EKSPERTIZA INSTITUTINING RIVOJLANISH TARIXI

Fatullayev Shodmonbek Madatovich,
Toshkent davlat yuridik universiteti mustaqil izlanuvchisi
ORCID: 0009-0000-5784-5723
e-mail: Shodmonbek080@gmail.com

Annotatsiya. *Mazkur tezisda ekspertiza institutining shakllanishi va rivojlanishining tarixiy-huquqiy jihatlari ilmiy tahlil qilinadi. Tadqiqotda ekspertiza institutining paydo bo'lish omillari, uning dastlabki shakllari hamda turli tarixiy davrlarda rivojlanish bosqichlari yoritib berilgan. Shuningdek, sud-huquq tizimida ekspertiza institutining o'rni, uning huquqni qo'llash amaliyotidagi ahamiyati va zamonaviy bosqichdagi takomillashuv jarayonlari ko'rib chiqiladi. Tezisda ekspertiza faoliyatining normativ-huquqiy asoslari, ilmiy-texnik taraqqiyot ta'sirida yuz berayotgan o'zgarishlar hamda ekspertiza institutining samaradorligini oshirishga qaratilgan ilmiy yondashuvlar tahlil qilingan. Tadqiqot natijasida ekspertiza institutining adolatli sudlovni ta'minlashdagi muhim o'rni asoslab berilib, uni yanada takomillashtirish bo'yicha ayrim ilmiy taklif va tavsiyalar ilgari suriladi.*

Kalit so'zlar. *ekspertiza instituti, sud ekspertizasi, ekspert faoliyati, sud-huquq tizimi, ekspert xulosasi, ekspertiza tayinlash tartibi, tarixiy rivojlanish, huquqiy tartibga solish, kriminalistika, sud ekspertiza muassasalari, ilmiy-texnik taraqqiyot, dalillarni tekshirish, sud jarayoni, adolatli sudlov, ekspertning huquq va majburiyatlari, sud-tergov amaliyoti, protsessual qonunchilik, ekspertiza metodlari, ilmiy tadqiqot.*

ИСТОРИЯ РАЗВИТИЯ ИНСТИТУТА ЭКСПЕРТИЗЫ

Фатуллаев Шодмонбек Мадатович
Ташкентский государственный юридический университет, независимый исследователь
ORCID: 0009-0000-5784-5723
e-mail: Shodmonbek080@gmail.com

Аннотация. *В данной диссертации проводится научный анализ формирования и историко-правового развития института экспертизы. Исследование охватывает причины возникновения института экспертизы, его первоначальные формы, а также этапы развития в различные исторические периоды. Кроме того, рассматривается роль института экспертизы в судебно-правовой системе, его значение в практике применения права, а также процессы совершенствования*

института в современный период. В диссертации проанализированы нормативно-правовые основы деятельности экспертизы, изменения под влиянием научно-технического прогресса, а также научные подходы, направленные на повышение эффективности института экспертизы. По результатам исследования обосновывается важная роль института экспертизы в обеспечении справедливого судопроизводства, а также предлагаются отдельные научные рекомендации по его совершенствованию.

Ключевые слова: *институт экспертизы, судебная экспертиза, деятельность эксперта, судебно-правовая система, заключение эксперта, порядок назначения экспертизы, историческое развитие, правовое регулирование, криминалистика, экспертные учреждения, научно-технический прогресс, проверка доказательств, судебный процесс, справедливое судопроизводство, права и обязанности эксперта, следственная практика, процессуальное законодательство, методы экспертизы, научное исследование.*

HISTORY OF THE DEVELOPMENT OF THE EXPERTISE INSTITUTE

Fatullayev Shodmonbek Madatovich
Tashkent State University of Law, Independent Researcher
ORCID: 0009-0000-5784-5723
e-mail: Shodmonbek080@gmail.com

Abstract. *This thesis presents a scientific analysis of the formation and historical-legal development of the expertise institute. The study examines the factors leading to the establishment of the expertise institute, its initial forms, and the stages of development throughout different historical periods. Furthermore, the role of the expertise institute in the judicial-legal system, its significance in the practice of law enforcement, and its modernization processes in the contemporary period are analyzed. The thesis also explores the normative-legal foundations of expertise activities, changes influenced by scientific and technological progress, and scientific approaches aimed at increasing the effectiveness of the expertise institute. The results of the study substantiate the crucial role of the expertise institute in ensuring fair judicial proceedings and provide several scientific recommendations for its further improvement.*

Keywords: *expertise institute, forensic examination, expert activity, judicial-legal system, expert opinion, procedure for appointing expertise, historical development, legal regulation, criminology, forensic institutions, scientific and technological progress, evidence verification, judicial process, fair trial, expert rights and duties, investigative practice, procedural legislation, expertise methods, scientific research.*

Intorduction.

The expertise institute is an integral part of the judicial-legal system, serving to evaluate evidence objectively and scientifically in the process of law enforcement. Expert opinions play a crucial role in ensuring that court decisions are fair, justified, and based on reliable information. Therefore, studying the historical development of the expertise institute is relevant not only for legal science but also for practical judicial activity.

The formation and development of the expertise institute have been influenced by various historical, social, legal, and scientific-technical factors. In the initial stages, expert activities were primarily practical and experience-based, whereas later, the establishment of a normative-legal framework allowed the institute to become systematic and methodologically advanced. In the 20th and 21st centuries, scientific and technological progress, new procedural regulations, and the adoption of international standards have significantly enhanced the effectiveness of the expertise institute.

The purpose of this thesis is to provide a scientific analysis of the historical development of the expertise institute, to determine its role in the judicial-legal system, and to explore opportunities for its modernization in the contemporary period. The objectives of the study are as follows:

To analyze the factors leading to the establishment and the initial forms of the expertise institute;

To identify the stages of development throughout different historical periods;

To examine the role and practical significance of the expertise institute in the judicial-legal system;

To investigate the impact of scientific-technological progress and normative-legal changes on the efficiency of the institute;

To develop scientific recommendations for further improvement of the expertise institute.

This thesis offers scientific novelty by presenting a systematic view of the historical development of the expertise institute, combining normative-legal and practical aspects, and proposing recommendations aimed at increasing its effectiveness in judicial proceedings. The results serve as a basis for the development of forensic expertise, the enhancement of expert qualifications, and the improvement of law enforcement practice.

Main body.

The emergence of the expertise institute was influenced by social, legal, scientific, and practical factors, as well as by the needs that arose in societal relations. The terms “expertise” and “expert” have historically evolved over long periods, and expert services have long been recognized as a reliable source of evidence in the investigation of crimes.

In general, the historical development of the expertise institute can be divided into the following stages:

- the emergence of the expertise institute;
- development of the expertise institute during the pre-independence period;
- advancement of the expertise institute during the years of independence;
- modernization of the expertise institute in the New Uzbekistan era, and its improvement according to international standards.

During the first stage, expertise did not yet have the status of a procedural action as it is understood today and was primarily applied as the practical activity of individual specialists. Although fully developed forms of expertise did not exist at that time, the earliest historical manifestations of the use of specialized knowledge were clearly evident.

The initial formation of the expertise institute can be traced back to the early periods of human history in simple forms. Although the term "expertise" was not used, disputes were resolved based on assessments, testimony, or opinions provided by individuals with knowledge in specific fields.

In ancient Greece, doctors, psychologists, and other scientific specialists actively participated in resolving legal disputes. In particular, in the court systems of Athens and Sparta, the practice of working with specialists in particular fields developed.

For example, physicians and surgeons assisted courts in determining a person's physical and mental condition, as well as the causes of injuries or death. In some regions of Greece, psychological expertise was also used to assess mental states.

This practice continued in Roman law. The ancient Greek philosopher Socrates applied a dialectical method to study specific knowledge and make just decisions in legal matters. His profound dialectical thinking—the art of revealing contradictions in imperfect conceptual understandings to lead to true knowledge—along with his skill in inductive reasoning, left a strong impression. Socrates emphasized the importance of scientific and logical analysis in resolving legal issues. His methodology, known as "Socratic dialectics," involved analyzing different perspectives and information to reach decisions as close to the truth as possible. This approach was widely applied in Athenian courts for matters requiring expertise. For instance, physicians and pathologists were essential for collecting necessary information to determine the causes of death or injuries, and their testimonies, opinions, and conclusions were considered primary sources of evidence for judges.

This practice in Athens created the need to systematically collect information and evidence, which in turn led to the application of scientific expertise and testimony in court proceedings. In this way, the early forms of the expertise institute emerged in Athens, laying the foundation for its further development.

Moreover, the initial legal foundations of expertise in Athenian courts were reflected in the "Solon Laws" – the Decree of Solon. The Solon Laws recognized the importance of qualified specialists in ensuring justice within the judicial system and regulated the application of expertise in ongoing court proceedings. According to these laws, judges had

to rely on the assistance of experts—their scientific opinions and testimonies—when resolving criminal and civil disputes. Experts were recognized solely as qualified specialists, and their opinions were carefully considered by the judges.

According to the Solon Laws, in resolving property disputes, experienced and qualified individuals—such as land surveyors or those with experience in trade matters—provided their knowledge in courts. Opinions given by experts regarding property assessment or confirmation of property rights played a significant role in judicial decisions.

Furthermore, the Solon Laws highlighted the importance of medical expertise in assessing the condition of a person who had suffered physical harm and stipulated that specialists might be required to participate in rendering judgments on criminal cases.

According to the views of Plato and Aristotle, knowledge-based decision-making in court is essential for protecting public interests. For instance, Aristotle, in his work Politics, emphasized the necessity of applying a scientific approach in resolving legal problems[26]

According to the Solon Laws, court rulings had to be based solely on evidence provided by trained and qualified individuals. The results of expertise were considered important documents for judges and played a significant role in decision-making.

Roman law, famous for its complex and systematic legal framework, further developed approaches in the field of expertise. In Roman law, expertise was often carried out in courts or for resolving legal disputes through individuals with specialized knowledge.

In Rome, courts frequently relied on the assistance of qualified specialists to resolve various legal disputes. These specialists were often physicians, surveyors (land measurers), scribes, and other professionals. Expertise in Rome was applied across numerous fields. Physicians and pathologists assisted in determining injuries, causes of death, and crimes, while surveyors or land measurers helped courts in resolving property disputes using their professional knowledge.

It is noteworthy that in Rome, iurisconsultus (legal scholars) actively participated as experts in judicial proceedings. The term “expertus” referred to a person capable of conducting legal and scientific analyses. In Roman law, expertise was primarily carried out by specialists responsible for teaching, analyzing, and determining facts. Consequently, Roman jurisprudence institutions also developed, playing an essential role in resolving legal matters with the assistance of experts.

The participation of legal scholars and specialists, especially in the field of expertise, became a necessity in the developing Roman legal system. Within Roman law, experts were individuals possessing both scientific and practical knowledge, actively involved in resolving legal issues, judicial proceedings, and serving as advisers to consuls or senators. They were professionals with specialized knowledge, providing advice in courts and

[26] Perseus Digital Library: Politika asari (Aristotel) https://www.perseus.tufts.edu/hopper/text?doc=Aristot.+Pol.

contributing to the state's legal activities. Their role was not limited to explaining or interpreting laws but also included providing expert assistance in resolving legal matters.

"In ancient times, not only scholars but also physicians played an important role in detecting crimes. Using medical knowledge, they sought to determine causes of death, assess injuries inflicted on victims, and, in some cases, identify the perpetrator. For example, historical sources note that when Roman Emperor Julius Caesar was assassinated, the physician Aesculapius determined which specific stab wound had caused the ruler's death. This incident demonstrates that elements of medical expertise already existed during that period" [27].

For example, in disputes related to land and property, matters of marriage, commercial and financial affairs, as well as in criminal and civil cases, experts provided their advice to the courts.

The recommendations of specialists were particularly important in cases that required specialized knowledge. For instance, in the fields of medical, financial, or land-related expertise, they supported judicial proceedings with their professional assessments.

Roman law was closely connected with social, political, and economic systems, which contributed to the development of legal expertise. The legal systems created by Roman jurists, such as Jus civile (civil law) and Jus gentium (law of nations), included provisions that required expert evaluations.

In Rome, civil law (Jus civile) was applied based solely on advice grounded in specialized scientific knowledge. Within this system, legal scholars provided expertise services, particularly on social matters such as property rights, inheritance, contracts, and marriage.

Moreover, "the use of specialized knowledge in practice was initially recorded in one of the earliest written sources, the Laws of Manu in India, where the detection of crimes and investigative activity was equated with the actions of a hunter"[28]. Thus, the activity of detecting crimes was compared to the tracking skills of a hunter, which indicates that, even at that time, knowledge of criminal importance had practical application. "In Indian society, there was a specialized group called 'Khyoyakh,' whose activities were focused on apprehending criminals. In Australia, trackers, known as 'trackers,' possessed extensive experience in following the traces of stolen property or lost animals."[29].

In ancient China, forensic medicine had developed significantly. In the work Si-yuan-lu, the procedure for examining a corpse and the aspects to be considered during the investigation process are described in detail. During the Tang Dynasty, a method of using fingerprints to identify criminals was discovered, and by the time of the Song Dynasty,

[27] Rozhanovsky, V.A. Forensic Medical Examination in Pre-Revolutionary Russia and the USSR. Moscow: Gosyurizdat, 1928, p. 10.
[28] The Laws of Manu, Chapter VII, Article 44. Available at: http://ru.wikipedia.org/wiki
[29] Krylov, I.F. *Forensic Doctrine of Traces*. Leningrad: Leningrad State University, 1976, pp. 5–6.

dactyloscopy (fingerprint analysis) began to be applied as an integral part of criminal proceedings[30].

During the reign of Byzantine Emperor Justinian, specialists appeared who examined documents based on handwriting characteristics. This activity can be regarded as the earliest form of modern graphological expertise.

In the Central Asian region, the earliest historical sources also mention primitive forms of expert activity. In the eighth manuscript of the Avesta, determining the plaintiff's claim was carried out through "ordeal" – a trial by fire or water. At that time, methods of proof were mainly based on testing and oath-taking, and there was no scientifically grounded form of expertise.

In later periods, with the widespread adoption of Islamic law in the territories of Central Asian countries, criminal cases began to be regulated according to Sharia rules. In Muslim law, proof was primarily based on witness testimony, confessions of guilt, or oath-taking[31].

Local judges – qozis and biys – had no understanding of scientific methods for investigating crimes. In handling criminal cases, they acted based on Islamic law – Sharia – and customary norms (customary law), guided primarily by their personal feelings and judgment.[32].

By the 17th century, the involvement of physicians in criminal investigations had expanded to include assessing mental states and examining the effects of poisons.

By the 19th century, the engagement of physicians as specialists for specific cases was formally established in legislation.

From the 17th century onwards, the services of graphologists also emerged worldwide. They developed new techniques for determining a person's character based on handwriting. The doctrine of the logical connection between the human body and handwriting was developed by Brinsky. The peak period of forensic handwriting examination occurred in the 1970s and 1980s, during which it became possible to determine a person's gender, age, and profession based on their handwriting.

In the territory of Uzbekistan, after the establishment of the rule of the Tsarist Russian Empire, legal norms related to the expertise institute in criminal proceedings began to take shape. In particular, the Regulation on Judicial Proceedings in Criminal Cases, enacted in 1864, explicitly introduced the concepts of "specialist" and "knowledgeable person." This document was considered a result of judicial reforms and had a significant impact on the development of expertise.

The Regulation not only defined the range of individuals who could be engaged as specialists (physicians, pharmacists, professors, teachers, technicians, artists, and

[30] Krylov, I.F. *Forensic Examination in Criminal Procedure*. Leningrad: Leningrad State University, 1963, p. 4.
[31] Abdumajidov, G. *Development of Legislation on the Investigation of Crimes*. Tashkent: Uzbekistan, 1974, p. 6.
[32] Abdumajidov, G. *Development of Legislation on the Investigation of Crimes*. Tashkent: Uzbekistan, 1974, pp. 6–7.

craftsmen)[33] but also established the procedures for their activities. Article 325 of the Regulation stated that specialists could be engaged in cases if they possessed specialized knowledge in their respective fields—such as science, art, or craft—and were capable of clarifying specific circumstances and reconstructing events.

From 1906 onwards, lists of individuals who had committed crimes were maintained based on their fingerprints. Soon after, the conclusions of specialists in the field of dactyloscopy began to be used in judicial and investigative practice. From this period, the effectiveness of the expertise field became evident, initiating the process of establishing specialized expertise institutions and forming their legal and regulatory foundations. By the late 19th and early 20th centuries, various specialists began to be engaged as experts in criminal proceedings.

The development of the expertise institute during the pre-independence period had its own distinctive characteristics, and during this time, it became a crucial component of the criminal process. In particular, 1926 marked an important stage in the historical development of the expertise institute, with the adoption of the Criminal Procedure Code of the Uzbek SSR, which brought the field to a new level.

This Code consisted of 6 sections, 32 chapters, and 455 articles, including specific provisions regarding expertise. In particular, Article 61 of the Code stated that expertise should be appointed in cases where special knowledge is required for investigating a criminal case or when experience in a particular profession or trade is necessary. Moreover, expertise was mandatory in cases requiring determination of the cause of death, assessment of the nature of injuries, or evaluation of the mental state of a witness or defendant.

Article 160 of Chapter 13, entitled “Interrogation of Witnesses and Experts,” stipulated that, if the investigator deemed it convenient, experts and witnesses could be interrogated at the location where investigative actions regarding the criminal case were taking place. When multiple experts were required, their number was determined by the investigator. In addition, besides the experts summoned by the investigator, an expert could also be called at the request of the defendant (Article 167). If the investigator believed that the expert summoned by the defendant might obstruct the investigation or cause confusion, the investigator had the right to reject that expert.

According to Article 169 of the Criminal Procedure Code, the investigator determined the scope of questions for the expert, and the defendant, with the consent of the investigator, also had the right to pose questions to the expert. If the information provided to the expert was insufficient to draw conclusions, the expert had the right to refuse to continue the work. According to Article 170, when multiple experts participated in a case, they were required to consult with each other, and if a single conclusion was reached, one expert chosen by the group would read it aloud. In cases where disagreements arose among

[33] Krylov, I.F. *Forensic Examination in Criminal Procedure*. Leningrad: Leningrad State University, 1963, p. 46.

experts, each expert was required to provide their individual conclusions (Article 171). At the same time, the questions posed to the expert and their conclusions could not go beyond the scope of their specialized knowledge [34].

Although this Code played an important role in regulating criminal procedural relations of its time, it was not without certain shortcomings. First of all, it did not provide a comprehensive definition of the term "expert," and the essence of expertise was not addressed in any of its articles.

Furthermore, experts and witnesses were regulated under the same provision and granted the same legal status, which was not a proper approach in practice. The role of an expert is to provide conclusions based on specialized knowledge regarding a specific circumstance in a criminal case, while the role of a witness is limited to providing testimony.

Additionally, the Code did not include provisions regarding types of expertise, the procedure for appointing them, or their conduct. Another notable shortcoming was the absence of rules allowing an expert, apart from the questions posed by the investigator, to independently clarify other relevant issues.

Overall, this Code holds historical significance as the first normative document in this field, through which expertise was, for the first time, formally recognized at the legislative level as an independent institute of the criminal process.

In 1929, a new Criminal Procedure Code of the Uzbek SSR, consisting of 18 chapters and 175 articles, was adopted. The third chapter of the Code, entitled "Collection of Evidence," interpreted expertise as one form of evidence gathering. However, it did not provide important provisions regarding cases in which expertise must be appointed, the procedure for conducting medical examinations, or other essential regulations. Investigative procedures were described in a very general and simplified manner.

Although Article 23 of the Code introduced the rule that "witnesses and experts are, as a rule, interrogated at the scene of the crime," in practice this provision was largely ineffective and rarely applied. Nevertheless, unlike the previous Code, this document introduced an innovation by granting the victim, participating in the case as a civil claimant, the right to pose questions to the expert (Article 29), which can be considered a notable advancement[35].

This Criminal Procedure Code established several important provisions defining the legal status of an expert. In particular, according to Article 16, an expert was required, at the request of an authorized person conducting a criminal case, to appear on time at

[34] Mirensky, B.A., Rakhmonqulov, A.X., Kadirova, V.V., & Kamolxo'jaev, E. Criminal Procedure of the Republic of Uzbekistan: Textbook. Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2004, p. 154.

[35] Abdumajidov, G. *Development of Legislation on the Investigation of Crimes*. Tashkent: Uzbekistan, 1974, p. 46.

investigative or court proceedings. Additionally, the expert had to be warned in advance that failure to fulfill their official duties could result in criminal liability.

Compared to previous Codes, the provisions concerning experts in this Code not only increased in number but were also significantly improved in content, enriched with new rules that enhanced the practical importance of the expertise institute.

Among the Codes adopted in the Uzbek SSR, the 1959 Criminal Procedure Code fully embodied the institute of expertise. It consisted of 19 sections, 425 articles, and 33 chapters. A general description of this Code has been provided in several studies[36]. According to Article 51 of this Code, which is dedicated to the collection of evidence, the investigator, inquirer, prosecutor, or court may summon any person as an expert for interrogation in a criminal case.

Although this Code still did not provide a formal definition of the term "expert," one of its achievements was the allocation of a separate article specifically for the expert's conclusion. In particular, Article 65, titled "Expert Conclusion," established that any person qualified to provide scientific, technical, or specialized conclusions regarding a criminal case could participate as an expert. It also emphasized that questions posed to the expert must not exceed their level of knowledge, that the expert must issue conclusions independently based on objective and comprehensive investigations, and that they are personally responsible for the conclusions they provide.

Article 66 addresses the procedure for additional and repeat expert examinations. It states that if the expert conclusion provided by the investigative body, investigator, or court is found to be insufficiently clear or incomplete, a supplementary examination may be assigned to the initial expert or another specialist to address these deficiencies. Moreover, if the investigator, prosecutor, or court considers an expert's conclusion to be unsubstantiated, a repeat examination may be conducted by another expert or a group of experts to fully investigate the issue.

According to Article 67 of this Code, cases in which an expert examination is mandatory include determining the cause of death, describing injuries to health, evaluating the mental state of the accused, assessing the ability of witnesses, suspects, defendants, or victims to act properly during the criminal proceedings, and establishing age when there is no data on the age of the parties involved, including the victim's physical maturity.

Article 68 of the 1959 Criminal Procedure Code, titled "Appointment of Experts," stipulates that the court, prosecutor, investigator, or inquirer independently decide which

[36] Abdumajidov, G. Development of Legislation on the Investigation of Crimes. Tashkent: Uzbekistan, 1974, p. 84.
Abdumajidov, G. "Features of the Criminal Procedure Code and Some Issues of Its Improvement." In Soviet Law of Uzbekistan, edited by Kh.S. Sulaymanov, 118–144. Tashkent, 1964.
Umarov, V.U. Essays on the Criminal Procedure Law of the Uzbek SSR. Tashkent, 1967, 123 pp.
Bakirov, F.S. "On the Criminal Procedure Code of the Uzbek SSR." In On the Criminal Procedure Legislation of the Union Republics, 145–165. Moscow, 1962.

expert to appoint. Depending on the circumstances of the case, multiple experts may be involved. The request of the person conducting the criminal case to involve an expert is mandatory for the institution or organization head.

The grounds for rejecting an expert are defined in Article 69 of this Code. According to it, an expert is disqualified if they or their relatives have a personal interest in the case, if there is doubt about their impartiality, or if the expert previously conducted a review, collected information, or provided data that formed the basis for initiating the criminal case. In such circumstances, the expert is not permitted to participate in the case[37]. In other cases, the prior participation of an expert in a case does not serve as grounds for their disqualification.

From our point of view, the current Criminal Procedure Code should establish a rule that if information forming the basis for initiating a criminal case has been identified through an expert examination, that expert should not be allowed to participate in that case.

Chapter 19 of the 1959 Criminal Procedure Code, comprising seven articles, was dedicated to "Conducting Expert Examinations." This chapter legally regulated key issues such as the appointment of expertise during the initial investigation (Article 143), the rights and obligations of the accused regarding the appointment and conduct of expert examinations (Article 144), conducting expertise within an expert institution (Article 145), procedures for conducting examinations outside of the expert institution (Article 146), preliminary expert conclusions in the initial investigation (Article 147), and the presentation of expert conclusions to the accused (Article 148).

Unlike earlier Criminal Procedure Codes analyzed above, in this Code, the expert was placed on the same level as witnesses and specialists, and their legal status did not differ.

At this point, it is important to consider the development of the expertise institute in the criminal procedural legislation during the years of Uzbekistan's independence.

In 1994, Uzbekistan became one of the first CIS countries to adopt a Criminal Procedure Code aligned with internationally recognized principles of law, democratic and humanitarian ideas, which played a significant role in the system of judicial reforms. This Code comprehensively and systematically regulated relations related to expert examinations.

The Code first introduced a clear definition of the term "expert" and provided a detailed description of their rights and responsibilities. It also included separate provisions on the persons appointed as experts, the objects of expertise, as well as the procedures for commission-based and complex expert examinations. Norms regulating the conduct of expert examinations in court proceedings were further improved and logically systematized.

[37] Husanov, M., & Jo'rayev, H. *Participants in the Criminal Process: Textbook*. Tashkent: O'qituvchi, 1984, pp. 106–107.

However, the Code left certain issues open, including the definition of expertise, its oath, and other related matters.

During the years of independence, great attention has continued to be paid to the development of expertise in national legislation. Notably, on June 22, 1995, in accordance with Resolution No. 234 of the Cabinet of Ministers "On the Development of the Expert Service of the Ministry of Justice of the Republic of Uzbekistan," the Tashkent Forensic Examination Scientific Research Institute named after X. Sulaymonova was transformed into the Republican Scientific Research Forensic Center under the Ministry of Justice of the Republic of Uzbekistan. The Center was granted the status of a scientific-methodological and coordinating body for forensic issues in the Republic.

This development, including the renaming of the institution to the Republican Forensic Center, was specifically emphasized in Resolution No. 370 of the Cabinet of Ministers of the Republic of Uzbekistan, dated August 27, 2003, "On Further Improving the Activities of the Ministry of Justice of the Republic of Uzbekistan"[38].

In 2000, for the first time in Central Asia, a department of forensic biological expertise for human DNA was established. This modern type of expertise has firmly integrated into the activities of forensic genetic laboratories in many developed countries and has been applied for over 15 years in the police and special services of countries such as Australia, England, Germany, Canada, Russia, the USA, and Japan[39].

On June 2, 2010, the Law "On Forensic Expertise" was adopted, and, in connection with it, amendments and additions were made to the Criminal Procedure Code of the Republic of Uzbekistan, which significantly contributed to the development of this field. Fourteen articles concerning the forensic expertise institution were supplemented or amended.

Until 2010, Article 67 of the previously effective Criminal Procedure Code stipulated that any person possessing the necessary knowledge could be engaged as an expert to provide conclusions. Currently, this norm has been refined: the concept of "necessary knowledge" has been clarified, specifying which fields of knowledge are considered relevant, and the concept of specialized knowledge was added. It was also explicitly stated that the expert must be a natural person.

The law introduced provisions regarding the criminal liability of experts if they disclosed investigative or procedural information without the permission of the investigator, interrogator, or prosecutor, or refused to conduct an examination without valid reasons. This norm eliminated the possibility of evading responsibility for such actions.

---

[38] Abdullayev, I. "The Role of Science and Technology in Establishing Justice." In *Materials of the Republican Interdepartmental Scientific-Practical Conference on the Prospects for the Development of Forensic Examination in Uzbekistan*, 3–4. Tashkent, 2006.

[39] Otakhodjayev, S., & Nuriddinov, A. "DNA Expertise – A New Factor in Solving Crimes." *Law and Duty*, no. 6 (Tashkent, 2009): 43.

Article 175, previously titled "Objects of Expertise," is now referred to as "Objects of Examination." Article 176 clarified the concept of additional expertise, allowing it to be assigned to fill gaps. Furthermore, a new Article 1761, "Conducting Expertise by Expert Commissions," was introduced. The requirement from Article 177, stating that a request for a commission-based expertise from the investigator, interrogator, or court is mandatory for the head of the expert institution, was removed.

Article 186 was supplemented with second and third paragraphs stating: "An expert may only be questioned regarding the conclusions they have personally provided and the examinations they have conducted. Questioning an expert before issuing a conclusion is prohibited."

Focusing on the present-day developments, under Presidential Decree No. 3723 on comprehensive measures to improve the criminal and criminal-procedural legislation system, the Concept for Improving the Criminal and Criminal-Procedural Legislation of the Republic of Uzbekistan was approved (Appendix 1). The Concept stipulates procedural simplifications, including electronic sanctions, evidence collection, expert examinations, court hearings, and execution of court decisions.

Under the President's initiative, the "Action Strategy" (2017–2021) and the 14th goal of Uzbekistan's Development Strategy for 2022–2026 directly focus on consistently improving criminal, criminal-procedural, and enforcement legislation, humanizing criminal penalties, and implementing them.

One of the main directions of these reforms is the improvement of the forensic expertise institution, its organization based on modern scientific and technical approaches, and increasing the reliability of expert conclusions. Forensic expertise plays a key role in the system of evidence and ensures the legality and justification of the activities of investigative, prosecutorial, and judicial authorities.

The Criminal Procedure Code of the Republic of Uzbekistan, the Law "On Forensic Expertise," and the President's Decree No. PQ–4915 of December 3, 2020, "On Measures to Radically Improve Forensic Expertise Activities" have further strengthened the legal foundations of this field.

Additionally, the Concept for Improving Criminal and Criminal-Procedural Legislation, approved under Presidential Decree No. 3723, establishes clear guidelines for digitizing forensic institutions, improving personnel qualifications, developing independent expert institutions, and implementing international experience.

Nevertheless, in practice, there are still several systematic problems in assigning, conducting, and evaluating expert examinations. Specifically, issues include insufficient justification of decisions to assign expertise, differences in expert qualifications, and the absence of unified criteria for evaluating conclusions, which complicate the full realization of legality and fairness in this field.

Conclusion

The historical development of forensic expertise demonstrates a gradual evolution from primitive methods to a fully institutionalized and legally regulated system. From the early reliance on specialized knowledge in Ancient Greece and Rome, to the sophisticated forensic medicine in China and document examination in Byzantium, societies recognized the importance of scientifically informed analysis in legal proceedings.

In Central Asia and Uzbekistan, early forms of expert assessment evolved under Islamic law, later formalized during the Russian Empire and Soviet periods. Key milestones include the 1864 procedural regulations, the adoption of fingerprint records in 1906, and the codification of expert procedures in Soviet Criminal Procedure Codes of 1926, 1929, and 1959. These developments laid the groundwork for modern legal norms and the institutionalization of expertise.

Since independence, Uzbekistan has systematically modernized its forensic expertise system. The 1994 Criminal Procedure Code, the 2010 Law "On Forensic Expertise," and subsequent presidential decrees have strengthened the legal status of experts, clarified their rights and duties, introduced specialized types of examinations, and emphasized scientific and technological reliability. Digitalization, professional training, and international standards have further enhanced the credibility of expert conclusions, making forensic expertise a cornerstone of the criminal justice system.

Despite significant progress, challenges remain in practical implementation, including the justification of expert appointments, qualification disparities among experts, and the absence of unified standards for evaluating conclusions. Addressing these challenges is essential to ensure that forensic expertise continues to uphold the principles of legality, objectivity, and fairness in criminal proceedings.

In conclusion, the development of forensic expertise in Uzbekistan reflects a global trajectory of professionalization and legal formalization. The ongoing reforms and scientific advancements reinforce the vital role of experts in supporting justice, protecting human rights, and enhancing the overall effectiveness of the criminal justice system.

REFERENCES

1. Rozhanovsky, V.A. Forensic Medical Examination in Pre-Revolutionary Russia and the USSR. Moscow: Gosyurizdat, 1928.
2. Krylov, I.F. Forensic Examination in Criminal Procedure. Leningrad: Leningrad State University, 1963.
3. Abdumajidov, G. Development of Legislation on the Investigation of Crimes. Tashkent: Uzbekistan, 1974.

4. Mirensky, B.A., Rakhmonqulov, A.X., Kadirova, V.V., & Kamolxo‘jaev, E. Criminal Procedure of the Republic of Uzbekistan: Textbook. Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2004.

5. Abdumajidov, G. Development of Legislation on the Investigation of Crimes. Tashkent: Uzbekistan, 1974, p. 84.

6. Abdumajidov, G. “Features of the Criminal Procedure Code and Some Issues of Its Improvement.” In Soviet Law of Uzbekistan, edited by Kh.S. Sulaymanov, 118–144. Tashkent, 1964.

7. Umarov, V.U. Essays on the Criminal Procedure Law of the Uzbek SSR. Tashkent, 1967, 123 pp.

8. Bakirov, F.S. “On the Criminal Procedure Code of the Uzbek SSR.” In On the Criminal Procedure Legislation of the Union Republics, 145–165. Moscow, 1962.

9. Husanov, M., & Jo‘rayev, H. Participants in the Criminal Process: Textbook.

Internet sources:

10. Perseus Digital Library: Politika asari (Aristotel) https://www.perseus.tufts.edu/hopper/text?doc=Aristot.+Pol.

a. The Laws of Manu, Chapter VII, Article 44. http://ru.wikipedia.org/wiki.

11. www.lex.uz