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PROBLEMATIC ISSUES OF INTERACTION BETWEEN THE INVESTIGATOR AND FORENSIC EXPERTS WHEN ORDERING EXAMINATIONS RELATED TO THE INTENTIONAL INFLICTION OF BODILY HARM

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ABSTRACT

The article discusses theoretical and practical issues of organizing the interaction of an investigator with forensic experts in the detection and investigation of crimes related to intentional bodily injury.

KEYWORDS

Investigator, forensic medical examination, intentional bodily harm, expert opinion, expert.

INTRODUCTION

In our republic, in order to ensure the priority of human rights and interests, large-scale program activities are being implemented. In particular, a large-scale judicial and legal reform is being carried out, the powers of the courts have been expanded, the powers of the prosecutor's office have been revised, the institution of inquiry has been reformed, and the status of the institution of the legal profession has been raised. During the preliminary investigation, the lack of

interaction with forensic experts affects the quality, timing and final result of the crime investigation. It is known that the concept of interaction includes the exchange of necessary information in the process of communication (procedural and non-procedural).

If the investigator provides the expert with information available on the case, then the forensic expert, before giving a conclusion, informs the investigator, who does not have special knowledge in

the field of forensic medicine, about the nature and volume of information necessary for the examination, the procedure for asking questions to the expert, answers which are within its competence.

Determining the severity of the harm caused to the health of the victims is important for qualifying the actions of the guilty person, since the Criminal Code provides for a number of offenses, part of the objective side of which is similar in structure and differs precisely in the above-mentioned criteria. So the objective side of the crimes provided for in Art. 104-111 of the Criminal Code of the Republic of Uzbekistan consists of:

- A) Socially dangerous act,
- B) criminal consequences in the form of causing bodily harm.
- G) a causal connection between the act and the specified criminal consequences.

At the same time, the qualification of the actions of the guilty person depends precisely on the severity of the harm caused to health and can only be determined during a forensic medical examination.

The objective side of a number of other crimes provided for by the criminal code also includes legal consequences in the form of causing harm to health. Fixing during a forensic medical examination the presence of bodily injuries on the victim that did not cause harm to health is important for proving the guilt of the suspect (accused) in committing a crime using physical violence.

However, forensic medical examinations are not carried out in 100% of cases, although investigators make decisions in each criminal case of crimes in which physical violence was used against victims. Often, not every victim, having the investigator's order in hand,

reaches the forensic medical examination bureau for examination by an expert, or they do this after a long period of time.

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Thus, when the victim did not go to medical institutions and did not undergo a forensic medical examination in a timely manner, it is not possible to establish and record the presence of any bodily injuries after some time. Thus, the evidentiary value of the "Expert Conclusion" is lost.

In cases where the victim sought help from medical institutions, the opportunity to give an opinion about the injuries he had and the severity of the harm caused to health after a certain time increases.

Investigative practice shows that, for the most part, victims do not undergo a forensic medical examination in respect of whom property crimes have been committed (robberies, assaults), when the physical injuries are minor (damage in the form of bruises, abrasions, scratches, etc., that is, injuries, which did not cause harm to health). For this category of victims, the theft of property belonging to them is of great importance, while recording the presence of bodily injuries, which for them are insignificant, during a forensic medical examination seems inappropriate.

On the contrary, while for crimes the object of which is directly the health of the victim, such as crimes provided for in Articles 104-111 of the Criminal Code of the Republic of Uzbekistan, with the same degree of

severity of the consequences of the use of physical violence, almost all victims undergo a forensic medical examination.

In addition, we identify groups of victims who are at risk of evading a forensic medical examination. The first category should include minor victims from dysfunctional families, due to the lack of proper control on the part of parents, the latter's inappropriate attitude towards raising their children.

The second category of victims who have not undergone a forensic medical examination are persons leading an antisocial lifestyle, as well as those who are negatively disposed towards law enforcement agencies and the results of their work.

In most cases, criminal cases for crimes against such victims are initiated on the basis of a report on the discovery of signs of a crime, when the victim is delivered by external services to the police department, or when they are delivered to medical institutions.

Considering the reluctance of the victims themselves to contact the law enforcement agency and further cooperate with the investigator, we can conclude that they are unwilling to waste time on undergoing an examination.

The third category of victims should be noted as those who, during the preliminary investigation, exaggerate the severity of the violence used against them, or even give false testimony about the fact of the use of violence. It is simply not profitable for such victims to undergo a forensic medical examination.

However, they receive a decision from the investigator to order an examination, and subsequently find many reasons why they could not undergo the examination of the expert in a timely manner.

When investigating criminal cases involving crimes involving the use of violence, investigators need to take into account these characteristics of the victims. In all cases, a forensic medical examination is ordered by the investigator when the victim contacts the police department and after his first interrogation.

At this stage, the investigator is faced with the task of explaining to the victim the importance and significance of timely completion of a forensic medical examination.

Subsequently, it is necessary to control the appearance of the victim at the forensic medical examination bureau. In some cases, namely when the victim applies to medical institutions, while he is undergoing inpatient or outpatient treatment, as a result of a criminal attack, one examination of the victim by an expert is not enough to make a conclusion.

In such cases, it is necessary to provide experts with medical documents, which are not always delivered in a timely manner. Often, the investigator sends a resolution to order a forensic medical examination and the victim to the forensic medical examination bureau, without any medical documents, although the materials of the criminal case contain information about the victim being treated, or about the delivery of the victim to provide first aid at that time. or other medical facility.

In this case, the investigator does not take any action to interact with the expert who is conducting the examination. And after a long time, he receives a conclusion with the conclusion that it is impossible to answer the questions posed to the expert without providing certain medical documents. Only after this, investigative and procedural actions are carried out aimed at seizing and requesting medical documents, and an additional forensic medical examination is

appointed. This requires additional effort and time and ultimately leads to violation of the deadlines for the preliminary investigation.

In some cases, to resolve the questions raised by the investigator, a re-examination is necessary. In cases where the victim's health condition does not allow the expert to conduct a detailed examination and description of the injuries, he notes the examination data. Further research is carried out with the obligatory study of medical documents and a re-examination of the victim. Re-examination of victims is often necessary during additional forensic medical examinations to resolve questions about the possibility of damage occurring in specific conditions.

When examining bodily injuries, importance is also attached to investigative data related to the circumstances of the occurrence of the injury. Therefore, they should be reflected in the case materials in as much detail as possible. In this case, it seems ideal to return to the practice of involving an expert in direct participation in investigative actions, which has recently been almost never used by investigators of internal affairs bodies.

Thus, forensic medical examination plays a significant role in the process of proof in cases of harm to health and bodily injury. And despite the fact that it is carried out by a person with special knowledge, namely a forensic medical expert, responsibility for the quality of the examination also lies with the investigator.

The investigator must pay the same attention to preparing for the examination as to preparing for any investigative action, starting from studying the materials of the criminal case and the identity of the victim, and ending with the inclusion in the investigation plan of measures that ensure timely and high-quality conduct of the examination.

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