

SIGNIFICANCE OF EXPERT CONCLUSIONS IN CLASSIFICATION  
OF CRIMES

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**Abstract**

This article provides a general understanding of crimes related to human death for which criminal responsibility is defined in the Criminal Code of the Republic of Uzbekistan, and highlights the importance of expert opinions in ensuring the legal, reasonable and fair resolution of such crimes.

The views of world scientists and specialists on the legal status of expert examinations appointed and conducted in the conduct of criminal cases and some sources related to the emergence of the need for medical knowledge in determining the truth about the occurrence of human death are highlighted.

Issues related to the qualification of a person's crime related to human death, sentencing, recovery of damages, and ensuring the rights of individuals in the appointment and conduct of expertise were analyzed.

**Keywords:** justice, rule of law index, human life, intentional homicide, right to life, strong emotional excitement, human death, expertise, causation, qualification.

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**Login:**

Justice, human dignity and rights remain the main goal and meaning of our reforms in the field of justice. Everyone who steps on the threshold of the court should be fully convinced that justice reigns in Uzbekistan. In the development strategy of the new Uzbekistan, our most important task in this field is to ensure that Uzbekistan enters the ranks of countries with a high "rule of law index" in the world and to increase the confidence of the population in a fair trial.

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Amendments and additions to the Criminal Procedure Code in order to ensure that citizens who are legally interested in the conduct of an expert opinion and the expert opinion drawn up based on the results of the expert opinion in the conduct of criminal cases can exercise their rights in this regard, change the victim It seems necessary to amend and add additions to Article 104 of the Criminal Code , which establishes criminal responsibility for the crime of causing death, and to implement other procedures related to the provision of compensation for damages caused by crimes related to human death. .

**Material and methods**

Producing a legal, reasonable and fair sentence by the court against the persons found guilty of crimes related to human death, achieving proper elimination of the damages caused as a result of the crimes that caused human death, the relevant articles of the Criminal Code O It is necessary to comply with the Constitution of the Republic of Uzbekistan, to ensure legality in the appointment and conduct of expertise in criminal cases. The methods of comparative legal analysis and generalization were used to illuminate the subject related to these issues.

## Research results

First: according to the rules of the Sharia, taking someone's life, or rather taking someone's life, is considered the most serious sin and a severe punishment is assigned for it [1], the most historical source - the sacred Zoroastrian religion. It should be noted that in the book "Avesta" Zoroastrian preached that "no one has the right to deprive a person of his life" [2], and the Constitution of the Republic of Uzbekistan states that assassination is the most serious crime. .

In order to consider the death of a person as a crime, there must be a causal connection between the person's action or inaction and the result, otherwise this result will not be considered a crime. and when determining whether or not there is a causal link between the two, the expert's conclusion drawn up as a result of the examination is relied on, because the cause of human death is determined as a result of the examination. As a result of exposing crimes related to human death, providing a reasonable qualification of a person's crime, and providing a legal, reasonable, and fair conviction in a criminal case, preventing the commission of crimes and enshrining the rights of citizens in the Constitution of the Republic of Uzbekistan. The expert institute is important in achieving the protection of the right to life from criminal encroachments. For this reason, the expert examinations appointed and conducted in the conduct of criminal cases are carried out by world scientists and experts, in particular BNRashidov [3], A. Muhamadiyev [4], AVPobedkina [5], A.Yu. Frantsiforov, [6 ] VVKulkov (7) and others. it is seen that they evaluated it as investigative action.

In the world, since ancient times, special knowledge has been relied on to determine the truth about human death, Hippocrates in 460 BC, in the practice of expertise, together with other researches, the severity of various injuries and the causes of death of these injuries were studied, ancient Rome, ancient Greece, India and other countries, medical knowledge was used in the event of human death [8], the "Lycurgus Laws" developed in Ancient Sparta in the 1X-11th centuries BC, later violent death, poisoning, infant o that it is filled with special medical rules regarding the examination of the corpse in other cases; [9], the works of Ambroise Pare (1517-1590) include special chapters on the preparation of a forensic medical document and opinion on intentional homicide; [10] and many other sources.

Crime code special in the part to life against crimes, health against crimes, life or health for Dangerous crimes, man trade, terrorism, military the service pass order against crimes happen reach a person to his death reason if criminal liability defined.

Based on the above and the goals and tasks defined in the "Uzbekistan-2030" strategy, the regulatory legal documents regulating the field of expertise, in particular, the law on forensic expertise, the decision of the Cabinet of Ministers on this field, and the appointment and conduct of expertise in the existing codes. It is desirable to develop a comprehensive "Expertise Code" by optimizing the procedures for legal regulation of procedural actions and documents.

In our opinion, if we pay attention to the fact that the expertises appointed in the conduct of criminal cases are not conducted in the expertises of the same system in which the work is being carried out, the existence of concepts of impartial expertise will be ensured and citizens' confidence in the state bodies will increase. Taking into account that the conditions for the electronic exchange of documents have improved significantly, we believe that it should not be difficult to put this procedure into practice.

Second: It is possible to remove the consequences of any other type of crime, but it is impossible to eliminate the consequences of the death of a person as a result of a crime, because there is no possibility of bringing a dead person back to life.

In 2019, 376 intentional homicides were committed in our country, and in 2022, 422 people became victims of this crime. In the last 6 months of 2023, 483 people died due to traffic accidents. caused by crimes. Currently, based on the situation related to this type of crime, it is necessary to implement different procedures for collecting material damages from persons found guilty of committing a crime resulting in the death of a person:

Third: For the crime of causing the death of the victim as a result of intentional infliction of grievous bodily harm, the term of deprivation of liberty specified in paragraph "d" of Article 104, Part 3 of the Criminal Code is the punishment specified in Article 97, Part 1 of the Criminal Code. It seems necessary to consider the issue of equalization.

In this case, it is important to determine the criminal purpose of the person who committed the crime in order to determine the punishment according to Article 104, Part 3, Clause "d" of the Criminal Code or Article 97, in order to correctly qualify this crime of a person, but this determined criminal "target" is not evidence that can be grasped and evaluated by hand (etc.).

In addition, although the crime of a person is not the crime of intentional homicide (Article 97 of the Criminal Code), but causing the death of the victim as a result of intentional grievous bodily harm (Article 104, Part 3, Clause "d" of the Criminal Code) even in cases where the punishment is properly qualified and imposed for this crime, due to the amount of punishment that can be imposed for this crime in this article, it should be taken into account that it may cause the victim's relatives and other citizens to distrust the state authorities.

In this regard, in order to ensure that a fair punishment is imposed for this criminal consequence caused by the crime of causing the death of the victim with intentional grievous bodily harm, it is necessary to consider the issue of changing the term of punishment that can be imposed in the future for this crime in the Criminal Code. I think it is necessary to go out.

The purpose of this is to ensure justice at the trial stage regarding this crime, including getting citizens to agree to leave the court, and to increase citizens' trust in the court and other state bodies.

Analysis of research results:

crime their work in keeping inquiry, to the investigation until inspection during the examination from the result his own or another of individuals rights on the surface legal interested has been individuals initial investigation during suspicion to be the accused victim, legal representative Criminal procedure in the codex another rights with introduced such as the examination appointment and to be held about rights with question introduction process in the reports note reach order to practice current reach;

- In order to ensure the legal regulation of the field of expertise with a single Normative legal document, the Law "On Forensic Expertise", the decision of the Cabinet of Ministers on this field and the relevant codes, approving the legal regulatory procedures of procedural actions and documents related to expertise "Development of the Code of Expertise";

Criminal procedure Article 91 of the Code of Criminal Procedure is suspected of procedural actions that must be recorded through video recording to be to ensure the rights of individuals in appointing and conducting expert examination by adding the addition "explaining the rights of the accused, specified in Article 179 of this Code;

resulting in human death, one of the following two proposals in particular:

When sentencing the persons found guilty by the courts of the crimes of manslaughter, road traffic accident and causing the death of a person, if the victim (deceased) has minor children, they should be brought up to adulthood. introduction of the procedure of the obligation to discuss the collection of funds necessary for their material support until the day when the children of the victim (deceased) reach the age of majority to include the procedure for indicating the collection of the amount of money calculated as a lump sum for the period;

or alimony for the financial support of the minor children of the victim (deceased) until they reach adulthood, based on the lawsuits submitted to the courts in civil cases on the basis of the legally binding conviction of the court in connection with the crimes resulting in the death of a person granting the authority to issue a court decision on recovery:

- intentional grievous bodily harm causing the death of the victim crime for criminal liability defined

Crime Article 104 of the Code Paragraph "d" of Part 3 out sending , adding a separate fourth paragraph to this article, specifying that a penalty of imprisonment from ten to fifteen years is imposed for this crime;

## Conclusions

As a result of the expertise, it is necessary to ensure that the interested parties are given sufficient opportunities to exercise their rights, to align Article 99 of the Criminal Code with Articles 16, 19, and 25 of the Constitution of the Republic of Uzbekistan adopted in the new version, and to ensure that a person is punished according to the crime he committed. ensuring justice in our country by changing the term of punishment that can be imposed for the crime of causing the death of the victim as a result of intentional grievous bodily harm and in order to ensure the rule of law, the above suggestions are made.

## REFERENCES

1. Newsletter of the Ministry of Internal Affairs Academy of the Republic of Uzbekistan. [Newsletter of the Ministry of Internal Affairs Academy of the Republic of Uzbekistan] -2018.-№4. QASaitkulov. Page 88
2. O. Khusanov. Human rights (special course). [Human rights (special course)] 1997.-.p. 17.
3. BNRashidov Criminal procedural law. textbook . [Criminal procedural law. Textbook ] 7:2 - topic. Page 137.
4. A. Mukhamadiyev. Forensic expertise of Uzbekistan. 2021 No. 1( 1). Page 17.
5. AVPobedkina Ugolovny process. Practicum; uchebnoye posobiye, dlya vuzov [Criminal process. workshop; textbook, for universities] 2020. st - 288.
6. A.Yu.Fransifirov. Ugolovin process. :Uchebnik [Criminal process.: Textbook]. 2020. st-180.
7. VVKulkov Ugolovny process. Methodology of predvaritelnogo sledstviya I Doznani [Criminal trial. Methodology of preliminary investigation and inquiry]. 2020. st - 252.
8. VAKlevno, VVKholov-Sudebnaya Meditsina: uchebnik dlya vuzov. [Forensic Medicine : a textbook for universities] 2020. st-20
9. ZAG'iyasov Forensic medicine. textbook . [Forensic medicine. Textbook]. 2021. Page 10
10. Ghiyosov ZA Botayev JI Saidov Ch. Sh. Textbook of Forensic Medicine and Psychiatry - 2006, pages 7-8.
11. Popov.VL.,Indiaminov SISudebnaya meditsina:Uchebnik.. [Forensic Medicine: Textbook]. 2022.396-397 st.
12. MXRustambayev Uzbekistan Republic Crime to the Codex comments. [ comments on the Criminal Code of the Republic of Uzbekistan ] 2016.
13. D. Bazarova, IRAstanov. Criminology and expertise. Textbook. [ Criminology and expertise. Textbook ] . 2020.
14. Zaghiyasov. Forensic medicine. textbook. [ Forensic medicine. Textbook ] .2021.
15. Forensic Medicine and Psychiatry Textbook-T Academy of Ministry of Internal Affairs of the Republic of Uzbekistan. [ Forensic Medicine and Psychiatry Textbook-T Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan ] . 2006.