

TSUL LEGAL REPORT

THE LAW JOURNAL

E- ISSN: 2181-1024



ISSUE № 1
SEPTEMBER 2020

Head of the Editorial Board

Hakimov Rahim Rasuljonovich - Rector of the Tashkent State University of Law, Doctor of Law, Professor

Members of the Editorial Board

Salaev Nodirbek Saparbayevich - Deputy rector on scientific work and innovation of Tashkent State University of Law, Doctor of Law, professor

Rustambekov Islambek Rustambekovich – Deputy rector on academic affairs of Tashkent State University of Law, Doctor of Law, professor

Nematov Jasur Aminjonovich – Professor of the Tashkent branch of the Russian University of Economics named after GV Plekhanov

Latipov Samir Ildusovich – Director of the Center for Legal Initiatives and Innovations of the Tashkent State University of Law

Ramazanov Nargiza Abdurashidovna – Head of the Department of Commercialization of Scientific and Innovative works of the Center for Legal Initiatives and Innovations of the Tashkent State University of Law, Doctor of Philosophy in Law

Kurbanov Maruf Mamadaminovich – Head of Criminalists and Forensics Examination Department of Tashkent State University of Law, Doctor of Philosophy in Law

Narziev Otabek Sadiyevich – Head of International Private Law Department of Tashkent State University of Law, Doctor of Philosophy in Law

Khodzhaev Shakhzhakhon Akmalzhon ugli – Head of Intellectual Property Department of Tashkent State University of Law, Doctor of Philosophy in Law

Uzakova Gozal Sharipovna – Head of Environmental Law Department of Tashkent State University of Law, Doctor of Philosophy in Law

Musaev Bekzod Tursunboyevich – Head of the Constitutional Law Department of Tashkent State University of Law, Doctor of Philosophy in Law

Gafurova Nozimakhon Eldarovna – Head of the Department of International Law and Human Rights of the Tashkent State University of Law, Doctor of Law;

Nematov Jurabek Nematulloyevich – Associate Professor of Administrative and Financial Law Department of Tashkent State University of Law, Doctor of Law

Pirmatov Otabek Shavkatovich – Senior lecturer of Civil Procedure and Economic Procedural Law Department of Tashkent State University of Law, Doctor of Philosophy in Law

Yakubova Iroda Baxramovna – Associate Professor of Intellectual Property Department, of Tashkent State University of Law, Doctor of Philosophy in Law

Abzalova Khurshida Mirziyatovna – Associate Professor of Department of Criminal Law, Criminology and Anti-corruption, Doctor of Law

Akhmedova Guzalkhon Utkurovna – Associate Professor of Criminalists and Forensics Examination Department of Tashkent State University of Law, Doctor of Law

Ibragimova Mukhlisa Paridunovna – Head of the Department of Strategic Development and Entry into International Rankings



ISSN: 2181-1024. Certificate: No. 1342

Contacts

Editorial office address: Tashkent, st. Sayilgoh, 35. Index 100047.

Principal Contact

Tel.: (+998 71) 233-66-36

Fax: (+99871) 233-37-48

E-mail: info@legalreport.tsul.uz

© 2020. TSUL - Tashkent State University of Law. All rights reserved.

CONTENTS
INTRODUCTION

Khakimov Rahim. Legal education: current situation, challenges and prospects innovative development.....	4
---	----------

12.00.01 - THEORY AND HISTORY OF STATE AND LAW. HISTORY OF LAW DOCTRINES

Nazarov Otabek. Place and role of leadership in legal practice and system of law sciences.....	14
---	-----------

12.00.02-CONSTITUTIONAL LAW. ADMINISTRATIVE LAW. FINANCE AND CUSTOMS LAW

Kosimov Botirjon. Threats to judicial independence: reflections on the US experience.....	20
Khayrulina Asal. Legal aspects of the protection of women's rights within UN system.....	30
Umarova Iroda. Transparency is an important principle of the electronic government operations in the republic of Uzbekistan.....	38
Bobokulov Azizbek. Gender equality in Uzbekistan: problems and solutions...	43
Olimova Zarina. Evolving role of local government in supporting tourism development in Uzbekistan.....	49
Ubaydullaev Saydullo. The development of gender equality in Uzbekistan and the gender equality reforms of last years.....	57

12.00. 03-CIVIL LAW. EMPLOYING LAW. FAMILY RIGHT. INTERNATIONAL PRIVATE LAW

Abduvaliev Maksudjon. Invalidity of agreements in civil law - an analysis of the experience of Uzbekistan and Japan.....	65
Eshchanova Dauletbike. Actual problems of legislation of the development of internet insurance in Uzbekistan.....	69

12.00.05-LABOUR LAW. LAW OF SOCIAL MAINTENANCE

Khojabekov Muftulla. Employment rights and privileges of persons with disabilities.....	73
--	-----------

12.00.08-CRIMINAL LAW, OFFENCE PREVENTION. CRIMINOLOGY. CRIMINAL-EXECUTIVE LAW

Kurbanov Marufjon. Criminal-legal aspects of regulation of business activity: the example of Uzbekistan.....	80
Uralov Sarbon. Some issues of qualification of the rape crime.....	92
Rakhimova Ulzana. Cybercrime subject and limits of proof.....	100
Topildieva Dilrabo. Circumstances to be determined when investigating intentional killing.....	111
Boymuratov Khasan. Legal regulation of the use of electronic documents in criminal proceedings.....	116

12.00.10-INTERNATIONAL LAW

Miruktamova Feruza. Restorative model of juvenile justice as an alternative to criminal penalties: international standards and national legislation.....	122
Khamdamova Firuza. The impact of digital technologies on human rights.....	134
Rasulov Jurabek. The concept of "forced labor": analysis of national legislation and international legal standards.....	146

12.00.12 – CORRUPTION ISSUES

Arslonov Doniyor. Corruption – the core of main problems.....	153
--	------------



TSUL LEGAL REPORT

Journal homepage: www.legalreporttsul.uz



LEGAL REGULATION OF THE USE OF ELECTRONIC DOCUMENTS IN CRIMINAL PROCEEDINGS

Boymuratov Khasan Azamat ugli,
*Master of Customs Institute
of the State Customs Committee*

ARTICLE INFO

ABSTRACT

Keywords:

Criminal procedure,
electronic data, electronic
evidence, evidence, law,
information, technology.

This article discusses how to use electronic documents and electronic evidence in criminal proceedings. Conclusions and suggestions for using evidence electronically are also provided.

The role and importance of modern information and communication technologies in the fight against crime and the conduct of investigations and inquiries into pre-trial investigations into the crime are invaluable. One of the most important legal reforms being implemented by the state is the improvement of criminal procedure legislation taking into account the trends of the world community's rapid development, reliable protection of citizens' rights and freedoms, public and state interests, peace and security.

President of the Republic of Uzbekistan Shavkat Mirziyoev 2020 In his address to the Parliament on January 24, he said: "Our goal is to make Uzbekistan a developed country, which we can achieve only through intensive reforms, education and innovation.

As the wise men of the East say, "The greatest riches are intelligence and knowledge, the greatest legacy is good education, and the greatest poverty is ignorance!"

We need digital knowledge and modern information technology to make progress. This will allow us to

follow the shortest path of advancement. After all, information technologies are being penetrated in all areas of the world today.

Despite the fact that our country rose by 8 positions in the International Information and Communication Technology Index in 2019, we are still far behind. Most ministries and agencies, businesses are far from digital technologies.

Of course, we know very well that the formation of a digital economy requires the necessary infrastructure, a lot of resources and labor resources. However, no matter how hard it may be, when do we not begin today? It will be too late tomorrow. Therefore, an active transition to the digital economy is the future, It will be one of our top priorities for 5 years.

Digital technology not only improves the quality of products and services, but also reduces costs. At the same time, they are an effective tool in eradicating the corruption scandal, which is the most troubling thing that bothers me. We all need to understand this.

Public and public administration, as well as in the social sphere, can be widely implemented in digital technologies, increasing efficiency and, in a word, dramatically improving people's lives[1].

It is well-known that wide use of modern information and resources in electronic form through the wide introduction of modern information and communication technologies in every area of society is established.

Decree of the President of the Republic of Uzbekistan dated May 14, 2018 "On measures to radically improve the criminal and criminal procedure legislation".

The resolution approved the Concept of Improvement of Criminal and Criminal Procedure Legislation in order to ensure full implementation of the principle of "priority of the law - punishment is inevitable".

Of the Criminal Procedure Code of the Republic of Uzbekistan

Article 81 shall be considered as evidence in a criminal case, any fact which may be established by the inquiry officer, investigator or court to determine whether a socially dangerous act occurred, the innocence of the person who committed the act, and other circumstances relevant for the proper resolution of the case and this information is determined by the testimony of a witness, victim, suspect, accused, defendant, expert opinion, physical evidence, audio recordings, video recordings, film and photographs, records of investigative and judicial acts and other documents.[2].

However, the criminal procedure law does not contain procedural rules for the recognition of "electronic data" as evidence.

It is well known that evidence is important at the stage of evidence consisting of collecting, verifying and evaluating evidence to determine the facts relevant to a legal, reasonable and equitable resolution of a criminal case. [3].

In accordance with criminal procedure law, one of the most important stages of criminal proceedings is the stage of pre-trial investigation, which is conducted prior to the initiation of a criminal case, and the importance of the criminal case carried out by the investigator and prosecutor in strict compliance with criminal procedural legislation. collecting, verifying, recording and evaluating factual data available.

Interrogation of the suspect, accused, defendant, witness, victim, expert, one of the preliminary investigative actions; confrontation; presentation for identification; verification of testimony at the crime scene; withdrawal; search; browse; to testify; exhumation of a corpse; conduct experiments; sampling for expert research; appointment of examination and inspection; to accept provided objects and documents; evidence from

investigative actions, such as hearing conversations over phones and other communication devices.

Criminal Procedure Code of the Republic of Uzbekistan on mandatory compliance by the bodies of preliminary investigation with the norms of criminal procedure law in each criminal proceeding the requirements set out in Article 11, It is also important to adhere strictly to the collection, verification and evaluation of evidence, and any deviation from a clear and consistent enforcement of the law will result in the admission of irrelevant evidence, whatever the reason.

2012 Plenum of the Supreme Court of the Republic of Uzbekistan December 13, "On Some Issues of Application of Criminal Legislation on Physical Evidence" Paragraph 2 of the Decision No.17 identifies material facts or signs that may serve as a basis for determining the facts of a criminal case and that the subject is a weapon, the subject of a criminal act, as a physical evidence. It is established that the property, money and other valuables obtained through criminal proceeds after the commission of a criminal act are recognized. [4].

Paragraph 9 of this Decision states that "information storage devices" (telephone sets, memory cards), which will be destroyed after

copying the information not prohibited by law, shall be destroyed upon transfer to such owner or their representative.

The availability of electronic data storage facilities (computers, telephones, memory cards, and other electronic and electronic means) that are relevant to the case in scientific sources can be stated as physical evidence and "electronic data" as "electronic (digital) evidence";

According to information and technology approaches, "electronic data" means the understanding of electronic applications on computers, telephones, memory cards and other electronic devices, electronic mails and documents, audio and video files, Internet and social networks, and other electronic applications. [5].

It has also been shown that electronic evidence can be understood only as an object that exists in the electronic region and has the content of information [6].

Electronic documents are allowed in criminal proceedings, as is often the case with other documents, because they are outside the scope of the criminal procedure through investigations and other procedural actions during the normal course of business. Other participants in the case have the right to collect and

present evidence. Electronic documents can be used from the initiation of a criminal case to appealing court decisions and used as evidence at all stages of criminal proceedings. [7].

As for the "electronic data" and their classification and the role of this type of information in the criminal justice system, the information technology literature is as follows.

In particular, it is possible to state that although national legislation and theory have provided guidelines concerning the concept and definition of electronic document, the theory or rules regarding the concept of "electronic information" have not been provided.

However, in the foreign literature, the concept of "electronic data" is as follows: electronic data is an image of the present state of the computer, in which it is written, created, and presented in a formally and specifically formulated artificial language. However, the concept of "electronic data" is more accurate than the concept of "information (information)", all of which are abstract models of information exchange. [8].

Currently, according to industry legislation, the concept of "electronic information" is used in close proximity to the notions of "electronic document", "electronic digital

signature", "electronic message", "electronic data carrier".

It is important to understand "electronic data" as computer, mobile phone, memory cards and other electronic software, electronic mail and documents, audio and video files, internet and social networks, and other electronic applications, as information and technology approaches accordingly.

However, the criminal procedure law does not contain procedural rules for the recognition of "electronic data" as evidence.

As for the "electronic evidence", referring to industry-specific sources, the software may be automated, stored and stored on electronic or technical devices or other types of electronic data, depending on the nature of the software, as a set of digital signs or signals. important electronic data

can be considered as electronic evidence.

In conclusion, summarizing the above, we can state the following:

- to define the procedural legal definition of the concept of "electronic evidence" in criminal procedural legislation as a type of evidence;

- development of procedural rules that determine the procedure for collecting, verifying and integrating "electronic evidence" in the criminal phase of the criminal procedure;

- it is advisable to introduce an "electronic record" that is compiled by an electronic digital signature on investigative actions carried out by an investigating officer, investigator, prosecutor and judge collecting "electronic evidence" in the criminal case prior to the investigation.

REFERENCES:

1. Statement by the President of the Republic of Uzbekistan Sh.Mirziyoev to the Oliy Majlis on January 24, 2020
2. Criminal Procedure Code of the Republic of Uzbekistan // National Database of Legislation. www.lex.uz
3. AA Khujanazarov. The article "General principles of using electronic data in criminal-procedural proof". Journal of Legal Studies. <http://dx.doi.org/10.26739/2181-9130-2019-7-3>
4. Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated August 24, 2018 "On Some Issues of Application of Criminal Procedure Law on the Admissibility of Evidence" // National Database of Legislation. www.lex.uz

-
5. AA Khujanazarov. Article "Use of electronic data in preliminary investigation" Journal of Legal Studies. <http://dx.doi.org/10.26739/2181-9130-2019-8-10>
 6. Kukarnikova T.E. Electronic documentation in criminal procedure and forensic science: autoref. Voronezh: Voronezh. Stat. un-t, 2003, p 67-70.
 7. Polyakova TA, Tul'skaya O. V., Filatova L. V. "Problems of introduction of electronic document management in the legal process and creation of legal conditions for the use of electronic documents as evidence" // Problems of legal information: scientific and practical. journal 2007. No. 1. page 58.
 8. Kuznetsov P.U. General information Flower. –M .: Search. «Prospect», 2014 г. - P.20. (Kuznetsov PU Fundamentals of Information Law. Textbook. –M .: Publishing House. Prospect, 2014 - p.20