they believed that this was the result of fear causing his mouth to dry up and stop salivating.

A similar technique was used in ancient India to interrogate a suspect. When interrogating the suspect, when neutral and critical words related to the crime are said to him, the suspect should say the first word that comes to his mind and hit the gong with his head (*gong is a percussion musical instrument, widely used in Southeast Asian nations, produces a long, melodious sound when struck with a stick. Anciently used as a heraldic instrument*) which was supposed to strike. A

critical word was responded to with a stronger beat than a neutral word. Such interrogation procedures have been different throughout history in different parts of the world, in different nations at different times. In medieval Europe, as well as in peoples who lived in the form of a simple tribe, the practice of questioning was observed.²

In Amir Temur's state, interrogations, inspections, and investigations were conducted from time to time, writes scientist A.J. Badirov. Abuse of office, bribery, constant drinking, and domestic disorder were considered serious sins and were severely punished. The abuse was not only between ordinary people, but when it came to Temur's descendants, even they received their due punishment. According to historical sources, his son Mironshah, grandsons Pirmuhammad and Khalil Sultan were also punished in front of the people.³

According to the historian Ali Yazdi, "One of the loyal people came to know about this incident and complained to His Holiness. He summoned all four persons and questioned him... It turned out that this is true".⁴

Pirimkul Kodirov, this is how the questioning about the era of Amir Temur is described that: "Meanwhile, Kaikhusrav, one of those who sowed the most seeds of enmity, will have to reap the harvest of death that sprouted from these seeds. On the way back from Khorezm, all the ministers and great amirs of Amir Temur gathered at a place called Khos near Qiyat, and they interrogated Kaykhusrav who was in custody and blamed him for the crime he had committed".⁵

¹https://studbooks.net/1153431/pravo/istoriya_doprosa

² https://studbooks.net/1153431/pravo/istoriya_doprosa

³ A.J.Badirov. Amir Temur davlatida qonunchilik // Amir Temur va uning jahon tarixidagi o'rni. Xalqaro konferensiya tezislari. – Samarqand, 1996, page 67.

⁴ Sh. Yazdiy. "Zafarnoma". 1997, page 72.

⁵ P.Qodirov. Amir Temur siyosati. O'zbekiston. 2007, page 144. (<https://n.ziyouz.com>)



According to O.Tangirov's article "On the activity of judges' (qozilik) courts in Tashkent at the end of the 19th century - the beginning of the 20th century", in 1878, on the basis of a joint decision of the ulama of the "old city" of Tashkent, it was declared that interrogation by sharia judges is not appropriate in the following cases :

1. To make a judgment on a case that benefits him;
2. To interrogate in favor of his children and all his descendants;
3. To judge in favor of his father, grandfather and above;
4. To judge in favor of his mother, aunt and above;
5. To judge in favor of his wife;
6. To judge in favor from a person who is partner for him.⁶

In the Middle Ages, interrogations were carried out using oaths, holy books and other religiously sacred objects. A suspect apprehended for a crime was often interrogated with various forms of torture. For example, according to Russian historians, the foundations of interrogation tactics were formed during the reign of the Russian emperor Peter I. Special rules were applied to the questioning of a suspect, with interrogation tactics often involving torture.

With the development of society, the legislation of states has changed, and the requirements and conditions for the conduct of interrogation have changed. The Charter of Criminal Court Proceedings of 1914 established special rules for questioning the accused person, according to Article 404 of this Charter, the questions had to be short and understandable. It was stated that the investigator should not confuse the suspects' mind with various promises, tricks, threats or other extortion actions.⁷

During the time of the former USSR, all investigative actions in the criminal process, including interrogation, were somewhat systematized. Explanations of the offender, witnesses and other persons were defined as a source of factual information in the record before the court (Article 415 of the Criminal Code). At this stage, the maintenance of factual information consisting of explanations was considered evidence. However, according to the essence of the current criminal-procedural legislation, the persons who gave explanations before the initiation of the criminal case had to be interrogated as the

accused, suspect, victim, witness after the initiation of the criminal case. Therefore, in the later stages, explanations have lost their validity as a source of evidence. They were replaced by statements obtained during investigative actions, more precisely during interrogation.⁸

From earliest history to the present, the concept and rules of the investigative act of interrogation have been changing and improving.

Based on these historical data, we can conditionally divide and periodize the history of the development of interrogation, in particular, the act of questioning a suspect, into several stages:

The oldest period (ancient China and Ancient India, when specific methods of interrogation of criminals were used);

The Middle Ages period, i.e., the period from the 5th to the 19th centuries (the period when the questioning was influenced by the state administration in the form of a monarchy and religious factors, including the rules of Muslim law, were widely used);

The period of procedural formation of interrogation - the second half of the 19th century - until the October coup, i.e., the period until 1917 (criminal-procedural legislation on interrogation was formed in the countries, especially in Central Asia, under the influence of the Russian Empire);

The era of Soviet criminal procedural legislation - the period from 1917 to 1991 (interrogation in criminal proceedings was systematized);

The new period is the period from 1991 to the present (procedural legislation on interrogation was improved, modern methods and techniques of interrogation, conditions began to be introduced).

Interrogation is the most common independent investigative activity among the investigative activities performed in the criminal process and constitutes the main part of the workload of the investigator. In pretrial proceedings in criminal cases, that is, at the preliminary investigation and inquiry stage, interrogation is important in solving the crime, gathering evidence, and exposing the culprits. Interrogation is an investigative act conducted in the form of an oral request in order to obtain information from the person being questioned about circumstances important for the case and to find new evidence in the form specified in the criminal procedural legislation.

In foreign literature, the terms "Interrogation" and "interview" are used interchangeably, and

основные и дополнительные производства. Монография. Томск: Изд-во Том. ун-та. 1991, pages. 83-84

⁶ <https://kukaldosh.uz/14/03/2018/854>

⁷ <https://studme.org/1791021130339/pravo/dopros>

⁸ Ю.К.Якимович. Структура советского уголовного процесса: система стадий и система производств



interrogation is defined as follows: " the systematic process of using approved interrogation approaches to question a captured or detained person to obtain reliable information to satisfy intelligence requirements, consistent with applicable law and policy".⁹

We can define this investigative action as:

Interrogation is the process of obtaining a statement from a person who has certain information about the criminal case under investigation.

Usually, the place of questioning is determined at the place of the preliminary investigation, but it is also allowed to be held at the place of the person being questioned.¹⁰

In a number of literatures, it is noted that the lack of legal grounds for recognizing a person as a suspect creates uncertainty in practitioners and causes them to break the law. In the research work of K. Mavlanov¹¹, a proposal was put forward to eliminate this shortcoming.

In order to improve the efficiency of interrogation of the suspect, it is necessary to improve the legislation from a procedural point of view, to master the modern tactics of criminalistic interrogation and to apply it to the national practice. Currently, interrogation of a suspect is carried out in countries around the world using various technical means or tactical methods. No matter how important skills and experience are in this regard, the lack of forensic knowledge in their use or failure to follow certain procedures will adversely affect the results of the interrogation. As a result, information valuable to the case may be lost or a criminal case may not be opened. Therefore, the theory is constantly arming the activity of combating crime with modern criminalistic supplies.

Interrogating a suspect is their first encounter with a police officer or investigator. The suspect does not yet know what evidence the investigator has, he hopes that the investigator has no incriminating evidence. Therefore, often during interrogation, the suspect does not have time to determine his behavior during the investigation. That is why special interrogation tactics are needed when questioning a suspect.

In our opinion, it is appropriate to formulate the following definitions:

Interrogation of a suspect is an investigative act of questioning a specific person in order to clarify the suspicion of having committed a crime on the basis of criminal procedural legislation.

The tactics of questioning a suspect is a set of methods used to confirm or eliminate the existing suspicion of committing a crime, and to obtain new evidence in this regard.

In conclusion, it can be said that the study of the history and nature of the questioning of the suspect is important in the analysis of the questioning of the suspect based on the criminal-procedural legislation of the Republic of Uzbekistan in comparison with modern foreign experience and foreign criminal-procedural legislation, as well as it takes place in the further formation of the tactics of questioning the suspect in our country.

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