

THE CONCEPT OF EVIDENCE IN CIVIL PROCEDURAL LAW, ENSURING AND EVALUATING EVIDENCE

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Abstract: This scientific article examines the concept of evidence, its types, the doctrine of evidence, the fact that any decision made in a civil case is based on evidence and only on evidence, the problem of evidence and its central role in the criminal justice system, the search and collection of evidence, its procedural consolidation, verification, and evaluation, and the legal norms directly regulating these matters. Standards established for proof, foreign experience. At the same time, the Civil Procedure Code contains articles providing for the concept of evidence, ensuring evidence, and its evaluation.

Keywords: Evidence, doctrine, testimonies, various documents, expert, conclusion, norm, audio, video recordings.

Introduction

Evidence is an integral part of any civic process. When submitting a case for trial, judges should be prepared not only to clearly state their position but also to confirm this by presenting evidence to the court. Based on this, the court will make a decision.

Evidence is various factual data that confirms or refutes the circumstances that must be confirmed in court cases. Evidence is the sole basis for establishing the truth in court and reaching a fair decision. Evidence in the Republic of Uzbekistan must be collected, examined, and evaluated in accordance with the procedure established by the legislation on civil, economic, administrative, and criminal proceedings. Evidence serves to substantiate the claims and disagreements of the disputing parties in civil cases, and in criminal cases, to fully and accurately establish the fact that a criminal event occurred, the identity of the person who committed it, the purpose of the crime, the degree of guilt, and the amount of damage caused. Evidence is collected only by authorized state bodies and officials. Investigative and judicial participants may submit evidence and request its inclusion in the case file. The testimony of the defendant, the victim, and witnesses of the plaintiff and the defendant, various documents, objects serving as evidence, and expert opinions are used as evidence.

Thus, in jurisprudence, evidence is understood as information, that is, the result of cognitive activity, while in logic, evidence is the justification of truth, that is, the justification of action.

Knowledge activity aimed at obtaining evidence to establish the truth is called evidence in jurisprudence. Evidence consists of gathering, providing, verifying, and evaluating evidence.

The most essential concepts in law are the subject of evidence and the limits of confirmation, which are defined differently for different categories of cases.

In civil proceedings, evidence in a case is information about facts obtained in the manner prescribed by law, on the basis of which the court establishes the presence or absence of circumstances justifying the claims and disputes of the parties, as well as other necessary circumstances.

Evidence is provided for each party during the review of civil cases. The law determines how the collection and presentation of evidence is carried out in civil proceedings. Failure to comply with the requirements of regulatory legal documents entails liability.

There are a number of criteria that all evidence must meet:

In civil proceedings, evidence must indicate the object of confirmation. That is, the provided information should reveal some meaning of the disputed aspects of the civil case.

(2) Proof of evidence. All this evidence confirms the validity of the stated claims or reflects their refutation.

(3) All information and materials must be obtained legally; otherwise, they cannot serve as evidence in a civil case. If it is established that the evidence was obtained in violation of this norm, the court cannot rely on this information when making a decision.

(4) Only explanations of the parties and third parties, witness testimony, written and evidentiary items, audio and video recordings, and expert opinions may be recognized as evidence.

Explanations are also provided in the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated October 2, 2007, "On Certain Issues of the Application of Legal Norms Related to Evidence by the Court in the Consideration of Civil Cases." According to this, certain facts are not subject to confirmation and do not require proof. For example, circumstances deemed publicly known by the court, a court decision on a civil case that has entered into legal force, and facts established by a court verdict in a criminal case fall into this category. It is not permitted to accept evidence that is irrelevant to the case, as well as to use information that cannot serve as evidence in the resulting dispute.

In the theory of civil procedural law, evidence is divided into two classifications:

- initial and derivative;
- straight and oblique.

The division of evidence into primary and derivative types is based on the formation process of this and other evidence. Preliminary evidence is evidence obtained directly from the first source.

Conclusion

The direct achievement of the goals set for the administration of justice in the resolution of civil disputes cannot be carried out in isolation from the development of relations from which these disputes may arise. The basis for carrying out the process of proof in civil proceedings is the provision of necessary evidence, and therefore, the study of this institution deserves the greatest attention.

The consideration and resolution of disputes in civil proceedings are based on the articles established in procedural legislation, the list of which is strictly regulated. In the absence of changes in the norms of current legislation, judicial practice not only eliminates existing gaps, but also creates new rules that are mandatory. Evidence can take several forms, such as documents, audio and video recordings, and witness testimony (written statements about what the witness saw or heard). Evidence can also be presented in court through the oral testimony of witnesses. There are a number of rules of evidence established to ensure justice and the acceptance of the best evidence in the judicial process.

Evidence is used in court proceedings to confirm the "discussed facts." The facts under consideration are the things you need to prove for your business to be successful.

References:

1. «SUDLAR TOMONIDAN FUQAROLIK ISHLARI BO‘YICHA DALILLAR VA ISBOTLASHGA OID QONUN NORMALARINI QO‘LLASH AMALIYOTI TO‘G‘RISIDA» QAROR 19.12.2020. 35-Son. <https://lex.uz/docs/-5185744>
2. R.Dj. RUZIYEV, V.R. TOPILDIYEV. Fuqarolik huquqi. O'quv qo'llanma- T.: 2011
3. D.Yu.Xabibullayev, J.T.Allayarov. Fuqarolik processual huquqi. O'quv qo'llanma - T.: 2020
4. Ózbekstan Respublikası Puqaralıq processual kodeksi.-T.: Ádalət, 2021. <https://lex.uz/docs/-3517337>
5. M.M.Mamasadiqov, Z.N.Esanova, D.Yu.Xabibullayev. Fuqarolik processual huquqi. Darslik - T.:2021