



PECULIARITIES OF CONDUCTING JUDICIAL AND INVESTIGATIVE ACTIONS THROUGH VIDEO CONFERENCING IN UZBEKISTAN'S LEGISLATION

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Abstract. This article analyzes the application of modern innovative information technologies to criminal procedural law norms in the Republic of Uzbekistan, including conducting judicial and investigative actions through video conferencing and procedurally formalizing their results. It addresses the elimination of legislative gaps in formalizing evidence, the procedural order for collecting, formalizing, and consolidating electronic data (evidence) of evidentiary significance, international and national legal foundations, international experience and prospects of national practice, and ongoing reforms in this area.

Keywords: video conferencing, society, information, court, criminal procedure, investigative actions, code.

The widespread introduction of modern information and communication systems in state and public administration is an essential condition for the effective implementation of socio-economic, socio-political, and judicial-legal reforms and changes in our country.

Today, as information technologies are rapidly permeating society, it is necessary to reform the activities of entities using information infrastructure. These entities have certain rights and obligations related to the provision of electronic information services for the acquisition, use, and widespread management of national information resources.

In this regard, our legislation in the field of judicial law also recognizes the importance of using various modern resources and is implementing foreign experiences in practice.

From this perspective, the widespread use of information technologies in criminal cases today is reflected in changes to the process of conducting procedural actions and recording their results.

In this regard, the first step towards courts conducting procedural actions via videoconference was taken by Resolution No. 270 of the Plenum of the Supreme Economic Court of the Republic of Uzbekistan dated November 28, 2014, "On Certain Issues of Applying Procedural Law Norms in Economic Courts' Conduct of Court Sessions via Videoconference."

The Plenum Resolution stipulates that "Courts should understand that a court session via videoconference refers to conducting a remote court session through interactive interaction between the court hearing the case and the court facilitating the hearing, using real-time audio and video information exchange capabilities through telecommunication technologies." [1]

Prior to the adoption of this document, the Provisional Regulation on the procedure for organizing and conducting court sessions via videoconference, approved by Resolution No. 83 of the Presidium of the Supreme Economic Court of the Republic of Uzbekistan dated August 21, 2014 (hereinafter referred to as the Regulation), was first introduced into judicial practice.

Continuing the reforms, according to the Law of the Republic of Uzbekistan No. ZRU-542 dated May 23, 2019 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Related to Ensuring the Protection of Rights of Criminal Proceedings Participants," Article 911 of the Criminal Procedure Code established "conducting investigative actions via videoconference," Article 912 "grounds for conducting investigative actions via videoconference," Article 913 "conditions and procedure for conducting investigative actions via videoconference," and Article 914 "procedure for recording the process and results of investigative actions conducted via videoconference." [2]

So, what should be understood by conducting an investigative action in videoconferencing mode?

After studying a number of current legislative documents, it can be understood that "conducting procedural actions in videoconferencing mode means carrying out procedural actions remotely through interactive interaction between the bodies (officials) assisting in the conduct of procedural actions and the body and officials authorized to carry out procedural actions, using the capabilities of exchanging audio and video information via telecommunication technologies in real-time."

Conducting investigative actions in videoconferencing mode, that is, investigative actions involving witnesses, victims, suspects, and defendants in a criminal case (interrogation, identification of persons and objects, confrontation) involves summoning these persons to the law enforcement agency or court of the region, district, or city where they are located or reside. It provides for the procedure of conducting investigative actions using technical means in videoconferencing mode, allowing participants to directly observe the process and results of the investigative action through live broadcast.

According to criminal procedural legislation, investigative actions are conducted in videoconferencing mode in the following cases:

a) when a person is unable to directly visit the body investigating the criminal case or the place where the investigative action is being conducted due to health conditions or other valid reasons;

b) when there is a need to ensure the safety of participants in the criminal process;

c) when conducting urgent investigative actions;

d) when the investigator, prosecutor, or court issues a decision if there are reasonable grounds that conducting the investigative action may be difficult or may incur excessive costs. [3]

According to the current Criminal Procedure Code, the conditions and procedure for conducting investigative actions in videoconferencing mode are established. If a decision is made to conduct certain investigative actions in videoconferencing mode, the court must send a request to the relevant body to summon a specific participant in the criminal process and organize the conduct of the investigative action in videoconferencing mode in accordance with the requirements of this Code. It is noted that an official performing the court order must check the documents confirming the identity of the summoned participant in the criminal process, ensure their rights as provided by this Code, and remain with them until the investigative action is completed. Additionally, specialists may be involved in conducting the investigative action in videoconferencing mode, and interrogation, identification of persons or objects, or confrontation in videoconferencing mode shall be carried out in compliance with the requirements of Articles 96-108, 112-131 of this Code.

Therefore, it was strictly determined that the participants of the investigative action should be provided with the opportunity to ask questions to the persons participating in the videoconference and receive answers from them, to exercise procedural rights and obligations provided for by the Criminal Procedure Code.

This effectively reflects changes in the process of conducting procedural actions and recording their results through the widespread use of information infrastructure in criminal cases.

In courts, open hearings of criminal cases can be conducted according to the procedural principle, at the initiative of the court or at the request of the participants in the criminal process, using audio and video recordings, as well as in video conferencing mode.[4]

However, it should also be remembered that cases of crimes committed by persons under the age of eighteen, as well as other cases in order not to disclose information about the private life of citizens or information that degrades their honor and dignity and in cases where it is necessary to ensure the safety of the victim, witness or other persons participating in the case, as well as members of their families or close relatives, are not allowed to be considered in a closed court session by a court ruling, the use of a videoconference system in a closed court session is not allowed, and audio and

As in all spheres of society, the need for the use and widespread implementation of information and communication technologies in the judicial and legal system is manifested in practice.

At the same time, it is necessary to carry out systematic work on the study and implementation of advanced foreign experience in the field of information technology and the introduction of modern methods for protecting the national information space.

At a time when modern information technologies are rapidly developing, the introduction of a procedure for conducting investigative actions in videoconferencing mode into criminal procedural legislation is a practical proof of the priority idea of "all efforts are for human dignity."

"Videoconference" - interactive interaction of several remote subscribers using information and communication technologies with the possibility of exchanging audio and video information in real time.

The term "information" originates from the Latin word "informatio" and gives the concepts of explaining, expressing, and describing the content of work.

"Criminal Procedure" is the process of actions performed by the bodies of inquiry, investigation, prosecutor's office, and the court during the investigation and trial of a criminal case. Criminal proceedings typically last from the initiation of a case to the issuance of a verdict, and sometimes involve re-examining the verdict and resolving issues of its execution. "Codex" (Latin codex) is a unified systematic legal document regulating a specific type of sphere of social relations.

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