

## **DIE BEDEUTUNG VON BEWEISEN BEI DER ERMITTLUNG VON VERBRECHEN GEGEN DIE ÖFFENTLICHE ORDNUNG**

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**Abstrakt.** Der Artikel untersucht die Probleme, die mit den theoretischen und praktischen Aspekten der Aufdeckung, Konsolidierung und Verwendung von Beweismitteln bei der Aufdeckung und Aufklärung von Straftaten gegen die öffentliche Ordnung verbunden sind, indem er die verfahrenstheoretischen Aspekte der forensischen Beweiserkenntnis untersucht, die der Optimierung der Beweismittel dient Algorithmus der Maßnahmen des Ermittlers, des Vernehmungsbeamten und der Beamten, die Voruntersuchungen durchführen, um die Qualität der Taktiken zur Durchführung von Ermittlungsmaßnahmen zu verbessern, die darauf abzielen, zuverlässige Beweise in Form von Zeugenaussagen zu erhalten, die in Form von Protokollen von Ermittlungsmaßnahmen aufgezeichnet werden Tatsachen, die auf eine Schuld an der Begehung dieser Verbrechen hindeuten.

**Schlüsselwörter.** Beweise, Verbrechen gegen die öffentliche Ordnung, Rowdytum, Beweisinformationen, Protokoll, Ermittlungshandlung, Ermittler, Ermittler.

## **THE SIGNIFICANCE OF EVIDENCE IN THE INVESTIGATION OF CRIMES AGAINST PUBLIC ORDER**

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**Abstract.** The article explores the problems associated with the theoretical and practical aspects of the detection, consolidation and use of evidence in the disclosure and investigation of crimes against public order by studying the procedural theoretical aspects of forensic knowledge of evidentiary information, which serves to optimize the algorithm of actions of the investigator, interrogating officer and officials who carry out pre-investigation checks aimed at improving the quality of the tactics of conducting investigative actions aimed at obtaining reliable evidence in the form of testimony recorded in the form of protocols of investigative actions as facts indicating guilt in the commission of these crimes.

**Keywords.** evidence, crimes against public order, hooliganism, evidentiary information, protocol, investigative action, investigator, inquirer.

The leadership of the country, critically evaluating the activities of the investigating authorities, points to the existing shortcomings, among which one can

note such as the absence of specific criteria for the protection of public order and the fight against crime. In this regard, it is necessary to continue reforms and turn the internal affairs bodies into real defenders of citizens [1].

One of the main means of combating crime is evidence, the receipt of which is a form of forensic knowledge, carried out in obtaining a reliable fact about the crime committed and establishing all the circumstances of the criminal act. However, in the criminal procedure theory and forensic methods of investigating crimes, there is no consensus regarding the definition of the essence of the process of proof, the establishment of properties, features and other characteristics of reliable knowledge based on facts. Reliability is a necessary condition for criminal procedural and forensic knowledge. Each type of evidence must meet the criteria of relevance, admissibility and reliability. Determining the essence of the forensic reliability of evidence in the process of proving is one of the existing problems in the methodology of crime investigation.

The problem of determining the essence of the forensic reliability of evidence is one of the main ones in the process of proving in the investigation of crimes. E.I. Ovcharenko notes that this refers to such a common type of crime against public order - hooliganism [2, p. 26]. The development of theoretical provisions that reveal the features of the forensic reliability of evidence in the investigation of crimes against public order, as well as the creation of an optimal algorithm for the activities of the investigator, interrogator, is one of the most effective means of increasing the effectiveness of the methods of their investigation.

Conventionally, they include the following actions: identifying the features of the criminal law characteristics of hooliganism; determination of the features of the forensic characteristics of hooliganism and the circumstances to be proved in this category of criminal cases; substantiation of the set of measures necessary for the proper organization of the preliminary investigation of hooliganism; development of tactical recommendations to be used in the forensic reliability of evidence in criminal cases of hooliganism; putting forward and substantiating proposals in order to improve forensic knowledge through the collection, verification and evaluation of evidence.

Knowledge in the investigation of crimes against public order includes the entire arsenal of forensic techniques aimed at obtaining reliable evidence.

Many years of experience of the bodies of inquiry and investigators of the Department of Internal Affairs shows that the successful disclosure of hooliganism as a crime against public order is expressed in establishing the person who committed the crime, his guilt, all the collection, verification and evaluation of evidence, which is achieved by using forensic tactics used in the conduct of investigative actions.

This is achieved through a number of conditions, which include: timely departure to the scene of a crime against public order and a high-quality inspection of the scene, the appointment of examinations and, under the necessary conditions, the timely detention of suspects; identification and interrogation of all victims and witnesses of the committed crime against public order; identification of all the circumstances of the criminal case and carrying out the necessary investigative and

procedural actions; collection and study of information relating to the identity of the suspect and the accused; timely implementation of organizational and technical actions that ensure quick, complete and comprehensive knowledge; planning further knowledge depending on the investigative situations that have arisen.

As you know, it is active investigative actions that allow the investigator, the interrogating officer and the officials responsible for the pre-investigation check to successfully carry out the process of proof.

It should be noted that the process of proving as a necessary aspect of cognitive action in the investigation of crimes against public order has a number of features that are reflected in both domestic and foreign legal literature [3, p.112]. Therefore, for the effective investigation of these types of crimes, it is necessary to know these features and always take them into account in the private methodology for conducting investigations in these cases.

In a general sense, forensic knowledge can be represented as a system of evidentiary information about the crime under investigation, which has a criminal law and procedural significance [4, p.69].

When investigating crimes against public order, questions invariably arise related to the criminological aspects of the knowledge of evidentiary information [5, p. 112]. It performs the function of explaining these facts. Unlike a hypothesis, a theory gives a true explanation, thanks to which it is possible to understand the existing and established facts as logically necessary consequences of the laws and other essential connections of a given area, that is, to explain the phenomena and events around us not as a chaos of chance, but as a form of manifestation and existence objectively necessary and legitimate relations [6, 167].

Therefore, let us consider the theoretical aspect of the concept of cognition of evidentiary information. In the modern period, there is a sufficient number of scientific studies, the purpose of which was to study knowledge, including its demonstrative nature and content. At the same time, these studies determined the emergence of various interpretations of this concept, and even such conclusions that recognized this category as untenable [7, p.223].

In our opinion, the most reasonable is the definition of cognition of evidentiary information through the generic concept of a system. At the same time, the researcher's emphasis should be focused on the system of scientific description of forensically significant features, and not on a system or combination of these features, since forensic knowledge is a scientific category developed by forensic scientists to describe these elements. A sign of the systemic nature of this concept means that the elements included in the specified category are considered in conjunction with each other [8, p. 188], which, however, does not exclude them (the elements) of the previous detailed description.

Defining the knowledge of evidence-based information as a model, we find that this concept does not provide a fundamentally new definition of the concept of knowledge. It should be noted that the object model itself is its sample, presented in a small form, or an object displayed in a reduced size, or a diagram of an object or phenomenon [9, p. 719], that is, a reflection of the whole phenomenon.

An indication of the forensic significance of the signs of a crime indicates that these signs are important for the disclosure and investigation of crimes. Given the above, it seems that there is no need to separately indicate in the definition the goals of building knowledge of evidence information (for example, the goals of building standard versions, organizing, detecting and investigating crimes, etc.), since these goals are embedded in the concept of forensically significant features.

The indication in the above definitions of typical features included in the cognition of evidentiary information is justified, since these features are characteristic in the process of proving. Each individual crime is individual, including hooliganism, while it includes both general (typical) features and single (individual) ones.

Another necessary element of the knowledge of evidentiary information is the exchange of available information between the investigator, the interrogating officer and the bodies carrying out pre-investigation checks through the joint production of investigative and procedural actions when examining the scene, detaining criminals and carrying out other actions aimed at obtaining evidence.

Mutual evidentiary information through the knowledge of evidence and familiarization with the collected materials allows you to organize the search and detention of criminals in a timely manner, carry out the necessary investigative and operational-search measures, make appropriate changes to the agreed plans and put forward new versions, etc.

Knowledge of evidentiary information involves the promotion and implementation of versions aimed at the disclosure and investigation of crimes against public order. For a complete and comprehensive investigation of hooliganism, it is necessary to carefully study all versions based on the theory of evidence common to the investigation of each crime.

Based on the foregoing, in order to increase the effectiveness of the disclosure and investigation of crimes against public order and ensure comprehensiveness and completeness, it is necessary to adhere to the following algorithm for forensic knowledge of evidentiary information:

- optimal and specific planning of necessary investigative actions;
- timely departure to the crime scene and organization of detection, fixation, verification and evaluation of evidence;
- identification of witnesses and eyewitnesses of the committed crime;
- organization of interaction through the exchange of evidence, etc.

Implementation of the specified algorithm of the investigator's activity, of the investigator and the bodies carrying out the pre-investigation check serves to increase the efficiency of cognition as a necessary component of the proving process. This is carried out through ongoing investigative actions aimed at collecting, securing and verifying evidence in the investigation of crimes against public order.

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