# OBJECT AND OBJECTIVE OF EVIDENCE FORGIVENESS

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**ABSTRACT**

*This article seeks to discover the great triumph of the science of criminal law and to form a single general structure of all these crimes, and on this basis to compile the composition of each crime from the group of four basic features that describe the object, the subject, the objective side, the subject and the subjective side.*

**KEYWORDS**: *Crime, Criminal Law, Objective And Subject, Criminal Code, Code Of Civil Procedure, Experts, Court.*

## INTRODUCTION

One of the axioms of the science of criminal law is the idea that each crime is characterized by a set of known objective and subjective features that are systematically related to each other. The great achievement of the science of criminal law is the discovery of a single general structure of all crimes and, on this basis, the composition of each crime from the group of four basic features that characterize the object, the subject, the objective side, the subject and the subjective side. Today, it has become a tradition in Uzbek criminal law to begin by assessing the composition of a crime and analyzing its objective features. First of all, researchers focus on the object of the crime, and usually understand what the perpetrator is raping, which can be harmed or harmed as a result of a socially dangerous act (omission).

The object of the crime is of special importance, because it (as an element of the crime) performs the function of forming a system. Depending on the definition of the object of the crime, its violation, and the possible consequences, it can be violated by a fixed range of subjects.

It should be noted that the problem of understanding the object of the crime is conceptual. The study of the general and specific features of the object of the crime, its place in the system of categories of criminal law is related to the understanding of the subject, style and objectives of criminal law, its place in the system of social order.

In the doctrine of criminal law, various approaches to the understanding of the object of the crime are widespread: the object of the crime as a relationship with the public; legal norms as an object of crime; the object of the crime as goods and interests; People are the object of crime and so on. The science of criminal law, in order to understand the object of a crime, is recognized as a social relationship protected by criminal law.

It is recommended to analyze Article 2301 of the Criminal Code of the Republic of Uzbekistan separately to determine the object of the crime. The analysis and generalization of the direct object of falsification of evidence allows us to distinguish three main approaches. **[1]**

According to the first, the main object of falsification of evidence is the interests of justice, which are social relations, which usually consist of the legal and rational resolution of criminal cases.

This approach is based on Chapter 26 of the Criminal Code of the Republic of Uzbekistan, which unites justice as a specific object of the crimes committed against it. If the direct object of the crime is identified, taking into account the chapter of the Special Part, it will have a solid theoretical basis. As noted in the legal literature, the lack of specific instructions on the objects of certain crimes is formed by analyzing the material of specific legal documents, which often require the legislature to refer to separate sections of the criminal law. At the same time, the chapters gave instructions on the object of the crimes included in this chapter. **[2]**

According to the second, the main direct object of falsification of evidence is the formation of social relations that ensure the normal functioning of the courts, the normal functioning of the bodies of preliminary investigation and inquiry. At the same time, this "normal activity," according to experts, is to ensure that this credible (material and written) evidence (the order of their legal formation) is submitted to the courts, investigators and inquiry agencies. **[3]**

According to the third approach, the procedural order of gathering and presenting evidence in criminal cases is based on the recognition of evidence as the main object of falsification. Despite the obvious differences in the approaches, they distinguish the direct object of falsification of evidence, and in general, they do not contradict each other, but complement each other, reflecting different aspects of the single object of the crime. But Uzbekistan criminal code 2301-moddasi Uzbekistan Respuвlikasining Fuqarolik proцessual code, Iqtisodij proцessual code, Ma'murij işlarini juritiş tўғrisidagi code hamda Ma'murij zavoвgarlik code Ç'ditë dalillarni tўplaş and offer etişning proцessual tartiвini zarajonida dalillarni qalвakilaştirişni asosij tўғridan-tўғri object sifatida qamraв olmagan. Article 303 of the Criminal Code of the Russian Federation, the Code of Civil Procedure of the Russian Federation, Such aggression against the procedural order of proof violates the established norm, and the violation of the activity of the court and the bodies of preliminary investigation in accordance with the law, in turn, harms justice. **[4]**

Thus, we can conclude that the main direct object of forgery is a complex, multi-layered character. By violating the procedural order of gathering and presenting evidence, these crimes disrupt the normal functioning of the judicial and pre-trial investigation bodies, thereby damaging the system of the judicial and pre-trial investigation bodies.

As for the additional direct object of the crimes provided for in Article 2301 of the Criminal Code of the Republic of Uzbekistan, it is the honor and dignity of the person, business reputation, property rights, physical freedoms and other personal rights.

It is obvious that the nature of the object of evidence is incomplete, except for the subject of the relevant crimes. The identification of the subject of the crime in many ways helps to reveal the true direction of the crime. In many criminal law norms, the object of the crime is not directly named, and the description of the subject of the crime helps them to identify it. **[5]**

Unlike the intangible object of a crime, it can be investigated, measured and corrected. Referring to the characteristics of the subject of the crime in order to identify and specify the object of criminal law protection is based on the fact that the subject traditionally acts as a part of the existing social relations.

It should be noted that proof and evidence is one of the most complex and contradictory branches of the theoretical doctrine of civil law and criminal procedure. Based on the rules of civil, economic, administrative and criminal procedure (Articles 71, 72, 73, 74, 75, 84, 90 of the Code of Civil Procedure of the Republic of Uzbekistan, 66, 67, 68, 69, 70, 71, 72 of the Code of Economic Procedure) Articles 74, 75, 77, the Code of Administrative Procedure, Articles 65, 66, 67, 68, 69, 71, 74, 76, Articles 81, 87, 95, 951 of the Code of Criminal Procedure, the Code of Administrative Liability Articles 276, 277) and in accordance with the theoretical rules in the field of evidence theory, evidence in its most common form can be defined as information about the

facts, **[6].**

However, despite the axiomatic nature of the rule on affiliation with evidence and sources of evidence, in the science of criminal law and law enforcement practice, the issue of criminal-legal assessment of the falsification of the source of evidence is important.

One of the main reasons for the violation of the requirements for the acceptance of evidence is the lack of attention to the source of evidence as an element that forms a procedural view of the evidence.

From a practical point of view, the question of assessing the relationship between the source of evidence and the evidence, especially if the investigator or investigator falsified the protocol of the interrogation or investigation of the scene, should be signed by a real or imaginary participant in the process. does not change the content of the transmitted data.

For example, Nugmanov, an officer in the Samarkand police coordination department, was a law enforcement official who colluded with law enforcement officers Ermonov and Kayumov. collected evidence and presented it to the preliminary investigation. As a result, on the night of November 15-16, 2020, at the address: 32, Shohruh Street, Samarkand, in the shop "S-Smart", owned by a citizen Sh. by stealing 14 types of mobile phones of various models with a total value of 20,559,000 soums. **[7]**

Although Bakijonov pleaded guilty to theft that Nugmonov and others had not committed under the influence of the illegal actions against him, he did so when questioned by investigators.

For this reason, Nugmanov, in a group with his subordinates Kayumov and Ermanov, issued a false statement to ensure that the theft was allegedly uncovered. The evidence was presented to the investigating authority for inclusion in the criminal case as evidence, and the evidence was falsified in order to prosecute Bakijonov.

The court found the defendants guilty of falsification of evidence under Article 2301 (2) (a) of the Criminal Code of the Republic of Uzbekistan and sentenced them.

According to experts, the crime is committed not only when the evidence is corrupted, but also when the external form of its expression is falsified, that is, when the sources of evidence are falsified.

For example, Yu.I. According to Kuleshov, not only factual information, facts, information about past or present events, but also the procedural form of proof can be falsified. This conclusion shows that no information other than the procedural form has any evidentiary value..

According to Article 90 of the Code of Criminal Procedure of the Republic of Uzbekistan, statements of investigative actions are an independent type of evidence that examines the circumstances and facts that are important for a criminal case. According to Article 2301 of the Criminal Code of the Republic of Uzbekistan, the objective aspect of the crime constitutes actions, statements of investigative actions, which are reflected in the falsification (fabrication) or fabrication of evidence, which is considered an official crime and is added to the criminal case.

When assessing the falsification of a source of evidence (for example, a statement of interrogation of a witness in a criminal case), the content of the evidence may be changed in accordance with the provisions of Article 2301 of the Criminal Code of the Republic of Uzbekistan. which includes the procedural order of the verb, which, of course, is violated both in the falsification of the evidence and in the falsification of the source of the evidence.

In addition, the evidence and the sources of evidence are inextricably linked and interdependent in content and form. Therefore, falsification of evidence is committed both when intentionally altering the evidence (the content of the evidence) and by distorting the source of the evidence (its

form).

It should be borne in mind that in the falsification of evidence, the inquirer or investigator can "destroy" almost any criminal case, avoiding criminal liability. To do this, it is enough to falsify the sources of evidence that form the basis of the accusation. Thus, taking into account the fact that the content of the object of falsification of evidence is directly related to the content and form of the crime, and the organic connection of the source of evidence: the facts that are relevant to the criminal case; b) the source of such information. Therefore, falsifying a source of evidence is a crime. Restrictive interpretation of the subject matter of a crime is another aspect of falsification of evidence in criminal cases. Forensic analysis of the operation shows that,

On April 2, 2021, the Bukhara Regional Criminal Court, Mahmudov Mahmudjon Fuljonjon oglu, Avazov Sherali Zhurakulovich and Karomov Khurshid Shodmonovich were charged with criminal offenses by the Samarkand District Court. and Article 238 (1) of the Criminal Code.

Article 9 of the Criminal Code of the Republic of Uzbekistan stipulates that a person may be found guilty in accordance with the law and be liable only for socially dangerous acts.

In accordance with the requirements of Article 22 of the Criminal Procedure Code of the Republic of Uzbekistan, the court shall determine the guilt of the person who committed the crime, as well as all the circumstances that need to be proved in the case. to determine and take into account the circumstances that both expose and convict the accused or defendant in resolving any future issue.

In addition, according to Article 463 (1) of the CPC, a conviction cannot be based on presumptions, but only if the guilt of the defendant has been proved during the trial. It should be based only on the solid evidence gathered as a result of filling in all the gaps and eliminating all doubts and contradictions that have arisen.

In accordance with paragraph 4 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On the verdict" of May 23, 2014, No. 7, the verdict in the case can be issued only after the completion of all deficiencies identified in the case file, as far as possible. Every piece of evidence that both exposes and justifies the commission of a crime must be thoroughly, impartially and impartially examined, and evaluated in terms of its relevance, validity and reliability in accordance with Articles 95 and 951 of the CPC.

In assessing the validity of the evidence, According to the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated August 24, 2018 No. 24 "On some issues of application of the provisions of the Criminal Procedure Code on the admissibility of evidence": received by the subject of the evidence, ie by an official authorized to conduct the procedural action related to the receipt of evidence; factual information only under Article 81 of the CPC in the second part taken from registered sources; the evidence was obtained in compliance with the rules and procedures for the procedural action related to the receipt of the evidence; The process of investigating and prosecuting the motion and taking evidence All the requirements of the law on the registration of the results must be complied with.

CPC of the Republic of Uzbekistan Article 26It is stipulated that the court, which hears the criminal case in the first instance, must examine the evidence directly: interrogate the suspect, accused, defendant, victim and witnesses, and render a verdict only on the basis of the evidence examined at the trial. The jury denied the guilt of the defendants A. Ibodov, M. Mahmudov, H. Karomov and Sh. Avazov in the appellate instance and confirmed the verdict as follows:

H. Karomov's application, act, statements of interrogation of H. Karomov as a witness; N. Nematov's phone number 91-313-11-08, the statement of confrontation between the defendant Sh. Avazov and the victim N. Nematov; statement of confrontation between the defendant H. Karomov and the victim N. Nematov; statement of confrontation between the defendant Sh.

Avazov and the victim F. Shodiev; Statement on the inspection of N. Nematov's telephone set and his "telegram" program and a photo table attached to it; applications of victims N. Nematov and F. Shodiev, telephone directory;

Statement of confrontation between the defendants H.Karomov and Sh.Avazov, statement of review of the details of telephone conversations provided by mobile communication companies and attached information; Statement of review of the register of citizens entering and leaving the building of the Navoi regional police department and attached documents; statement of confrontation between the defendant H. Karomov and N. Nematov;

The information about the telephone conversations between the defendants H. Karomov and Sh. Teshaev on the CD presented to the court by the preliminary investigation body was considered unreliable.

The court argued that the above evidence was inadmissible: In particular, H. Karomov filed a complaint with the Navoi police department, alleging that a man from Bukhara named "Nodir" was involved in the illegal sale of US dollars in the Navoi region. Karomov's application was submitted not before the event, but before the event, registered and sealed.

In addition, in the video of the process of handing over the money for the purchase of control to H. Karomov before the event, M. Mahmudov had an application and a receipt, a stamp of income, in the video the operative deputies handed over money and a dictaphone. before the event, ie on October 2, 2018 from 13:00 to 14:00.

The appellate court found that H. Karomov's application had been received when he arrived at the police station after the event. This is due to the fact that the computers of all offices and organizations in the country are equipped with the operating system WINDOWS, developed by Microsoft. indicates the time of full closure. A. Ibodov and M. Mahmudov, from their initial statements to their testimony in the appellate court,

In addition, the evidence of the defendants' alleged guilt was not actually issued by the police, but by the prosecutor's office, which was not personally present at the event. that is, it was proved that it was conducted by the defendants A. Ibodov and M. Mahmudov. In particular, the act on the results of the event, held on October 2, 2018, was issued by A. Ibodov, M. Mahmudov, Sh. Jurakulov, witnesses D. Bakhtiyorov and U. Vafoev, the applicant H. Karomov, offenders NNematov and F. Shodiev, as well as Z. Nazarov, an employee of the Navoi regional department of the State Property Committee, E. Saifullayev, R. Jabborov, H. Kendjaev, Sh. Davidov and G. Rashidov, who did not take part in the event. However, according to the facts established during the preliminary and judicial investigation, Z. Nazarov, an employee of the Navoi regional department of the State Security Service, E. Saifullayev, R. Jabborov, H. Kendjaev, operatives of the department, whose names are mentioned in the act,Sh. Davidov and R. Rashidov did not take part in the event at all.

The fact that the act was not issued by the police, but by the officers of the Department and confirmed by the signatures of the DHH and the officers of the Department who did not participate in the event, was testified by the appellate court as a witness. It was confirmed by the instructions of Nasimov, H. Kendjaev, R. Jabborov, Sh. Davidov, E. Saifullayev and F. Rashidov.

In the information on incoming and outgoing calls to the telephone number 91-313-11-08 of N. Nematov, which is intended as evidence, to the phone number of the victim Sh. As of October, a number of talks had been held. However, the preliminary investigation and the court of first instance could not connect the defendants to the charges against A. Ibodov or M. Mahmudov. did not deny that they had been on the phone.

The transfer of photos of the car "Captiva" by Sh. Avazov on the phone of the victim N. Nematov

and in his "telegram" program indicates that it is planned to buy and sell a car between the parties.

During the trial, the victim N. Nematov also said in a telephone conversation with the defendant Sh. Avazov that he had talked about the sale of the car. According to them, the fact that the incoming and outgoing calls were recorded on their phones is not a proof of the guilt of the defendants A. Ibodov and M. Mahmudov.

In addition, the affidavits, which were recognized as evidence in the court's verdict, did not contain any acceptable evidence confirming the guilt of the defendants H. Karomov, Sh. Avazov, M. Mahmudov and A. Ibodov.

In particular, during all the proceedings, the defendants A. Ibodov and M. Mahmudov stated that they had organized the event in accordance with the law and that the application had been received. Defendants Kh. have done.

In turn, the panel of judges, based on the circumstances of the case, considered the testimony given by the investigative body during the preliminary interrogation and interrogation with the participation of Sh. Avazov and H. Karomov as unreliable and inappropriate evidence.

H. Karomov testified that the event was held legally, but a day later, investigator Z. Mardonov unjustifiably summoned H. Karomov to the building of the Navoi regional prosecutor's office, that is, in the office of investigator E. Narzullaev. H. Karomov complained that H. Mardonov's actions were against the law and were based on pressure. H. Karomov and S. Avazov were the first to be charged.stIn an interrogation, they were accused of giving false testimony and made a mistake.

The subject of the crime provided for in Article 238 of the Criminal Code of the Republic of Uzbekistan is a person who may participate in the case as a witness, victim, expert or interpreter. Other participants in the criminal proceedings (accused, defendant, plaintiff, defendant and third parties) may not be the subject of the crime.

Although the accused (defendant) was questioned as a witness at a certain stage of the proceedings, he cannot be prosecuted under Article 238 of the Criminal Code for perjury. Therefore, A. Ibodov, M. Mahmudov, Sh. Avazov and H. Karomov were involved in the case as defendants in the case, and later as defendants in the case. concluded.

At the same time, the panel of judges considered that the pelling data used by the investigating body to prove the guilt of the defendants were also based on assumptions. Specialists of the communication companies S. Tillayev and T. Urazov, who were questioned in the case, did not specify the exact location of the peeling, only the contact phone number of the subscriber.

According to Article 23 (3) of the Criminal Procedure Code of the Republic of Uzbekistan, all suspicions of guilt must be resolved in favor of the suspect, accused or defendant, if it is impossible to eliminate them.

The fact that A. Ibodov and M. Mahmudov falsified evidence or other documents in the case was not proved by any objective evidence in the case. It was noted that the jury did not find any evidence that the defendants H. Karomov, Sh. Avazov, M. Mahmudov and A. Ibodov had abused their power or position, falsified evidence and gave false testimony. found necessary.

According to paragraph 5 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated August 24, 2018 "On some issues of application of the provisions of the Criminal Procedure Code on the admissibility of evidence", participation in forgery It is necessary to understand the actions of individuals who deliberately enter and otherwise misrepresent false information in documents or objects on the materials of the pre-trial investigation or criminal case with prejudicial or other malicious intent.

In other words, evidence that is not of evidentiary value in a particular criminal case may not be

the subject of criminal falsification.

Article 2301 of the Criminal Code of the Republic of Uzbekistan, as the actions of a forged evidence do not depend on the court's assessment of forged documents submitted to the court. On this basis, it is necessary to recognize that the subject of falsification, which is a criminal offense, is any evidence, regardless of their evidence value in a particular case.

Analysis of the features of the subject of falsification of evidence shows that it is necessary to expand the range of evidence that serves as a subject of crime under Article 2301 of the Criminal Code. This should include evidence used in civil, economic and administrative proceedings.

IS Blagodar emphasizes that the evidence used in constitutional and administrative proceedings, that is, all levels of the judiciary should have the same legal protection (including criminal law). Yu.I., who conducted research on this topic. Kuleshov proposes to rename Article 303 of the Criminal Code of the Russian Federation "Falsification of evidence in civil, arbitration, administrative cases.".

However, it is problematic whether these doctrinal proposals apply primarily to the falsification of evidence in civil and economic courts, as Article 2301 of the Criminal Code of the Republic of Uzbekistan does not cover the falsification of evidence in civil, arbitration and administrative cases.

I.S. We do not agree with Blagodar's opinion that the evidence used in the constitutional proceedings is falsified, because the Constitutional Court of the Republic of Uzbekistan does not consider certain cases. The Constitutional Court, as it is known, does not consider the issues of a particular case, but checks the constitutionality of normative legal acts. In other words, due to the peculiarities of the subject of the rule of constitutional law, there is no evidence in the constitutional proceedings.

Article 2301 of the Criminal Code of the Republic of Uzbekistan does not cover liability for falsification of evidence in cases of administrative offenses. Although its social risk is low, it is no less than a falsification of evidence in criminal cases. exceeds the penalty.

For example, according to Article 192 of the Criminal Code of the Republic of Uzbekistan, for defamation of a competitor, a fine of fifty to one hundred times the basic calculation amount, or according to Article 190 of the Criminal Code, five unlicensed employees are allowed to work without a license. on Administrative Liability for illegal seizure of a land plot under Article 2002 of the Code a fine in the amount of one hundred to fifty times the basic calculation amount, Article 1161 for obstruction by directing a laser beam while operating an aircrafta fine in the amount of one hundred to two hundred times the basic calculation or a fine in the amount of one hundred and fifty times the basic calculation for an administrative offense under Part 3 of Article 60 (infringement of the right of ownership of natural resources).

In addition, punishments such as administrative detention relate to the fundamental rights and freedoms of man and citizen guaranteed by our Constitution.

It should be noted that administrative procedures for administrative offenses have long been established and well-established procedural systems: similar to criminal and civil proceedings. For this reason, the content of evidence and proof from such cases has almost no specific features.

According to Article 276 of the Code of the Republic of Uzbekistan about administrative responsibility, Evidence in the case of an administrative offense consists of any factual information, and the authorities (officials) on the basis of this information to determine whether the administrative offense has occurred, whether a particular person is guilty of it and to determine the case in a proper manner. **[8]**

Evidence in accordance with part 2 of this article: 1) statement on administrative offense, 2) explanations of the person brought to administrative responsibility 3) testimony of the victim, witnesses, 4) expert opinion, 5) expert advice, 7) expert advice and counsel (7) a statement on the seizure of documents, audio and video recordings and photographs, as well as other materials.

Based on the above, we consider it necessary to expand the subject of the crime under Article 2301 of the Criminal Code. Article 2301 of the Criminal Code of the Republic of Uzbekistan establishes liability for falsification of evidence in an administrative offense, which ensures the full criminal protection of the interests of justice.

According to the Constitution of the Republic of Uzbekistan and the Law "On Courts", the district, city, district, district, city, district, district, city, district, district, district, district, city, district, district, city, district, district, city, district aimed at ensuring justice, peace and harmony of citizens.

In other words, the activity of the courts aimed at ensuring justice means not only the activity of the courts in criminal cases, but also in civil, economic and administrative cases.

Rather, it is the number of bodies that ensure the performance of the function established by the court (traditionally, it is customary to classify investigative bodies and investigative bodies according to them). In our opinion, the bodies carrying out investigative and investigative activities may also be included, which makes it possible to consider these activities as an integral part of the broader concept of justice. **[9]**

One of the opposite purposes of falsifying evidence is to prosecute a person who knowingly did not participate in the commission of the crime. As a result, falsification of evidence interferes with the normal functioning of the pre-trial investigation and inquiry bodies and the court, creates conditions for the illegal prosecution of a person, which, of course, violates the interests of justice.

The direct object of falsification of evidence is complex in nature. In doing so, it violates the procedural order of gathering and presenting evidence, interferes with the normal functioning of the court and (or) pre-trial investigation bodies, and thus harms justice.

An additional object of this crime may be the honor and dignity of citizens, business reputation, property rights, physical freedom and other personal rights.

Information on the facts that determine the existence or absence of circumstances that are important for the civil case to the object of falsification of direct evidence; We consider it necessary to include the source of such information.

The subject of criminal forgery is not only evidence in a criminal case, but also any evidence in civil, economic or administrative cases.

According to Article 2301 of the Criminal Code of the Republic of Uzbekistan, it is necessary to expand the scope of the subject of the crime. Article 2301 of the Criminal Code of the Republic of Uzbekistan should be expanded to include evidence in cases of administrative, civil and administrative offenses, as their falsification is less likely to prevent criminal cases from the point of view of social risk.

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