

Properties of Evidence in Criminal Proceedings: Comparative Legal Analysis

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Annotation: The article examines the properties of evidence in criminal proceedings - relevance, admissibility, reliability and sufficiency – as key legal categories that ensure the legality and validity of court decisions. Special attention is paid to the comparative legal analysis of the legislation of the Republic of Uzbekistan and a number of foreign countries, as well as the assessment of international standards in the field of evidence. Theoretical approaches to understanding evidence are highlighted, and the need for strict observance of their properties is substantiated in order to protect the rights of participants in the process and strengthen confidence in justice.

Key words: criminal procedure, evidence, admissibility, relevance, reliability, sufficiency, judicial proceedings, human rights, CPC, international standards.

In the theory and practice of criminal procedure, the issue of evidence and its properties occupies a central place and gives rise to lively academic debate. The significance of this matter stems from the fact that in criminal proceedings, it is precisely evidence that serves as the basis for establishing the factual truth in a case and for delivering a lawful verdict. However, not all information obtained by an investigator, inquiry officer, or court may be recognized as evidence. In order for information to acquire the status of evidence, it must meet certain legal criteria established by statute and legal doctrine. The analysis of these properties is an integral part of working with evidentiary material at all stages of criminal proceedings.

The relevance of studying the properties of evidence is driven by the necessity to ensure the legality and fairness of judicial proceedings. These properties – relevance, admissibility, reliability, and sufficiency – serve as criteria for selecting the information that the court is entitled to use when making decisions in a case. Failure to comply with these characteristics may lead to judicial errors, violations of the rights of the parties involved, and the issuance of unjust decisions. For example, inadmissible evidence cannot form the basis of a conviction, even if its content indicates the person's guilt. Therefore, compliance with the requirements applicable to evidence is directly linked to the protection of the rights and lawful interests of both the accused and the victim in criminal proceedings.

It should be noted that the issue of the properties of evidence acquires particular significance in the context of the evolving legal system, the emergence of new types of evidence, and the technologies used to obtain them. The ongoing development of criminal procedure legislation – such as the expansion of the list of admissible types of evidence and the introduction of digital methods for recording information – necessitates a re-evaluation of traditional approaches to the assessment of evidence in terms of their compliance with modern legal standards. In addition, national practice is significantly influenced by international standards. The European Court of Human Rights has repeatedly emphasized the necessity of strict compliance with procedural rules in the collection and assessment of evidence. Any violation of these rules results in the evidence being deemed inadmissible and casts doubt on the legality and fairness of the judicial decision. In the context of increasing organized and complex crime, the role of evidence as a tool in combating criminal offenses is also growing: the effectiveness of investigation and adjudication largely depends on the proper collection,

preservation, and presentation of evidentiary material. At the same time, any investigative actions that affect individual rights—such as searches, seizures, wiretapping, and similar measures—must be conducted strictly in accordance with the law, and the information obtained must comply with established legal requirements. Thus, a comprehensive study of the properties of evidence is essential for improving the quality of justice, protecting the rights of the parties involved, and strengthening public confidence in the judicial system.

The Concept of Evidence in Criminal Proceedings.

Evidence in criminal proceedings constitutes a fundamental element of the mechanism for establishing the truth in a case. It enables the court and investigative authorities to implement the principle of objectivity in their efforts to reconstruct the factual circumstances of the incident. Evidence serves a dual function: on the one hand, it is a means of discovering facts; on the other, it is a procedural instrument that ensures the protection of the rights of the parties involved and the legality of the proceedings. According to Article 81 of the Criminal Procedure Code of the Republic of Uzbekistan, “evidence in a criminal case shall be any factual data on the basis of which, in accordance with the procedure established by law, the inquiry body, investigator, and court determine the existence or absence of a socially dangerous act, the guilt of the person who committed it, and other circumstances relevant to the proper resolution of the case.”. Factual data in this context refers to objective information about circumstances relevant to the case, obtained from a proper source. Assumptions, conjectures, and opinions cannot be regarded as evidence, although they may lead to the discovery of new evidence. Only information obtained lawfully and verified for reliability acquires the status of evidentiary fact suitable for use in criminal proceedings. Otherwise—if the information was obtained in violation of the procedure established by criminal procedure law—its reliability and legal force are called into question. Therefore, evidence collected in breach of legal requirements is deemed inadmissible: it has no legal force and cannot serve as the basis for either conviction or acquittal. The law explicitly states that a court’s verdict may be based only on evidence that has undergone thorough and objective verification (see Article 94 of the Criminal Procedure Code of the Republic of Uzbekistan).

The theory of criminal procedure proposes viewing evidence as a complex system that encompasses both material and ideal components. For instance, V.S. Balakshin put forward a concept according to which evidence possesses an internal structure consisting of three interrelated elements: 1) factual information; 2) the sources of this information; 3) the methods of collecting, recording, and verifying both the information and its sources. [1, P.27] Each element performs a specific function, and only their combination constitutes a complete piece of evidence within the framework of criminal procedure. The absence of even one of these components disrupts the integrity of the evidence and renders it unusable in the proceedings. [1, P.33] The material aspect of evidence encompasses objectively existing information carriers—objects and documents—that acquire the status of physical evidence or documentary evidence in accordance with the procedure prescribed by law. The procedural aspect relates to the legally established form of obtaining and formalizing such information, while the informational aspect concerns the actual content of the facts. This systemic concept allows for a deeper understanding of the quality of evidence: only factual data that have been properly obtained and recorded can provide true knowledge of the case.

Let us now turn to the examination of the fundamental legal properties of evidence. Traditionally, four key properties are identified, which evidence must possess in order to have legal significance in a criminal case: relevance, admissibility, reliability, and sufficiency. Legal norms and judicial practice establish specific criteria for each of these properties. It is through the lens of these characteristics that the court and other law enforcement authorities distinguish between information that may be used for evidentiary purposes and that which must be excluded from the proceedings. The Criminal Procedure

Code of the Republic of Uzbekistan also affirms the requirement to assess each item of evidence in terms of its relevance, admissibility, and reliability (Part 1, Article 95 of the Criminal Procedure Code of the Republic of Uzbekistan), while all the collected evidence must be evaluated collectively in terms of its sufficiency for resolving the case. The following sections examine the substance of these properties, as well as their regulation under the legislation of Uzbekistan and foreign jurisdictions.

Relevance of Evidence

Relevance of evidence refers to its connection with circumstances that are significant to the criminal case. In other words, the information presented as evidence must directly or indirectly confirm or refute facts that fall within the scope of the subject of proof in the case. Relevance is one of the fundamental criteria for the admissibility of information in the evidentiary process, as it allows for the exclusion of extraneous data that does not affect the outcome of the case.

In the criminal procedure legislation of Uzbekistan, the relevance of evidence is established through the concept of the subject of proof. Thus, Article 95 of the Criminal Procedure Code of the Republic of Uzbekistan states that evidence is considered relevant to the case if it contains information about facts or objects that confirm, refute, or cast doubt on the existence of circumstances that are significant to the case. Legal doctrine emphasizes the objective nature of relevance – it is determined by the evidence’s ability to influence the establishment of material facts in the case. For example, V.V. Melnikov notes that evidence must have a meaningful connection with the circumstances that are to be established. [2, P.32-33] Relevance functions as a kind of filter: first, it limits the scope of the information under examination to the boundaries of the subject of proof, excluding data that is unrelated to the case, thereby enhancing the efficiency of judicial proceedings. As D.N. Baev points out, an unjustified expansion of the range of evidence under consideration may prolong the process and distort the court’s conclusions. [3, P.46] Second, adherence to the principle of relevance contributes to the protection of the rights of the parties, first and foremost the accused. T.V. Sakharova emphasizes that the inclusion of irrelevant information in the case may violate the right to a fair trial. [4, C.37] If a piece of evidence is found to be relevant, this means that it meets the legal criteria and its use does not infringe upon the procedural rights of the parties.

The concept of relevance is universal across various legal systems. International practice demonstrates a similarity in approaches to defining this evidentiary property. The criminal procedure legislation of post-Soviet countries generally contains analogous provisions. For example, under Article 125 of the Criminal Procedure Code of the Republic of Kazakhstan, each piece of evidence is assessed for relevance, admissibility, and reliability, while all the evidence taken together is evaluated for sufficiency. Evidence is considered relevant if it contains factual data that confirm, refute, or cast doubt on the existence of circumstances important to the case. The Criminal Procedure Code of Ukraine (Article 85) provides that relevant (proper) evidence is that which directly or indirectly confirms the existence or absence of facts subject to proof, as well as other circumstances significant to the case. In addition, evidence that confirms or refutes the reliability of other evidence is also considered relevant. In the criminal procedure codes of the Russian Federation, Georgia, Azerbaijan, and several other countries, relevance is likewise recognized as a legal property of evidence. However, the legislature often does not elaborate on the detailed criteria for this category, leaving their development to legal scholarship and judicial practice. The Criminal Procedure Code of the Republic of Belarus (Article 105) explicitly states that each piece of evidence is to be assessed based on relevance, admissibility, and reliability, while all the evidence taken together must be evaluated for sufficiency. Evidence is considered relevant if it serves to establish circumstances that are significant to the case, and irrelevant if it cannot confirm or refute such circumstances.

The principle of relevance is firmly established in the Anglo-Saxon legal system as well. According to the U.S. Federal Rules of Evidence, Rule 401 provides that evidence is considered relevant if it has

any tendency to make a fact of consequence in determining the action more or less probable than it would be without the evidence. A similar approach can be found in the legislation of England: pursuant to the provision set out as early as the Criminal Evidence Act 1898, any evidence that has a substantial connection to the facts of the case may be admitted by the court, unless excluded on other grounds provided by law. The legislation of countries such as Germany, France, Canada, and Australia likewise proceeds from the principle that only information directly or closely related to established facts may be considered, while data unrelated to the subject of proof must be excluded. Thus, the requirement of relevance is a universally recognized fundamental criterion that ensures the objectivity and effectiveness of judicial proceedings. It allows courts to focus solely on factual data that are genuinely important for the proper resolution of a criminal case, filtering out all extraneous information.

Admissibility of Evidence

Admissibility of evidence refers to a set of requirements that evidence must meet in order to be deemed suitable for use in criminal proceedings. The issue of admissibility is of paramount importance for ensuring the fairness of justice and the protection of the rights of the parties involved. This property is directly linked to the lawfulness of the methods used to obtain the evidence and is intended to shield the court from information acquired through unlawful means. In other words, even highly relevant and potentially persuasive information cannot be taken into account if it was obtained in violation of legal requirements or by infringing upon anyone's rights.

Admissibility is strictly regulated by the criminal procedure norms of most countries. The main criteria for admissibility include: 1) compliance of the method of obtaining the evidence with legal requirements (procedural legality); 2) observance of the rights of the parties during the collection of materials (for example, the presence of defense counsel during the interrogation of a suspect, the prohibition of coercion); 3) the relevance and reliability of the evidence itself. A violation of even one of these criteria leads to the evidence being declared inadmissible and excluded from consideration in the case. The criminal procedure legislation of the Republic of Uzbekistan contains a list of grounds for declaring evidence inadmissible. In particular, Article 95-1 of the Criminal Procedure Code of the Republic of Uzbekistan provides that evidence obtained in violation of the constitutional rights of citizens or essential requirements of the Code shall be deemed inadmissible. This provision enumerates typical situations in which the obtained materials may not be used: these include cases where the evidence was obtained in violation of the right to defense, through the use of force, threats, or deception, as well as from improper sources or in breach of established procedures and scientific methods. A detailed analysis of these provisions falls outside the scope of the present work; however, it is evident that the legislator seeks to define the concept of inadmissibility as precisely as possible in order to provide clear guidelines for legal practice.

Legal scholarship emphasizes that the institution of admissibility serves as a safeguard for fair justice and human rights. A.V. Ivanov, for instance, points out that ensuring the admissibility of evidence is particularly relevant in the modern context of rapid technological development: the emergence of new methods of gathering information necessitates a revision of outdated legal norms and the development of mechanisms to prevent potential abuses. [5, P.49] If due attention is not paid to the procedural form of obtaining evidence, the balance between the effectiveness of justice and individual rights may be compromised. In a similar vein, foreign scholar R.J. Walker notes that the admissibility of evidence is not merely a technical procedural issue, but a fundamental aspect of human rights: the exclusion of evidence obtained unlawfully serves as a key mechanism for protecting individual rights within the criminal justice system. [6, P.85] This approach underscores that filtering out improper evidence serves to strengthen public trust in the judicial system, prevent arbitrariness on the part of law enforcement authorities, and ensure the fair adjudication of cases. Excluding from the proceedings any

information obtained at the cost of violating the law protects not only the rights of the accused but also the integrity and authority of the justice system as a whole.

To gain a more comprehensive understanding of the nature of admissibility, it is necessary to examine how this requirement is enshrined in the legislation of different countries. A comparative legal analysis shows that, despite the shared underlying principle, the details may vary. For example, the Criminal Procedure Code of the Republic of Belarus sets forth a general rule: evidence is deemed inadmissible if it is obtained in violation of constitutional rights and freedoms or of the provisions of the Code relating to the restriction of the rights of the parties to the proceedings. The Criminal Procedure Code of the Kyrgyz Republic goes further and provides an extensive list of inadmissible evidence. Among other things, this includes: statements by a suspect made without the participation of defense counsel (where the waiver of counsel was not properly executed); statements obtained through violence, threats, or deception; hearsay evidence, where the original source is unknown; information obtained from a person not authorized to perform the corresponding action; and materials collected in violation of scientifically grounded methods, among others. The Criminal Procedure Code of Azerbaijan (Article 125) likewise prohibits the use of evidence obtained in violation of the rights of the parties to the proceedings, through torture, violence, threats, or deception, or in breach of the right to defense, as well as evidence obtained from incompetent persons or through methods that contradict scientific knowledge. Particular emphasis is placed on the inadmissibility of evidence obtained through gross violations of the procedure for conducting investigative actions. A noteworthy example is Georgia: according to Article 72 of the Georgian Criminal Procedure Code, evidence may be deemed inadmissible even when the formal procedure for its collection has been followed, if there are reasonable grounds to suspect that the evidence was substituted, significantly altered, or that its essential features were destroyed. Thus, the Georgian legislature places emphasis not only on procedural legality in the collection of evidence, but also on the preservation and immutability of its characteristics, directly linking this to the property of reliability.

Summarizing the various approaches, it can be concluded that the institution of admissibility serves a similar function across all legal systems—to ensure that the court operates only with lawfully obtained and reliable information. The differences among countries lie primarily in the degree of detail with which these requirements are articulated in legislation. Ultimately, adherence to the principle of admissibility is intended to safeguard the fairness of judicial proceedings by preventing human rights from being sacrificed in the name of punitive efficiency.

Reliability of Evidence

The reliability of evidence refers to its correspondence with objective reality and the degree to which it can be trusted as a source of factual information in the case. This property reflects the quality of the information obtained in evidentiary form and is closely linked to the previous criteria – relevance and admissibility. Even evidence that is relevant and obtained in accordance with the law has no value if there are well-founded doubts about its truthfulness or authenticity. Reliability ensures that the court's conclusions are based on true facts.

In criminal proceedings, the reliability of evidence is assessed by the court and other law enforcement authorities in conjunction with the other materials of the case. The legislation of Uzbekistan (Part 1, Article 95 of the Criminal Procedure Code) enshrines the principle of the free evaluation of evidence based on the inner conviction formed through a comprehensive, complete, and objective analysis of all the circumstances of the case. At the same time, the inner conviction of officials must be grounded in logic and legal consciousness, which presupposes a critical examination of each piece of evidence for its integrity.

Objectively reliable evidence is that which does not contradict other established facts, originates from a verified source, and is corroborated by the totality of other evidence. If, however, certain information

is inconsistent with other case materials or raises doubts about its origin (for example, if it is unclear how and under what circumstances it was obtained), its reliability is called into question. In such cases, the information cannot serve as the basis for conviction or acquittal unless it is further verified or the doubts concerning its authenticity are dispelled.

Legal scholarship recognizes reliability as a mandatory attribute of evidence, alongside relevance and admissibility. This means that without reliability, the other two properties lose their significance: even relevant and formally admissible data do not bring the court closer to the truth if they are false or distorted. Establishing reliability requires an analysis of multiple factors, including the conditions under which the evidence was obtained; the characteristics of its source (a witness, a document, or physical evidence); and its consistency with other pieces of evidence. Judicial practice has developed a number of approaches for verifying reliability: comparing witness statements with each other and with other evidence; ordering expert examinations to verify the authenticity of documents or physical evidence; identifying any possible bias or interest of witnesses, and so on. Thus, reliability may be viewed as a measure of the quality of evidence. It directly affects the persuasiveness of the evidentiary base and, consequently, the rendering of a lawful and well-reasoned decision in the case. Ensuring the reliability of all evidence as a whole serves as a guarantee of the objectivity of the proceedings and a crucial safeguard for the rights of the parties involved.

Sufficiency of Evidence

Sufficiency of evidence refers to the quantity and totality of evidentiary materials that are necessary and adequate for rendering a final procedural decision in the case. Unlike the three preceding properties, which apply to each individual piece of evidence, sufficiency characterizes the system of evidence as a whole. The essence of this property lies in the fact that even entirely relevant, admissible, and reliable items of evidence must, in their entirety, provide a complete picture of the event and establish the circumstances of the case with the required degree of persuasiveness.

The Criminal Procedure Code of the Republic of Uzbekistan does not explicitly define the term “sufficiency,” yet the general meaning of the law implies the obligation of the investigator and the court to collect such a volume of evidence as is necessary to draw conclusions regarding guilt or innocence. For example, under the legislation of the Republic of Kazakhstan (Article 125 of the Criminal Procedure Code), all collected evidence must be evaluated in terms of its sufficiency for resolving the criminal case. Similarly, the Criminal Procedure Code of Belarus (Article 105) requires that the totality of evidence be assessed from the standpoint of its sufficiency for concluding the investigation and delivering a verdict. In this way, the principle is affirmed that conclusions in a case must be based not on isolated or fragmentary data, but on the completeness of the evidentiary base.

The criterion of sufficiency is closely linked to the principle of comprehensive examination of the circumstances. It prevents situations in which a decision is made based solely on a single piece of evidence or when the circumstances have not been fully clarified. In international practice, the idea of sufficiency is reflected, for example, in the requirement of the standard of proof “beyond a reasonable doubt” in the Anglo-American legal system: the prosecution must present to the court a sufficient body of reliable evidence that eliminates any reasonable doubt as to the defendant’s guilt. Thus, sufficiency serves as a final filter: even where each individual piece of evidence meets the requirements of relevance, admissibility, and reliability, the court must be convinced that their totality forms a coherent and complete picture sufficient for a well-founded decision. If the evidence is insufficient or leaves gaps in the factual narrative of the case, it becomes necessary either to supplement it or to render an acquittal. In this sense, sufficiency ensures the application of the presumption of innocence and protects against hasty conclusions not supported by the full body of evidence.

Conclusion

The properties of evidence in criminal proceedings—relevance, admissibility, reliability, and sufficiency—constitute a set of criteria that guarantee the lawfulness and soundness of judicial adjudication. Their observance ensures the establishment of objective truth in the case while strictly respecting the rights of the parties involved. Relevance limits the examination to facts that are truly significant to the case, excluding extraneous information. Admissibility shields the court from information obtained unlawfully or in violation of human rights, thereby upholding the principles of fairness and legality. Reliability ensures the quality and truthfulness of each piece of evidence, preventing reliance on false or questionable data. Sufficiency requires that the totality of evidence provide a persuasive and complete basis for the court's conclusions.

A comprehensive approach to evidence—one that takes into account all of the aforementioned properties—is consistent with both national legal systems (including that of Uzbekistan) and international standards of justice. An analysis of foreign experience demonstrates that various countries have developed similar legal mechanisms for regulating these evidentiary properties, which attests to their universal importance. Comparative legal review allows for the adoption of successful practices and helps prevent the repetition of errors related to the improper assessment of evidence.

As a result, the study of the properties of evidence has not only theoretical, but also applied significance. A deep understanding of relevance, admissibility, reliability, and sufficiency helps investigators, prosecutors, and judges effectively organize the evidentiary process, exclude unreliable or illegitimate information from it, and make a legitimate and fair decision. Observing all the properties of evidence in practice strengthens the guarantees of individual rights in criminal proceedings and the authority of the judiciary.

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