



## The Interrogation: The Concept, The Basis, The Order Of Production

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### ABSTRACT

The article deals with the types and basic rules of interrogation and its value in the investigation of a criminal case. The authors analyze the main methods of obtaining evidences by questioning. The problematic issues in the interrogation of minors as participants in criminal proceedings are considered.

### KEYWORDS

Investigative action, interrogation, types of interrogation, investigator, suspect, accused, legality, admissible evidence.

### INTRODUCTION

The protection of human rights, in particular of minors, is one of the most important tasks. Almost all areas face the problem of protecting the rights and legitimate interests of minors, in particular the rights of minors in court or arbitration<sup>1</sup>, in the implementation of

banking or other financial transactions<sup>2</sup>, in the exercise of the right to education (persons with disabilities<sup>3</sup>), the protection of children-authors and inventors<sup>4</sup>, etc. At the same time,

Legislation And Law Enforcement Practice In Uzbekistan. European Journal of Molecular & Clinical Medicine, 7(1), 3586-3593.

<sup>2</sup> Khujayev, S. A. (2018). Judgments under the law of the Republic of Uzbekistan «On banks and bank activity» in the new edition. International Journal of Legal Studies (IJOLS), 4(2), 295-301.

<sup>3</sup> Yuldashev, A. A. Government policies related to social protection of disabled persons in Uzbekistan: national and international aspects.

<sup>4</sup> Юлдашов А., Чориев М. Договорно-правовые отношения в области авторского права и

<sup>1</sup> Khujaev, S. (2016). Principle of peaceful resolution of the international commercial disputes. In SCIENCE AND PRACTICE: A NEW LEVEL OF INTEGRATION IN THE MODERN WORLD (pp. 24-28); Хужаев, Ш. А. «Дальнейшее реформирование деятельности административных судов в Республике Узбекистан.» Правовые и нравственные аспекты функционирования гражданского общества. 2020; Bakramova, M. (2020). Perspectives Of Development Of Arbitration

the protection of minors in criminal proceedings, where violations of rights can be significant, is of particular importance.

By definition, an interrogation is a set of operations that are provided for by the criminal procedure legislation, and are performed by an investigator (as well as an inquirer, prosecutor, head of the investigative department, head of the investigation unit) in a criminal case that is in its production. The purpose of the interrogation is to obtain and consolidate evidence about the circumstances that are relevant to the case. This investigative action is difficult precisely because it is necessary not only to apply the techniques known in law, but also to be a good psychologist.

In order to successfully carry out an interrogation, the investigator must clearly understand what information and by what methods and means he intends to obtain. The range of circumstances that the investigator intends to find out is called the subject of the interrogation. These include circumstances related to the event of the crime itself (its method, place of commission, time, consequences, etc.), establishing or refuting the guilt of certain persons and the motives for their actions, affecting the degree and nature of the responsibility of the accused, as well as relating to the nature and amount of damage caused by the crime. The subject of the interrogation may include the circumstances that contributed to the commission of a criminal act, any other data that is significant for establishing the truth in the case under investigation. The subject of the interrogation depends both on the procedural situation of the interrogated person and on what information he may have. So, the interrogation can be classified into types on various grounds. Consider the classification and types of interrogation.

First, as the basis of classification of questioning may be necessary procedure being questioned, so depending on the procedural status of the person under interrogation is isolated: the interrogation of a witness; the interrogation of the victim; the suspect's interrogation; the interrogation of the accused; the interrogation of the accused; the interrogation of an expert. Depending on the age of the interrogated person: interrogations of minors (minors), interrogations of adults. Depending on the order: primary, repeated. Depending on the content: basic, additional. And also, the interrogation during the confrontation is a special type of interrogation.

Among the above-mentioned types of interrogation, we would like to note the interrogation depending on the age, which has significant differences, both in the procedural nature and in the tactical features of its conduct. It is not for nothing that criminal proceedings against minors are allocated to a separate chapter 60 of the Criminal Procedure Code of the Republic of Uzbekistan (hereinafter referred to as the Code of Criminal Procedure of the Republic of Uzbekistan). Special attention is paid to all types of interrogations involving minors, which differ significantly from interrogations of adults, starting from the moment of the call for the specified investigative action. When interrogating a minor, it is necessary to take into account their age, gender, individual psychological characteristics, as well as the status of a teenager in criminal proceedings<sup>5</sup>. Taking into account this peculiarity, the tactics of questioning a minor should be built, questions are formulated and the line of conduct of the investigator is chosen. Based on what was said earlier, we believe that in art. 554 of the code of criminal procedure of the Republic of Uzbekistan it is necessary to

ответственности за нарушение авторского права: национальный и зарубежный опыт //Общество и инновации. – 2020. – Т. 1. – №. 1/с. – С. 511-522.

<sup>5</sup> Якубова И. Б. Право на жизнь-неотъемлемая часть личного неимущественного права //Вопросы современной юриспруденции. – 2016. – №. 12 (62).

exclude alternative to the participation of a teacher or psychologist in interrogation and other investigative actions involving minors and regulate the participation of both teacher and psychologist in parallel, as in the interrogation it is necessary to study the psychological motives of illegal actions of minors. The assessment of the interrogation should be carried out in a manner similar to the assessment of the impact of legislative acts, since the assessment of the interrogation reveals the effectiveness<sup>6</sup>. In the case of interrogation adult, the interview is based on General provisions, regulated by Chapter 10 of the criminal procedure code of the Republic of Uzbekistan, with some features provided by Chapter 11 of the criminal procedure code of the Republic of Uzbekistan. The law establishes the following general conditions and rules of interrogation:

- 1) the interrogation is conducted at the place of the criminal investigation. However, if necessary, the investigator or inquirer has the right to conduct it at the location of the interrogated person (for example, in a hospital, in the place of detention of the arrested person, etc.);
- 2) the total duration of the interrogation during the day should not exceed eight hours, not counting breaks for rest and meals for one hour, and in the case of interrogation should not exceed six hours, not counting breaks for rest and meals for one hour.
- 3) the victim, the witness, as well as the suspect and the accused who are at large, are summoned for questioning by summons, as well as using other means of communication. The summons indicates who is being summoned, in what capacity, to whom and at what address, and the time of appearance for questioning.

<sup>6</sup> Бобур Мукумов (2020). Оценка регулирующего воздействия нормативно-правовых актов на предпринимательскую деятельность в условиях пандемии коронавируса (на примере Торгово-промышленной палаты Республики Узбекистан). Review of law sciences, (2), 74-77. doi: 10.24412/2181-1148-2020-2-74-77

- 4) the summons is served against a receipt to the person called, and in his absence to any of the adult members of his family or the administration at the place of his work;
- 5) persons in custody are summoned through the administration of the place of detention;
- 6) in order to achieve objectivity of testimony, persons summoned for questioning in one criminal case are interrogated separately and in the absence of each other;
- 7) before questioning by checking documents out General information about the person being questioned; the victim and the witness turns out their relationship with the suspect and the accused; if there are doubts in the language of the proceedings, specify what language the person wishes to give evidence; explaining the rights and obligations provided for in articles 45, 47, 54, 65 60 of the criminal procedure code of the Republic of Uzbekistan.
- 8) the interrogation begins with an offer to tell about the circumstances known to the interrogated person in the criminal case. The testimony is given in the form of a free story, at the end of which the interrogated person answers the clarifying or complementary questions asked to him.

- 9) the course and results of the interrogation are reflected in the protocol, which must meet the general requirements for the protocol under Article 106 of the CPC.

From the above, we would like to touch on the topic of the duration of the interrogation. Thus, according to Article 107 of the Criminal Procedure Code of the Republic of Uzbekistan<sup>7</sup>, as we have already mentioned, the total duration of the interrogation is no more than 8 hours during the day. A similar rule is contained in the criminal procedure laws of other countries. In particular, in paragraph 3 of article 187 of the code of criminal procedure, as well as in paragraph 3-1 of article 104 of the criminal procedure code

<sup>7</sup> <https://lex.uz/docs/111463#247106>

of the Republic of Moldova<sup>8</sup>. However, these norms also contain an indication that the duration of continuous interrogation can not exceed 4 hours, which in turn is not reflected in domestic legislation. Based on this, we believe that Article 107 of the Criminal Procedure Code of the Republic of Uzbekistan should be supplemented with the following sentence: "The interrogation may not last continuously for more than 4 hours." Thus, the interrogation is universal in its methods and the information obtained by the investigative action. With the help of a properly organized and competently conducted interrogation, the investigator (inquirer) can get at his disposal the evidence base for almost all the circumstances of the case that are important for proving. Consequently, the introduction of the above-mentioned amendments to the national legislation will allow the authorized bodies to analyze in more detail the actions of the interrogated persons, as well as to consolidate the legal status of the latter.

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