**TOSHKENT DAVLAT YURIDIK UNIVERSITETI
HUZURIDAGI ILMIY DARAJALAR BERUVCHI
DSc.07/13.05.2020.Yu.22.03 RAQAMLI ILMIY KENGASH**

MUHAMMADIYEV SARVAR ASQAR O‘G‘LI

SURISHTIRUV VA DASTLABKI TERGOV JARAYONIDA JINOYAT ISHLARINI YURITISH TARTIBINI BOSQICHMA-BOSQICH RAQAMLASHTIRISH MASALALARI

12.00.09 – Jinoyat protsessi. Kriminalistika, tezkor-qidiruv
huquq va sud ekspertizasi

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KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zaruriyati. Bugungi kunda huquqni muhofaza qiluvchi organlar faoliyatida raqamli texnologiyalarni joriy etish global miqyosda ustuvor yo‘nalishlardan biriga aylangan. Ayniqsa, jinoyat ishlarini yuritish jarayonida shaffoflik, tezkorlik va samaradorlikni ta’minlash maqsadida surishtiruv va dastlabki tergov bosqichini raqamlashtirishga bo‘lgan ehtiyoj tobora ortib bormoqda. Bir qator rivojlangan davlatlar, jumladan, AQSh, Janubiy Koreya, Turkiya, Saudiya Arabistoni singari mamlakatlarda elektron jinoyat ishlarini yuritish tizimi yo‘lga qo‘yilgan bo‘lib, natijada ish hujjatlarini raqamli shaklda yuritish, saqlash, tahlil qilish va nazorat qilish imkoniyati kengaygan. Ammo shu bilan birga, ushbu sohada kiberxavfsizlik, ma’lumotlarni himoya qilish va normativ-huquqiy bazaning mukammal emasligi kabi muammolar ham mavjud bo‘lib, ularni hal etish uchun qonunchilikni takomillashtirish, zamonaviy axborot tizimlarini joriy etish kabi kompleks chora-tadbirlarni amalga oshirish talab etiladi. “World justice project” xalqaro tashkiloti tomonidan yuritiladigan “Huquq ustuvorligi indeksi”ning 2024-yilgi reytingida O‘zbekiston 142 mamlakat orasida 83-o‘rinni egallab, oldingi yillarga nisbatan past ko‘rsatkichlarni qayd etdi[1]. Bunga, jinoiy sudlov ish yuritish bo‘yicha olingan ko‘rsatkichlar salbiy ta’sir ko‘rsatdi. Bu esa, jinoiy sudlov ish yuritish sohasida muhim bosqich hisoblangan surishtiruv va dastlabki tergov jarayonida raqamlashtirishni keng joriy etish orqali sohani takomillashtirishga qaratilgan takliflar ishlab chiqish zaruriyatini belgilab beradi.

Surishtiruv va dastlabki tergov jarayonini raqamlashtirish masalalari bo‘yicha xalqaro ilmiy tadqiqotlarda asosiy e’tibor raqamli platformalarni ishlab chiqish, elektron dalillarning huquqiy maqomini belgilash hamda raqamli adliya tizimini yaratish masalalariga qaratilgan. Masalan, Yevropa Ittifoqi doirasida “e-Justice” loyihasi doirasida raqamli tergov usullari bo‘yicha tadqiqotlar amalga oshirilmoqda. Shunga qaramay, surishtiruv jarayonida raqamli texnologiyalardan foydalanishning huquqiy mexanizmi bo‘yicha tadqiqotlar yetarli emas. Xususan, raqamlashtirishning jinoyat-protsessual huquqiy normalarga mosligini ta’minlash, unda fuqarolarning huquq va erkinliklarini himoya qilish bilan bog‘liq jihatlar chuqur tadqiq etilmagan. Shu bois, mazkur yo‘nalishda ilmiy tahlillar va normativ-huquqiy asoslarni takomillashtirishga ehtiyoj yuqori bo‘lib qolmoqda.

Mamlakatimizda ham sud-huquq sohasini raqamlashtirish, jumladan, jinoyat ishlarini yuritish jarayonida elektron axborot tizimlarini joriy etishga qaratilgan qator islohotlar amalga oshirilmoqda. “Elektron jinoyat ishi” axborot tizimini joriy etish bo‘yicha ishlab chiqilgan loyihalar, surishtiruv va tergov faoliyatida vakolatli davlat organlari o‘rtasida axborot almashinuvini ta’minlash kabi choralar shular jumlasidan. O‘zbekiston Respublikasi Prezidentining Farmoni bilan tasdiqlangan “O‘zbekiston – 2030” strategiyasi doirasida bevosita jinoyat protsessida jinoyat ishi qo‘zg‘atilishidan boshlab sud hukmi qabul qilinishigacha bo‘lgan jarayonni yagona elektron reestr yaratish orqali individual raqam va QR kod orqali kuzatib borish imkoniyatini joriy qilish, dalillarni to‘plash va mustahkamlash faoliyatini

[1] “Huquq ustuvorligi indeksi”. https://worldjusticeproject.org/rule-of-law-index/global.

zamonaviy texnologiyalar va so‘nggi ilmiy yutuqlarni joriy qilish orqali to‘liq raqamlashtirish, jinoyat ishlarining elektron shakldagi nusxasini to‘liq yuritish va ushbu ishlar bo‘yicha elektron hujjat almashinuvini ta’minlash kabi muhim va ustuvor yo‘nalishlar belgilandi. Shu bilan birga, mazkur jarayonda normativ-huquqiy asoslarni aniq belgilash, amaliy mexanizmlarni takomillashtirish va ularni bosqichma-bosqich joriy etish zarur. Jinoyat ishlarini yuritish tartibini raqamlashtirish jarayonida, ayniqsa, surishtiruv va dastlabki tergov bosqichlarida tizimli yondashuvni yo‘lga qo‘yish bugungi kun talabi hisoblanadi.

O‘zbekiston Respublikasi Prezidentining 2018-yil 14-maydagi PQ-3723-son “Jinoyat va jinoyat-protsessual qonunchiligi tizimini tubdan takomillashtirish chora-tadbirlari to‘g‘risida”, 2020-yil 10-avgustdagi PF-6041-son “Sud-tergov faoliyatida shaxsning huquq va erkinliklarini himoya qilish kafolatlarini yanada kuchaytirish chora-tadbirlari to‘g‘risida”, 2020-yil 5-oktabrdagi PF-6079-son “Raqamli O‘zbekiston — 2030” strategiyasini tasdiqlash va uni samarali amalga oshirish chora-tadbirlari to‘g‘risida”, 2022-yil 28-yanvardagi PF-60-son “2022-2026-yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi to‘g‘risida”, 2022-yil 28-yanvardagi PQ-105-son “Ishni sudga qadar yuritishda yagona idoralararo elektron hamkorlik tizimini joriy etish chora-tadbirlari to‘g‘risida”, 2023-yil 11-sentabrdagi PF-158-son “O‘zbekiston – 2030” strategiyasi to‘g‘risida”gi farmon va qarorlarida hamda sohaga doir boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishga ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Mazkur tadqiqot ishi respublika fan va texnologiyalari rivojlanishining I. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma’naviy-ma’rifiy rivojlantirishda innovatsion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishiga mos keladi.

Muammoning o‘rganilganlik darajasi. Jinoyat protsessining surishtiruv va dastlabki tergov bosqichida raqamlashtirishni joriy qilish borasida bir qator olimlar tomonidan ilmiy izlanishlar amalga oshirilgan. Xususan, mamlakatimizda L.I.Isxakova, F.Xamdamova, S.Sadikov, S.Amaniyazova, M.Axmedshayeva, D.B.Bazarova, D.J.Suyunova, G.Z.Tulaganova, M.X.Kadirova, S.M.Raxmonova, I.R.Astanov, A.Abduvaliyev, B.O.Primov, S.S.Oripov, B.X.Xamidov, S.S.Saxaddinov, M.M.Boboyev, D.Abdalimova, Sh.Hamdamov, D.Yusupaliyev, S.Adilxodjayeva, Y.K.Sabirov va boshqalarning ilmiy ishlarida ushbu mavzuda tadqiqot olib borilgan.

Masalan, M.X.Kadirovaning ilmiy tadqiqot ishida jinoyat protsessida raqamlashtirishning, asosan, protsessual muddatlarga ta’siri tadqiq qilingan. Uning fikricha, raqamlashtirishning joriy qilinishi jinoyat protsessi ishtirokchilari tomonidan ish materiallari bilan tanishib chiqish, ish materiallarini qaytarish va ish yurituviga kelib tushishi o‘rtasida yuzaga keladigan muddatlarning qisqarishiga olib keladi. Raqamli texnologiyalarning joriy etilishi natijasida, ijtimoiy xavfi katta bo‘lmagan va uncha og‘ir bo‘lmagan jinoyatlar bo‘yicha tergov muddatlari o‘n kundan bir oygacha qisqaradi.

B.O.Primov tadqiqot ishida dastlabki tergov davomida ayrim jinoyat protsessual harakatlarni amalga oshirish va jinoyat alomatlari aniqlangan ma’muriy huquqbuzarlikka oid materiallarni prokurorga topshirish jarayonini raqamlashtirishga oid takliflarni ilgari surgan.

Mazkur tadqiqot ishining yuqoridagilardan farqi esa, undagi takliflar nafaqat dastlabki tergov faoliyati yoki protsessual muddatlarga, balki surishtiruv jarayoni hamda jinoyat ishini yuritish bilan bog‘liq boshqa jihatlarga ham taalluqli bo‘lib, raqamlashtirishning imkoniyatidan kelib chiqib mavjud muammolarga kompleks yechim berishga qaratilgan. Unda raqamlashtirish orqali jinoyat protsessual qonunchilikda belgilangan qoidalarga rioya qilinishini ta’minlashga, huquqdagi ayrim bo‘shliqlarni to‘ldirishga va ziddiyatli normalarni takomillashtirishga hamda sun’iy intellekt texnologiyalari asosida ish faoliyatini yengillashtirish va sifat ko‘rsatkichlarini yaxshilashga qaratilgan takliflar ishlab chiqilgan. Bu takliflar qonunchilik loyihalari, amaliyotdagi muammolar bilan batafsil yoritib berilgan.

Surishtiruv va dastlabki tergov bosqichida raqamlashtirish imkoniyatlaridan foydalanishning ilmiy-nazariy asoslari masalalari MDHga a’zo davlatlar olimlari: I.Y.Pashenko, A.Y.Afanasyev, R.M.Shevsov, A.V.Maksimenko, O.I.Miroshnichenko, L.A.Voskobitova, I.L.Bednyakov, N.A.Razveykina, M.Abduraxmanov, P.Golovnenkov, N.Spitsa, M.S.Neijkasha, S.V.Zuev, I.N.Yakovenko, O.A.Belov, P.S.Pastuxov, R.I.Okonenko, Y.N.Sokolov, V.B.Vexov, A.A.Usachev, L.N.Maslennikova, Y.S.Kudryashova, I.I.Sheremetyev, D.S.Kiselyov, P.M.Morxat, N.M.Korshunov, Y.L.Mareyev, L.A.Serjantova, Y.S.Papisheva, O.V.Dobrovlyanina, Z.Sidikova, L.V.Golovko va boshqalar tomonidan tadqiq etilgan.

Jinoyat protsessida raqamlashtirishni qo‘llashning ayrim masalalariga xorij olimlari: N.Aletras, D.Tsarapatsanis, D.Preotiuc-Pietro, V.Lampos, T.Marquenie, E.Kindt, Ch.Dowling, A.Morgan, A.Gannoni, P.Jorna, N.Negroponte, S.Schmahl, E.Schlehahn, T.Marquenie kabilarning ilmiy ishlarida e’tibor qaratilgan.

Biroq, yuqorida nomlari keltirilgan olimlarning ushbu tadqiqot ishlarida raqamlashtirishni joriy qilishning nazariy va amaliy jihatlari kompleks tarzda kam o‘rganilgan. Shu bois, surishtiruv va dastlabki tergov bosqichida raqamlashtirishni joriy qilishni nafaqat nazariy jihatdan, balki amaliyotdagi muammolar uyg‘unligi asosida asoslash ushbu munosabatlar bilan bog‘liq qonunchilik bazasini yanada takomillashtirishga xizmat qiladi.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan ilmiy tashkilot yoki ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Dissertatsiya tadqiqoti Toshkent davlat yuridik universitetining ilmiy-tadqiqot ishlari rejasidagi “Sud-huquq tizimini isloh qilish sharoitida jinoyat-protsessual qonunchilikni takomillashtirishning asosiy yo‘nalishlari” doirasida amalga oshirilgan.

Tadqiqotning maqsadi surishtiruv va dastlabki tergov bosqichida jinoyat ishlarini yuritishni bosqichma-bosqich raqamlashtirish masalasini ilmiy-nazariy hamda amaliy tahlillar asosida kompleks tahlil qilgan holda aniqlangan muammolarga yechim topish, qonunchilik va huquqni qo‘llash amaliyotini yanada takomillashtirishga qaratilgan taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

jinoyat protsessida raqamlashtirishni nazariy va amaliy jihatdan tadqiq qilish;

jinoyat protsessida raqamlashtirishning rivojlanish tarixini o‘rganish;

jinoyat protsessida raqamlashtirishning huquqiy tabiatini tahlil qilish;

surishtiruv va dastlabki tergov bosqichida jinoyat ishlarini yuritishni raqamlashtirishning tartib-taomillarini o‘rganish;

surishtiruv va dastlabki tergov bosqichida raqamlashtirishni joriy qilishning huquqiy mexanizmini tadqiq qilish;

bugungi kunda surishtiruv va dastlabki tergov bosqichida joriy etilgan axborot tizimlaridan foydalanish imkoniyatlarini o‘rganish;

jinoyat protsessida raqamli texnologiyalardan foydalanishda xorijiy davlatlar tajribasini tahlil qilish;

surishtiruv va dastlabki tergov jarayonida raqamli texnologiyalarini qo‘llash samaradorligini oshirishga qaratilgan ilmiy-amaliy taklif va tavsiyalar ishlab chiqish.

Tadqiqotning obyekti sifatida surishtiruv va dastlabki tergov jarayonida raqamlashtirishni qo‘llashga oid jinoyat-protsessual huquqiy munosabatlar tizimi olingan.

Tadqiqotning predmeti surishtiruv va dastlabki tergov bosqichida raqamlashtirishni qo‘llash bilan bog‘liq huquqiy munosabatlarni tartibga soluvchi normativ-huquqiy hujjatlar, sud-tergov amaliyotiga doir hujjatlar, huquqni qo‘llash amaliyoti, ayrim xorijiy mamlakatlar qonunchiligi, jinoyat-protsessual huquqi fanida mavjud konseptual yondashuvlar va ilmiy-nazariy qarashlarni tashkil etadi.

Tadqiqotning usullari. Tadqiqotni amalga oshirishda tarixiy, tizimli, qiyosiy-huquqiy, tahliliy, mantiqiy, ijtimoiy so‘rov o‘tkazish, ilmiy manbalarni kompleks tadqiq etish, statistik ma’lumotlar tahlili, qonunchilikni sharhlash, qonunni qo‘llash amaliyotini o‘rganish kabi usullardan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

ma’lumotlarning qog‘oz shaklidagi almashinuvi protsessual muddatlar cho‘zilishiga, hujjatlarni soxtalashtirish holatlariga olib kelganligi bois, surishtiruv va tergov organlarining vakolatli davlat organlari va tashkilotlari bilan elektron idoralararo hamkorligini yo‘lga qo‘yish zarurligi asoslantirilgan;

protsessual harakatlarni amalga oshirishda jinoyat protsessi ishtirokchilari qatnashuvini ta’minlash, ularni surishtiruv-tergov organlariga asossiz chaqirilishini oldini olish, jinoyat ishi qo‘zg‘atilgandan boshlab uning harakati haqida o‘z vaqtida xabardor etib borish tartibini joriy etish maqsadida “SMS - xabarnoma” xizmati orqali elektron xabardor qilish tartibini joriy etish zarurligi asoslab berilgan;

surishtiruvchi va tergovchilar o‘rtasida ish yuklamasini adolatsiz taqsimlash holatlariga yo‘l qo‘yilishi tergov sifatiga salbiy ta’sir ko‘rsatayotganligi bois, jinoyat ishlarini surishtiruv va tergovga tegishlilik qoidalari asosida surishtiruv yoki dastlabki tergov organiga topshirish jarayonini raqamlashtirish, jinoyat ishlarini bir surishtiruv va tergov bo‘linmasi doirasida surishtiruvchi va tergovchilar o‘rtasida elektron taqsimlashni yo‘lga qo‘yish kerakligi asoslangan;

jinoyat ishlarining tergovi ustidan prokuror nazoratida, protsessual harakatlarni amalga oshirishga sudning ruxsatini olish jarayonida qog‘ozbozlik holatlari saqlanib qolayotganligi, bu ortiqcha xarajatlarni ham yuzaga keltirayotganligi, shuningdek, protsessual muddatlarga to‘la rioya qilinishiga salbiy ta’sir qilayotganligi sababli, surishtiruv va dastlabki tergov ustidan prokuror nazoratini, xususan qabul qilingan qarorlar haqida prokurorni xabardor qilish, surishtiruvchi va tergovchiga ko‘rsatmalar berish, sanksiya berish yoki sanksiya berish uchun sudga iltimosnomalar kiritish, surishtiruv va dastlabki tergov jarayonida “Xabeas korpus” institutini qo‘llashda, xususan sanksiya berish uchun sudga iltimosnomalar va zarur materiallarni taqdim etish, sud tomonidan tayinlangan ehtiyot chorasining bekor qilinganligi haqidagi xabarlarni sudga yuborish jarayonini to‘liq raqamlashtirish zarurligi amaliy misollar bilan asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

tadqiqot davomida aniqlangan muammolar tahlili asosida surishtiruv va dastlabki tergov jarayonida jinoyat ishlarini yuritish tartibini raqamlashtirish darajasini oshirishga qaratilgan takliflar ishlab chiqilib, ular asosida “Ishni sudga qadar yuritish bosqichida raqamli texnologiyalarning keng qo‘llanilishi munosabati bilan O‘zbekiston Respublikasining Jinoyat-protsessual kodeksiga o‘zgartirish va qo‘shimchalar kiritish to‘g‘risida”gi O‘zbekiston Respublikasining Qonuni loyihasi tayyorlangan;

jinoyat ishlarini elektron tartibda yuritishning huquqiy asoslarini belgilash, bu jarayonda ishtirok etuvchi subyektlar, ularning huquq va majburiyatlari hamda vakolatlarini, bu jarayonda sun’iy intellekt texnologiyalaridan foydalanish shartlarini belgilab berish bo‘yicha tayyorlangan takliflar asosida “Elektron jinoyat ishi to‘g‘risida”gi O‘zbekiston Respublikasining Qonuni loyihasi ishlab chiqilgan;

surishtiruv va dastlabki tergov jarayonida raqamli texnologiyalar imkoniyatlarini joriy etishning ustuvor yo‘nalishlarini, jinoyat ishlarini elektron tartibda yuritishning huquqiy mexanizmlarini belgilash maqsadida ishlab chiqilgan takliflar asosida “Ishni sudga qadar yuritish bosqichida zamonaviy axborot-texnologiyalarini keng qo‘llash bo‘yicha navbatdagi chora-tadbirlar to‘g‘risida”gi O‘zbekiston Respublikasi Prezidentining Farmoni loyihasi tayyorlangan;

tadqiqot doirasida amalga oshirilgan tahlillar natijasida, jinoyat tufayli yetkazilgan zararni qoplash jarayonida sodir etilgan soxtalashtirish holati bilan bog‘liq jinoyat fosh etilib, jazo muqarrarligi ta’minlangan hamda jinoyat-protsessual huquqiy normalarni to‘g‘ri qo‘llash, jinoyatlarning oldini olishga qaratilgan tavsiyalar ishlab chiqilgan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalari xalqaro huquq va milliy qonunchilik normalari, rivojlangan xorijiy davlatlar tajribasi, huquqni qo‘llash amaliyotiga, milliy va xorijiy olimlarning ilmiy-nazariy qarashlariga, tadqiqot natijalarini davlat organlari tomonidan amaliyotga joriy etish va tasdiqlashga, 200 nafardan ortiq respondentlar o‘rtasida o‘tkazilgan sotsiologik so‘rov va tadqiqotlarga, 2019-2024-yillarga oid statistik ma’lumotlar, sud-tergov amaliyoti hujjatlariga asoslanib, xulosa, taklif va tavsiyalar sinovdan o‘tkazilgan hamda ularning natijalari yetakchi mahalliy va xorijiy nashrlarda e’lon qilingan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati shundan iboratki, mazkur tadqiqot natijasida ishlab chiqilgan qoidalar jinoyat-protsessual huquqi fani nazariyasining rivojlanishiga xizmat qiladi. Ilmiy izlanishlar doirasida ishlab chiqilgan xulosalardan ilmiy tadqiqot ishlarini olib borishda, jinoyat protsessi fanidan ma’ruza va amaliy mashg‘ulotlarni olib borishda foydalanish mumkin.

Tadqiqot ishining amaliy ahamiyati qonun ijodkorligi faoliyatida, xususan, normativ-huquqiy hujjatlarni tayyorlash, huquqni qo‘llash amaliyotiga doir idoraviy hujjatlarni ishlab chiqish, elektron axborot tizimlari imkoniyatlarini kengaytirishda xizmat qiladi.

Tadqiqot natijalarining joriy qilinishi. Surishtiruv va dastlabki tergov jarayonida raqamlashtirish imkoniyatlarini keng qo‘llash bo‘yicha o‘tkazilgan ilmiy natijalar asosida:

surishtiruv va tergov organlarining vakolatli davlat organlari va tashkilotlari bilan elektron idoralararo hamkorligini yo‘lga qo‘yish haqidagi takliflardan O‘zbekiston Respublikasi Prezidentining 28.01.2022-yildagi “Ishni sudga qadar yuritishda yagona idoralararo elektron hamkorlik tizimini joriy etish chora-tadbirlari to‘g‘risida”gi PQ-105-son qarorining 1-bandi ikkinchi xatboshisini ishlab chiqishda foydalanilgan (O‘zbekiston Respublikasi Bosh prokuraturasining 2024-yil 13-maydagi 27/2-114-24-son dalolatnomasi). Mazkur taklifning qabul qilinishi natijasida “Elektron surishtiruv va dastlabki tergov” yagona elektron axborot tizimi joriy etilib, zarur ma’lumotlarni tezlikda va haqqoniy qabul qilish imkoniyatlari yaratilgan;

jinoyat protsessi ishtirokchilarini “SMS - xabarnoma” xizmati orqali elektron xabardor qilish haqidagi takliflardan O‘zbekiston Respublikasi Bosh prokuraturasi tomonidan “Elektron jinoyat ishi” loyihasini ishlab chiqishda foydalanilgan (Bosh prokuraturaning 2024-yil 11-iyuldagi 27/2-169-24-son dalolatnomasi). Mazkur taklifning inobatga olinishi surishtiruv va dastlabki tergov organlari ishini osonlashtirishi bilan birga, fuqarolarga qo‘shimcha qulaylik yaratishga xizmat qilgan;

jinoyat ishlarini surishtiruv va tergovga tegishlilik qoidalari asosida surishtiruv yoki dastlabki tergov organiga topshirish jarayonini raqamlashtirish, jinoyat ishlarini bir surishtiruv va tergov bo‘linmasi doirasida surishtiruvchi va tergovchilar o‘rtasida elektron taqsimlashni yo‘lga qo‘yish haqidagi takliflardan O‘zbekiston Respublikasi Bosh prokuraturasi tomonidan “Elektron jinoyat ishi” loyihasini ishlab chiqishda foydalanilgan (Bosh prokuraturaning 2024-yil 11-iyuldagi 27/2-169-24-son dalolatnomasi). Mazkur taklifning inobatga olinishi jinoyat-protsessual qonuni normalarini to‘g‘ri tatbiq etilishini ta’minlash bilan birga, jarayonda subyektivlikni oldini olishga, ish hajmini adolatli taqsimlash orqali ish sifatini oshirishga, pirovard natijada fuqarolarning huquq va manfaatlari himoyasini yanada ishonchli ta’minlashga xizmat qilgan;

surishtiruv va dastlabki tergov ustidan prokuror nazoratini, xususan qabul qilingan qarorlar haqida prokurorni xabardor qilish, surishtiruvchi va tergovchiga ko‘rsatmalar berish, sanksiya berish yoki sanksiya berish uchun sudga iltimosnomalar kiritish, surishtiruv va dastlabki tergov jarayonida “Xabeas korpus”

institutini qo‘llashda, xususan sanksiya berish uchun sudga iltimosnomalar va zarur materiallarni taqdim etish, sud tomonidan tayinlangan ehtiyot chorasining bekor qilinganligi haqidagi xabarlarni sudga yuborish jarayonini to‘liq raqamlashtirish haqidagi takliflardan O‘zbekiston Respublikasi Bosh prokuraturasi tomonidan “Elektron jinoyat ishi” loyihasini ishlab chiqishda foydalanilgan (Bosh prokuraturaning 2024-yil 11-iyuldagi 27/2-169-24-son dalolatnomasi). Mazkur taklifning inobatga olinishi qog‘ozbozlik holatlariga chek qo‘yishga, nazorat sifatini oshirish orqali bu boradagi mas’uliyatni yanada oshirishga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 6 ta ilmiy anjumanda, jumladan 2 ta xalqaro, 4 ta respublika ilmiy-amaliy anjumanlarda muhokamadan o‘tkazilgan.

Tadqiqot natijalarining e’lon qilinganligi. Tadqiqot ishi doirasida jami 11 ta ilmiy ish, jumladan 5 ta ilmiy maqola (ulardan 2 tasi xorijiy nashrlarda) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, 3 ta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat. Dissertatsiyaning hajmi 137 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi) qismida tadqiqot mavzusining dolzarbligi va zaruriyati, tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga mosligi, tadqiq etilayotgan muammoning o‘rganilganlik darajasi, tadqiqot mavzusining dissertatsiya bajarilayotgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari bilan bog‘liqligi, tadqiqotning maqsad va vazifalari, obyekti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, joriy qilinishi, aprobatsiyasi, natijalarning e’lon qilinganligi, dissertatsiyaning tuzilishi va hajmi yoritilgan.

Dissertatsiyaning birinchi bobi **“Jinoyat ishlarini yuritishni raqamlashtirishning nazariy-huquqiy tavsifi”** deb nomlanib, unda jinoyat protsessini raqamlashtirish borasidagi ilmiy-nazariy qarashlar, uning huquqiy tabiati, mamlakatimizda jinoyat ishini yuritish bosqichida raqamlashtirishning tadrijiy rivojlanishi kabi masalalar tahlil qilingan.

Jinoyat protsessida raqamlashtirish tushunchasi, bu boradagi ilmiy-nazariy qarashlar, raqamlashtirishni jinoyat protsessida joriy etishning asosiy vazifalari, uning jinoyat protsessida belgilangan prinsiplarga muvofiqligi masalalari mamlakatimiz va MDHga a’zo davlatlar olimlarining fikrlari bilan atroflicha yoritilgan.

M.X.Kadirova, D.Yusupaliyev, S.Oripov, B.Primov, Sh.Hamdamov, S.Sadikov, A.Y.Afanasyev, Y.N.Sokolov, I.Y.Pashenkolarning ilmiy ishlari tahlilidan kelib chiqqan holda, jinoyat protsessida raqamlashtirishning mualliflik ta’rifi ishlab chiqilgan.

Bu borada o‘tkazilgan ilmiy izlanishlar tasnifi ishlab chiqilib, uch turkumga ajratilgan: jinoyat protsessida raqamlashtirishni joriy qilishning nazariy va ilmiy asoslari, raqamlashtirishni jinoyat-protsessual vositalarning klassik modellariga

joriy etish hamda jinoyat protsessida raqamli texnologiyalardan foydalanishning texnik-kriminalistik imkoniyatlari.

Jinoyat protsessida raqamlashtirishning asosiy vazifalari ro‘yxati shakllantirilgan: jinoyat protsessini soddalashtirish; protsessual muddatlarni qisqartirish va mas’ullarning javobgarligini oshirish; protsessual xatolik, suiiste’molchilik va soxtalashtirish holatlarini oldini olish; jinoyat ishini yuritishda mehnat unumdorligini oshirish; surishtiruv va dastlabki tergov organlarining o‘zaro hamda boshqa tashkilotlar bilan tezkor elektron ma’lumot almashinuvini yo‘lga qo‘yish; surishtiruv va tergov sifatini oshirish orqali fuqarolarning huquq va erkinliklari himoyasini samarali ta’minlash.

Fuqarolarning huquq va erkinliklari muhofazasiga zarar yetkazgan taqdirda, raqamlashtirishni jinoyat protsessida qo‘llashni istisno etishini jinoyat protsessi prinsipi darajasida belgilash taklifi asoslantirib berilgan.

Raqamlashtirishni jinoyat protsessida joriy qilish va amaliyotda qo‘llashga asos bo‘luvchi huquqiy va konseptual asoslar, uning Elektron hukumat islohotlarida tutgan o‘rni, suiiste’molchiliklarni oldini olishdagi ahamiyati, jinoyat protsessual faoliyatni amalga oshirishdagi tezkorligi, mavjud xavf-xatarlar hamda ularning salbiy ta’siriga oid masalalar tadqiq qilingan.

Jinoyat hamda jinoyat-protsessual qonunchiligini takomillashtirish bo‘yicha va sohaga oid qabul qilingan boshqa konsepsiyalarda nazarda tutilgan vazifalar ijrosi tahlil qilinib, raqamlashtirishning suiiste’molchilikni oldini olishdagi ahamiyati statistik ma’lumotlar va misollar bilan yoritib berilgan.

Masalan, 2024-yilda surishtiruv va tergov organlari tomonidan 213 ta jinoyat ishi surishtiruv va dastlabki tergov muddati buzilgan holda tergov qilingan bo‘lsa, jinoyat ishi tergovida yo‘l qo‘ygan kamchiliklari uchun 170 nafar surishtiruvchi va tergovchi prokuror ta’sir chorasi asosida intizomiy javobgarlikka tortilgan[2].

Raqamlashtirishni joriy qilishda xavf-xatarlarni ham inobatga olish maqsadga muvofiq. Masalan, har 39 sekundda bitta, bir kunda esa 2 200 dan ortiq, bir yilda 800 mingdan ortiq kiberxujumlar sodir etiladi. Osiyo-Tinch okeani mintaqasida kiberxujumlar hajmi dunyo bo‘yicha 31 foizni tashkil etib, uning ulushi Yevropa (28 foiz) va Shimoliy Amerikaga (25 foiz) nisbatan yuqori. O‘zbekiston Respublikasi Bosh prokurorining 2023-yilda mamlakatimiz aholisiga qilgan murojaatida so‘nggi yillarda kiberjinoyatlar soni qariyb 25 barobar oshganligi ta’kidlangan.

Surishtiruv va dastlabki tergov bosqichida raqamlashtirish yo‘nalishlari ro‘yxati shakllantirilgan: elektron hujjatlar bilan ishlash; murojaatlarni elektron tartibda qabul qilish va ko‘rib chiqish; raqamli ekspertiza; sun’iy intellekt va tahlil; elektron nazorat.

Dissertatsiya doirasida raqamlashtirishning rivojlanish tarixi tahlil qilinib, mustaqillik yillarida jinoyat-protsessual qonunchiligimizda raqamli texnologiyalar

[2] Mustaqil davlatlar hamdo‘stligi davlatlari Bosh prokurorlarining muvofiqlashtiruvchi kengashining “2024-yil bo‘yicha jinoyatchilik ahvoli, tergov ishlari, prokuror nazorati hamda jinoyatchilikka qarshi kurashish sohasida xalqaro shartnomalarning ijrosi ahvoliga oid ma’lumotlarning jamlanma hisoboti”. 2-bo‘lim, Tergov va surishtiruv organlari faoliyati to‘g‘risidagi ma’lumotlar.

imkoniyatlaridan foydalanish zaruriyatining vujudga kelishi va rivojlanishi quyidagi ikki bosqichga bo‘linib, xronologik o‘rganilgan:

birinchi bosqich – axborot-texnologiyalari imkoniyatidan foydalanish zaruriyatini yuzaga keltirgan davr sifatida 1994-2016-yillarni qamrab oladi. Amaldagi Jinoyat-protsessual kodeksi 1994-yilda qabul qilinganligi sababli ham, ushbu davrni shu yildan boshlangan deyish mumkin. Bu davr videoyozuv orqali qayd qilinishi lozim bo‘lgan tergov harakatlari ko‘lamining kengayishiga sabab bo‘lgan omillar, masofadan amalga oshiriladigan ayrim tergov harakatlarini o‘tkazish zaruriyatining yuzaga kelishi, jinoyatlar bo‘yicha statistika kartochkalarning qog‘ozda yuritilishi, surishtiruv va dastlabki tergov organlarining vakolatli davlat organlari bilan sust hamkorligiga oid jarayonlar bilan bog‘liqlikda ifodalanadi;

ikkinchi bosqich – 2017-yildan bugungi kungacha bo‘lgan davrni qamrab olib, ayni bu davr mamlakatimizda Hukumatning almashinuvi fonida siyosiy plyuralizmning sud-huquq sohasida ham ta’sir etganligida namoyon bo‘ladi. Ushbu davrda yuzaga kelgan muammolarni hal qilishga qaratilgan normalar qabul qilingan. Xususan, videoyozuvda qayd etiladigan protsessual harakatlar ro‘yxati kengaytirilgan. Ayrim tergov harakatlarini videokonferensaloqa rejimida o‘tkazish, “Yuridik yordam” axborot tizimi orqali himoyachini elektron tanlashning protsessual tartibi belgilangan. Shuningdek, “Elektron jinoiy-huquqiy statistika” hamda “Elektron surishtiruv va dastlabki tergov” yagona elektron axborot tizimlari joriy qilingan.

“Elektron jinoiy-huquqiy statistika” axborot tizimi orqali sodir etilgan jinoyatlarning hisobi yuritib borilib, qaysi toifadagi jinoyatlar o‘sayotganligi, ularni qaysi toifadagi shaxslar sodir etayotganligi, jinoyatchilikka qarshi kurash borasidagi tadbirlar ahvoli qay darajada tashkil etilganligi haqida tahliliy ma’lumotlarni jamlashga yordam beradi.

Undan foydalanuvchilar soni 1 522 nafarni tashkil etib, 2019–2024-yillarda 103 mingdan ortiq jinoyat ishlari ro‘yxatdan o‘tkazilgan, 649 mingdan ortiq statistik kartochkalar to‘ldirilgan.

“Elektron surishtiruv va dastlabki tergov” axborot tizimi davlat organlarining 33 ta axborot tizimlari bilan integratsiya qilingan bo‘lib, foydalanuvchilar soni 7 390 nafarni tashkil etadi. Axborot tizimi orqali 2022-2024-yillarda 1 mln. 210 mingdan ortiq so‘rovlar yuborilgan. Uning ishga tushirilishi natijasida oyiga qog‘oz sarfidan jami hisobda 1 mlrd. 83 mln. so‘m mablag‘ tejab qolinadi.

Ekspertni so‘roq qilishni videokonferensaloqa rejimida o‘tkaziladigan tergov harakatlari ro‘yxatiga kiritish (so‘rovnomada ishtirok etganlarning 87 foizi ushbu taklifni quvvatlagan) taklifi berilgan. Masalan, qasddan odam o‘ldirish jinoyati bo‘yicha tergov harakatlarida shaxsning ruhiy sog‘lomligini aniqlashni amalga oshiradigan ekspertiza muassasasi faqat Toshkent shahri va Samarqand viloyatlarida joylashgan.

Yoki, X.Sulaymonova nomidagi sud ekspertizalari viloyatlarning markazlarida tashkil etilgan. Birgina, qasddan odam o‘ldirish jinoyatlari bo‘yicha yiliga o‘rtacha 300 ta sud-psixiatriya ekspertizasi o‘tkaziladigan bo‘lsa, uning o‘rtacha 10 foizi bo‘yicha ekspertlar taqdim etilgan xulosa bo‘yicha so‘roqqa jalb qilinmoqda.

Agarda, jinoyat-protsessual qonunchiligida belgilangan asoslar bo‘yicha ekspertni so‘roq qilish zaruriyati yuzaga kelsa, bu uzoq hududda joylashgan viloyatlar va tuman (shahar)lardagi surishtiruv va dastlabki tergov organlari uchun bir qator qiyinchiliklarni yuzaga keltiradi. Yuqoridagi taklif yuzaga kelayotgan ushbu muammo asosida asoslantirib berilgan.

“Elektron surishtiruv va dastlabki tergov” yagona axborot tizimi jumlasi o‘rniga “Surishtiruv va dastlabki tergov” yagona elektron axborot tizimi jumlasini qo‘llash taklif etilgan.

Dissertatsiyaning **“Surishtiruv va dastlabki tergov jarayonida jinoyat ishlarini yuritishni raqamlashtirishning huquqiy mexanizmi”** nomli ikkinchi bobida surishtiruv va dastlabki tergov bosqichida jinoyat ishlarini yuritishni raqamlashtirish tartib-taomillari hamda huquqiy chora-tadbirlar haqida fikr yuritilib, qonunchilik hujjatlari hamda huquqni qo‘llash amaliyotini takomillashtirish yuzasidan taklif va tavsiyalar ishlab chiqilgan.

Unda surishtiruv va dastlabki tergov bosqichida raqamlashtirishni qo‘llashda rioya etilishi lozim bo‘lgan 5 ta tartib-taomillar mavjud bo‘lishi lozimligi ko‘rsatib o‘tilgan: mavjud texnik imkoniyatlarga mutanosiblik; jinoyat protsessidagi aybsizlik prezumpsiyasi va shaxsning qadr-qimmatini hurmat qilish prinsiplariga muvofiqlik; surishtiruv va dastlabki tergov siri oshkor etilmasligini ta’minlash; surishtiruv va dastlabki tergov davomida to‘plangan dalillarning aslini saqlash; inson huquq va erkinliklari himoyasini ta’minlash.

Xususan, mamlakatimizda raqamli xizmatlar hajmi 2016-yildan buyon 3,5 baravarga, ya’ni yiliga o‘rtacha 2,7 trln. so‘mga, aholi jon boshiga nisbatan ko‘rsatilgan xizmatlar hajmi 3,2 baravarga oshgan. Doimiy aholi soni 2025-yil 1-yanvar holatiga 37,5 mln. nafardan oshgan bo‘lsa, internet tarmog‘iga ulangan abonentlar soni 26,7 mln. nafar yoki jami aholining 70 foizidan ortgan[3].

Jinoyatlar soni yiliga o‘rtacha yuz mingta[4], ushbu jinoyat ishlari doirasida ishtirok etuvchi shaxslar qariyb besh yuz mingtaga yetishi inobatga olinsa, internetga ulangan hamda raqamlashtirish imkoniyatlaridan foydalanishi mumkin bo‘lgan aholi soni bu ko‘rsatkichga nisbatan ellik baravardan ham yuqori ekanligi, jinoyat protsessida raqamlashtirish imkoniyatlarini yanada kengaytirish masalasi aholini raqamli xizmatlar bilan qamrab olish tendensiyasiga muvofiq kelishini ko‘rish mumkin.

Shu bilan birga, dissertatsiyada jinoyat protsessi ishtirokchisini elektron xabardor qilish tartibini joriy qilish taklifi berilib, uni amalga oshirishda protsess ishtirokchisining texnik imkoniyati va roziligi inobatga olinishi ta’kidlab o‘tilgan.

“Elektron jinoiy-huquqiy statistika” yagona elektron axborot tizimidan foydalanish ahvoli tahlil qilinganda, axborot tizimida muayyan jinoyat ishiga aloqasi bo‘lmagan mansabdor shaxslarda (surishtiruvchi, tergovchi, prokuror va

[3] O‘zbekistonda internetdan samarali foydalanuvchilar soni ortib bormoqda. https://ict.xabar.uz/reytinglar/ozbekistonda-internetdan.

[4] Mustaqil davlatlar hamdo‘stligi davlatlari Bosh prokurorlarining muvofiqlashtiruvchi kengashining “2024-yil bo‘yicha jinoyatchilik ahvoli, tergov ishlari, prokuror nazorati hamda jinoyatchilikka qarshi kurashish sohasida xalqaro shartnomalarning ijrosi ahvoliga oid ma’lumotlarning jamlanma hisoboti”.

ushbu organlarda ishlovchi boshqa shaxslar) ham jinoyat ishiga aloqador ma’lumotlardan foydalanish imkoniyatlari mavjudligi aniqlangan. Bu esa, aybsizlik prezumpsiyasi prinsipining buzilishi bilan birga, tergov siri oshkor etilishiga ham sabab bo‘lishi mumkin.

Fuqarolarning huquq va erkinliklariga rioya qilinishini ta’minlash asosiy mezon deb belgilanganligi bois, surishtiruv va dastlabki tergovning ayrim bosqichlari raqamlashtirishdan holi bo‘lishi lozim. Masalan, qamoq ehtiyot chorasini qo‘llashda sudya gumon qilinuvchi va ayblanuvchi bilan bevosita muloqot qilish orqali haqiqatga aniqlik kiritishi zarurligi sababli, masofadan so‘roq qilish tartibini joriy qilish maqsadga muvofiq emas.

Dissertatsiyaning mazkur bobida ko‘tarilgan muammolar yuzasidan asoslantirilgan taklif va tavsiyalar ishlab chiqilgan.

Surishtiruv va dastlabki tergov bosqichida raqamlashtirishni joriy qilish maqsadida shu vaqtga qadar amalga oshirilgan tashkiliy tadbirlar, xususan, prokuratura va ichki ishlar organlarida tashkil etilgan tuzilmalar, ular faoliyatining natijadorligi, “Elektron jinoyat ishi” loyihasining mazmuni hamda uni amaliyotga joriy etilmaganligi sabablari tahlil qilingan.

Xususan, prokuratura va ichki ishlar organlarida axborot texnologiyalariga mas’ul tarmoqlar faoliyatining (qayta) tashkil etilishi surishtiruv va dastlabki tergov faoliyatida raqamlashtirishni joriy etishda muhim ahamiyat kasb etgan.

Jumladan, “Elektron jinoiy-huquqiy statistika” hamda “Elektron surishtiruv va dastlabki tergov” yagona elektron axborot tizimlari ishga tushirilib, mazkur tarmoqlar mas’ulligida yuritib kelinmoqda.

Ta’kidlash joiz, Davlatimiz rahbarining tegishli qarori bilan 2018-yilda Jinoyat va jinoyat-protsessual qonunchiligini takomillashtirish konsepsiyasi ishlab chiqilib, Bosh prokuror rahbarligida Idoralararo komissiya tarkibi tasdiqlangan, “Elektron jinoyat ishi” dastlabki loyihasi ishtirokchilari ro‘yxati shakllantirilib, uni to‘rt bosqichda amalga oshirish bo‘yicha chora-tadbirlar dasturi ishlab chiqilgan:

birinchi bosqichda (01.12.2018-yilga qadar) Toshkent shahrining Yakkasaroy va Mirobod tumanlarida “Elektron jinoyat ishi”ning dastlabki loyihasini ishga tushirish;

ikkinchi bosqichda (01.03.2019-yilgacha) ushbu loyihani respublikaning butun hududida bosqichma-bosqich yo‘lga qo‘yish bo‘yicha “yo‘l xaritasi”ni ishlab chiqish;

uchinchi bosqichda (01.10.2019-yilgacha) dastlabki loyihaning sinov natijalariga ko‘ra jinoyat va jinoyat-protsessual qonunchiligi hujjatlarini takomillashtirish yuzasidan takliflar kiritish;

to‘rtinchi bosqichda (01.12.2019-yilga qadar) Jinoyat kodeksi va Jinoyat protsessual kodekslarini yangi tahrirda qabul qilish.

Bosh prokuratura tomonidan “Elektron jinoyat ishi”ning dastlabki loyihasi ishlab chiqilib, unda jinoyat protsessi jarayoni jinoyat haqidagi xabarlarni ro‘yxatga olish; tergovga qadar tekshiruv o‘tkazish; jinoyat ishlarini surishtiruv va dastlabki tergov jarayonida tergov qilish; sud tergovi hamda hukm chiqarish kabi 5 ta bosqichga bo‘lingan.

Bosh prokuratura tomonidan ishlab chiqilgan texnik-iqtisodiy hisob-kitoblar bo‘yicha, birgina axborot tizimini ishlab chiqish qiymati 2 mlrd. so‘mdan ortiq summaga baholangan[5] va loyihaning to‘liq ishga tushmaslik sabablari aynan byudjet xarajatlari bilan bog‘liq bo‘lgan.

Bugungi kunda, jinoyat-protsessual qonunchiligi normalarini to‘g‘ri qo‘llash yuzasidan ko‘rsatma va qarorlar qabul qilish amaliyoti shakllangan. Mohiyatan ushbu hujjatlar Oliy sud Plenumining jinoyat-protsessual qonuni normalarini qo‘llash masalalari bo‘yicha tushuntirish berishga oid qarorlariga o‘xshash. Biroq, ushbu hujjatlar (shuningdek, ularga kiritilgan o‘zgarishlar) haqida manfaatdor shaxslarni real vaqt rejimida onlayn xabardor qilish tartibi belgilab berilmagani qo‘pol qonun buzilishlarga sabab bo‘layotganligi amaliy misollar bilan yoritilgan.

Jumladan, qamoqqa olish tarzidagi ehtiyot chorasini qo‘llash bo‘yicha kiritilgan prokuror iltimosnomasi sud tomonidan qariyb 1,5 yil avval bekor bo‘lgan ko‘rsatma talablari asosida rad etilib, ushlab turilgan shaxs noqonuniy ravishda ozod etilgan.

Bunday holatlarni oldini olish maqsadida ushbu hujjatlarni O‘zbekiston Respublikasining qonunchilik ma’lumotlari milliy bazasi hisoblangan **www.lex.uz** saytida majburiy e’lon qilib borish zarurligi asoslantirilgan.

Tadqiqot doirasida surishtiruv va dastlabki tergov organlari faoliyatida raqamlashtirish darajasini oshirish maqsadida Bosh vazir rahbarligida respublika idoralararo maxsus komissiyasini tashkil etish, “Elektron jinoyat ishi” loyihasini sinov tariqasida dastlab ijtimoiy xavfi katta bo‘lmagan va uncha og‘ir bo‘lmagan jinoyatlar bo‘yicha tatbiq etish taklif etilgan.

Dissertatsiyaning uchinchi bobi **“Jinoyat ishlarini yuritishni bosqichma-bosqich raqamlashtirish sharoitida surishtiruv va dastlabki tergov olib borish tartibini takomillashtirish istiqbollari”** deb nomlanib, unda surishtiruv va dastlabki tergov jarayonida raqamlashtirish ahvoli bo‘yicha xalqaro tajriba tahlil qilingan. Surishtiruv va dastlabki tergov jarayonida raqamlashtirishni takomillashtirish yuzasidan takliflar ishlab chiqilgan. Shuningdek, jinoyat ishlarini yuritishda sun’iy intellekt texnologiyalaridan foydalanish istiqbollari keltirib o‘tilgan.

Ayrim xorijiy mamlakatlarda (Koreya, Turkiya, AQSh, Angliya, Fransiya, Germaniya, Rossiya, Xitoy, Qozog‘iston va boshqa) surishtiruv hamda tergov organlari faoliyatini raqamlashtirish borasida joriy qilingan imkoniyatlar tahlil qilingan.

Xususan, Koreya Respublikasida “KICS” *(Korea information system of criminal – justice services)*, Turkiyada “UYAP” *(Ulusal Yargı Ağı Projesi)* elektron axborot tizimlari joriy qilingan bo‘lib, ushbu axborot tizimlari orqali jinoyat ishlarini elektron shakllantirish tartibi yo‘lga qo‘yilgan. Shuningdek, mazkur axborot tizimlarida jinoyat ishini yuritishga aloqador bo‘lgan barcha mas’ul tashkilotlarga tegishli axborot tizimlari birlashtirilgan.

[5] Bosh prokuratura tomonidan tayyorlangan “Elektron jinoyat ishi” axborot tizimi taqdimoti (53 varaq). 2018-yil *(ma’lumot o‘rnida, ushbu miqdor 2018-yildagi narxlar bo‘yicha shakllangan).*

Koreya Respublikasi jinoyat ishlarini yuritish jarayonini raqamlashtirishga shoshilmagan. Dastlab, mast holatda va litsenziyasiz transport vositasini boshqarish bilan bog‘liq jinoyat ishlari bo‘yicha ish yurituv to‘liq raqamlashtirilgan. Bu ish yuritish muddatini 4 oydan 28 kungacha qisqartirgan. 2011-yildan boshlab jami jinoyat ishlarining 30 foizi to‘liq elektron shaklda yuritila boshlangan.

Koreyaning elektron jinoyat ishi loyihasini dastlab yengilroq toifadagi jinoyat ishlari bo‘yicha joriy qilish, individual kabinet orqali jinoyat ishlarining harakati haqida xabardor bo‘lib borish kabi yo‘nalishlardagi tajribasidan milliy qonunchiligimizda foydalanish mumkinligi haqida to‘xtamga kelingan.

Turkiyaning Adliya vazirligiga qarashli “UYAP” elektron axborot tizimidan 2000-yildan buyon foydalanib kelinadi. Mazkur elektron axborot tizimining 34 ming nafardan ortiq doimiy foydalanuvchilari mavjud bo‘lib, 25 mln. ga yaqin fayllar jamlangan va har kuni 50 mingga yaqin yangi fayllar kiritib boriladi. “UYAP”dan 6 ming nafarga yaqin sudya, 4,5 ming nafardan ortiq advokat, 3 ming 700 nafardan ortiq prokuror hamda ko‘plab boshqa xodimlar foydalanadi.

Markaziy Osiyo davlatlari orasida Qozog‘iston Respublikasida 2015-yildan boshlab jinoyatga oid ariza va xabarlarni elektron ro‘yxatdan o‘tkazish imkonini beruvchi “Sudgacha tergovlar yagona reestri” joriy etilgan. Qozog‘iston Respublikasi Bosh prokuraturasi tashabbusi bilan 2017-yilda “Elektron jinoyat ishi” elektron axborot tizimi ishlab chiqilgan. Qozog‘iston Respublikasi Jinoyat-protsessual kodeksida shu yildan boshlab mazkur axborot tizimining protsessual tartibi mustahkamlab qo‘yilgan.

Rossiya, Koreya, AQSh va Germaniya qonunchiligini tahlil qilish natijasi bo‘yicha videoyozuvdan foydalanish orqali xolislar ishtirokini cheklash haqida xulosaga kelingan bo‘lsa, Fransiya, Xitoy, Koreya va Turkiya tajribasi asosida jinoyat protsessi ishtirokchilarini elektron xabardor qilish tizimini milliy qonunchiligimizga tatbiq etish tavsiya qilingan.

Dissertatsiya doirasida surishtiruv va dastlab tergovda jinoyat ishlarini yuritishni raqamlashtirishni takomillashtirish bo‘yicha bir qator takliflar ilgari surilgan.

Xususan, videoyozuvdan foydalanishning protsessual tartibini ishlab chiqish, undan foydalanish majburiy bo‘lgan protsessual harakatlar doirasini kengaytirish orqali jinoyat protsessida xolislar ishtirokini minimallashtirish, ashyoviy dalillarni elektron ro‘yxatga olish, protsess ishtirokchilarini jinoyat ishining harakati va boshqa masalalar to‘g‘risida elektron xabardor qilish, jinoyat natijasida yetkazilgan zararni undirish jarayonini raqamlashtirish, elektron axborot dasturlari imkoniyatlaridan foydalangan holda jinoyat ishlarini taqsimlash hamda surishtiruv va tergovga tegishlilik masalasini hal qilish, prokuror nazoratini raqamlashtirish, ishni sudga qadar yuritish bosqichida “Xabeas korpus” institutining qo‘llanilishida raqamlashtirishdan foydalanish masalalariga alohida e’tibor qaratilgan.

Xolislikni ta’minlashda muhim ahamiyatga ega va shaxsning konstitutsion huquqlari cheklanishi bilan bog‘liq bo‘lgan tanib olish uchun ko‘rsatish, ko‘zdan kechirish, murdani eksgumatsiya qilish, pochta-telegraf jo‘natmalarini ko‘zdan kechirish va olib qo‘yish, ekspertiza tadqiqoti uchun namunalar olish, taqdim etilgan

ashyolar va hujjatlarni qabul qilish hamda mol-mulkni xatlash bilan bog‘liq protsessual harakatlarni amalga oshirishda videoyozuvni qo‘llash majburiyligini jinoyat-protsessual qonunchiligida belgilash taklif etilgan.

Jinoyat bo‘yicha yetkazilgan zararni undirish jarayoni raqamlashmaganligi bois, zararni to‘lash uchun oqilona muddat berilmayotganligi, shuningdek, bunda soxtakorlik holatlari mavjudligi o‘tkazilgan amaliy tahlillarda aniqlangan. Tergov organiga zarar to‘langanligi haqida qiymati 230 mln. so‘mlik soxta to‘lov hujjati taqdim etilganligi bilan bog‘liq 5 ta holat yuzasidan jinoyat ishi qo‘zg‘atilishi ta’minlangan.

Respublika bo‘yicha 2023-2024-yillarda jami 129 412 ta jinoyat ishlari tamomlangan bo‘lib, ularning 36 foizi zarar bilan bog‘liq. Ular bo‘yicha 36 511 nafar shaxsga qamoq, 22 443 nafariga garov ehtiyot chorasi qo‘llanilgan. 12,3 trln. so‘m zarardan 10,6 trln. so‘mi undirilib, shundan 81 foizi naqd pul shaklida to‘langan.

Tergovga tegishlilik qoidasi buzilishi bilan bog‘liq holatlar *(JK 169-moddasi 2-qismi “d” bandi bilan bog‘liq prokuratura tergoviga tegishli 16 ta jinoyat ishi ichki ishlar tergovida ekanligi)* axborot tizimini o‘rganishda aniqlanib, raqamlashtirish orqali muammoga yechim taklif qilingan.

Qonunchilikda jinoyat ishlarini surishtiruvchi va tergovchilar o‘rtasida taqsimlashning aniq tartibi aks etmaganligi ishlarni xodimlar soniga nomuvofiq tarzda taqsimlash holatlariga olib kelayotganligi amaliy misollar bilan yoritib berilgan. Masalan, Toshkent shahar prokuraturasining O‘ta og‘ir jinoyatlarni tergov qilish bo‘limining bir tergovchisi ish yurituvida 2 ta jinoyat ishi bo‘lsa, birida bu ko‘rsatkich 21 tani tashkil qilgan.

Respublika bo‘yicha surishtiruv va tergov organlari tomonidan, birgina, 2024-yilda 75 232 ta jinoyat ishlari tamomlangan. Surishtiruv va dastlabki tergov bosqichida aniqlangan qonun buzilishi faktlarini bartaraf etish bo‘yicha 54 338 ta ko‘rsatmalar berilgan.

Tamomlangan jinoyat ishlarini o‘rganish ko‘rsatkichi respublikadagi har bir prokuror uchun yiliga o‘rtacha 331 tani, berilgan ko‘rsatmalar esa, 239 tani tashkil etadi. Prokurorlar tomonidan jinoyat ishini to‘xtatish bo‘yicha 776 ta, jinoyat ishini tugatish haqida 1 948 ta asossiz qabul qilingan qarorlar bekor qilingan, 170 nafar xodimlarga yo‘l qo‘yilgan kamchiliklar uchun intizomiy jazo choralari qo‘llanilgan.

Katta hajmli ish hisoblangan bu jarayonda prokuror nazoratini planshet yordamida masofadan amalga oshirish yo‘li bilan raqamlashtirishga qaratilgan tavsiyalar ishlab chiqilgan. Masalan, birgina jinoyat ishlarining tergovi ustidan nazoratni ta’minlash uchun yuritiladigan yig‘ma jildlarni to‘liq raqamlashtirish orqali yiliga 1 mlrd. so‘mgacha mablag‘larni tejab qolish mumkin.

Dissertatsiyaning mazkur bobida sun’iy intellektning qisqacha tarixi, xalqaro indeksda mamlakatimizning o‘rni, uni jinoyat protsessiga joriy qilishning ijobiy va salbiy jihatlari, bu boradagi ilmiy qarashlar, xorijda joriy qilingan sun’iy intellekt tizimlari, sun’iy intellektni sohaga joriy etish bo‘yicha tashkiliy chora-tadbirlar hamda uning imkoniyatidan foydalanish yo‘nalishlari haqida bahsga kirishilgan.

Aniqlanishicha, Buyuk Britaniyaning “Oxford Insights” tashkiloti tomonidan ishlab chiqilgan “Hukumatlarning sun’iy intellektga tayyorligi indeksi” *(Government artificial intelligence readines index)* bo‘yicha O‘zbekiston so‘nggi to‘rt yil davomida ijobiy tomonga yuqorilab, 158-o‘rindan 79-o‘ringa chiqqan[6]. Bunda ijtimoiy-iqtisodiy sohalarda sun’iy intellekt tizimlarining joriy etilganligi muhim ahamiyatga ega bo‘lgan.

Biroq, surishtiruv va dastlabki tergov faoliyatida sun’iy intellekt texnologiyalaridan foydalanish masalasi munozarali bo‘lib qolmoqda. Shunga qaramasdan, xorijiy mamlakatlarning sud-tergov faoliyatida sun’iy intellektdan allaqachon foydalanila boshlangan. Masalan, AQShda “Dare” sun’iy intellekti yordamida taqdim etilgan ko‘rsatuvlarning haqqoniyligini aniqlash tizimi yaratilgan. Uning aniqlik darajasi 92 foizni tashkil etadi. Bu ko‘pchilikka ma’lum bo‘lgan “poligraf” dasturi imkoniyatlaridan ko‘ra 5-7 foizga ko‘p degani. Yoki, Xitoyda sun’iy intellekt jinoyatlarni kvalifikatsiya qilish va jazo tayinlash vazifasini ham bajarmoqda.

Pensilvaniya va Sheffild universiteti olimlari tomonidan ishlab chiqilgan texnologiya jinoyat ishini tahlil qilish asosida aniq va qat’iy qarorlar qabul qilish imkonini beradi. Test sifatida Inson huquqlari bo‘yicha Yevropa sudi tomonidan ko‘rib chiqilgan turli mazmundagi 584 ta ish sun’iy intellektga joylanib tadqiqot o‘tkazilgan. Natijada, 79 foiz holatda qabul qilingan qarorlar asl sud hujjatlariga muvofiq ekanligi aniqlangan.

Bundan farqli o‘laroq, dissertatsiyada sun’iy intellekt texnologiyalaridan yordamchi vosita sifatida foydalanish taklif etilgan. Tadqiqot ishi doirasida “surishtiruv va dastlabki tergov davomida sun’iy intellekt texnologiyalarining qo‘llanilishi” tushunchasiga ta’rif berilgan.

Tergov rejasini tuzish, ko‘rsatuv va ekspert xulosasining haqqoniyligi va ilmiy asoslanganligini baholash, protsessual hujjatlarni rasmiylashtirish, grafik chizma yaratish, eksperiment o‘tkazish, jinoyatni kvalifikatsiya qilish surishtiruv va dastlabki tergovda sun’iy intellekt texnologiyalaridan foydalanish yo‘nalishlari sifatida keltirib o‘tilgan.

Ushbu imkoniyatlardan foydalanish uchun, avvalo, uning 5 bosqichli tashkiliy-huquqiy mexanizmi taklif etilgan: mas’ul tashkilot xodimlaridan iborat respublika ishchi guruhini tuzish; sun’iy intellekt tizimiga integratsiya qilinadigan axborot tizimlari ro‘yxatini shakllantirish; ma’lumotlar bazasini shakllantirish yo‘li bilan “Milliy sun’iy intellekt tizimi”ni yaratish; Tizimning sinov versiyasini ishga tushirish va amaliyotga joriy etish.

[6] Hukumatlarning sun’iy intellektga tayyorlik indeksi 2024. https://oxfordinsights.com/ai-readiness/ai-readiness-index/

XULOSA

Tadqiqot natijasida nazariy, qonunchilik va huquqni qo‘llash amaliyotini takomillashtirish bo‘yicha ilmiy xulosa, taklif va tavsiyalar ishlab chiqilgan:

I. Jinoyat-protsessual huquqi nazariyasini rivojlantirish bo‘yicha ilmiy xulosalar:

1. Nazariy qarashlarni ilmiy tahlil qilish orqali quyidagilarning ta’rifi ishlab chiqilgan:

Jinoyat protsessida raqamlashtirish – bu jinoyat ishlarini yuritish chog‘ida fuqarolarning huquq va erkinliklarini ishonchli himoya qilish, mas’ul organ va mansabdor shaxslar faoliyati shaffofligi va mehnat unumdorligini ta’minlash maqsadida protsessual harakatlarni amalga oshirishda axborot texnologiyalaridan foydalangan holda ma’lumotlarni raqamli formatga aylantirish, elektron shaklda to‘plash, uzatish, qabul qilish, rasmiylashtirish, saqlash va foydalanishga qaratilgan jarayon.

Surishtiruv va dastlabki tergov davomida sun’iy intellekt texnologiyalarining qo‘llanilishi – bu protsessual harakatlarni inson aql-idrokiga taqlid qiluvchi texnologiya vositalari ko‘magida amalga oshirishga qaratilgan jarayon.

2. *Jinoyat protsessida raqamlashtirishning vazifalari* – jinoyat protsessual harakatlarni amalga oshirish jarayonini soddalashtirish hamda tezkorlikni ta’minlash; protsessual muddatlarni qisqartirish va ularga to‘laqonli rioya qilinishida jinoyat ishini yuritishga mas’ul bo‘lgan mansabdor shaxslarning mas’uliyatini oshirish; protsessual xatoliklarga yo‘l qo‘yilishini oldini olish; inson omilini kamaytirish orqali suiiste’molchilik va soxtalashtirish holatlarini oldini olish; mehnat unumdorligini oshirish; jinoyat ishini yuritishga mas’ul organlarning o‘zaro hamda boshqa tashkilotlar bilan tezkor elektron ma’lumot almashinuvini yo‘lga qo‘yish; jinoyat protsessual faoliyatda ish sifatini oshirish orqali fuqarolarning huquq va erkinliklari himoyasini samarali ta’minlash.

3. *Jinoyat protsessida raqamlashtirishning tartib-taomillari* – texnik imkoniyatlarga mutanosiblik; jinoyat protsessidagi aybsizlik prezumpsiyasi va shaxs qadr-qimmatini hurmat qilish prinsiplariga muvofiqlik; surishtiruv va dastlabki tergov siri oshkor etilishini oldini olish; dalillarning aslini saqlash; inson huquq va erkinliklari himoyasini ta’minlash.

II. Qonunchilikni takomillashtirish bo‘yicha taklif va tavsiyalar.

JPK va boshqa qonunchilik hujjatlariga surishtiruv va dastlabki tergov jarayonida raqamlashtirish imkoniyatidan foydalanishni takomillashtirishga doir quyidagi o‘zgartirish va qo‘shimchalar kiritish maqsadga muvofiq:

1. JPKning xolislar maqomini belgilab beruvchi **73-moddasini** quyidagi tahrirda bayon etish:

“Xolislar surishtiruvchi, tergovchi, prokuror tomonidan tergov yoki boshqa harakatlar o‘tkazilganini, uni o‘tkazish jarayoni va natijalarini tasdiqlash uchun ushbu Kodeksda nazarda tutilgan hollarda chaqiriladi.

Tergov harakatlarini yuritishda ishtirok etish uchun ishning oqibatidan manfaatdor bo‘lmagan, kamida ikki nafar fuqaro chaqirilishi lozim. Basharti bir tergov harakatini bir necha surishtiruvchi yoki tergovchi bir paytning o‘zida turli

xonalarda yoki bir-biridan ancha uzoq joylarda o‘tkazayotgan bo‘lsalar, har bir tergovchi va surishtiruvchi huzurida doimo ikki nafar xolis ishtirok etishi lozim.

Quyidagilar xolis bo‘lishi mumkin emas:

1) voyaga yetmagan shaxslar;

2) muomalaga layoqatsiz shaxslar;

3) jinoyat protsessining boshqa ishtirokchilari hamda ularning yaqin qarindoshlari;

4) huquqni muhofaza qiluvchi organlar xodimlari;

5) tergov ishi yuritilayotgan tilni bilmaydigan shaxslar;

6) shu ish bo‘yicha boshqa tergov harakatlarida xolis sifatida ishtirok etgan shaxslar, bundan tergov harakatlarini ketma-ketlikda o‘tkazish zaruriyati yuzaga kelgan hollar mustasno.

Tergov harakatini boshlashdan oldin surishtiruvchi, tergovchi yoki prokuror xolislarga ularning huquq va majburiyatlarini tushuntiradi”.

2. JPKni xolislarning ishtirokini hamda xolis ishtiroki istisno etiladigan vaziyatlar ro‘yxatini belgilab beruvchi quyidagi mazmundagi **73[1]-modda** bilan to‘ldirish:

“73[1]-modda. Protsessual harakatlarni amalga oshirishda xolislar ishtiroki

Quyidagi protsessual harakatlarni o‘tkazishda xolislar ishtiroki majburiy hisoblanadi, bundan mazkur moddaning uchinchi qismida nazarda tutilgan hollar mustasno:

1) tanib olish uchun ko‘rsatish;

2) shaxsni yechintirib yalang‘ochlash, shuningdek uning badanidagi tirnalgan, shilingan, qontalash joylarni aniqlash bilan bog‘liq bo‘lgan guvohlantirish;

3) murdani eksgumatsiya qilish;

4) pochta-telegraf jo‘natmalarini ko‘zdan kechirish va olib qo‘yish;

5) turar joylarda tintuv o‘tkazish;

6) mol-mulkni xatlash;

7) surishtiruvchi, tergovchi, prokuror va sudning qonuniy talablarini bajarishdan bosh tortayotganligini yoki tergovchiga qarshilik ko‘rsatayotganligini yoxud jinoyat ishini yuritish tartibiga to‘g‘ri kelmaydigan boshqa huquqqa zid xatti-harakatlar qilayotganligini tasdiqlash, ushbu Kodeksning 93-moddasida nazarda tutilgan hollar bundan mustasno.

Qolgan barcha hollarda tergov yoki boshqa harakatlar o‘tkazilgani, uni o‘tkazish jarayoni va natijalarini tasdiqlash xolislarning ishtirokisiz ta’minlanadi, bundan jinoyat protsessi ishtirokchilarining iltimosnomasi yoki surishtiruvchi, tergovchi, prokuror yoki sudning tashabbusi asosida xolislarni jalb qilish hollari mustasno.

Tegishli aloqa vositalari bo‘lmaganligi sababli xolislarni jalb qilish imkoni bo‘lmagan borish qiyin bo‘lgan joylarda, shuningdek, odamlarning hayoti va sog‘lig‘i uchun xavf solishi mumkin bo‘lgan tergov harakatlari xolislar ishtirokisiz amalga oshiriladi. Bunday hollarda, mazkur tergov harakatlari videoyozuvda qayd etilib, bayonnomada buning sabablari ko‘rsatiladi”.

3. JPKni jinoyat protsessi ishtirokchilarini xabardor qilishda axborot-texnologiyalari vositalarini qo‘llashni nazarda tutuvchi quyidagi mazmundagi **75[1]-modda** bilan to‘ldirish:

“75[1]-modda. Jinoyat protsessi ishtirokchilarini xabardor qilishda axborot-texnologiya vositalarining qo‘llanilishi.

“Surishtiruvchi, tergovchi, prokuror yoki sud elektron axborot tizimi orqali:

qamoqqa olish tarzidagi ehtiyot chorasi qo‘llanilmagan gumon qilinuvchi va ayblanuvchilarga – ularni jinoyat protsessi ishtirokchisi sifatida jalb qilish to‘g‘risida qaror yoki ajrim qabul qilingan paytdan boshlab uzog‘i bilan ikki soat ichida ularning huquq va majburiyatlarini tushuntirish to‘g‘risida;

gumon qilinuvchi, ayblanuvchi, jabrlanuvchi, fuqaroviy da’vogar, fuqaroviy javobgar, vakil, guvoh va xolislarga – tergov va protsessual harakatlar amalga oshiriladigan joyga belgilangan muddatda yetib kelish haqida;

gumon qilinuvchi, ayblanuvchi, jabrlanuvchi, fuqaroviy da’vogar, fuqaroviy javobgar, vakil, guvoh va xolislarga – jinoyat ishi bo‘yicha surishtiruv va dastlabki tergov yakunlanganligi, ish ko‘rib chiqish uchun prokuror va sudga yuborilganligi, shuningdek, sudda ishni ko‘rish tayinlanganligi, ishni ko‘rish vaqti, jinoyat ishini ko‘rib chiqish natijasi bo‘yicha sud hujjati qabul qilinganligi haqida shu kunning o‘zida xabar berilishi lozim.

Ushbu moddada ko‘rsatilgan shaxslarga elektron axborot tizimi orqali xabarlar ularning uyali yoki boshqa aloqa vositalari orqali yuboriladi. Elektron xabardor qilish yozma xabardor qilish bilan tenglashtiriladi va u yuzaga keltiradigan huquqiy oqibatlarga sabab bo‘ladi. Bunda, texnik vositalar orqali xabar berish tartibini qo‘llashga faqat xabardor qilinadigan shaxslarning roziligi bilan va shu tarzda xabardor qilish imkoniyati mavjud bo‘lgan taqdirdagina yo‘l qo‘yiladi.

Texnik aloqa vositalaridan foydalangan holda yuborilgan xabarnomani yuborish usuli va texnik tavsiflari aks etgan hujjat jinoyat ishi materiallarida saqlanadi”.

4. JPKning dalillarni qayd etishda yordamchi usullarni qo‘llashni nazarda tutuvchi **91-moddasi to‘rtinchi qismini** videoyozuv orqali qayd etilishi shart bo‘lgan protsessual harakatlar doirasini kengaytirishga qaratilgan normalar bilan quyidagi tahrirda bayon etish:

“Quyidagi protsessual harakatlar videoyozuv orqali qayd etilishi shart, fuqarolarning sha’ni va qadr-qimmatiga zarar yetkazadigan hamda davlat siri oshkor etilishiga olib keladigan protsessual harakatlar bundan mustasno:

*1) **tanib olish uchun ko‘rsatish;***

2) ko‘rsatuvlarni hodisa sodir bo‘lgan joyda tekshirish;

3) o‘ta og‘ir jinoyatlar bo‘yicha hodisa sodir bo‘lgan joyni ko‘zdan kechirish;

*4) **murdani eksgumatsiya qilish**;*

5) tergov eksperimenti;

6) tintuv;

7) shaxsni ushlash;

8) shaxsni ushlash jarayonida o‘tkaziladigan shaxsiy tintuv va olib qo‘yish;

*9) **pochta-telegraf jo‘natmalarini ko‘zdan kechirish va olib qo‘yish**;*

*10) **ekspertiza tadqiqoti uchun namunalar olish**;*

*11) **taqdim etilgan ashyolar va hujjatlarni qabul qilish**;*

12) himoyachidan voz kechish;

*13) **xatlangan mol-mulkni olib qo‘yish va saqlovga topshirish**”.*

5. JPKning **91-moddasini** protsessual harakatlarni videoyozuv orqali qayd etishda texnik vositalar va uskunalarga hamda ulardan foydalanishga qo‘yilgan talablarni belgilovchi quyidagi mazmundagi **oltinchi** va **yettinchi qismlar** bilan to‘ldirish:

“Protsessual harakatlarni videoyozuv orqali qayd etishda foydalaniladigan texnik vositalar va uskunalar mazkur Kodeksning 91^1-moddasi uchinchi qismining ikkinchi va uchinchi xatboshisida belgilangan talablarga muvofiq bo‘lishi lozim.

Protsessual harakatlarni videoyozuv orqali qayd etish quyidagilarga rioya etgan holda amalga oshirilishi kerak:

u tasvirga olingan vaqt va sharoitni aks ettirishi;

protsessual harakatlar boshlanishidan oldin surishtiruvchi, tergovchi yoki sud tomonidan protsess ishtirokchilariga ularning huquq va majburiyatlari tushuntirilganligini ko‘rsatib berishi;

tergov va protsessual harakatlarda ishtirok etayotgan shaxslar qiyofasini to‘liq aks ettirishi;

tergov va protsessual harakatlarning boshlanish vaqtidan yakuniga qadar bo‘lgan jarayonni uzilishlarga yo‘l qo‘ymagan tarzda to‘liq qamrab olishi (bir necha obyektlar majmuiga nisbatan o‘tkaziladigan protsessual harakatlar bundan mustasno)”.

6. JPKning narsani ashyoviy dalil deb e’tirof etish va uni jinoyat ishiga qo‘shib qo‘yishni nazarda tutuvchi **207-moddasini** ashyoviy dalil deb e’tirof etish muddatlari hamda ashyoviy dalilni elektron ro‘yxatga olish tartibini nazarda tutuvchi quyidagi mazmundagi **ikkinchi** va **oltinchi** qismlar bilan to‘ldirish:

“Ashyoviy dalil deb e’tirof etish haqidagi qaror yoki ajrim ular olib qo‘yilgan paytdan boshlab o‘n sutkadan kechiktirmasdan qabul qilinishi lozim.

Ashyolarning hajmi kattaligi yoki qo‘shimcha vaqt talab etiladigan hollarda, surishtiruv yoki tergov organi rahbari roziligi bilan qabul qilingan surishtiruv yoki tergovchining asoslantirilgan qaroriga asosan bu muddat o‘ttiz sutkagacha uzaytirilishi mumkin.

Narsani ashyoviy dalil deb e’tirof etish uchun ekspertiza xulosasi talab etilgan taqdirda, bu haqidagi qaror yoki ajrim ekspert xulosasi olingan kundan e’tiboran ko‘pi bilan uch sutka ichida qabul qilinishi lozim.

Qaror yoki ajrim asosida e’tirof etilgan ashyoviy dalil elektron axborot tizimida ro‘yxatga olinadi va unga xos raqam beriladi. Ro‘yxatdan o‘tkazishda olib qo‘yish bayonnomasida ko‘rsatilgan ashyoviy dalilga oid ma’lumotlar ko‘rsatiladi va uning fotosuratlari ilova qilinadi.

Ashyoviy dalilning elektron axborot tizimida ro‘yxatga olinganligi haqidagi ma’lumotlar jinoyat ishida saqlanadi”.

7. JPKning jinoyat natijasida yetkazilgan zararni undirish asoslarini belgilab beruvchi **281-moddasini** yetkazilgan zararni qoplash uchun oqilona muddat berilishini nazarda tutuvchi quyidagi mazmundagi **uchinchi qism** bilan to‘ldirish:

“Surishtiruv, dastlabki tergov jarayonida va sudda gumon qilinuvchi, ayblanuvchi, sudlanuvchi yoki fuqaroviy javobgarga jinoyat natijasida yetkazilgan zararni qoplash uchun oqilona muddat berilishi lozim”.

8. JPKni jinoyat natijasida yetkazilgan zararni pul shaklida undirish jarayonini raqamlashtirishni nazarda tutuvchi quyidagi mazmundagi **282^1-modda** bilan to‘ldirish:

“282^1-modda. Jinoyat natijasida yetkazilgan zararni pul shaklida undirish tartibi

Jinoyat natijasida yetkazilgan va to‘lanishi lozim bo‘lgan zarar to‘lovini pul shaklida surishtiruv, dastlabki tergov organi yoki sudning depozit hisob raqamiga qoplash uchun gumon qilinuvchi, ayblanuvchi, sudlanuvchi yoki fuqaroviy javobgarga elektron axborot tizimi orqali shakllangan QR-kodli ma’lumotnoma taqdim etiladi.

Zarar qoplanganligiga oid ma’lumot real vaqt rejimida elektron hujjat tarzida qabul qilinib, jinoyat ishida saqlanadi”.

9. JPKning **348-moddasini** jinoyat ishlarini tergovga tegishlilik bo‘yicha taqsimlash tartibini raqamlashtirishni nazarda tutuvchi quyidagi mazmundagi **to‘rtinchi qism** bilan to‘ldirish:

“Jinoyat ishlarini tergovchilar o‘rtasida taqsimlash jinoyatning og‘irlik darajasi, tergovchilarning ish staji, malakasi, ish hajmi, ularning ixtisoslashuvi kabi jihatlarni, shuningdek, prokurorga berilgan vakolatlarni hisobga olgan holda, inson omilini istisno qilgan tarzda elektron axborot tizimi orqali avtomatlashtirilgan tartibda amalga oshiriladi”.

10. JPKning **381^5-moddasini** jinoyat ishlarini surishtiruvga tegishliligi bo‘yicha taqsimlash tartibini raqamlashtirishni nazarda tutuvchi quyidagi mazmundagi **to‘rtinchi qism** bilan to‘ldirish:

“Jinoyat ishlarini surishtiruvchilar o‘rtasida taqsimlash jinoyatning og‘irlik darajasi, surishtiruvchilarning ish staji, malakasi, ish hajmi, ularning ixtisoslashuvi kabi jihatlarni, shuningdek, prokurorga berilgan vakolatlarni hisobga olgan holda, inson omilini istisno qilgan tarzda elektron axborot tizimi orqali avtomatlashtirilgan tartibda amalga oshiriladi”.

III. Huquqni qo‘llash amaliyoti samaradorligini oshirishga qaratilgan taklif va tavsiyalar:

1. Surishtiruv, tergov, prokuratura organlari va sud uchun majburiy xususiyatga ega bo‘lgan hujjatlarni *(qaror, ko‘rsatma va boshqa)* qonunchilik hujjatlari milliy huquqiy bazasida *(www.lex.uz)* joylashtirib borish orqali manfaatdor shaxslarning xabardorligini ta’minlash zarurligi asoslantirilgan.

2. Jinoyat protsessi ishtirokchilariga surishtiruv va dastlabki tergov organlari mansabdor shaxslarining qarorlari hamda protsessual harakatlari yuzasidan Yagona interaktiv davlat xizmatlari portali orqali elektron shikoyat yoki iltimosnomalar qilish imkoniyatini yaratish hamda ularning ko‘rib chiqilishi yuzasidan surishtiruv yoki tergov bo‘linmasi rahbari hamda prokurorning onlayn nazorat o‘rnatishi mexanizmini belgilash taklifi asoslantirilgan.

3. Surishtiruv va dastlabki tergov ustidan prokuror nazoratini raqamlashtirish *(prokurorlarni planshetlar bilan ta’minlash orqali masofaviy nazoratni yo‘lga qo‘yish)* ehtiyoji amaldagi nazorat mexanizmining haqiqiy ish holatlariga muvofiq emasligi bilan bog‘liq misollar yordamida asoslantirilgan.

4. “Xabeas korpus” instituti doirasida surishtiruv va dastlabki tergov, prokuratura hamda sud organlari o‘rtasida ma’lumot almashinuvini raqamlashtirishni keng joriy qilish maqsadida ko‘rsatuvlarni oldindan mustahkamlab qo‘yish, murdani eksgumatsiya qilish, tintuv o‘tkazish, telefon so‘zlashuvlarini eshitib turish, qamoq va uy qamog‘i ehtiyot choralarini, lavozimdan chetlashtirish, shaxsni tibbiy muassasaga joylashtirish, mulkni xatlashga sanksiya berish bilan bog‘liq barcha ish materiallarini sudlarga elektron axborot tizimi orqali yuborish amaliyotini joriy qilish taklifi asoslantirilgan.

5. Jinoyat protsessida quyidagi bosqichlarda sun’iy intellekt imkoniyatlaridan foydalanish zarurligi asoslantirilgan: surishtiruv va dastlabki tergov rejalarini, so‘roq davomida berilishi mumkin bo‘lgan savollarni tuzish; protsessual hujjatlarni avtomatik rasmiylashtirish; surishtiruv va dastlabki tergovda taqdim etilgan ko‘rsatuvlar, ekspert xulosalarining haqqoniyligini *(ilmiy asoslanganligini)* tekshirish; biror shaxs yoki buyumning grafik chizmali maketini yaratish; eksperiment o‘tkazish; sodir etilgan ijtimoiy xavfli qilmishni kvalifikatsiya qilish.

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TASHKENT STATE UNIVERSITY OF LAW

MUKHAMMADIEV SARVAR ASQAR UGLI

ISSUES OF STEP-BY-STEP DIGITIZATION OF CRIMINAL PROCEEDINGS DURING THE INQUIRY AND PRELIMINARY INVESTIGATION

12.00.09 – Criminal procedure. Criminalistics, operational-search law and forensic enquiry (juridical sciences)

DISSERTATION ABSTRACT
of the doctor of philosophy (PhD) on law sciences

Tashkent – 2025

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The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered under № 1405), (Address: 100047, Sayilgokh street, 35. Tashkent city. Phone: 99871 233-66-36).

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INTRODUCTION (Annotation of PhD dissertation)

The actuality and relevance of the dissertation topic. Today, the introduction of digital technologies in the activities of law enforcement agencies has become one of the global priorities. In particular, the need for digitization of the stage of inquiry and preliminary investigation is growing in order to ensure transparency, speed and efficiency in the process of conducting criminal cases. A number of developed countries, including the USA, South Korea, Turkey, Saudi Arabia, have established an electronic criminal case management system, which has expanded the possibilities of maintaining, storing, analyzing and controlling case documents in digital form. However, at the same time, there are also problems in this area such as cybersecurity, data protection and the imperfection of the regulatory and legal framework, and to solve them, comprehensive measures are required, such as improving legislation and introducing modern information systems. In the 2024 ranking of the "Rule of Law Index" maintained by the international organization "World Justice Project", Uzbekistan ranked 83rd among 142 countries, recording lower indicators compared to previous years[1]. This was negatively affected by the indicators obtained in criminal proceedings. This determines the need to develop proposals aimed at improving the sector through the widespread introduction of digitalization in the process of inquiry and preliminary investigation, which is an important stage in the field of criminal proceedings.

International scientific research on the digitalization of the investigation and preliminary investigation process focuses on the development of digital platforms, determining the legal status of electronic evidence, and creating a digital justice system. For example, within the framework of the European Union, research is being carried out on digital investigative methods within the framework of the "e-Justice" project. However, there is a lack of research on the legal mechanism for using digital technologies in the investigation process. In particular, aspects related to ensuring the compliance of digitalization with criminal procedural legal norms and protecting the rights and freedoms of citizens in it have not been thoroughly studied. Therefore, there is a high need for scientific analysis and improvement of the regulatory framework in this area.

In our country, a number of reforms are being implemented aimed at digitizing the judicial and legal sphere, including the introduction of electronic information systems in the process of conducting criminal cases. These include projects developed to introduce the "Electronic Criminal Case" information system, measures such as ensuring information exchange between authorized state bodies in inquiry and investigation activities. Within the framework of the "Uzbekistan - 2030" strategy, approved by the Decree of the President of the Republic of Uzbekistan, important and priority areas have been identified, such as introducing the possibility of tracking the process directly in the criminal process from the initiation of a criminal case to the adoption of a court verdict through an individual number and QR code by creating a single electronic register, fully digitizing the activities of collecting and consolidating evidence through the introduction of

[1] "Rule of Law Index". https://worldjusticeproject.org/rule-of-law-index/global.

modern technologies and the latest scientific achievements, maintaining a complete copy of criminal cases in electronic form and ensuring the exchange of electronic documents on these cases. At the same time, it is necessary to clearly define the regulatory and legal framework in this process, improve practical mechanisms and gradually introduce them. The need of the hour is to establish a systematic approach in the process of digitizing the criminal procedure, especially at the inquiry and preliminary investigation stages.

The present dissertation research, to a certain extent, serves the implementation of the tasks set forth in the Decrees of the President of the Republic of Uzbekistan No. PQ-3723 of May 14, 2018, "On measures for the fundamental improvement of the criminal and criminal procedural legislation system", No. PF-6041 of August 10, 2020, "On measures to further strengthen guarantees for the protection of the rights and freedoms of individuals in judicial and investigative activities", No. PF-6079 of October 5, 2020, "On approval of the 'Digital Uzbekistan – 2030' strategy and measures for its effective implementation", No. PF-60 of January 28, 2022, "On the development strategy of New Uzbekistan for 2022–2026", No. PQ-105 of January 28, 2022, "On measures to introduce a unified interdepartmental electronic cooperation system in pre-trial proceedings," No. PF-158 of September 11, 2023, "On the strategy Uzbekistan – 2030", as well as other regulatory and legal acts relevant to the field.

Compliance of the research with the main priorities of the science and technology development of the republic. This study followed the priority direction of the republican science and technology development I. "Formation of a system of innovative ideas and ways of their implementation in the social, legal, economic, cultural, spiritual and educational development of the information society and the democratic state".

The extent of the study of the research problem. A number of scientists have conducted scientific research on the introduction of digitization at the stage of inquiry and preliminary investigation of the criminal process. In particular, in our country, research on this topic has been conducted in the scientific works of L.I.Iskhakova, F.Khamdamova, S.Sadikov, S.Amaniyazova, M.Akhmedshaeva, D.B.Bazarova, D.Zh.Suyunova, G.Z.Tulaganova, M.Kh.Kadirova, S.M.Rakhmonova, I.R.Astanov, A.Abduvaliev, B.O.Primov, S.S.Oripov, B.Kh.Khamidov, S.S.Sahaddinov, M.M.Boboev, D.Abdalimova, Sh.Khamdamov, D.Yusupaliev, S.Adilkhodjaeva, E.K.Sabirov and others.

For example, in the scientific research work of M.Kh. Kadirova, the impact of digitization in criminal proceedings was studied, mainly on procedural deadlines. In her opinion, the introduction of digitization will lead to a reduction in the time between the participants in the criminal proceedings familiarizing themselves with the case materials, returning the case materials and their entry into the proceedings. As a result of the introduction of digital technologies, the investigation periods for crimes of low social risk and not very serious crimes will be reduced from ten days to one month.

In the research work, B.O. Primov put forward proposals for digitizing the process of performing certain criminal procedural actions during the preliminary investigation and transferring materials to the prosecutor on administrative offenses in which signs of a crime have been identified.

The difference between this research work and the above is that the proposals in it relate not only to preliminary investigative activities or procedural deadlines, but also to other aspects related to the investigation process and the conduct of criminal proceedings, and are aimed at providing a comprehensive solution to existing problems based on the possibilities of digitalization. It develops proposals aimed at ensuring compliance with the rules established in criminal procedural legislation through digitalization, filling some gaps in the law and improving conflicting norms, and facilitating work and improving quality indicators based on artificial intelligence technologies. These proposals are illustrated in detail with draft legislation and practical problems.

Scientific-theoretical basis of the use of digitization opportunities at the stage of investigation and preliminary investigation: scientists of CIS member states: I.Yu.Pashchenko, A.Yu.Afanasev, R.M.Shevtsov, A.V.Maksimenko, O.I.Miroshnichenko, L.A.Voskobitova, I.L.Bednyakov, N.A.Razveykina, M.Abdyrakhmanov, P.Golovnenkov, N.Spitza, M.S.Neijkasha, S.V.Zuev, I.N.Yakovenko, O.A.Belov, P.S.Pastukhov, R.I.Okonenko, Yu.N.Sokolov, V.B.Vekhov, A.A.Usachev, L.N.Maslennikova, E.S.Kudryashova, I.I.Sheremetev, D.S.Kiselyov, P.M.Morkhat, N.M.Korshunov, Yu.L.Mareev, L.A.Serzhantova, E.S.Papysheva, O.V. Dobrovlyanina, Z. Sydykova, L.V. Golovko and others.

Some issues of the use of digitization in criminal proceedings have been addressed in the scientific works of foreign scientists: N.Aletras, D.Tsarapatsanis, D.Preotiuc-Pietro, V.Lampos, T.Marquenie, E.Kindt, Ch.Dowling, A.Morgan, A.Gannoni, P.Jorna, N.Negroponte, S.Schmahl, E.Schlehahn, T.Marquenie[2].

However, in these research works of the above-mentioned scientists, the theoretical and practical aspects of the introduction of digitization have not been comprehensively studied. Therefore, substantiating the introduction of digitalization at the stage of inquiry and preliminary investigation not only theoretically, but also based on the compatibility of practical problems will serve to further improve the legislative framework related to these relations.

Relation of the dissertation's theme to the scientific research work of the higher education institutions where it was implemented. The dissertation research was carried out within the framework of the scientific and research plan of Tashkent State University of Law "Main directions of improving criminal procedural legislation in the context of reforming the judicial and legal system".

The purpose of the research is to comprehensively analyze the issue of step-by-step digitalization of criminal proceedings at the stage of inquiry and preliminary investigation based on scientific, theoretical and practical analysis, to find solutions to the identified problems, to develop proposals and

[2] The list of works of these scholars is included in the reference list of the dissertation.

recommendations aimed at further improving the practice of legislation and law enforcement.

The tasks of the research:

to study the theoretical and practical aspects of digitalization in criminal proceedings;

to study the history of the development of digitalization in criminal proceedings;

to analyze the legal nature of digitalization in criminal proceedings;

to study the procedures for digitalizing criminal proceedings at the stage of inquiry and preliminary investigation;

to study the legal mechanism for introducing digitalization at the stage of inquiry and preliminary investigation;

to study the possibilities of using information systems currently introduced at the stage of inquiry and preliminary investigation;

to analyze the experience of foreign countries in using digital technologies in criminal proceedings;

to develop scientific and practical proposals and recommendations aimed at increasing the effectiveness of the use of digital technologies in the process of inquiry and preliminary investigation.

The object of the study was the system of criminal procedural legal relations related to the use of digitalization in the process of inquiry and preliminary investigation.

The subject of the study is regulatory legal acts regulating legal relations related to the use of digitalization at the stage of inquiry and preliminary investigation, documents on judicial investigation practice, law enforcement practice, the legislation of some foreign countries, and existing conceptual approaches and scientific and theoretical views in the field of criminal procedural law.

Research methods. The research used methods such as historical, systematic, comparative-legal, analytical, logical, and social surveys, a comprehensive study of scientific sources, analysis of statistical data, interpretation of legislation, and study of the practice of applying the law.

The scientific novelty of the research is as follows:

the need to establish electronic interagency cooperation between inquiry and investigation bodies and authorized state bodies and organizations, since the exchange of information in paper form has led to an extension of procedural deadlines and cases of document falsification, is justified;

the need to introduce an electronic notification procedure via the “SMS - notification” service in order to ensure the participation of participants in criminal proceedings in the implementation of procedural actions, prevent their unjustified summons to inquiry and investigation bodies, and introduce a procedure for timely notification of the progress of a criminal case from the moment it is initiated;

since the unfair distribution of workload between inquiry officers and investigators negatively affects the quality of the investigation, it is necessary to digitize the process of transferring criminal cases to the inquiry or preliminary

investigation body based on the rules of relevance to the inquiry and investigation, and to establish electronic distribution of criminal cases between inquiry officers and investigators within the framework of one inquiry and investigation unit;

the need to fully digitize prosecutorial control over the investigation of criminal cases, in particular the process of informing the prosecutor about the decisions made, issuing instructions to the inquiry officer and investigator, issuing sanctions or submitting petitions to the court for sanctions, applying the "habeas corpus" institution during the investigation and preliminary investigation, in particular the process of submitting petitions and necessary materials to the court for sanctions, and sending notifications to the court about the cancellation of the preventive measure imposed by the court, is substantiated with practical examples.

The practical results of the research include the following:

based on the analysis of the problems identified during the research, proposals were developed to increase the level of digitalization of the procedure for conducting criminal cases during the inquiry and preliminary investigation, and on their basis, a draft Law of the Republic of Uzbekistan "On Amendments and Additions to the Criminal Procedure Code of the Republic of Uzbekistan in connection with the widespread use of digital technologies at the pre-trial stage of the case" was prepared;

based on the proposals prepared to establish the legal basis for conducting criminal cases electronically, determine the subjects participating in this process, their rights and obligations and powers, and the conditions for using artificial intelligence technologies in this process, a draft Law of the Republic of Uzbekistan "On Electronic Criminal Cases" was developed;

a draft Decree of the President of the Republic of Uzbekistan "On further measures for the widespread use of modern information technologies at the pre-trial stage of the case" was prepared based on the proposals developed to determine the priority areas for introducing digital technologies in the process of inquiry and preliminary investigation, as well as legal mechanisms for conducting criminal cases electronically;

as a result of the analyses carried out within the framework of the research, a crime related to the state of forgery committed during the process of compensation for damage caused by a crime has been exposed, the certainty of punishment has been ensured, and recommendations have been developed aimed at the correct application of criminal procedural legal norms and the prevention of crimes.

Reliability of the research results. The results of the study are based on the norms of international law and national legislation, the experience of developed foreign countries, the practice of law enforcement, the scientific and theoretical views of national and foreign scientists, the implementation and confirmation of the results of the study by state bodies, sociological surveys and studies conducted among more than 200 respondents, statistical data for 2019-2024, and documents on judicial investigation practice. Conclusions, proposals and recommendations were tested and their results were published in leading local and foreign publications.

The scientific and practical significance of the research results. The scientific significance of the research results is that the rules developed as a result of this research serve the development of the theory of criminal procedural law. The conclusions developed within the framework of scientific research can be used in conducting scientific research, conducting lectures and practical exercises on the subject of criminal procedure.

The practical significance of the research work serves in lawmaking activities, in particular, in preparing regulatory legal acts, developing departmental documents on law enforcement practice, and expanding the capabilities of electronic information systems.

Implementation of research results. Based on the scientific results on the widespread use of digitalization capabilities in the process of inquiry and preliminary investigation:

the proposals on establishing electronic interdepartmental cooperation of inquiry and investigation bodies with authorized state bodies and organizations were used in the development of the second paragraph of paragraph 1 of the Decree of the President of the Republic of Uzbekistan No.: DP-105 dated January 28, 2022 “On measures to introduce a unified system of interdepartmental electronic cooperation in pre-trial proceedings” (Act of the Prosecutor General’s Office of the Republic of Uzbekistan dated May 13, 2024 No.: 27/2-114-24). As a result of the adoption of this proposal, a unified electronic information system “Electronic inquiry and preliminary investigation” was introduced, creating opportunities for fast and accurate receipt of the necessary information;

the proposals on electronic notification of participants in a criminal process via the “SMS - notification” service were used by the General Prosecutor’s Office of the Republic of Uzbekistan in developing the “Electronic criminal case” project (Act of the General Prosecutor’s Office dated July 11, 2024 No.: 27/2-169-24). Taking this proposal into account not only facilitated the work of the inquiry and preliminary investigation bodies, but also served to create additional convenience for citizens;

the proposals to digitize the process of transferring criminal cases to the inquiry or preliminary investigation body based on the rules of belonging to the inquiry and investigation, to establish electronic distribution of criminal cases between inquiry officers and investigators within the framework of one inquiry and investigation department were used by the Prosecutor General’s Office of the Republic of Uzbekistan in developing the “Electronic criminal case’ project (Act of the Prosecutor General’s Office dated July 11, 2024 No.: 27/2-169-24). The consideration of this proposal, in addition to ensuring the correct application of the norms of criminal procedural law, served to prevent subjectivity in the process, increase the quality of work through a fair distribution of the workload, and ultimately ensure more reliable protection of the rights and interests of citizens;

the proposals for the full digitalization of the process of prosecutorial supervision over inquiry and preliminary investigation, in particular, informing the prosecutor about the decisions taken, giving instructions to the inquiry officer and

investigator, imposing sanctions or filing petitions to the court to impose sanctions, applying the institution of "habeas corpus" during inquiry and preliminary investigation, in particular, filing petitions and necessary materials to the court to impose sanctions, sending notifications to the court about the cancellation of a preventive measure imposed by the court, were used by the Prosecutor General's Office of the Republic of Uzbekistan in developing the Electronic Criminal Case project. (Act of the Prosecutor General's Office dated July 11, 2024 No.: 27/2-169-24). The consideration of this proposal served to put an end to paperwork and further strengthen the exchange of information between departments.

Approbation of the results of the research. The results of this research were discussed at 6 scientific conferences, including 2 international and 4 national scientific-practical conferences.

Publication of research results. A total of 11 scientific works, including 5 scientific articles (2 of them in foreign publications) were published as part of the research work.

The structure and volume of the dissertation. The content of the dissertation consists of an introduction, 3 chapters, a conclusion, a list of used literature and appendices. The volume of the dissertation is 137 pages.

THE CONTENT OF THE DISSERTATION

In the introduction of the dissertation (annotation of the dissertation for the degree of Doctor of Philosophy (PhD)) discusses the relevance and necessity of the research topic, the correspondence of the research to the main priority areas of the development of science and technology in the republic, the level of study of the problem under study, the connection of the research topic with the scientific and research work of the higher educational institution where the dissertation is being conducted, the goals and objectives, object and subject, methods, scientific novelty and practical results of the research, the reliability of the research results, scientific and practical significance, implementation, approbation, publication of the results, the structure and volume of the dissertation.

The first chapter of the dissertation is entitled **"Theoretical and legal description of the digitalization of criminal proceedings"**, and it analyzes such issues as scientific and theoretical views on the digitalization of the criminal process, its legal nature, and the gradual development of digitalization at the stage of criminal proceedings in our country.

The concept of digitalization in the criminal process, scientific and theoretical views on this issue, the main tasks of introducing digitalization in the criminal process, and its compliance with the established principles in the criminal process are comprehensively covered by the opinions of scientists from our country and the CIS member states.

Based on the analysis of the scientific works of M.Kh.Kadirova, D.Yusupaliev, S.Oripov, B.Primov, Sh.Hamdamov, S Sadikov, A.Yu.Afanasyev, Y.N.Sokolov, I.Yu.Pashchenko, an author's definition of digitalization in the criminal process was developed.

A classification of scientific research conducted in this regard has been developed and divided into three categories: theoretical and scientific foundations of the introduction of digitalization in the criminal process, the introduction of digitalization into classical models of criminal procedural tools, and the technical and forensic possibilities of using digital technologies in the criminal process.

A list of the main tasks of digitalization in the criminal process has been formed: simplifying the criminal process; reducing procedural deadlines and increasing the responsibility of those responsible; preventing procedural errors, abuses and falsifications; increasing labor productivity in the conduct of criminal cases; establishing a rapid electronic exchange of information between investigative and preliminary investigation bodies and with other organizations; effectively ensuring the protection of citizens' rights and freedoms by improving the quality of the investigation and investigation.

The proposal to establish as a principle of criminal procedure the exclusion of the use of digitalization in criminal proceedings in cases where it harms the protection of the rights and freedoms of citizens is justified.

A proposal has been substantiated to establish at the level of the principle of criminal procedure the exclusion of the use of digitalization in the criminal process in cases where it harms the protection of citizens' rights and freedoms.

The legal and conceptual foundations underlying the introduction and practical application of digitalization in criminal proceedings, its role in e-government reforms, its importance in preventing abuses, the efficiency of criminal procedural activities, existing risks and their negative impact.

For example, in 2024, 213 criminal cases were investigated by inquiry and investigation bodies with violation of the terms of inquiry and preliminary investigation, and 170 inquiry and investigation prosecutors were brought to disciplinary responsibility for shortcomings in the investigation of criminal cases on the basis of a disciplinary measure[3].

It is also advisable to take into account risks when introducing digitalization. For example, one cyberattack is committed every 39 seconds, more than 2,200 per day, and more than 800 thousand per year. The volume of cyberattacks in the Asia-Pacific region is 31 percent of the world, and its share is higher than in Europe (28 percent) and North America (25 percent). In the address of the Prosecutor General of the Republic of Uzbekistan to the population of our country in 2023, it was noted that the number of cybercrimes has increased almost 25 times in recent years.

A list of areas of digitalization has been formed at the stage of inquiry and preliminary investigation: working with electronic documents; receiving and considering applications electronically; digital expertise; artificial intelligence and analysis; electronic control.

[3] "Summary report of the Coordinating Council of Prosecutors General of the Commonwealth of Independent States on the state of crime, investigative work, prosecutorial supervision and the implementation of international treaties in the field of combating crime for 2024." Section 2, Information on the activities of investigative and inquiry bodies, pp. 140-145.

The history of the development of digitalization is analyzed, and the emergence and development of the need to use the capabilities of digital technologies in our criminal procedural legislation during the years of independence are studied chronologically, divided into the following two stages:

the first stage - covers the years 1994-2016, as the period that gave rise to the need to use the capabilities of information technologies. Since the current Criminal procedure code was adopted in 1994, this period can be said to have begun from this year. This period is expressed in the factors that led to the expansion of the scope of investigative actions that must be recorded by video recording, the emergence of the need to conduct some investigative actions remotely, the maintenance of statistical cards on crimes on paper, and the weak cooperation of inquiry and preliminary investigation bodies with authorized state bodies;

the second stage - covers the period from 2017 to the present day, and this period is reflected in the impact of political pluralism on the judicial and legal sphere against the background of the change of government in our country. During this period, norms were adopted aimed at resolving the problems that arose. In particular, the list of procedural actions recorded in video recordings was expanded. The procedural procedure for conducting certain investigative actions via videoconferencing and electronic selection of a lawyer through the "Legal Assistance" information system was established. In addition, the unified electronic information systems "Electronic criminal legal statistics" and "Electronic inquiry and preliminary investigation" were introduced.

The information system "Electronic Criminal and Legal Statistics" keeps track of committed crimes and helps to compile analytical data on which categories of crimes are increasing, which categories of persons are committing them, and the level of organization of measures to combat crime.

The number of its users is 1,522, and in 2019-2024, more than 103 thousand criminal cases were registered, more than 649 thousand statistical cards were filled out.

The information system "Electronic inquiry and preliminary investigation" is integrated with 33 information systems of state bodies, and the number of users is 7 390. More than 1 million 210 thousand requests were sent through the information system in 2022-2024. As a result of its launch, a total of 1 billion 83 million sums will be saved on paper costs per month.

It is proposed to include the interrogation of an expert in the list of investigative actions conducted via videoconference (87% of respondents supported this proposal). For example, the examination institution that determines the mental health of a person in investigative actions on the crime of intentional homicide is located only in the city of Tashkent and Samarkand regions.

Or, forensic examinations named after Kh. Sulaymonova are organized in the centers of the regions. On average, 300 forensic psychiatric examinations are conducted per year on the crime of intentional homicide, and on average 10% of them are involved in interrogations based on the presented conclusion. If it becomes

necessary to question an expert on the grounds established by criminal procedural legislation, this will create a number of difficulties for inquiry and preliminary investigation bodies in remote regions and districts (cities). The above proposal is justified on the basis of this emerging problem.

It is proposed to include expert interrogation in the list of investigative actions conducted via videoconference (87 percent of those who participated in the survey supported this proposal), and to use the phrase "Inquiry and preliminary investigation" instead of the phrase "Electronic inquiry and preliminary investigation".

The author's proposals and the implementation of the "Electronic criminal case" project are considered as the next stage in the history of digitalization of criminal proceedings.

The second chapter of the dissertation, entitled **"Organizational and legal mechanism for digitizing criminal proceedings during the inquiry and preliminary investigation process",** discusses the procedures and organizational and legal measures for digitizing criminal proceedings during the investigation and preliminary investigation stage, and develops proposals and recommendations for improving legislative documents and law enforcement practice.

There should be 5 procedures that must be followed when applying digitization during the investigation and preliminary investigation stage: proportionality to existing organizational and technical capabilities; compliance with the principles of the presumption of innocence and respect for the dignity of the person in the criminal process; ensuring the confidentiality of the investigation and preliminary investigation; preservation of the original evidence collected during the inquiry and preliminary investigation; ensuring the protection of human rights and freedoms.

In particular, the volume of digital services in our country has increased by 3.5 times since 2016, that is, by an average of 2.7 trillion sums per year, and the volume of services provided per capita has increased by 3.2 times. The number of permanent residents as of January 1, 2025 exceeded 37.5 million people, while the number of subscribers connected to the Internet during this period exceeded 26.7 million people, or 70 percent of the total population[4].

Considering that the number of crimes is an average of one hundred thousand per year[5], and the number of persons participating in these criminal cases reaches almost five hundred thousand, it can be seen that the number of people connected to the Internet and able to use digitalization opportunities is fifty times higher than this indicator, and the issue of further expanding digitalization opportunities in the criminal process corresponds to the trend of covering the population with digital services. At the same time, the dissertation author proposed the introduction of a procedure for electronic notification of a participant in a criminal process,

[4] The number of productive Internet users is increasing in Uzbekistan. https://ict.xabar.uz/reytinglar/ozbekistonda-internetdan.

[5] According to the "Comprehensive report on the state of crime, investigation, prosecutorial control and implementation of international treaties in the field of combating crime for 2024" of the Coordinating Council of Prosecutors General of the Commonwealth of Independent States.

and it was emphasized that the technical capabilities and consent of the participant in the process should be taken into account when implementing it.

When analyzing the use of the unified electronic information system "Electronic criminal legal statistics", the dissertation author witnessed that officials who are not related to a specific criminal case (inquiry officer, investigator, prosecutor and other persons working in these bodies) have access to information related to the criminal case in the information system. This, in addition to violating the principle of the presumption of innocence, may also lead to the disclosure of the secret of the investigation.

Since ensuring compliance with the rights and freedoms of citizens is the main criterion, certain stages of the inquiry and preliminary investigation should be free from digitization. For example, when applying the measure of detention, it is not advisable to introduce a procedure for remote interrogation, since the judge needs to clarify the truth through direct communication with the suspect and accused.

In this chapter of the dissertation, substantiated proposals and recommendations have been developed regarding the problems raised.

The organizational measures taken so far to introduce digitalization at the stage of inquiry and preliminary investigation, in particular, the structures established in the prosecutor's office and internal affairs bodies, the effectiveness of their activities, the content of the "Electronic criminal case" project and the reasons for its non-implementation in practice.

In particular, the (re)organization of the activities of the networks responsible for information technologies in the prosecutor's office and internal affairs bodies has played an important role in the introduction of digitalization in inquiry and preliminary investigation activities.

In particular, the unified electronic information systems "Electronic criminal and legal statistics" and "Electronic inquiry and preliminary investigation" have been launched and are being operated under the responsibility of these networks.

It should be noted that in 2018, by the relevant resolution of the Head of our State, a concept for improving criminal and criminal procedural legislation was developed, the composition of the Interdepartmental Commission under the leadership of the Prosecutor General was approved, a list of participants in the initial project "Electronic criminal case" was formed, and a program of measures was developed for its implementation in four stages:

in the first stage (by 01.12.2018) to launch the initial project of the "Electronic criminal case" in the Yakkasaroy and Mirabad districts of Tashkent;

in the second stage (by 01.03.2019) to develop a "roadmap" for the phased implementation of this project throughout the republic;

in the third stage (by 01.10.2019) to make proposals for improving the criminal and criminal procedural legislation based on the results of testing the initial project;

in the fourth stage (by 01.12.2019) adoption of the Criminal code and the Criminal procedure code in a new edition.

The Prosecutor General's Office has developed a preliminary draft of the "Electronic Criminal Case", in which the criminal procedure process is divided into 5 stages: registration of reports of crimes; pre-investigation inspection; investigation

of criminal cases during the inquiry and preliminary investigation process; judicial investigation and sentencing.

However, according to the feasibility studies[6] developed by the Prosecutor General's Office, the cost of developing just one information system was estimated at more than 2 billion sums, and the reasons for the project's failure to fully implement it were precisely related to budget expenditures.

Today, the practice of adopting instructions and decisions on the correct application of criminal procedural law has been formed. In essence, these documents are similar to the decisions of the Plenum of the Supreme Court on providing explanations on the application of criminal procedural law. However, the lack of a procedure for real-time online notification of interested persons about these documents (as well as changes made to them) has led to gross violations of the law, as illustrated by practical examples.

In particular, the prosecutor's petition for the application of a preventive measure in the form of detention was illegally rejected by the court on the basis of the requirements of the instruction, which was canceled about 1.5 years ago, and the detained person was released.

In order to prevent such situations, it is justified to mandatory publish these documents on the website www.lex.uz, which is the national database of legislative information of the Republic of Uzbekistan.

As part of the study, it was proposed to establish a special republican interdepartmental commission under the leadership of the Prime Minister in order to increase the level of digitalization in the activities of inquiry and preliminary investigation bodies, and to implement the "Electronic criminal case" project as a pilot project, initially for crimes that pose little social risk and are not very serious.

The third chapter of the dissertation is entitled **"Prospects for improving the procedure for conducting an inquiry and preliminary investigation in the context of the phased digitalization of criminal proceedings"**, and it analyzes international experience in the state of digitalization in the inquiry and preliminary investigation process. Proposals are developed to improve digitalization in the inquiry and preliminary investigation process. The prospects for using artificial intelligence technologies in criminal proceedings are also presented.

It analyzes the opportunities introduced in some foreign countries (Korea, Turkey, USA, England, France, Germany, Russia, China, Kazakhstan, etc.) in the field of digitalization of the activities of inquiry and investigation bodies.

In particular, the Republic of Korea has implemented the electronic information systems "KICS" (Korea information system of criminal – justice services), and Turkey has implemented the "UYAP" (Ulusal Yargı Ağı Projesi) and the procedure for electronic formation of criminal cases has been established through these information systems. Also, the information systems of all responsible organizations involved in the conduct of criminal cases have been integrated into these information systems.

[6] Presentation of the "Electronic criminal case" information system prepared by the Prosecutor General's Office (53 pages). 2018 (for reference, this amount is based on prices in 2018).

The Republic of Korea has not been in a hurry to digitize the criminal proceedings. Initially, criminal proceedings related to drunk driving and unlicensed driving were fully digitized. This reduced the duration of proceedings from 4 months to 28 days. Since 2011, 30 percent of all criminal cases have been processed completely electronically.

It was agreed that the Korean electronic criminal case project, initially implemented in minor criminal cases, and the experience of keeping informed about the progress of criminal cases through an individual cabinet, could be used in our national legislation.

The "UYAP" electronic information system under the Turkish Ministry of Justice has been used since 2000. This electronic information system has more than 34 thousand regular users, about 25 million. files are collected, and about 50 thousand new files are added every day. "UYAP" is used by about 6 thousand judges, more than 4.5 thousand lawyers, more than 3 thousand 700 prosecutors and many other employees.

Among the Central Asian countries, the Republic of Kazakhstan has introduced the "Unified Register of Pre-Trial Investigations" since 2015, which allows for electronic registration of criminal applications and reports. At the initiative of the Prosecutor General's Office of the Republic of Kazakhstan, the electronic information system "Electronic Criminal Case" was developed in 2017. Starting from this year, the procedural order of this information system has been enshrined in the Criminal Procedure Code of the Republic of Kazakhstan.

Based on the analysis of the legislation of Russia, Korea, the USA and Germany, it was concluded that the participation of witnesses should be limited by using video recording, while based on the experience of France, China, Korea and Turkey, it was recommended to implement the system of electronic notification of participants in the criminal process in our national legislation.

The researcher put forward a number of proposals for improving the digitization of criminal proceedings in the inquiry and preliminary investigation. In particular, special attention is paid to the development of a procedural procedure for the use of video recording, minimizing the participation of witnesses in the criminal process by expanding the scope of procedural actions for which its use is mandatory, electronic registration of material evidence, electronic notification of participants in the process about the progress of the criminal case and other issues, digitization of the process of recovering damage caused by a crime, using the capabilities of electronic information programs to divide criminal cases and resolve the issue of belonging to the inquiry and investigation, digitization of prosecutorial control, and the use of digitization in the application of the "Habeas corpus" institute at the pre-trial stage of the case.

The dissertation proposes to establish in criminal procedural legislation the mandatory use of video recording in the implementation of procedural actions related to the presentation for identification, examination, exhumation of a corpse, examination and seizure of postal and telegraph items, taking samples for expert examination, acceptance of submitted objects and

documents, and seizure of property, which are important in ensuring impartiality and are associated with the restriction of a person's constitutional rights.

The practical analysis conducted by the dissertation revealed that due to the lack of numbering in the process of recovering damages caused by a crime, a reasonable period for compensation is not provided, as well as the presence of cases of fraud in this regard. Criminal proceedings were initiated in 5 cases related to the submission of a fake payment document worth 230 million sums to the investigative body.

In 2023-2024, a total of 129 412 criminal cases were completed across the republic, 36% of which were related to damage. 36 511 persons were arrested and 22 443 were placed on bail. Out of 12,3 trillion sums of damage, 10,6 trillion sums were recovered, 81% of which was paid in cash.

Circumstances related to violation of the rule of belonging to the investigation *(16 criminal cases related to the investigation of the prosecutor's office under paragraph "d" of part 2 of Article 169 of the Criminal code)* were identified during the study of the information system, and a solution to the problem was proposed through digitization.

The lack of a clear procedure for distributing criminal cases between investigators and inquirers in the legislation leads to cases being distributed disproportionately to the number of employees, illustrated by practical examples. For example, one investigator of the Department of Investigation of Extremely Serious Crimes of the Tashkent City Prosecutor's Office had 2 criminal cases in his work, while another had 21.

In 2024, 75,232 criminal cases were completed by the inquiry and investigation bodies of the republic alone. 54,338 instructions were issued to eliminate the facts of violations of the law identified at the stage of the inquiry and preliminary investigation.

The indicator of the study of completed criminal cases is an average of 331 per year for each prosecutor in the republic, and the number of instructions issued is 239. Prosecutors canceled 776 unjustified decisions to discontinue criminal cases and 1,948 decisions to terminate criminal cases, and disciplinary measures were taken against 170 employees for shortcomings.

In this large-scale process, recommendations have been developed to digitize prosecutorial control by remotely implementing it using tablets. For example, by fully digitizing the summary files maintained to ensure control over the investigation of criminal cases alone, up to 1 billion sums can be saved per year.

Since it is determined that from 2017, the prosecutor supervising the investigation and preliminary investigation activities, as the head of the sector, will devote two-thirds of his work to solving the problems of the population in the regions, recommendations have been developed to digitize the prosecutor's supervision by conducting it remotely using a tablet.

In particular, this part of the dissertation discusses a brief history of artificial intelligence, the place of our country in the international index, the positive and negative aspects of its introduction into the criminal process, scientific views on this issue, artificial intelligence systems introduced abroad,

organizational measures for the introduction of artificial intelligence into the field, and directions for using its potential.

It turned out that Uzbekistan has improved its ranking in the Government artificial intelligence readiness index (GAIRI) developed by the British organization Oxford Insights over the past four years, moving from 158th to 79th place[7]. The introduction of AI systems in socio-economic sectors has played a significant role in this.

However, the issue of using AI technologies in investigative and preliminary investigations remains controversial. However, AI has already been used in foreign countries judicial and investigative activities. For example, in the USA, a system for determining the veracity of testimonies provided using AI "Dare" has been created. Its accuracy rate is 92 percent. This is 5-7 percent higher than the capabilities of the well-known "polygraph" program. Or, in China, AI is also performing the function of qualifying crimes and imposing punishment.

The technology, developed by scientists from the University of Pennsylvania and the University of Sheffield, allows for accurate and firm decisions based on the analysis of criminal cases. As a test, 584 cases of various contents considered by the European Court of Human Rights were placed on the artificial intelligence and studied. As a result, it was found that in 79 percent of cases, the decisions made were consistent with the original court documents.

Drawing up an investigation plan, assessing the validity and scientific validity of testimony and expert conclusions, formalizing procedural documents, creating a graphic design, using them as a translator, conducting experiments, and qualifying a crime are listed as areas of application of artificial intelligence technologies in the investigation and preliminary investigation.

To use these opportunities, first of all, its 5-stage organizational and legal mechanism is proposed: creating a republican working group consisting of employees of responsible organizations; forming a list of information systems that will be integrated into the artificial intelligence system; creating a "National artificial intelligence system" by forming a database; launching a trial version of the system and putting it into practice.

CONCLUSION

As a result of the research, scientific conclusions, proposals and recommendations were developed on improving the theory, legislation and practice of law enforcement:

I. Scientific conclusions on the development of the theory of criminal procedural law:

1. Through a scientific analysis of theoretical views, an author's definition was developed on the following:

Digitalization in criminal proceedings is a process aimed at converting data into a digital format, collecting, transmitting, receiving, formalizing,

[7] https://oxfordinsights.com/ai-readiness/ai-readiness-index/

storing and using it in electronic form using information technologies in the implementation of procedural actions in order to reliably protect the rights and freedoms of citizens during the conduct of criminal cases, ensure transparency of the activities of responsible bodies and officials, and ensure labor productivity.

The use of artificial intelligence technologies during the inquiry and preliminary investigation is a process aimed at implementing procedural actions with the help of technological means that imitate human intelligence.

2. *The tasks of digitalization in criminal proceedings* are to simplify the process of implementing criminal procedural actions and ensure their efficiency; shortening procedural deadlines and increasing the responsibility of officials responsible for conducting criminal cases in their full compliance; preventing procedural errors; preventing abuse and falsification by reducing the human factor; increasing labor productivity; establishing rapid electronic data exchange between the bodies responsible for conducting criminal cases and with other organizations; effectively ensuring the protection of citizens' rights and freedoms by improving the quality of work in criminal procedural activities.

3. *Procedures for digitization in criminal proceedings* - proportionality to organizational and technical capabilities; compliance with the principles of the presumption of innocence and respect for human dignity in criminal proceedings; preventing disclosure of the secrecy of the inquiry and preliminary investigation; preserving the originality of evidence; ensuring the protection of human rights and freedoms.

II. Proposals and recommendations for improving the legislation:

It is advisable to introduce the following amendments and additions to the Code of criminal procedure and other legislative acts to improve the use of digitalization during the inquiry and preliminary investigation process:

1. To amend **Article 73** of the Code of criminal procedure, which determines the status of witnesses, to read as follows:

"Witnesses shall be summoned in cases provided for by this Code to confirm the conduct of an investigation or other actions by an inquiry officer, investigator, or prosecutor, the process and results of their conduct.

At least two citizens who are not interested in the outcome of the case shall be summoned to participate in the conduct of investigative actions. If several inquiry officers or investigators conduct the same investigative action simultaneously in different rooms or in places far from each other, two witnesses shall always be present with each investigator and inquiry officer.

The following persons may not be witnesses:

1) minors;

2) incompetent persons;

3) other participants in the criminal process and their close relatives;

4) employees of law enforcement agencies;

5) persons who do not know the language in which the investigative case is being conducted;

6) persons who participated as witnesses in other investigative actions on the same case, except for cases when it is necessary to conduct investigative actions sequentially.

Before starting an investigative action, the inquiry officer, investigator or prosecutor shall explain to the witnesses their rights and obligations".

2. Supplement the Code of criminal procedure with **Article 73[1]**, which establishes the participation of witnesses and the list of situations in which their participation is excluded:

*"**Article 73[1]. Participation of witnesses in the performance of procedural actions***

The participation of witnesses is mandatory in the performance of the following procedural actions, with the exception of the cases provided for in the third part of this article:

1) presentation for identification;

2) testimony related to the stripping of a person, as well as the identification of scratches, abrasions, and bruises on his body;

3) exhumation of a corpse;

4) examination and seizure of postal and telegraphic items;

5) search of residential premises;

6) seizure of property;

7) confirmation of the fact that the person refuses to comply with the lawful requirements of the inquiry officer, investigator, prosecutor and court or resists the investigator or commits other unlawful actions that do not comply with the procedure for conducting a criminal case, except for the cases provided for in Article 93 of this Code.

In all other cases, confirmation of the conduct of an investigation or other actions, the process and results of its conduct shall be ensured without the participation of witnesses, except for cases of involving witnesses at the request of the participants in the criminal proceedings or on the initiative of the inquiry officer, investigator, prosecutor or court.

In places where it is impossible to involve witnesses due to the lack of appropriate means of communication, and in places where it is difficult to access, as well as in places where it may pose a threat to the life and health of people, investigative actions shall be carried out without the participation of witnesses. In such cases, these investigative actions shall be recorded on video, and the reasons for this shall be indicated in the protocol".

3. Supplement the Criminal procedure code with **Article 75[1]**, which provides for the use of information technology tools in informing participants in criminal proceedings:

*"**Article 75[1]. Use of information technology tools in informing participants in criminal proceedings.***

"The inquiry officer, investigator, prosecutor or court shall, through the electronic information system:

to suspects and accused persons to whom a precautionary measure in the form of arrest has not been applied – to explain their rights and obligations within a

maximum of two hours from the moment of adoption of a decision or ruling on their involvement as participants in criminal proceedings;

to suspects, accused persons, victims, civil plaintiffs, civil defendants, representatives, witnesses and witnesses – to arrive at the place of investigation and procedural actions within the established time;

The suspect, accused, victim, civil plaintiff, civil defendant, representative, witness and witnesses must be notified on the same day of the completion of the inquiry and preliminary investigation into the criminal case, the referral of the case to the prosecutor and the court for consideration, as well as the appointment of the case in court, the time of the case, and the adoption of a judicial document based on the results of the consideration of the criminal case.

Notifications through the electronic information system to the persons specified in this article shall be sent via their mobile or other means of communication. Electronic notification shall be equated with written notification and shall entail the same legal consequences. In this case, the use of the procedure for notification through technical means shall be allowed only with the consent of the persons to be notified and if there is an opportunity to notify in this way.

A document reflecting the method of sending and technical characteristics of a notification sent using technical means of communication shall be stored in the criminal case materials".

4. Amend the **fourth part** of **Article 91** of the Code of criminal procedure, which provides for the use of auxiliary methods in recording evidence, with the following provisions aimed at expanding the scope of procedural actions that must be recorded by video recording:

"The following procedural actions must be recorded by video recording, with the exception of procedural actions that harm the honor and dignity of citizens and lead to the disclosure of state secrets:

1) ***presentation for identification****;*

2) verification of testimony at the scene of the incident;

3) examination of the scene of the incident in cases of especially serious crimes;

4) ***exhumation of a corpse****;*

5) investigative experiment;

6) search;

7) detention of a person;

8) personal search and seizure during the detention of a person;

9) ***examination and seizure of postal and telegraphic items****;*

10) ***take samples for expert examination****;*

11) ***accept submitted objects and documents****;*

12) waive the defense attorney;

13) ***seize and transfer seized property for safekeeping****".*

5. To supplement **Article 91** of the Code of criminal procedure with the **sixth and seventh parts**, which determine the requirements for technical means and equipment for video recording of procedural actions and their use:

"Technical means and equipment used for video recording of procedural actions must comply with the requirements established in the second and third paragraphs of part three of Article 91[1] of this Code.

Video recording of procedural actions must be carried out in compliance with the following:

it must reflect the time and conditions of the recording;

demonstrate that the rights and obligations of the participants in the proceedings have been explained to them by the inquiry officer, investigator or court before the commencement of the procedural actions;

fully reflect the appearance of the persons participating in the investigation and procedural actions;

fully cover the process from the beginning of the investigation and procedural actions to their completion in a manner that does not allow for interruptions (with the exception of procedural actions carried out in relation to a complex of several objects)".

6. Supplementing **Article 207** of the Criminal procedure code, which provides for the recognition of an object as material evidence and its inclusion in a criminal case, with the following parts, **the second and sixth,** which provide for the terms for recognizing an object as material evidence and the procedure for electronic registration of material evidence:

"A decision or ruling on recognizing it as material evidence must be made no later than ten days from the time of its seizure.

In cases where the volume of objects is large or additional time is required, this period may be extended up to thirty days based on a reasoned decision of the investigator or inquiry officer, adopted with the consent of the head of the inquiry or investigation body.

If an expert opinion is required to recognize a thing as physical evidence, a decision or ruling on this matter must be made no later than three days from the date of receipt of the expert opinion.

Physical evidence recognized on the basis of a decision or ruling shall be registered in the electronic information system and assigned a unique number. When registering, the information on the physical evidence specified in the seizure report shall be indicated and its photographs shall be attached.

Information on the registration of physical evidence in the electronic information system shall be stored in the criminal case".

7. To supplement **Article 281** of the Criminal procedure code, which determines the grounds for compensation for damage caused by a crime, with the following **third part**, providing for the provision of a reasonable period for compensation for the damage caused:

"During the investigation, preliminary investigation and in court, the suspect, accused, defendant or civil defendant shall be provided with a reasonable period for compensation for the damage caused by the crime".

8. To supplement **Article 282[1]** of the Criminal procedure code, providing for the digitalization of the process of monetary compensation for damage caused by a crime:

*"**Article 282[1]. Procedure for monetary compensation for damage caused by a crime***

To compensate for the damage caused and payable as a result of a crime in monetary form to the deposit account of the investigation, preliminary investigation body or court, the suspect, accused, defendant or civil defendant shall be provided with a QR code certificate generated through the electronic information system.

Information on compensation for damage is received in real time in the form of an electronic document and stored in the criminal case".

9. To supplement **Article 348** of the Criminal procedure code with the following **fourth part**, which provides for the digitization of the procedure for dividing criminal cases by their relevance to the investigation:

"The division of criminal cases among investigators shall be carried out in an automated manner through an electronic information system, excluding the human factor, taking into account such factors as the severity of the crime, the investigators work experience, qualifications, volume of work, their specialization, as well as the powers granted to the prosecutor".

10. Supplement **Article 381[5]** of the Criminal procedure code with the following **fourth part**, which provides for the digitization of the procedure for dividing criminal cases into categories of investigation:

"The division of criminal cases among investigators shall be carried out in an automated manner through an electronic information system, excluding the human factor, taking into account such factors as the severity of the crime, the length of service of the investigators, their qualifications, the volume of work, their specialization, as well as the powers granted to the prosecutor".

III. Proposals and recommendations aimed at increasing the effectiveness of law enforcement practice:

1. The need to ensure the awareness of interested persons by placing documents (decisions, instructions, etc.) that are mandatory for inquiry, investigation, prosecutor's offices and the court in the national legal base of legislative acts (www.lex.uz) is substantiated.

2. The proposal to create an opportunity for participants in criminal proceedings to submit electronic complaints or petitions regarding decisions and procedural actions of officials of inquiry and preliminary investigation bodies through the Unified interactive public services Portal and to establish a mechanism for establishing online control over their consideration by the head of the inquiry or investigation department and the prosecutor is substantiated.

3. The need for digitalization of prosecutorial control over inquiry and preliminary investigation (establishing remote control by providing prosecutors with tablets) is substantiated with examples of the inadequacy of the current control mechanism to real-life situations.

4. In order to widely introduce digitalization of information exchange between inquiry and preliminary investigation, prosecutor's office and judicial bodies within the framework of the "Habeas corpus" institution, a proposal was made to introduce the practice of sending all case materials related to preliminary

recording of testimony, exhumation of a corpse, search, wiretapping of telephone conversations, detention and house arrest, removal from office, placement of a person in a medical institution, and sanctioning the seizure of property to courts through an electronic information system.

5. The need to use artificial intelligence capabilities at the following stages of the criminal process is justified: drawing up plans for the investigation and preliminary investigation, questions that may be asked during interrogation; automatic registration of procedural documents; verification of the veracity (scientific validity) of the testimony and expert conclusions presented during the investigation and preliminary investigation; creating a graphic model of a person or object; conducting an experiment; qualifying a socially dangerous act committed.

НАУЧНЫЙ СОВЕТ DSc.07/13.05.20.Yu.22.03 ПО ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ

ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ УНИВЕРСИТЕТ

МУХАММАДИЕВ САРВАР АСКАР УГЛИ

ВОПРОСЫ ПОСТЕПЕННОЙ ЦИФРОВИЗАЦИИ УГОЛОВНОГО ПРОИЗВОДСТВА В ХОДЕ ДОЗНАНИЯ И ПРЕДВАРИТЕЛНОГО СЛЕДСТВИЯ

12.00.09 – Уголовный процесс. Криминалистика, оперативно-розыскное право и судебная экспертиза

АВТОРЕФЕРАТ
диссертации доктора философии по юридическим наукам (PhD)

Ташкент – 2025

Тема диссертации доктора философии (PhD) зарегистрирована в Высшей аттестационной комиссии при Министерстве высшего образования, науки и инновации Республики Узбекистан под номером B2022.2.PhD/Yu765.

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С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована за № 1405). (Адрес: 100047, г. Ташкент, улица Сайилгох, 35. Тел.: +998 71-233-66-36).

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Введение (аннотация диссертации доктора философии (PhD)

Целю исследования является комплексный анализ проблемы постепенной цифровизации уголовного судопроизводства на стадии дознания и предварителного следствия на основе научного, теоретического и практического анализа, поиск путей решения выявленных проблем, а также разработка предложений и рекомендаций, направленных на далнейшее совершенствование законодателства и правоприменителной практики.

Научная новизна исследования заключается в следующем:

обоснована необходимост налаживания электронного межведомственного взаимодействия органов дознания и следствия с уполномоченными государственными органами и организациями, посколку обмен информацией на бумажных носителях привел к удлинению процессуалных сроков и случаям фалсификации документов;

необходимост внедрения процедуры электронного оповещения посредством сервиса «СМС-оповещение» в целях обеспечения участия участников уголовного судопроизводства в осуществлении процессуалных действий, предотвращения их необоснованных вызовов в органы дознания и следствия, введения порядка своевременного уведомления о движении уголовного дела с момента его возбуждения;

посколку несправедливое распределение нагрузки между дознавателем и следователями негативно влияет на качество расследования, необходимо цифровизироват процесс передачи уголовных дел в орган дознания или предварительного следствия на основе правил, соответствующих предмету дознания и следствия, а также наладит электронное распределение уголовных дел между дознавателем и следователями в рамках одного дознавательно-следственного подразделения;

на практических примерах обоснована необходимост полной цифровизации прокурорского контроля за расследованием уголовных дел, в частности процесса информирования прокурора о принятых решениях, дачи поручений дознавателю и следователю, вынесения санкций или подачи ходатайств в суд о вынесении санкций, применения института «Хабеас корпус» в ходе дознания и предварителного следствия, в частности процесса подачи ходатайств и необходимых материалов в суд о вынесении санкций, направления в суд уведомлений об отмене избранной судом меры пресечения.

Внедрение результатов исследований. На основе научных резултатов по широкому исползованию цифровизации в процессе расследования и предварителного следствия:

предложения по налаживанию электронного межведомственного взаимодействия органов дознания и следствия с уполномоченными государственными органами и организациями были исползованы при разработке абзаца второго пункта 1 Постановления Президента Республики Узбекистан от 28 января 2022 года № ПП-105 «О мерах по внедрению единой системы межведомственного электронного взаимодействия при ведении дел в суде» (акт Генералной прокуратуры Республики Узбекистан

от 13 мая 2024 года №27/2-114-24). В результате принятия данного предложения внедрена единая электронная информационная система «Электронное дознание и предварителное следствие», создающая возможности для быстрого и точного получения необходимой информации;

предложения по электронному оповещению участников уголовного процесса посредством сервиса «СМС-оповещение» были исползованы Генералной прокуратурой Республики Узбекистан при разработке проекта «Электронное уголовное дело» (акт Генералной прокуратуры от 11 июля 2024 года № 27/2-169-24). Учет данного предложения не толко облегчил работу органов дознания и предварителного следствия, но и создал дополнителные удобства для граждан;

предложения по цифровизации процесса передачи уголовных дел в орган дознания или предварителного следствия по правилам, относящимся к дознанию и следствию, а также по установлению электронного распределения уголовных дел между следователями и дознавателями в пределах одного дознания и следственного подразделения были исползованы Генералной прокуратурой Республики Узбекистан при разработке проекта «Электронное уголовное дело» (акт Генералной прокуратуры от 11 июля 2024 года № 27/2-169-24). Учет данного предложения, при обеспечении правилного применения норм уголовно-процессуалного права, позволил исключит субъективизм в процессе, повысит качество работы за счет справедливого распределения нагрузки и в конечном итоге обеспечит более надежную защиту прав и интересов граждан;

предложения по полной цифровизации процесса прокурорского надзора за дознанием и предварителным следствием, в частности, информирование прокурора о принятых решениях, дача поручений дознавателю и следователю, вынесение санкций или внесение ходатайств в суд о вынесении санкций, применение института «Хабеас корпус» в ходе дознания и предварителного следствия, в частности, подача ходатайств и необходимых материалов в суд о вынесении санкций, направление в суд уведомлений об отмене избранной судом меры пресечения, были исползованы Генералной прокуратурой Республики Узбекистан при разработке проекта «Электронное уголовное дело» (акт Генералной прокуратуры от 11 июля 2024 года № 27/2-169-24). Учет данного предложения позволил положит конец бюрократической волоките и еще болше повысит ответственност в этой сфере за счет повышения качества контроля.

Структура и объем диссертации. Диссертация состоит из введения, 3 глав, заключения, списка литературы и приложений. Объем диссертации составляет 137 страницы.

E’LON QILINGAN ISHLAR RO‘YXATI
СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
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