



Evidence Falsification Crime: Object and Criminal-Legal Assessment

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Abstract: *This article reveals the concept of the object of the crime of falsification of evidence and its criminal-legal characteristics. This article also examines the opinions of legal scholars on this issue.*

Keywords: *falsification, forgery, counterfeit, crime, object, evidence, law, court, justice, right, act, public attitude, criminal case.*

In recent years, the judicial and legal reforms carried out in our country have not only strengthened the independence of the judiciary and ensured transparency and openness in the activities of the courts, but also enhanced the guarantees for protecting citizens' rights and legitimate interests.

Article 29, paragraph four of the newly revised Constitution of the Republic of Uzbekistan enshrines the prohibition against using evidence obtained in violation of the law during the administration of justice.

According to this provision, evidence gathered in violation of the procedures set out in laws or through actions not prescribed by law, as well as those violating the personal rights and freedoms guaranteed by the Constitution, must be recognized as unlawfully obtained evidence.

It is well known that evidence obtained in violation of the law is inadmissible in court proceedings. The main purpose of this rule is to ensure fair justice and protect human rights. If evidence is obtained illegally, its acceptance undermines the reliability and objectivity of the court.

As our President Sh.M.Mirziyoyev emphasized – “The use of any information obtained through illegal methods within criminal cases, including audio and video materials, as well as physical evidence, is strictly prohibited. Torture, violation of the right to defense, deception, and the application of other illegal methods during the investigation process are banned”¹.

Based on the above-mentioned points, it is of crucial importance to correctly determine the object of the crime when providing a legal assessment of a committed social act.

¹ Mirziyoyev Sh.M. The Constitution is a solid foundation for our free and prosperous life, and for further development of our country. / Speech by President Shavkat Mirziyoyev at the ceremonial event dedicated to the 25th anniversary of the adoption of the Constitution of the Republic of Uzbekistan. // <http://uza.uz/oz/documents/konstitutsiya-erkin-va-farovon-ayetimiz-mamlakatimizni-yanad-08-12-2017>.



According to theories regarding the concept of the object of a crime, the object of a crime is considered to be the social relations protected by the criminal law, which may be harmed or face the risk of harm through acts prohibited by the criminal law².

In criminal law, it is universally recognized that the object of a crime is divided into the following types: general, special, related, and direct³.

In studying the problems related to the object of falsifying evidence, we will adhere to this four-part classification of crime objects. This is because distinguishing between general, special, related, and direct objects not only objectively reflects the scope of social relations that fall under the protection of criminal-legal safeguards, but also aligns with the structure of the current Criminal Code of the Republic of Uzbekistan.

The general object refers to the totality of all social relations protected by criminal law. This generalized list of relations is provided in Article 2, Part 1 of the Criminal Code of the Republic of Uzbekistan, which includes the individual, their rights and freedoms, the interests of society and the state, property, the natural environment, peace, and the security of humanity.

Thus, the general object is common to all crimes, as any crime causes harm to one or another form of social relations. The general object of falsifying evidence holds theoretical significance. However, it should not be understood as an abstract category. When drafting criminal legislation, the legislator has considered which system of social relations requires criminal-legal protection, which is reflected in the structure of the Criminal Code. It is evident that the general object is a real phenomenon in existence, composed of specific and actual social relations.

The special object of a crime consists of specific types of social relations of the same nature that are protected by criminal law from certain types of crimes..

There are no specific shortcomings in determining *the related object* of the crime of falsifying (forging) evidence. This can be established based on the section of the Special Part of the Criminal Code where the criminal-legal norm providing for liability for this crime is located. Liability for falsifying (forging) evidence is outlined in Chapter Five of the Special Part of the Criminal Code, titled "Crimes against the Procedure of Government, Administration, and Public Associations".

Thus, the related object of this crime consists of a collection of social relations that ensure the activities of state, administrative, and public organizations. In this regard, it can be seen that the criminal laws of the Russian Federation, the Republic of Belarus, and the Kyrgyz Republic contain criminal-legal norms that provide for criminal liability in the section titled "Crimes against

² *Ветров Н.И.* Уголовное право. Общая часть: учебник. 2-е изд., перераб. и доп. М.: ЮНИТИ-ДА-НА, 2002. – С. 106.; *Винокуров В.Н.* Интересы как способ конкретизации непосредственного объекта преступления // Журнал российского права. 2009. № 5. –С. 85.

³ Уголовное право. (Общая часть). Учебник для высших учебных заведений. Р.Кабулов, М.Х. Рустамбаев, А.А. Отажонов и др. – Т.: Академия МВД Республики Узбекистан. 2020. – С. 95; *Rustambaeв M.Kh.* Criminal Law of the Republic of Uzbekistan. Volume I. General Part. Doctrine of Crime. Textbook for Higher Education Institutions. – Tashkent: "ILM ZIYO," 2010. – p. 141.; *Таджиханов Б.* Уголовно-правовые меры борьбы с терроризмом. – Т., 2003. – С. 5-6; *Rajabova M. A.* Criminal-legal issues in the fight against religious extremism and terrorism. – Т., 2002. – P. 222-223; *Qalandarov M. M.* Criminal-legal and criminological aspects of robbery through appropriation or reorganization. PhD dissertation in legal sciences. – Т., 2011. – P. 47; Уголовное право Армении и России. Общая и Особенная части / отв. ред. С.С. Аветисян, А.И. Чучаев. М.: КОНТРАКТ, 2014. – С. 36-37.; Уголовное право России. Общая часть. Особенная часть: учебник / под общ. ред. Н.Г. Кадникова. М.: Юриспруденция, 2013. – С. 46.



the activities of state power and administration.” Therefore, it can be concluded that, according to the criminal legislation of the countries that are part of the CIS, the related object of falsifying evidence is, as Russian scholars have stated, “social relations that ensure the order of activities of state power and administration”⁴.

In the Republic of Uzbekistan, state power is constituted by the legislative, executive, and judicial branches.

According to the Constitution of the Republic of Uzbekistan and the Law on Courts, the judicial power in Uzbekistan operates independently from the legislative and executive authorities, political parties, and other public associations.

The activities of the judiciary are aimed at upholding the rule of law, social justice, and protecting the legal interests of individuals.

Thus, we believe that the analogous object of the crime of falsifying evidence should be formed based on the general characteristics of the crimes provided for in the chapters of the Special Part of the current Criminal Code. This, in turn, will identify the analogous object of the crime being investigated.

The analogous object of falsifying evidence is considered to be a collection of social relations that ensures fair trial protected from certain groups of crimes.

According to Article 3 of the Law on Courts of the Republic of Uzbekistan, the function of the court is defined as “to protect the rights and freedoms of citizens, the rights of enterprises, institutions, and organizations, as well as legally protected interests, through judicial means, in accordance with the Constitution of the Republic of Uzbekistan and other laws, and international documents on human rights”.

This rule, on one hand, establishes the functions of the court, and on the other hand, implies the rights and interests of citizens as defined by national and international standards in the fair trial process. More specifically, these are the inherent rights of individuals to judicial protection and fair legal proceedings, recognized by international norms and in the interests of justice.

While discussions among legal scholars regarding the initial three types of objects of falsifying evidence (falsification) may not highlight urgent issues or disputes, there is noticeable divergence of opinions among scholars when it comes to identifying the direct object of this crime.

In the first group, scholars emphasize that there is only a primary direct object in the crime we are investigating, denying the existence of additional and facultative objects⁵, The second group asserts that the direct objects of falsifying evidence include primary, additional, and facultative ones⁶, The third group only considers the primary and facultative direct objects⁷ while another group emphasizes the existence of only the primary and additional direct objects⁸.

⁴ See: *Кочои С.М.* Уголовное право. Общая и Особенная части: краткий курс. М.: Контракт: Волтерс Клувер, 2010. – С. 134; *Ветров Н.И.* К вопросу о соотношении объекта и предмета преступления // Государство и право, 2006. №2. – С. 57.

⁵ *Благодарь И.С.* Фальсификация доказательств: ответственность и вопросы квалификации: автореф. дис. ... канд. юрид. наук. М., 2008. – С. 14; *Будаева Ю.В.* Уголовно-правовые проблемы борьбы с фальсификацией доказательств : автореф. дис. ... канд. юрид. наук. М., 2004. – С. 14; *Иванов И.С.* Уголовная ответственность за фальсификацию доказательств по уголовному делу: автореф. дис. ... канд. юрид. наук. Волгоград, 2005. – С. 11.

⁶ *Идрисов К.Р.* Преступления против правосудия, совершаемые должностными лицами органов предварительного расследования и суда: дис. ... канд. юрид. наук. Н. Новгород, 2007. – С. 188.



Summarizing the approaches mentioned above, in our view, considering that the crime of falsifying evidence in criminal cases results in harm to several types of social relations, the direct object of this type of crime consists of main, additional, and facultative direct objects.

In particular, A.K. Skorokhodov, while analyzing the direct object of the crime of falsifying evidence (forgery), identifies three main approaches⁹. Specifically, according to the *first view*, the primary direct object of falsifying evidence is the social relations that ensure justice, which typically involve the legal and reasonable resolution of criminal cases. Therefore, we agree with this approach because, based on Chapter 26 of the Criminal Code of the Republic of Uzbekistan, it unites justice as a distinctive object of the crimes included. If the direct object of the crime is determined considering the Special Part chapter, it will have a solid theoretical foundation. As noted in legal literature, the absence of specific indications regarding the objects of certain crimes can be constructed through the analysis of specific legal documents, which often requires the legislator to refer to specific chapters of criminal law. In this case, the chapters provide indications about the objects of the crimes included in this chapter.

According to the *second approach*, the primary direct object of falsifying evidence consists of social relations that ensure the normal functioning of the courts and the pre-investigation check, as well as the normal activity of preliminary investigation and inquiry bodies. At the same time, normal functioning entails the submission of reliable (material and written) evidence (their legal formation procedure) to the court, pre-investigation check, and investigation and inquiry bodies.

According to the third approach, recognizing the procedural order of collecting and presenting evidence in criminal cases as the primary direct object of falsifying evidence is justified¹⁰.

Despite the clear distinctions in these approaches, the direct object of falsifying evidence can be identified, and overall, they do not contradict each other but rather complement one another, reflecting various aspects of the single object of the crime. However, Article 230¹ of the Criminal Code of the Republic of Uzbekistan does not encompass the falsification of evidence as the main direct object within the procedural framework of collecting and presenting evidence, according to the Civil Procedure Code, Economic Procedure Code, the Code of Administrative Court Proceedings, and the Code on Administrative Liability.

However, the main direct object of evidence falsification is considered complex and multifaceted in nature. For instance, infringing upon the procedural order of collecting and presenting evidence disrupts the normal functioning of the court, pre-trial verification, investigation, and initial investigation bodies, causing harm to their system.

As an additional direct object of the crime of falsifying evidence, the social relations related to ensuring the procedural rights, freedoms, and legitimate interests of participants in criminal

⁷ Волкова И.А. Ответственность за фальсификацию доказательств по уголовному делу: автореф. дис. ... канд. юрид. наук. М., 2005. – С. 14; Уголовное право России. Особенная часть: учебник / под ред. Ф.Р. Сундурова, М.В. Талан. М.: Статут, 2012. – С. 789.

⁸ Веденеева Т.А. Уголовно-правовая характеристика фальсификации доказательств: автореф. дис. ... канд. юрид. наук. М., 2011. – С. 13; Емеева Н.Р. Уголовная ответственность за преступления против правосудия, совершаемые судьями и должностными лицами правоохранительных органов: дис. ... канд. юрид. наук. Казань, 2005. – С. 171.

⁹Скореходов А.К. К вопросу о непосредственном объекте фальсификации доказательств // Universum: экономика и юриспруденция: электрон. научн. журн. 2024. 4(114). URL: <https://7universum.com/ru/economy/archive/item/17195>.

¹⁰Скореходов А.К. К вопросу о непосредственном объекте фальсификации доказательств // Universum: экономика и юриспруденция: электрон. научн. журн. 2024. 4(114). URL: <https://7universum.com/ru/economy/archive/item/1719>.



proceedings (suspects, defendants, convicts, and individuals with convicted status) are manifested. Furthermore, according to Part 3 of Article 230¹ of the Criminal Code, social relations that ensure the life and health of individuals also appear as an additional *direct object* of this type of crime.

The direct optional object of this crime consists of social relations regulated by Articles 208-212 of the Criminal Procedure Code of the Republic of Uzbekistan and normative documents¹¹ the accounting and storage of material and written evidence.

The existence of the facultative direct object in the act of falsifying evidence in criminal proceedings is directly related to the occurrence of a socially dangerous act. If the falsification of evidence is carried out before their identification, collection, and attachment to the materials of the criminal case, then the aforementioned social relations will not be harmed.

In analyzing the object of the crime of falsifying evidence, we have confirmed that, apart from the main direct object, there are also additional and facultative objects involved, as the commission of the crime of falsifying evidence harms multiple social relations. Therefore, it is necessary to consider the direct object of this type of crime as a multi-object crime.

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¹¹ Joint decision of the Prosecutor General's Office and the Ministry of Internal Affairs Investigation Department.



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