**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI ILMIY DARAJALAR BERUVCHI DSc.07/13.05.2020.Yu.22.03 RAQAMLI ILMIY KENGASH**

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI**

**MUHAMMADIYEV SARVAR ASQAR O‘G‘LI**

# SURISHTIRUV VA DASTLABKI TERGOV JARAYONIDA JINOYAT ISHLARINI YURITISH TARTIBINI BOSQICHMA-BOSQICH RAQAMLASHTIRISH MASALALARI

**12.00.09 – Jinoyat protsessi. Kriminalistika, tezkor-qidiruv huquq va sud ekspertizasi**

**yuridik fanlar bo‘yicha falsafa doktori (Doctor of Philosophy) dissertatsiyasi AVTOREFERATI**

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## KIRISH (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

**Dissertatsiya mavzusining dolzarbligi va zaruriyati.** Dunyoda huquqni muhofaza qiluvchi organlar faoliyatida raqamli texnologiyalarni joriy etish global miqyosda ustuvor yo‘nalishlardan biriga aylangan. Ayniqsa, 2020-yilda butun dunyoda Covid–19 pandemiyasining keng tarqalishi davlatlarning boshqa sohalar kabi jinoyat ishlarini yuritishni raqamlashtirishga tayyorgarlik darajasini ham yaqqol ko‘rsatib berdi. Keyingi yillarda bir qator rivojlangan davlatlar, jumladan, AQSh, Janubiy Koreya, Turkiya, Saudiya Arabistoni singari mamlakatlarda elektron jinoyat ishlarini yuritish tizimi yo‘lga qo‘yilganligi ish hujjatlarini raqamli shaklda yuritish, saqlash, tahlil qilish va nazorat qilish, protsessual muddatlarni qisqartirish imkoniyatini kengaytirgan. Yevropa Ittifoqining bir qator mamlakatlarida esa, jinoyat ishlarini ko‘rib chiqish muddatlarida sezilarli farqlar ko‘rinmoqda. Jumladan, ba’zi a’zo davlatlarda qaror qabul qilish muddati 200 kundan kam, boshqalarida esa 1000 kundan ortiq davom etmoqda[1]. “Huquq ustuvorligi indeksi” bo‘yicha jinoiy sudlov ish yuritish indikatorida eng past ko‘rsatkichlarni qayd etgan davlatlar soni 16 taga yetib, keyingi sakkiz yilda ikki barobarga ko‘paygan[2]. Bu esa, jinoyat ishlarini yuritish jarayonida shaffoflik, tezkorlik va samaradorlikni ta’minlash maqsadida odil sudlovni hamda uning muhim bosqichi hisoblangan surishtiruv va dastlabki tergov bosqichini raqamlashtirishga bo‘lgan ehtiyojni tobora kuchaytirib bormoqda.

Jahonda surishtiruv va dastlabki tergov jarayonini raqamlashtirish masalalari bo‘yicha ilmiy tadqiqotlarda asosiy e’tibor raqamli platformalarni ishlab chiqish, elektron dalillarning huquqiy maqomini belgilash hamda raqamli adliya tizimini yaratish masalalariga qaratilgan. Masalan, Yevropa Ittifoqi doirasida “e-Justice” loyihasi doirasida raqamli tergov usullari bo‘yicha tadqiqotlar amalga oshirilmoqda. Shunga qaramay, surishtiruv jarayonida raqamli texnologiyalardan foydalanishning huquqiy mexanizmi bo‘yicha tadqiqotlar yetarli emas. Xususan, raqamlashtirishning jinoyat-protsessual huquqiy normalarga mosligini ta’minlash, unda fuqarolarning huquq va erkinliklarini himoya qilish bilan bog‘liq jihatlar chuqur tadqiq etilmagan. Shu bois, mazkur yo‘nalishda ilmiy tahlillar va normativ-huquqiy asoslarni takomillashtirishga ehtiyoj yuqori bo‘lib qolmoqda.

Respublikamizda ham sud-huquq sohasini raqamlashtirish, jumladan, jinoyat ishlarini yuritish jarayonida elektron axborot tizimlarini joriy etishga qaratilgan qator islohotlar amalga oshirilmoqda. “Elektron jinoyat ishi” axborot tizimini joriy etish bo‘yicha ishlab chiqilgan loyihalar, surishtiruv va tergov faoliyatida vakolatli davlat organlari o‘rtasida axborot almashinuvini ta’minlash kabi choralar shular jumlasidan. O‘zbekiston Respublikasi Prezidentining Farmoni bilan tasdiqlangan “O‘zbekiston – 2030” strategiyasi doirasida bevosita jinoyat protsessida jinoyat ishi qo‘zg‘atilishidan boshlab sud hukmi qabul qilinishigacha bo‘lgan jarayonni yagona elektron reestr yaratish orqali individual raqam va QR kod orqali kuzatib borish imkoniyatini joriy qilish, dalillarni to‘plash va mustahkamlash faoliyatini

[1] Yevropada odil sudlov: 2025-yilda raqamli transformatsiya va qonun ustuvorligi muammolari. https://anagnostakis-law-offices.com/criminal-justice-in-europe-the-digital-transformation-and-rule-of-law-challenges-in-2025.
[2] “Huquq ustuvorligi indeksi”. https://worldjusticeproject.org/rule-of-law-index/global.

zamonaviy texnologiyalar va so‘nggi ilmiy yutuqlarni joriy qilish orqali to‘liq raqamlashtirish, jinoyat ishlarining elektron shakldagi nusxasini to‘liq yuritish va ushbu ishlar bo‘yicha elektron hujjat almashinuvini ta’minlash kabi muhim va ustuvor yo‘nalishlar belgilandi. Shu bilan birga, mazkur jarayonda normativ-huquqiy asoslarni aniq belgilash, amaliy mexanizmlarni takomillashtirish va ularni bosqichma-bosqich joriy etish zarur. Jinoyat ishlarini yuritish tartibini raqamlashtirish jarayonida, ayniqsa, surishtiruv va dastlabki tergov bosqichlarida tizimli yondashuvni yo‘lga qo‘yish bugungi kun talabi hisoblanadi.

O‘zbekiston Respublikasi Prezidentining 2018-yil 14-maydagi PQ–3723-son “Jinoyat va jinoyat-protsessual qonunchiligi tizimini tubdan takomillashtirish chora-tadbirlari to‘g‘risida”, 2020-yil 10-avgustdagi PF–6041-son “Sud-tergov faoliyatida shaxsning huquq va erkinliklarini himoya qilish kafolatlarini yanada kuchaytirish chora-tadbirlari to‘g‘risida”, 2020-yil 5-oktabrdagi PF–6079-son “Raqamli O‘zbekiston — 2030” strategiyasini tasdiqlash va uni samarali amalga oshirish chora-tadbirlari to‘g‘risida”, 2022-yil 28-yanvardagi PF–60-son “2022-2026-yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi to‘g‘risida”, 2022-yil 28-yanvardagi PQ–105-son “Ishni sudga qadar yuritishda yagona idoralararo elektron hamkorlik tizimini joriy etish chora-tadbirlari to‘g‘risida”, 2023-yil 11-sentabrdagi PF–158-son “O‘zbekiston – 2030” strategiyasi to‘g‘risida”gi farmon va qarorlarida hamda sohaga doir boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishga ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

**Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi.** Mazkur tadqiqot ishi respublika fan va texnologiyalari rivojlanishining I. “Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma’naviy-ma’rifiy rivojlantirishda innovatsion g‘oyalar tizimini shakllantirish va ularni amalga oshirish yo‘llari” ustuvor yo‘nalishiga mos keladi.

**Muammoning o‘rganilganlik darajasi.** Jinoyat protsessining surishtiruv va dastlabki tergov bosqichida raqamlashtirishni joriy qilish borasida bir qator olimlar tomonidan ilmiy izlanishlar amalga oshirilgan. Xususan, mamlakatimizda L.I.Isxakova, F.Xamdamova, S.Sadikov, S.Amaniyazova, M.Axmedshayeva, D.B.Bazarova, D.J.Suyunova, G.Z.Tulaganova, M.X.Kadirova, S.M.Raxmonova, I.R.Astanov, A.Abduvaliyev, B.O.Primov, S.S.Oripov, B.X.Xamidov, S.S.Saxaddinov, M.M.Boboyev, D.Abdalimova, Sh.Hamdamov, D.Yusupaliyev, S.Adilxodjayeva, Y.K.Sabirov va boshqalarning ilmiy ishlarida ushbu mavzuda tadqiqot olib borilgan.

Masalan, M.X.Kadirovaning ilmiy tadqiqot ishida jinoyat protsessida raqamlashtirishning, asosan, protsessual muddatlarga ta’siri tadqiq qilingan. Uning fikricha, raqamlashtirishning joriy qilinishi jinoyat protsessi ishtirokchilari tomonidan ish materiallari bilan tanishib chiqish, ish materiallarini qaytarish va ish yurituviga kelib tushishi o‘rtasida yuzaga keladigan muddatlarning qisqarishiga olib keladi. Raqamli texnologiyalarning joriy etilishi natijasida, ijtimoiy xavfi katta bo‘lmagan va uncha og‘ir bo‘lmagan jinoyatlar bo‘yicha tergov muddatlari o‘n kundan bir oygacha qisqaradi.

B.O.Primov tadqiqot ishida dastlabki tergov davomida ayrim jinoyat protsessual harakatlarni amalga oshirish va jinoyat alomatlari aniqlangan ma’muriy huquqbuzarlikka oid materiallarni prokurorga topshirish jarayonini raqamlashtirishga oid takliflarni ilgari surgan.

Mazkur tadqiqot ishining yuqoridagilardan farqi esa, undagi takliflar nafaqat dastlabki tergov faoliyati yoki protsessual muddatlarga, balki surishtiruv jarayoni hamda jinoyat ishini yuritish bilan bog‘liq boshqa jihatlarga ham taalluqli bo‘lib, raqamlashtirishning imkoniyatidan kelib chiqib mavjud muammolarga kompleks yechim berishga qaratilgan. Unda raqamlashtirish orqali jinoyat protsessual qonunchilikda belgilangan qoidalarga rioya qilinishini ta’minlashga, huquqdagi ayrim bo‘shliqlarni to‘ldirishga va ziddiyatli normalarni takomillashtirishga hamda sun’iy intellekt texnologiyalari asosida ish faoliyatini yengillashtirish va sifat ko‘rsatkichlarini yaxshilashga qaratilgan takliflar ishlab chiqilgan. Bu takliflar qonunchilik loyihalari, amaliyotdagi muammolar bilan batafsil yoritib berilgan.

Surishtiruv va dastlabki tergov bosqichida raqamlashtirish imkoniyatlaridan foydalanishning ilmiy-nazariy asoslari masalalari MDHga a’zo davlatlar olimlari: I.Y.Pashenko, A.Y.Afanasyev, R.M.Shevsov, A.V.Maksimenko, O.I.Miroshnichenko, L.A.Voskobitova, I.L.Bednyakov, N.A.Razveykina, M.Abduraxmanov, P.Golovnenkov, N.Spitsa, M.S.Neijkasha, S.V.Zuev, I.N.Yakovenko, O.A.Belov, P.S.Pastuxov, R.I.Okonenko, Y.N.Sokolov, V.B.Vexov, A.A.Usachev, L.N.Maslennikova, Y.S.Kudryashova, I.I.Sheremetyev, D.S.Kiselyov, P.M.Morxat, N.M.Korshunov, Y.L.Mareyev, L.A.Serjantova, Y.S.Papisheva, O.V.Dobrovlyanina, Z.Sidikova, L.V.Golovko va boshqalar tomonidan tadqiq etilgan.

Jinoyat protsessida raqamlashtirishni qo‘llashning ayrim masalalariga xorij olimlari: N.Aletras, D.Tsarapatsanis, D.Preotiuc-Pietro, V.Lampos, T.Marquenie, E.Kindt, Ch.Dowling, A.Morgan, A.Gannoni, P.Jorna, N.Negroponte, S.Schmahl, E.Schlehahn, T.Marquenie kabilarning ilmiy ishlarida e’tibor qaratilgan.

Biroq, yuqorida nomlari keltirilgan olimlarning ushbu tadqiqot ishlarida raqamlashtirishni joriy qilishning nazariy va amaliy jihatlari kompleks tarzda kam o‘rganilgan. Shu bois, surishtiruv va dastlabki tergov bosqichida raqamlashtirishni joriy qilishni nafaqat nazariy jihatdan, balki amaliyotdagi muammolar uyg‘unligi asosida asoslash ushbu munosabatlar bilan bog‘liq qonunchilik bazasini yanada takomillashtirishga xizmat qiladi.

**Dissertatsiya tadqiqotining dissertatsiya bajarilgan ilmiy tashkilot yoki ta’lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi.** Dissertatsiya tadqiqoti Toshkent davlat yuridik universitetining ilmiy-tadqiqot ishlari rejasidagi “Sud-huquq tizimini isloh qilish sharoitida jinoyat-protsessual qonunchilikni takomillashtirishning asosiy yo‘nalishlari” doirasida amalga oshirilgan.

**Tadqiqotning maqsadi** surishtiruv va dastlabki tergov bosqichida jinoyat ishlarini yuritishni bosqichma-bosqich raqamlashtirish masalasini ilmiy-nazariy hamda amaliy tahlillar asosida kompleks tadqiq qilgan holda aniqlangan muammolarga yechim topish, qonunchilik va qonunni qo‘llash amaliyotini yanada takomillashtirishga qaratilgan taklif va tavsiyalar ishlab chiqishdan iborat.

**Tadqiqotning vazifalari:**

jinoyat protsessida raqamlashtirishni nazariy va amaliy jihatdan tadqiq qilish;

jinoyat protsessida raqamlashtirishning rivojlanish tarixini o‘rganish;

jinoyat protsessida raqamlashtirishning huquqiy tabiatini tahlil qilish;

surishtiruv va dastlabki tergov bosqichida jinoyat ishlarini yuritishni raqamlashtirishning tartib-taomillarini o‘rganish;

surishtiruv va dastlabki tergov bosqichida raqamlashtirishni joriy qilishning huquqiy mexanizmini tadqiq qilish;

bugungi kunda surishtiruv va dastlabki tergov bosqichida joriy etilgan axborot tizimlaridan foydalanish imkoniyatlarini o‘rganish;

jinoyat protsessida raqamli texnologiyalardan foydalanishda xorijiy davlatlar tajribasini tahlil qilish;

surishtiruv va dastlabki tergov jarayonida raqamli texnologiyalarini qo‘llash samaradorligini oshirishga qaratilgan ilmiy-amaliy taklif va tavsiyalar ishlab chiqish.

**Tadqiqotning obyekti** sifatida surishtiruv va dastlabki tergov jarayonida raqamlashtirishni qo‘llashga oid protsessual huquqiy munosabatlar tizimi olingan.

**Tadqiqotning predmeti** surishtiruv va dastlabki tergov bosqichida raqamlashtirishni qo‘llash bilan bog‘liq huquqiy munosabatlarni tartibga soluvchi normativ-huquqiy hujjatlar, sud-tergov amaliyotiga doir hujjatlar, qonunni qo‘llash amaliyoti, ayrim xorijiy mamlakatlar qonunchiligi, jinoyat-protsessual huquqi fanida mavjud konseptual yondashuvlar va ilmiy-nazariy qarashlarni tashkil etadi.

**Tadqiqotning usullari.** Tadqiqotni amalga oshirishda tarixiy, tizimli, qiyosiy-huquqiy, tahliliy, mantiqiy, ijtimoiy so‘rov o‘tkazish, ilmiy manbalarni kompleks tadqiq etish, statistik ma’lumotlar tahlili, qonunchilikni sharhlash, qonunni qo‘llash amaliyotini o‘rganish kabi usullardan foydalanilgan.

**Tadqiqotning ilmiy yangiligi** quyidagilardan iborat:

ma’lumotlarning qog‘oz shaklidagi almashinuvi protsessual muddatlar cho‘zilishiga, hujjatlarni soxtalashtirish holatlariga olib kelganligi bois, surishtiruv va tergov organlarining vakolatli davlat organlari va tashkilotlari bilan elektron idoralararo hamkorligini yo‘lga qo‘yish zarurligi asoslantirilgan;

protsessual harakatlarni amalga oshirishda jinoyat protsessi ishtirokchilari qatnashuvini ta’minlash, ularni surishtiruv-tergov organlariga asossiz chaqirilishini oldini olish, jinoyat ishi qo‘zg‘atilgandan boshlab uning harakati haqida o‘z vaqtida xabardor etib borish tartibini joriy etish maqsadida “SMS–xabarnoma” xizmati orqali elektron xabardor qilish tartibini joriy etish zarurligi asoslab berilgan;

surishtiruvchi va tergovchilar o‘rtasida ish yuklamasini adolatsiz taqsimlash holatlariga yo‘l qo‘yilishi tergov sifatiga salbiy ta’sir ko‘rsatayotganligi bois, jinoyat ishlarini surishtiruv va tergovga tegishlilik qoidalari asosida surishtiruv yoki dastlabki tergov organiga topshirish jarayonini raqamlashtirish, jinoyat ishlarini bir surishtiruv va tergov bo‘linmasi doirasida surishtiruvchi va tergovchilar o‘rtasida elektron taqsimlashni yo‘lga qo‘yish kerakligi asoslangan;

jinoyat ishlarining tergovi ustidan prokuror nazoratida, protsessual harakatlarni amalga oshirishga sudning ruxsatini olish jarayonida qog‘ozbozlik holatlari saqlanib

qolayotganligi, bu ortiqcha xarajatlarni ham yuzaga keltirayotganligi, shuningdek, protsessual muddatlarga to‘la rioya qilinishiga salbiy ta’sir qilayotganligi sababli, surishtiruv va dastlabki tergov ustidan prokuror nazoratini, xususan qabul qilingan qarorlar haqida prokurorni xabardor qilish, surishtiruvchi va tergovchiga ko‘rsatmalar berish, sanksiya berish yoki sanksiya berish uchun sudga iltimosnomalar kiritish, surishtiruv va dastlabki tergov jarayonida “Xabeas korpus” institutini qo‘llashda, xususan sanksiya berish uchun sudga iltimosnomalar va zarur materiallarni taqdim etish, sud tomonidan tayinlangan ehtiyot chorasining bekor qilinganligi haqidagi xabarlarni sudga yuborish jarayonini to‘liq raqamlashtirish zarurligi amaliy misollar bilan asoslab berilgan.

**Tadqiqotning amaliy natijalari** quyidagilardan iborat:

tadqiqot davomida aniqlangan muammolar tahlili asosida surishtiruv va dastlabki tergov jarayonida jinoyat ishlarini yuritish tartibini raqamlashtirish darajasini oshirishga qaratilgan takliflar ishlab chiqilib, ular asosida “Ishni sudga qadar yuritish bosqichida raqamli texnologiyalarning keng qo‘llanilishi munosabati bilan O‘zbekiston Respublikasining Jinoyat-protsessual kodeksiga o‘zgartirish va qo‘shimchalar kiritish to‘g‘risida”gi O‘zbekiston Respublikasining Qonuni loyihasi tayyorlangan;

jinoyat ishlarini elektron tartibda yuritishning huquqiy asoslarini belgilash, bu jarayonda ishtirok etuvchi subyektlar, ularning huquq va majburiyatlari hamda vakolatlarini, bu jarayonda sun’iy intellekt texnologiyalaridan foydalanish shartlarini belgilab berish bo‘yicha tayyorlangan takliflar asosida “Elektron jinoyat ishi to‘g‘risida”gi O‘zbekiston Respublikasining Qonuni loyihasi ishlab chiqilgan;

surishtiruv va dastlabki tergov jarayonida raqamli texnologiyalar imkoniyatlarini joriy etishning ustuvor yo‘nalishlarini, jinoyat ishlarini elektron tartibda yuritishning huquqiy mexanizmlarini belgilash maqsadida ishlab chiqilgan takliflar asosida “Ishni sudga qadar yuritish bosqichida zamonaviy axborot-texnologiyalarini keng qo‘llash bo‘yicha navbatdagi chora-tadbirlar to‘g‘risida”gi O‘zbekiston Respublikasi Prezidentining Farmoni loyihasi tayyorlangan;

tadqiqot doirasida amalga oshirilgan tahlillar natijasida, jinoyat tufayli yetkazilgan zararni qoplash jarayonida sodir etilgan soxtalashtirish holati bilan bog‘liq jinoyat fosh etilib, jazo muqarrarligi ta’minlangan hamda jinoyat-protsessual huquqiy normalarni to‘g‘ri qo‘llash, jinoyatlarning oldini olishga qaratilgan tavsiyalar ishlab chiqilgan.

**Tadqiqot natijalarining ishonchliligi.** Tadqiqot natijalari xalqaro huquq va milliy qonunchilik normalari, rivojlangan xorijiy davlatlar tajribasi, qonunni qo‘llash amaliyotiga, milliy va xorijiy olimlarning ilmiy-nazariy qarashlariga, tadqiqot natijalarini davlat organlari tomonidan amaliyotga joriy etish va tasdiqlashga, 200 nafardan ortiq respondentlar o‘rtasida o‘tkazilgan sotsiologik so‘rov va tadqiqotlarga, 2019–2024-yillarga oid statistik ma’lumotlar, sud-tergov amaliyoti hujjatlariga asoslanib, xulosa, taklif va tavsiyalar sinovdan o‘tkazilgan hamda ularning natijalari yetakchi mahalliy va xorijiy nashrlarda e’lon qilingan.

**Tadqiqot natijalarining ilmiy va amaliy ahamiyati.** Tadqiqot natijalarining ilmiy ahamiyati shundan iboratki, mazkur tadqiqot natijasida ishlab chiqilgan qoidalar jinoyat-protsessual huquqi fani nazariyasining rivojlanishiga xizmat qiladi.

Ilmiy izlanishlar doirasida ishlab chiqilgan xulosalardan ilmiy tadqiqot ishlarini olib borishda, jinoyat protsessi fanidan ma’ruza va amaliy mashg‘ulotlarni olib borishda foydalanish mumkin.

Tadqiqot ishining amaliy ahamiyati qonun ijodkorligi faoliyatida, xususan, normativ-huquqiy hujjatlarni tayyorlash, qonunni qo‘llash amaliyotiga doir idoraviy hujjatlarni ishlab chiqish, elektron axborot tizimlari imkoniyatlarini kengaytirishda xizmat qiladi.

**Tadqiqot natijalarining joriy qilinishi.** Surishtiruv va dastlabki tergov jarayonida raqamlashtirish imkoniyatlarini keng qo‘llash bo‘yicha o‘tkazilgan ilmiy natijalar asosida:

surishtiruv va tergov organlarining vakolatli davlat organlari va tashkilotlari bilan elektron idoralararo hamkorligini yo‘lga qo‘yish haqidagi takliflardan O‘zbekiston Respublikasi Prezidentining 28.01.2022-yildagi “Ishni sudga qadar yuritishda yagona idoralararo elektron hamkorlik tizimini joriy etish chora-tadbirlari to‘g‘risida”gi PQ–105-son qarorining 1-bandi ikkinchi xatboshisini ishlab chiqishda foydalanilgan *(O‘zbekiston Respublikasi Bosh prokuraturasining 2024-yil 13-maydagi 27/2-114-24-son dalolatnomasi)*. Mazkur taklifning qabul qilinishi natijasida “Elektron surishtiruv va dastlabki tergov” yagona elektron axborot tizimi joriy etilib, zarur ma’lumotlarni tezlikda va haqqoniy qabul qilish imkoniyatlari yaratilgan;

jinoyat protsessi ishtirokchilarini “SMS–xabarnoma” xizmati orqali elektron xabardor qilish haqidagi takliflardan O‘zbekiston Respublikasi Bosh prokuraturasi tomonidan “Elektron jinoyat ishi” loyihasini ishlab chiqishda foydalanilgan *(Bosh prokuraturaning 2024-yil 11-iyuldagi 27/2-169-24-son dalolatnomasi)*. Mazkur taklifning inobatga olinishi surishtiruv va dastlabki tergov organlari ishini osonlashtirishi bilan birga, fuqarolarga qo‘shimcha qulaylik yaratishga xizmat qilgan;

jinoyat ishlarini surishtiruv va tergovga tegishlilik qoidalari asosida surishtiruv yoki dastlabki tergov organiga topshirish jarayonini raqamlashtirish, jinoyat ishlarini bir surishtiruv va tergov bo‘linmasi doirasida surishtiruvchi va tergovchilar o‘rtasida elektron taqsimlashni yo‘lga qo‘yish haqidagi takliflardan O‘zbekiston Respublikasi Bosh prokuraturasi tomonidan “Elektron jinoyat ishi” loyihasini ishlab chiqishda foydalanilgan *(Bosh prokuraturaning 2024-yil 11-iyuldagi 27/2-169-24-son dalolatnomasi)*. Mazkur taklifning inobatga olinishi jinoyat-protsessual qonuni normalarini to‘g‘ri tatbiq etilishini ta’minlash bilan birga, jarayonda subyektivlikni oldini olishga, ish hajmini adolatli taqsimlash orqali ish sifatini oshirishga, pirovard natijada fuqarolarning huquq va manfaatlari himoyasini yanada ishonchli ta’minlashga xizmat qilgan;

surishtiruv va dastlabki tergov ustidan prokuror nazoratini, xususan qabul qilingan qarorlar haqida prokurorni xabardor qilish, surishtiruvchi va tergovchiga ko‘rsatmalar berish, sanksiya berish yoki sanksiya berish uchun sudga iltimosnomalar kiritish, surishtiruv va dastlabki tergov jarayonida “Xabeas korpus” institutini qo‘llashda, xususan sanksiya berish uchun sudga iltimosnomalar va zarur materiallarni taqdim etish, sud tomonidan tayinlangan ehtiyot chorasining bekor qilinganligi haqidagi xabarlarni sudga yuborish jarayonini to‘liq raqamlashtirish

haqidagi takliflardan O‘zbekiston Respublikasi Bosh prokuraturasi tomonidan “Elektron jinoyat ishi” loyihasini ishlab chiqishda foydalanilgan *(Bosh prokuraturaning 2024-yil 11-iyuldagi 27/2-169-24-son dalolatnomasi)*. Mazkur taklifning inobatga olinishi qog‘ozbozlik holatlariga chek qo‘yishga, nazorat sifatini oshirish orqali bu boradagi mas’uliyatni yanada oshirishga xizmat qilgan.

**Tadqiqot natijalarining aprobatsiyasi.** Mazkur tadqiqot natijalari 6 ta ilmiy anjumanda, jumladan 2 ta xalqaro, 4 ta respublika ilmiy-amaliy anjumanlarda muhokamadan o‘tkazilgan.

**Tadqiqot natijalarining e’lon qilinganligi.** Tadqiqot ishi doirasida jami 11 ta ilmiy ish, jumladan 5 ta ilmiy maqola (ulardan 2 tasi xorijiy nashrlarda) chop etilgan.

**Dissertatsiyaning tuzilishi va hajmi.** Dissertatsiya tarkibi kirish, 3 ta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat. Dissertatsiyaning hajmi 137 betni tashkil etadi.

## DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish (falsafa doktori (PhD) dissertatsiyasi annotatsiyasi) qismida tadqiqot mavzusining dolzarbligi va zaruriyati, tadqiqotning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga mosligi, tadqiq etilayotgan muammoning o‘rganilganlik darajasi, tadqiqot mavzusining dissertatsiya bajarilayotgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari bilan bog‘liqligi, tadqiqotning maqsad va vazifalari, obyekti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, joriy qilinishi, aprobatsiyasi, natijalarning e’lon qilinganligi, dissertatsiyaning tuzilishi va hajmi yoritilgan.

Dissertatsiyaning birinchi bobi **“Jinoyat ishlarini yuritishni raqamlashtirishning nazariy-huquqiy tavsifi”** deb nomlanib, unda jinoyat protsessini raqamlashtirish borasidagi ilmiy-nazariy qarashlar, uning huquqiy tabiati, mamlakatimizda jinoyat ishini yuritish bosqichida raqamlashtirishning tadrijiy rivojlanishi kabi masalalar tahlil qilingan.

Jinoyat protsessida raqamlashtirish tushunchasi, bu boradagi ilmiy-nazariy qarashlar, raqamlashtirishni jinoyat protsessida joriy etishning asosiy vazifalari, uning jinoyat protsessida belgilangan prinsiplarga muvofiqligi masalalari mamlakatimiz va MDHga a’zo davlatlar olimlarining fikrlari bilan atroflicha yoritilgan.

M.X.Kadirova, D.Yusupaliyev, S.Oripov, B.Primov, Sh.Hamdamov, S.Sadikov, A.Y.Afanasyev, Y.N.Sokolov, I.Y.Pashenkolarning ilmiy ishlari tahlilidan kelib chiqqan holda, jinoyat protsessida raqamlashtirishning mualliflik ta’rifi ishlab chiqilgan.

Bu borada o‘tkazilgan ilmiy izlanishlar tasnifi ishlab chiqilib, uch turkumga ajratilgan: jinoyat protsessida raqamlashtirishni joriy qilishning nazariy va ilmiy asoslari, raqamlashtirishni jinoyat-protsessual vositalarning klassik modellariga joriy etish hamda jinoyat protsessida raqamli texnologiyalardan foydalanishning texnik-kriminalistik imkoniyatlari.

Jinoyat protsessida raqamlashtirishning asosiy vazifalari ro‘yxati shakllantirilgan: jinoyat protsessini soddalashtirish; protsessual muddatlarni qisqartirish va mas’ullarning javobgarligini oshirish; protsessual xatolik,

suiiste’molchilik va soxtalashtirish holatlarini oldini olish; jinoyat ishini yuritishda mehnat unumdorligini oshirish; surishtiruv va dastlabki tergov organlarining o‘zaro hamda boshqa tashkilotlar bilan tezkor elektron ma’lumot almashinuvini yo‘lga qo‘yish; surishtiruv va tergov sifatini oshirish orqali fuqarolarning huquq va erkinliklari himoyasini samarali ta’minlash.

Fuqarolarning huquq va erkinliklari muhofazasiga zarar yetkazgan taqdirda, raqamlashtirishni jinoyat protsessida qo‘llashni istisno etishini jinoyat protsessi prinsipi darajasida belgilash taklifi asoslantirib berilgan.

Raqamlashtirishni jinoyat protsessida joriy qilish va amaliyotda qo‘llashga asos bo‘luvchi huquqiy va konseptual asoslar, uning Elektron hukumat islohotlarida tutgan o‘rni, suiiste’molchiliklarni oldini olishdagi ahamiyati, jinoyat protsessual faoliyatni amalga oshirishdagi tezkorligi, mavjud xavf-xatarlar hamda ularning salbiy ta’siriga oid masalalar tadqiq qilingan.

Jinoyat hamda jinoyat-protsessual qonunchiligini takomillashtirish bo‘yicha va sohaga oid qabul qilingan boshqa konsepsiyalarda nazarda tutilgan vazifalar ijrosi tahlil qilinib, raqamlashtirishning suiiste’molchilikni oldini olishdagi ahamiyati statistik ma’lumotlar va misollar bilan yoritib berilgan.

Masalan, 2024-yilda surishtiruv va tergov organlari tomonidan 213 ta jinoyat ishi surishtiruv va dastlabki tergov muddati buzilgan holda tergov qilingan bo‘lsa, jinoyat ishi tergovida yo‘l qo‘ygan kamchiliklari uchun 170 nafar surishtiruvchi va tergovchi prokuror ta’sir chorasi asosida intizomiy javobgarlikka tortilgan.

Raqamlashtirishni joriy qilishda xavf-xatarlarni ham inobatga olish maqsadga muvofiq. Masalan, har 39 sekundda bitta, bir kunda esa 2 200 dan ortiq, bir yilda 800 mingdan ortiq kiberxujumlar sodir etiladi. Osiyo-Tinch okeani mintaqasida kiberxujumlar hajmi dunyo bo‘yicha 31 foizni tashkil etib, uning ulushi Yevropa (28 foiz) va Shimoliy Amerikaga (25 foiz) nisbatan yuqori[1]. O‘zbekiston Respublikasi Bosh prokurorining 2023-yilda mamlakatimiz aholisiga qilgan murojaatida so‘nggi yillarda kiberjinoyatlar soni qariyb 25 barobar oshganligi ta’kidlangan[2].

Surishtiruv va dastlabki tergov bosqichida raqamlashtirish yo‘nalishlari ro‘yxati shakllantirilgan: elektron hujjatlar bilan ishlash; murojaatlarni elektron tartibda qabul qilish va ko‘rib chiqish; raqamli ekspertiza; sun’iy intellekt va tahlil; elektron nazorat.

Dissertatsiya doirasida raqamlashtirishning rivojlanish tarixi tahlil qilinib, mustaqillik yillarida jinoyat-protsessual qonunchiligimizda raqamli texnologiyalar imkoniyatlaridan foydalanish zaruriyatining vujudga kelishi va rivojlanishi quyidagi ikki bosqichga bo‘linib, xronologik o‘rganilgan:

*birinchi bosqich* – axborot-texnologiyalari imkoniyatidan foydalanish zaruriyatini yuzaga keltirgan davr sifatida 1994–2016-yillarni qamrab oladi. Amaldagi Jinoyat-protsessual kodeksi 1994-yilda qabul qilinganligi sababli ham, ushbu davrni shu yildan boshlangan deyish mumkin. Bu davr videoyozuv orqali qayd qilinishi lozim bo‘lgan tergov harakatlari ko‘lamining kengayishiga sabab

[1] Статистика кибербезопасности на 2024, глобальные тренды и ожидаемые затраты. https://newsletter.radensa.ru/archives/4840

[2] O‘zbekiston Respublikasi Bosh prokurori mamlakatimiz aholisiga murojaat bilan chiqdi. https://yuz.uz/news/ozbekiston-respublikasi-bosh-prokurori-mamlakatimiz-aholisiga-murojaat-bilan-chiqdi

bo‘lgan omillar, masofadan amalga oshiriladigan ayrim tergov harakatlarini o‘tkazish zaruriyatining yuzaga kelishi, jinoyatlar bo‘yicha statistika kartochkalarning qog‘ozda yuritilishi, surishtiruv va dastlabki tergov organlarining vakolatli davlat organlari bilan sust hamkorligiga oid jarayonlar bilan bog‘liqlikda ifodalanadi;

*ikkinchi bosqich* – 2017-yildan bugungi kungacha bo‘lgan davrni qamrab olib, ayni bu davr mamlakatimizda Hukumatning almashinuvi fonida siyosiy plyuralizmning sud-huquq sohasida ham ta’sir etganligida namoyon bo‘ladi. Ushbu davrda yuzaga kelgan muammolarni hal qilishga qaratilgan normalar qabul qilingan. Xususan, videoyozuvda qayd etiladigan protsessual harakatlar ro‘yxati kengaytirilgan. Ayrim tergov harakatlarini videokonferensaloqa rejimida o‘tkazish, “Yuridik yordam” axborot tizimi orqali himoyachini elektron tanlashning protsessual tartibi belgilangan. Shuningdek, “Elektron jinoiy-huquqiy statistika” hamda “Elektron surishtiruv va dastlabki tergov” yagona elektron axborot tizimlari joriy qilingan.

“Elektron jinoiy-huquqiy statistika” axborot tizimi orqali sodir etilgan jinoyatlarning hisobi yuritib borilib, qaysi toifadagi jinoyatlar o‘sayotganligi, ularni qaysi toifadagi shaxslar sodir etayotganligi, jinoyatchilikka qarshi kurash borasidagi tadbirlar ahvoli qay darajada tashkil etilganligi haqida tahliliy ma’lumotlarni jamlashga yordam beradi.

Undan foydalanuvchilar soni 1 522 nafarni tashkil etib, 2019–2024-yillarda 103 mingdan ortiq jinoyat ishlari ro‘yxatdan o‘tkazilgan, 649 mingdan ortiq statistik kartochkalar to‘ldirilgan.

“Elektron surishtiruv va dastlabki tergov” axborot tizimi davlat organlarining 33 ta axborot tizimlari bilan integratsiya qilingan bo‘lib, foydalanuvchilar soni 7 390 nafarni tashkil etadi. Axborot tizimi orqali 2022–2024-yillarda 1 mln. 210 mingdan ortiq so‘rovlar yuborilgan. Uning ishga tushirilishi natijasida oyiga qog‘oz sarfidan jami hisobda 1 mlrd. 83 mln. so‘m mablag‘ tejab qolinadi.

Ekspertni so‘roq qilishni videokonferensaloqa rejimida o‘tkaziladigan tergov harakatlari ro‘yxatiga kiritish (so‘rovnomada ishtirok etganlarning 87 foizi ushbu taklifni quvvatlagan) taklifi berilgan. Masalan, qasddan odam o‘ldirish jinoyati bo‘yicha tergov harakatlarida shaxsning ruhiy sog‘lomligini aniqlashni amalga oshiradigan ekspertiza muassasasi faqat Toshkent shahri va Samarqand viloyatlarida joylashgan.

Yoki, X.Sulaymonova nomidagi sud ekspertizalari viloyatlarning markazlarida tashkil etilgan. Birgina, qasddan odam o‘ldirish jinoyatlari bo‘yicha yiliga o‘rtacha 300 ta sud-psixiatriya ekspertizasi o‘tkaziladigan bo‘lsa, uning o‘rtacha 10 foizi bo‘yicha ekspertlar taqdim etilgan xulosa bo‘yicha so‘roqqa jalb qilinmoqda. Agarda, jinoyat-protsessual qonunchiligida belgilangan asoslar bo‘yicha ekspertni so‘roq qilish zaruriyati yuzaga kelsa, bu uzoq hududda joylashgan viloyatlar va tuman (shahar)lardagi surishtiruv va dastlabki tergov organlari uchun bir qator qiyinchiliklarni yuzaga keltiradi. Yuqoridagi taklif yuzaga kelayotgan ushbu muammo asosida asoslantirib berilgan.

“Elektron surishtiruv va dastlabki tergov” yagona axborot tizimi jumlasi o‘rniga “Surishtiruv va dastlabki tergov” yagona elektron axborot tizimi jumlasini qo‘llash taklif etilgan.

Dissertatsiyaning **“Surishtiruv va dastlabki tergov jarayonida jinoyat ishlarini yuritishni raqamlashtirishning huquqiy mexanizmi”** nomli ikkinchi bobida surishtiruv va dastlabki tergov bosqichida jinoyat ishlarini yuritishni raqamlashtirish tartib-taomillari hamda huquqiy chora-tadbirlar haqida fikr yuritilib, qonunchilik hujjatlari hamda qonunni qo‘llash amaliyotini takomillashtirish yuzasidan taklif va tavsiyalar ishlab chiqilgan.

Unda surishtiruv va dastlabki tergov bosqichida raqamlashtirishni qo‘llashda rioya etilishi lozim bo‘lgan 5 ta tartib-taomillar mavjud bo‘lishi lozimligi ko‘rsatib o‘tilgan: mavjud texnik imkoniyatlarga mutanosiblik; jinoyat protsessidagi aybsizlik prezumpsiyasi va shaxsning qadr-qimmatini hurmat qilish prinsiplariga muvofiqlik; surishtiruv va dastlabki tergov siri oshkor etilmasligini ta’minlash; surishtiruv va dastlabki tergov davomida to‘plangan dalillarning aslini saqlash; inson huquq va erkinliklari himoyasini ta’minlash.

Xususan, mamlakatimizda raqamli xizmatlar hajmi 2016-yildan buyon 3,5 baravarga, ya’ni yiliga o‘rtacha 2,7 trln. so‘mga, aholi jon boshiga nisbatan ko‘rsatilgan xizmatlar hajmi 3,2 baravarga oshgan. Doimiy aholi soni 2025-yil 1-yanvar holatiga 37,5 mln. nafardan oshgan bo‘lsa, internet tarmog‘iga ulangan abonentlar soni 26,7 mln. nafar yoki jami aholining 70 foizidan ortgan[1].

Jinoyatlar soni yiliga o‘rtacha yuz mingta, ushbu jinoyat ishlari doirasida ishtirok etuvchi shaxslar qariyb besh yuz mingtaga yetishi inobatga olinsa, internetga ulangan hamda raqamlashtirish imkoniyatlaridan foydalanishi mumkin bo‘lgan aholi soni bu ko‘rsatkichga nisbatan ellik baravardan ham yuqori ekanligi, jinoyat protsessida raqamlashtirish imkoniyatlarini yanada kengaytirish masalasi aholini raqamli xizmatlar bilan qamrab olish tendensiyasiga muvofiq kelishini ko‘rish mumkin.

Shu bilan birga, dissertatsiyada jinoyat protsessi ishtirokchisini elektron xabardor qilish tartibini joriy qilish taklifi berilib, uni amalga oshirishda protsess ishtirokchisining texnik imkoniyati va roziligi inobatga olinishi ta’kidlab o‘tilgan.

“Elektron jinoiy-huquqiy statistika” yagona elektron axborot tizimidan foydalanish ahvoli tahlil qilinganda, axborot tizimida muayyan jinoyat ishiga aloqasi bo‘lmagan mansabdor shaxslarda (surishtiruvchi, tergovchi, prokuror va ushbu organlarda ishlovchi boshqa shaxslar) ham jinoyat ishiga aloqador ma’lumotlardan foydalanish imkoniyatlari mavjudligi aniqlangan. Bu esa, aybsizlik prezumpsiyasi prinsipining buzilishi bilan birga, tergov siri oshkor etilishiga ham sabab bo‘lishi mumkin.

Fuqarolarning huquq va erkinliklariga rioya qilinishini ta’minlash asosiy mezon deb belgilanganligi bois, surishtiruv va dastlabki tergovning ayrim bosqichlari raqamlashtirishdan holi bo‘lishi lozim. Masalan, qamoq ehtiyot chorasini qo‘llashda sudya gumon qilinuvchi va ayblanuvchi bilan bevosita muloqot qilish orqali haqiqatga aniqlik kiritishi zarurligi sababli, masofadan so‘roq qilish tartibini joriy qilish maqsadga muvofiq emas.

[1] O‘zbekistonda internetdan samarali foydalanuvchilar soni ortib bormoqda. https://ict.xabar.uz/reytinglar/ozbekis-tonda-internetdan.

Dissertatsiyaning mazkur bobida ko‘tarilgan muammolar yuzasidan asoslantirilgan taklif va tavsiyalar ishlab chiqilgan.

Surishtiruv va dastlabki tergov bosqichida raqamlashtirishni joriy qilish maqsadida shu vaqtga qadar amalga oshirilgan tashkiliy tadbirlar, xususan, prokuratura va ichki ishlar organlarida tashkil etilgan tuzilmalar, ular faoliyatining natijadorligi, “Elektron jinoyat ishi” loyihasining mazmuni hamda uni amaliyotga joriy etilmaganligi sabablari tahlil qilingan.

Xususan, prokuratura va ichki ishlar organlarida axborot texnologiyalariga mas’ul tarmoqlar faoliyatining (qayta) tashkil etilishi surishtiruv va dastlabki tergov faoliyatida raqamlashtirishni joriy etishda muhim ahamiyat kasb etgan.

Jumladan, “Elektron jinoiy-huquqiy statistika” hamda “Elektron surishtiruv va dastlabki tergov” yagona elektron axborot tizimlari ishga tushirilib, mazkur tarmoqlar mas’ulligida yuritib kelinmoqda.

Ta’kidlash joiz, Davlatimiz rahbarining tegishli qarori bilan 2018-yilda Jinoyat va jinoyat-protsessual qonunchiligini takomillashtirish konsepsiyasi ishlab chiqilib, Bosh prokuror rahbarligida Idoralararo komissiya tarkibi tasdiqlangan, “Elektron jinoyat ishi” dastlabki loyihasi ishtirokchilari ro‘yxati shakllantirilib, uni to‘rt bosqichda amalga oshirish bo‘yicha chora-tadbirlar dasturi ishlab chiqilgan:

*birinchi bosqichda* (01.12.2018-yilga qadar) Toshkent shahrining Yakkasaroy va Mirobod tumanlarida “Elektron jinoyat ishi”ning dastlabki loyihasini ishga tushirish;

*ikkinchi bosqichda* (01.03.2019-yilgacha) ushbu loyihani respublikaning butun hududida bosqichma-bosqich yo‘lga qo‘yish bo‘yicha “yo‘l xaritasi”ni ishlab chiqish;

*uchinchi bosqichda* (01.10.2019-yilgacha) dastlabki loyihaning sinov natijalariga ko‘ra jinoyat va jinoyat-protsessual qonunchiligi hujjatlarini takomillashtirish yuzasidan takliflar kiritish;

*to‘rtinchi bosqichda* (01.12.2019-yilga qadar) Jinoyat kodeksi va Jinoyat protsessual kodekslarini yangi tahrirda qabul qilish.

Bosh prokuratura tomonidan “Elektron jinoyat ishi”ning dastlabki loyihasi ishlab chiqilib, unda jinoyat protsessi jarayoni jinoyat haqidagi xabarlarni ro‘yxatga olish; tergovga qadar tekshiruv o‘tkazish; jinoyat ishlarini surishtiruv va dastlabki tergov jarayonida tergov qilish; sud tergovi hamda hukm chiqarish kabi 5 ta bosqichga bo‘lingan.

Bosh prokuratura tomonidan ishlab chiqilgan texnik-iqtisodiy hisob-kitoblar bo‘yicha, birgina axborot tizimini ishlab chiqish qiymati 2 mlrd. so‘mdan ortiq summaga baholangan va loyihaning to‘liq ishga tushmaslik sabablari aynan byudjet xarajatlari bilan bog‘liq bo‘lgan.

Bugungi kunda, jinoyat-protsessual qonunchiligi normalarini to‘g‘ri qo‘llash yuzasidan ko‘rsatma va qarorlar qabul qilish amaliyoti shakllangan. Mohiyatan ushbu hujjatlar Oliy sud Plenumining jinoyat-protsessual qonuni normalarini qo‘llash masalalari bo‘yicha tushuntirish berishga oid qarorlariga o‘xshash. Biroq, ushbu hujjatlar (shuningdek, ularga kiritilgan o‘zgarishlar) haqida manfaatdor shaxslarni real vaqt rejimida onlayn xabardor qilish tartibi

belgilab berilmagani qo‘pol qonun buzilishlarga sabab bo‘layotganligi amaliy misollar bilan yoritilgan.

Jumladan, qamoqqa olish tarzidagi ehtiyot chorasini qo‘llash bo‘yicha kiritilgan prokuror iltimosnomasi sud tomonidan qariyb 1,5 yil avval bekor bo‘lgan ko‘rsatma talablari asosida rad etilib, ushlab turilgan shaxs noqonuniy ravishda ozod etilgan.

Bunday holatlarni oldini olish maqsadida ushbu hujjatlarni O‘zbekiston Respublikasining qonunchilik ma’lumotlari milliy bazasi hisoblangan *www.lex.uz* saytida majburiy e’lon qilib borish zarurligi asoslantirilgan.

Tadqiqot doirasida surishtiruv va dastlabki tergov organlari faoliyatida raqamlashtirish darajasini oshirish maqsadida Bosh vazir rahbarligida respublika idoralararo maxsus komissiyasini tashkil etish, “Elektron jinoyat ishi” loyihasini sinov tariqasida dastlab ijtimoiy xavfi katta bo‘lmagan va uncha og‘ir bo‘lmagan jinoyatlar bo‘yicha tatbiq etish taklif etilgan.

Dissertatsiyaning uchinchi bobi **“Jinoyat ishlarini yuritishni bosqichma-bosqich raqamlashtirish sharoitida surishtiruv va dastlabki tergov olib borish tartibini takomillashtirish istiqbollari”** deb nomlanib, unda surishtiruv va dastlabki tergov jarayonida raqamlashtirish ahvoli bo‘yicha xalqaro tajriba tahlil qilingan. Surishtiruv va dastlabki tergov jarayonida raqamlashtirishni takomillashtirish yuzasidan takliflar ishlab chiqilgan. Shuningdek, jinoyat ishlarini yuritishda sun’iy intellekt texnologiyalaridan foydalanish istiqbollari keltirib o‘tilgan.

Ayrim xorijiy mamlakatlarda (Koreya, Turkiya, AQSh, Angliya, Fransiya, Germaniya, Rossiya, Xitoy, Qozog‘iston va boshqa) surishtiruv hamda tergov organlari faoliyatini raqamlashtirish borasida joriy qilingan imkoniyatlar tahlil qilingan.

Xususan, Koreya Respublikasida “KICS” *(Korea information system of criminal – justice services)*, Turkiyada “UYAP” *(Ulusal Yargı Ağı Projesi)* elektron axborot tizimlari joriy qilingan bo‘lib, ushbu axborot tizimlari orqali jinoyat ishlarini elektron shakllantirish tartibi yo‘lga qo‘yilgan. Shuningdek, mazkur axborot tizimlarida jinoyat ishini yuritishga aloqador bo‘lgan barcha mas’ul tashkilotlarga tegishli axborot tizimlari birlashtirilgan.

Koreya Respublikasi jinoyat ishlarini yuritish jarayonini raqamlashtirishga shoshilmagan. Dastlab, mast holatda va litsenziyasiz transport vositasini boshqarish bilan bog‘liq jinoyat ishlari bo‘yicha ish yurituv to‘liq raqamlashtirilgan. Bu ish yuritish muddatini 4 oydan 28 kungacha qisqartirgan. 2011-yildan boshlab jami jinoyat ishlarining 30 foizi to‘liq elektron shaklda yuritila boshlangan.

Koreyaning elektron jinoyat ishi loyihasini dastlab yengilroq toifadagi jinoyat ishlari bo‘yicha joriy qilish, individual kabinet orqali jinoyat ishlarining harakati haqida xabardor bo‘lib borish kabi yo‘nalishlardagi tajribasidan milliy qonunchiligimizda foydalanish mumkinligi haqida to‘xtamga kelingan.

Turkiyaning Adliya vazirligiga qarashli “UYAP” elektron axborot tizimidan 2000-yildan buyon foydalanib kelinadi. Mazkur elektron axborot tizimining 34 ming nafardan ortiq doimiy foydalanuvchilari mavjud bo‘lib, 25 mln. ga yaqin fayllar jamlangan va har kuni 50 mingga yaqin yangi fayllar kiritib boriladi.

“UYAP”dan 6 ming nafarga yaqin sudya, 4,5 ming nafardan ortiq advokat, 3 ming 700 nafardan ortiq prokuror hamda ko‘plab boshqa xodimlar foydalanadi[1].

Markaziy Osiyo davlatlari orasida Qozog‘iston Respublikasida 2015-yildan boshlab jinoyatga oid ariza va xabarlarni elektron ro‘yxatdan o‘tkazish imkonini beruvchi “Sudgacha tergovlar yagona reestri” joriy etilgan. Qozog‘iston Respublikasi Bosh prokuraturasi tashabbusi bilan 2017-yilda “Elektron jinoyat ishi” elektron axborot tizimi ishlab chiqilgan. Qozog‘iston Respublikasi Jinoyat-protsessual kodeksida shu yildan boshlab mazkur axborot tizimining protsessual tartibi mustahkamlab qo‘yilgan.

Rossiya, Koreya, AQSh va Germaniya qonunchiligini tahlil qilish natijasi bo‘yicha videoyozuvdan foydalanish orqali xolislar ishtirokini cheklash haqida xulosaga kelingan bo‘lsa, Fransiya, Xitoy, Koreya va Turkiya tajribasi asosida jinoyat protsessi ishtirokchilarini elektron xabardor qilish tizimini milliy qonunchiligimizga tatbiq etish tavsiya qilingan.

Dissertatsiya doirasida surishtiruv va dastlab tergovda jinoyat ishlarini yuritishni raqamlashtirishni takomillashtirish bo‘yicha bir qator takliflar ilgari surilgan. Xususan, videoyozuvdan foydalanishning protsessual tartibini ishlab chiqish, undan foydalanish majburiy bo‘lgan protsessual harakatlar doirasini kengaytirish orqali jinoyat protsessida xolislar ishtirokini minimallashtirish, ashyoviy dalillarni elektron ro‘yxatga olish, protsess ishtirokchilarini jinoyat ishining harakati va boshqa masalalar to‘g‘risida elektron xabardor qilish, jinoyat natijasida yetkazilgan zararni undirish jarayonini raqamlashtirish, elektron axborot dasturlari imkoniyatlaridan foydalangan holda jinoyat ishlarini taqsimlash hamda surishtiruv va tergovga tegishlilik masalasini hal qilish, prokuror nazoratini raqamlashtirish, ishni sudga qadar yuritish bosqichida “Xabeas korpus” institutining qo‘llanilishida raqamlashtirishdan foydalanish masalalariga alohida e’tibor qaratilgan.

Xolislikni ta’minlashda muhim ahamiyatga ega va shaxsning konstitutsion huquqlari cheklanishi bilan bog‘liq bo‘lgan tanib olish uchun ko‘rsatish, ko‘zdan kechirish, murdani eksgumatsiya qilish, pochta-telegraf jo‘natmalarini ko‘zdan kechirish va olib qo‘yish, ekspertiza tadqiqoti uchun namunalar olish, taqdim etilgan ashyolar va hujjatlarni qabul qilish hamda mol-mulkni xatlash bilan bog‘liq protsessual harakatlarni amalga oshirishda videoyozuvni qo‘llash majburiyligini jinoyat-protsessual qonunchiligida belgilash taklif etilgan.

Jinoyat bo‘yicha yetkazilgan zararni undirish jarayoni raqamlashmaganligi bois, zararni to‘lash uchun oqilona muddat berilmayotganligi, shuningdek, bunda soxtakorlik holatlari mavjudligi o‘tkazilgan amaliy tahlillarda aniqlangan. Tergov organiga zarar to‘langanligi haqida qiymati 230 mln. so‘mlik soxta to‘lov hujjati taqdim etilganligi bilan bog‘liq 5 ta holat yuzasidan jinoyat ishi qo‘zg‘atilishi ta’minlangan.

Respublika bo‘yicha 2023–2024-yillarda jami 129 412 ta jinoyat ishlari tamomlangan bo‘lib, ularning 36 foizi zarar bilan bog‘liq. Ular bo‘yicha 36 511 nafar shaxsga qamoq, 22 443 nafariga garov ehtiyot chorasi qo‘llanilgan.

[1] Turkey’s eJustice system (UYAP). https://joinup.ec.europa.eu/collection/justice-law-and-security/document/turkeys-ejustice-system-uyap.

12,3 trln. so‘m zarardan 10,6 trln. so‘mi undirilib, shundan 81 foizi naqd pul shaklida to‘langan.

Tergovga tegishlilik qoidasi buzilishi bilan bog‘liq holatlar *(JK 169-moddasi 2-qismi “d” bandi bilan bog‘liq prokuratura tergoviga tegishli 16 ta jinoyat ishi ichki ishlar tergovida ekanligi)* axborot tizimini o‘rganishda aniqlanib, raqamlashtirish orqali muammoga yechim taklif qilingan.

Qonunchilikda jinoyat ishlarini surishtiruvchi va tergovchilar o‘rtasida taqsimlashning aniq tartibi aks etmaganligi ishlarni xodimlar soniga nomuvofiq tarzda taqsimlash holatlariga olib kelayotganligi amaliy misollar bilan yoritib berilgan. Masalan, Toshkent shahar prokuraturasining O‘ta og‘ir jinoyatlarni tergov qilish bo‘limining bir tergovchisi ish yurituvida 2 ta jinoyat ishi bo‘lsa, birida bu ko‘rsatkich 21 tani tashkil qilgan.

Respublika bo‘yicha surishtiruv va tergov organlari tomonidan, birgina, 2024-yilda 75 232 ta jinoyat ishlari tamomlangan. Surishtiruv va dastlabki tergov bosqichida aniqlangan qonun buzilishi faktlarini bartaraf etish bo‘yicha 54 338 ta ko‘rsatmalar berilgan.

Tamomlangan jinoyat ishlarini o‘rganish ko‘rsatkichi respublikadagi har bir prokuror uchun yiliga o‘rtacha 331 tani, berilgan ko‘rsatmalar esa, 239 tani tashkil etadi. Prokurorlar tomonidan jinoyat ishini to‘xtatish bo‘yicha 776 ta, jinoyat ishini tugatish haqida 1 948 ta asossiz qabul qilingan qarorlar bekor qilingan, 170 nafar xodimlarga yo‘l qo‘yilgan kamchiliklar uchun intizomiy jazo choralari qo‘llanilgan.

Katta hajmli ish hisoblangan bu jarayonda prokuror nazoratini planshet yordamida masofadan amalga oshirish yo‘li bilan raqamlashtirishga qaratilgan tavsiyalar ishlab chiqilgan. Masalan, birgina jinoyat ishlarining tergovi ustidan nazoratni ta’minlash uchun yuritiladigan yig‘ma jildlarni to‘liq raqamlashtirish orqali yiliga 1 mlrd. so‘mgacha mablag‘larni tejab qolish mumkin.

Dissertatsiyaning mazkur bobida sun’iy intellektning qisqacha tarixi, xalqaro indeksda mamlakatimizning o‘rni, uni jinoyat protsessiga joriy qilishning ijobiy va salbiy jihatlari, bu boradagi ilmiy qarashlar, xorijda joriy qilingan sun’iy intellekt tizimlari, sun’iy intellektni sohaga joriy etish bo‘yicha tashkiliy chora-tadbirlar hamda uning imkoniyatidan foydalanish yo‘nalishlari haqida bahsga kirishilgan.

Aniqlanishicha, Buyuk Britaniyaning “Oxford Insights” tashkiloti tomonidan ishlab chiqilgan “Hukumatlarning sun’iy intellektga tayyorligi indeksi” *(Government artificial intelligence readines index)* bo‘yicha O‘zbekiston so‘nggi to‘rt yil davomida ijobiy tomonga yuqorilab, 158-o‘rindan 79-o‘ringa chiqqan[1]. Bunda ijtimoiy-iqtisodiy sohalarda sun’iy intellekt tizimlarining joriy etilganligi muhim ahamiyatga ega bo‘lgan.

Biroq, surishtiruv va dastlabki tergov faoliyatida sun’iy intellekt texnologiyalaridan foydalanish masalasi munozarali bo‘lib qolmoqda. Shunga qaramasdan, xorijiy mamlakatlarning sud-tergov faoliyatida sun’iy intellektdan allaqachon foydalanila boshlangan. Masalan, AQShda “Dare” sun’iy intellekti yordamida taqdim etilgan ko‘rsatuvlarning haqqoniyligini aniqlash tizimi

[1] Hukumatlarning sun’iy intellektga tayyorlik indeksi 2024. https://oxfordinsights.com/ai-readiness/ai-readiness-index/

yaratilgan. Uning aniqlik darajasi 92 foizni tashkil etadi. Bu ko‘pchilikka ma’lum bo‘lgan “poligraf” dasturi imkoniyatlaridan ko‘ra 5-7 foizga ko‘p degani. Yoki, Xitoyda sun’iy intellekt jinoyatlarni kvalifikatsiya qilish va jazo tayinlash vazifasini ham bajarmoqda.

Pensilvaniya va Sheffild universiteti olimlari tomonidan ishlab chiqilgan texnologiya jinoyat ishini tahlil qilish asosida aniq va qat’iy qarorlar qabul qilish imkonini beradi. Test sifatida Inson huquqlari bo‘yicha Yevropa sudi tomonidan ko‘rib chiqilgan turli mazmundagi 584 ta ish sun’iy intellektga joylanib tadqiqot o‘tkazilgan. Natijada, 79 foiz holatda qabul qilingan qarorlar asl sud hujjatlariga muvofiq ekanligi aniqlangan.

Bundan farqli o‘laroq, dissertatsiyada sun’iy intellekt texnologiyalaridan yordamchi vosita sifatida foydalanish taklif etilgan. Tadqiqot ishi doirasida “surishtiruv va dastlabki tergov davomida sun’iy intellekt texnologiyalarining qo‘llanilishi” tushunchasiga ta’rif berilgan.

Tergov rejasini tuzish, ko‘rsatuv va ekspert xulosasining haqqoniyligi va ilmiy asoslanganligini baholash, protsessual hujjatlarni rasmiylashtirish, grafik chizma yaratish, eksperiment o‘tkazish, jinoyatni kvalifikatsiya qilish surishtiruv va dastlabki tergovda sun’iy intellekt texnologiyalaridan foydalanish yo‘nalishlari sifatida keltirib o‘tilgan.

Ushbu imkoniyatlardan foydalanish uchun, avvalo, uning 5 bosqichli tashkiliy-huquqiy mexanizmi taklif etilgan: mas’ul tashkilot xodimlaridan iborat respublika ishchi guruhini tuzish; sun’iy intellekt tizimiga integratsiya qilinadigan axborot tizimlari ro‘yxatini shakllantirish; ma’lumotlar bazasini shakllantirish yo‘li bilan “Milliy sun’iy intellekt tizimi”ni yaratish; Tizimning sinov versiyasini ishga tushirish va amaliyotga joriy etish.

## Xulosa

Tadqiqot natijasida nazariy, qonunchilik va qonunni qo‘llash amaliyotini takomillashtirish bo‘yicha ilmiy xulosa, taklif va tavsiyalar ishlab chiqilgan:

### I. Jinoyat-protsessual huquqi nazariyasini rivojlantirish bo‘yicha ilmiy xulosalar:

1. *Jinoyat protsessida raqamlashtirish* – bu jinoyat ishlarini yuritish chog‘ida fuqarolarning huquq va erkinliklarini ishonchli himoya qilish, mas’ul organ va mansabdor shaxslar faoliyati shaffofligi va mehnat unumdorligini ta’minlash maqsadida protsessual harakatlarni amalga oshirishda axborot texnologiyalaridan foydalangan holda ma’lumotlarni raqamli formatga aylantirish, elektron shaklda to‘plash, uzatish, qabul qilish, rasmiylashtirish, saqlash va foydalanishga qaratilgan jarayon.

2. *Surishtiruv va dastlabki tergov davomida sun’iy intellekt texnologiyalarining qo‘llanilishi* – bu protsessual harakatlarni inson aql-idrokiga taqlid qiluvchi texnologiya vositalari ko‘magida amalga oshirishga qaratilgan jarayon.

3. *Jinoyat protsessida raqamlashtirishni joriy etish borasidagi ilmiy izlanishlar uch turkumga ajratilgan* – jinoyat protsessida raqamlashtirishni joriy qilishning nazariy va ilmiy asoslari; raqamlashtirishni jinoyat-protsessal vositalarning klassik modellariga joriy etish; raqamli texnologiyalardan foydalanishning texnik-kriminalistik imkoniyatlari.

4. *Jinoyat protsessida raqamlashtirishning vazifalari* – jinoyat protsessual harakatlarni amalga oshirish jarayonini soddalashtirish hamda tezkorlikni ta’minlash; protsessual muddatlarni qisqartirish va ularga to‘laqonli rioya qilinishida jinoyat ishini yuritishga mas’ul bo‘lgan mansabdor shaxslarning mas’uliyatini oshirish; protsessual xatoliklarga yo‘l qo‘yilishini oldini olish; inson omilini kamaytirish orqali suiiste’molchilik va soxtalashtirish holatlarini oldini olish; mehnat unumdorligini oshirish; jinoyat ishini yuritishga mas’ul organlarning o‘zaro hamda boshqa tashkilotlar bilan tezkor elektron ma’lumot almashinuvini yo‘lga qo‘yish; jinoyat protsessual faoliyatda ish sifatini oshirish orqali fuqarolarning huquq va erkinliklari himoyasini samarali ta’minlash.

5. *Jinoyat protsessida raqamlashtirishning tartib-taomillari* – texnik imkoniyatlarga mutanosiblik; jinoyat protsessidagi aybsizlik prezumpsiyasi va shaxs qadr-qimmatini hurmat qilish prinsiplariga muvofiqlik; surishtiruv va dastlabki tergov siri oshkor etilishini oldini olish; dalillarning aslini saqlash; inson huquq va erkinliklari himoyasini ta’minlash.

## II. Qonunchilikni takomillashtirish bo‘yicha taklif va tavsiyalar.

JPK va boshqa qonunchilik hujjatlariga surishtiruv va dastlabki tergov jarayonida raqamlashtirish imkoniyatidan foydalanishni takomillashtirishga doir quyidagi o‘zgartirish va qo‘shimchalar kiritish maqsadga muvofiq:

1. JPKning xolislar maqomini belgilab beruvchi **73-moddasini** quyidagi tahrirda bayon etish:

*“Xolislar surishtiruvchi, tergovchi, prokuror tomonidan tergov yoki boshqa harakatlar o‘tkazilganini, uni o‘tkazish jarayoni va natijalarini tasdiqlash uchun ushbu Kodeksda nazarda tutilgan hollarda chaqiriladi.*

*Tergov harakatlarini yuritishda ishtirok etish uchun ishning oqibatidan manfaatdor bo‘lmagan, kamida ikki nafar fuqaro chaqirilishi lozim. Basharti bir tergov harakatini bir necha surishtiruvchi yoki tergovchi bir paytning o‘zida turli xonalarda yoki bir-biridan ancha uzoq joylarda o‘tkazayotgan bo‘lsalar, har bir tergovchi va surishtiruvchi huzurida doimo ikki nafar xolis ishtirok etishi lozim.*

*Quyidagilar xolis bo‘lishi mumkin emas:*

*1) voyaga yetmagan shaxslar;*

*2) muomalaga layoqatsiz shaxslar;*

*3) jinoyat protsessining boshqa ishtirokchilari hamda ularning yaqin qarindoshlari;*

*4) huquqni muhofaza qiluvchi organlar xodimlari;*

*5) tergov ishi yuritilayotgan tilni bilmaydigan shaxslar;*

*6) shu ish bo‘yicha boshqa tergov harakatlarida xolis sifatida ishtirok etgan shaxslar, bundan tergov harakatlarini ketma-ketlikda o‘tkazish zaruriyati yuzaga kelgan hollar mustasno.*

*Tergov harakatini boshlashdan oldin surishtiruvchi, tergovchi yoki prokuror xolislarga ularning huquq va majburiyatlarini tushuntiradi”.*

2. JPKni xolislarning ishtirokini hamda xolis ishtiroki istisno etiladigan vaziyatlar ro‘yxatini belgilab beruvchi quyidagi mazmundagi **$73^1$-modda** bilan to‘ldirish:

***“$73^1$-modda. Protsessual harakatlarni amalga oshirishda xolislar ishtiroki***

*Quyidagi protsessual harakatlarni o‘tkazishda xolislar ishtiroki majburiy*

*hisoblanadi, bundan mazkur moddaning uchinchi qismida nazarda tutilgan hollar mustasno:*

*1) tanib olish uchun ko‘rsatish;*

*2) shaxsni yechintirib yalang‘ochlash, shuningdek uning badanidagi tirnalgan, shilingan, qontalash joylarni aniqlash bilan bog‘liq bo‘lgan guvohlantirish;*

*3) murdani eksgumatsiya qilish;*

*4) pochta-telegraf jo‘natmalarini ko‘zdan kechirish va olib qo‘yish;*

*5) turar joylarda tintuv o‘tkazish;*

*6) mol-mulkni xatlash;*

*7) surishtiruvchi, tergovchi, prokuror va sudning qonuniy talablarini bajarishdan bosh tortayotganligini yoki tergovchiga qarshilik ko‘rsatayotganligini yoxud jinoyat ishini yuritish tartibiga to‘g‘ri kelmaydigan boshqa huquqqa zid xatti-harakatlar qilayotganligini tasdiqlash, ushbu Kodeksning 93-moddasida nazarda tutilgan hollar bundan mustasno.*

*Qolgan barcha hollarda tergov yoki boshqa harakatlar o‘tkazilgani, uni o‘tkazish jarayoni va natijalarini tasdiqlash xolislarning ishtirokisiz ta’minlanadi, bundan jinoyat protsessi ishtirokchilarining iltimosnomasi yoki surishtiruvchi, tergovchi, prokuror yoki sudning tashabbusi asosida xolislarni jalb qilish hollari mustasno.*

*Tegishli aloqa vositalari bo‘lmaganligi sababli xolislarni jalb qilish imkoni bo‘lmagan borish qiyin bo‘lgan joylarda, shuningdek, odamlarning hayoti va sog‘lig‘i uchun xavf solishi mumkin bo‘lgan tergov harakatlari xolislar ishtirokisiz amalga oshiriladi. Bunday hollarda, mazkur tergov harakatlari videoyozuvda qayd etilib, bayonnomada buning sabablari ko‘rsatiladi”.*

3. JPKni jinoyat protsessi ishtirokchilarini xabardor qilishda axborot-texnologiyalari vositalarini qo‘llashni nazarda tutuvchi quyidagi mazmundagi **75[1]-modda** bilan to‘ldirish:

***“75[1]-modda. Jinoyat protsessi ishtirokchilarini xabardor qilishda axborot-texnologiya vositalarining qo‘llanilishi.***

*“Surishtiruvchi, tergovchi, prokuror yoki sud elektron axborot tizimi orqali:*

*qamoqqa olish tarzidagi ehtiyot chorasi qo‘llanilmagan gumon qilinuvchi va ayblanuvchilarga – ularni jinoyat protsessi ishtirokchisi sifatida jalb qilish to‘g‘risida qaror yoki ajrim qabul qilingan paytdan boshlab uzog‘i bilan ikki soat ichida ularning huquq va majburiyatlarini tushuntirish to‘g‘risida;*

*gumon qilinuvchi, ayblanuvchi, jabrlanuvchi, fuqaroviy da’vogar, fuqaroviy javobgar, vakil, guvoh va xolislarga – tergov va protsessual harakatlar amalga oshiriladigan joyga belgilangan muddatda yetib kelish haqida;*

*gumon qilinuvchi, ayblanuvchi, jabrlanuvchi, fuqaroviy da’vogar, fuqaroviy javobgar, vakil, guvoh va xolislarga – jinoyat ishi bo‘yicha surishtiruv va dastlabki tergov yakunlanganligi, ish ko‘rib chiqish uchun prokuror va sudga yuborilganligi, shuningdek, sudda ishni ko‘rish tayinlanganligi, ishni ko‘rish vaqti, jinoyat ishini ko‘rib chiqish natijasi bo‘yicha sud hujjati qabul qilinganligi haqida shu kunning o‘zida xabar berilishi lozim.*

*Ushbu moddada ko‘rsatilgan shaxslarga elektron axborot tizimi orqali xabarlar ularning uyali yoki boshqa aloqa vositalari orqali yuboriladi. Elektron xabardor qilish yozma xabardor qilish bilan tenglashtiriladi va u yuzaga keltiradigan huquqiy oqibatlarga sabab bo‘ladi. Bunda, texnik vositalar orqali*

*xabar berish tartibini qo‘llashga faqat xabardor qilinadigan shaxslarning roziligi bilan va shu tarzda xabardor qilish imkoniyati mavjud bo‘lgan taqdirdagina yo‘l qo‘yiladi.*

*Texnik aloqa vositalaridan foydalangan holda yuborilgan xabarnomani yuborish usuli va texnik tavsiflari aks etgan hujjat jinoyat ishi materiallarida saqlanadi”.*

4. JPKning dalillarni qayd etishda yordamchi usullarni qo‘llashni nazarda tutuvchi **91-moddasi to‘rtinchi qismini** videoyozuv orqali qayd etilishi shart bo‘lgan protsessual harakatlar doirasini kengaytirishga qaratilgan normalar bilan quyidagi tahrirda bayon etish:

*“Quyidagi protsessual harakatlar videoyozuv orqali qayd etilishi shart, fuqarolarning sha’ni va qadr-qimmatiga zarar yetkazadigan hamda davlat siri oshkor etilishiga olib keladigan protsessual harakatlar bundan mustasno:*

*1) **tanib olish uchun ko‘rsatish**;*

*2) ko‘rsatuvlarni hodisa sodir bo‘lgan joyda tekshirish;*

*3) o‘ta og‘ir jinoyatlar bo‘yicha hodisa sodir bo‘lgan joyni ko‘zdan kechirish;*

*4) **murdani eksgumatsiya qilish**;*

*5) tergov eksperimenti;*

*6) tintuv;*

*7) shaxsni ushlash;*

*8) shaxsni ushlash jarayonida o‘tkaziladigan shaxsiy tintuv va olib qo‘yish;*

*9) **pochta-telegraf jo‘natmalarini ko‘zdan kechirish va olib qo‘yish**;*

*10) **ekspertiza tadqiqoti uchun namunalar olish**;*

*11) **taqdim etilgan ashyolar va hujjatlarni qabul qilish**;*

*12) himoyachidan voz kechish;*

*13) **xatlangan mol-mulkni olib qo‘yish va saqlovga topshirish**”.*

5. JPKning **91-moddasini** protsessual harakatlarni videoyozuv orqali qayd etishda texnik vositalar va uskunalarga hamda ulardan foydalanishga qo‘yilgan talablarni belgilovchi quyidagi mazmundagi **oltinchi** va **yettinchi qismlar** bilan to‘ldirish:

*“Protsessual harakatlarni videoyozuv orqali qayd etishda foydalaniladigan texnik vositalar va uskunalar mazkur Kodeksning 911-moddasi uchinchi qismining ikkinchi va uchinchi xatboshisida belgilangan talablarga muvofiq bo‘lishi lozim.*

*Protsessual harakatlarni videoyozuv orqali qayd etish quyidagilarga rioya etgan holda amalga oshirilishi kerak:*

*u tasvirga olingan vaqt va sharoitni aks ettirishi;*

*protsessual harakatlar boshlanishidan oldin surishtiruvchi, tergovchi yoki sud tomonidan protsess ishtirokchilariga ularning huquq va majburiyatlari tushuntirilganligini ko‘rsatib berishi;*

*tergov va protsessual harakatlarda ishtirok etayotgan shaxslar qiyofasini to‘liq aks ettirishi;*

*tergov va protsessual harakatlarning boshlanish vaqtidan yakuniga qadar bo‘lgan jarayonni uzilishlarga yo‘l qo‘ymagan tarzda to‘liq qamrab olishi (bir necha obyektlar majmuiga nisbatan o‘tkaziladigan protsessual harakatlar bundan mustasno)”.*

6. JPKning narsani ashyoviy dalil deb e’tirof etish va uni jinoyat ishiga qo‘shib qo‘yishni nazarda tutuvchi **207-moddasini** ashyoviy dalil deb e’tirof etish

muddatlari hamda ashyoviy dalilni elektron ro‘yxatga olish tartibini nazarda tutuvchi quyidagi mazmundagi **ikkinchi** va **oltinchi** qismlar bilan to‘ldirish:

*“Ashyoviy dalil deb e’tirof etish haqidagi qaror yoki ajrim ular olib qo‘yilgan paytdan boshlab o‘n sutkadan kechiktirmasdan qabul qilinishi lozim.*

*Ashyolarning hajmi kattaligi yoki qo‘shimcha vaqt talab etiladigan hollarda, surishtiruv yoki tergov organi rahbari roziligi bilan qabul qilingan surishtiruv yoki tergovchining asoslantirilgan qaroriga asosan bu muddat o‘ttiz sutkagacha uzaytirilishi mumkin.*

*Narsani ashyoviy dalil deb e’tirof etish uchun ekspertiza xulosasi talab etilgan taqdirda, bu haqidagi qaror yoki ajrim ekspert xulosasi olingan kundan e’tiboran ko‘pi bilan uch sutka ichida qabul qilinishi lozim.*

*Qaror yoki ajrim asosida e’tirof etilgan ashyoviy dalil elektron axborot tizimida ro‘yxatga olinadi va unga xos raqam beriladi. Ro‘yxatdan o‘tkazishda olib qo‘yish bayonnomasida ko‘rsatilgan ashyoviy dalilga oid ma’lumotlar ko‘rsatiladi va uning fotosuratlari ilova qilinadi.*

*Ashyoviy dalilning elektron axborot tizimida ro‘yxatga olinganligi haqidagi ma’lumotlar jinoyat ishida saqlanadi”.*

7. JPKning jinoyat natijasida yetkazilgan zararni undirish asoslarini belgilab beruvchi **281-moddasini** yetkazilgan zararni qoplash uchun oqilona muddat berilishini nazarda tutuvchi quyidagi mazmundagi **uchinchi qism** bilan to‘ldirish:

*“Surishtiruv, dastlabki tergov jarayonida va sudda gumon qilinuvchi, ayblanuvchi, sudlanuvchi yoki fuqaroviy javobgarga jinoyat natijasida yetkazilgan zararni qoplash uchun oqilona muddat berilishi lozim”.*

8. JPKni jinoyat natijasida yetkazilgan zararni pul shaklida undirish jarayonini raqamlashtirishni nazarda tutuvchi quyidagi mazmundagi **$282^1$-modda** bilan to‘ldirish:

***“$282^1$-modda. Jinoyat natijasida yetkazilgan zararni pul shaklida undirish tartibi***

*Jinoyat natijasida yetkazilgan va to‘lanishi lozim bo‘lgan zarar to‘lovini pul shaklida surishtiruv, dastlabki tergov organi yoki sudning depozit hisob raqamiga qoplash uchun gumon qilinuvchi, ayblanuvchi, sudlanuvchi yoki fuqaroviy javobgarga elektron axborot tizimi orqali shakllangan QR-kodli ma’lumotnoma taqdim etiladi.*

*Zarar qoplanganligiga oid ma’lumot real vaqt rejimida elektron hujjat tarzida qabul qilinib, jinoyat ishida saqlanadi”.*

9. JPKning **348-moddasini** jinoyat ishlarini tergovga tegishlilik bo‘yicha taqsimlash tartibini raqamlashtirishni nazarda tutuvchi quyidagi mazmundagi **to‘rtinchi qism** bilan to‘ldirish:

*“Jinoyat ishlarini tergovchilar o‘rtasida taqsimlash jinoyatning og‘irlik darajasi, tergovchilarning ish staji, malakasi, ish hajmi, ularning ixtisoslashuvi kabi jihatlarni, shuningdek, prokurorga berilgan vakolatlarni hisobga olgan holda, inson omilini istisno qilgan tarzda elektron axborot tizimi orqali avtomatlashtirilgan tartibda amalga oshiriladi”.*

10. JPKning **$381^5$-moddasini** jinoyat ishlarini surishtiruvga tegishliligi bo‘yicha taqsimlash tartibini raqamlashtirishni nazarda tutuvchi quyidagi mazmundagi **to‘rtinchi qism** bilan to‘ldirish:

*“Jinoyat ishlarini surishtiruvchilar o‘rtasida taqsimlash jinoyatning og‘irlik darajasi, surishtiruvchilarning ish staji, malakasi, ish hajmi, ularning ixtisoslashuvi kabi jihatlarni, shuningdek, prokurorga berilgan vakolatlarni hisobga olgan holda, inson omilini istisno qilgan tarzda elektron axborot tizimi orqali avtomatlashtirilgan tartibda amalga oshiriladi”.*

## III. Qonunni qo‘llash amaliyoti samaradorligini oshirishga qaratilgan taklif va tavsiyalar:

1. Surishtiruv, tergov, prokuratura organlari va sud uchun majburiy xususiyatga ega bo‘lgan hujjatlarni *(qaror, ko‘rsatma va boshqa)* qonunchilik hujjatlari milliy huquqiy bazasida *(www.lex.uz)* joylashtirib borish orqali manfaatdor shaxslarning xabardorligini ta’minlash zarurligi asoslantirilgan.

2. Jinoyat protsessi ishtirokchilariga surishtiruv va dastlabki tergov organlari mansabdor shaxslarining qarorlari hamda protsessual harakatlari yuzasidan Yagona interaktiv davlat xizmatlari portali orqali elektron shikoyat yoki iltimosnomalar qilish imkoniyatini yaratish hamda ularning ko‘rib chiqilishi yuzasidan surishtiruv yoki tergov bo‘linmasi rahbari hamda prokurorning onlayn nazorat o‘rnatishi mexanizmini belgilash taklifi asoslantirilgan.

3. Surishtiruv va dastlabki tergov ustidan prokuror nazoratini raqamlashtirish *(prokurorlarni planshetlar bilan ta’minlash orqali masofaviy nazoratni yo‘lga qo‘yish)* ehtiyoji amaldagi nazorat mexanizmining haqiqiy ish holatlariga muvofiq emasligi bilan bog‘liq misollar yordamida asoslantirilgan.

4. “Xabeas korpus” instituti doirasida surishtiruv va dastlabki tergov, prokuratura hamda sud organlari o‘rtasida ma’lumot almashinuvini raqamlashtirishni keng joriy qilish maqsadida ko‘rsatuvlarni oldindan mustahkamlab qo‘yish, murdani eksgumatsiya qilish, tintuv o‘tkazish, telefon so‘zlashuvlarini eshitib turish, qamoq va uy qamog‘i ehtiyot choralarini, lavozimdan chetlashtirish, shaxsni tibbiy muassasaga joylashtirish, mulkni xatlashga sanksiya berish bilan bog‘liq barcha ish materiallarini sudlarga elektron axborot tizimi orqali yuborish amaliyotini joriy qilish taklifi asoslantirilgan.

5. Jinoyat protsessida quyidagi bosqichlarda sun’iy intellekt imkoniyatlaridan foydalanish zarurligi asoslantirilgan: surishtiruv va dastlabki tergov rejalarini, so‘roq davomida berilishi mumkin bo‘lgan savollarni tuzish; protsessual hujjatlarni avtomatik rasmiylashtirish; surishtiruv va dastlabki tergovda taqdim etilgan ko‘rsatuvlar, ekspert xulosalarining haqqoniyligini *(ilmiy asoslanganligini)* tekshirish; biror shaxs yoki buyumning grafik chizmali maketini yaratish; eksperiment o‘tkazish; sodir etilgan ijtimoiy xavfli qilmishni kvalifikatsiya qilish.

**SCIENTIFIC COUNCIL DSc.31/30.12.2019.Yu.25.02 ON AWARDING SCIENTIFIC DEGREES AT TASHKENT STATE UNIVERSITY OF LAW**

**TASHKENT STATE UNIVERSITY OF LAW**

**MUKHAMMADIEV SARVAR ASQAR UGLI**

# ISSUES OF STEP-BY-STEP DIGITIZATION OF CRIMINAL PROCEEDINGS DURING THE INQUIRY AND PRELIMINARY INVESTIGATION

**12.00.09 – Criminal procedure. Criminalistics, operational-search law and forensic enquiry (juridical sciences)**

**DISSERTATION ABSTRACT**
**of the doctor of philosophy (PhD) on law sciences**

**Tashkent – 2025**

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| **The leading organization:** | **Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan** |

The defense of the dissertation will be held on November 7, 2025 at 14:00 at the Session of the Scientific Council DSc.07/13.05.2020.Yu.22.03 at Tashkent State University of Law (Address: 100047, Sayilgokh street, 35. Tashkent city. Phone: 99871 233-66-36; fax: 99871 233-37-48; e-mail:info@tsul.uz).

The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered under № 1405), (Address: 100047, Sayilgokh street, 35. Tashkent city. Phone: 99871 233-66-36).

The abstract of the dissertation is distributed on October 23, 2025.

(Registry protocol No. 60 of October 23, 2025).

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## INTRODUCTION (Annotation of PhD dissertation)

**The actuality and relevance of the dissertation topic.** The introduction of digital technologies into the activities of law enforcement agencies has become one of the global priorities worldwide. In particular, the widespread outbreak of the COVID–19 pandemic in 2020 clearly demonstrated the level of preparedness of states for digitalization in the administration of criminal proceedings, as in other sectors. In subsequent years, a number of developed countries including the United States, South Korea, Turkey, and Saudi Arabia have implemented electronic criminal case management systems, which have expanded the possibilities for conducting, storing, analyzing, and monitoring procedural documents in digital form, as well as for shortening procedural time limits. In several member states of the European Union, however, significant disparities remain in the duration of criminal proceedings. For instance, in some countries, the time required to render a decision is less than 200 days, while in others it exceeds 1,000 days[1]. The number of countries recording the lowest indicators in the "Criminal Justice" component of the Rule of Law Index has reached sixteen, doubling over the past eight years[2]. This situation increasingly underscores the need to digitalize the administration of criminal proceedings particularly the pre-investigation and preliminary investigation stages, which constitute essential components of fair justice in order to ensure transparency, efficiency, and expeditiousness in criminal proceedings.

In international scientific research concerning the digitalization of inquiry and preliminary investigation, the main focus has been placed on the development of digital platforms, the determination of the legal status of electronic evidence, and the creation of a digital justice system. For instance, within the framework of the EU "e-Justice" project, studies on digital investigation methods are being conducted. Nevertheless, there remains an insufficiency of research regarding the legal mechanisms of employing digital technologies during the inquiry stage. Specifically, the issues of ensuring the compatibility of digitalization with criminal procedural norms and safeguarding the rights and freedoms of citizens in this process have not been sufficiently explored. Therefore, there is an ongoing need for in-depth scientific analysis and improvement of the regulatory and legal foundations in this field.

In Uzbekistan as well, a series of reforms have been undertaken to digitalize the judicial and legal sphere, including the introduction of electronic information systems in criminal case proceedings. Among these measures are projects to implement the "Electronic Criminal Case" information system and to establish data exchange mechanisms among authorized state bodies involved in inquiry and investigation. Within the framework of the "Uzbekistan – 2030" Strategy, approved by a Presidential Decree, important and priority directions were defined — including the establishment of a unified electronic registry to monitor the criminal process from the initiation of a criminal case to the delivery of a court verdict through individual identification numbers and QR codes; the complete digitalization of

[1] Criminal Justice in Europe: The Digital Transformation and Rule of Law Challenges in 2025. https://anagnostakis-law-offices.com/criminal-justice-in-europe-the-digital-transformation-and-rule-of-law-challenges-in-2025.
[2] "Rule of Law Index". https://worldjusticeproject.org/rule-of-law-index/global.

evidence collection and consolidation by introducing modern technologies and the latest scientific achievements; and the maintenance of full electronic versions of criminal case materials with ensured electronic document exchange. At the same time, it is essential to clearly define the regulatory and legal framework of this process, to improve practical mechanisms, and to implement them in a phased manner. The establishment of a systematic approach to digitalization — particularly in the inquiry and preliminary investigation stages — is a pressing demand of today.

The present dissertation research, to a certain extent, serves the implementation of the tasks set forth in the Decrees of the President of the Republic of Uzbekistan No. PQ–3723 of May 14, 2018, "On measures for the fundamental improvement of the criminal and criminal procedural legislation system", No. PF–6041 of August 10, 2020, "On measures to further strengthen guarantees for the protection of the rights and freedoms of individuals in judicial and investigative activities", No. PF–6079 of October 5, 2020, "On approval of the 'Digital Uzbekistan – 2030' strategy and measures for its effective implementation", No. PF–60 of January 28, 2022, "On the development strategy of New Uzbekistan for 2022–2026", No. PQ–105 of January 28, 2022, "On measures to introduce a unified interdepartmental electronic cooperation system in pre-trial proceedings," No. PF–158 of September 11, 2023, "On the strategy Uzbekistan – 2030", as well as other regulatory and legal acts relevant to the field.

**Compliance of the research with the main priorities of the science and technology development of the republic.** This study followed the priority direction of the republican science and technology development I. "Formation of a system of innovative ideas and ways of their implementation in the social, legal, economic, cultural, spiritual and educational development of the information society and the democratic state".

**The extent of the study of the research problem.** A number of scholars have conducted scientific research on the introduction of digitalization at the inquiry and preliminary investigation stages of criminal proceedings. In particular, within Uzbekistan, such research has been carried out by L.I.Iskhakova, F.Khamdamova, S.Sadikov, S.Amaniyazova, M.Akhmedshaeva, D.B.Bazarova, D.J.Suyunova, G.Z.Tulaganova, M.Kh.Kadirova, S.M.Rakhmonova, I.R.Astanov, A.Abduvaliev, B.O.Primov, S.S.Oripov, B.Kh.Khamidov, S.S.Sakhaddinov, M.M.Boboev, D.Abdalimova, Sh.Khamdamov, D.Yusupaliev, S.Adilkhodjaeva, Y.K.Sabirov, and others.

For instance, in the scientific research of M.Kh.Kadirova, the impact of digitalization mainly on procedural time limits within criminal proceedings has been studied. According to her, the introduction of digitalization leads to a reduction in the time between familiarization with case materials, their return, and their re-entry into the proceedings by the participants of the criminal process. As a result of implementing digital technologies, the duration of investigation for crimes of minor or moderate gravity may be reduced from ten days to one month.

In his research, B.O.Primov proposed digitalization – related initiatives concerning the execution of certain procedural actions during preliminary

investigation and the digital transfer of administrative offense materials that contain signs of a crime to the prosecutor's office.

The distinction of this research from the aforementioned works lies in the fact that its proposals are not limited solely to the preliminary investigation stage or procedural timeframes. Instead, they also cover the inquiry process and other aspects of criminal proceedings, offering comprehensive solutions to existing problems based on the capabilities of digitalization. The dissertation develops proposals aimed at ensuring compliance with the rules established by criminal procedural legislation through digitalization, addressing certain legislative gaps and contradictions, and improving procedural norms. It also includes recommendations for using artificial intelligence technologies to facilitate professional activities and enhance the quality and efficiency of investigative work. These proposals are presented in detail, with references to draft laws and existing practical problems.

The theoretical and scientific foundations of utilizing digitalization opportunities in the inquiry and preliminary investigation stages have also been studied by scholars from the Commonwealth of Independent States (CIS), including I.Y.Pashenko, A.Y.Afanasev, R.M.Shevsov, A.V.Maksimenko, O.I.Miroshnichenko, L.A.Voskobitova, I.L.Bednyakov, N.A.Razveykina, M.Abdurakhmanov, P.Golovnenkov, N.Spitsa, M.S.Neijkasha, S.V.Zuev, I.N.Yakovenko, O.A.Belov, P.S.Pastukhov, R.I.Okonenko, Y.N.Sokolov, V.B.Vekhov, A.A.Usachev, L.N.Maslennikova, Y.S.Kudryashova, I.I.Sheremetev, D.S.Kiselyov, P.M.Morkhat, N.M.Korshunov, Y.L.Mareev, L.A.Serzhantova, Y.S.Papisheva, O.V.Dobrovlyanina, Z.Sidikova, L.V.Golovko, and others.

Moreover, certain aspects of digitalization in criminal proceedings have been examined by foreign scholars, including N.Aletras, D.Tsarapatsanis, D.Preotiuc-Pietro, V.Lampos, T.Marquenie, E.Kindt, Ch.Dowling, A.Morgan, A.Gannoni, P.Jorna, N.Negroponte, S.Schmahl, E.Schlehahn, and T.Marquenie, among others.

However, in the research conducted by the above-mentioned scholars, the theoretical and practical aspects of implementing digitalization have not been studied comprehensively. Therefore, substantiating the introduction of digitalization in the inquiry and preliminary investigation stages — not only from a theoretical standpoint but also through the synthesis of practical challenges — will contribute to the further improvement of the legislative framework governing these relations.

**Relation of the dissertation's theme to the scientific research work of the higher education institutions where it was implemented.** The dissertation research was carried out within the framework of the scientific and research plan of Tashkent State University of Law "Main directions of improving criminal procedural legislation in the context of reforming the judicial and legal system".

**The main purpose of the research** is to conduct a comprehensive theoretical and practical analysis of the gradual digitalization of criminal case management at the inquiry and preliminary investigation stages, identify existing problems, and develop proposals and recommendations aimed at improving legislation and law enforcement practice.

**The tasks of the research:**

to study the theoretical and practical aspects of digitalization in criminal proceedings;

to analyze the historical development of digitalization in criminal procedure;

to examine the legal nature of digitalization within criminal proceedings;

to explore the procedures of digitalizing criminal case management at the inquiry and preliminary investigation stages;

to study the legal mechanisms for implementing digitalization in the inquiry and preliminary investigation stages;

to analyze the current possibilities of using information systems introduced at these stages;

to examine the experience of foreign countries in applying digital technologies within criminal proceedings;

to develop scientific and practical proposals and recommendations aimed at increasing the effectiveness of using digital technologies during the inquiry and preliminary investigation processes.

**The object of the study** is the system of criminal procedural legal relations arising from the application of digitalization in the inquiry and preliminary investigation processes.

**The subject of the study** comprises the normative legal acts regulating the use of digitalization at the inquiry and preliminary investigation stages, documents from judicial and investigative practice, law enforcement materials, the legislation of certain foreign countries, and the conceptual approaches and scientific-theoretical views available in the field of criminal procedure law.

**Research methods.** In conducting the research, various general scientific and special legal methods were employed, including the historical, systemic, comparative-legal, analytical, and logical methods, as well as methods of sociological survey, comprehensive study of scientific sources, statistical data analysis, interpretation of legislation, and analysis of law enforcement practice.

**The scientific novelty of the research** lies in the following:

it is substantiated that the exchange of information in paper form has led to delays in procedural time limits and instances of document falsification. Therefore, it is necessary to establish electronic interdepartmental cooperation between pre-investigation and investigative bodies and the competent state authorities and organizations.

it is scientifically justified that, in order to ensure the participation of the parties involved in criminal proceedings during procedural actions, prevent their unjustified summons to investigative bodies, and provide timely notification of the progress of criminal cases from the moment of initiation, an electronic notification procedure via an “SMS–notification” service should be introduced.

given that unequal distribution of workload between investigators and inquiry officers negatively affects the quality of investigation, it is substantiated that the process of assigning criminal cases to relevant inquiry or preliminary investigation bodies should be digitalized, and an electronic system for distributing cases among investigators within the same investigative unit should be established.

based on practical examples, it is demonstrated that the persistence of paperwork during prosecutorial oversight of criminal investigations and in obtaining court authorization for procedural actions causes unnecessary costs and negatively impacts adherence to procedural deadlines. Therefore, it is necessary to fully digitalize prosecutorial oversight of preliminary investigations — including notification of prosecutors about adopted procedural decisions, issuance of instructions to investigators, submission of petitions to courts for authorization, and the application of the habeas corpus institute — particularly the submission of petitions and materials to the court for sanction, and the forwarding of court notifications regarding the cancellation of preventive measures.

**The practical results of the research** include the following:

based on the analysis of identified problems, proposals have been developed to enhance the digitalization of criminal proceedings at the pre-trial stage. On this basis, a draft Law of the Republic of Uzbekistan "On amendments and additions to the Criminal procedure code of the Republic of Uzbekistan in connection with the broad application of digital technologies at the pre-trial stage" has been prepared.

to establish the legal framework for conducting criminal cases in electronic form and define the subjects involved, their rights, obligations, and powers, as well as the conditions for using artificial intelligence technologies in this process, a draft Law of the Republic of Uzbekistan "On the electronic criminal case" has been developed.

to identify priority directions for the introduction of digital technologies in pre-trial proceedings and to determine the legal mechanisms for conducting criminal cases in electronic form, a draft Presidential Decree of the Republic of Uzbekistan "On further measures to broaden the application of modern information technologies at the pre-trial stage" has been elaborated.

as a result of the analyses conducted within the scope of this study, a crime related to falsification in the process of compensating damage caused by a criminal offense was uncovered, ensuring the inevitability of punishment. Recommendations aimed at the correct application of criminal-procedural norms and the prevention of offenses were also developed.

**Reliability of the research results.** The reliability of the research results is ensured by their grounding in international law and national legislation, the experience of developed foreign countries, law enforcement practices, and the scientific-theoretical approaches of national and foreign scholars. The findings have been verified through their implementation and approval by state bodies, sociological surveys conducted among over 200 respondents, analysis of statistical data from 2019–2024, and examination of judicial-investigative documents. The conclusions, proposals, and recommendations have been tested and published in leading national and international journals.

**The scientific and practical significance of the research results.** The scientific significance of the research lies in the fact that the principles developed within the framework of this study contribute to the advancement of the theory of criminal procedural law. The conclusions formulated as part of this

research can be used in conducting further academic research, as well as in delivering lectures and practical sessions on criminal procedure law.

**The practical significance of the research** is reflected in its applicability to legislative drafting activities — particularly the preparation of normative legal acts, the development of departmental documents related to law enforcement practice, and the expansion of electronic information systems' capabilities.

**Implementation of research results.** Based on the scientific results on the widespread use of digitalization capabilities in the process of inquiry and preliminary investigation:

the proposals concerning the establishment of electronic interdepartmental cooperation between investigative bodies and competent state authorities and organizations were utilized in the preparation of paragraph two of item 1 of the Presidential Decree of the Republic of Uzbekistan No. PQ–105 dated January 28, 2022, "On measures to introduce a unified interdepartmental electronic cooperation system in pre-trial proceedings" *(the report of the Prosecutor General's office of the Republic of Uzbekistan No. 27/2-114-24 dated May 13, 2024)*. As a result of adopting this proposal, the unified electronic information system "Electronic inquiry and preliminary investigation" was introduced, enabling the rapid and reliable exchange of necessary information.

the proposals regarding electronic notification of participants in criminal proceedings through the "SMS–notification" service were used by the Prosecutor General's Office of the Republic of Uzbekistan in the development of the "Electronic criminal case" project *(the report of the Prosecutor General's office No. 27/2-169-24 dated July 11, 2024)*. The implementation of this proposal has not only facilitated the work of inquiry and investigative bodies but also created additional conveniences for citizens.

the proposals concerning the digitalization of the process of assigning criminal cases to relevant inquiry or investigation bodies based on jurisdictional rules, and establishing an electronic case distribution system among investigators within a single investigative division, were utilized by the Prosecutor General's Office of the Republic of Uzbekistan in developing the "Electronic criminal case" project *(the report of the Prosecutor General's office No. 27/2-169-24 dated July 11, 2024)*. The incorporation of these proposals has contributed to ensuring the correct application of criminal procedural norms, preventing subjectivity in case allocation, achieving fair distribution of workload, improving the quality of investigations, and ultimately strengthening the protection of citizens' rights and legitimate interests.

the proposals on the full digitalization of prosecutorial oversight of pre-investigation and preliminary investigation processes — including the notification of prosecutors about procedural decisions, issuance of instructions to investigators, requests for judicial authorization, and the application of the habeas corpus institute (particularly submission of petitions and necessary materials to courts for authorization, as well as forwarding court notifications on the cancellation of preventive measures) were also employed by the Prosecutor General's office of the Republic of Uzbekistan in the development of the "Electronic Criminal Case" project *(the report of the Prosecutor General's office No. 27/2-169-24 dated July*

*11, 2024)*. The adoption of these proposals has contributed to eliminating paperwork, enhancing the quality of prosecutorial oversight, and increasing institutional accountability in this area.

**Approbation of the results of the research.** The research findings have been discussed and reviewed at 6 scientific conferences, including 2 international and 4 national scientific-practical conferences.

**Publication of research results.** Within the framework of the dissertation, a total of 11 scientific works have been published, including 5 scientific articles, two of which were published in foreign academic journals.

**The structure and volume of the dissertation.** The dissertation consists of an introduction, three chapters, a conclusion, a list of references, and appendices. The total volume of the dissertation is 137 pages.

## THE CONTENT OF THE DISSERTATION

In the introduction (PhD dissertation abstract), the dissertation outlines the relevance and necessity of the research topic, its consistency with the main priority directions of the development of science and technology in the Republic, the degree of study of the researched problem, the connection of the research topic with the scientific-research activities of the higher educational institution where the dissertation was conducted, as well as the objectives and tasks, object and subject, methods, scientific novelty and practical results, reliability, scientific and practical significance, implementation, approbation, publication of results, and the structure and volume of the dissertation.

The first chapter of the dissertation, titled "**The theoretical and legal characteristics of digitalization in criminal proceedings**", analyzes the scientific and theoretical views on digitalization in criminal proceedings, its legal nature, and the evolution of digitalization in the stages of criminal procedure in Uzbekistan.

The concept of digitalization in criminal proceedings, the scientific-theoretical approaches to it, the main objectives of introducing digitalization into the criminal process, and its compliance with the fundamental principles of criminal procedure are comprehensively discussed based on the views of scholars from Uzbekistan and CIS member states.

Based on the analysis of the scientific works of M.Kh.Kadirova, D.Yusupaliev, S.Oripov, B.Primov, Sh.Hamdamov, S Sadikov, A.Yu.Afanasyev, Y.N.Sokolov, I.Yu.Pashchenko, an author's definition of digitalization in criminal proceedings has been developed.

A classification of prior research on this topic was formulated, dividing them into three main categories: theoretical and scientific foundations for introducing digitalization into criminal proceedings, implementation of digitalization within classical models of procedural instruments, technical and forensic capabilities for the use of digital technologies in criminal proceedings.

A list of the main objectives of digitalization in criminal proceedings has been established: simplifying procedural processes; reducing procedural deadlines and increasing accountability; preventing procedural errors, abuse, and falsification;

enhancing productivity in criminal case management; establishing rapid electronic data exchange among investigative and other competent bodies; improving the quality of investigation to ensure the effective protection of citizens' rights and freedoms.

It is substantiated that digitalization should be excluded from criminal proceedings in cases where it may harm the protection of human rights and freedoms, elevating this principle to the level of criminal procedure fundamentals.

The dissertation further examines the legal and conceptual foundations for introducing and applying digitalization in criminal proceedings, its role within e-government reforms, its importance in preventing abuse, its contribution to efficiency, and issues related to potential risks and their mitigation.

The implementation of tasks set forth in the concepts for improving criminal and criminal-procedural legislation, as well as other sectoral development programs, is analyzed. The importance of digitalization in preventing misuse is supported with statistical data and practical examples.

For instance, in 2024, a total of 213 criminal cases were investigated in violation of pre-investigation and preliminary investigation deadlines, and 170 investigators and inquiry officers were subjected to disciplinary action based on prosecutorial supervision.

At the same time, it is emphasized that potential risks must also be considered. For example, a cyberattack occurs every 39 seconds, amounting to over 2,200 attacks per day and more than 800,000 per year. The Asia-Pacific region accounts for 31% of global cyberattacks—higher than Europe (28%) and North America (25%)[1]. In the 2023 address of the Prosecutor General of Uzbekistan, it was noted that the number of cybercrimes increased nearly 25-fold in recent years.

A list of digitalization directions in the stages of inquiry and preliminary investigation has been developed: working with electronic documents; receiving and reviewing applications electronically; digital forensics; artificial intelligence and analytics; electronic monitoring.

The historical development of digitalization in criminal proceedings has been analyzed and divided into two chronological stages:

*first stage* (1994–2016) – the period that created the need for using information technologies. Since the current Criminal procedural code was adopted in 1994, this stage starts from that year. It is characterized by the expansion of procedural actions recorded on video, the emergence of remote investigative procedures, the maintenance of crime statistics on paper, and weak interagency cooperation between investigative bodies and authorized state institutions;

*second stage* (2017–present) – this period reflects the impact of political pluralism in the judiciary following a change in government. During this stage, numerous reforms were adopted: the list of procedural actions subject to video recording was expanded; the videoconference interrogation procedure was introduced; the "Legal Aid" information system was launched to select defense

[1] Cybersecurity Statistics for 2024: Global Trends and Projected Expenditures. https://newsletter.radensa.ru/archives/4840

attorneys electronically; the “Electronic criminal-legal statistics” and “Electronic inquiry and preliminary investigation” unified information systems were established.

The “Electronic criminal-legal statistics” system records crimes, monitors trends by crime category and offender type, and provides analytical insights into crime prevention measures. It currently has 1,522 users, with over 103,000 criminal cases registered and 649,000 statistical cards completed between 2019–2024.

The “Electronic inquiry and preliminary investigation” system is integrated with 33 state information systems, has 7,390 users, and between 2022–2024, processed over 1.21 million electronic requests. The system saves approximately 1.083 billion UZS per month by reducing paper use.

A proposal was made to include expert interrogation via videoconference in the list of procedural actions (supported by 87% of survey respondents). For instance, forensic psychiatric examinations to determine a suspect’s mental state are available only in Tashkent and Samarkand, while other regions face logistical difficulties.

Given that around 300 forensic psychiatric examinations are conducted annually, and about 10% require expert interrogation, this proposal is substantiated as a practical solution to address such challenges.

Finally, it is proposed to replace the term “Electronic inquiry and preliminary investigation unified information system” with “Inquiry and preliminary investigation unified electronic information system” for greater conceptual accuracy.

The author’s proposals and the implementation of the “Electronic criminal case” project are considered as the next stage in the history of digitalization of criminal proceedings.

The second chapter of the dissertation, entitled “**The legal mechanism for digitalization of criminal proceedings during inquiry and preliminary investigation**”, examines the procedural aspects and legal measures related to the digitalization of criminal case proceedings at the inquiry and preliminary investigation stages. It also develops proposals and recommendations aimed at improving legislative instruments and law enforcement practices.

It is emphasized that the application of digitalization at the stages of inquiry and preliminary investigation should be based on five essential procedural requirements: consistency with available technical capacities; compliance with the principles of the presumption of innocence and respect for human dignity in criminal procedure; ensuring the confidentiality of inquiry and preliminary investigation; preservation of the authenticity of evidence collected during the investigation; protection of human rights and freedoms.

In particular, since 2016, the volume of digital services in Uzbekistan has increased 3.5 times, reaching an average annual value of 2.7 trillion UZS. The volume of services provided per capita has grown 3.2 times. As of January 1, 2025, the permanent population exceeded 37.5 million, while the number of Internet

subscribers reached 26.7 million, covering more than 70% of the total population[1].

Considering that approximately 100,000 crimes are registered annually, with about 500,000 individuals involved in related proceedings, the number of citizens with Internet access and the ability to use digital tools is more than fifty times higher than that figure. This demonstrates that expanding digitalization in criminal proceedings aligns with the national trend toward broader access to digital public services.

The dissertation also proposes the introduction of electronic notification procedures for participants in criminal proceedings, emphasizing that their technical capabilities and consent must be taken into account when implementing such measures.

An analysis of the use of the Unified electronic system for criminal-legal statistics revealed that certain officials (investigators, inquiry officers, prosecutors, and other personnel of these agencies) who are not directly related to a specific criminal case still have access to case-related data. This situation poses risks of violating the principle of presumption of innocence and breaching investigation confidentiality.

Given that ensuring respect for citizens' rights and freedoms is defined as a fundamental criterion, certain stages of inquiry and preliminary investigation should remain exempt from digitalization. For example, during the consideration of detention as a preventive measure, it is crucial for the judge to engage in direct, in-person communication with the suspect or accused to establish the facts of the case. Therefore, introducing remote questioning procedures in such situations would not be appropriate.

Based on the identified challenges, the dissertation develops substantiated proposals and recommendations to address them.

The chapter also analyzes the organizational measures implemented thus far to introduce digitalization at the inquiry and preliminary investigation stages—particularly the establishment of specialized information technology departments within the prosecution and internal affairs bodies, the effectiveness of their activities, and the reasons why the "Electronic criminal case" project has not yet been fully operationalized.

Specifically, the restructuring of IT divisions within prosecutorial and law enforcement agencies has played a critical role in advancing digitalization in the field of inquiry and preliminary investigation. As a result, the "Unified electronic system for criminal-legal statistics" and the "Unified electronic system for inquiry and preliminary investigation" have been launched and are maintained under the supervision of these divisions.

It is noteworthy that, under a relevant decision of the President of the Republic of Uzbekistan, the Concept for the improvement of criminal and criminal-procedural legislation was developed in 2018, and an Interdepartmental commission led by the Prosecutor General was established. A list of participants for the pilot project

[1] The number of productive Internet users is increasing in Uzbekistan. https://ict.xabar.uz/reytinglar/ozbekistonda-internetdan.

“Electronic criminal case” was approved, and a four-stage implementation roadmap was adopted:

*stage one* (by December 1, 2018): launch of the pilot project in the Yakkasaray and Mirabad districts of Tashkent city;

*stage two* (by March 1, 2019): development of a nationwide “roadmap” for gradual implementation;

*stage three* (by October 1, 2019): submission of proposals for improving criminal and criminal-procedural legislation based on pilot results;

*stage four* (by December 1, 2019): adoption of new editions of the Criminal Code and the Criminal Procedural Code.

The Prosecutor General’s Office developed the “Electronic Criminal Case” pilot project, dividing the criminal process into five main stages: registration of crime reports; pre-investigation inquiry; investigation of criminal cases during inquiry and preliminary stages; judicial investigation; rendering of judgment.

According to the technical and economic assessments prepared by the Prosecutor General’s Office, the development cost of a single information system was estimated to exceed 2 billion UZS, and the main reason for the project’s incomplete implementation was related to budgetary constraints.

At present, there is a well-established practice of adopting guidelines and resolutions to ensure the correct application of criminal-procedural norms. In essence, these documents are analogous to the Plenum Resolutions of the Supreme Court, which provide interpretative guidance on the application of criminal-procedural law. However, the absence of a real-time online notification system for stakeholders regarding the adoption or amendment of such documents has led to serious procedural violations, which are illustrated through practical examples.

For instance, a prosecutor’s request for the application of detention as a preventive measure was denied by a court based on a guideline that had been abolished 1.5 years earlier, resulting in the unlawful release of the detained individual.

To prevent such cases, it is proposed to mandate the publication of all relevant prosecutorial guidelines and decisions on the official national legislative information database — www.lex.uz.

Within the scope of the research, it is also proposed to establish a national interdepartmental commission under the leadership of the Prime Minister, tasked with enhancing the level of digitalization in the activities of inquiry and preliminary investigation bodies. Furthermore, it is recommended to pilot the “Electronic criminal case” project initially for crimes of minor and medium gravity as part of a phased implementation approach.

The third chapter of the dissertation, entitled **“Prospects for Improving the Procedure of Inquiry and Preliminary Investigation in the Context of the Gradual Digitalization of Criminal Proceedings”,** analyzes international experience regarding the state of digitalization in inquiry and preliminary investigation processes. It develops proposals aimed at improving digitalization within these stages of criminal procedure and outlines prospects for the application of artificial intelligence technologies in the conduct of criminal proceedings.

The chapter examines the digital capabilities implemented in several foreign countries (including Korea, Turkey, the United States, the United Kingdom, France, Germany, Russia, China, Kazakhstan, and others) concerning the activities of inquiry and investigative bodies.

In particular, the KICS (Korea Information System of Criminal Justice Services) in the Republic of Korea and the UYAP (National Judiciary Informatics System) in Turkey are highlighted as electronic information systems that facilitate the formation and management of criminal cases in digital format. These systems integrate the information platforms of all state authorities involved in criminal proceedings.

The Republic of Korea did not hastily move toward full digitalization of criminal proceedings. Initially, only criminal cases related to driving under the influence and driving without a license were fully digitalized, which reduced the case-processing period from four months to twenty-eight days. Since 2011, approximately 30% of all criminal cases have been handled entirely in electronic form. Based on Korea's experience with gradually implementing its electronic criminal case system—beginning with less serious offenses and allowing parties to monitor case progress through individual accounts—it was concluded that such practices could be adapted to national legislation.

The UYAP system, administered by the Ministry of justice of Turkey, has been in operation since 2000. It currently has over 34,000 regular users, stores about 25 million case files, and processes approximately 50,000 new files daily. Around 6,000 judges, 4,500 lawyers, 3,700 prosecutors, and many other justice sector employees are active users of this system[1].

Among Central Asian countries, the Republic of Kazakhstan has introduced the Unified register of pre-trial investigations since 2015, allowing the electronic registration of criminal complaints and reports. At the initiative of the Prosecutor General's Office, Kazakhstan launched the Electronic criminal case information system in 2017, which has since been legally formalized within its Criminal Procedure code.

Analysis of legislation from Russia, Korea, the United States, and Germany revealed that the use of video recording can serve as a substitute for the participation of witnesses in certain procedural actions. In contrast, the experiences of France, China, Korea, and Turkey led to recommendations for integrating electronic notification systems for participants in criminal proceedings into national legislation.

Within the framework of this dissertation, several proposals have been put forward to improve digitalization in inquiry and preliminary investigation. These include developing a procedural framework for video recording, expanding the range of procedural actions requiring mandatory video documentation to minimize the need for witness participation, introducing electronic registration of material

[1] Turkey's eJustice system (UYAP). https://joinup.ec.europa.eu/collection/justice-law-and-security/document/turkeys-ejustice-system-uyap.

evidence, implementing digital notification systems for participants, digitalizing the process of compensating damages caused by crime, ensuring fair case distribution among investigators and inquiry officers through automated systems, digitalizing prosecutorial oversight, and employing digital mechanisms in the application of the "Habeas corpus" institution during the pre-trial stage.

It is proposed to make the use of video recording mandatory in procedural actions that are crucial for ensuring impartiality and that may involve restrictions on constitutional rights such as identification procedures, on-site inspections, exhumations, examination and seizure of postal or telegraphic correspondence, collection of samples for expert examination, acceptance of material evidence and documents, and property seizure.

Practical analysis revealed that the absence of a digitalized process for enforcing restitution orders results in unreasonable delays and instances of falsification. For example, five criminal cases were initiated in connection with the submission of forged payment documents amounting to 230 million UZS, allegedly confirming compensation payments.

Between 2023 and 2024, a total of 129,412 criminal cases were completed nationwide, 36% of which involved damages. Among them, detention was applied to 36,511 individuals, bail to 22,443 individuals. Of the total 12.3 trillion UZS in damages, 10.6 trillion UZS (81%) was recovered, mostly in cash.

An examination of the information systems revealed violations of investigative jurisdiction, including 16 criminal cases under Article 169, part 2 (d) of the Criminal code that should have been investigated by the Prosecutor's Office but were instead handled by the internal affairs bodies. Digitalization was proposed as a solution to eliminate such inconsistencies.

Furthermore, the absence of clear legislative rules for distributing cases among inquiry officers and investigators leads to unequal workloads, as demonstrated by practical examples. For instance, in the Department for the investigation of particularly serious crimes of the Tashkent city prosecutor's office, one investigator was handling only two criminal cases, while another was managing twenty-one.

In 2024 alone, inquiry and investigation bodies completed 75,232 criminal cases and issued 54,338 prosecutorial instructions to eliminate detected legal violations during inquiry and preliminary investigation stages. On average, each prosecutor reviewed 331 completed criminal cases and issued 239 instructions per year. Prosecutors annulled 776 unlawful decisions to suspend criminal proceedings and 1,948 unlawful decisions to terminate proceedings, and 170 officials were subjected to disciplinary sanctions for identified shortcomings.

In this high-volume context, recommendations were developed to introduce remote prosecutorial oversight using tablet-based digital tools. Full digitalization of compiled case supervision files could save up to one billion UZS annually.

Since it is determined that from 2017, the prosecutor supervising the investigation and preliminary investigation activities, as the head of the sector, will devote two-thirds of his work to solving the problems of the population in the

regions, recommendations have been developed to digitize the prosecutor's supervision by conducting it remotely using a tablet.

In particular, this part of the dissertation discusses a brief history of artificial intelligence, the place of our country in the international index, the positive and negative aspects of its introduction into the criminal process, scientific views on this issue, artificial intelligence systems introduced abroad, organizational measures for the introduction of artificial intelligence into the field, and directions for using its potential.

This chapter also discusses the historical development of artificial intelligence (AI), Uzbekistan's ranking in the Government Artificial Intelligence Readiness Index developed by Oxford Insights, and both the advantages and potential risks of integrating AI into criminal procedure. Uzbekistan has advanced from 158th to 79th place over the past four years, primarily due to the adoption of AI technologies in socio-economic sectors[1].

Despite ongoing debates, many foreign jurisdictions have already implemented AI in judicial and investigative practices. For instance, in the United States, the Dare AI system is used to assess the veracity of witness statements with 92% accuracy—5–7% higher than traditional polygraph tests. In China, AI systems assist in the qualification of crimes and determination of sentences.

Researchers from the Universities of Pennsylvania and Sheffield have developed AI capable of analyzing criminal cases and making reasoned, consistent decisions. In a test involving 584 cases adjudicated by the European Court of Human Rights, AI-generated conclusions aligned with actual court judgments in 79% of instances.

In contrast, this dissertation proposes that artificial intelligence be utilized as a supplementary tool. It defines the concept of "application of artificial intelligence technologies during inquiry and preliminary investigation". The suggested directions for using AI include developing investigation plans, assessing the validity and scientific soundness of testimonies and expert opinions, drafting procedural documents, creating graphical schemes, conducting experiments, and classifying crimes.

To enable such implementation, a five-stage organizational and legal mechanism is proposed: establishing a national working group composed of officials from relevant institutions; forming a list of information systems to be integrated into the AI platform; creating a National artificial intelligence system by developing a unified data repository; launching a pilot (test) version of the system; and introducing it into practical application.

## Conclusion

As a result of the research, a set of scientific conclusions, proposals, and recommendations aimed at improving the theory, legislation, and law enforcement practice have been developed:

[1] Government Artificial Intelligence Readiness Index 2024. https://oxfordinsights.com/ai-readiness/ai-readiness-index/

## I. Scientific conclusions on the development of the theory of criminal procedural law:

1. *Digitalization in criminal procedure* — a process aimed at ensuring the reliable protection of citizens' rights and freedoms, transparency and efficiency of the activities of competent bodies and officials, through the use of information technologies in conducting procedural actions. It involves converting information into a digital format, collecting, transmitting, receiving, formalizing, storing, and using such data in electronic form during criminal proceedings.

2. *Application of artificial intelligence technologies during inquiry and pre-trial investigation* — a process aimed at conducting procedural actions with the assistance of technological tools that imitate human reasoning and decision-making.

3. *Scientific research on the introduction of digitalization in criminal procedure is classified into three categories* — the theoretical and scientific foundations for implementing digitalization in criminal procedure; the integration of digitalization into classical models of criminal procedural instruments; the technical and forensic capabilities of using digital technologies.

4. *The main functions of digitalization in criminal proceedings* are to simplify and accelerate the process of conducting criminal procedural actions; shorten procedural time limits and enhance the responsibility of officials for their strict observance; prevent procedural errors; minimize human factors to avoid abuse and falsification; increase labor productivity; establish prompt electronic data exchange among investigative bodies and other institutions; enhance the quality of procedural work to ensure the effective protection of citizens' rights and freedoms.

5. *Procedural principles of digitalization in criminal proceedings include:* proportionality to technical capabilities; compliance with the principles of presumption of innocence and respect for human dignity; protection of the secrecy of inquiry and pre-trial investigation; preservation of the authenticity of evidence; ensuring the protection of human rights and freedoms.

## II. Proposals and recommendations for improving legislation:

It is advisable to introduce the following amendments and additions to the Criminal procedure code (CPC) and other legislative acts to improve the use of digitalization opportunities during the inquiry and pre-trial investigation:

1. To restate **Article 73** of the CPC, which defines the legal status of witnesses (observers), as follows:

*"Observers shall be invited by the inquirer, investigator, or prosecutor in cases provided for by this Code to confirm the fact, process, and results of investigative or other procedural actions.*

*At least two impartial citizens who are not interested in the outcome of the case must be invited to participate in the conduct of investigative actions. If several inquirers or investigators simultaneously conduct different investigative actions in separate rooms or distant locations, each investigator or inquirer must be accompanied by at least two observers.*

*The following persons may not serve as observers:*

*1) minors;*

*2) legally incapacitated persons;*

*3) other participants in the criminal process and their close relatives;*

*4) employees of law enforcement agencies;*

*5) persons who do not understand the language of the investigation;*

*6) persons who have previously participated as observers in other investigative actions in the same case, except when continuity of such actions is necessary.*

*Before commencing the investigative action, the inquirer, investigator, or prosecutor shall explain to the observers their rights and obligations".*

2. Supplement the Code of criminal procedure with **Article 73[1]**, defining the participation of observers and exceptions thereto, as follows:

*"**Article 73[1]. Participation of observers in procedural actions***

*The participation of observers shall be mandatory in the following procedural actions, except as provided in the third part of this article:*

*1) identification procedures;*

*2) inspection of a person's body involving undressing or detecting scratches, bruises, or other bodily injuries;*

*3) exhumation of a corpse;*

*4) inspection and seizure of postal or telegraphic correspondence;*

*5) searches conducted in residential premises;*

*6) seizure of property;*

*7) confirmation of cases where a person refuses to comply with lawful demands of the inquirer, investigator, prosecutor, or court, or obstructs the conduct of investigative actions, except in the cases provided for by Article 93 of this Code.*

*In all other cases, confirmation of the fact, process, and results of investigative or other procedural actions shall be ensured without the participation of observers, except when observers are involved at the request of participants in the criminal process or on the initiative of the inquirer, investigator, prosecutor, or court.*

*In remote areas where it is impossible to invite observers due to the lack of communication facilities, as well as during investigative actions that may endanger the life or health of persons, such actions may be carried out without observers. In such cases, the investigative actions must be recorded on video, and the reasons for the absence of observers shall be indicated in the protocol".*

3. To supplement the Criminal Procedure Code with **Article 75[1]**, which provides for the use of information technology tools in notifying participants of criminal proceedings:

*"**Article 75[1]. Use of information technology tools in notifying participants of criminal proceedings.***

*"The inquirer, investigator, prosecutor, or court, through the electronic information system, shall:*

*within no later than two hours from the moment of adopting a decision or ruling to involve a suspect or accused person (who has not been subjected to detention as a preventive measure) as a participant in the criminal process, inform them of their rights and obligations;*

*notify the suspect, accused, victim, civil plaintiff, civil defendant, representative, witness, and attesting witnesses of the need to appear at the place*

*where investigative and procedural actions are to be carried out within the prescribed time;*

*notify the suspect, accused, victim, civil plaintiff, civil defendant, representative, witness, and attesting witnesses, on the same day, that the preliminary inquiry and pretrial investigation have been completed, that the case has been sent to the prosecutor or the court for consideration, as well as of the appointment of the court hearing, the time of the hearing, and of the court decision adopted as a result of the case consideration.*

*The notifications to the persons indicated in this article shall be sent via the electronic information system through their mobile or other communication devices. Electronic notification shall be deemed equivalent to written notification and shall entail the same legal consequences. However, the use of technical means for notification shall be permitted only with the consent of the person being notified and if such a means of notification is technically available*.

*A document reflecting the method of delivery and technical specifications of the notification sent through technical means of communication shall be attached to the materials of the criminal case".*

4. To amend part **four** of **Article 91** of the Criminal Procedure Code, which regulates the use of auxiliary means in recording evidence, by expanding the list of procedural actions that must be recorded by video, as follows:

*"The following procedural actions shall be mandatorily recorded by video, except for those that may harm the honor and dignity of citizens or lead to the disclosure of state secrets:*

*1) **identification for recognition**;*

*2) verification of testimony at the scene;*

*3) examination of the scene in cases of especially grave crimes;*

*4) **exhumation of a corpse**;*

*5) investigative experiment;*

*6) search;*

*7) apprehension of a person;*

*8) personal search and seizure conducted during apprehension;*

*9) **inspection and seizure of postal and telegraph correspondence**;*

*10) **collection of samples for forensic examination**;*

*11) **acceptance of submitted physical evidence and documents**;*

*12) refusal of defense counsel;*

*13) **seizure and transfer for safekeeping of attached property**".*

5. To supplement **Article 91** of the Criminal Procedure Code with the following **sixth** and **seventh** parts, which establish the requirements for technical means and equipment used in recording procedural actions by video and the rules for their application:

*"The technical means and equipment used for recording procedural actions by video must comply with the requirements established in the second and third paragraphs of part three of Article 91[1] of this Code.*

*Recording of procedural actions by video shall be carried out in compliance with the following:*

*it shall reflect the actual time and conditions under which the video was made;*

*before the beginning of the procedural action, the inquirer, investigator, or court shall record the explanation of the rights and obligations of the participants in the process;*

*it shall fully capture the appearance of persons participating in the investigative and procedural actions;*

*it shall continuously cover the process from the beginning to the end of the investigative and procedural action without interruption (except for cases when the action is conducted in relation to a set of several objects)".*

6. To supplement **Article 207** of the Criminal Procedure Code, which regulates the recognition of an item as physical evidence and its attachment to a criminal case, with the following second and sixth parts establishing time limits for recognizing an item as physical evidence and the procedure for its electronic registration:

*"A decision or ruling recognizing an item as physical evidence must be adopted no later than ten days from the moment it is seized.*

*If the item is voluminous or additional time is required, this period may be extended up to thirty days on the basis of a substantiated decision of the inquirer or investigator, with the consent of the head of the inquiry or investigation body.*

*If an expert opinion is required to recognize the item as physical evidence, the decision or ruling on such recognition must be adopted no later than three days from the date the expert opinion is received.*

*The physical evidence recognized by a decision or ruling shall be registered in the electronic information system and assigned a unique identification number. During registration, the data regarding the physical evidence specified in the seizure protocol shall be entered, and photographic images of the item shall be attached.*

*Information confirming the registration of the physical evidence in the electronic information system shall be kept in the materials of the criminal case".*

7. To supplement **Article 281** of the Criminal Procedure Code, which defines the grounds for recovery of damages caused by a crime, with the following **third part** providing for a reasonable period to compensate for the damages caused:

*"During the inquiry, preliminary investigation, and trial, a reasonable period shall be granted to the suspect, accused, defendant, or civil defendant to compensate for the damages caused by the crime".*

8. To supplement the Criminal procedure code with **Article 282[1]**, which provides for the digitization of the procedure for monetary compensation of damages caused by a crime:

*"**Article 282[1]. Procedure for monetary compensation of damages caused by a crime***

*The suspect, accused, defendant, or civil defendant shall be provided with an electronically generated information notice containing a QR code to compensate, in monetary form, for the damages caused by the crime and payable to the deposit account of the inquiry, preliminary investigation body, or court.*

*Information confirming payment of the damages shall be received in real-time in the form of an electronic document and shall be stored in the materials of the criminal case".*

9. To supplement **Article 348** of the Criminal Procedure Code, which regulates the distribution of criminal cases according to investigative jurisdiction, with the following **fourth part** providing for the digitization of the distribution process:

*"The distribution of criminal cases among investigators shall be carried out automatically through an electronic information system, excluding the human factor, taking into account the degree of gravity of the crime, the investigators' length of service, qualifications, workload, specialization, and the powers granted to the prosecutor".*

10. To supplement **Article 381[5]** of the Criminal Procedure Code, which regulates the distribution of criminal cases according to inquiry jurisdiction, with the following **fourth part** providing for the digitization of the distribution process:

*"The distribution of criminal cases among inquirers shall be carried out automatically through an electronic information system, excluding the human factor, taking into account the degree of gravity of the crime, the inquirers' length of service, qualifications, workload, specialization, and the powers granted to the prosecutor".*

## III. Proposals and recommendations aimed at increasing the efficiency of law enforcement practice:

1. It has been substantiated that it is necessary to ensure the awareness of interested parties by continuously publishing documents of a mandatory nature for the inquiry, investigation, prosecutorial, and judicial authorities *(such as decisions, directives, and other procedural acts)* in the national legal database of legislative documents *(www.lex.uz).*

2. 2. It has been justified to create the possibility for participants in criminal proceedings to submit electronic complaints or petitions through the Unified portal of interactive state services regarding the decisions and procedural actions of officials of inquiry and preliminary investigation bodies, as well as to establish a mechanism for online supervision by the heads of the inquiry or investigation departments and the prosecutor over the consideration of such submissions.

3. The need to digitize prosecutorial supervision over inquiry and preliminary investigation (by providing prosecutors with tablets to enable remote monitoring) has been substantiated through examples demonstrating that the existing control mechanisms do not correspond to real operational circumstances.

4. 4. Within the framework of the "Habeas corpus" institution, it has been justified to introduce the practice of sending all case materials related to obtaining court sanctions — such as securing witness statements in advance, conducting exhumations, searches, telephone interceptions, imposing detention or house arrest as preventive measures, suspension from office, placement of a person in a medical institution, and seizure of property — to the courts via an electronic information system, in order to widely implement the digitization of data exchange among inquiry, investigation, prosecution, and judicial bodies.

5. The necessity of utilizing artificial intelligence technologies at various stages of the criminal process has been substantiated, including for: drafting inquiry and preliminary investigation plans and potential questions for interrogations; automatic

preparation of procedural documents; verifying the authenticity and scientific validity of testimonies and expert opinions presented during inquiry and preliminary investigation; creating graphical or schematic models of persons or objects; conducting experiments; and classifying socially dangerous acts committed.

**НАУЧНЫЙ СОВЕТ DSc.07/13.05.20.Yu.22.03 ПО ПРИСУЖДЕНИЮ УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ УНИВЕРСИТЕТ**

**МУХАММАДИЕВ САРВАР АСКАР УГЛИ**

# ВОПРОСЫ ПОСТЕПЕННОЙ ЦИФРОВИЗАЦИИ УГОЛОВНОГО ПРОИЗВОДСТВА В ХОДЕ ДОЗНАНИЯ И ПРЕДВАРИТЕЛНОГО СЛЕДСТВИЯ

12.00.09 – Уголовный процесс. Криминалистика, оперативно-розыскное право и судебная экспертиза

**АВТОРЕФЕРАТ**
**диссертации доктора философии по юридическим наукам (Doctor of Philosophy)**

**Ташкент – 2025**

**Тема диссертации доктора философии (PhD) зарегистрирована в Высшей аттестационной комиссии при Министерстве высшего образования, науки и инновации Республики Узбекистан под номером B2022.2.PhD/Yu765.**

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## Введение (аннотация диссертации доктора философии (PhD)

**Целю исследования** заключается в комплексном анализе вопросов поэтапной цифровизации производства по уголовным делам на стадиях дознания и предварительного следствия на основе научно-теоретических и практических исследований, выработке решений выявленных проблем, а также разработке предложений и рекомендаций, направленных на дальнейшее совершенствование законодательства и правоприменительной практики.

**Научная новизна исследования** заключается в следующем:

обосновано, что обмен информации в бумажной форме приводит к затягиванию процессуальных сроков и создает условия для фальсификации документов, в связи с чем необходимо наладить электронное межведомственное взаимодействие органов дознания и предварительного следствия с компетентными государственными органами и организациями;

также обоснована необходимость внедрения системы электронного уведомления посредством сервиса «SMS–уведомление» с целью обеспечения участия участников уголовного процесса при осуществлении процессуальных действий, предотвращения их необоснованных вызовов в органы дознания и следствия, а также своевременного информирования о ходе расследования с момента возбуждения уголовного дел;

доказано, что случаи несправедливого распределения нагрузки между дознавателями и следователями отрицательно влияют на качество расследования, в связи с чем обоснована необходимость цифровизации процесса передачи уголовных дел в соответствии с правилами подследственности и подсудности, а также внедрения системы электронного распределения уголовных дел между дознавателями и следователями внутри одного подразделения дознания или следствия.

кроме того, установлено, что при осуществлении прокурорского надзора за расследованием уголовных дел и при получении судебного разрешения на проведение процессуальных действий сохраняются случаи избыточного документооборота (бумажной волокиты), что приводит к дополнительным затратам и негативно сказывается на соблюдении процессуальных сроков. В этой связи, на основе практических примеров обоснована необходимость полной цифровизации прокурорского надзора за дознанием и предварительным следствием, включая уведомление прокурора о принятых решениях, дачу указаний дознавателю и следователю, предоставление санкций или направление ходатайств в суд о выдаче санкций, применение института «Хабеас корпус» в процессе дознания и предварительного следствия, направление в суд необходимых материалов и ходатайств о санкциях, а также передачу уведомлений суда об отмене избранной меры пресечения.

**Внедрение результатов исследований.** На основе проведённых научных исследований, посвящённых расширению возможностей цифровизации на стадиях дознания и предварительного следствия, полученные результаты нашли практическое применение в следующих направлениях:

предложения, касающиеся налаживания электронного межведомственного взаимодействия органов дознания и предварительного следствия с компетентными государственными органами и организациями, были использованы при разработке второго абзаца пункта 1 Постановления Президента Республики Узбекистан от 28 января 2022 года № ПП–105 «О мерах по внедрению единой межведомственной электронной системы взаимодействия на досудебных стадиях уголовного процесса» *(акт Генеральной прокуратуры Республики Узбекистан от 13 мая 2024 года № 27/2-114-24)*. В результате принятия данного предложения была внедрена Единая электронная информационная система «Электронное дознание и предварительное следствие», обеспечивающая оперативное и достоверное получение необходимой информации.

предложения о введении системы электронного уведомления участников уголовного процесса посредством сервиса «SMS–уведомление» были использованы Генеральной прокуратурой Республики Узбекистан при разработке проекта «Электронное уголовное дело» *(акт Генеральной прокуратуры от 11 июля 2024 года № 27/2-169-24)*. Учет данного предложения способствовал упрощению деятельности органов дознания и предварительного следствия, а также созданию дополнительных удобств для граждан.

предложения о цифровизации процесса передачи уголовных дел по подследственности и о введении системы электронного распределения уголовных дел между дознавателями и следователями внутри одного подразделения дознания или следствия были также использованы Генеральной прокуратурой при разработке проекта «Электронное уголовное дело» *(акт Генеральной прокуратуры от 11 июля 2024 года № 27/2-169-24)*. Реализация данного предложения позволила обеспечить правильное применение норм уголовно-процессуального законодательства, устранить субъективный фактор при распределении дел, добиться справедливого распределения нагрузки и, как следствие, повысить качество следственной работы и уровень защиты прав и законных интересов граждан.

предложения о полной цифровизации прокурорского надзора за дознанием и предварительным следствием — в частности, по вопросам уведомления прокурора о принятых решениях, дачи указаний дознавателям и следователям, предоставления санкций или направления ходатайств в суд о санкциях, а также применении института «Хабеас корпус» (включая направление в суд необходимых материалов и уведомлений об отмене избранных мер пресечения) — также были использованы Генеральной прокуратурой при разработке проекта «Электронное уголовное дело» *(акт Генеральной прокуратуры от 11 июля 2024 года № 27/2-169-24)*. Внедрение данных предложений позволило устранить избыточный документооборот, повысить качество прокурорского надзора и уровень ответственности должностных лиц.

**Структура и объём диссертации.** Диссертация состоит из введения, трёх глав, заключения, списка использованной литературы и приложений. Общий объём диссертации составляет 137 страниц.

## E’LON QILINGAN ISHLAR RO‘YXATI
## СПИСОК ОПУБЛИКОВАННЫХ РАБОТ
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