



ACADEMICA
**An International
 Multidisciplinary
 Research Journal**
 (Double Blind Refereed & Peer Reviewed Journal)



DOI: 10.5958/2249-7137.2021.00645.5

**THEORETICAL STUDY OF PROOF LIMITATION PROBLEMS IS AN
 IMPORTANT FACTOR IN INCREASING THE EFFICIENCY OF
 TRAFFIC ACCIDENT INVESTIGATION**

Majidov Jamshed*

*Teacher,

Department of Preliminary Investigation and Criminalistics,
 Academy of the MIA of the Republic of UZBEKISATAN

ABSTRACT

The author illustrates topical issues of the theoretical study of the problems of the proof limitation in the investigation of traffic accidents through this article. An observation to existing theoretical, practical, legal gaps in the field is issued. The thoughts of practitioners are analyzed completely and comprehensively. Subsequently, the scientifically grounded proposals and recommendations are developed in terms of elimination of existing problems. The widespread incidence of vehicles in the roads throughout the world today, along with its positive factors, also leads to many negative consequences. The overall number of deaths on the motorways in the world has reached 1.240 million per annum, and unfortunately by 2030 this number may reach 3.6 million per annum, in accordance with the statistical data of foreign center "Pulitzer". The number of deaths due to crimes related to the rules of traffic or safety use of vehicles has taken the next place after HIV, malaria, tuberculosis (according to WHO) in developing countries in the recent years

KEYWORDS: *Traffic accident, Vehicle, Crime process, Investigator, Interrogator, Investigating, Proof.*

INTRODUCTION

The widespread incidence of vehicles in the roads throughout the world today, along with its positive factors, also leads to many negative consequences. The overall number of deaths on the motorways in the world has reached 1.240 million per annum, and unfortunately by 2030 this number may reach 3.6 million per annum, in accordance with the statistical data of foreign center "Pulitzer". The number of deaths due to crimes related to the rules of traffic or safety use of

vehicles has taken the next place after HIV, malaria, tuberculosis (according to WHO) in developing countries in the recent years [1].

Unluckily, Uzbekistan is no exception too. There were 8,588 traffic accidents, in which 1,915 people died and 6,673 were injured in 2019 [2]. Regular measures taken in the recent years to reform the judicial system in Uzbekistan are aimed at ensuring reliable protection of the individual, his rights and freedoms, peace and security from criminal invasion, early crime prevention, as well as educating citizens in the spirit of compliance with the Constitution and laws.

The Presidential Decree No. PD-3127 “On measures to further improve the system of traffic safety provision” dated on July 11, 2017 by the President Shavkat Mirziyoyev, aimed at further prevention of the occurrence of traffic accidents, elimination the causes and conditions that allow this type of crime, reliable protection of the rights, freedoms and legitimate interests of citizens defined that, one of the vital tasks of the Ministry of internal affairs of the Republic of Uzbekistan and its territorial divisions is to systematically-complex analyze and eliminate the causes and conditions of traffic accidents, to improve the system of prevention of traffic accidents [3].

In our opinion, the theoretical study of the problems of the limitation of criminal procedural evidence should become the topical matter as an important factor in increasing the effectiveness of the investigation of traffic accidents. This is owing to the fact that the truth is identified in each criminal case on traffic accidents on the basis of examination and evaluation of the evidence by investigation organs and other participants. In this process, the main task is to determine the specifics of the identification, verification and evaluation of evidence on traffic accidents.

However, the relationship between the acceptability and reliability of evidence and the practical features of the investigation of traffic accidents in the single scientific-logical comprehension of the subject of proof was not at the centre of attention for a long time. The main interest was in developing proposals to improve traditional methods and means for collecting and assessing the evidence.

At the same time, on the basis of the analysis of the system, the problems connected with the development of interrelated measures to improve the efficiency of the evidentiary process in the investigation of traffic crimes is also disregarded.

According to the Russian scientist S. N. Perlov, it is fairly stated that today the traditionally organized legal and organizational support of the investigation process, as well as forms and methods of obtaining and using evidence-based information are based on personal sources and relevant procedural actions (interrogation, resistance etc.). Accordingly, it does not meet the interests of increasing the level of preliminary investigation and strengthening the rule of law [4].

Based on the above, it is expedient to study the problems of the limitation of criminal procedural proof as an important factor in improving the efficiency of the investigation of the traffic accident. It is of paramount importance to know the lexical meaning of the expression of proof in order to fully understand what the limits of proof are.

The term “proof” means the affirmation of “opinion, claim, hypothesis” and so on, or “confirmation of the truth of the accident (event) with evidence, document”, “proof of the correctness of the rule or claim by logical reasoning and evidence on the basis of other known rules” in the explanatory dictionary of the Uzbek language [5].

The legal clarification of this expression is “the activity of criminal proceedings regulated by the law on interrogation, preliminary investigation, and determination of the prosecutor and the court with the participation of other subjects of criminal assessment collection, investigation and evaluation of factual information necessary for the proper solution of the case” [6].

The conduction of public opinion survey among interrogators and investigators directly involved in traffic accidents revealed that the majority of interrogators and investigators (62%) stated that it is necessary to pin the blame for the guilt of the person, not the situation, and that this is the problematic issue [7].

The equal percentage of interrogators and investigators argued that the more effort is made to prove a person`s guilt, the greater the need to begin to identify the circumstances that prove his or her innocence [7].

As a result of the survey, it becomes clear that the practitioners (practice staff) are currently investigating the criminal case in terms of foregone conclusion. The abundance of vehicles, further complicates the committing mechanism of this type of crime and makes it difficult to prove a person`s accusation or innocence especially in the metropolitan areas. It is more arduous to identify the causal relationship in the interaction of drivers and the causal relationship with the accident in such type of the traffic accidents [7].

It should be highlighted that determining the causal link between the violation of traffic rules by the driver of the vehicle and the operation of the vehicle, which caused the accident and caused illegal consequences, is a necessary component of the sequence of evidence in crimes related to traffic accidents.

It should be indicated that the vague conclusion that there is a possibility of violation of traffic rules or that there are no signs of an offense in the traffic excludes the existence of the spontaneous causal link. Specifically, answering such questions is particularly challenging when multiple traffic users commit multiple violations simultaneously, resulting in multiple causal links and legal consequences.

It is vitally important to determine at what stage and how it will the criminal case be carried out in the process of proving this type of case. The general question of whether evidence should be collected at the stage of gathering or examining and summarizing evidence, or at the stage of evaluating evidence, has not yet been resolved. This issue needs to be approached more deeply and broadly by virtue of the issue of initiating the criminal case or refusing to initiate is specifically related to proof.

Because of various highlights of the current criminal system prerequisites, ie the vagueness of certain guidelines, methodological and authoritative issues, there are numerous legitimate, strategic and methodological issues in conducting investigations concerning traffic accidents that form the basis of the evidentiary process (eg, appointment of expertise, investigation of the

scene, interrogation of witnesses and participants in the incident, in carrying out experimental actions, etc.).

At this point, the internal confidence of the interrogator and investigator, which clarifies the details of the incident, is of great importance in determining the causal link between the commission of the crime and its consequences. According to the Article 95 of the Criminal Procedural Code of the Republic of Uzbekistan, the interrogator, investigator, prosecutor and court evaluate the evidence along with their inner convictions in accordance with the law and legal consciousness on the basis of careful, complete, comprehensive and impartial consideration of all cases. Each piece of evidence should be evaluated in terms of relevance, acceptability, and reliability. It is noteworthy that evidence is considered relevant in case it reflects information about facts or things that confirm refute or question the conclusions about the existing circumstances that are applicable to the criminal case [8].

One of the important factors in improving the efficiency of the investigation of traffic accidents is the study of the problem of improving the criminal procedural evidence on the basis of a comprehensive analysis of theoretical, organizational and methodological problems of investigating the objective truth in the investigation of this type of crime.

It should be pointed up as conclusion that the solution of the above problems depends not only on the development of the theoretical basis of proof, the search for ways to increase the efficiency of this process and the optimization of the investigation of traffic accidents, but also the introduction of amendments and additions to existing legal norms. Concurrently, it is significant to further enhance the professional training of participants in the process of identifying and investigating traffic accidents, to develop cooperation and to bring the technical equipment of activities to the new level in conformity with current requirements.

REFERENCES

1. <https://pro-spo.ru/obshhestvo-i-it/4566-statistika-po-dtp-v-mire>.
2. The General Directorate of traffic safety has started publishing open statistics of traffic accidents <https://www.gazeta.uz/ru/2020/01/16/stats/>
3. PD-3127 dated on July 11, 2017, Collection of Legislation of the Republic of Uzbekistan No. 2017, No. 28, Article 645.
4. *Perlov S.N.* Evidence in the Investigation of Traffic Accidents: Procedural and Forensic Aspects. Abstracts of Doctoral dissertation of law sciences. M., 1997. P.43.
5. Explanatory dictionary of the Uzbek language. – T., 2006. P.61.
6. Law encyclopedia / Under the general publication of U. Tadzhikhanov, doctor of law sciences, professor. – T., 2001. P.201.
7. The results of public opinion survey conducted by investigators and interrogators of the Directorate of internal affairs of Surkhandarya region and the General Directorate of internal affairs of Tashkent in 2018-2020.
8. Criminal Procedural code of the Republic of Uzbekistan. <https://www.lex.uz/docs/111460>