

Problems With the Appointment and Conduct of Inspections Necessary in Case of Road Accidents

*Rayimov Hakim Nayimovich*¹

Annotation: This article is devoted to the work to be carried out by the inquisitors or investigators at the time of inspection of the site of traffic accidents, shortcomings in the practice of surveying the site of a traffic accident, types of expertise to be assigned by the traffic accident inquisitors or investigators, and questions to experts and feedback on decisions made as a result of the examination conclusion.

Basic words: the importance of traffic accidents, traffic safety, traffic rules, inspection of the place of the accident, appointment of an examination, examination of the results of the examination summary in the decision of the inquisitor or investigator.

The current global development and technological progress seen in all sectors, including the transportation system, have also manifested themselves. The number of modern cars and the diversity of their types on the roads have increased year by year, showing significant progress in road safety. Like a coin with two sides, the expansion of transportation vehicles has brought many benefits for the population, helping to solve family issues more comfortably. On the other hand, this situation is also impacting road safety issues. There are many problems arising due to non-compliance with the requirements of road signs, markings, and symbols, as well as the rules of conduct of road users, including drivers of vehicles. The absence of a mechanism that clearly identifies the "Vehicle - Driver - Pedestrian - Road - Environment" system in which actions are clearly understood is causing many issues. The saddest thing is that the increase in the number of traffic accidents and car accidents is killing many people, and the fact that such an unconscious situation exceeds the threat of a pandemic certainly worries all of us.

In the presence of our esteemed leader, addressing the aforementioned issues has been prioritized, as they pose a serious threat to the lives and health of our citizens. Ensuring safety on roads and creating convenience for the population are crucial tasks that require special attention.

Rayimov Hakim Nayimovich, head of the Expert Criminalistics Center of the department of internal affairs of Navoi region, lieutenant colonel. Independent student of the Academy of Law Protection of the Republic of Uzbekistan.

The increase in traffic on roads is negatively affecting the efficiency of transportation routes, leading to congestion. In the central streets of Tashkent, especially during peak hours, strong congestion is forming in the flow of transport vehicles, making it difficult for public transportation to move freely. Learning from international experiences, in countries that have undergone significant development, it has been proven that encouraging individuals to refrain from using personal vehicles and instead utilize public transportation is an effective solution to address such issues and improve traffic flow in urban areas.

The resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On ensuring the security of human life on roads and sharply reducing road traffic accidents, as well as bringing road safety in line with modern requirements in order to organize scientific, methodological and analytical work" dated April 4, 2022 No. PQ-190 was implemented, as well as the resolution of the Cabinet of Ministers of

¹ Head of the Expert Criminalistics Center of the IIB of Navoi region, lieutenant colonel. Independent student of the Academy of Law Protection of the Republic of Uzbekistan



the Republic of Uzbekistan No. 415 dated July 30, 2022 "On organizing scientific-methodological support for road traffic safety, regulating operation-installation activities on roads, and implementing the 'safe road' index operation" was adopted.

The purpose of accepting the mentioned decisions is to create favorable and comprehensive conditions for visitors who come to our country as guests, ensuring quality and all-around convenience for our population and homeland. Nowadays, the increase in road width and improvement of their quality without adhering to the rules of road traffic by drivers, as well as the growth in the number of road transport incidents contribute to a rise in accidents. Incidents of road transport occur as a result of violations of traffic rules. That is, the movement of one of the participants in road traffic: pedestrians, cyclists or drivers disregarding the rules leads to road transport incidents. Inspection, monitoring, and immediate response measures should be taken for each road transport incident until responsibility is established regarding the negligent individual related to the road transport incident. A qualified person who has been conducting inspection, examination, and forensic actions up to the point of accepting a legal decision has the possibility to carry out medical examinations, forensic examinations related to automotive technology, transport-trafficology, and evaluation related to the court. It is also possible for other types of expertise to be carried out by qualified individuals.

The analysis of the practical activities of the Republic's State Forensic Examination Institutions has revealed a number of issues and deficiencies related to

National database of legal documents, 11.02.2022, <https://lex.uz/docs/3743453>. (Application time: 20.08.2023).

automotive technology and transportation-traumatology expertise in road traffic accidents. Based on the results of the analysis of the practical activities of the Republic's State Forensic Examination Institutions, it is necessary to address the following issues in determining automotive technology and transportation-traumatology expertise in road traffic accidents.

First, forensic experts are not always appointed in time during the investigation, investigation and preliminary investigation of the traffic accident. According to the information of the Department of Public Security of the Republic of Uzbekistan, in 2022, a total of 9902 road transport accidents occurred nationwide. Of these road transport accidents, 44.9% were caused by driver negligence. These accidents resulted in the death of 2356 individuals and injuries to 9606 others.

In 2023, a total of 9839 road transport accidents occurred in our country, resulting in the death of 2282 individuals, including 263 children. It is important to note that in 2023, a total of over 16 million traffic violations were recorded. In nearly 42 thousand cases, drivers were found to be under the influence while operating a vehicle.

If we pay attention to the number of expertise conducted by inspection, examination, initial inspection, and expert examinations carried out by forensic and judicial authorities in road transport accidents, the following can be observed. In 2022, a total of 14,834 automotive and transport-traffic expertise were conducted by the IIV EKBM and its subordinate systems; in 2023, this number decreased to 14,575. Meanwhile, in Uzbekistan, under the Ministry of Justice of the Republic of Uzbekistan H. Sulaymonova's RSCCEM and its subordinate systems performed 15,158 automotive and transport-traffic expertise in 2022 and increased to 16,957 in 2023. Expertise evaluations related to determining the amount of material damage caused to a transportation vehicle as a result of road transport accidents are not conducted at expertise institutions within the IIV system; these evaluations are carried out by RSCCEM under the Ministry of Justice of the Republic of Uzbekistan H. Sulaymonova's name and its subordinate systems as well as specialized contractors involved in appraisal activities.

The statistics mentioned above indicate a lack of proportionality between the number of road traffic accidents and the number of forensic examinations conducted. Some road traffic accidents involve complex situations, requiring repeated or



1. *Decision of the President of the Republic of Uzbekistan, No. PD-190 dated 04.04.2022*
2. *Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, No. 415 dated 30.07.2022*

multiple examinations, ranging from 3 to 7 in some cases. It is not clear whether forensic examinations are being conducted for all road traffic accidents. However, the current legislative framework regulating forensic examinations in Uzbekistan, as outlined in various sectoral codes, provides specific guidelines for organizing and conducting examinations in court proceedings, taking into account the peculiarities and specifics of each case.

In line with the above considerations, the example of the Criminal Procedure Code of the Republic of Uzbekistan can be cited to illustrate this issue. The mentioned Code sets out strict procedures and principles for appointing forensic examinations (Chapter 22). When it is necessary to obtain important information through special investigations that may be crucial for determining the types of work to be performed in court, as well as when experts need to gather necessary information beyond their expertise and legal powers, forensic examination becomes essential.

At the same time, the procedure for appointing forensic examinations has specific features in each type of process. For example, in criminal proceedings "The expertise should determine the cause of death, the nature of the inflicted bodily injuries, and the severity of injuries; determine the presence of sexual relations, pregnancy, and the condition of the pregnant woman and transferring pregnancy by artificial means; determine the age of the suspect, accused, defendant if there are no documents or if there are doubts about their age; assess the mental and physical condition of a person being examined for work-related illnesses that may affect their actions and decision-making ability, as well as understand the importance of criminal responsibility in criminal proceedings by providing guidance on legal rights and benefits independently protect legal rights and benefits; have qualifications to understand and assess the mental and physical condition of a detainee or a witness as well as important conditions for their work when arrested during interrogation; have qualifications to independently protect legal rights and benefits within a detention facility; have qualifications to provide necessary treatment and opportunities for individuals suffering from severe internal disorders such as addiction, alcoholism, or mental illness; know about addiction treatment options, their analogues or psychotropic substances and their types availability; identify monetary signs, valuable documents or other evidence counterfeiting; determination of technical reasons for accidents, disasters and other extraordinary events when it is necessary. It is required to appoint an expertise when identifying other important conditions at work if special knowledge is necessary for this purpose but these conditions are not clearly identified with other means of proof.

On the official website of the Road Safety Service of the Ministry of Internal Affairs of the Republic of Uzbekistan statistical data

Secondly, in cases where the expert appointed by the court (organization) for expertise in road transport accidents issues a decision on the appointment of an automotive and transport-traffic expert, questions posed to the expert for resolution should be correctly formulated, or situations containing questions that do not fall within the expert's jurisdiction or have a legal content that does not fall within the expert's authority. In appointing court experts, it is necessary for questions posed to the expert for resolution to fall within the scope of the expert's specific knowledge (authority) and not exceed their legal competence. For example, in many cases of decisions on automotive expertise related to court proceedings, questions are posed to the expert regarding whether there was technical capability to anticipate a hazard faced by a driver or determine when a hazard presented itself to the driver's movement. Answering such questions does not fall within the scope of an expert's authority. It is necessary to clearly specify when a hazard occurred in cases where there was a change in pedestrian movement direction at a location along with traffic flow or when an obstruction appeared on the road while driving. Providing information about speed related to movement along an obstructed path in these situations should be done following appropriate guidelines. Providing an assessment of the actions of a driver who posed a danger to traffic, as indicated above, in order to determine the legal consequences of their actions does not fall within the authority of an expert. In such cases, the employee who is in charge of conducting investigations or inspections should seek advice from



experienced merchants and investigators to ensure that work is carried out efficiently without any gaps in handling materials during the time they are being reviewed by the court.

Thirdly, in determining the appointment of forensic experts for investigation of road transport accidents, forensic automotive engineering and transport-traffic expertise, as well as other important materials (such as the conclusion of medical forensic expertise or preliminary medical examination report, accident scene inspection report, etc.) are not presented.

In some cases, the process of examining the object is not organized by the body (individual) that appointed the expert.

The failure to provide research objects for the determination of expertise or not presenting them in sufficient detail can have a negative impact on the quality of research conducted. The shortcomings mentioned above in determining expertise and conducting research have been increasing year by year. Additionally, in recent times, due to road transport accidents, two separate vehicles are being stored in

Kh. Sulaymanova under the Ministry of Justice of the Republic of Uzbekistan and Republican Center for Forensic Expertise and the Ministry of Internal Affairs.

different locations, which complicates the process. Sometimes, drivers or owners who have parked vehicles do not provide accurate information about the location where the vehicles are stored, or delay the vehicles from undergoing expertise partially or completely repaired, which poses specific challenges. It is not possible to determine the material damage caused to the repaired vehicle or whether the vehicles met at which point during the connection time.

Fourthly The traffic accident analysis is a very complex process and many valuable situations arise when investigating it. According to D. Sh. Musina, the "dynamic" - variable, that is, even if people are observing the accident, many situations and some details may not be paid attention to. It is possible to add these ideas because this incident happens very quickly. Therefore, when verifying such incidents, it is necessary to re-examine the incident observed. Here I would like to provide an example that took place in practice.

In October 2023, on I.Karimov street in Navoi city, along the Karmana district towards Navoi city at a speed above the designated speed limit, a "Lacetti" registered car driver moving in the opposite direction made a sudden lane change from the right side of the road and collided with an oncoming "Cobalt" registered car that was moving in the opposite direction. As a result of the mentioned collision, the driver of the "Lacetti" car lost control and veered off to the right side of the road, hitting two pedestrians standing on the roadside. During the traffic incident investigation, it was determined that the second "Lacetti" car, along with a "Cobalt" car, collided with the first "Lacetti" car from behind in motion, witnesses and the driver of the "Cobalt" car confirmed that the second collision did not occur during braking. In the process of expert examination related to traffic accidents, it was determined that two vehicles collided with each other. It is possible to encounter such examples in practice. Due to the rapid occurrence of road traffic accidents in a short period of time, human vision does not allow for a complete view of all situations. To quickly clarify incidents, surveillance cameras installed in buildings along roads or video recorders installed in vehicles are invaluable. Based on the above, the following suggestions can be made for addressing issues in conducting automotive and transport-traffic expert examinations related to road transport accidents:

- Ensure a thorough and comprehensive examination of the site where the road transport accident occurred, showing all objects and traces in detail and clarity (the collision point is often marked with an "x" symbol within a circle, with skid marks and impacts not always clearly indicated);
- Engage automotive experts as specialists in the field of automotive technology to

Criminal Procedure Code of the Republic of Uzbekistan, Article 172. // Codes of the Republic of Uzbekistan: Collection / Ministry of Justice of the Republic of Uzbekistan: - T., 2014. - 1056 p.

investigate complex interactions between two or more types of transport vehicles, or incidents involving two or more human fatalities resulting from a road transport accident. - Organizing relevant



events related to the installation of video recorders, surveillance cameras in public transport vehicles connecting cities and in intersections;

- Assigning experts from state forensic examination institutions and authorized persons responsible for investigating, examining, and taking initial measures in road transport accidents to attend seminars for discussing controversial situations as well as dismissing invalid arguments involving expert opinions;
- Conducting training seminars on specific aspects of conducting expert examinations necessary for addressing road transport accidents, which require specialized expertise, in order to improve the skills and knowledge of experts working with the transport vehicle involved (scene) and sending them for examination under unique conditions.

Criminal Procedure Code of the Republic of Uzbekistan, Article 173. // Codes of the Republic of Uzbekistan: collection. / Ministry of Justice of the Republic of Uzbekistan: - T., 2014. - 1056 p.

D.Sh. Musina. Ways to solve problems of establishing the mechanism of a collision with a pedestrian by methods of material science traceology / Proceedings of the international scientific and practical conference "East-West: partnership in forensic science. Current issues in the theory and practice of forensic examination" (Almaty, November 6, 2014). – Astana, 2014. – 332 p.

Literature usage:

1. National database of legal documents, 11.02.2022 y., <https://lex.uz/docs/3743453>. (Application time: 20.08.2023 y.).
2. Decision of the President of the Republic of Uzbekistan PD-190 dated 04.04.2022.
3. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 415 dated 30.07.2022.
4. Statistical data of the Ministry of Internal Affairs and Communications of the Republic of Uzbekistan.
5. Kh. Sulaymanova under the Ministry of Justice of the Republic of Uzbekistan and Republican Center for Forensic Expertise and the Ministry of Internal Affairs.
6. Criminal Procedure Code of the Republic of Uzbekistan Codes of the Republic of Uzbekistan: collection. / Ministry of Justice of the Republic of Uzbekistan: - T., 2014. - 1056 p.
7. D.Sh. Musina. Ways to solve problems of establishing the mechanism of a collision with a pedestrian by methods of material science traceology / Proceedings of the international scientific and practical conference "East-West: partnership in forensic science. Current issues in the theory and practice of forensic examination" (Almaty, November 6, 2014). – Astana, 2014. – 332 p.
8. Traffic accidents in the eyes of experts / uz24.uz/society/ygl-transport.
9. <https://uza.uz/posts/2023>.

