

THE ROLE OF THE PSYCHOLOGIST IN COMPLEX FORENSIC PSYCHOLOGICAL AND PSYCHIATRIC EXPERTISE

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Abstract. *This article examines the criteria of expert-psychologist's competences in conducting a complex psychological-psychiatric examination. The article focuses on the tendency of objective interpretation of expert opinions based on legal legislation.*

Keywords: *expertise, crime, judicial practice, case, subject, person, emotion, individuality, CPPE.*

The relevance of the subject of this article is directly related to the special demand for comprehensive psychological and psychiatric expertise in the practice of criminal and civil proceedings in the Republic of Uzbekistan.

Many contradictions that arise in the practice of conducting complex psychological and psychiatric examinations (both in civil and criminal proceedings) are related to the insufficient differentiation of certain criteria representing emotional states, taking into account the individual factor in cases of legal importance. Situations of legal importance are manifested in the interaction of subjects with the existence of specific relationships, or when a conflict situation ends with a tragedy, or when one of the parties suffers material damage.

Taking into account the world practice, now comprehensive forensic psychological-psychiatric expertise includes comprehensive studies related to both criminal and civil proceedings. The lack of development of the theory and methodology of comprehensive psychological-psychiatric expertise (with the psychological competence of an expert-psychologist) leads to many errors both in conducting these examinations and in interpreting the obtained conclusions.

Considering these problems, we will try to explain them in the process of using special knowledge in the complex expertise of forensic psychology. S.F. As Safuanov rightly noted, for this it is necessary to consider theoretical and methodological problems from the point of view of:

- 1) philosophy of scientific knowledge;
- 2) forensic expertise;
- 3) education [1].

Conducting a forensic psychological examination should be entrusted to a psychologist-expert who has special knowledge and practical experience in the field of forensic psychology, in addition to having a special higher education related to psychology. As F.S. Safuanov (Russia) noted, "only psychologists who have a higher psychological education, work in their specialty and have sufficient professional training to conduct forensic examinations have professional knowledge, theory and methodology of psychology, practical skills and is a specialist with skills" [2].

The professional knowledge necessary for the successful operation of an expert-psychologist includes information on the objects and subjects of expert research, psychological

methods and methods that must be acquired for the practical work of an expert-psychologist. In general, the structure of the work of an expert psychologist includes a number of components, such as *motivational, diagnostic and analytical*.

Thus, the methodological basis of forensic psychology is general psychological scientific principles, namely determinism, the unity of consciousness and activity of the human psyche, as well as systematicity, which requires the study of human mental activity as a whole. In addition to the above-mentioned principles, the formation of the methodology of forensic psychology is influenced by the rules of legal science, namely: the theory of evidence, legality, objectivity, (impartiality), comprehensive examination of evidence, principles of justice and humanity.

According to V. N. Volkov, the interest of lawyers and psychologists in the systematic development of methodological problems is explained by the complexity and multifacetedness of the human psyche as a research subject. At the same time, psychological research finds expression not only in scientific and practical developments, but also in solving expert issues in criminal and civil proceedings [3]. Methodology is a teaching about the structural principles, forms and methods of knowledge.

Speaking of complex psychological-psychiatric expertise, I.A. Kudryavtsev's definition reflecting the essence of complex psychological-psychiatric expertise (CPPE) in criminal cases should be mentioned. According to him, "CPPE is based on an integrative assessment of the mental activity of the accused (suspect), victims and witnesses, which is the subject of a comprehensive study by an expert psychologist and an expert psychiatrist, and is completely general (uniform) to the questions included in their joint (general) competence) is one of the types of interdisciplinary complex investigations aimed at answering" [4].

In criminal proceedings, a forensic psychiatric examination is appointed to determine the mental state of the accused or suspect in cases where there is doubt about the sanity of the accused or the suspect's ability to understand or control their actions at the time of the crime. The tasks of specialist psychiatrists include the diagnosis of syndromic variants of nosological features and pathocharacterological features, determining their role and severity in the structure of the mental state [4]. Psychiatrists-experts determine the compensatory-decompensatory ability of a person in the dynamics of dynamic pathocharacterological shifts, taking into account the criticality (only within the pathology).

The tasks of an expert psychologist include: assessment of normative options of a person's crisis potential; in cases of legal importance, the degree of influence of individual characteristics on his behavior is an assessment of compensatory abilities and psychological protection against the background of determining the mechanisms.

The research tasks of a forensic psychologist include a number of parameters (including pathopsychological factors) related to the study of the specific circumstances of a criminal (legally significant situation) event, as well as the study of specific mental processes, characteristics, states and mechanisms of human mental activity. and determining the relevance of its influence on criminal circumstances serves to determine the truth in a criminal case.

When determining the psychological characteristics of a person, taking into account his theoretical, methodological and methodological capabilities, two main tasks can be distinguished for the subject of psychological examination, which include:

- diagnosis of personality characteristics and his character and direction;
- includes assessment of the influence of personal factors on the behavior of the subject in a situation of interest to the investigator or the court.

The core of a person is formed by his leading stable motives, as well as directions that determine the direction of behavior, value orientation, the goals of actions and the methods of their implementation in each specific situation. It follows from this that the decisive psychological link in the formation of illegal behavior should be sought in the motivational-spiritual sphere and in the specific characteristics of the situational factors, which is of great importance in determining the reasons that led to the commission of the crime in the absence of an anti-social orientation of the person being studied [5].

Analyzing the state of affairs and development opportunities in scientific forensic psychology in the Republic of Uzbekistan, it should be noted that:

a) has a scientific and fundamental basis related to the philosophical origin of the emergence and development of forensic psychology;

b) forensic psychology is an independent field that is considered an independent branch of general psychology, has its own subject, tasks and research goals, including methods and methodology;

c) the use of not only theoretical, but also practical knowledge of the principles of forensic psychology has a significant impact on the quality parameters of decisions in investigative and judicial institutions of the Republic of Uzbekistan.

However, it should be noted that the legal possibilities of using psychological knowledge in the Republic of Uzbekistan are determined by parameters related to some problems in conducting forensic psychological examinations in criminal and civil proceedings. And these problems are related to the following important situations:

a) due to the lack of a scientific and methodological base of forensic psychological research (forensic psychological laboratory);

b) with a lack of professional personnel who have the right to conduct forensic psychological research and provide scientifically based conclusions;

c) with the lack of formation and determination of specific parameters related to forensic psychological research in criminal and civil proceedings;

g) due to the lack of scientific and practical developments in the application of scientific and psychological knowledge from the point of view of forensic psychology.

Therefore, in the process of comprehensive expertise, the psychologist has the same procedural rights and obligations as any expert, that is, he does not use any advantage or privilege in solving the issues on the merits. The equal right of experts determines the equal value of the obtained inspection results and conclusions, each of which is initially separated in its entirety [6].

Expert psychologists immediately begin to conduct complex court psychological-psychiatric examination immediately after receiving the decision or ruling on the appointment of such examination. From this moment on, they will be responsible for the timely and high-quality conduct of the expertise. Including in the criminal procedure - for refusing to give an opinion or deliberately giving a false opinion. An expert psychologist familiarizes himself with the materials of a criminal or civil case, identifies the issues before him, clarifies their essence, determines the ultimate goals and special tasks of the investigation, determines its general plan, the sequence of execution of individual operations. They include:

- a specific stage of the examination period consists of studying the information on the qualification (assessment) of the mental state of the person being examined under the authority of a psychiatrist (mental, organic, endogenous, exogenous, etc., as well as diseases that do not belong to the category of mental illness, related to incapacity for work). Achieving these decisive goals is

not only of independent expert importance, but also a real basis for the performance of other tasks of a psychological nature;

- taking into account the cases related to mental disorders identified by the psychiatrist, the psychological expert conducts his examination. It takes into account the set of pathopsychological symptoms (symptomatic complex), that is, it is advisable to conduct a psychiatric examination before the psychological examination;

- the psychologist should conduct an experimental-psychological examination of the subject in one or another legally significant situation of the criminal or civil proceedings in the investigation part of the examination (based on the analysis of work situations and witness statements, case materials), taking into account psychiatric data;

- the psychologist expert determines the examination position and, in accordance with the obtained results, makes a conclusion about the emotional state (including behavioral components) of the examined person in this or that situation, which is legally significant.

The process of formalizing the results of the examination of the psychologist-expert in the comprehensive court psychological-psychiatric examination is structured as follows:

- introduction (introductory part), anamnesis, description of physical, neurological and mental condition and analysis of case (criminal or civil) materials are carried out by psychiatric experts;

- the research part of the psychological examination is carried out in the context of the issues raised by psychologists, taking into account special knowledge. The methods used and the results of their application, which formed the basis of the conclusion, should be presented in full. Violation of this requirement is a reason to consider the expert's opinion insufficiently substantiated, because the law emphasizes the importance of the information about the materials used, the methods used and the inspections carried out being fully reflected in the opinion. The psychologist-expert participating in the comprehensive examination signs the part of the conclusion (along with his conclusions) in which the description of the examinations he conducted is given, and he is responsible for it [5, B. 135-142].

It should also be noted that courts do not have a clear understanding of psychological and psychiatric competences in civil cases. This can be clearly observed mainly in cases related to the "ability to make a deal".

From a psychological point of view, when there is a question about the invalidity of transactions, it is intended to solve issues related to the deformation of voluntary self-regulation of the behavior of a person in a situation of legal significance [7, B. 135-142].

Currently, taking into account the established methodology of this type of expertise, the subject of forensic psychological expertise in cases of declaring the transaction invalid is to assess the mental state of a person during its implementation, taking into account a combination of clinical, personal, social and somatogenic factors [8, B. 93-100].

But the judicial practice in Uzbekistan prioritizes psychiatric knowledge in every process related to mental state. The following case can be cited as an example. Plaintiff N.N. defendant V.A. appealed to the court with a claim to declare the gift contract invalid. During the trial, a comprehensive forensic psychological and psychiatric examination was appointed to examine N.N. During the expert examination, the following was determined: the examinee was born in Tashkent in 1947. Currently - a widow. He worked as a service worker (sanitary, janitor) in various organizations until he reached retirement age. His sister's son (nephew V.) was responsible at the time of the investigation.

According to the materials of the civil case, it is clear from the testimony of the plaintiff that in early 2020, the defendant V. "in exchange for the apartment being transferred to his name after his death", he offers to "take care of, look after and feed" the plaintiff N.N. The claimant trusted his nephew and thought that "I will live with his nephew without worries until the end of his life." However, the defendant did not break his promises after the legal transaction was signed. According to N.N., the respondent "did not buy food products", "arranged quarrels", "threatened her", insulted her, said that "I did not promise mountains of gold and a nurse for the sick".

According to the document signed by the neighbors and approved by the neighborhood committee, V. (the defendant) "drank alcoholic drinks every day, then accused N.N., insulted her with obscene words, shouted at her, waved her hands and insulted her." In addition, "V. puts on loud music, his screams are often heard from the apartment, as a result of such actions, N.N.'s health worsened, and an ambulance was called."

According to the medical documents in the civil case file (inquiry from the clinic, extract from the medical history), in 2017 the subject was diagnosed with ACA (acute cerebrovascular accident), as a result of which speech (aphasia) and hearing (deafness) were impaired. In 2018, the subject was admitted to the emergency neurology department of the Tashkent emergency medical clinic hospital with a diagnosis of ischemic type III recurrent ACA at IV level.

According to civil case documents, the subject N.N. Born in 1947, during the period when the legally significant contract was signed (02.02.2020–03.07.2020), he was treated as an inpatient with the diagnosis of IV degree hypertension, angina pectoris, consequences of ACA. He does not remember these situations during the examination (from the polyclinic questionnaire).

The fact that the examinee was treated in an inpatient facility during the formalization of a legally significant transaction testified to the presence of psychosomatic disorders in his condition, and as a result of them, the ability of the plaintiff to plan his near-term goals was sharply reduced and there were signs of willpower deficiency.

Expert psychiatrists N.N. in "organic disease of the brain (cerebral atherosclerosis + hypertension + consequences of acute cerebral circulation disorders) Dementia?" those who determined the situation. However, in order to solve the issue of expertise, it is recommended to conduct an expert examination in the stationary procedure in relation to the examined N.N.

According to the examination of an expert psychologist: during the inspection, the plaintiff N.N. He is emotionally unstable, his nerves are tired, he is depressed, his enthusiasm is reduced. He dwells in too much detail on the experiences of those who repeat a sentence, the consistency of their speech is broken, and the negative impact of the relationship between them and the defendant. Prone to stereotypes, he constantly returns insulting phrases and insults that his nephew says to him. His nephew tells him: "You have lived in paradise, now I will turn your life into a real hell." The examinee reports that he is "afraid to live in his own house", "eats dry bread and drinks boiled water". He states that he thought that he was signing a contract to "support her until the end of his life" when signing the "Gift". The examinee confuses the main chronology of events in his life, is unable to make coherent associations within the framework of the questions, tends to retrospect to the events of the distant past. He considers himself to be very simple and trusting. Inability to concentrate minimally on targeted tasks required by instruction.

Through a set of tests to test the examinee's field of knowledge on "generalizations about subjects", the following were found: the level of logical thinking is greatly reduced, he stops when thinking, tends to perseverations (repeating a sentence), relies on concrete things when he feels

difficulty in high-level abstraction. The subject is also characterized by the following: difficulty in associative processes, difficulty in switching between different types of activity, rapid exhaustion of memory of all types. Examination of the subject's behavioral characteristics (picture associations test, non-existent animal method, Rosenzweig test) showed the following: a decrease in the subject's age-related organic personality level, expressed tendency to the instability of the affective-volitional complex, the subject's highly dependent on external influences, inability to control oneself and plan one's life.

Based on the above considerations, the following conclusions were drawn by the court panel in response to the questions put before the psychologist-experts:

1. Examiner N.N. (born 1947), during the formalization of the transaction (20.02.2020) was in a state of emotional disturbance (disorganization) due to both external and internal reasons, which significantly limited his ability to express his wishes. The set of internal causes includes behavioral features related to the decrease in the level of the subject, along with the aggravation of age-related characteristics, - increased vulnerability of the subject to external influences against the background of a set of somatic diseases (3rd degree hypertension disease, dysarthria, complications of ACA).

External reasons include factors of moral oppression of the defendant. He took advantage of the claimant's weak state, and for the claimant, the requirements of a legally significant situation were higher than his psychophysiological capabilities.

2. The state of violation related to the conduct of the subject during the period of formalization of a legally significant transaction (29.02.2020) has a significant impact on the ability to correctly perceive the circumstances of the legally significant period, as well as on the ability to make an adequate decision, taking into account all the necessary conditions showed.

However, the psychologists' opinion was ignored by the court. Not long after that, N.N. died, in this regard, consideration of the claim of N.N. was suspended.

It can be seen from the cited examples that in the conditions of Uzbekistan, sufficient use of the possibilities of forensic psychological expertise by the courts is limited. This is due to the old stereotypes, the leading role of psychiatry is maintained, and psychological knowledge is not sufficiently applied.

Thus, in order to evaluate a person as a full-fledged category, the most important thing is to analyze the internal structure of the person - the system of relationships, the structure of needs and the motivational sphere, emotional-volitional characteristics, psychophysiological possibilities. This, in turn, requires the use of special research methods. Therefore, in evaluating the conclusions of CPPE, the competence of each expert and their scientific basis should be taken into account.

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