



CORRECT DETERMINATION OF FORENSIC EXAMINATIONS AT THE STAGE OF THEIR APPOINTMENT: PROBLEMS ARISING FROM INSUFFICIENT UNDERSTANDING OF THEIR TYPES BY LEGAL PRACTITIONERS

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Abstract: *The article examines the problems of appointing forensic examinations caused by insufficient understanding of their types by participants in legal practice. It analyzes regulatory legal acts and identifies typical mistakes made by judges, parties to the proceedings, and experts, as well as the reasons for their occurrence, including insufficient qualification, unclear wording of procedural documents, and untimely appointment of examinations. Measures to improve the quality of forensic examinations are proposed, including improvement of the regulatory framework, development of methodological guidelines, training of participants in the process, and control of expert qualifications. The work is aimed at increasing the effectiveness of law enforcement and the reliability of evidence.*

Keywords: *forensic examination, appointment of examination, errors, procedural law, legal practice, expert qualification, quality control.*

INTRODUCTION

Forensic examination is one of the key instruments of modern law enforcement, enabling the establishment of factual circumstances of cases on the basis of specialized knowledge. It is applied in various types of legal proceedings and plays an important role in ensuring the validity of judicial decisions and the reliability of evidence. The effectiveness of its appointment and conduct largely depends on the level of competence of the participants in the process and a proper understanding of the capabilities of expert research.

In the Republic of Uzbekistan, the institution of forensic examination has developed gradually and, at the present stage, has a normatively закреплённую основу. The adoption of the Law “On Forensic Examination” became an important stage of development, providing unified approaches to the organization and conduct of examinations, as well as establishing the principles of independence and objectivity of expert activity.

At present, the legal regulation of forensic examination is based on the relevant law, procedural legislation, and subordinate нормативные acts. Modern



trends are aimed at improving the efficiency of expert activity, including the development of digital solutions and the enhancement of professional training for specialists.

Despite this, practical issues persist in the appointment and conduct of examinations, including errors in selecting the appropriate type, formulating questions, and organizing the research process. These shortcomings are primarily обусловлены an insufficient level of training among participants in legal proceedings and require systematic analysis and resolution. The relevance of this study is determined by the need to improve the quality of forensic examinations and to strengthen their role in the evidentiary process. The purpose of the work is to conduct a comprehensive analysis of the problems related to the appointment and conduct of examinations and to develop recommendations for their improvement.

Within the framework of this study, formal-legal, comparative-legal, and analytical methods have been employed. These methods are used for the purpose of a comprehensive analysis of legal regulation and its practical application. The empirical basis of the research is judicial practice, while the theoretical basis consists of the generalization and systematization of scholarly approaches.

Forensic examinations are classified according to their subject matter and specialization. Thus, forensic psychiatric examinations assess the mental condition of participants in legal proceedings,

determine, and evaluate their legal capacity. This type of examination is extremely important in criminal and civil cases where it is necessary to determine the extent of a person's ability to understand and control their actions.

Forensic, technical, economic, and accounting examinations make it possible to analyze financial documents, technical objects, and traces of human activity; they are applied in criminal, civil, and economic cases. In complex modern cases, commission and complex forensic examinations are often appointed.

A commission examination (Komissiyaviy ekspertiza) is conducted by several experts of the same specialty and is aimed at increasing the objectivity and reliability of conclusions. A complex examination (Kompleks ekspertiza), in turn, involves specialists from different fields of knowledge, which makes it possible to comprehensively examine the circumstances of a case using an interdisciplinary approach. The use of such forms of examination ensures more complete and accurate establishment of factual circumstances and increases the reliability of expert conclusions.

The appointment of an expert examination is carried out by an authorized body: in criminal proceedings—by an investigator, an inquiry officer, or a court; in civil, administrative, and economic proceedings—by a court on its own initiative or upon a motion of the parties. The proper formulation of questions to the expert, the determination of the object



of examination, and the conditions under which it is conducted are critically important for the accuracy and reliability of the conclusions. Where necessary, the law provides for the possibility of conducting a repeated or additional examination, which helps to eliminate doubts regarding the findings and increases confidence in the results.

Examinations may be conducted by state forensic experts working in specialized institutions, as well as by non-state organizations and individual experts who have obtained the appropriate authorization. The qualifications and competence of experts are monitored through a system of accreditation and internal oversight, ensuring a high level of quality and reliability of expert conclusions. The legislation establishes liability for experts in cases of violation of the principles of independence and objectivity, as well as requirements for the preparation of expert reports, thereby creating a system of guarantees for the reliability of examination results and strengthening the trust of participants in the proceedings.

Thus, forensic examination in Uzbekistan represents an integrated system that combines professional knowledge, legal regulation, and modern technological approaches. The historical development of the institution, the establishment of unified standards, and the introduction of digital technologies ensure a high quality of examinations, their objectivity, and their practical value across all types of legal proceedings.

In the practice of forensic examination in Uzbekistan, there are frequent cases where expert studies do not produce the desired results, or their conclusions turn out to be incomplete, insufficiently substantiated, or even contradictory. As practice shows, the causes of such problems often lie not in the work of the experts themselves, but in the actions of those who initiate the examination, formulate the questions, and provide materials for the study.

One of the common problems is the incorrect selection of the type of examination. Legal practitioners appointing an examination often rely on previous experience rather than the actual circumstances of the case. For example, in disputes concerning the withdrawal of funds through a chain of fictitious counterparties, a standard accounting examination may be appointed, limited to verifying primary documents and compliance of accounting records with established rules. However, in such cases, not only accounting entries are significant, but also the methods of generating electronic documents, their possible modification, and the analysis of digital traces of transactions. Without the involvement of specialists in information technology and forensic science, issues such as the authenticity of electronic documents, the time of their creation, and possible interference with their content remain unexamined.

As a result, the expert conclusion turns out to be incomplete and does not provide the court with answers to key



questions related to the reality of business transactions and the good faith of the parties. This, in turn, leads to the need to appoint a *комплексная* (complex) examination at a later stage of the proceedings, which delays the consideration of the case and increases procedural costs.

Another common mistake is the improper formulation of questions addressed to the expert. Lawyers and investigative bodies often pose questions that are either too general or, conversely, overly specialized, which makes it difficult for the expert to prepare a well-reasoned conclusion. For example, instead of asking “determine the causes of the damage,” the question may be framed as “identify who caused it,” which goes beyond the expert’s competence and requires additional investigation. Such misunderstandings of the limits of expert examination are often *связано* with a lack of awareness among participants of the specific nature of expert activity and the capabilities of experts.

In addition, errors arise due to the incomplete provision of objects of examination or relevant materials. Lawyers and investigators do not always collect the full set of necessary documents, physical evidence, or technical samples, which limits the expert’s ability to provide a comprehensive conclusion. As a result, the expert opinion may be incomplete, and its findings may be disputable. This is often explained by the insufficient training of participants in the process and

the lack of skills in interacting with expert institutions.

No less significant is the untimely appointment of an expert examination. In some cases, examinations are ordered at later stages of the proceedings, when part of the evidence has already been lost or altered. This is also *связано* with participants’ insufficient understanding of the specifics of forensic examination and the importance of *соблюдение* time limits.

Particular attention should be paid to the lack of knowledge among lawyers and other persons responsible for appointing expert examinations. Practice shows that it is precisely the incorrect determination of the subject of examination and the capabilities of the expert that leads to errors which could easily be avoided. Investigators, inquiry officers, and attorneys often underestimate the need for consultations with experts at the stage of preparing questions and collecting materials, which reduces the quality of the research. Similarly, experts themselves—especially junior or less experienced ones—may sometimes misinterpret the data provided, which is also *связано* with insufficient professional training and practical experience.

Taken together, these errors demonstrate that the problem lies not so much in the expert work itself as in the interaction between the participants in the proceedings and the experts. Solving this issue requires a comprehensive approach: improving the qualifications of legal



practitioners, introducing mandatory consultations with experts at the stage of appointing examinations, standardizing the formulation of questions, and ensuring the provision of a complete set of materials. Only with a competent approach from all participants in the process can the reliability and practical value of expert conclusions be ensured.

To improve the quality of forensic examinations and reduce the number of errors in the practice of appointing examinations, it is necessary to adopt a comprehensive approach affecting all stages of the process—from the preparation of materials to the interpretation of conclusions. First and foremost, an important step is to enhance the qualifications of lawyers, investigators, inquiry officers, and attorneys involved in procedural actions. Their training should include the study of the principles of conducting examinations, types of examinations, and the competence of experts, as well as practical aspects of formulating questions. This will help reduce errors related to the incorrect formulation of questions and the improper selection of the type of examination, and will improve the effectiveness of interaction with experts.

Equally important is the introduction of mandatory consultations with experts at the stage of preparing materials for examination. Experts can clarify what data and objects are necessary for the study, how best to formulate questions, and what limitations

exist in terms of time and methods. Such an approach will ensure more complete and accurate provision of information and help avoid situations in which the expert is forced to work with an incomplete set of evidence.

In addition, it is necessary to standardize the process of formulating questions to experts and preparing materials for examination. The creation of unified templates and methodological guidelines will help legal practitioners and investigative bodies correctly define tasks, thereby reducing the risk of obtaining incomplete or incorrect conclusions. It is important that all participants in the process understand the limits of the expert's competence and are able to adequately assess the results of examinations.

Special attention in this study is given to substantiating the need to introduce a mechanism for the preliminary review of the validity of appointing forensic examinations as a means of improving legal practice. This refers to a kind of pre-procedural “filter” that would make it possible, at an early stage, to assess the correctness of the selected type of examination, the formulation of questions, and the sufficiency of the materials provided. The implementation of this mechanism could involve specialists who possess both legal knowledge and an understanding of the specifics of expert activity, thereby reducing errors and increasing the effectiveness of examinations.



Unlike subsequent quality control of already conducted examinations, this approach is aimed at preventing errors. It would reduce the number of repeated or additional examinations, lower procedural costs, and increase the efficiency of case consideration. At the same time, the implementation of such a mechanism does not require the creation of a separate institution in the strict sense, but can be ensured through the development of consultative procedures and the formation of a more specialized professional focus in this field.

The next important aspect is the professional development of the experts themselves. In addition to their basic professional education, experts should regularly attend advanced training courses, participate in workshops and experience-sharing sessions, and master new research methods and digital technologies. This will enable them to evaluate the materials provided more accurately and objectively, reduce the risk of errors in data interpretation, and increase the confidence of the court and the parties in expert conclusions.

As an organizational measure, it is advisable to develop a system of internal quality control for expert conclusions, including the peer review of results by junior and senior experts, as well as periodic audits of research methodologies. Such practices will allow errors to be identified in a timely manner and enhance the overall reliability of expert conclusions.

Finally, attention must be paid to the timely appointment of examinations. Procedural participants must understand that delays in ordering an examination can lead to the loss of evidence and distortion of results. Timely and well-founded appointment of an examination is a critically important element in ensuring the completeness and objectivity of the expert conclusion.

In conclusion, it should be noted that the problems arising in the appointment of forensic examinations are largely systemic and are often related to the specifics of their preparation and organization. Insufficient understanding of the types of examinations, as well as certain inaccuracies in the formulation of questions and the selection of the type of study, can affect the completeness and validity of expert conclusions.

In this regard, improving the quality of forensic examinations is possible through a comprehensive approach, which includes the enhancement of the legal framework, the development of professional competencies of process participants, and the strengthening of interaction between lawyers and experts. The key proposal of this study is the introduction of a pre-procedural filter, which would allow, at an early stage, the assessment of the correctness of the chosen type of examination, the formulation of questions, and the sufficiency of the materials provided. The implementation of these measures will contribute to increased reliability of



evidence and greater efficiency in law enforcement practice.

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