



Journal Website:
<https://theamericanjournals.com/index.php/tajpslc>

Copyright: Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

Research Article

QUESTIONS OF CONDUCTING AN EXPERT EXPERIMENT

Submission Date: November 04, 2023, Accepted Date: November 09, 2023,

Published Date: November 14, 2023 |

Crossref doi: <https://doi.org/10.37547/tajpslc/Volume05Issue11-04>

Abdullaev Rustam Kahramanovich

Tashkent State University Of Law Teacher Of The Department Of Criminalistics And Forensic Investigation, Phd, Uzbekistan

ABSTRACT

The article is devoted to the problem of methodological support of expert experiment. The author pays attention to the expediency of developing methods of expert experiment taking into account its special purposes and considers the content of the stages of expert experiment, on the basis of which conclusions are formulated regarding their number. The scientific novelty of the work lies in the fact that the proposed study is presented as a comprehensive study of an experiment in forensic expert activity conducted with the aim of developing theoretical foundations designed to systematize knowledge about this method, as well as practical recommendations for improving the effectiveness of its results in the practical activities of law enforcement agencies.

KEYWORDS

Expert experiment, expert practice, methodology of expert experiment, stages of expert experiment, organizational and managerial stage, main purpose of experiment, special purpose of experiment, tasks of expert experiment, results of experiment, content of experiment stages.

INTRODUCTION

An expert experiment is an artificial reconstruction of the phenomena and processes under investigation, in connection with constantly changing conditions and other phenomena. With the help of experiment, many objects and facts can be studied separately and the necessary ones can be distinguished. An experiment

created on the basis of an observation can interfere with the phenomenon being studied, change this phenomenon or change the conditions of its occurrence. The basis of the experiment is always the goal arising from the expert's tasks and the assumptions put forward by the forensic expert, and

the forensic expert himself is subject to the process of checking these assumptions. In addition to this general goal, the experiment has a number of specific goals.

Taking into account the number and diversity of forensic expertise and research, the diversity of research objects within the scope of one type of expertise research, it is appropriate to develop standard methods for conducting an expert experiment in the modern realities of expertise practice depending on the following special goals:

1) to determine a specific situation and the causal relationship between situations and events; 2) to determine the mechanism of trace formation and the mechanism of the incident; 3) taking samples (experimental sample) for comparative studies; 4) to determine the defects of research objects that should be taken into account during the examination; 5) studies of specific (direct) properties of the trace; 6) to determine whether it is possible (not available) to carry out certain actions under specific conditions (taking into account the conditions of a technical nature), including conditions that allow the commission of a crime.

The proposed approach makes it possible to bring various expert research objects to the same level according to their specificity and systematize to a certain extent the methodological support of conducting expert research for the needs of justice. It is known from expert practice that coordination (regulation) of conducting experiments and conducting expert research in general often consists of specific (situational) recommendations covering general tactical requirements.

Coordinating experiments within narrow specializations of research remains a very rare phenomenon to this day. In this case, the sequence

(specified order) of the application of methods, methods and tools of scientific research implies the step-by-step conduct of experimental actions. The expert experiment is no exception, because the experiment is a clearly goal-oriented activity, which requires a clear order and organizational aspects, which are achieved by dividing into a number of stages that replace each other in a specified sequence, ensuring the completeness and logic of the processes of expert research.

In the literature, three main stages of the experiment are usually distinguished: the stage of preparing for the experiment, conducting the experiment, and evaluating the results of the experiment. At the same time, O.A. According to Krestovnikov, the following stages of the experiment can be distinguished:

a) preparatory stage providing organizational-management aspects of activity; b) the stage of reference studies aimed at obtaining information necessary for planning future studies; c) detailed (separate) research stage, collecting information to create an integral (integral) information model of the object; d) the final stage, which ensures the achievement of the final goal of the activity and the adoption of the final decision.

Since the author did not clearly indicate the application of the proposed stages of the experiment in the categories or types of forensic activities, it remains unclear what exactly is meant by "organizational-management aspects" of conducting expert research. In practice, it is possible to ensure the organizational and management aspects that include the following - when the necessary information is obtained and expert reports are drawn up based on them, and when the expert experiment is planned in such a way that it also includes the planning of organizational and technical measures: the forensic expert's ability to analyze and

synthesize; the ability to correctly choose and use research methods; the ability to plan and conduct the necessary experiments to obtain certain results and interpret them correctly, etc.

Therefore, we believe that it is possible to separate the organizational-management activities into separate stages within the framework of complex and multi-level systematic scientific research, however, in the practice of expertise, according to O.A. Krestovnikov, it seems somewhat problematic to separate the first and second stages of the expert experiment.

Based on the above, we believe that the following is necessary in all types of expert experiments and in the preliminary preparation stage, where all types of expertise are equally used in solving tasks:

1) in order to determine the expected results and assess the legality of the studied process, their elements, connections and dependencies, available at the discretion of the forensic expert on research objects (process, event, etc.) and in theoretical and practical (available scientific, technical and methodical potential) developments analysis of preliminary data;

2) to determine and fully formulate the goals and tasks that are the basis of any experiment, including expert experiments, because they affect the choice of directions, tools and methods for achieving the final result of the research and solving the tasks;

3) to make expert guesses (hypotheses) about the possible methods of solving the tasks of the expert experiment in accordance with its purpose and to determine their consequences. On the basis of the previous assumptions, the forensic expert can determine the research methods and tools necessary to determine the expected consequences;

4) identifying variable factors (primary and secondary characteristics) that affect the accuracy and consistency of experimental results and eliminating random factors. Finding the relationship between these factors is one of the main tasks of the experiment. It should be remembered that if the forensic expert does not control or ignores one or other factors that have a certain influence on the results of the experiment, this can lead to error;

5) planning the program of conducting experimental actions based on the presented examples and taking into account the conditions of conducting experimental actions and the most favorable (optimal) sequence of actions of the forensic expert. It should be remembered that even in the 19th century, it was emphasized that "the conditions, order, methods and technical means of conducting an experiment and recording its processes, as well as the conditions that ensure the safety of the forensic expert and other participants during the experiments, are determined depending on the tasks assigned to the forensic expert." therefore, "the more factors that are included in a naturalistic review, the less likely it is that any important variable (size, condition, condition) will be unreasonably overlooked."

Thus, to conduct an expert experiment, as a rule, we suggest taking into account the following basic conditions: compatibility with the conditions of the renewable state; reproducibility of experimental actions; direct observation of variable restoration options, taking into account the changes of the experimental traces under the influence of one or another factor, and taking samples for comparative studies using the research objects, provided that the research objects do not undergo any changes (damage) as a result of the experiment.

In our opinion, the above list can be supplemented with conditions such as the conduct of an experiment in general and the selection of independent variables as a method of control in particular. Given that control characteristics should reflect the most important characteristics and distinguishing features of the research object, independent variables should be selected in such a way that they can be easily observed and measured;

6) preparation of measuring devices and equipment necessary for conducting experiments, determining the scope of their use. It should be noted that it is equally important to choose the tested measuring instruments and equipment and to take into account the possible errors of the measurement results obtained with their help. With this in mind, the forensic expert is required to evaluate the importance of these errors for the purposes of the experiment and, if possible, eliminate or minimize their impact before starting the experiment;

7) to determine the methods of analyzing and evaluating the process of the expert experiment and its results, recording all the experimental actions, evaluating the identified cases with various tools and methods, and combining the data obtained during its implementation;

8) to determine the variants of the models (subject, sign) of research objects (process, event) that will be created if the goal of the experiment can be achieved in their presence. Expert practice shows that the creation of such models is more typical for solving diagnostic tasks, but they can also be used for solving identification tasks. In this case, it should be remembered that any model should be suitable for the research object (process) and allow obtaining stable results during the entire experiment;

9) to predict (estimate) in advance logical and action (operational) errors that may occur during the experiment, to obtain its results, and to determine the possibilities of their prevention.

The next stage - direct experiment - is the process of performing experimental actions, based on the plan developed in advance by the forensic expert, creating appropriate models under various necessary conditions and conducting the experiment in a specified sequence. At this stage, the selection and justification of scientific research methods, as well as the quality of actions carried out in relation to the research object, are controlled, the obtained experimental data are processed and analyzed and recorded.

All experimental actions can be repeated by a forensic expert under several changed conditions to confirm or deny the obtained results. Monitoring the changes in the system of actions, which are the result of the implemented actions, allows to determine the interrelationship between the elements and thus to determine the new characteristics of the objects of research and the regularities of the studied phenomena.

The third and final stage is the evaluation of the results of the experiment and the formation of conclusions. At this stage, the forensic expert, based on the laws and categories of logic, begins to summarize, quantitatively and qualitatively analyze and process the data obtained during the experiment, to determine the laws of formation of intermediate and final results, as well as to determine the reliability of the causal relationships determined in the experiment.

The analysis and evaluation of the obtained results allows to conclude that the intended purpose of the

research has been achieved, whether the forensic expert's opinion is confirmed or not.

This stage is one of the most important and most difficult stages of the expert experiment, because by perceiving and evaluating the obtained results and comparing them with the example he put forward, the forensic expert identifies the mistakes made and decides to conduct an additional experiment in order to eliminate them. These are our thoughts on the general methodology of conducting an expert experiment, and we believe that increasing the number of its stages is inappropriate.

REFERENCES

1. Трасологик экспертизаларнинг асосий атамалари луғати: Эксперт-трасологнинг китобчаси. // О.П.Маршанская, Т.А.Ромаданова, И.А.Азимова, Ш.Х.Хасанов. / Х.Сулайманова номидаги РСЕМ, 2016. – 281 б.
2. Информационно-правовой портал «Гарант.ру»: [Электронный ресурс]. URL: <https://base.garant.ru>.
3. Крестовников О.А. Экспертные методики и технологии в правоприменении и хозяйственном обороте: [Электронный ресурс]. URL: <https://law.library.ru/aptkle.html>;
4. Колдин В.Я., Крестовников О.А. Судебно-экспертные науки и технологии: [Электронный ресурс]. URL: <https://coldin-msu.ru/wp-content/uploads/2015/03/13Судебно-экспертные-науки-и-технологии>.
5. Берзин В.Ф. Эксперимент при проведении криминалистических экспертиз / Автореф. дисс. ... кан. юр. наук. – Киев: Киевский гос. ун-т им. Т. Г. Шевченко Киев, 1964. – 15 с.
6. Аверьянова Т.В. Методы судебно-экспертных исследований и тенденции их развития: дис. д-ра юрид. наук. – М., 1994. – С.403.
7. Абдуллаев, Р. 2021. Понятие криминалистической технологии осмотра места происшествия. Общество и инновации. 2, 10/5 (ноя. 2021), 182–190. <https://inscience.uz/index.php/socinov/article/view/1389>.
8. Abdullaev Rustam Kahramanovich . (2022). Inspection of the scene of the incident using advanced technologies. The American Journal of Political Science Law and Criminology, 4(10), 62–65. <https://doi.org/10.37547/tajpslc/Volume04Issue10-09>.
9. Абдуллаев Р.К. Проведение осмотра места происшествия с использованием передовых технологий. Общество и инновации. 3, 9/5 (окт. 2022), 184–188. <https://doi.org/10.47689/2181-1415-vol3-iss9/S-pp184-188>.
10. Абдуллаев Р.К. Правовые вопросы сбора и использования цифровых доказательств в уголовном судопроизводстве. Review of law sciences, 3 (2020), 240-244. <https://cyberleninka.ru/article/n/pravovye-voprosy-sbora-i-ispolzovaniya-tsifrovyyh-dokazatelstv-v-ugolovnom-sudoproizvodstve>.
11. Абдуллаев Р.К. Возможности широкого использования электронных технологий в уголовном судопроизводстве. Журнал правовых исследований. Том 5 № 2 (2020). <https://tadqiqot.uz/index.php/law/article/view/128>.
12. Абдуллаев, Р. 2022. Проведение осмотра места происшествия с использованием передовых технологий. Общество и инновации. 3, 9/5 (окт. 2022), 184–188. <https://doi.org/10.47689/2181-1415-vol3-iss9/S-pp184-188>.
13. Абдуллаев, Р. 2021. Понятие криминалистической технологии осмотра места происшествия. Общество и инновации. 2, 10/5 (ноя. 2021), 182–

190. <https://doi.org/10.47689/2181-1415-vol2-iss10/S-pp182-190>.

14. Абдуллаев, Р. 2023. Преобразование сведений по делу в виде заключения эксперта. Общество и инновации. 4, 3/S (май 2023), 48–56. <https://doi.org/10.47689/2181-1415-vol4-iss3/S-pp48-56>.

