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Achieving Truth in the Criminal Process: the Role of Knowledge and Evidence

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Abstract: The process of achieving truth in criminal proceedings is carried out through the institutions of knowledge and evidence. The process of knowledge involves searching for, collecting, and analyzing information necessary to establish the fact of a committed crime, its circumstances, as well as the identity and actions of the accused. Evidence, in turn, is aimed at verifying the reliability of this information and substantiating it as a legally significant fact.

This article examines the theoretical and practical aspects of knowledge and evidence in the criminal process, as well as their significance in the judicial system. Particular attention is given to the presumption of innocence, the principle of adversarial proceedings, and judicial independence as key factors influencing the process of proving guilt. The study also explores modern approaches to the evaluation of evidence, the role of forensic expertise, and the use of advanced technologies in forming the evidence base.

A deep understanding of the essence of knowledge and evidence in the criminal process contributes to improving investigative and judicial mechanisms, protecting the rights and legitimate interests of all participants, and ensuring fairness and efficiency in the administration of justice.

Key words: investigation, inquiry, process of knowledge, evidence system, operational-search activity, procedural tools, scope of criminal investigation, purpose of proving.

Introduction

The use of scientific and technological advances is integral to criminal procedural understanding. Modern forensic techniques, such as DNA analysis and digital forensics, substantially enhance the accuracy and impartiality of criminal investigations, enabling us to reliably ascertain the facts and circumstances of cases.

Establishing the veracity of a particular fact and the complexity of the investigation itself make this type of information difficult to obtain. It is within the context of criminal procedural investigative activity that information regarding facts relevant to the criminal proceedings, i.e., legally significant circumstances, can be acquired. It has been widely acknowledged that the pre-trial stage of the criminal justice process is a critical juncture, during which relevant evidence is collected and assessed to inform decisions regarding whether to pursue legal proceedings. This stage encompasses both procedural and non-procedural approaches to information gathering. V.L. Voskobitova and D.B. Sergeeva emphasize that “procedural methods entail investigative actions conducted in accordance with relevant criminal procedural legislation. These actions may include interviewing, searching, confiscation, examination of the scene, and other comparable measures intended to obtain evidence that can subsequently be presented in a court of law”[1].

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Methodology

Additionally, it should be noted that the procedural aspects of the investigation ensure transparency and compliance with the principles of law. This helps to prevent judicial errors and guarantee the protection of the rights of all parties involved in the process.

In the context of adherence to procedural rules, it is important to emphasize that these measures also contribute to maintaining public trust in the justice system, reinforcing confidence in its impartiality and fairness.

The procedural elements also encompass the development of techniques and strategies that facilitate the efficient and systematic collection of evidence. These may include the utilization of modern technologies, such as video recording, photography, and biometric data collection. This enhances the accuracy and credibility of the evidence gathered.

Non-procedural forms of investigation, in turn, are not restricted by strict procedural boundaries and may include investigative measures such as surveillance, collecting information from informants, and other steps that help gather preliminary information about a crime. While this information can be valuable for starting criminal proceedings, carrying out investigations, or making procedural decisions, it needs additional verification and legal evaluation before it can be included in the case file.

The success of pre-trial proceedings largely depends on the synergy between procedural and non-procedural investigative methods. It’s crucial that this process be carefully coordinated and supervised to prevent abuse and errors that could lead to violations of suspects’ rights and, consequently, unlawful initiation or closure of criminal cases.

The investigation in the criminal process of the Republic of Uzbekistan is conducted in order to determine the circumstances of a crime and then make a legal decision. A wide range of participants are involved in the investigation, and their roles vary. To ensure the effectiveness of the investigation, evidence is gathered, which includes investigative actions and operational search measures.

This issue has some nuances that require further discussion, as operational investigative activities are governed by a separate law rather than the criminal procedure law. However, within the context of a criminal case, these activities serve the same purpose as investigative actions.

The investigation in the criminal proceedings of the Republic of Uzbekistan is carried out in order to establish the circumstances of an offense and then make a legal determination. A wide range of individuals are involved in this process, and their roles differ. To ensure the success of the investigation, evidence is collected, which includes both investigative measures and operational search activities.

There are some aspects of this issue that require further discussion. Operational investigative activities are regulated by a separate law, rather than the criminal procedural code. However, in the context of a criminal case, these actions serve the same purpose as other investigative measures.

Operational search measures are implemented by the authorities specified in Part 2 of Article 391 of the Criminal Procedure Code of the Republic of Uzbekistan. “These activities can take public or private forms and are intended to detect, prevent, suppress, and uncover crimes, as well as identify individuals who are involved in their preparation, commission, or perpetration. This is in accordance with the provisions of the Law of the Republic of Uzbekistan on Operational Investigative Activities”[2].

Results

Other actions taken to gather information regarding a crime may include obtaining statements from citizens, questioning witnesses, examining the scene of the incident prior to initiating criminal

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proceedings, and other activities. These activities are not part of the procedural process, but they may be used to determine whether to initiate a criminal investigation or to decline to do so.

The relationship between investigation and non-procedural means of obtaining information lies in the fact that the investigation is the primary means of understanding the circumstances surrounding a crime. This process is conducted in strict adherence to the criminal procedure law and aims to establish the objective truth within a criminal case. Non-procedural methods of gathering information are employed to obtain additional facts about a case and may be utilized during an investigation, but they do not substitute for an investigation and cannot form the basis for initiating criminal charges.

With regard to the opinions of some scientists who suggest that MPAS are conducted outside the framework of criminal proceedings, it can be argued that the results of MPAS can serve as evidence under Article 81 of the Criminal Procedure Code of Uzbekistan, provided that they are conducted in full compliance with all relevant rules and regulations.

As for the entities authorized to conduct MPAS, Article 391 of the same code can be cited to mention the powers of certain bodies and officials. Based on this, it can be concluded that MPAS fall within an intersectoral field that is regulated by both criminal procedural legislation and the Law of Uzbekistan on Operational Investigative Activities.

Operational investigative activities have always been a subject of special attention in the field of criminal procedure, given their purpose, objectives, and functions. According to the Law of the Republic of Uzbekistan “On Operational Investigative Activity”, the main objectives are:

1. Ensuring the protection of human rights, freedoms, and legitimate interests; the property of legal entities and individuals; the security of the individual, society, and state;
2. Prevention, detection, and suppression of crimes; identification and identification of those involved in their commission;
3. Search for individuals hiding from law enforcement agencies, evading criminal prosecution, and missing persons, as well as unidentified corpses;
4. Collection of information about individuals, events, actions (inactions) that pose a threat to security.

It can be assumed that all of these tasks are carried out in proportion to each other during the pre-trial stage of criminal proceedings, and each of these tasks plays a fundamental role in ensuring law and order as well as security in the Republic of Uzbekistan.

According to a number of scholars, the need for OPM (operational-search measures) primarily arises during the process of verifying statements or reports regarding crimes being prepared or committed. This is due to the need for a rapid response to information, as explained by these experts.

However, it should also be noted that information regarding crimes in the making, committed, or being prepared may be obtained through the use of MPM (measures of procedural control), which are regulated by Article 15 of the Republic of Uzbekistan’s Law on Operational Investigative Activities. By analyzing this law, we can conclude that MPM may be conducted both independently by the investigating or inquiring authorities and on their behalf.

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[4]. By analyzing this law, we can conclude that MPM may be conducted both independently by the investigating or inquiring authorities and on their behalf.

Discussion

In order to collect, systematize, and verify information, as well as evaluate the results of operational search activities and make appropriate decisions based on these results, if there is a basis provided for in Article 15 of the Law on Procedure, operational search processes are initiated.

It is worth noting that the list of cases for operational investigative procedures and the process for conducting them are established by the acts of the agencies conducting operational investigative activity. Meanwhile, the conduct of investigations and preliminary inquiries is governed by the norms of the Criminal Procedure Code.

A comparison of the legislation on operational investigative activities in Uzbekistan with that of foreign countries has revealed that these activities are conducted as procedural measures within the framework of criminal investigations in countries such as the United States [5], the Russian Federation [6], and Finland [7].

The interest in the legislative regulation of operational investigative measures (OIM) in the Republic of Kazakhstan deserves attention. Upon studying the Code of Criminal Procedure (CPC) of the Republic of Kazakhstan, it is possible to observe the presence of certain secret investigative actions. These include:

Based on the provisions of this section, the following types of secret investigative measures are carried out:

1. Secret audio and/or video monitoring of a person or location;
2. Secret monitoring, interception, and removal of information transmitted over electrical communication networks;
3. Secret receipt of information about connections between users and/or devices;
4. Secret removal of information from computers, servers, and other devices used to collect, process, store information;
5. Secret control of postal services and other items;
6. Secret entry into and/or inspection of a location;
7. Secret surveillance of a person or area;
8. Secret purchase control.

In the science of criminal procedure, the epistemological aspect of proof is generally recognized. However, the question of the relationship between knowledge and evidence remains open, and without its resolution, it is impossible to determine the role and significance of covert investigative actions.

To better understand the relationship between these concepts in the criminal process, it is important to note that in the philosophy of dialectical materialism, cognition is defined as the process of acquiring a true understanding of something. Shpagina Yu.V. notes that “cognition is the product of social, labor, and mental activity that recreates in linguistic form the objective natural connections of the practical transformation of the external world”[8].

In the process of investigation, the parties involved analyze the facts of the crime or its traces. However, prior to engaging in logical reasoning, it is essential to establish direct contact with the relevant information or evidence – through visual observation of traces or hearing information about the incident.

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Based on the tenets of epistemology, it can be stated that the investigation in criminal matters begins with sensory interaction with an object, i.e., its "direct observation". This process encompasses various forms of sensory perception, such as sensation, perception, and representation, of the circumstances surrounding the crime and its effects. All these aspects, as well as the investigation process in general, are shaped by the practical actions of participants in a criminal case.

It should be emphasized that, in addition to sensory perception, intuitive insights and preliminary analysis play a significant role in the investigation process. These aspects help investigators and inquirers to form initial hypotheses about an incident, which are then tested and confirmed through the collection of evidence.

It should also be noted that modern technologies significantly enhance the process of criminal investigation today. Tools such as video analytics, biometrics, and digital analysis supplement traditional methods.

Video analytics allows for the automation of the process of analyzing and processing video materials, which previously required a lot of manual effort and time. With the use of artificial intelligence and machine learning algorithms, video analytics is able to recognize faces, objects, and even patterns of behavior. This is particularly useful in investigations involving large volumes of video data, such as from video surveillance systems at public locations, where it's necessary to quickly identify suspects or witnesses to a crime. This makes the process much more efficient.

In the investigation process, both procedural and non-procedural methods of gathering information should be used in conjunction with each other. Non-procedural information gathering can reveal important aspects that can then be supported by the evidence collected through procedural means. This collaboration between different approaches helps to create a more complete picture of events and provides a deeper and more comprehensive analysis.

Ethical and legal considerations remain central to the learning process as well. Protecting privacy, confidentiality, and human rights is essential, and violating these principles could lead to legal consequences and erode public trust in the justice system.

The variety of methodological approaches, such as inductive and deductive methods, enhances the objectivity and depth of analysis in criminal investigations. Inductive reasoning allows you to form generalizations based on specific cases, while deductive reasoning begins with a theory that is tested through observations and experiments. Using a combination of these approaches helps to reach more accurate and reasonable conclusions, which contribute to an accurate and fair criminal investigation.

In this context, evidence is equivalent to research that is conducted during the pre-trial investigation and in court proceedings. It consists in collecting, verifying and evaluating evidence, as well as clarifying all significant facts and circumstances with their help.

S.B. Rossinsky notes that "cognition and proof are inseparable from each other, and that proof is a special procedural term that denotes cognitive activity carried out in accordance with procedural rules"[9].

However, the legal literature contains other points of view on the versatility of the concepts of "cognition" and "proof". For example, R.G.Dombrovsky believes that "proving is only a mental (cognitive) activity. In his opinion, investigation as a process of cognition has two forms (sides): forensic cognition and procedural evidence"[10].

S.D.Kurylev argued that "thinking is not part of the evidence, which he understood as the procedural actions of investigators and judicial authorities to collect and consolidate evidence"[11].

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These approaches to understanding the correlation of concepts have been criticized. M.M.Mikheenko noted that without mental activity and evaluation of the collected evidence, criminal procedural proof is impossible[12].

In our opinion, we agree with the authors who argue that criminal procedural knowledge is broader than criminal procedural evidence. Knowledge acquisition by an authorized subject, known as cognition, can be achieved not only through evidence, but also through other means. For instance, investigators can gather information by reading relevant literature, interviewing eyewitnesses or people who can provide characterizations of the witness, victim, or accused, and consulting with experts. If this data is gathered in this manner and does not become part of the evidentiary process, it still constitutes part of cognition. Therefore, the epistemological aspects of evidence are subject to the same epistemological principles as any other cognitive activity carried out within the framework of materialistic mapping theory.

Proving guilt in the criminal justice system faces many difficulties and challenges that can significantly affect the outcome of a case. One of the most significant problems is the risk of subjective interpretation of evidence. Even objective data can be interpreted differently by different people involved in the process, leading to different conclusions. This subjectivity can be influenced by personal beliefs, preconceived ideas, or even professional temptation to find what confirms a hypothesis.

Conclusion

Another important aspect of the evidentiary process is ensuring human rights and fundamental freedoms. This includes the right to a fair trial and protection against arbitrary detention and searches. Due to the pressure to achieve quick results, these rights can be violated, undermining the legitimacy of the legal system as a whole.

The pressure exerted on participants in the criminal justice process, such as investigators, interrogators, witnesses, victims, and the accused, can influence the objectivity and quality of evidence provided. This pressure can lead to stress and errors in reading or even distortions of evidence.

The criminal justice process involves a complex interaction between legal standards and actual actions to establish the truth in each case. Each case requires a unique approach, and success depends largely on the professionalism, cooperation, and willingness of all parties involved to use all available resources and knowledge to reach a fair outcome.

In conclusion, it can be stated that investigations and other forms of non-traditional inquiry are complementary components in the pre-trial process. They contribute to a comprehensive and unbiased examination of criminal matters, as well as the protection of citizens' rights and freedoms. However, it is important to note that non-traditional methods do not replace investigations, but rather supplement them. This is crucial because each aspect of the process contributes to a full understanding of the events, strengthens legal safeguards, and prevents errors in the law. An investigation that incorporates both traditional and non-traditional approaches helps to ensure fairness and strengthen trust in the legal system.

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