

EKSPERTIZA XULOSASINING ISBOTLASH VOSITASI SIFATIDAGI O‘RNI VA AHAMIYATI

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Annotatsiya. Mazkur tezisdagi jinoyat protsessual qonunchiligi doirasida ekspertiza xulosasining isbotlash vositasi sifatidagi o‘rni va ahamiyati har tomonlama tahlil etiladi. Unda ekspert xulosasining huquqiy tabiati, uni tayinlash va o‘tkazish tartibi, dalillar tizimidagi o‘rni hamda boshqa isbotlash vositalari bilan o‘zaro bog‘liqligi yoritilgan. Shuningdek, ekspert xulosasining ishonchliligi, obyektivligi, ilmiy asoslanganligi va protsessual talablarga muvofiqligi uni baholashning asosiy mezonlari sifatida ko‘rib chiqiladi.

Tezisdagi ekspertiza xulosasining jinoyat ishlarini hal etishda, ayniqsa maxsus bilimlarni talab qiluvchi holatlarni aniqlashda hal qiluvchi ahamiyat kasb etishi asoslab beriladi. Uning ayblov va oqlov dalili sifatidagi xususiyatlari, sudning ichki ishonchini shakllantirishdagi roli hamda adolatli qaror qabul qilishdagi o‘rni ochib berilgan. Shuningdek, amaldagi jinoyat-protsessual qonunchilik normalari, sud amaliyoti va ilmiy qarashlar asosida ekspertiza institutining rivojlanish tendensiyalari va dolzarb muammolari tahlil qilinadi.

Natijada, ekspertiza xulosasi jinoyat protsessida haqiqatni aniqlash, dalillarni mustahkamlash va sud qarorlarining qonuniyligi hamda asoslanganligini ta’minlashda muhim isbotlash vositasi ekanligi xulosa qilinadi.

Kalit so‘zlar. Ekspertiza xulosasi, isbotlash vositalari, jinoyat protsessi, jinoyat-protsessual qonunchilik, dalillar tizimi, ekspert, sud ekspertizasi, maxsus bilimlar, dalillarning maqbulligi, ishonchlilik, obyektivlik, ilmiy asoslanganlik, protsessual tartib, ekspertiza tayinlash, qo‘shimcha ekspertiza, qayta ekspertiza, ayblov dalillari, oqlov dalillari, sudning ichki ishonchi, dalillarni baholash, sud amaliyoti, tergov jarayoni, sud-tibbiy ekspertiza, kriminalistika, DNK tahlili, sud psixologiyasi, iqtisodiy ekspertiza, raqamli kriminalistika, sabab-oqibat bog‘lanishi, jinoyat tarkibi, dalillar yetarliligi, sud qarorining asoslanganligi, ekspertning vakolati, protsess ishtirokchilari huquqlari.

РОЛЬ И ЗНАЧЕНИЕ ЗАКЛЮЧЕНИЯ ЭКСПЕРТА КАК СРЕДСТВА ДОКАЗЫВАНИЯ

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Аннотация. В настоящих тезисах всесторонне анализируются роль и значение заключения эксперта как средства доказывания в рамках уголовно-процессуального законодательства. Освещаются правовая природа экспертного заключения, порядок его назначения и проведения, его место в системе доказательств, а также взаимосвязь с другими средствами доказывания. Рассматриваются критерии оценки экспертного заключения, такие как достоверность, объективность, научная обоснованность и соответствие процессуальным требованиям.

В тезисах обосновывается, что заключение эксперта имеет решающее значение при разрешении уголовных дел, особенно при установлении обстоятельств, требующих специальных знаний. Раскрываются его особенности как обвинительного и оправдательного доказательства, роль в формировании внутреннего убеждения суда и значение при вынесении справедливого решения. Также анализируются тенденции развития института судебной экспертизы и актуальные проблемы на основе действующего уголовно-процессуального законодательства, судебной практики и научных подходов.

В результате делается вывод о том, что заключение эксперта является важным средством доказывания, способствующим установлению истины, укреплению доказательной базы и обеспечению законности и обоснованности судебных решений в уголовном процессе.

Ключевые слова: заключение эксперта, средства доказывания, уголовный процесс, уголовно-процессуальное законодательство, система доказательств, эксперт, судебная экспертиза, специальные знания, допустимость доказательств, достоверность, объективность, научная обоснованность, процессуальный порядок, назначение экспертизы, дополнительная экспертиза, повторная экспертиза, обвинительные доказательства, оправдательные доказательства, внутреннее убеждение суда, оценка доказательств, судебная практика, следственный процесс, судебно-медицинская экспертиза, криминалистика, ДНК-анализ, судебная психология, экономическая экспертиза, цифровая криминалистика, причинно-следственная связь, состав преступления,

достаточность доказательств, обоснованность судебного решения, полномочия эксперта, права участников процесса.

THE ROLE AND SIGNIFICANCE OF EXPERT OPINION AS A MEANS OF PROOF

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Abstract. This thesis provides a comprehensive analysis of the role and significance of expert opinion as a means of proof within the framework of criminal procedural legislation. It examines the legal nature of expert opinion, the procedure for its appointment and conduct, its place in the system of evidence, and its interrelation with other means of proof. Particular attention is given to the criteria for evaluating expert opinion, including reliability, objectivity, scientific validity, and compliance with procedural requirements.

The thesis substantiates that expert opinion plays a decisive role in resolving criminal cases, especially in establishing circumstances that require specialized knowledge. Its features as both incriminating and exculpatory evidence, its role in shaping the internal conviction of the court, and its importance in ensuring fair judgments are highlighted. In addition, the study analyzes the development trends and current issues of the forensic examination institution based on existing criminal procedural legislation, judicial practice, and scholarly approaches.

As a result, it is concluded that expert opinion is an essential means of proof in criminal proceedings, contributing to the establishment of truth, strengthening the evidentiary basis, and ensuring the legality and validity of judicial decisions.

Keywords: expert opinion, means of proof, criminal procedure, criminal procedural law, system of evidence, expert, forensic examination, specialized knowledge, admissibility of evidence, reliability, objectivity, scientific validity, procedural procedure, appointment of expertise, additional expertise, repeated expertise, incriminating evidence, exculpatory evidence, internal conviction of the court, evaluation of evidence, judicial practice, investigation process, forensic medical examination, criminalistics, DNA analysis, forensic psychology, economic expertise, digital forensics, causal relationship, corpus delicti, sufficiency of evidence, validity of judicial decisions, powers of the expert, rights of participants in proceedings.

Introduction.

At present, improving criminal procedural legislation, increasing the efficiency of the evidentiary process, and ensuring the legality and validity of court decisions are recognized as priority directions of legal reforms. The establishment of the rule of law in society and the reliable protection of citizens' rights and freedoms directly depend on the quality of judicial and investigative activities, in which the effectiveness of the system of evidence plays a crucial role.

Within this framework, the processes of collecting, verifying, and evaluating evidence occupy a central position. The reliability and credibility of the facts established at these stages have a direct impact on the fairness of court decisions. In this regard, expert opinions hold a special place within the system of evidence. This is because many aspects of criminal cases require specialized knowledge, and in such situations, judges, investigators, and prosecutors are compelled to rely on expert conclusions.

An expert opinion in criminal proceedings is not merely an ordinary piece of evidence but serves as a scientifically grounded, objective, and specialized means of proof. It enables the identification of complex facts, causal relationships, and essential elements of a crime. In particular, forensic medical, criminalistic, economic, and modern digital examinations provide opportunities for a deeper understanding of criminal cases and their proper legal assessment.

Furthermore, with the rapid development of modern technologies, the nature of crimes has become increasingly complex. The detection and investigation of cybercrimes, financial fraud, and other sophisticated types of offenses significantly depend on expert analysis. This increases the importance of expert opinions and requires a high level of professionalism, as well as up-to-date knowledge and skills from experts.

Current criminal procedural legislation recognizes expert opinion as an independent means of proof, making it an integral part of the evidentiary system. At the same time, the reliability, objectivity, scientific validity, and compliance with procedural requirements of expert conclusions serve as key criteria for their evaluation. The fact that many cases in judicial practice are resolved based on expert opinions clearly demonstrates their high practical significance.

From this perspective, a comprehensive scientific analysis of the role and importance of expert opinions as a means of proof, as well as the study of their theoretical foundations and practical application, is of great academic and practical importance. The main objective of this thesis is to provide a comprehensive analysis

of the role of expert opinion in criminal proceedings, its significance within the system of evidence, the criteria for its evaluation, and the existing practical challenges.

Main body.

To explain the role and significance of an expert opinion as a means of proof, it is appropriate to briefly focus on two aspects. First, what is an “expert opinion” and what does it contain? Second, what is meant by a “means of proof”?

Firstly, an expert opinion is the conclusion of a specialist who possesses in-depth knowledge in a particular field. It is based on evidence, analysis of the situation, and scientific methods. The main characteristics of an expert opinion are:

- Competence – the specialist must possess professional knowledge and relevant experience.
- Objectivity – the opinion should be based not on personal views, but on established facts.
- Reasonableness – each hypothesis must be supported by evidence.
- Reliability – the expert must consider all available information and analyze it within the context of the issue.

When discussing the expert opinion, it is also appropriate to consider the views and opinions of a number of scholars. In particular, as Yu. K. Orlov emphasizes, “although an expert opinion does not possess any superior evidentiary force compared to other types of evidence, it has a very important distinctive feature. This is because it represents a conclusion drawn by an expert as a result of research conducted through the application of specialized knowledge.”¹

E. A. Zaytseva, in turn, states that: “the appointment and conduct of a forensic examination constitute an investigative action that also encompasses the activities of the expert and represents a complex and multifaceted practice. This process includes the procedural methods of the investigator and other persons involved in obtaining new evidence — the expert opinion.”²

According to S. A. Sheyfer, it is precisely the investigator who determines the subject, scope, and objects of the forthcoming expert examination, oversees its scientific validity, completeness, and objectivity, and ensures the lawful interests of the suspect, the accused, and other participants in pre-trial proceedings, among other responsibilities.³

¹ Orlov, Y.K. *Expert's Conclusion and Its Evaluation in Criminal Cases: Textbook*. Moscow, 1995, 40 pp.

² Zaytseva, E.A. *The Concept of the Development of the Forensic Examination Institution in the Context of Adversarial Criminal Proceedings*. Moscow, 2010, 102 pp.

Shafer, S.A. “The System of Investigative Actions: What Are the Ways of Its Development?” *Laws of Russia: Experience, Analysis, Practice*, no. 2 (2015).

According to S. B. Rossinskiy, the key difference between an expert and an investigator lies in the fact that an expert is a local (i.e., limited and episodic) participant in pre-trial proceedings. The expert is engaged solely to perform a one-time task—establishing specific circumstances through the use of specialized knowledge and forming a single piece of evidence. After completing the research and submitting the prepared conclusion, that is, after fulfilling their public-law obligations before the pre-trial investigative authorities, the expert is generally removed from further participation in the criminal case.⁴

An expert opinion is a written document *предусмотрен* by law, in which the expert reflects the research conducted and the conclusions reached in response to the questions posed by the authority or person who appointed the examination.

Secondly, according to widely accepted views in legal literature, means of proof include persons who possess evidentiary information, objects bearing traces of a crime, and documents containing information relevant to the case.⁵ This approach appears to be incorrect. Individuals do not create information; rather, they serve as its carriers. Depending on the specific circumstances, persons possessing information may participate as witnesses, victims, specialists, experts, suspects, or defendants. Various procedural rules also establish different procedures for conducting investigative actions aimed at obtaining evidence (such as interrogations), which include the relevant testimonies provided by the person being questioned.⁶

Thus, it can be concluded that evidentiary materials related to a criminal act, which assist in solving the crime, constitute means of proof. In this regard, an expert opinion, despite its advisory nature, is also considered a means of proof, as it may serve either to establish the innocence of a suspect or to substantiate their guilt.

The role and significance of an expert opinion as a means of proof constitute one of the most complex, theoretically rich, and practically significant institutions of the modern legal system. This is because the process of expert examination itself enables courts, investigators, prosecutors, and all parties involved in criminal and civil proceedings to understand and evaluate facts that can only be clarified through scientific, technical, medical, economic, or other specialized knowledge beyond their ordinary competence. Moreover, an expert opinion is considered one of the most stable and reliable elements of the evidentiary process grounded in scientific methodology. Compared to other

⁴ Rossinskiy, S.B. "Forensic Expertise as a Special Method of Proving in Predictive Proceedings in Criminal Cases." *Siberian Law Herald*, no. 4 (91), 2020. <https://doi.org/10.26516/2071-8136.2020.4.100>.

⁵ Fiskevich, S.V. "Assessment of the Relevance of Evidence in Court Proceedings with Jury Participation." *Theory and Practice of Social Development*, no. 1 (2011): 11–18.

⁶ Stepenko, V.E., & Kosmynin, E.S. "Scholarly Notes of TOGU." *TOGU Scholarly Notes*, vol. 6, no. 4 (2015).

means of proof—such as witness testimony, documents, material evidence, photo and video materials, explanations of the parties, and other sources of information—it stands out due to its objectivity, independence, and scientific substantiation. Precisely for these reasons, expert opinions play a decisive role in many complex cases, particularly in fields such as criminalistics, forensic medicine, forensic psychology, economic crimes, financial audits, technical examinations, DNA analysis, forensic ballistics, traffic accident reconstruction, labor disputes, construction expertise, and many other areas.

It is widely acknowledged that in many situations, courts cannot arrive at the truth without an expert opinion. Therefore, the institution of expertise occupies a firm place both in legislation and judicial practice as an integral part of the system of means of proof. An expert opinion serves not only as a document confirming or refuting a fact, but also as an analytical source that guides the court on a scientific basis, logically connects disputed circumstances, reconstructs cause-and-effect relationships, and deeply examines evidence to reach conclusions grounded in scientific criteria.

Unlike other types of evidence, an expert opinion requires specialized knowledge that the court itself does not possess. Judges are generally not capable of independently evaluating technical processes, biological reactions, the reliability of DNA results, the extent of construction violations, the accuracy of financial calculations, or the outcomes of psychological diagnostics. For this reason, the role of expert examination is exceptionally important. In forming conclusions, experts rely on scientific methods, experimental analyses, laboratory testing, computer modeling, diagnostic techniques, statistical analysis, analytical algorithms, ballistic testing, forensic chemical examinations, medical criteria, engineering calculations, and other scientifically grounded tools. This significantly enhances the overall quality of the evidentiary process.

In the modern era of rapid technological development, expert opinions are becoming increasingly accurate, reliable, and comprehensive. The use of advanced laboratories, digital forensics, high-precision image analysis, 3D reconstruction, genetic testing, psychometrics, computer simulations, and artificial intelligence has greatly expanded the scientific potential of expert examinations.

All these factors demonstrate that the expert opinion has evolved from merely an auxiliary tool into a highly significant scientific and legal form of evidence. Its importance in judicial practice is so substantial that many criminal cases involve issues that cannot be resolved without it—for example, determining the cause of death, identifying the nature of injuries, detecting forged signatures, reconstructing the mechanism of traffic accidents, calculating the amount of financial theft, assessing

construction defects, determining economic damage, establishing whether a child has been subjected to psychological abuse, or evaluating the severity of health damage in labor disputes.

According to Article 81 of the Criminal Procedure Code, any factual data that serve as a basis for establishing whether a socially dangerous act has occurred, whether a person is guilty or not, and other circumstances relevant to the proper resolution of the case are considered evidence. Such data are established through witness statements, victim statements, statements of suspects, accused and defendants, expert opinions, material evidence, audio and video recordings, film and photographic materials, records of investigative and judicial actions, and other documents.

Furthermore, paragraph 3 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated August 24, 2018, “On Certain Issues of Applying the Norms of Criminal Procedure Law on the Admissibility of Evidence,” clarifies that evidence obtained from testimonies that are not confirmed by the totality of evidence in court is considered inadmissible. At the same time, the Constitution of the Republic of Uzbekistan establishes that all doubts concerning guilt, if they cannot be eliminated, must be resolved in favor of the suspect, accused, defendant, or convicted person. This principle is also закреплен in Article 23(3) of the Criminal Procedure Code, while Article 464(1)(1) provides that an acquittal must be issued if the criminal event has not occurred.

This shows that a fair decision (judgment) in a case can be ensured only when there is sufficient and well-founded evidence. In criminal proceedings, the process of proof serves as the basis for establishing whether a person is not connected to the consequences that have occurred or, conversely, is guilty of them.

If we look at the history of the legal regulation of formalizing expert opinions as a means of proof in the Criminal Procedure Code, it can be noted that in the first Criminal Procedure Code of Uzbekistan, adopted in 1926 as part of the former Soviet Union, the chapters entitled “On Evidence” and “On Protocols” already included the use of expert opinions and other types of evidence in court proceedings.

Furthermore, compared to the 1929 Code, the Criminal Procedure Code of 1959 paid greater attention to issues related to the collection and formalization of evidence. It specifically addressed expert opinions, the circumstances to be proven, types of evidence, procedures for their collection and evaluation, as well as material evidence, including the порядок их хранения, time limits, and other related aspects.⁷

⁷ Muminov, M. “Huquq va Burch.” *Law and Duty*, no. 8 (2022): 28–29.

In cases involving human death, as well as cases where a person has suffered physical harm without resulting in death, an expert opinion serves as the basis for:

- Establishing that a person's actions or inactions did not cause the death or health impairment of another, or that the person is not responsible for such consequences, thereby ensuring that an innocent individual is not held liable;
- Identifying the crimes committed and revealing the perpetrator, leading to the involvement of the person who committed the crime as the accused in the case;
- Charging the person who committed the crime under the relevant article of the specific part of the Criminal Code (hereinafter referred to as the CC) and preparing an indictment;
- Ensuring that a lawful, substantiated, and fair judgment is issued under the relevant article of the CC that establishes criminal liability for offenses involving physical harm to a person.

Thus, in cases involving physical harm to a person, an expert opinion serves both as **evidence supporting an accusation** and as **evidence supporting an acquittal**.

By “evidence supporting an accusation” or “evidence supporting an acquittal” is meant **evidence supporting an accusation** refers to factual information that indicates that a specific person has committed a crime or that aggravates their guilt; **evidence supporting an acquittal** refers to factual information that denies that a specific person committed a crime or mitigates their guilt.⁸ In this case, as a result of conducting the expert examination, the outcome (such as the cause of a person's death or the extent of health impairment) is determined, and consequently, it is established whether the person's actions or inactions caused that outcome or not.

One of the key legal justifications for appointing and conducting an expert examination in cases involving physical harm to a person is that, according to Article 82 of the Criminal Procedure Code (CPC), in order to accuse a person and issue a conviction, three out of five essential elements that must be proven rely specifically on an expert opinion:

1. The nature and extent of the harm caused by the crime;
2. The causal connection between the committed crime's time, place, method, act, and the socially dangerous consequences that occurred;
3. Establishing that the crime was committed by the specific person.

It is also important to emphasize that if the degree and cause of the inflicted bodily injury are not determined, it is impossible to issue a decision (judgment) in cases

⁸ Mirazov, D.M., Rashidov, B.N., Qulmatov, Sh.A., et al. *Criminal Procedure Law: Textbook*. Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2019, 333 pp. (See Rajabov, B.A., Chapter III, Topic 6, p. 106, available at <https://drive.google.com/file/d/1th6t1Y5>)

involving physical harm. This is because an expert opinion is a crucial piece of evidence for determining the severity of the injury, whether it directly caused death or other consequences, identifying the perpetrator, and confirming their presence at the scene of the incident.

According to Article 16, Part 2 of the Criminal Code of the Republic of Uzbekistan, the sole basis for criminal liability is the existence of all elements of a criminal act. If even one element of the act is absent, the act is not considered a crime. Therefore, in cases involving physical harm to a person, it would not be incorrect to state that, in accordance with this provision, the presence or absence of a criminal act cannot be established without an expert opinion.

The need to conduct a forensic medical examination arises in criminal cases involving offenses against a person's life and health, and it serves the purposes and functions of fair justice.⁹ Under the current Criminal Procedure Code, Article 173 stipulates that an expert examination is mandatory to determine the cause of death, the nature, and the severity of inflicted bodily injuries. In economic crimes, however, thousands of transactions, financial documents, accounting records, cash flows, tax reports, audit trails, corporate assets, the amount of damages, and forms of unlawful enrichment are analyzed by experts, and the expert conclusion becomes the primary tool for establishing economic truth.

Forensic psychological examinations play a decisive role in determining a person's mental state, emotional stability, the reliability of statements made under stress, the psychological readiness of minors for interrogation, and the trauma level of victims of violence. Therefore, without an expert conclusion, many cases cannot be correctly resolved.

The strength of an expert conclusion lies in its scientific foundation, methodological accuracy, objectivity, impartiality, and direct connection with the evidence under examination. An expert follows strict procedures in forming their conclusion, conducting investigations based on methodological manuals, international standards, scientific traditions, laboratory criteria, and evaluation techniques. In particular, in fields such as forensic ballistics, forensic chemistry, forensic biology, DNA analysis, digital forensics, and traceology, the accuracy of expert conclusions typically ranges from 95% to 99%, a reliability level rarely found in other types of evidence.

The significance of expert conclusions is so high that parties often adjust their legal strategy based on the results: the prosecution may strengthen its case using the expert conclusion, while the defense may point out deficiencies or request additional expertise

⁹ Indiaminov, S.I. *Forensic Medicine: Textbook*. Tashkent, 2012, p. 13.

to revise its strategy. When evaluating an expert conclusion, the court examines its formal correctness, logical consistency of the research, the justification for the chosen methodology, the completeness of the analysis process, the sufficiency of materials used, the expert's reasoning, and the connection of the final conclusion with the evidence.

If deficiencies are found in the expert conclusion, the court may reject it or order a supplementary examination, although this rarely occurs because expert analyses are usually scientifically robust. The value of expert conclusions lies in enhancing the reasoned nature of court decisions, reinforcing judicial confidence, ensuring impartial and fair judgments, and strengthening public trust in the judiciary.

The importance of expert conclusions as a means of proof is significant not only in practice but also theoretically, recognized as an essential element of a lawful state and judicial independence. In legal proceedings, facts are usually divided into two types: those requiring legal assessment and those requiring specialized knowledge. Expert examinations are established precisely to determine the latter, where the court relies on the expert's scientific opinion.

With the development of the expert institution, the process of proof has become increasingly scientific, significantly improving the quality and fairness of court decisions. In particular, genetic examinations have revolutionized forensic medicine: DNA matching enables precise proof of homicide, violence, biological relationships, lineage, and even materially aged evidence. Similarly, digital forensics has become one of the most critical fields today, scientifically examining data stored on smartphones, computers, cameras, servers, networks, social media, and cloud services to establish traces of crimes, communications, geolocation information, and the authenticity of audio-video files. This expands the process of proof, further enhancing the significance of expert conclusions year by year.

The power of an expert conclusion is that it reinforces other evidence or resolves ambiguities; in some cases, the court prioritizes the expert's opinion over other evidence because other forms of proof are often subjective, prone to human error, memory lapses, or influenced by party interests. Another crucial factor enhancing the role of expert conclusions as a means of proof is the scientific validity and practical effectiveness of the methodology chosen by the expert. In practice, if a method is not scientifically validated, untested in practice, or controversial, the reliability of the expert conclusion decreases significantly.

For this reason, expert activities are regulated through special licensing, professional development, and certification systems, ensuring not only professional competence but also adherence to principles of impartiality, accuracy, responsibility, and legality.

According to current legislation, an expert conclusion is an independent legal document; however, its value depends on the expert's level of knowledge, the completeness of the objects studied, and the rigor of the analysis.

Therefore, Article 78 of the Criminal Procedure Code of the Republic of Uzbekistan contains a provision stating that “a person who conducted the investigation or any other internal inquiry forming the basis for the initiation of the case is not entitled to participate in this case as an expert or specialist.” However, it is advisable to further refine this article to explicitly include a rule that a person who has conducted an expert examination is also not entitled to participate in the same case as an expert or specialist. As the above analysis shows, in many criminal cases, it is impossible to issue a conviction without an expert conclusion. It is not without reason that, in the Justinian Code, the significance of experts' participation in court proceedings was described with the phrase: “Judges are not witnesses; they stand above witnesses and even above the magistrates,” highlighting their superior role and authority in establishing the truth.¹⁰ According to statistical data, in 2022, acquittal verdicts were issued for 1,010 individuals; in 2023, for 1,244 individuals; and in the first half of 2024, for 465 individuals.¹¹ It can be agreed that one of the reasons for these acquittals was “the inadmissibility of the evidence on which these individuals were charged or the preparation of an indictment despite insufficient evidence to accuse the person.”

Taking into account the statement by the President of our country, Shavkat M. Mirziyoyev, emphasizing the need to “ensure in practice that evidence is reliable, obtained lawfully, and relevant to the case — in other words, to uphold the principle of admissibility of evidence in the language of judges — for which it is necessary to establish appropriate legal mechanisms and improve the current legislation,” the following proposals are put forward:

If a separate investigative department is established, it would allow for proper distribution of criminal cases based on workload, provide investigators with the opportunity to focus exclusively on conducting investigative actions, enhance their independence in case management, and enable highly qualified investigators to provide legal guidance to less experienced colleagues. This, in turn, would increase the efficiency and quality of preliminary investigations.

When an expert conclusion reaches the authorized person conducting the pre-trial investigation, before deciding to involve a person as a defendant or victim based on

¹⁰ G'iyosov, Z.A., Botaev, J.I., & Saidov, Ch.Sh. *Forensic Medicine and Psychiatry: Textbook*. Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2006, p. 76.

¹¹ stat.sud.uz – Court Statistics Statistical data on cases reviewed by the courts of the Republic across various judicial sectors.

that conclusion, it is necessary to introduce these individuals to the expert conclusion and, simultaneously, inform them of their right to submit a request or complaint regarding the appointment and conduct of the expertise. Implementing this practice would further ensure that well-founded decisions are made during the pre-trial stage.

An expert conclusion may be assigned not only at the request of the prosecution or defense but also on the initiative of the court. This demonstrates the adherence of investigative and judicial bodies to the principle of impartiality, as expertise is conducted to provide additional clarity and precision. When a court itself initiates an expert examination, it usually occurs in complex cases where contradictory evidence exists or where the sufficiency of available evidence is low. Therefore, the expert conclusion often becomes a decisive factor in ensuring a fair decision.

The importance of expert conclusions is also highlighted by the adoption of the Resolution of the Cabinet of Ministers “On the approval of regulations on the activities of non-state forensic organizations.” According to these regulations, a non-state forensic organization is a specialized entity authorized to conduct forensic examinations in civil, economic, criminal, and administrative cases, staffed with specialists holding certified judicial expert qualifications. Non-state forensic organizations are established as legal entities. Only a certified judicial expert may serve as the head of such an organization, and a judicial expert may be a founder (participant) of only one non-state forensic organization.

Non-state forensic organizations have the right to carry out judicial examinations based on orders received from all regions of the Republic as well as from foreign countries. The adoption of these regulations provides the basis for including Article 182¹, “Conducting judicial examinations by non-state forensic organizations,” in the Criminal Procedure Code. Judicial examinations in non-state forensic organizations are conducted in accordance with Article 182 of the Criminal Procedure Code, i.e., according to the rules applied in state forensic institutions.

Non-state forensic organizations conduct their activities in compliance with current legislation and enjoy equal rights with state forensic institutions, fulfilling the obligations imposed on them to the same extent. Expert conclusions issued by non-state forensic organizations carry the same legal force as those prepared by state forensic institutions. The types of judicial examinations that may be conducted by non-state forensic organizations are determined by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan.

Furthermore, a number of procedural characteristics can be identified in the field of judicial expertise, which are distinguished by unique stages and requirements. The first stage involves the assignment of a judicial examination by an investigator, prosecutor,

or court. This decision is made based on the need to obtain additional information to resolve specific issues arising during the investigation or court proceedings. A crucial aspect of this stage is defining the subject of the examination, which includes formulating precise questions that require thorough and comprehensive study by the expert.

The second stage involves the selection of the expert. An expert is a person entrusted with conducting a judicial examination due to their specialized knowledge in fields such as science, technology, art, craftsmanship, and other relevant areas.¹² In turn, the powers of the expert, including their rights and obligations, and the specific provisions of the duties to be performed, are defined not by the Criminal Procedure Code but by the Law “On Judicial Expertise,” the Resolution of the Cabinet of Ministers “On the Procedure for Conducting Judicial Expertise Studies,” and other relevant legal norms. The third stage involves the practical conduct of the examination, including the collection of materials, the research process, and the preparation of the conclusion. The duties of the expert include receiving and analyzing forensic materials, thoroughly examining evidence and the questions submitted, preparing well-reasoned conclusions, and, in certain cases—such as when questions fall outside the scope of the expert’s expertise or when the objects and materials available for analysis are insufficient for the examination—preparing a document declaring the conclusion invalid. If it is impossible to resolve an issue due to limitations in scientific and technological development or refusal to provide elements necessary for the examination, the expert is obliged to notify the submitting body or individual. Another important rule is to ensure the safety of the objects and materials presented for examination.

The final stage involves the use and evaluation of the results of the expertise. The expert conclusion, serving as an element of the evidentiary base, is submitted for consideration by the court or investigative authorities. During court proceedings, as well as during the investigative process, the conclusion must be thoroughly analyzed, and if potential deficiencies or uncertainties are identified, the parties may initiate procedures to raise objections. Thus, if a previously conducted examination is found to be unreliable, the participants in the proceedings have the right to request a repeat forensic examination.¹³

The criteria for evaluating the reliability of an expert conclusion include the following:

- The reliability of the methodology applied by the expert;
- The sufficiency and quality of the materials provided to the expert;

¹² Shishkin, A.P. “The Role of Forensic Examinations in Criminal Proceedings.” *Moscow Innovative University*.

¹³ Shishkin, A.P. “The Role of Forensic Examinations in Criminal Proceedings.” *Moscow Innovative University*.

- The completeness of the expert's examination;
- The accuracy of the initial data;
- The extent to which the expert's conclusions are substantiated within the report itself;

The consistency of the conclusion with the evidence available in the case (including other expert conclusions), ensuring the absence of contradictions.¹⁴

The reliability of a scientific analysis conducted by an expert relies on the use of methods supported by various factors. These include the recognition and reputation of the institute responsible for developing the method, the period and authority of those who initially tested it, as well as the approval of bodies recommending its use in professional practice. As part of their conclusion, the expert is required to provide an updated list of normative and methodological documents forming the basis of their analytical work. Sources must also be indicated with references or annotations.

The sufficiency and quality of materials provided for the expert examination are critical for producing an objective conclusion. Sufficiency reflects the adequate volume and scope of data, allowing comprehensive analysis without the need for additional information. The dataset must cover all relevant aspects, ensuring full consideration of the questions posed.

High reliability and accuracy of the provided information are determined by the quality of source materials, their verifiability, and the absence of bias, which together ensure the essential precision and consistency of the data. Comprehensive content, including technical reports, statistical data, and documentary verification, forms the basis for well-founded and qualified conclusions.

Expert analysis plays a crucial role in criminal cases, reflecting both the interest of the scientific community and practical necessity. At the same time, scholars have highlighted a number of challenges arising in this field. According to T.V. Demidova, one of the significant issues is the selection between state and private expert institutions when assigning judicial expertise. The appointment of a private expert often meets resistance from investigators or courts that prefer state organizations.

Moreover, the law does not differentiate between the legal force of private and state expert conclusions, recognizing them as equivalent. However, this creates a new challenge: determining the source of funding for private expert services and verifying their qualifications. Private experts face difficulties because their activity does not

¹⁴ Orlov, Y.K. *Forensic Examination as a Means of Proof in Criminal Proceedings*. Moscow, 2005, 268 pp.

require mandatory certification, and participation in voluntary certification programs is optional.¹⁵

Undoubtedly, judicial expertise plays a crucial role in the criminal process, assisting in the establishment of the truth and the formation of a reliable system of evidence. Ongoing research in this field provides the basis for developing new methods and improving existing ones, thereby enhancing the efficiency and effectiveness of the criminal process.

Conclusion

Judicial expertise represents a cornerstone of the criminal process, playing a decisive role in establishing the truth, ensuring the reliability of evidence, and supporting the fair administration of justice. Expert conclusions serve as a critical tool for courts and investigative bodies, providing scientifically grounded, methodologically rigorous, and objective assessments that underpin legally sound decisions. The reliability of an expert conclusion depends on multiple factors, including the validity of the methodology used, the sufficiency and quality of the materials provided, the completeness of the investigation, the accuracy of initial data, the internal consistency of the expert report, and the alignment of conclusions with other evidence in the case.

The organization of investigative and expert activities, including the establishment of separate investigative departments and the regulation of state and non-state forensic organizations, enhances the efficiency, independence, and professionalism of the investigative process. Clear procedural stages—from the assignment of an expert examination to the collection of materials, detailed analysis, and the preparation of conclusions—ensure comprehensive and impartial evaluations. Moreover, the ongoing development of scientific methods and improvements in forensic technology strengthen the role of judicial expertise, enabling courts to resolve complex cases with conflicting or insufficient evidence.

While private expert services provide additional resources, challenges remain regarding the verification of their qualifications and sources of funding. Legal frameworks recognize the equivalence of state and private expert conclusions, emphasizing the need for adherence to established methodological and procedural standards to maintain reliability and objectivity.

Ultimately, judicial expertise not only supports the immediate determination of facts in individual cases but also contributes to the continuous improvement of investigative

¹⁵ Demidova, T.V. "Problematic Issues in Ordering Forensic Examinations." Herald of Economic Security, no. 4 (2016): 29–32.

practices and the overall effectiveness of the criminal justice system. Its proper implementation fosters public confidence, strengthens the rule of law, and ensures that justice is both fair and scientifically substantiated.

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