

Digital Expertise in Criminal Proceedings

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Annotation: The article scientifically substantiates proposals and recommendations for improving digital expert research, effective conducting of forensic computer examination.

Key words: expert, specialist, research, expertise, digital expertise.

The rapid development of modern technologies in the field of telecommunications makes it possible for criminals to commit grave and especially grave acts with impunity, and to make profits, however, it is sometimes not possible to collect sufficient evidence to bring them to criminal responsibility.¹ The practice of countering transnational crime requires not only the improvement of means and methods of combating it, but also the creation of new procedural mechanisms for providing legal assistance in criminal matters². An analysis of investigative and judicial practice shows that new technical developments are currently being successfully used in the system of means and methods of proving criminal cases³.

The disclosure and investigation of crimes involving the use of computer tools cannot be carried out without the use of special knowledge in the field of modern information technology. Computer tools are modern means of providing automated information systems and information technologies – software, technical, information, etc., used or created in the design of information systems and ensuring their operation. By scientific and technical means, in principle, he can successfully organize an investigation, but he will not be able to do without the help of a specialist in collecting and examining evidence. The specifics of identifying and researching criminally significant computer information are primarily related to the fact that this field of special knowledge includes a number of rather heterogeneous high-tech areas (electronics, electrical engineering, digitalization, information systems and processes, radio engineering and communications, computer engineering (programming) and automation). Crimes of these categories are often latent, do not leave visible traces, and are difficult to disclose and collect evidentiary information due to the widespread use of remote access, data protection, etc.

The main procedural form of using special knowledge in these cases is forensic computer examination⁴. It is expert research that provides the results that have the greatest evidentiary value in the study of hardware, software and computer information. Despite the law enforcement difficulties, considerable experience has been gained in the field of criminal justice in the use of audio, video recordings and other technical means that make it possible to objectively and accurately record the

¹ Federal Criminal Code and Rules. West Group, St. Paul, Minn, 2014. -P. 632-634. <http://www.interpol.int>. <http://www.fraud.org>

² Decree of the President of the Republic of Uzbekistan "On the Development Strategy of New Uzbekistan for 2022-2026" dated January 28, 2022 No. UP-60; The Law of the Republic of Uzbekistan "On electronic Digital Signature" dated 11.12.2003, No. 562-II; The Law of the Republic of Uzbekistan "On Informatization" dated 11.12.2003, No. 560-II.

³ Osipenko, A. L. Network computer crime: theory and practice of struggle. The monograph. – Omsk: Omsk. akad. The Ministry of Internal Affairs of Russia, 2009. - p. 479.

⁴ Kalinina E.V. Evaluation of computer examination findings and their use in fraud evidence. Saint Petersburg. 2016. - p. 18.

entire process of proof and evidence in a criminal case⁵. Scientific and technological progress does not stand still, and already today scientists and legislators predict the prospects for the earliest regulatory consolidation of the procedure for using such new technical developments as videoconferencing (video communication), a strain gauge platform for assessing a person's stressful psychophysical state, systems for conducting "electronic" criminal cases, video protocols, an electronic judge and conducting judicial computer expertise⁶.

Forensic computer expertise belongs to the section of engineering and technical expertise. The purpose of this examination is to determine the status of the computer, its serviceability and serviceability as an information carrier. The examination is carried out by turning on the computer and examining the contents in the presence of a specialist, witnesses, investigator, investigator or court. If the investigative action (inspection) is executed without violations of the CPC, the computer can be used as material evidence in a criminal case.

During the examination, several important points are taken into account, so the procedure is carried out in several stages. At the first stage, only visual inspection is applied: the system unit, monitor and other components. At the second stage of the computer examination, technical means are used to identify hidden defects. In this case, electrical and mechanical systems, blocks, devices and devices are studied. The timing of the computer examination usually depends on the type of examination. If the range of issues for the study is not outlined, then the expert conducts a comprehensive examination. When conducting a study, the expert must identify such facts as the life of the computer and its intensity⁷. Depending on this, you can identify all the issues of interest. Only a person with qualifications corresponding to the status of an expert can conduct a forensic computer examination. The progress and results are recorded in a special document called the expert opinion. The CPC allowed the appointment and conduct of research before the initiation of criminal proceedings, which makes it possible to more quickly study the media and seize evidentiary information⁸.

Questions for a forensic computer examination are raised by the person or body appointing the forensic examination, however, a specialist may be involved in drafting the questions. The involvement of a specialist guarantees that no issues will be raised for resolution that are not within the competence of the expert. This is extremely important, since going beyond the limits of competence when answering a question may lead to the recognition of such an answer or the entire conclusion as invalid. In some cases, when appointing an expert examination, an expert institution is indicated. In the expert center, experts divide the work by specialization, and then summarize the information received. Thus, expertise includes a rather comprehensive concept that includes a lot of requirements and factors.

The expert is obliged to ensure the safety of the submitted research objects and case materials. However, today there are media that cannot be accessed without making changes to their contents. For example, mobile devices, etc. In this case, the permission of the investigator, the investigator or the court is required to make changes that do not damage or destroy the object of the study or its part. The relevant permission may be indicated in the decision on the appointment of a forensic computer examination or obtained by satisfying a special request by the court or investigator or investigator. The prospects of using such new technical developments require early regulatory consolidation. The consolidation in the criminal procedure law of the procedure for conducting, authorizing the

⁵ Kolycheva A.N. Fixation of evidentiary information stored on Internet resources. The abstract. diss. ... Candidate of Law, Moscow, 2019, pp. 10.

⁶ Resolution of the President of the Republic of Uzbekistan "On measures to improve forensic expertise" PP-4125.

⁷ Litvin I.I. Modern technical means and problems of their application in evidence at pre-trial stages of criminal proceedings. The abstract. diss. ... Candidate of Law. sciences. - E. 2018. - p. 31.

⁸ Ilyushin D.A. Features of the investigation of crimes committed in the field of providing Internet services: dis. ...kand. jurid. sciences'. Moscow, 2008. p. 136.

investigator, investigator or court to make changes that do not damage or destroy the research object or part of it, improves the quality of forensic computer examination.

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