

Qualifying Marks of Tampering With Evidence

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Abstract: This article discusses the qualifications of deliberate falsification of evidence. The collection of evidence, its examination and evaluation of criminal case materials are discussed. In addition, evidentiary requirements are defined and discussed. The norms of criminal law of some foreign countries that define criminal liability for deliberate falsification of evidence are also analyzed. The purpose of this study is that the most important condition for the correct classification of the crime of forgery of evidence (forgery) is - from similar crimes, abuse of power or authority (Article 205 of the Criminal Code of the Republic of Uzbekistan); Career fraud (Article 209 of the Criminal Code of the Republic of Uzbekistan); Production of documents, stamps, seals, forms, their counterfeiting, sale or use (Article 228 of the Criminal Code of the Republic of Uzbekistan); Falsification of the results of operational investigative activities (Article 2302 of the Criminal Code of the Republic of Uzbekistan); Bringing an innocent person to justice (Article 230 of the Criminal Code of the Republic of Uzbekistan); Various aspects of such crimes, such as giving false testimony (Article 238 of the Criminal Code of the Republic of Uzbekistan), are analyzed.

Keywords: Evidence, falsification, falsification, career falsification, falsification of documents, falsification of the results of investigative actions, persecution of an innocent person, perjury, foreign criminal law, criminal liability, falsification of court records, falsification of evidence in civil, economic and administrative case materials, destruction of evidence, concealment, damage to evidence, seizure, theft, falsification or presentation of false evidence.

According to Article 230¹ of the Criminal Code of the Republic of Uzbekistan, knowingly introducing false information into documents or materials during the collection, research and evaluation of evidence by persons conducting pre-investigation and proving materials of a criminal case, or by persons participating in it to participate in proof. Criminal liability is established for falsification (forgery), which manifests itself as misleading.

From the objective side, the crime provided for in Part 1 of Article 230¹ of the Criminal Code of the Republic of Uzbekistan, pre-investigation and collection of evidence based on the materials of the criminal case, during their study and evaluation, is carried out with malicious or other base intent. , knowingly introducing false information or corrections into documents or objects and conducting expressed evidence Consists of falsification (falsification) of evidence by persons involved in increasing the evidence or participating in the evidence. Falsification of evidence can be represented by forged receipts, submission of contracts to the court, changing the content of documents. Examples include deletions and false corrections to create artificial evidence.

The crime is considered completed from the moment falsified evidence is presented.

In most cases, tampering with evidence is a criminal offense.

Counterfeiting can be done in different ways. For example, destruction of evidence may constitute complete falsification of evidence by knowingly introducing false information into a document.

In addition, drawing up a protocol of an unconduted interrogation occurs by introducing false information into protocols or other documents, falsifying them, making corrections, marking them with a different date, creating false evidence (burning drugs, cartridges in the house of the accused, a car, clothes, etc. and many other methods).

Article 230¹ of the current Criminal Code does not apply to the destruction, seizure and concealment of evidence in a criminal case.

In our opinion, if such actions were committed by officials within the framework of criminal proceedings, they should be held accountable in accordance with Article 230¹ of the Criminal Code.

In some foreign countries, in particular, Article 306 of the Criminal Code of Latvia provides for criminal liability for failure to provide evidence (intentional failure to provide objects, documents or other materials), and Article 307 for theft, intentional destruction, destruction or falsification of criminal materials.

In addition, destruction and concealment of evidence is a crime under the laws of Austria, Latvia, Poland and the Netherlands.

434-4 of the French Penal Code. according to the article:

1. Changing the condition of places where a crime or offense was committed through vandalism; falsification or destruction of fingerprints or traces.
2. Criminal liability is established for the destruction, confiscation, concealment or falsification of any public or private document.

A review of foreign criminal laws has shown that in some countries, acts such as destruction, concealment, damage to evidence, removal, theft, falsification, falsification, failure to produce evidence or providing false evidence are crimes.

In this regard, the Criminal Code of the Republic of Uzbekistan

We propose to amend Section 230¹ to address “the destruction, concealment, damage to evidence, removal, theft, falsification, omission of evidence, or presentation of false evidence.”

Collection of evidence, verification and evaluation of materials in criminal cases are a separate procedural activity and are regulated by the Criminal Procedure Code of the Republic of Uzbekistan.

The procedure for collecting evidence is strengthened in Article 87 of the Criminal Code, according to which the following investigative actions are considered evidence;

- conducting investigations and trials;
- interrogation of a suspect, accused, defendant, witness, victim, expert,
- face; show for recognition;
- checking the show at the scene;
- takeaway food;
- search;
- review;
- indications;
- exhumation of the corpse;

- conducting an experiment;
- taking samples for expert research;
- appointment of examination and inspection;
- acceptance of provided materials and documents;
- Collected by listening to conversations conducted through telephones and other telecommunications devices, receiving information transmitted through them, as well as conducting operational-search activities.

According to Article 94 of the Criminal Procedure Code, it is understood that the decision to be taken in the case is based only on carefully, fully, comprehensively and objectively checked evidence.

The verification of evidence consists in collecting additional evidence, which can confirm or refute the evidence under investigation.

Evaluation of evidence is described in Article 95 of the Criminal Procedure Code, according to which the investigator, investigator, prosecutor and court shall assess the evidence based on their internal convictions in accordance with the law and legal consciousness, based on a thorough, complete, comprehensive and impartial review of all the circumstances of the case. they give

In addition, requirements for evidence are defined, and each evidence must be evaluated in terms of relevance, acceptability and reliability.

Evidence is recognized as relevant to the case only if it reflects information about facts or things that confirm, refute or call into question the conclusions about the existing circumstances that are relevant for the criminal case.

The evidence is recognized as admissible only if it is collected in the prescribed manner and complies with the conditions stipulated in articles 88, 90 of the Criminal Code.

Evidence that is found to be true as a result of the investigation is considered reliable.

When all the reliable evidence of the case has been gathered which unequivocally confirms the validity of each and every circumstance to be proved, the total of them is considered sufficient to solve the case.

If the falsification of evidence in a criminal case is committed by a group of persons with a prior collusion, the second part of Article 230¹ of the Criminal Code stipulates criminal liability.

When it is said to collude with a group of persons in advance, it is understood that two or more persons involved in the investigation or participation in the proof participate in falsification (forgery) [1].

If one of the participants of the group is a subject of Article 230¹ of the Criminal Code, and the other is not included in the scope of the subject, participation in falsification (counterfeiting) occurs and is qualified by Article 28, 230¹ of the Criminal Code.

Also, if falsification of evidence is the reason for detaining, imprisoning, prosecuting or acquitting, sentencing or acquitting a person, the second part of Article 230¹ of the Criminal Code stipulates that the person shall be prosecuted.

According to Article 220 of the Code of Criminal Procedure (CPC), arrest is a procedural coercive measure consisting of short-term isolation from society in order to prevent the suspect (accused) from committing a crime, escape, hide or destroy evidence.

According to Article 242 of the CPC, detention is a measure of temporary isolation applied to a suspect or accused person arrested in a criminal case until his criminal case is tried in court and the court makes a decision.

The judgment is issued by the Court on behalf of the Republic of Uzbekistan and must be legally justified and fair. According to Articles 454 and 455 of the CPC, the court may convict or acquit.

If there is falsification (falsification) of evidence in a criminal case of a serious or extremely serious crime, or if the falsification (falsification) of evidence had serious consequences, it is qualified by the third part of Article 230¹ of the Criminal Code.

Forgery (forgery) of evidence with serious consequences means illegal detention, long-term detention, unjustified acquittal of a person, suicide of an illegally convicted person. and others should be understood [1].

The third part of Article 230¹ of the Criminal Code of the Republic of Uzbekistan is the most serious part according to the sanction of the article, and according to the classification of Article 15 of the Criminal Code, it is a serious crime.

The disposition of the first part of this article, describing the behavior of the criminal subject, not only envisages the falsification of evidence related to the criminal case materials, but also defines the scope of the subjects.

Although the third part of Article 230¹ of the Criminal Code stipulates criminal liability for serious consequences caused by falsification of evidence in criminal case materials, the legislator does not specify what consequences are considered as serious consequences.

Severe consequences provided for in the third part of Article 230¹ of the Criminal Code can be caused not only by falsification of evidence in criminal cases, but also by falsification of evidence in civil and economic court cases. In particular, serious consequences may arise, for example, suicide of the party who lost in a civil case as a result of falsification of evidence related to civil cases, or bankruptcy of legal entities as a result of falsification of evidence related to economic court cases, and business may be disrupted. If the serious consequences are causally related to the criminal actions, they are taken into account in the qualification.

According to M.H. Rustambaev, the subject of this crime, the subject of the crime provided for in Article 230¹ of the Criminal Code can be the persons involved in the investigation or proof [1].

Evidence is carried out by the investigating investigator, the prosecutor and the court. Also, the suspect, the accused, the defendant, the defense, the public prosecutor, as well as the injured civil claimant and their representatives have the right to participate in the evidence. According to Article 86 of the Code of Criminal Procedure of the Republic of Uzbekistan, witnesses, experts, specialists, translators, impartial, other citizens and officials who exercise rights and fulfill obligations related to the collection, verification and evaluation of evidence are involved in the evidence.

It should be noted that under Article 306 of the Criminal Code of the People's Republic of China, lawyers are subject to the crime of falsifying evidence. According to Article 86 of the Civil Procedure Code, the participants of the proof have the authority to collect quality evidence. Also, according to Article 87 of the Criminal Procedure Code, the defense attorney has the right to collect and present evidence in the criminal case, which must be added to the criminal case materials, as well as mandatory assessment during the pre-investigation investigation, investigation, preliminary investigation, and trial of the criminal case.

Defense evidence can be gathered by interrogating persons who have information related to the case and obtaining written explanations with their consent, sending requests to state bodies and other bodies, as well as enterprises, institutions and organizations, and receiving references, descriptions, explanations and other documents from them.

According to M.H. Rustambaev, among the persons involved in the investigation or proof provided by Article 230¹ of the Criminal Code, the defender may also be the subject of the crime [1].

In our opinion, although the defense does not have the characteristics of a special subject of falsification of evidence, the current Article 230¹ of the Criminal Code should be qualified.

According to M.H. Rustambaev, the subject of this crime is not included in the scope of the subject of Article 230¹ of the Criminal Code, the bodies that carry out the investigation before the investigation, the secretary of the court session or the assistant judge. For this reason, the question of qualification of the act expressed in falsification of evidence by the secretary of the court session or the assistant judge, the officials who carry out the investigation before the investigation, remains open.

The question of inclusion of the secretary of the court session or the assistant judge in the scope of the subject of Article 230¹ of the Criminal Code is controversial. In some foreign countries, including Article 305 of the Criminal Code of the People's Republic of China, criminal liability is provided for intentionally falsely recording the minutes of the court session.

In fact, in our opinion, the intentional misrepresentation of information and items in the court record constitutes falsification of evidence.

Article 230¹ of the Criminal Code of the Republic of Uzbekistan does not apply to the secretary of the court session and the assistant judge, which, from our point of view, is a gap in the current criminal legislation of Uzbekistan, which should be filled.

According to the Criminal Procedural Law, pre-investigation bodies have the authority to conduct pre-investigation investigations, initiate criminal proceedings, or refuse to initiate proceedings.

Also, according to Article 39² of the Criminal Code, the officials conducting the pre-investigation investigation must collect evidence, in addition to taking all actions necessary to apprehend the suspects and search for the hiding suspects, as well as to ensure compensation for the property damage caused by the crime. and authorized to maintain.

In our opinion, in order to solve the issue of qualification of the actions of the officials who carry out the investigation before the investigation, which are expressed in the falsification of the evidence, the officials who carry out the investigation before the investigation should be included in the scope of the crime.

The most important condition for the correct qualification of the crime of evidence falsification (forgery) is to distinguish it from similar crimes. For example, abuse of power or authority (Article 205 of the Criminal Code of the Republic of Uzbekistan); Career fraud (Article 209 of the Criminal Code of the Republic of Uzbekistan); Preparation of documents, stamps, seals, forms, their forgery, sale or use (Article 228 of the Criminal Code of the Republic of Uzbekistan); Falsification of the results of rapid search activity (Article 230² of the Criminal Code of the Republic of Uzbekistan); Bringing an innocent person to justice (Article 230 of the Criminal Code of the Republic of Uzbekistan); It should be distinguished from similar crimes such as perjury (Article 238 of the Criminal Code of the Republic of Uzbekistan).

The crime of falsification of evidence (forgery) is distinguished by Article 205 of the Criminal Code (Abuse of Power or Authority). In the system of crimes against administrative order, the social danger of the crime of career fraud has a special place. Abuse of power or authority refers to the intentional use of official authority by an official of a state body, organization with state participation, or self-government body of citizens. This crime has a material content, and criminal liability arises when a large amount of damage or serious damage is caused to the rights of citizens or interests protected by law, or to the interests of the state or society.

The crime of falsification of evidence is a formal content, and it is knowingly tampering with documents or objects with malicious or other low intentions during the pre-investigation examination of evidence and the collection, examination and evaluation of evidence on criminal case materials by the persons carrying out the objective proof or the persons involved to participate in the proof. represented by false data entry.

If the subjects of the crime of abuse of power or authority are only officials of a state body, organization with state participation, or citizens' self-governance body, the crime of falsification (forgery) of evidence is relatively wider, and the subjects are persons who carry out the proof or are involved to participate in the proof.

The crime of evidence falsification (forgery) should be qualified by Article 230¹ of the Criminal Code in cases where it is committed by the officials who are conducting the evidence using their authority or authority. The existence of professional authority related to proof, falsification of evidence using it (forgery) does not require additional qualification under Article 205 of the Criminal Code. The fact that a person with official authority related to proof is committed with other officials who do not have such authority should be considered as participation in Article 28, 230¹ of the Criminal Code.

In judicial and investigative practice, certain difficulties may arise in distinguishing evidence falsification (falsification) from abuse of authority by an official.

If an official abused his power or authority and falsified evidence in a criminal case, which led to a serious violation of the rights and interests of the victims protected by law, the act should be prosecuted in accordance with Article 230¹ of the Criminal Code.

Based on the analysis of the object of this crime, in the qualification of the crime of falsification (forgery) of evidence that caused serious harm to the person, society and the state, the integrity of the rules, the general and special norms compete, and the rules of the special norm are used.

Deliberate inaction of an official in connection with evasion of procedural identification of information of evidentiary value in the case should be qualified as an abuse of official authority.

When we talk about the competition of criminal law norms, the norm on falsification of evidence should be taken into account.

The crime of falsification (forgery) of evidence is in conflict with Article 209 (Professional forgery) of the Criminal Code, and the crime of falsification (forgery) of evidence is a special norm. Article 209 of the Criminal Code (Professional fraud) is a general norm, and as a result of the crime, it is considered socially dangerous with serious damage to the rights of some citizens or interests protected by law, or to the interests of the state or society.

The object of the crime of professional fraud in Article 209 of the Criminal Code is social relations that ensure the protection of the interests of authorities, management and public association bodies and their normal activity in accordance with the law.

The main object of the crime is the falsification of evidence (forgery) in the interests of justice, the prosecutor's office, pre-investigation investigation, preliminary investigation and social relations to ensure the normal functioning of investigative bodies. That is, career falsification and falsification of evidence (forgery) differ according to the object of the crime. In both crimes, as an additional object, the rights and freedoms of citizens can be the interests of society and the state.

Some scientific and educational literature on criminal law states that falsification of documents by an official is actually considered one of the forms of professional fraud. Theoretical studies and the analysis of criminal law allow us to conclude that professional fraud is a special type of abuse of professional authority. Most experts confirm this opinion[2].

In addition, official forgery is a crime with a material content, and objectively, it is expressed in serious damage to the rights and freedoms of citizens and the interests of society and the state as a result of knowingly entering false information into official documents by an official, falsifying documents, or knowingly creating and submitting false documents.

The crime of falsification of evidence is a formal content, and it is knowingly tampering with documents or objects with malicious or other low intentions during the pre-investigation examination of evidence and the collection, examination and evaluation of evidence on criminal

case materials by the persons carrying out the objective proof or the persons involved to participate in the proof. is committed by entering false information.

In addition, the crime of professional falsification differs from the subject of the crime of falsification of evidence, and the subject of the crime of professional falsification is only official documents.

If the subjects of the crime of professional forgery are only the officials of the state body, the organization with the participation of the state, or the self-governing body of the citizens, the subjects of the crime of falsification of evidence (forgery) are broader and are considered to be the persons who carry out the proof or the persons who are involved to participate in the proof.

The subjective aspect of the composition of both crimes (Articles 209 and 230¹ of the Criminal Code) is the same and is committed intentionally.

In qualifying the crime of career fraud, motive and purpose do not affect the qualification. But in the qualification of the crime of falsification (falsification) of evidence, as an optional sign of the subjective side, malicious or other low intent motive is a necessary sign of qualification.

The analysis of the objective aspects of the crime provided for in Article 209 of the Criminal Code, defined in the legal literature, gives the opportunity to come to the following conclusions: first, although they seem similar on the surface, they differ from each other in terms of content; secondly, some of them include the signs of the objective side of other crimes against the administrative procedure (Article 228 - "Preparation of documents, stamps, seals, forms, their forgery, sale or use).

According to M. Kh. Rustambayev, "The subject of the crime is an official who has reached the age of 18. In cases where false information or records are entered into official documents by a non-official person, the act should be qualified by Article 228 of the Criminal Code" [3].

According to the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated May 21, 2004, if the forgery of the position was committed with the participation of other persons who are not the subjects of the crime of position, the actions of such participants, provided that they are not participants in the crime of robbery, Article 228 of the Criminal Code ("Documents, stamps, seals, it is explained that it should be qualified not by preparation of forms, their forgery, sale or use"), but by articles 28, 209 of the Criminal Code [4].

It should be noted that a necessary sign of the qualification of the crime provided for in Article 209, Part 1 of the Criminal Code requires serious damage to the rights of citizens or interests protected by law, or to the interests of the state or public as a result of the committed act. Article 230¹ of the Criminal Code is a formal crime and does not require consequences.

Since Article 230¹ of the Criminal Code of the Republic of Uzbekistan does not cover responsibility for falsification of evidence related to cases of administrative offenses, as well as administrative, civil and economic court cases, the falsification of evidence related to case materials of this type, when committed by officials, is qualified by Article 209 of the Criminal Code.

It is inappropriate to classify the crime of falsification of evidence related to administrative, civil and economic court cases against justice with Article 209 of the Criminal Code.

An analysis of the experience of some foreign countries shows that falsification of evidence related to administrative, civil and economic court cases is considered a crime against justice.

In our opinion, acts related to falsification of evidence related to administrative, civil and economic court cases should be covered by Article 230¹ of the Criminal Code and not by Article 209 of the Criminal Code, and should be qualified by this article.

Article 230¹ of the Civil Code should be distinguished from Article 228 of the Civil Code ("Preparation of documents, stamps, seals, forms, their forgery, sale or use").

Article 228 of the Civil Code stipulates criminal responsibility for preparing, forging, selling or using documents, stamps, seals, blanks.

The object of the crime provided for in Article 228 of the Criminal Code is social relations that ensure the legally established procedure for documenting facts of legal significance.

The objective aspect of the crime provided for in part 1 of Article 228 of the Criminal Code is that the forger prepares official documents that grant certain rights or exempts him from certain obligations, or forges official documents or sells such documents, for such purposes counterfeit stamps and seals of an enterprise, institution or organization, expressed in the preparation of forms.

Preparation of official documents means illegal preparation of copies of original documents, original stamps, seals, forms of an enterprise, institution, organization, or their preparation on behalf of a non-existent legal entity or citizens in violation of the requirements established in regulatory documents, as well as their legal inconsistency with the form and content of the mentioned objects. amendments, changes, additions that change the status are understood. Official documents, which are the subject of the crime, are prepared or falsified, and it is considered complete from the moment when the falsifier himself or another person intends to use them [1].

In this regard, it is appropriate to quote the following opinion of G.O. Ermatov, that is, "in the event that an official document granting a certain right or exempting from a certain obligation was forged by an official, and it is not possible to qualify such an act as a crime of officialdom, accusing the culprit of having committed such an act (due to the absence of damage or damage) in such a case, the act should be qualified by Article 228 of the Criminal Code. But if such an act of an official can be qualified as a crime of officialdom, it is sufficient to qualify it as a crime of officialdom, without qualifying it with Article 228 of the Criminal Code" [5].

The purpose of the analysis of Articles 209 and 228 of the Civil Code is to clarify the similarities and differences between these articles and Article 230¹ of the Civil Code.

In addition, all three crimes are a type of crime belonging to the department of crimes against the activity order of authorities, management and public associations.

Article 228 of the Criminal Code is considered a crime with a formal content, as well as Article 230¹ of the Criminal Code. From the subjective point of view, the crime under Article 228 of the Criminal Code is committed with the right intention, and when qualifying the act, the purpose from the subjective point of view is invisible as a necessary sign, so it is necessary to clarify the purpose of using the subject of the crime.

If the purpose of preparation or forgery is not determined, liability under Article 228 of the Criminal Code is excluded.

If a person uses a document knowing that it is fake, he will be prosecuted under part 2 of Article 228 of the Criminal Code.

Making changes to documents that are not considered evidence, forgery does not constitute the content of Article 230¹ of the Criminal Code. Depending on the position of the person who committed such actions, the purpose of forgery (forgery), it is qualified by Article 228 or Article 209 of the Criminal Code.

If a person falsifies official documents and later uses them as evidence, his actions should be qualified not by articles 228 and 230¹ of the Criminal Code, but by article 230¹ of the Criminal Code. That is, if a person falsifies (forgery) documents in order to use them as evidence, Article 230¹ of the Criminal Code does not require Article 228. This provision is also specified in the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 13 of May 5, 2008, according to which, "When several crimes are committed, if one of the crimes is a means or method of committing another, and the features of both crimes are specified in the disposition

of the relevant article of the Criminal Code if so, the act should be qualified by one article of the Criminal Code, which determines responsibility for a more serious crime"[6].

If an official document that can be used as evidence is falsified by a person who is not considered a subject of Article 230¹ (for example, by a computer expert), his act should not be qualified by Article 228 of the Criminal Code, but by Article 28, 230¹.

Falsification of evidence (falsification) differs from a similar crime according to the subject of the crime, subjective and objective signs.

In contrast to falsification of evidence, falsification of the results of investigative activities (Criminal Code of the Republic of Uzbekistan, Article 230²) in the crime of intent, based on its subjective aspect, is aimed at violating the results of investigative activities for the purpose of criminal prosecution of a person who is not related to the commission of a crime, or for the purpose of harming a person's honor, personnel value, and professional reputation.

Both crimes differ according to the subject and subject matter. Subjects of the crime of falsification of the results of rapid-research activities, as opposed to falsification of evidence, persons authorized to conduct rapid-research activities, the Ministry of Internal Affairs of the Republic of Uzbekistan, the State Security Service, the State Security Service of the President of the Republic of Uzbekistan, the bodies of the State Customs Service, Enforcement under the General Prosecutor's Office of the Republic of Uzbekistan operatives of the Bureau and the Department of Combating Economic Crimes are criminal subjects. It is forbidden to carry out search activities by other state bodies, as well as legal and natural persons.

The subject of this crime is narrow compared to the subject of the crime of evidence falsification (forgery) and is only the results of rapid search activity.

In contrast to the falsification of evidence, the crime of perjury (referred to in Article 238, Part 2 of the Criminal Code of the Republic of Uzbekistan) is based on the subjective aspect of intent, the violation of evidence information on a certain case by influencing the will of the participants in the process. At the same time, a crime is committed in cases where an investigator, investigator, judge first forces a person to give a statement, and then combines such statements by conducting an appropriate investigative action.

A person who fabricates evidence for a charge and then knowingly gives false testimony about such evidence while being a party to a criminal proceeding should be prosecuted for perjury, not for tampering with evidence.

If the official attached to the criminal case materials knowing that the evidence was obtained through perjury, the act should be qualified by Article 230¹ of the Criminal Code of the Republic of Uzbekistan.

The validity of such a legal assessment is that, in our opinion, social relations violated by a person who destroys evidence or removes it from the case file in an economic, civil, administrative or criminal case are social relations that ensure justice.

Article 230 of the Criminal Code of the Republic of Uzbekistan establishes criminal responsibility for bringing an innocent person to justice.

The prosecution of an innocent person should be understood as a decision made by an investigator, investigator or prosecutor to knowingly involve an innocent person as an accused [1].

Such actions are not considered falsification of evidence and should be prosecuted under Article 230 of the Criminal Code.

Falsification of evidence in a criminal case is different from knowingly prosecuting an innocent person. According to Article 230 of the Criminal Code of the Republic of Uzbekistan, a person commits intellectual falsification of a procedural document representing a decision to bring a

person as an accused. According to criminal procedural legislation, the decision to bring a person as an accused is not considered evidence in the case.

If falsification (falsification) of evidence is committed by torture and other cruel, inhuman or degrading treatment and punishment, and as a result evidence is falsified, such an act is Torture and other cruel, inhuman or degrading treatment and punishment According to Article 235 of the Criminal Code and Article 230¹ of the Criminal Code, which stipulates responsibility for the use of types of crimes, crimes should be qualified as a total.

Today, legal science is increasingly developing the possibility of using electronic documents (electronic documents and certificates) as evidence. In our opinion, in cases where a person makes illegal access to computer data and falsifies electronic evidence, this act is qualified as a set of crimes under Article 278² of the Criminal Code (Illegal (unauthorized) use of computer information) and Article 230 of the Criminal Code (Forgery of evidence). must

The actions of the prosecutor, who gave prior consent to the investigator or the investigator, as well as the official of the body conducting the investigation, to falsify the evidence and confirm the indictment (indictment) should be qualified as participation in the falsification of evidence. If the prosecutor did not know in advance about the falsification of the evidence and did not react appropriately to the presence of falsified materials in the case, exercising control over the implementation of the laws by the preliminary investigation bodies, then his behavior should be qualified as a crime of coldly viewing the powers of officials.

References:

1. Rustambaev M.H. Comments on the Criminal Code of the Republic of Uzbekistan. Special part 3. "Publish legal literature". - Tashkent, 2021. - B.213-259.
2. Criminal liability for crimes against justice / Ed. A.V. Galakhova. – M., 2003. – P.128.
3. Rustambaev M.H. Course of criminal law of the Republic of Uzbekistan. IV roof. Special part. Economic crimes. Environmental crimes. Crimes against the activity order of authorities, management and non-governmental organizations: Textbook. - Tashkent: ILM ZIYO, 2011. - Pages 260-263
4. Resolution No. 4 of May 21, 2004 of the Plenum of the Supreme Court of the Republic of Uzbekistan "On some issues of application of the Law on Liberalization of Punishments to economic crimes".
5. Ermatov G'.O. Issues of qualification of the crime of forgery of official documents and their use: Monograph. / Responsible editor: Ph.D., prof. Q. R. Abdurasulova. - Tashkent: TDYuI, 2009. Pages 61-62
6. Clause 10 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 13 of May 5, 2008 "On issues related to the qualification of the act when several crimes have been committed"