



PSYCHOLOGICAL EXAMINATION IN CRIMINAL CASES

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Abstract

The article analyzes the role of forensic psychological examination (FPE) as an important tool in criminal proceedings. It examines the historical aspects of FPE development, its current state, and future prospects. Special attention is given to the tasks addressed by FPE, such as determining the sanity of the accused, assessing psychological influence on the victim, detecting signs of deception in testimony, and others. The article also explores legal and methodological issues related to the appointment and conduct of FPE and suggests ways to improve its effectiveness in criminal proceedings and protect the rights of participants.

Keywords: Forensic psychological examination, specialist, classification of forensic examinations, state of affect, legal status of the expert.

Introduction

Psychological expertise in criminal cases plays a crucial role in ensuring a fair trial. Modern judicial practice increasingly relies on the services of expert psychologists to assess the mental state of defendants, witnesses, and victims. The relevance of this topic stems from the need for an objective analysis of psychological factors influencing the commission of crimes and the formation of an evidence base. In the context of rising crime rates and increasingly complex criminal schemes, particularly in the realm of violent and economic offenses, the importance of psychological expertise is growing. It is also necessary in cases where it is essential to determine the psychological state of an individual at the moment of committing an unlawful act, their ability to understand their actions and control them. Furthermore, the examination helps to assess the credibility of witness testimony and identify signs of possible psychological influence or manipulation. Further study of the legal regulation and methodological aspects of psychological



examination in the Republic of Uzbekistan will allow for the improvement of procedural mechanisms for its appointment and use, enhance the effectiveness of judicial and investigative activities, and raise the level of legal protection for citizens.

This work will employ various research methods, including the dialectical method of understanding objective reality, general scientific methods, system-structural analysis, comparison, analogy, and specific scientific methods. The main aim of this article is to analyze the role and significance of psychological evaluation in criminal cases, as well as to conduct an in-depth study of the theoretical and practical aspects of psychological examination and identify problematic areas in its application in judicial practice. Additionally, we will examine various types of forensic psychological evaluations and the limits of their competence.

As V.V. Romanov notes, "the main purpose of forensic psychological examination is to assist the court and preliminary investigation bodies in conducting a more thorough investigation of specific psychological issues that are relevant to the subject of proof in criminal cases. Additionally, it aims to explore the psychological content of a wide range of legal concepts and terms contained in the law" [1].

M.V.Kostitsky believes that the purpose of forensic psychological examination is to obtain an objective, unbiased assessment of decisions made, actions taken, and directions expressed, including their current or potential quality and effectiveness. It also aims to provide an objective, impartial, and principled evaluation of conflicts, disputes, and their subjects, as well as to solve urgent issues using psychological knowledge.

Analyzing the matter, we believe that both approaches are complementary: the first emphasizes the procedural significance of forensic psychological examination, while the second underscores its functional importance within the framework of objective analysis. In modern legal practice, both aspects are considered essential, as forensic psychological examination not only serves as a means of providing evidence but also functions as a tool for independent assessment of the behavior, motives, and psychological state of participants in judicial proceedings.

Forensic examination is grounded in the application of specialized knowledge based on modern scientific advancements. It involves the participation of a qualified expert, the conduct of investigative procedures, and the preparation of an expert opinion. The examination process is carried out in strict accordance with



established procedural norms, and the final conclusion is formalized as a special procedural document in compliance with the requirements of the Criminal Procedure Code. In turn, the results of forensic psychological examinations contribute to ensuring objectivity and comprehensiveness in resolving legally significant issues, while serving as one of the sources of evidence as per Article 82 of the Criminal Procedure Code.

According to the Law of the Republic of Uzbekistan "On Forensic Examination," "forensic examination is a procedural action in civil, economic, criminal, and administrative proceedings aimed at establishing the circumstances of a case. It consists of conducting forensic investigations and providing an expert opinion based on specialized knowledge in the fields of science, technology, art, or craft" [2]. Thus, the main characteristics of the concept of forensic examination are: a) its preparation, appointment, and execution in accordance with a special legal protocol that defines not only the relevant procedure but also the rights and obligations of the expert, the person ordering the examination, as well as the rights of the accused (suspect) in relation to this process; b) conducting research based on the application of specialized knowledge in various fields of science, technology, art, or craft; c) providing a conclusion that holds the status of a source of evidence. The core purpose of forensic examination in criminal proceedings is to analyze specific data to establish new facts relevant to the preliminary investigation of crimes or the consideration of criminal cases in court. Typically, forensic examination is categorized into the following types: individual, commission-based, comprehensive, primary, supplementary, repeated, and others [3].

A comprehensive examination is a study in which specialized knowledge from several related scientific fields, falling within the competence of two or more types of expert evaluations, is utilized to address the questions posed. The complexity of expert investigations is characterized by:

- 1) application of various special knowledge (methods, data) from related sciences to solve problems that cannot be solved exclusively within the framework of one scientific discipline;
- 2) conducting research on various properties or characteristics of the object (or interconnected objects) simultaneously (parallel) or sequentially with the aim of solving problems related to different types of examinations (a set of independent examinations). Moreover, an examination is considered comprehensive if a unified



research plan is developed in advance, and based on its results, a general, more detailed, comprehensive, and systematized conclusion is drawn up. The conduct of comprehensive forensic examinations is regulated by Article 178 of the Criminal Procedure Code of the Republic of Uzbekistan. Accordingly, D.A. Sorokotyagina and I.N. Sorokotyagin identify the following list of comprehensive psychological examinations [4]:

- psychological-forensic;
- psycholinguistic;
- psychological-pedagogical;
- psychological-automotive;
- medical-psychological;
- psychological-art historical;
- psychological-lighting;
- psychological-psychiatric.

During the course of forensic psychological examination, the following issues are addressed [5]:

1. Determination of the individual psychological characteristics of the accused (suspect) and their influence on their behavior at the time of committing the actions incriminated to them.
2. Identification of the nature and degree of intensity of the accused's (suspect's) emotional reactions at the time of the alleged crime.
3. Assessment of a witness's or victim's ability, taking into account their mental state, individual psychological characteristics, and level of mental development, to adequately perceive circumstances relevant to the case and to reliably present them in their testimony.
4. Assessment of the ability of a minor accused, who has reached the age of criminal responsibility but has a developmental delay not related to a mental disorder, to fully comprehend the factual nature and social danger of their actions (or inaction) at the time of committing the crime, as well as their ability or inability to control these actions.
5. Determining the victim's ability, considering their mental state, individual psychological characteristics, and level of mental development, to comprehend the nature and consequences of actions committed against them, as well as their capacity to resist the perpetrator.



6. Establishing the mental state of a person suspected of or confirmed to have committed suicide, determining the possible causes for the development of this state and the associated predisposition to suicide.

7. When conducting an examination of military personnel, in addition to addressing the questions posed by the investigation, their fitness for military service duties must be assessed, taking into account their mental health status.

Due to the aforementioned circumstances, there arises a need to appoint and conduct an expert examination, which also stems from the provisions of Article 173 of the Criminal Procedure Code [6]. Paragraphs 4 and 5 of this article stipulate that to determine the mental and physical state of a suspect, accused, defendant, or a person subject to proceedings for the application of compulsory medical measures, an official handling the criminal case shall issue a resolution to appoint an expert examination. This examination aims to assess: 1) Their ability to be aware of their actions or to control them at the time of committing an unlawful act; 2) Their capacity to understand the significance of criminal liability; 3) Their ability to testify and independently defend their rights and legitimate interests in criminal proceedings; 4) The mental and physical state of the victim and witness, and their ability to perceive, remember, and reproduce during interrogations circumstances relevant to the case; 5) The victim's ability to independently defend their rights and legitimate interests in criminal proceedings through their actions.

Forensic psychological examination of participants in criminal proceedings is typically ordered in two main cases: 1) When there is a presumption that a crime, such as murder or infliction of grievous bodily harm, was committed in a state of temporary insanity. In such situations, the examination helps determine whether the accused was in a state of sudden, intense emotional arousal at the time of the crime, significantly limiting their ability to comprehend and control their actions. 2) In criminal cases related to incidents and accidents involving the operation of technical devices, especially in the field of aviation. In these cases, the examination aims to identify psychological factors that could have influenced the behavior of operators, pilots, and other responsible individuals, including their level of emotional stress, fatigue, stress resilience, and ability to make decisions in extreme situations.

Currently, the potential of forensic psychological examinations is not being fully utilized in the consideration of certain criminal cases. Typically, law enforcement



agencies only ask experts about the ability of participants in criminal proceedings to comprehend the nature and significance of their actions or actions committed against them. However, such crucial aspects as the subject's ability to control their behavior or offer resistance often remain without proper attention.

In practice, there are often cases where specialists, assessing only the intellectual component of volitional behavior, conclude that the criminal or victim is capable of adequately perceiving the criminal situation. Subsequently, based on such a conclusion, law enforcement officers may erroneously interpret this as the examined person having the ability to resist criminal encroachment. It is for this precise reason that the clarity and accuracy of questions formulated for expert review play a key role in the quality and effectiveness of psychological examinations [7].

L.F. Chuprov [8] notes that involving specialists without appropriate qualifications or individuals unrelated to psychology in conducting forensic psychological examinations can lead to superficial, unfounded, and even erroneous conclusions. The use of such conclusions during the preliminary investigation can significantly influence the outcome of a criminal case.

The legal regulation of organizing and conducting forensic psychological examinations plays a key role in enhancing their quality and effectiveness. An analysis of judicial, investigative, and expert practices across various agencies demonstrates the necessity to develop and adopt a unified "Instruction on Conducting Forensic Psychological Examinations and Complex Examinations Involving a Psychologist" [9]. This regulatory document should establish unified standards and procedures for conducting such examinations both within the system of the Ministry of Health of the Republic of Uzbekistan and within the systems of the Ministry of Justice and the Ministry of Internal Affairs of the Republic of Uzbekistan. It is crucial to employ modern, scientifically-grounded methods for assessing the psychological state of the subjects under examination, including comprehensive testing, observation, and analysis of behavioral responses in critical cases. In addition, it is necessary to introduce mandatory certification and advanced training for specialists conducting forensic psychological examinations. Involving individuals without specialized education or experience in the field of forensic psychology may lead to superficial and unfounded conclusions, which, in turn, can affect court proceedings and sentencing.



We also support the need for legal regulation in organizing and conducting forensic psychological examinations, as this will ensure uniformity, objectivity, and reliability of expert opinions. Consequently, the development and adoption of a unified "Instruction on Conducting Forensic Psychological Examinations and Comprehensive Examinations Involving a Psychologist" will establish clear legal frameworks and unified standards for conducting such examinations. This will minimize discrepancies in approaches among various agencies, which is particularly important in the context of law enforcement practice, where errors in expert evaluations can lead to improper court decisions.

In conclusion, it should be noted that forensic psychological examination plays a significant role in the process of establishing evidence, providing objective information about the psychological characteristics, traits, and states of the accused, victim, or witness. The effectiveness of forensic psychological examination largely depends on the accuracy of the questions posed to experts, their professional qualifications, and a comprehensive approach to analyzing the behavior of the examined individuals. Moreover, improving legal regulation, applying modern scientific approaches, and ensuring a high professional level of experts will be an important step towards enhancing the effectiveness of forensic psychological examination. This, in turn, will contribute to the objectivity of criminal proceedings and the protection of the rights of its participants.

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