

## PROCEDURAL BASIS OF JUDICIAL MEDICINE EXAMINATION

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**Abstract:** Judicial medicine, also known as forensic medicine or medical jurisprudence, is a branch of medicine that applies medical knowledge and expertise to assist in the administration of justice. One of the primary tools used in judicial medicine is the examination, which is a systematic and comprehensive assessment of an individual's physical and/or mental condition. The procedural basis of judicial medicine examination is a critical aspect of this discipline, as it provides a framework for ensuring that examinations are conducted in a fair, reliable, and unbiased manner. This article will provide an in-depth analysis of the procedural basis of judicial medicine examination, including its underlying principles, steps involved, and key considerations.

**Keywords:** criminals, examination, Forensic medicine, challenges, experts, conclusions

**Introduction:** The institution of justice calls upon forensic medicine not only in criminal but also in various civil law cases. Both criminal and civil legal processes involve the use of opinions based on medical knowledge about human health and the nature and consequences of actions of a criminal or material nature; such opinions are given by a specialist in forensic medicine. Expert opinions about the state of people, especially in terms of their mental faculties, are used in the investigation of industrial accidents, natural disasters, cataclysms, and damage from biological, radiochemical, or other toxic substances. Expert forensic medicine plays a special role in the investigation of narcotics, weapons, poisons, and their analogues, in the investigation of fatal cases arising in the course of criminal, material, or civil cases, in the assessment of human constitutional abilities, in the detection of mental illness manifested in criminal or felonious conditions, in the ascertainment of other medical aspects of current cases, and in the physical examination of persons of adult age, male or female, with regard to possibly involving them in childbearing, particularly in connection with the taking of secret investigative measures.

### Literature review.

The procedural basis of judicial medicine examination encompasses a variety of methodologies and practices that are essential in the intersection of medicine and law. The literature highlights the importance of rigorous methodologies in forensic science, as seen in the work by Laugier et al., (2017), which emphasizes the inadequacy of high-quality studies within the field. Their introduction of Spe3dLab, a software designed for innovative data analyses, underscores the necessity for improved data handling and predictive modeling in forensic applications. This tool aims to enhance the quality of evidence available for practitioners and researchers, addressing the prevalent concern regarding the sufficiency of evidence in forensic science.

Building on the foundation of data analysis, Dianita Ika Meilia et al. (2020) delve into the complexities of causal inference in forensic medicine. They articulate the distinct challenges

faced in establishing causal relationships between actions and outcomes, a critical aspect for legal factfinders. The authors note the absence of a universally accepted methodology for causation in forensic expert opinions, highlighting the dichotomy between intuitive and probabilistic approaches. Their review suggests that probabilistic causation is more applicable in forensic settings, thereby calling for practitioners to be discerning about the methodologies employed in various cases.

Widiasih Raharjanti (2021) further contribute to this discourse by exploring the clinical reasoning involved in forensic psychiatric evaluations. They argue that the quality of these evaluations significantly influences legal outcomes, as the psychiatrist's report serves as a crucial element in legal decision-making. The authors stress the importance of a structured approach to forensic psychiatric analysis, which includes thorough data organization and a clear response to the legal questions posed. This review sheds light on the implications of forensic evaluations, emphasizing the potential consequences of inadequate analysis on justice and the legal system.

In examining cognitive biases, J. Curley et al. (2022) address the impact of human factors on juror decision-making. Their research highlights the necessity for improved methodologies to mitigate bias in both forensic evidence collection and presentation. The authors advocate for techniques such as Linear Sequential Unmasking (LSU) to enhance decision-making processes, underscoring the multifaceted nature of bias and its potential to distort juror judgments. This analysis indicates a pressing need for comprehensive strategies to combat bias at various stages of the criminal justice system.

## **Results and Discussion.**

Forensic Medicine examination in the Republic of Uzbekistan is based on certain applicable laws. The content of the forensic medical examination, the procedure for conducting is indicated in the criminal, Criminal Procedure, civil and civil procedure codes of the Republic of Uzbekistan. Forensic Medicine examination is appointed in all cases by the investigator, judicial authorities, police authorities, which is carried out mainly only when questions about medicine and biology arise in them. In most cases, forensic medicine examination is carried out during criminal investigation and judicial review. The code of Criminal Procedure states that in some cases it is mandatory to carry out forensic medicine and forensic psychiatric examinations. This is done in the following cases:

1. In determining the character of injuries and the cause of death.
2. In determining the mental state of the accused and the suspect, if when conducting the case, they cannot accurately report or feel responsible for what they have done.
3. In determining the mental state of the victim or witnesses.
4. When determining the age of the accused, suspect and victim, if it is relevant to the case and there is no information about the age. In all other cases, the desired examination is determined by the permission of the investigator and the court. Forensic medical examination in civil proceedings is carried out in some cases in the annulment of marriage, in the solution of the issue

of alimony, in case of loss of working capacity and in the compensation of the lost material. Conducting the desired examination, as well as forensic medicine examination, constitutes two main processes:

- the use of all methods in the examination of the objects of expertise to solve the questions posed to the expert;
- drawing up a written conclusion containing answers based on the questions posed by the investigations.

There are 4 different objects of Forensic Medicine examination: persons, living, material evidence, materials related to the crime and civil cases. The methods used in the examination of Forensic Medicine examination of this object will be very diverse. These are presented in special rules and methodological guidelines for conducting various types of examination.

#### Types of Forensic Medicine examination

The appointment and conduct of Forensic Medicine examination is divided into:

- 1) examination; 2) additional examination; 3) Re-examination; 4) Commission examination; 5) comprehensive examination.

In the primary examination, it is necessary to conduct the first examination of the object and draw up an expert opinion on the basis of this. Additional examination is often performed when there is an additional question in front of the expert when drawing up a conclusion during the examination. Re-examination is mainly appointed in cases where there is doubt about the conclusion of the primary examination carried out, or in cases where the victim's relatives have a written complaint from them about his dissatisfaction with the conclusion of this expert. This is usually done by another expert or with the participation of a commission.

- Commission examination is carried out in some complex cases, when the help of several specialist doctors is required. Most often, such an examination is recommended in criminal prosecution of medical and pharmaceutical employees in cases of betrayal of their duties.

- In some cases, a comprehensive examination is prescribed. In such complex cases, forensic medicine expert and forensic chemist, forensic medicine expert and forensic criminalist experts are involved for examination, and the opinion of both specialists closely helps each other.

— If the desired Commission comes to the same conclusion when conducting an examination, a general conclusion is drawn up on behalf of all members of the commission, to which they sign this conclusion.

If the opinions of the members of the commission differ. If the thief does not come, then each expert will draw up and present his own separate conclusion.

- The desired conclusion of the expert is not considered mandatory for the investigator, prosecutor and court, and should be based on a specific document that they do not agree with the general conclusion.

Forensic examination can only be carried out by people with medical specialty. For the examination of forensic medicine, able to improve their skills in the field, to give its conclusion, can be involved in the desired doctor, which is capable of leading its conclusion. Such a doctor should be an objective, which is not involved in the criminal case, no personal interest, a purely conscientious person. 06 of the Criminal Procedure Code of the Republic of Uzbekistan 2) when an expert is the inquiry officer or protective, the victim's legitimate representative; 3) when the victim and the accused's relative; 4) connected with the accused, victim or responsible persons in the service; 5) The material of the cause of the initiated criminal case was inspired and this may refuse to participate in the event of a criminal case.

### **Conclusion.**

In conclusion, the procedural basis of judicial medicine examination is a critical aspect of this discipline, providing a framework for ensuring that examinations are conducted in a fair, reliable, and unbiased manner. The principles of judicial medicine examination, including impartiality, comprehensiveness, and respect for human rights, are essential for ensuring that examinations are conducted in accordance with the law and the rules of evidence. The steps involved in judicial medicine examination, including pre-examination preparation, informed consent, physical and mental examination, evidence collection, opinion formation, report writing, and testimony, must be conducted with due regard for the individual's dignity and human rights. By addressing the challenges and controversies in judicial medicine examination, including potential biases and conflicts of interest, lack of standardization and regulation, and coercive or manipulative techniques, we can ensure that judicial medicine examinations are conducted in a fair, reliable, and unbiased manner, ultimately contributing to the administration of justice.

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