



ANALYSIS OF PRODUCTIONS RELATED TO THE USE OF THE POLYGRAPH IN THE DETECTION OF CRIMES

Nurmatov Bobir Abdusattorovich
Internal affairs of the Republic of Uzbekistan
senior operational officer of the ministry
E-mail: b.nurmatov@mail.ru
Phone: 97-769-18-23

Criminal staging is the intentional use by the subject of various methods of preparation for the commission and concealment of the crime, destruction of material objects at the scene of the incident, removal or replacement of material objects in whole or in part, as well as resisting the disclosure and investigation of the crime, an innocent person is the cause of prosecution or avoidance of punishment.

The criminal codes of 14 countries, such as Austria, Armenia, Germany, Spain, Kazakhstan, China, Russia, the USA, Tajikistan, Turkey, Ukraine, France, Switzerland and Japan, reflect the norms related to the methods of staging, as well as the falsehood of the Criminal Code of the Republic of Uzbekistan Norms are also established regarding crimes related to reporting, perjury, and falsification of evidence.

Taking into account the comparative criminal-legal analysis of criminal productions related to false reporting, the fact that the composition of this crime is generally the same is clearly evident, especially in the countries of the CIS (Armenia, Kazakhstan, Russia, Tajikistan) and Ukraine. Only the sanctions for these actions differ. It should be added that in countries such as Australia, Turkey and Japan, the norms of this crime provide incentives to admit or deny false reporting.

Comparing the norms related to perjury in the framework of these disputes, it should be noted that in the criminal codes of 13 foreign countries, except for Kazakhstan, Ukraine and Uzbekistan, they are generally similar, that is, in case of refusal to give false testimony, to assist in the investigation, etc., to punish the criminal or exempted from the norms of immunity from punishment.

As we have already mentioned, it is of great importance in the detection, detection and investigation of crimes to determine the truth based on the evidence collected, verified and evaluated. However, a major problem in this case is inherent in crimes committed using staging.

Given the problem of evidentiary abuse in the investigation of staged crimes[1], many states use the polygraph to obtain reliable information (evidence) in civil and criminal cases. At the same time, this method of determining the correctness of evidence can be considered from a general point of view..

The use of the polygraph in the investigation of crimes is very simple and common. It should be noted that today law enforcement agencies in more than sixty countries of the world are determining the methods of recording psychophysiological reactions of



individuals using polygraphs, which shows the relevance, demand and modernity of this problem.

The United States is the absolute leader in conducting psychophysiological research using the polygraph. More than one million polygraph examinations are conducted annually in this country[2].

However, the practice of using the polygraph in the United States of America shows that this method of psychophysiological examination is widespread not only in criminal cases, but also in civil cases[3]. In this regard, in 1988, the Law "on protection of employees from polygraph" was adopted in the USA. This Law clearly and strictly defines the procedure for conducting such research in many areas of life[4].

Japan is the third country in the world in terms of the number of highly qualified personnel conducting polygraph research. In Japan, the polygraph has been used since 1956, and the main role in its use is assigned to the police [6]. Since 1959, the results of polygraph tests in this country have been admissible as evidence in lower courts, and since 1970, they have been admissible at the discretion of judges and the Supreme Court.

The polygraph was not properly developed in Germany. In 1954, one of the judges of this country issued a court decision under the Constitution of the Federal Republic of Germany, which prohibited the use of polygraphs in criminal proceedings. This court based its position on the fact that the "lie detector" test discriminates against human dignity and integrity[7]. Later, in 1981, the Constitutional Court of the Federal Republic of Germany approved the ban on the use of the polygraph throughout the country.

In Poland, the results of a polygraph examination as evidence in civil and criminal cases are the only cases in which they can be recognized by the court as evidence in a criminal case, but this is an exception to the general rule. Today, in Poland, the polygraph is used by law enforcement agencies only in the context of operational activities (for example, in the promotion of investigative evidence, as reference information).

In France, Spain, Italy, Slovenia and a number of other European countries, psychophysiological studies conducted with the help of the polygraph also did not develop properly.

Among the CIS countries, the polygraph is actively developing in Belarus [9], Russia, Kazakhstan, Kyrgyzstan, and Azerbaijan. For example, in Russia, in recent decades, the possibility of using the polygraph has become widespread not only in solving civil disputes, but also in everyday life [10].

The current practice on the use of polygraph opportunities in the territory of the Russian Federation is unclear, primarily due to the fact that there is no uniform legal basis for its use in this country.

In Kazakhstan, the widespread use of the polygraph in the system of law enforcement agencies began on the basis of the Law of May 21, 2013 "On Law Enforcement Service" and the Government Decision of June 19, 2014 "On approval of the rules of polygraph examination in the law enforcement agencies of the Republic of Kazakhstan." Today, the law enforcement agencies of Kazakhstan use the polygraph in three areas:

- 1) when being recruited to law enforcement agencies;



- 2) when undergoing further attestation;
- 3) when performing service inspections [11].

Thus, we can draw a general conclusion about the careful use of the polygraph in the field of justice based on the results of international experience psychophysiological research in civil and criminal cases. This situation is primarily due to the fact that the psychophysiological method of "lie detector" does not have a single natural scientific basis. Therefore, the results of this polygraph diagnosis are probabilistic in nature, and the results of the study are based on the subjective assessment of the polygraph specialist.

These conclusions are consistent with the international view on this issue, and we conclude that modern science has not sufficiently studied the mechanisms of psychophysiological reactions that are the consequences of lying. As a result, the capabilities of the polygraph, including any polygraph examiner who works with it, cannot be a reliable source of determining exactly where lie and truth lie.

In this regard, in conducting civil and criminal cases in Uzbekistan, polygraph opportunities should be used only to obtain indicative information that allows to approach the incident under investigation. However, it is necessary to further accelerate scientific and practical research on the improvement of the "lie detector" method.

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