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**THE CONCEPT OF DEVELOPMENT OF FORENSIC INQUIRY IN THE  
REPUBLIC OF UZBEKISTAN**

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**Abstract:** The article deals with the issues connected with the development of forensic activities in the Republic of Uzbekistan and its legal regulation. The author highlights the advanced international experience, as well as the prospects and development trends of forensic inquiry.

**Keywords:** conception, forensic inquiry, forensic activity, non-governmental forensic institutions.

Legal institute of forensic inquiry plays an important role in the course of reforms taken place in legal system. A forensic inquiry provides the most objective, comprehensive, scientifically grounded research of objects requiring special knowledge in various fields of science, technology, craft and art, in order to create a reliable evidentiary basis. In this aspect, issues of development of the Concept for the development of the institution of forensic inquiry in the Republic of Uzbekistan, determination of main directions of its reform, including the improvement of its legal support take on special significance.

Forensic inquiry activities in the Republic of Uzbekistan are regulated by the Law of the Republic of Uzbekistan "About forensic inquiry" from June 1, 2010, sectoral codes, a number of Resolutions of the Cabinet of Ministers of the Republic of Uzbekistan, Decrees of the President of the Republic of Uzbekistan and departmental regulatory legal acts. Among the departments and services that carry out forensic activities, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Health, the State Security Service,

etc. The departmental differentiation of state forensic institutions is characteristic of the CIS countries. In connection with the development of the institution of forensic inquiry, in a number of states, reforms have already been implemented or are being currently carried out in this area.

In the framework of implementation of large-scale reforms in the Republic of Uzbekistan in the field of forensic inquiry, Decree of the President of the Republic of Uzbekistan dated January 17, 2019 No. DP-4125 "About measures to further improvement of forensic inquiry activity" was adopted [1], on the basis of which non-governmental education of forensic inquiry was provided. In addition, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 180 "About approval of the regulations on organization of activities of non-governmental forensic organizations" dated March 24, 2020 was adopted [2], which approved: the Regulation on organization of activities of specialized non-governmental forensic institutions; regulation on procedure for retraining, advanced training and legal knowledge of forensic experts of non-governmental forensic institutions; regulation on procedure for maintaining the Unified Register of persons who received a certificate confirming their professional competence in the relevant specialization.

The introduction of this novelty is an important step in the development of the institute of forensic inquiry in the Republic of Uzbekistan. Creation of non-governmental forensic organizations allow to provide the principle of competition between the parties in all types of legal proceedings, ensure the rights and freedoms in full of all participants in the process provided for by law, as well as reduce the high load of state forensic institutions.

Moreover, the issue of organizing the activities of non-governmental forensic institutions, their legal support and other aspects is quite relevant for many states.

For example, in the Russian Federation a new bill "About forensic activities in the Russian Federation" has been developed, but its discussion, elaboration and adoption lasts from 2013 to the present day [3]. The controversial moment in the adoption of the above the bill is organization of activities of non-governmental forensic inquiry and non-governmental forensic organizations.

According to V.A. Prorvich and A.F. Volynsky, transmission of certification functions of non-governmental forensic experts to state forensic organizations will have a devastating effect on competitive conditions in the expert environment [4].

In its turn, E.A. Zaitseva on the bill under consideration emphasizes that carrying out of certification of private experts in state forensic institutions or organizations creates the basis for monopolization of these activities by state institutions (mainly by the Ministry of Justice), generates conditions

for the elimination of live competition in the expert environment, and creates favorable conditions for corrupt officials of state forensic organizations serving the certification system. Besides, E.A. Zaitseva especially notes that if the issuance of certificates turns out to be the exclusive property of certain departments, it will become a very tough regulator of this type of activity and an effective tool for competition [5].

At the same time F.G. Aminev considers that it is impossible to concentrate the rights to train non-governmental forensic experts in state forensic experts in state institution, as this can lead to corruption in this organization [6, pp.169-171.].

An alternative solution could be creation of non-governmental organizations such as the “Chamber of forensic experts” or other organizations along with units of the Ministry of Justice of the Republic of Uzbekistan that supervises forensic activities. These formations organize additional professional education of forensic experts, confirm their qualifications through voluntary certification, maintain the Register of forensic experts and forensic laboratories [7].

In a number of countries, state forensic institutions are being removed from departmental subordination to a separate state committee or department.

The State Committee of forensic inquiry of the Republic of Belarus was established in 2013 with the aim of creating conditions for providing independence of forensic activity and increasing its effectiveness. The structure was created on the basis of the State service of medical forensic examinations, expert units of the internal affairs bodies, bodies and units for emergency situations, the Armed Forces and expert units of the Ministry of Justice of the Republic of Belarus.

The State Committee of forensic inquiry of the Republic of Belarus realizes a indivisible state policy in the field of forensic activity, including its scientific and methodological support; provides training, retraining and advanced training of forensic experts, researchers, as well as other employees within the competence; carries out forensic activities; defines the main directions of improving forensic science and implements them, introduces into practice the achievements of science and technology, positive experience, progressive forms and methods of organizing forensic research; organizes and develops within its competence international cooperation in the field of forensic activity [8].

The State Forensic inquiry service under the Government of the Kyrgyz Republic is a state body that realizes a policy in the field of forensic activities and carries out forensic activities. This Service organizes and carries out forensic activities; provides methodological and methodological assistance to judicial and law enforcement bodies in the application of special

knowledge and technical means; provides forensic training; organizes training and advanced training of experts of the Kyrgyz Republic [9].

We consider the decision about separation of forensic inquiry organizations from departmental structures to be sufficiently progressive, which involves creation of indivisible centralized state forensic inquiry body that takes into account the interests of all state forensic experts, without distorting and lobbying the interests of any individual ministries and departments. In this case, the departmental dependence of state forensic experts will be excluded and the principles of independence of the forensic expert, as well as objectivity, comprehensiveness and completeness of the research.

The forensic inquiry system of the Republic of Kazakhstan is currently represented by the Republican state treasury enterprise “Center for forensic inquiry of the Ministry of Justice of the Republic of Kazakhstan”. The centralization of expert functions in a single agency allowed optimizing the activities of administrative staff and strengthening scientific potential, increasing the efficiency of experts and concentrating financial efforts, establishing a common material and technical base, ensure the independence of experts, and eliminate internal contradictions in the field of forensic inquiry activities [10, pp. 126-132].

Outsourcing is introduced in forensic science in the Republic of Kazakhstan, which will save budget funds, optimize the staffing of state forensic units, and at the same time contribute to the development of the private sector [11].

Besides, the production of forensic and narcological and forensic psychiatric inquiries previously administered by the Ministry of Health of the Republic of Kazakhstan, and it was transferred to the Ministry of Justice by 2016, and in 2017, “the Center for forensic medicine of the Ministry of Justice of the Republic of Kazakhstan” was reorganized by merging to it the State Institution of “Center for forensic inquiry of the Ministry of Justice of the Republic of Kazakhstan” [12].

The Institute of Private Experts is called upon to create an alternative to state expert activity and to ensure a competitive environment in judicial review of criminal, civil and administrative cases. Since 1998, the Ministry of Justice of the Republic of Kazakhstan has issued licenses to private individuals to carry out forensic inquiry activities in certain areas [13].

For example, in the UK, by the organs of criminal prosecution is appointed the examination by the provider service on the basis of contract including the distribution, price, time of service, etc. Contracts are awarded on the basis of a competitive tender process within the framework of the NFFNG (National Forensic Framework - Next Generation in the sphere SED), which is administered by law enforcement bodies under the supervision of

the Ministry of the Interior. Customers (law enforcement bodies) award specific contracts through tenders between all providers who signed Framework Agreements for relevant work in this area [14].

In the United States, today in the market of forensic inquiry dominates a network of state-funded forensic laboratories at various levels, from the municipal to the federal.

State regulation of forensic inquiry in the United States is carried out indirectly through the delegation of regulatory authority to professional associations of forensic experts with the participation of representatives of scientific sphere and consumers of forensic inquiry activities. Materially, they are independent organizations, each of which has its own task set by the state, but the methods and mechanisms to solve definite tasks independently.

На основании изучения зарубежного опыта в Концепцию развития судебной экспертизы в Республики Узбекистан можно включить следующие положения:

On the basis of investigation of foreign experience, the following provisions can be included in the Concept for the development of forensic enquiry in the Republic of Uzbekistan:

1) Development and improvement of scientific-theoretical and organizational-practical foundations of non-governmental forensic inquiry activities;

2) Organization of the system of qualified professional training, retraining and advanced training of forensic experts;

3) Recreation of the activities of the Council on the problems of forensic inquiry, which is currently liquidated. The task of this deliberative interdepartmental body will be to coordinate the activities of forensic expert institutions, approve interdepartmental expert methods, determine the most important areas for reforming forensic examination and other aspects, taking into account the interests of all ministries and departments;

4) Strengthening the material and technical base of forensic inquiry organizations;

5) Stage-by-stage separation from the criminal prosecution of forensic inquiry institutions and their unification into a separate state committee, center or department;

6) The development of international cooperation in the field of forensic inquiry in order to study international advanced practices and introduce it into national practice, exchange experience, joining international forensic organizations and conduct research in this area;

In the condition of reforming the judicial system, we consider it necessary to create an appropriate system of checks and balances, a kind of balance of interests in the forensic field when introducing a new model of

non-governmental forensic inquiry, in order to avoid the risks of creating an unregulated market for forensic expert services and uncontrolled commercialization, organization of control the quality of research, professional competence of forensic experts, as well as providing expert independence in conducting research. We consider it expedient to conduct a detailed analysis of foreign experience in development of forensic inquiry, and only after that introduce the positive results of the reforms into the sphere of forensic inquiry activity in the Republic of Uzbekistan.

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### **CHARACTERISTICS OF GENERAL PREVENTION OF OFFENCES AND ITS BASIC PROPERTIES**

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**Abstract:** the article analyses the purpose and tasks, object, arrangements of general prevention of offences. Conclusions directed on improvement of scientific-theoretical approaches to these problems are developed.

**Keywords:** prevention of offences, general prevention, special prevention, individual prevention, victimology prevention, persons inclined to commit offences, persons with high level of becoming victim.

Nowadays, when the threat of such negative phenomena as religious extremism, terrorism, drug addiction, human trafficking, illegal migration, “mass culture” is growing, the fact that instead of applying heavy and ruthless punishments for the crime committed is much greater the effect and result will bring inevitability of responsibility for committing offenses, their prevention. And this, in turn, requires the creation of an effective system for