

Declaration confirmed by all the countries joined UN, it is based on national traditions.

References:

1. Constitution Republic of Uzbekistan–T.:O'zbekiston. 2018. B.11
2. A.Saidov The history of Constitution of Uzbekistan –T.: Tasvir. 2018. B.374
3. Mirzayusuf Rustambekov va boshq.“O'zbekiston Konstitutsiyasini o'rganish”-T.: Yangi asr avlodi2005.-p.253

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PROBLEMS AND THEORETICAL SOLUTIONS FOR THE PARTICIPATION OF THE TEACHER AND PSYCHOLOGIST IN CRIMINAL PROCEEDINGS

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Abstract: Problems of a legal regulation of the procedural status of teachers, psychologists, their participation in investigatory actions are described in this article. Authors suppose that teachers and psychologists are independent participants of the process, they propose that certain modification in the Criminal Procedure Code of the Republic of Uzbekistan. These modifications will help to define more exactly the status of the teacher, the psychologist and their role in the process with participation of the minor.

Keywords: Criminal Procedure Code, teachers, minor, psychologists, procedural status, interrogation, national and foreign experience.

The implementation of large-scale reforms to ensure the rule of law and improve the judicial system in our country is reflected in the work to create a justice system aimed at ensuring the interests of man, his rights and freedoms, improving the work of law enforcement agencies. In particular, the President of our country Sh.M. Mirziyoyev decided to take measures to radically improve the system of criminal and criminal procedure legislation in 2018.

This decision is one of the priorities of the state to ensure the rule of law, law and order, human rights and freedoms, public and state interests, peace and security, a number of systemic problems and shortcomings in this area. showed. He also called for the improvement of criminal procedure norms aimed at ensuring the protection of the rights and legitimate interests of

minors, the restoration of their violated rights, as well as the strengthening of meAndijan State University named after Z.M.Boburres for the prevention and prevention of juvenile delinquency [1]. Of course, one of the main and important tasks of the criminal process is to create a guaranteed mechanism for the protection of the legitimate interests of minors and to improve the rights of minors in the existing legislation.

Therefore, the participation of educators and psychologists in criminal proceedings is one of the most pressing issues. In addition, one of the major research issues under study is the procedural status of educators and psychologists. In particular, the legal status of teachers and psychologists in Chapter 6 of the Criminal Procedure Code of the Republic of Uzbekistan in the chapter "Other persons involved in criminal proceedings" is not strictly defined in separate articles [2]. But in scientific circles, scholars have expressed two conflicting views on the question of whether they legally consider educators and psychologists to be participants in criminal proceedings. Some see the educator and the psychologist as specialists because they have the basic characteristics that are unique to litigation, firstly, that they have specialized knowledge and secondly that they are not interested in the case.

In fact, in 1966, O.S. Piussa also noted in his works that "the participation of the educator in the interrogation should be considered as an expert by the procedural law, he is an assistant to the investigator in this or that case, a consultant" [3]. In his writings, he stated that the educator, based on his existing knowledge, would assist the investigator in establishing the necessary contact with the juvenile.

A. Doshitsyn argues that the purpose of the educator's involvement in juvenile affairs should be to provide maximum psychological comfort, as well as to ensure that the child is not subjected to violent pressure by one of the parties [4].

A.A. Novikov also mentions educators and psychologists, falling into the category of specialists. However, do some legal scholars view the educator and psychologist as independent participants in the criminal process? [5] From legal scholars, M.S. Strogovich argues that it would be wrong for the investigator to equate the educator as an expert in the interrogation of a juvenile defendant. His supporters share the view that, first, the educator and the psychologist have broader rights under the procedural law of foreign countries, and second, the involvement of a specialist, educator and psychologist in the criminal process is involved for different purposes: the educator and the psychologist organize the preliminary investigation they are not involved in assisting the juvenile, but in ensuring the rights and legitimate interests of the juvenile [6].

The same ideas were expressed by S.V. Tetyuev also agreed that the involvement of the educator in the interrogation of a juvenile in a criminal case does not correspond to the specific specification of the task and function of the specialist [7]. So, if we look at these ideas, the point is that the notion that it is in the interests of the minor is not given enough attention in the legislation.

One of the legal scholars, N.V. Mashinskova, a psychologist, states that in order to participate in criminal proceedings, a person must have a university degree in psychology and at least three years of experience in the field.

In the process of analyzing the theoretical opinions of procedural scholars, they list the current issues as to which pedagogue or psychologist should be involved in the criminal process, as well as the fact that scholars have conflicting views. But scholars prefer to involve more psychologists in the criminal-procedural part of their criminal-procedural theory. Some scholars believe that the direct involvement of the educator in the criminal process is a thing of the past. In the last century, due to the lack of professional staff in psychology in educational institutions and other organizations, this function was assigned to educators [9].

A.N. Popov says that the participation of educators in the CPC should be eliminated altogether. However, in practice, more educators are involved.

One of the legal scholars, F.N. According to Bagautdinov, there are also gender issues in the interrogation of minors. This means that if a juvenile is male or female, it remains an open question as to which gender the educator or psychologist is.

One of the Russian jurists, M.V. Kostitsky writes that when questioning a minor, it is necessary to involve a psychologist in the first place, that is, it is preferable to involve a specialist in the field of child pedagogy psychology. He also wrote that there were no objections to the teacher's participation.

In practice, however, there are cases where even the person being interrogated is a minor and mentally ill at the same time. In such cases, experts unanimously believe that it is preferable to involve and ensure the participation of a psychologist in the interrogation. Ammo A.N. Popov in his recommendations, argues that if the juvenile suspect or accused is mentally retarded, it is advisable to ensure the participation of a psychiatrist [13]. In particular, in Article 69 of the Criminal Procedure Code of the Republic of Uzbekistan Specialist. An expert is called in to assist the inquiry officer, investigator, prosecutor and the court in finding and consolidating evidence during the investigation and trial. It has been established that doctors, educators and other persons with the necessary knowledge and skills can be invited as specialists [14].

In our opinion, it would be expedient to consider educators and psychologists as independent participants in criminal procedure legislation

and to strengthen their procedural status in detail in the section on “other persons involved in criminal proceedings”. There are a number of reasons for this:

First, it is true that the participation of all participants in specific cases in the criminal process is motivated by strict goals.

Secondly, if we look at the history, for a long time in criminal procedure terminology the words “pedagogue” and “psychologist” have been used, but the phrase “specialist, pedagogue and psychologist” is not used.

Third, if we look at the criminal procedure legislation of foreign countries, he was one of the first to be recognized as a teacher, a participant in criminal proceedings.

Also, Article 121 of the Code of Criminal Procedure of the Republic of Uzbekistan, which specifies the specifics of interrogation of a minor witness or victim, should be worded as follows: Interrogation of a witness or victim under the age of sixteen by a legal representative or a close relative, teacher, psychologist or with the consent of the victim's representative. It is expedient to introduce the notion that these persons may ask questions to a witness or victim with the permission of the interrogator [15].

S.I. Ojegov's definition of a psychologist is defined in the Russian Explanatory Dictionary as follows: a psychologist is a scientist, a specialist in psychology, and an expert in human psychology [16].

A psychologist is a person with knowledge of adolescent psychology who is involved in investigative actions in cases specified by law, ie in interrogation, confrontation, identification, as well as in the examination of testimony of a minor victim, witness, suspect, accused and defendant.

In our opinion, it would be correct to use the words that the educator and psychologist should not refuse the summons of the inquirer, investigator, or court, and should not disclose the materials of the initial investigation known to be involved in the criminal case.

Also, one of the problems with juvenile investigation in criminal procedure law is the question of how old a juvenile victim, witness, and in some cases a suspect, accused should sign a statement of interrogation.

In summary, the educator, the psychologist, participates in the interrogation, confrontation, recognition, and other situations of the juvenile. as well as the fact that the educator and the psychologist are involved in the investigative activities is not of independent proof. We only see that the educator and the psychologist are involved as part of the investigative action. In addition, the teacher is tasked with performing specific (classification) tasks in the questionnaire, the sequence of questions, form, appropriateness of the questionnaire, choosing the right style of questioning from a pedagogical point of view, establishing

psychological contact with the respondent and receiving complete and reliable testimony.

The specialist has special knowledge, in cases specified in the criminal procedure legislation in the procedural actions to seize documents, items, confirm, identify, use technical means in criminal case materials, ask questions to the expert, as well as answer and explain to the court questions related to his professional activities. is a supportive person.

References:

1. Ўзбекистон Республикаси Президентининг 2018 йил 14 майдаги ПҚ-3723-сон қарори.
2. Ўзбекистон Республикаси жиноят-процессуал кодекси. - Т.: Ўзбекистон, 2018.
3. Пюсса О. Участие педагога в допросе несовершеннолетних // Правоведение. 1966. № 4. С. 163–165.
4. Дощицын А. Производство следственных действий с участием малолетних и педагога // Уголовное право. 2010. № 4.
5. Новиков А.А. Институт специалиста в уголовном судопроизводстве России: Автореф. дис. ... канд. юрид. наук. Калининград, 2007. С. 8.
6. Строгович М.С. Курс советского уголовного процесса. М., 1970. Т. 2. С. 477.
7. Тетюев С.В. Педагог (психолог), участвующий в допросе несовершеннолетнего, и «иные» участники уголовного судопроизводства: общее и особенное // Российский юридический журнал. 2009. № 6. С. 135–140; Он же. О регламентации участия педагога (психолога) в производстве по уголовным делам в отношении несовершеннолетних в странах СНГ.
8. Машинская Н. В. Проблемы обеспечения эффективного участия педагога и психолога в досудебном производстве по уголовным делам несовершеннолетних // Вестник Северного (Арктического) федерального университета. – Серия «Гуманитарные и социальные науки». – 2015. – № 2. – С. 123–130.
9. Любичев С. Г. Особенности расследования преступлений несовершеннолетних на современном этапе // Проблемы отправления правосудия по уголовным делам в современной России: теория и практика: сборник научных статей. – Ч. 1. – Курск: Изд-во Курск. гос. техн. ун-та, 2007. – С. 163–166.
10. Попов А. Н. Производство по делам о преступлениях несовершеннолетних: монография / 2-е изд., испр. и доп. – Кн. 1. – Красноярск: ГОУ ВПО «Сиб. гос. технол. ун-т», 2004. – 104 с.

11. Багаутдинов Ф. Н. Ювенальная юстиция начинается с предварительного следствия // Российская юстиция. 2002. № 9.
12. Костицкий М.В. Использование специальных психологических знаний в совестском уголовном процессе: дис.... д.ю.н. Львов, 1990. С. 177.
13. Попов А. Н. Правоведение. Производство по делам о преступлениях несовершеннолетних: Учебное пособие для студентов всех специальностей и всех форм обучения. Книга 1. Красноярск, 2004. С. 45.
14. Ўзбекистон Республикаси жиноят-процессуал кодекси. 69-модда. Ўзбекистон, 2018.
15. Ўзбекистон Республикаси жиноят-процессуал қодекси. - Т.: Ўзбекистон, 2018.
16. Ожегов С.И. Толковый словарь русского языка. – Москва: АСТ, 2010. – 736 с.

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PROCEDURAL ASPECTS FOR THE STUDY OF THE DEFENDANT

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Abstract: In this article author paying particular attention to the principles of the psychology of the accused, other researchers also express their views on the technological structure of the person and the role of biological and social factors as well.

Keywords: procedure, aspect, study, defendant, determine, choice.

The study of the identity of the person being questioned in the initial investigation will determine the truth of the case, the correct choice of precautionary measures. Andizhan State University named after Z.M. Bobur, the use of investigative tactics, the objective examination and evaluation of evidence, the commission of a crime. A.S. Krivosheev is mainly K.K. Based on Platonov's opinion, he repeats it in his research.

The scientific material that seeks to unravel the essence of the individual belongs to other specialists as well. For example, Ya.S. Avrah believes that the criminal character consists of a set of qualities formed in the process of interaction with human society on the basis of a psychological description, which is a general individual rule, which is considered a social being [1]. However, the individuality of the person is part of this complex, and taking