



SOME ISSUES OF CONDUCTING AN INVESTIGATIVE EXPERIMENT

Otabek Ganiyev

*docent, Tashkent State
University of Law
Tashkent, Uzbekistan
o.ganiyev@tsul.uz*

Spargul Abitayeva

*Senior Lecturer, South
Kazakhstan University
named after M.Auvezov
Shymkent, Kazakhstan
mira_tau@mail.ru*

Abstract: *This article considers a number of tactical conditions that must be met in the preparation and conduct of an investigative experiment, as well as tactical methods that can be used by the investigator in the implementation of this procedural action. At the same time, the general tactical conditions for conducting an investigative experiment, as well as any investigative action in general, must meet certain general requirements: it must be legal, ensure the objectivity of the research and achieve the set goal. The legality of the tactical method is determined by how well they correspond to the applicable legal norms and principles.*

Key words: *investigative experiment, investigative action, experimental action, perjury detection, repetition of experiments, psychological state, tactical operation, crime scene*

If we consider the issue of the emergence and development of the investigative experiment in relation to the crime-procedural science, it should be noted that there is no single periodicity of the investigative experiment. In this regard, it seems necessary to consider in detail the main stages of the development of the investigative experiment as an independent investigative action.

This article considers a number of tactical conditions that must be met when preparing and conducting an investigative experiment, as well as tactical methods that can be used by the investigator in the implementation of this procedural action.

First of all, it should be noted that the general tactical conditions for conducting an investigative experiment, as well as any investigative action in general, must meet certain general requirements: it must be legal, ensure the objectivity of the research and achieve the stated goal. The legality of the tactical method is determined by how well they correspond to the applicable legal norms and principles.

Attracting the required number of people to the experiment is done by the investigator. The number of participants in the experiment, as well as the circle of



persons who must participate in the experiment, are not specified in the legislation. The investigator may select the unbiased persons directly at the location of the experiment, but they may not be there or it may take a long time to select them. It is expedient to select the biases in advance and ensure that they are delivered (arranged) to the place of the experiment at the time specified by the investigator.

Given the limited number of participants in the experiment, the investigator can order them to perform both individual operations and several consecutive operations (experiments). In addition, the investigator must determine his personal role in the experiment. When organizing and conducting an investigative experiment, the investigator has the right to perform experimental (experimental) actions, at the same time, during the experiment, he performs organizational, control and recording functions in relation to the actions of other participants of the investigation. Therefore, the investigator should determine the level of his personal participation in the experiment.

When determining the possibility of a specific person committing certain actions, the investigator can use the following tactics: repetition of experimental actions by a specific person under the same conditions; implementation of control actions with the participation of other performers; dividing experimental activities into stages; change the location of participants; carrying out experimental actions in different conditions than during the real event (modeling); conducting experimental actions at different speeds and gradually bringing the experience closer to the speed at which the real event took place; use of original or similar objects and items during the experiment; if necessary, repeat experiments.

When conducting an experiment, the investigator should take into account that each of the participants perceives the same facts differently according to their physiological characteristics, physical and psychological state. Therefore, the investigator will have to observe the nature of the perception of the result of the participants of the experiment and their reaction.

When determining the possibility of perceiving or observing any fact or phenomenon, such tactics are usually used: repetition of experimental actions in conditions worse than real; repeating specific facts and events that a person has observed, perceived or can perceive; repeating the same experimental actions under the same conditions (place, time, light, climate and weather conditions, etc.) as the real event; using different options to reconstruct the situation for conducting experiments; taking into account the conditions that have changed and cannot be reconstructed.



Many researchers have emphasized in their work that when selecting participants for an investigative experiment, the investigator must take into account the socio-psychological characteristics of each of them. Accordingly, when choosing possible participants in an investigative experiment, the investigator should consider which of the candidates best matches the goals and objectives of the experiment. At the same time, it is possible to attract participants with an emotional character, different from the real participants of the events, to conduct an experiment. For example, in the examination of the testimony of an emotionally excited witness, persons with a balanced character may be involved. By further comparing the results of the experiment with the participation of emotionally agitated and balanced individuals, it is possible to achieve truly reliable experimental results.

The investigator should pay special attention to the psychological condition of adolescents. According to F.V. Glazirin[1, 25], young adolescents (13-14 years old) are characterized by high excitability and emotionality, tendency, negativism (unreasonable resistance to the demands of others) and imitation. Adolescents are characterized by a growing sense of independence, self-esteem, often painful pride, imbalance of character, rapid changes in mood and behavior.

One of the psychological features of the behavior of the participants of the investigative experiment is related to providing the person under investigation with complete independence of action. This means that the investigator and other participants of the experiment cannot interrupt the test person's instructions, ask him leading questions or give other advice on choosing a course of action in order to eliminate doubts about the reliability of the obtained results.

Some features and tactics are related to the participation of the suspect (accused) in the experiment.

When involving the suspect in the experiment, the investigator should take into account his psychological state, his readiness to cooperate with the investigation, the level of the possibility of escape, including possible help in escaping from partners, the presence of threats to the suspect from partners. It is important to know that partners who may participate in the crime, instead of helping the suspect, on the contrary, try to eliminate an unnecessary witness, therefore, when conducting an investigative experiment, take measures to protect his life and health need

If there are several suspects (accused), each of them takes part in the experiment in turn. It is not allowed for several defendants to participate in the



same experimental activity together. The investigator must take measures to exclude the suspect persons from communicating with each other, as well as their possibility to get acquainted with the progress and results of the experiment. This requirement is achieved by conducting several successive experimental actions (or experiments in general) with the participation of different suspects (accused). These actions can be performed within the framework of a single experiment, but in this case, the suspects must be reliably separated from each other during the investigation. In addition, it is necessary to exclude the possibility of the first suspect getting acquainted with the results of the actions of the second when signing the report of the investigative experiment, etc.

Sometimes, during the experiment, conflicting situations may arise in connection with the refusal of the suspect (accused) to continue the experiment or to conduct it at all. The law does not envisage the mandatory participation of these persons in experimental activities. But the refusal of the suspect or the accused to continue the experiment does not mean that the experiment should be stopped. Another question is that the circumstances related to the experiment should be reflected in the final report, and the necessary corrections should be made to the experimental process.

Often, investigators are faced with the suspect's refusal to participate in the experiment, even at the stage of preparation for this investigative action. In this case, the investigator must understand the reasons for convincing or refusing the suspect of the need to participate (the reasons allow drawing appropriate conclusions). These include: reluctance to testify against oneself, relatives, superiors, partners, and others; fear of exposing perjury; being influenced by the advice of accomplices, lawyers or other persons; unwillingness to cooperate with the investigation; fear of not knowing the status of partners and fear of harming them with their own actions; fear of a traumatic situation, reluctance to appear at the scene of the incident, etc.

In such situations, N.T. Vedernikov suggests determining the following information about the suspect: biographical information; financial situation; health status and psychological characteristics; socio-political characteristics; attitude of the culprit to the crime and behavior during the investigation [2, 33].

During the experiment, the investigator is obliged to confirm or reject the mechanism of the phenomenon. Determining the individual details of this mechanism allows us to determine information about the person acting as the subject of the event, the object of the event (for example, about the victim or stolen



material assets) and the intention. In fact, the investigator must conduct a situational analysis of the incident. Taking into account that he does not always have all the necessary information and facts, the investigator is forced to act heuristically with the help of creative thinking and intuition, based on the existing practical experience.

A.I. Ivanov suggests taking into account typical and specific types of investigative situations when planning tactical actions, that is, tactical methods of investigative experiments should be developed taking into account the existing situation. In addition, each situation must correspond to a specific action tactic [3, 128].

When conducting investigative experiments, parallel research can be used as a tactical method in the work of experts, that is, the investigator and the expert make their own conclusions, which are summarized and analyzed during the experiment or after its completion. Congruence of ideas allows us to confirm the correctness of conclusions and assumptions, and non-accidentality allows us to once again return to a detailed study of subjects, objects, processes in order to develop a general idea.

In order to increase the objectivity of the results of the investigative experiment, it is possible to use the technique of simultaneous study of the nature of events and evidence by experts in various fields and knowledge.

When conducting an experiment, the investigator and other participants of the investigation are influenced by various factors of the environment, and they are faced with the need to study many subjects and objects. Although the study of objects not related to the event can have a positive side to a certain extent: proving that they are not related to the event, excluding from investigative efforts, giving up wrong conclusions and assumptions allows to pass. However, all this takes a lot of time. Therefore, according to V. E. Lapshin, one of the main tasks of the investigator is to separate the elements of the incident from the whole situation in order to later reconstruct the situation and determine the facts of the incident [4, 41-42].

Of course, when preparing the experiment, the investigator first of all studies the material condition of the place where the accident occurred, without which it is impossible to collect the necessary information about the incident. However, the investigator must study the phenomenon as a whole, which cannot be done without considering all internal and external connections, causes and conditions. Therefore, during the investigative experiment, the investigator observes all the relationships of the incident, observes how this or that action affected the further development of



events, how the events are connected with each other and how they had an impact. a must

In addition, the most important role in conducting an investigative experiment is played by fixation, the use of which allows the investigator to use various tactics. For example, the investigator can instruct the use of audio, photo and video recording at the same time; video recording of the area can begin before the start of the experiment (during the trip to the place of the experiment), not only during its conduct and after its completion; it can also be performed in repeated experiments from different positions (different points); video recording allows recording the reaction of suspects and witnesses to the experiment and can be interpreted by the videographer; can ask questions to experiment participants during video recording and record their answers; the video recording should be focused on the face and actions of the participant conducting the experiment (it should be visible what is being done); The footage can then be supplemented with captions explaining the progress of the investigative experiment.

In recent years, the concept of "tactical operation" has been used in a number of studies. Similar to the terms of military art, it can be assumed that a tactical operation consists of a set of tactical methods and can be carried out as part of an investigative experiment. However, this is not the case. A tactical operation means a set of actions of the investigator and investigative bodies, planned and coordinated in accordance with all the basic conditions, carried out under a single investigative leadership to solve investigative problems that cannot be solved in any other way [5, 116].

According to N.V. Vlasenko, a tactical operation is a set of procedural, rapid-search actions and other activities aimed at solving a specific intermediate task that occurs at a certain stage of the investigation in a specific investigative situation.

According to V.I. Shikanov, tactical operations are characterized by two aspects - procedural and tactical. From the procedural point of view, investigative actions fully retain their independent importance. The system of investigative actions, as a rule, forms the procedural basis of every tactical operation. Tactically, the situation is different. In relation to the tasks solved by carrying out tactical operations, the tactics of carrying out separate investigative actions are mainly derivative and have a subordinate auxiliary character. Therefore, it is necessary to determine the most appropriate combination of investigative actions to achieve the desired result with the least effort and resources [6, 14].



It follows that an investigative experiment can be one of the elements of a tactical operation, that is, the investigator must take into account the general goals of the tactical operation when deciding on conducting an experiment, planning it and determining tactical methods. (if implemented). In general, taking into account that a tactical operation includes a number of independent investigative actions, and tactical methods are their components, in our opinion, it is more correct to talk about an investigative operation rather than a tactical operation.

Thus, the issues discussed in this article allow us to draw the following conclusions:

1. The tactics of the investigative experiment, like the tactics of other investigative actions, determines the exact order and sequence of the work of the investigator and other participants of the investigative experiment. It should provide the opportunity to use different options for experimental research of the same issues (information, processes, etc.). At the same time, the specific tactical decisions used must comply with the requirements of the criminal procedural legislation, be justified from a scientific and practical point of view, and also correspond to the set goals and objectives of the entire experiment. The tactics of the investigative experiment implies that the investigator uses not one specific technique, but tactical methods that are subject to the general plan of the investigator. This is the complex use of various tactical methods that allow to get an objective picture of the studied phenomena.

2. The investigator will have a wide range of tactics in his arsenal that he can use to achieve his goal. It is almost impossible to describe all the tactical methods used in the preparation and conduct of an investigative experiment. Each stage and elements of the preparation and conduct of the experiment correspond to its specific tactical methods. The nature of tactical methods used in practice depends on the experience and skills of the investigator, the human and material resources at his disposal, and other objective and subjective factors. At the same time, the tactical methods used by the investigator must be legal, meet the stated purpose of the investigative experiment and the experiments conducted within the experiment, ensure maximum efficiency and result in minimal human, time and material costs.

3. When planning and conducting an investigative experiment, the investigator is obliged to take into account the psychophysiological characteristics of its participants, their internal readiness to conscientiously perform their tasks. Depending on the extent to which certain participants are willing and conscientious to participate in the experiment, the investigator should plan certain tactics. For



example, if there are sufficient reasons to doubt the integrity of the actions of the suspect or witness, the investigator should choose tactics that do not depend on the subjective behavior of the experimenter. In addition, the actions of these participants should be verified by the actions of independent specialists and experts and objectively confirmed during the experiment.

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