

## RELEVANCE OF JUDICIAL PSYCHOLOGICAL EXAMINATION IN UZBEKISTAN

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**Abstract.** *This article discusses topical issues of forensic psychological examination in the Republic of Uzbekistan. It also considers the historical prerequisites for the development of forensic psychology as an independent science related to jurisprudence. Particular attention is paid to the problem of the lack of a unified methodological framework for forensic psychology in the Republic of Uzbekistan.*

**Keywords:** *forensic psychological examination, expert psychologist, expert opinion, law.*

It is known that modern expertology in all branches of science is actively developing today, and, accordingly, the need for its application in legal practice is increasing. Without ignoring traditional methods and the very methodology of applying expert knowledge, it should be noted that in recent years, the interdisciplinary integration of sciences has been increasing. Legal psychology in general, and forensic psychology in particular, cover a wide range of issues, on the solution of which answers depend, which are important both for the investigative and judicial system, and for civil society, for the state as a whole.

In the Republic of Uzbekistan, the problem of training specialists in the field of legal psychology, and especially forensic psychologists, remains relevant and topical, requiring a specific solution.

The Decree of the President of the Republic of Uzbekistan (January 17, 2019, No. PD-4125) "On measures to further improve forensic activities" made experts responsible for introducing new scientific developments with their subsequent application in practice [1]. Also, in Appendix No. 3 to the Resolution, a "Roadmap" was developed for further improvement of forensic activities for 2019-2020 in the Republic of Uzbekistan. In order to introduce new innovative developments into forensic practice, expand the types of forensic examinations in the Republican Center for Forensic Examinations named after Kh. Suleimanova for the first time in the republic, the direction of forensic psychological examination was introduced.

A forensic psychological examination is appointed by a motivated court ruling, an investigator's decision, and according to the new Decree of the President of the Republic of Uzbekistan No. DP 6236 dated 05.06.2021 "On measures to improve the forensic expert system in the Republic of Uzbekistan", lawyers are granted the right on a contractual basis and judicial stages of economic, civil and administrative proceedings, initiating an examination in state and non-state forensic organizations, and subsequently providing an expert opinion in a trial [2].

Thus, forensic psychology plays an important role in solving the problems noted. Consequently, this direction contributes to the formation of professional knowledge and practical skills of law enforcement officers to a higher level.

So, the 18th century was marked by the birth of psychology as a science. During the reign of the search process, psychology did not exert influence on criminal proceedings. Criminal proceedings were based on a secret, written process, on the desire to obtain a confession from the

accused at any cost, including the most sophisticated, brutal torture. Along with physical torture, psychological torture was used, associated with the use of everyday experience of influencing a person. Under the influence of specially created conditions, attempts were made to force a person to give out his feelings and true attitude to the event, which was the subject of the investigation.

In 1764, the Italian scientist Cesare Beccaria published his famous work *On Crime and Punishment*. This work became the source of the development of legal psychology. Subsequently, the works of German scientists began to be published, namely: K. Eckartshausen "On the need for a psychological analysis of certain criminal law concepts" (1792), I.Kh. Shaumann "Thoughts on criminal psychology", I. Hofbauer (1808) "Psychology and its main applications to judicial life", etc. [3, c. 20 ].

The particular interest of lawyers in forensic psychological examinations manifested itself in Russia in 1883, in the case of rape, in which the Moscow notary Nazarov was accused, and the actress Cheremnova was the victim. The subject of the examination was the mental state of the actress after her debut: the first performance in the play led her to such a breakdown that she was unable to provide any physical resistance to the rapist. When conducting this examination, in order to obtain information about the impact on the psyche of experiences associated with the first performance on stage, they turned to famous Russian actresses M.N. Ermolova, A.P. Glama-Meshcherskaya. The use of this kind of evidence was aimed at establishing objective criteria for assessing the mental states of participants in the process in criminal proceedings.

The works of I.N. Kholchev "Dreamy lie" (1903), G. Portugalov "About the testimonies" (1903), E.M. Kulisher "Psychology of testimonies and judicial investigation" (1904), A.I. Elistratova and A.V. Zavadsky "On the question of the reliability of testimonies" (1904), Ya.A. Kantorovich "Psychology of testimonies" (1925), M.M. Grodzinsky "Uniformity of errors in testimonies" (1927) and others [3, C. 24-30].

In the 20th century, experimental methods are included in forensic psychology. The work of V.M. Bekhterev "On the experimental psychological study of criminals" (1902). Under the direct supervision of L.L. Sheglov (on the initiative of B.M. Bekhterev), the first study of the "mental performance" of juvenile delinquents was carried out (1903). In 1929, the first monograph devoted to forensic psychological examination was published, the author of which was A.E. Brusilovsky. It was about the use of special psychological knowledge in the investigation of criminal cases against young children.

In the early 30s, on charges of "methodological errors" associated with the study of the identity of the criminal, criminology was declared "bourgeois pseudoscience", and for a long time (almost thirty years) expelled from the curricula of universities and research programs. The "psychologization" of social and legal problems began to be regarded as an unacceptable "sin", and therefore forensic psychology suffered the same fate. The recovery of criminology and forensic psychology in the early 1960s was slow. In 1964, the teaching of criminology and corrective labor law was introduced. But after the crushing defeat, criminology failed to restore its positions and turned into an insignificant appendage of the criminal law theory with a pronounced normative orientation [4, p. 5-6].

Forensic psychology, on the contrary, was reanimated as a "branch of psychological science", which was officially recognized in the decisions of the IV All-Union Congress of Psychologists in June 1971, which presented forensic psychology as a separate "section", the development of which included lawyers, specialists in areas of criminalistics (A.R. Ratinov, A.V.

Dulov, V.E. Konovalova, M.V. Kostitsky). Further development of the psychology of relations that arise in the process of preliminary investigation, judicial review of a criminal case in court and the execution of a sentence of imprisonment led to the formation of a new applied branch of psychological science - legal psychology.

The first among lawyers to recognize the need to use forensic psychological examination was G.M. Minkovsky (1959) in connection with cases of juvenile crimes, when psychology in legal practice reached a new qualitative level. The conclusion of an expert psychologist becomes a full-fledged evidential tool. A conceptual apparatus is being created, the foundations of the theory of forensic psychological examination, specific methods are being developed for use in subject types of examinations.

In post-Soviet times (1968), the Supreme Court confirmed the expediency of involving in the trial (in cases of juvenile crimes) a specialist in the field of psychology as an expert to determine the ability of minors with signs of mental retardation to be fully aware of the significance of their actions and manage them. In 1978, the report of A. R. Ratinov "On the state and prospects of forensic psychological examination" was discussed among prosecutors and scientists.

With the importance of the practice of using forensic psychology in the Forensic Psychiatric Examination system of the Ministry of Justice of Russia, progressive trends are observed, namely: in 2002, the scientists of the Council of the Russian Federal Center For Forensic Examination under the Ministry of Justice of Russia decided to include the SPE in the structure of forensic examinations. The following were created: the Forensic Psychiatric Examination section of the Scientific and Methodological Council of the Russian Federal Center For Forensic Examination, the Forensic Psychiatric Examination section of the Central Expert and Qualification Commission for Certification of Experts Forensic Psychiatric Examination of the Ministry of Justice of Russia. A training program for experts in the specialty 20.1 "Research of human psychology and psychophysiology" has been developed and is being implemented. To date, it is a psychological examination that is carried out in more than 27 out of 50 Forensic psychiatric examinations of the Ministry of Justice of Russia. On average, more than 700 forensic psychological examinations and investigations in criminal and civil cases are performed annually. Accordingly, scientific and practical conferences on general and particular issues of forensic psychological examination are regularly held.

Taking into account the practice of the United States, the judicial system in aspects of psychology acquired legal status in 1962. The US Court of Appeals, after the unfounded submissions of the judge in the case of Jenkins v. the United States, determined the actions of the judge, who allowed the fate of the convict to be decided, to be unlawful. The result of this high-profile process was the granting of the right to testify to psychologists as experts in the field of mental disorders. At this time, a number of professional organizations are being organized in the United States, which include: the American Association for Correctional Psychology, the American Association for the Society of Psychology and Law. In 1978, the American College of Forensic Psychology was established. The goal is to certify qualified professionals and promote forensic psychology as an independent, legitimate discipline. It is thanks to the activities of this association that the publication of journals and books in this field is carried out. The graduate category includes the following journals: Law and Human Behavior, Criminal Justice and Behavior. Among the books on research in this area are: "New directions in psycho-legal research" by Lipsitt and Sales (New directions in psycho legal research), "The role of the forensic

psychologist" J. Cook (The role of the forensic psychologist), and psychological practice" Schwitzgebel (Law and psychological practice) [5, p. 9].

Currently, in the United States, the status of an expert psychologist is regularly granted in almost every area of criminal, civil, family and administrative law. Today in the United States there are many programs that include a psychological trend in graduate schools and courses in legal content.

Despite the significant number of requests from law enforcement agencies and courts in the Republic of Uzbekistan for psychological knowledge in the field of forensic examination, the development of forensic psychological examination in the country is still far from optimal. In particular, an important direction in the development of this type of expertise is the development of a special system for training expert psychologists, the creation of a professional educational program for training experts, adapted to the needs and characteristics of the republic.

Thus, the need to use psychological knowledge in various areas of practice has caused the development of various applied branches of psychology, each of which studies the human psyche in the specific conditions of its activity. Taking into account the optimization of the use of psychological knowledge in forensic practice, as well as taking into account the understanding of theoretical, methodological and organizational legal problems, it is also necessary to understand the significance of psychological research in terms of the "human factor" manifested in legally significant situations.

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