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Computer Technology in Modern Criminal Procedure

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Abstract: this article deals with the implementation of digital technologies in criminal work, the expected results and the problems that arise.

A number of proposals aimed at further improvement of the current criminal procedural legislation have been put forward.

Keywords: criminal case, digital technology, digital evidence, electronic database, artificial intelligence.

That are required to establish new standards in a particular area . In essence, procedures are procedural rules that regulate certain activities. That is, the question of at what stage it is possible to introduce digitalization or not becomes the main focus. Therefore, when considering the digitalization of criminal proceedings, it is of course important to clearly define the procedures for its introduction.

While the essence of the procedures is understood first of all in the tasks and principles of the criminal procedure, their clarification in the practice of legislation and law enforcement determines the important foundations of the use of modern information technologies in the criminal procedure.

First, it is necessary to have a complete understanding of the meaning of the concept of digitization. The explanatory dictionary of information and communication technologies defines “digitization” as the process of converting an analog signal into a discrete signal, that is, converting analog data into a digital form that can be stored in a computer environment and stored on machine-readable media.

Nicolas Nicromante, who first introduced the term "digitization" into science, considered digitization a process that allows for data compression and reduced errors in transmission over new communication channels .

guarantee of supply should be the main criterion.

Therefore, it would be appropriate to define "digitalization in criminal proceedings" as a process aimed at converting data into a digital format, collecting, transmitting, receiving, formalizing, storing and using it in electronic form using information technologies in the implementation of procedural actions in order to reliably protect the rights and freedoms of citizens during the conduct of criminal cases, ensure transparency and productivity of the activities of responsible bodies and officials .

The analysis of scientific research shows that the issue of introduction and use of digitization in the criminal process is viewed positively by many scientists, but certain aspects such as security and reliability should be taken into account in its use.

the main tasks of introducing digitalization also serve to reveal the essence of the goal pursued by its introduction.

In particular, O.V. Dobrovlyanina emphasizes that the introduction of digitization in the criminal process not only provides the technical possibilities of protecting the legal interests of citizens through the courts, but also improves the quality of justice.

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In his opinion, the introduction of automated systems in the criminal process will significantly reduce the violation of procedural terms, reduce the number of unfinished cases, and provide easy and fast access to information [1].

According to V. Momotov, the use of modern technologies in the criminal process not only eliminates errors and uncertainties, but also ensures the speed of criminal proceedings [2].

evaluate digital technologies as a factor reducing corruption cases in the judicial system [3].

From the above considerations, it can be concluded that while most researchers emphasize the need to use digitalization in the criminal process, some scientific studies do not advocate its use, but rather emphasize the need to take into account the negative impact on the protection of human rights and freedoms when introducing it.

Based on the possibilities of digitalization and the results to be achieved, we can mention the following as its main tasks in the criminal process:

simplifying the process of carrying out criminal procedural actions and ensuring their speed;

shortening procedural terms and increasing the responsibility of officials in charge of criminal proceedings in their full compliance;

prevent procedural errors;

prevent abuse and falsification by reducing the human factor;

increase labor productivity by facilitating the activities of officials responsible for criminal proceedings;

Establishing rapid electronic information exchange between investigative and preliminary investigation bodies and with other organizations;

to effectively ensure protection of citizens' rights and freedoms by improving the quality of inquiry and preliminary investigation.

According to current procedural rules, all materials related to obtaining permits are currently submitted to the courts in paper form, and this traditionally considered process requires reducing paper and time consumption by using the possibilities of digitization [4].

In our opinion, it would be appropriate to specify in the legislation the procedure for sending the materials collected as a result of the above-mentioned procedural actions to the court in full electronic form.

At this point, it is worth mentioning one more point. Since the presence of a witness, victim, suspect, accused or defendant in court proceedings related to searches, wiretapping of telephone conversations, obtaining information transmitted through them, and permission to seize property, which are carried out in order to uncover the hot tracks of crimes and the stage of obtaining permission for their implementation must be kept secret, is not established, it is advisable to fully electronicize the process of granting permission for these procedural actions [5].

It should be emphasized that it is not possible to fully digitize the process of pre-recording testimony, exhuming a corpse, authorizing the use of procedural coercive measures related to arrest and house arrest, removal from office, and placement of a person in a medical institution. Although such a change may facilitate the exchange of information in the activities of inquiry and preliminary investigation bodies and courts, and simplify the process, it does not provide guarantees regarding observance of human rights and freedoms.

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Because this process is carried out with the participation of the participants in the process and is carried out in accordance with the principles of criminal procedural law related to the establishment of the truth and direct examination of evidence. For example, during the interrogation process conducted remotely *(in a pre-trial detention center or other place),* the testimony given may not reflect the true opinion of the person, and the content of the testimony may have arisen as a result of external physical influence. In such a case, the court should establish direct communication with the person and assess the circumstances of the case with its own internal confidence. Therefore, the issue of ensuring the protection of human rights and freedoms is an important issue among the principles of introducing digitalization [6].

Based on the summary of the above opinions, the following suggestions are made.

- determination of the need to comply with the procedures mentioned in the use of digitization opportunities in the criminal proceedings at the level of the regulatory legal document ;

electronic complaints or petitions regarding decisions and procedural actions taken at the stage of inquiry and preliminary investigation through the Unified Interactive Public Services Portal, and develop mechanisms for establishing online control over the consideration of these complaints and petitions by the head of the inquiry or investigation unit and the prosecutor;

in order to ensure the full implementation of the principles of presumption of innocence and respect for the honor and dignity of the person in the digitization process, in accordance with the fourth part of Article 88 of the Criminal Code and in the use of electronic information systems to introduce additions related to ensuring compliance with the rights and legitimate interests of the above-mentioned entities ;

- to ensure that the window of the information systems related to a certain stage of the criminal procedural activity constantly displays a reminder that the user of the system must comply with the requirements of the presumption of innocence and the principles of respect for the honor and dignity of the person;

Article 91 of the Criminal Procedure Code, which provides for the use of auxiliary methods in recording evidence , with additions related to the fact that the use of electronic information systems in criminal proceedings does not exempt from the obligation to keep the original evidence with the criminal case ;

- In order to widely introduce digitalization in the relations of inquiry and preliminary investigation bodies with courts at the pre-trial stage of the case within the framework of the "habeas corpus" institution , introduce the practice of sending case materials to courts via the electronic information system related to the pre-recording of testimony, exhumation of a corpse, search, wiretapping of telephone conversations, preventive measures of arrest and house arrest, removal from office, placement of a person in a medical institution, and sanctioning the seizure of property ;
- making procedural decisions on cases related to searches, wiretapping of telephone conversations, obtaining information transmitted through them, and authorizing the seizure of property at the pre-trial stage, coordinating with the prosecutor, and fully digitizing the procedure for considering the case in court .

In our opinion, the implementation of the above-mentioned proposals will serve to prevent the irregular use of modern information technologies in criminal proceedings in the context of global digitization.

of the rights and interests of participants in criminal proceedings , but will also serve to increase the productivity of inquiry and preliminary investigation bodies.

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LIST OF BIBLIOGRAPHY

1. O. V. Dobrovlyanina . Introduction of new electronic technology and industrial production. UDK 343.17 DOI: 10.17072/ 2619-0648-2019-2-104-117 . 2019.
2. O.I. Miroshnichenko, T.V. Filonenko. Digital technology is a factor in the development of corruption and the judicial system. 2020.
3. Sardorovich, Uralov Sarbon. "Prejudice in Criminal Cases." Journal of Media & Management. SRC/JMM-175. DOI: doi. org/10.47363/JMM/2022 (4) 146 (2022).
4. Uralov, S. 2024. Nekotorye voprosy realizatsii institute prejuditsii v ugolovno-procesualnom zakonodatelstve Republic of Uzbekistan. Society and innovation . 5, 2/S (Feb. 2024), 62–65. DOI:https://doi.org/10.47689/2181-1415-vol5-iss2/S-pp62-65.
5. Uralov S. Specific aspects of proof // TSUL Legal Report International electronic scientific journal. - 2022. - T. 3. – no. 1. – S. 96-102.
6. Uralov, Sarbon. "Nekotorye voprosy realizatsii instituta preyuditsii v ugolovno-procesualnom zakonod atelstve Republic Uzbekistan." Obshchestvo i innovatsii 5.2/S (2024): 62-65.