

ISSN: 2450-8160

Herald pedagogiki. Nauka i Praktyka

wydanie specjalne



Warszawa
2021

Editorial Team

Editor-in-chief: *Gontarenko N.*

EDITORIAL COLLEGE:

W. Okulicz-Kozaryn, *dr. hab, MBA, Institute of Law, Administration and Economics of Pedagogical University of Cracow, Poland;*

L. Nechaeva, *PhD, PNPUI Institute K.D. Ushinskogo, Ukraine.*

K. Fedorova, *PhD in Political Science, International political scientist, Ukraine.*

Aryslanbaeva Zoya, *Ph.D. in Uzbek State Institute of Arts and Culture Associate Professor of "Social Sciences and Humanities."*

Karimov Ismoil, *Kokand State Pedagogical Institute*

Nishanova Ozoda, *National University of Uzbekistan named after Mirzo Ulugbek*

Isamova Pakiza Shamsiyevna, *candidate of pedagogical sciences, associate professor of Uzbek State World Languages University, Republic of Uzbekistan, Tashkent city.*

(wydanie specjalne) Volume-2, № 1 January 2022

ARCHIVING

Sciendo archives the contents of this journal in ejournals.id - digital long-term preservation service of scholarly books, journals and collections.

PLAGIARISM POLICY

*The editorial board is participating in a growing community of **Similarity Check System's** users in order to ensure that the content published is original and trustworthy. Similarity Check is a medium that allows for comprehensive manuscripts screening, aimed to eliminate plagiarism and provide a high standard and quality peer-review process.*

About the Journal

Herald pedagogiki. Nauka i Praktyka (HP) publishes outstanding educational research from a wide range of conceptual, theoretical, and empirical traditions. Diverse perspectives, critiques, and theories related to pedagogy – broadly conceptualized as intentional and political teaching and learning across many spaces, disciplines, and discourses – are welcome, from authors seeking a critical, international audience for their work. All manuscripts of sufficient complexity and rigor will be given full review. In particular, HP seeks to publish scholarship that is critical of oppressive systems and the ways in which traditional and/or “commonsensical” pedagogical practices function to reproduce oppressive conditions and outcomes. Scholarship focused on macro, micro and meso level educational phenomena are welcome. JoP encourages authors to analyse and create alternative spaces within which such phenomena impact on and influence pedagogical practice in many different ways, from classrooms to forms of public pedagogy, and the myriad spaces in between. Manuscripts should be written for a broad, diverse, international audience of either researchers and/or practitioners. Accepted manuscripts will be available free to the public through HPs open-access policies, as well as we planed to index our journal in Elsevier's Scopus indexing service, ERIC, and others.

HP publishes two issues per year, including Themed Issues. To propose a Special Themed Issue, please contact the Lead Editor Dr. Gontarenko N (info@ejournals.id). All submissions deemed of sufficient quality by the Executive Editors are reviewed using a double-blind peer-review process. Scholars interested in serving as reviewers are encouraged to contact the Executive Editors with a list of areas in which they are qualified to review manuscripts.

SOME VIEWS ON THE CONCEPTS OF EFFICIENCY AND EFFECTIVENESS OF CRIMINAL SUPPLY OF SCENE INVESTIGATION

Abdullaev Rustam Kakhramanovich

Lecturer of Criminalistics and Forensic Science Department
at Tashkent State University of Law
r.abdullayev@tsul.uz; ORCID: 0000-0001-8742-4815

Abstract: The article examines the essence of the organizational and technological components of the practical activities, which are one of the key elements of the forensic system of crime scene investigation, the issues of assessment and control of the traces identified during the inspection of the scene and other material objects relevant to the scene in terms of completeness, timeliness, reliability. Based on the results of the analysis of the scientific views of forensic scientists on the subject, definitions of concepts such as the effectiveness, efficiency and extent of their use in crime detection, as well as the principles of evaluating the effectiveness of forensic technical support were proposed.

Keywords: inspection of the scene of the incident, forensic support, technical forensic and tactical technologies, subjects of forensic support, the effectiveness of the inspection of the scene, the principles of efficiency assessment.

In the case of the discovery of the crime and its effective investigation, the observation of the scene of the incident takes a central place and plays an important role.

It is known that the observation of the scene of the incident is an undue investigative action, consisting in the direct perception and study of objects located in the identified areas of traces and objects that are causally related to the crime under investigation, aimed at identifying, recording and investigating the necessary traces in order to determine the presence and essence of the conditions.

The criminalistic provision of crime scene surveillance is the use by special subjects of knowledge for the purpose of obtaining, collecting, evaluating, processing Criminal Information and using it in the process of further investigation of crimes, it is based on the use of modern technical-criminalistic and tactical-criminalistic tools and technologies in the field of accident surveillance, dynamic organizational-functional system of interrelated theoretical knowledge and practical components (skills and skills of practical application of organizational, technological and evaluation-control provision) [1, p.128].

The objectives of the system under consideration include: the general (final) objective aimed at the detection and investigation of crime as well as the private (intermediate) objectives associated with the objectives of the organizational, technological and evaluation-control parts of the system activities.

The sum of the materialized of the crimeanalistic knowledge (scientific, scientific-practical and educational crimeanalistic literature), together with the system and complexes

of technical and crimeanalytic means, constitutes the Bank of the materialized of scientific knowledge, and the science of criminalism presents this knowledge to law enforcement agencies for their application in various areas of combating crime. It is for this reason that the second element of the system of the criminalistic supply of sight of the landing site is this - a practical activity.

It contains the following main components:

1) organizational (special organizational-criminalistic provision) component (component) - involvement of a specialist in the examination of the scene of the investigator (interrogator); it is the organizational activity of selecting a specific set of technical-forensic and tactical-forensic tools and technologies required for use in the investigation and their rapid deployment and application at the scene. Organizational aspects of the application of a set of technical means are important in the use of forensic knowledge, as well as the knowledge and skills acquired in the process of forensic education to identify, collect and use information relevant to the detection and investigation of crimes;

2) technological component (skills and competencies in technical-forensic and tactical-forensic support), it consists of the practical application of specialized knowledge, technical-forensic and tactical-forensic tools and technologies by entities that have the knowledge and skills to apply them in crime scene inspections in order to detect, record and obtain evidence.

In our opinion, an effective means of regulating the effectiveness of field inspection consists in the "collection, systematization, analysis and storage of data on the results and effectiveness of the use of technical-criminalistic and tactical-criminalistic tools and technologies", one of the main components of the quality control system [1, p.132].

For the purposes of the assessment and control component of the practical block (component of the methodological support) of the forensic support system of the scene, the effectiveness of the use of technical-forensic and tactical-forensic tools in the investigation - the significance of the crime and the incident evaluation and control of other material assets in terms of completeness, timeliness, reliability.

These goals are achieved by solving two-component tasks in the following activities:

first, to assess the effectiveness of the use of technical-forensic and tactical-forensic tools and the effectiveness of forensic support of a specific scene;

secondly, to identify, record, obtain traces of crime and other objects obtained during the inspection of the scene, and to analyze and control the timeliness, reliability and completeness of research.

Qualitative use of technical-forensic and tactical-forensic means during the inspection of the scene allows to solve the tasks provided by the current criminal procedure legislation: gathering defendant's accusatory and acquittal evidence; to identify the circumstances that are important for the proper resolution of the case, to protect the rights and legitimate interests of persons involved in the criminal case, as well as to put forward relevant allegations, examine and choose ways to implement them, and, if

necessary, reflect on the nature of the incident;

The Criminal-Procedural Code of the Republic of Uzbekistan states that "Inquirers, investigators, prosecutors and courts shall evaluate the evidence in accordance with the law and legal consciousness on the basis of careful, complete, comprehensive and impartial consideration of all cases. Each piece of evidence must be evaluated in terms of relevance, acceptability and reliability" [2]. Evidence shall be recognized as relevant to the case only if it reflects information about facts or things that confirm, refute or question the conclusions about the existing circumstances that are relevant to the criminal case.

Evidence is considered acceptable only if it is collected in the prescribed manner and meets the conditions provided for in Articles 88, 90, 92-94 of the Criminal-Procedural Code of the Republic of Uzbekistan [2]. Evidence found to be true as a result of an investigation is considered credible. If all the convincing evidence concerning the case has been collected, which unequivocally confirms the truth of all that has to be proved and each case, their sum is considered sufficient to settle the case.

The assessment of the activities of the subjects of forensic support of the scene inspection on the use of technical-forensic and tactical-forensic means in conducting this investigative action is not regulated. There are no criteria for such an assessment. Without evaluating these activities, it is impossible to think about the reasonableness of the technical-forensic and tactical-forensic tools and technologies used during the on-site inspection, the effectiveness of their use and the effectiveness of achieving the objectives of the activity in question.

The above indicates the need to develop scientific rules that will allow an objective and timely assessment of the effectiveness of this activity.

Some criminologists (G.I. Gramovich, N.I. Porubov, A.N. Porubov) associate the concept of "efficiency" with the idea of purpose, and "the pre-planned goal was achieved: material evidence was identified, that is, to advance general and specific hypotheses it is necessary to recognize the effectiveness of the search of the scene where the initial information was found, the search for the perpetrators, the stolen items and the victims, the information necessary to identify witnesses"[3], p.187]. U.M. Nosirov writes that "... the mobilization of all the knowledge and forces of the investigator, forensic expert, forensic expert, cynologist, operative officer, prevention inspector is important for the effective conduct of the investigation of the scene" [4]. O.D. Kasatonov said, "the effectiveness of the review depends on the tools and methods used by the person conducting it. In this process, a simple (in this case, the only tool is the visual organ) and a qualified (in this case, specially developed tools and methods are used) scans are performed"[5, p.29], but T.B. Mamatkulov, Sh.T. Djumanov, U.T. The Turgunovs write, "The result of an inspection of the scene is a thorough preparation for it" [6, P.69]. A.B. Solovyov believes that "the effectiveness of investigative actions means the activity of the investigator, which is optimally organized for their actions, and this activity leads to the achievement of the goals of the investigative actions and their system in

general" [7, p.8].

Other authors link effectiveness to the results of efforts made. For example, L.E. Chistova understands efficiency as the objectivity and reliability of obtaining accurate results that correspond to the tasks of criminal proceedings [8, p.25].

V.Ya. According to Karlov, the effectiveness in terms of the use of technical and forensic tools and methods in the investigation of crimes implies the provision of the required result in strict accordance with the requirements of the law [9, p.75]. Clearly, the second approach to the concept of 'effectiveness' leads to the need to compare it to the concept of "effectiveness", which is less accurate because G.I. According to Gramovich, the effectiveness (efficiency) of the studied activity is the most important element that determines the level of efficiency [10, p.62-63].

Therefore, I.I. Yudnikov's view that "the effectiveness of an on-site inspection means that traces and other material evidence must be obtained during the investigation" [12, p.253] can be supported.

N.E. Surygina understands the effectiveness of the technical-forensic support of criminal investigation as the effectiveness of the system [13, p.51]. A similar perspective V.A. According to Volynsky, efficiency is the external (environmental) manifestation of the system's activity, and efficiency is the degree of readiness (adaptability) of the system and its individual elements to solve the tasks assigned to it. However, "provided that the system is not constantly changing, its efficiency may remain unchanged, but its performance may vary" [14, p.66].

A.N. Moskalenko's opinion that "the effectiveness of the technical and forensic support of the investigation of crimes on" hot leads "is to obtain, process and use as much information as possible to search for the perpetrator in the shortest possible time using forensic techniques and methods" [15, p. 51]. This view, expressed in terms of efficiency, is an important element in determining the effectiveness of the use of forensic tools in the scene examination. However, in this case it is necessary to think not only about technical, but also tactical-forensic means. Speed means doing the necessary work in the most optimal time, and this is achieved through the rational organization of labor, the use of time-saving tools and methods. "Saving time is the most important indicator of operational efficiency" [10, p.62]. VA Volynsky's opinion that "it is wrong to evaluate efficiency only by the result, because often the result depends on the external conditions in which the system must work" is also correct [14, p.248].

It is also interesting to note that a number of criminologists believe that "efficiency is the degree to which goals are achieved when the level of efficiency is determined by the ratio of goals and results achieved" [10, p.62-63; 11]. It is proposed to determine such a ratio on many indicators (not only statistical averages), using all possible sources of information and methods of obtaining, analyzing and evaluating information [13, p.63].

As noted above, the ultimate goal of forensic crime scene investigation is to effectively obtain, collect, evaluate, and process information of forensic significance for use in future criminal investigations as a result of an investigative action.

In conclusion, it should be noted that:

It is recommended to understand the effectiveness of forensic support of the scene investigation - the degree to which its results are achieved in practice, expressed in key elements such as the effectiveness and degree of use in the rapid investigation of the crime.

The level of efficiency is determined by the ratio of the result obtained and the goal set.

The effectiveness of the criminalistic provision of the scene of the accident survey - indicates that it is necessary to provide for the purpose of identifying, recording and obtaining traces of crime and other objects in the use of technical-criminalistic and tactical-criminalistic means of Investigation, as well as information of preliminary (directing) criminalistic significance, their operational research.

The level of use of the results obtained in the investigation of the scene in the investigation of crimes reflects the contribution of forensic information obtained as a result of the use of technical-forensic and tactical-forensic tools in the investigation of crimes, including "hot pursuit".

N.E. as a principle of evaluating the effectiveness of technical-forensic support of scene investigation. The principles proposed by Surygina [13, p.63-65] can be considered:

- 1) taking into account the final results of the criminal investigation;
- 2) adequacy (consistency of assessment criteria with the goals and objectives to be addressed in the use of technical and forensic knowledge and the level of organization of this activity);
- 3) objectivity;
- 4) completeness and comprehensiveness of the assessment, arising from the accounting and analysis of all forms of technical and forensic knowledge in different forms, the application of different forms by different entities;
- 5) clarity of assessment;
- 6) timeliness of assessment.

In order to think about the effectiveness of forensic examination of the scene, it is necessary to select certain criteria for evaluating this activity.

Criterion is a sign that is the basis of the assessment of the studied event, action, feature, property, state, that is, on the basis of the sign, the studied event, action, feature, property, state, etc. are evaluated [10, p.65; 10, p.7]. "Criterion is a measure, a standard for comparison or evaluation" [16, P.578].

The diversity of the tasks of forensic support of the scene, the use of technical-forensic and tactical-forensic means in the conduct of this investigation, as well as the diversity of work performed under these conditions implies the existence of a system of criteria for evaluating the effectiveness of such supply.

In developing such a system of criteria, it is important to identify the specific requirements that their selection must meet.

The criteria must meet the following requirements:

- compliance with the tasks and functions of the body and person whose activities are being evaluated;
- comparable, agreed and non-contradictory;
- easy to use;
- help to achieve the goal;
- sufficiently describe the activity in quantitative and qualitative terms, allow for an objective, complete and comprehensive assessment of efficiency.

References.

- 1.R.K. Abdullaev. Hodisa joyini ko'zdan kechirishning kriminalistik ta'minoti maqsad va vazifalari // Yuridik fanlar axborotnomasi / Vestnik yuridicheskix nauk / Review of Law sciences / TDYu. Huquqiy ilmiy-amaliy jurnal. 2021/2. - B.127-135. (128)
- 2.O'zbekiston Respublikasi Jinoyat-protsessual kodeksi. - T., 2019. 95-m.
- 3.N.I. Porubov. Kriminalistika: ucheb. posobie / N.I. Porubov, G.I. Gramovich, A.N. Porubov; pod red. N.I. Porubova. - Minsk, 2007. - S.575.
- 4.Nosirov U.M. Hodisa joyini ko'zdan kechirish: O'quv-amaliy qo'llanma. - T.; O'zbekiston Respublikasi IIV Akademiyasi, 2014. - B.457.
- 5.O.D. Kasatonov Kriminalisticheskoe issledovanie. - Kiev, 2000. - S.29.
- 6.Kriminalistik taktika: Darslik / T.B.Mamatkulov, Sh.T.Djumanov, U.T.Turgunov va boshq. - T.: O'zbekiston Respublikasi IIV Akademiyasi, 2013. - B.218.
- 7.A.B. Solovev. Проблемы эффективности следственных действий: автореф. дис... д-ра юрид. наук: 12.00.09 / Vsesoyuz. in-t po izucheniyu prichin i razrab. mer preduprezhdeniya prestupnosti. - M., 1985. - S.52.
- 8.L.Ye. Chistova. Texniko-kriminalisticheskoe obespechenie osmotra mesta proisshestiya: ucheb. posobie / Mosk. yurid. in-t. - M., 1998. - S.90.
- 9.V.Ya. Karlov. Ispolzovanie kriminalisticheskoy tekhniki v rassledovanii prestupleniy: nauch.-prakt. posobie / Mosk. akad. ekonomiki i prava. - M., 2006. - S.189.
- 10.G.I. Gramovich. Kriminalisticheskaya tekhnika: nauchnye, pravovye, metodologicheskie, organizatsionnye osnovy / - Minsk, 2004. - S.214.
- 11.V.G. Kutushev. Metodologicheskie problemy otsenki effektivnosti deyatel'nosti sledstvennykh organov / Problemy predvaritel'nogo sledstviya i raskrytiya prestupleniy v deyatel'nosti organov vnutrennix del: sb. nauch. tr. / Xabar. vyssh. shk; redkol: V.G. Kutushev (otv. red.) [i dr.]. - Xabarovsk, 1989. - S. 3-14.
- 12.I.I. Yudnikov. Uchastie spetsialista-kriminalista pri provedenii osmotra mesta proisshestiya / Aktualnye voprosy pravovedeniya na sovremennom etape: sb. st. / Tom. gos. un-t; - Tomsk, 1986. - S. 252-253.
- 13.N.Ye. Sur'ygina. Povyshenie effektivnosti ispolzovaniya spetsialnykh tekniko-kriminalisticheskikh poznaniy v raskrytii i rassledovanii prestupleniy: dis... kand. yurid. nauk: 12.00.09 / N.Ye. Sur'ygina. - M., 1992. - S.183.
- 14.V.A. Volynskiy. Kriminalisticheskaya tekhnika: nauka-tekhnika- obshchestvo-chelovek. - M., 2000. - S.311.
- 15.A.N. Moskalenko. Texniko-kriminalisticheskoe obespechenie raskrytiya prestupleniy po goryachim sledam: dis. ... kand. yurid. nauk: 12.00.09. - Volgograd, 2002. - S.211.
16. O'zbek tilining izohli lug'ati. M harfi. / Tahrir hay'ati: E.Begmatov, A.Madvaliev, N.Mahkamov, T.Mirzaev (rahbar), N.To'xliiev, E.Umarov, D.Xudoyberganova, A.Hojiev. A.Madvaliev tahr.ost. - T.: "O'zbekiston milliy ensiklopediyasi" Davlat ilmiy nashriyoti. 2013. - B.578.