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Psychological prerequisites for the activity of a specialist psychologist in law enforcement agencies

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Abstract

The article discusses the concept of psychology and psychological jurisprudence recognition of methods and techniques of psychological influence by the legislation of the Republic of Uzbekistan. The author analyzes international legal acts and sources of psychology, the distinction between lawful and unlawful psychological influence, awareness of law enforcement officers about psychological influence and ways of its application. As a result of the research, ways to solve these problems will be identified.

Keywords: psychology, jurisprudence, investigation, citizens, torture, law, responsibility

Introduction

Success in solving a crime, while respecting the legal rights and freedoms of participants in the criminal process, depends on the correct conduct of individual investigative actions by the investigator, which in turn largely depend on the ability to correctly and fully use forensic, psychological and criminological knowledge. In their professional activities, employees of the Ministry of Internal Affairs and the Investigative Committee inevitably interact with participants in the criminal process and other citizens. At the same time, each party strives to determine the best option for its behavior and achieve the desired result by solving its tasks. Even if the goals of the participants in the criminal process coincide with the goals of the persons investigating crimes, establishing the truth through their subjective perception and attitude to the crime is a complex process. And in this case, it is necessary to provide a certain psychological impact. The importance of psychological ways of obtaining information is extremely great. They can be successfully used both in the process of detecting criminal activity of persons, and in the course of its prevention and suppression, as well as in the conduct of a preliminary investigation. Despite the fact that the information of interest is usually obtained using psychological methods of obtaining it, in most cases it indirectly indicates the criminal activity of individuals and is often the only primary signal. The object of this study is the social relations between the investigator and other participants in the criminal process associated with the use of psychological influence.

The subject of the study is the mechanisms of manifestation of psychological influence, the consequences of the application of the studied influence, and its relationship with specific investigative actions.

The purpose of this work is a comprehensive study of topical theoretical and practical issues and problems that arise when using psychological influence, as well as a comprehensive study of psychological influence and the development of practical recommendations for the preliminary investigation bodies.

The set goal is achieved by step-by-step solution of tasks, which include

- Give the concept of psychological impact.
- Determine its structure.
- Determine the criteria for the legality of psychological impact; Distinguish between legitimate and illegal psychological impact.
- To distinguish psychological influence from psychological coercion .
- To determine the methods and techniques of psychological influence in investigative activities.
- To reveal the significance of psychological influence in investigative activities.
- To analyze which methods and techniques are used most often on the example of the Republic of Uzbekistan.

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Research Methods

Structural-logical, comparative-legal, statistical, descriptive, sociological, system-structural, as well as dialectical method of scientific cognition, collection and analysis of scientific and practical material.

The article is based on the study of normative legal acts ("Universal Declaration of Human Rights" of December 10, 1948, "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of December 10, 1984; the Constitution of the Republic of Uzbekistan and the laws of the country.

Discussion

The word "psychology" appeared in the XVI century in Western European texts. Then the language of learning was Latin. It was made up of two ancient Greek words: "psyche" ("soul") and "logia" (understanding, knowledge). In these ancient Greek terms, meanings have settled, transformed by the two-thousand-year work of a great many minds. Gradually, the word "psychologist" entered the circulation of everyday life. In Pushkin's "Scene from Faust, "Mephistopheles says: "I'm a psychologist... oh, that's science!"

But at that time there was no psychology as a separate science yet. Psychologists were called experts on the soul, human passions and characters. Scientific knowledge differs from everyday knowledge in that it, relying on the power of abstraction and universal human experience, discovers the laws that rule the world. This is obvious for the natural sciences. Relying on the laws they have studied allows us to anticipate future events - from man-made solar eclipses to the effects of human-controlled nuclear explosions.

Of course, psychology is far away from physics, for example, in terms of its theoretical achievements and the practice of changing life. Its phenomena are immeasurably superior to the physical ones in terms of complexity and the possibility of cognition. The great physicist Einstein, getting acquainted with the experiments of the great psychologist Piaget, noticed that the study of physical problems is a child's game compared to the riddles of a child's game.

The teaching of Heraclitus that the course of things depends on the law (and not on the arbitrariness of the gods - the rulers of heaven and earth) passed to Democritus. The gods themselves, in his image, are nothing but spherical clusters of fiery atoms. Man is also created from various kinds of atoms. The most mobile of them are the atoms of fire. They form the soul.

He recognized as one for both the soul and the cosmos the law according to which there are no causeless phenomena, but all of them are the inevitable result of the collision of continuously moving atoms. Random events seem to be the causes of which we do not know.

Democritus said that at least one causal explanation of things would prefer the royal power over the Persians. (Persia was then a fabulously rich country.) Subsequently, the principle of causality was called determinism. And we will see how it was thanks to him that the scientific knowledge about the psyche was extracted bit by bit.

The soul, according to Aristotle, is not an independent entity, but a form, a way of organizing a living body.

The concept of psychological impact is always realized in communication, whether it is an ordinary conversation or manipulation of public consciousness in a team. Psychological influence is a kind of influence. Influence (in

psychology) is the process and result of an individual or a group of people changing opinions, attitudes, values, ideas, assessments, intentions and behavior of individuals or a group of people during interaction with them. Influence in the process of psychological influence is the result of the activity of the subject of influence, which leads to a change in any features of the object's personality, his consciousness, sub consciousness and behavior¹. The difference between psychological influence and the term "influence" that is close to it is that the concept of "influence" is broader. Psychological impact is the impact on the mental state, feelings and thoughts of other people, and not the impact directly on the human body or the objective situation surrounding it. Professional psychologists under psychological influence (influence) understand the process that regulates (self-regulation) the activity of interacting equally ordered systems of a certain psychological content, the result of which is the maintenance of the functional state of these systems or changes in the state of at least one of them. In the legal literature, you can also find the concept of psychological influence. In the context of investigative activities, forensic science pays great attention to the interaction of the person conducting the investigation and other participants in criminal proceedings carried out within the framework of subjective relations. The specific features of modern scientific psychology are also: 1) that human consciousness is for the first time both a subject and an object of scientific knowledge; 2) that the characteristics of a psychological fact depend both on the interpretation of the researcher and on the activity of the subject; finally, 3) the duality of psychology: it combines the features of both natural science and humanities disciplines: like the humanities, it allows for the possibility of description where not everything can be explained, which the natural sciences necessarily require.

Speaking about the interaction of the investigator, the inquirer - on the one hand, and such participants in the criminal process as the suspect (accused), witness, victim - on the other, we primarily mean the impact on the mental sphere of the subject-conscious and unconscious, thoughts, feelings and mental states, as well as his actions, activities performed with the help of psychological means and carried out in accordance with the objectives of the investigation of the crime. Such an impact is defined as psychological.

Thus, psychological impact is the socio-psychological activity of some people, carried out in various forms and by various means, aimed at other people and their groups in order to change the psychological characteristics of a person (her views, opinions, attitudes, value orientations, moods, motives, attitudes, and behavior stereotypes), group norms, public opinion or people's experiences that mediate their activities and behavior. The structure of psychological influence includes the subject who carries it out, the object to which it is directed, goals, motives, means, actions, techniques, conditions and the process of implementation. The subject of psychological influence is a consciously acting person who exercises influence (an employee, an investigator, an inquirer, etc.). The object of psychological influence is the psyche of the affected person or a group of persons (participants in criminal proceedings, persons of operational interest, criminal groups, etc.). The purpose of the influence is certain aspects or spheres of the psyche of the object of influence, which, under psychological influence, should change, move from the present state to the

desired, i.e. overcoming attitudes to counteraction. As a means of influence, the following are used:

- Verbal information, words - but it should be borne in mind that the meaning and meaning of the word can be different for different people and have different effects (the level of self-esteem, breadth of experience, intellectual abilities, features of character and personality type);
- Non-verbal information (intonation of speech, facial expressions, gestures, poses acquire a symbolic character and affect mood, behavior, the degree of trust. Actions of psychological influence that turn the possibility of changing the object of influence into reality. They carry out the process of influence, and they lead to a change in the course of events, changing the object, i.e. only as a result of the actions of psychological influence, those processes arise that lead to a change in mental parameters. The consequences of an impact or its results - the achievement or non-achievement of its goal, as well as side effects that were not included in the intentions of the influencer. These are the changes in the psyche that manifest themselves in his behavior and activity and which are perceived by the influencer through feedback. The consequences of psychological interaction are different: the formation of an actual psychophysiological state; comprehension of the situation, its reflection in the context of the existing system of values and relationships; changes in the attitude positions, motivations, sphere of interests, and context of activity. It is possible to draw a conclusion about the uniqueness of psychological impact as a separate psychological process by analyzing its structure. It has an independent object and subject, a connection between these components, which is achieved by goals, motives and means of applying psychological influence. Despite this, the place of psychological influence is not defined in the structure of investigative activity. Communication occupies an important place in various types of legal activity: in the process of communication, a significant part of the necessary information is collected, there is an incentive to cooperate with an investigative and operational employee. Successful communication of the investigative and operational worker with the persons involved in the case, which often takes place in the conditions of active opposition and conspiracy on the part of criminals, is possible only with the use of effective tactical techniques based on the data of psychological science. The professional competence of the investigator, the effectiveness of his professional activity largely depends on the knowledge of the peculiarities of the human psyche, the psychology of behavior, the psychology of communication and the ability to apply this knowledge in specific legally significant situations. The task of the investigator is to choose the strategy of the least risk, to anticipate the possible negative consequences of his decision and to think in advance of measures to eliminate or mitigate these consequences, i.e. to minimize the risk. The use of professional psychological knowledge in criminal procedural activities will lead to a reduction in the risks of making wrong decisions. Modern psychology defines it as follows: "Consciousness is the highest stage of the development of the psyche, knowledge that

accompanies the experience of feelings and the perception of images. It is also the knowledge that I am the one who is experiencing all this." In structural psychology, its subject was defined more concisely: "Consciousness is the sum of the contents I know at the moment." Consciousness, self-report, associative connections are the key concepts of structural psychology. What is their background? R. Descartes, the founder of philosophical rationalism, argued: only the fact of doubt as a method of thinking is certain. From the book "Reflections on the First Philosophy": [is this world not a dream, is it not a deception of the senses?] "I want to turn away from everything questionable until I find at least something reliable! As if suddenly thrown into a deep pool, I am so confused that I can neither put my foot on the bottom, nor float to the surface. But there is still a certain Great Deceiver and the one whom he deceives. If he is deceiving me, then I exist." "I think, therefore I exist." The pineal gland is an organ of interaction between the soul and the body, according to Descartes. Trust in consciousness as a synonym for reason. Descartes' consciousness is a tool for exploring the world, but not an object of research, since consciousness is integral, indivisible. 2. David Hartley (England, XVIII century) - the creator of the associative theory: associations are the basis of mental activity, which is the sum of increasingly complex associations. Association is such a connection of representations, thanks to which one representation, appearing in consciousness, necessarily causes another after it. 3. J. Locke, an empiricist, speaks about consciousness formed and filled with experience. Reflection, according to Locke, is an internal self-perception, different from external perception (that is, sensation). (Experience, however, is not reduced to either sensations or reflection). In the "Experience of Human Understanding" he speaks about two levels of mental activity: 1) perceptions-thoughts-desires; 2) contemplation of them. Reflection is the ability to give an account of one's impressions, ideas, and experiences. There is a doubling of consciousness in the situation of reflection: a) we perceive the external world; b) we reflect, that is, we perceive this perception itself. How can we know that someone has consciousness? Only from him. 1879 is considered the year of the birth of scientific psychology, since this year in the German city of Leipzig V. Wundt, a philosopher and psychophysicist, opened his first laboratory, where he began to conduct psychological experiments. That's why his field is called experimental psychology. Wundt believed that the things we perceive in the light of careful analytical introspection turn out to be structures of the simplest, elementary sensations. That is why Wundt's psychological direction is also called structural psychology. Psychophysics, which Wundt was engaged in before the discovery of his own method - the method of introspection, gave scientists great hope: it turned out that there could be an objective, that is, recorded by devices, a way to prove the connection between the soul and the body. Physiology knows that we have nerve cells in the brain, there are no thoughts or feelings there. How exactly the psyche is connected with its material substrate is unknown. Wundt's method of psychology: analytical introspection. Specially trained

introspectionists gave an oral report on the elements of their consciousness, avoiding the error of the stimulus (remember the "boa that swallowed an elephant" by de Sontexupery). We will find out what it is by conducting our own experiment.

The analysis of psychological and forensic publications allows us to identify the following criteria for the legal assessment of the fact of psychological impact: * establishing the identity of the subject-sender of the mental impact; • establishing the addressee of the impact; • establishing the degree of intellectual, volitional and mental development of the subjects of the sender-addressee of the impact; • legal consequences of the fact of mental impact; • establishing the degree of mental suggestion, impact • compliance with the requirements of expediency, effectiveness, selectivity of the impact; • establishment of the motive, goals and objectives of the mental, tactical impact; • whether the mental impact is tactical, criminal procedural in nature; • establishment of the source, as well as the causes and conditions of origin of the mental impact; • establishment of the type of activity in the system of investigative and procedural; • whether this impact is based on the ignorance of the opponent in matters of criminal law and process; • establishment of the duration and intensity of the mental impact and its legal consequences. establishment of the procedural status of the subjects of the sender and the addressee of the impact • * establishment of the place, time of the mental impact, others. The established fact of providing unlawful psychological influence is a significant violation, and, as a result, acts as a basis leading to the cancellation of the court verdict. Illegal mental influence, of course, has a negative impact on the process of collecting verification and evaluation of evidence, and also interferes with the process of forming conditions for the relevance, admissibility and reliability of evidence. It is important to consider the issue of protecting a participant in criminal procedural relations from unlawful psychological influence. International principles and norms, the Constitution of the Republic of Uzbekistan and the current legislation establish an absolute ban on the use of any uncivilized influence on participants in criminal proceedings. The dignity of the individual is protected by the State. Thus, in article 5 of the Universal Declaration of Human Rights of December 10, 1948. Proclaims that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment. On December 10, 1984, the UN General Assembly adopted and opened for signature, ratification and accession the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". This Convention, to which the Russian Federation is also a party, defines the concept of torture as any act by which severe pain or suffering, physical or moral, is intentionally inflicted on a person in order to obtain information or confessions from him or a third person, to punish him for actions that he or a third person has committed, information or confessions, punish him for actions that he or a third person has committed or is suspected of committing, as well as intimidate or coerce him or a third person, or for any reason based on discrimination of any nature, when such pain or suffering is caused by a public official or other person acting in an official capacity or at their instigation, or with their knowledge or acquiescence. The norm that confirms that no one should be subjected to torture, violence, other

cruel or degrading treatment or punishment is also contained in the Constitution. In November 2019, the UN Committee against Torture considered the next report of Uzbekistan on the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it has acceded and pledged to implement. The latest report is noteworthy because it covers the first two years of the rule of the President of Uzbekistan Shavkat Mirziyoyev, who promised positive reforms and changes for his citizens, including in the field of human rights protection. In addition, the protection of the rights of convicts has been strengthened. Now, in case of threats from law enforcement officers, they have the right to demand personal security, as well as to report their illegal actions to the Ombudsman or to the Prosecutor General's office by hotline. The presidential decree also prohibits the use of information obtained through torture and harsh treatment as evidence.

The seriousness of these innovations was confirmed by Shavkat Mirziyoyev himself. Speaking at a solemn meeting dedicated to the Constitution Day in December 2017, he stressed that cases of torture, mental and physical abuse of detainees and prisoners will not be allowed in Uzbekistan in the future. Later, in a message to the Oliy Majlis (the lower house of parliament), the head of state noted that an employee who committed such an act or a person who fulfilled someone's "order" will be brought to justice without fail. On June 26, President of Uzbekistan Shavkat Mirziyoyev signed a decree "On additional measures to improve the system for detecting and preventing cases of torture".

The resolution defines priority tasks for improving the effectiveness of the system for detecting and preventing cases of torture and other cruel, inhuman or degrading treatment or punishment.

In particular, Uzbekistan plans to bring the system of detection and prevention of cases of torture in line with the generally recognized principles and norms of international human rights law.

Among the tasks is the strict provision by the administration of the institution of preventing the viewing of appeals sent by persons with limited freedom of movement to national human rights institutions, as well as their immediate referral to the recipient.

Uzbekistan intends to take measures to improve the mechanism for prompt and objective consideration of complaints about cases of torture, as well as the inevitability of bringing the perpetrators to justice.

The Head of Uzbekistan approved a proposal to create public groups on the basis of an expert group under the Commissioner of the Oliy Majlis for Human Rights (Ombudsman) to identify and prevent cases of torture.

These groups will regularly conduct monitoring visits to prevent the use of torture in the guardhouse, in special reception facilities, temporary detention facilities, pre-trial detention facilities, institutions for the execution of punishment, disciplinary units and institutions of forced treatment.

The groups will study the conditions of detention in these places and inform the public about it, identify cases of torture and submit requirements for their prompt elimination to the relevant State body.

Public groups will participate in the consideration of complaints about cases of torture and the provision of

social, legal, psychological and medical assistance to victims of torture.

Experts of the National Center for Human Rights, medical workers, representatives of non-governmental non-profit organizations, mass media and other civil society institutions will be involved in the composition of public groups.

The administration of places of detention of persons with restricted freedom of movement provides Public groups with the necessary conditions for an unhindered meeting and private conversation with a person with restricted freedom of movement, as well as familiarization with the relevant documents.

State bodies and their officials, the administration of places of detention of persons with limited freedom of movement assist in the implementation of the activities of Public groups. The administration of the institution where monitoring visits are carried out is responsible for ensuring the safety of members of Public Groups;

The Ombudsman will annually submit a report to the chambers of the Oliy Majlis until March 15 on the work on preventing cases of torture and other cruel, inhuman or degrading treatment or punishment. The report will be published in the media.

By next year, Uzbekistan plans to introduce a unified electronic register of persons placed in places of detention of persons with limited freedom of movement.

Measures will be taken to improve the practice of persons with limited freedom of movement contacting a lawyer or a close relative by phone, based on the requirements of the legislation on torture.

The National Center for Human Rights, together with the Ombudsman and the Ministry of Internal Affairs, was instructed to submit proposals to the Cabinet of Ministers on the issue of Uzbekistan's accession to the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, December 18, 2002).

The procedure for compensation of damage caused to persons who have suffered from the use of torture will also be developed.

The Head of Uzbekistan instructed to bring the norms of the Criminal Code establishing responsibility for the use of torture into line with the UN Convention against Torture (New York, December 10, 1984).

According to the decree "On additional measures to improve the system for detecting and preventing cases of torture", from October 1, 2021, courses on combating the use of torture will be organized for operatives, investigators and employees of penitentiary institutions.

Also, public groups for the detection and prevention of torture will be created under the Commissioner for Human Rights. Their duties will include monitoring of guardhouses, special detention centers, temporary detention centers, institutions for the execution of punishment and institutions of forced treatment. The groups should study the conditions of detention of prisoners and prisoners, identify cases of torture and report this to state agencies, inform the public

Conclusion

Coercion is understood as any mental or physical influence on the accused, which, by limiting his freedom of choice, determines specific actions and (or) decisions. It has been noted in the legal literature that coercion should mean

forcing not only to give evidence when the accused does not want to give it at all, but also to give certain testimony that the investigator wants to get, but the accused does not want to give, without refusing to give evidence in general. 3 Any mental violence is categorically unacceptable in legal proceedings: blackmail, threats, deception, unfounded promises, the use of religious prejudices, the lack of culture of the interrogated, ignorance of their rights, etc.

Bullying attitude, aggravation of severe mental states, mental sadism are unacceptable. Legitimate influence differs from mental violence in the presence of the freedom of choice of a particular position for the affected person. Legitimate mental influence in itself does not dictate a specific action, does not extort the testimony of a particular content, but, interfering in internal mental processes, forms the correct position of a person, a conscious attitude to his civil duties and only indirectly leads him to choose a certain line of behavior (the voluntary choice distinguishes, for example, an interrogation aimed at obtaining truthful testimony from soliciting a confession). With violence, a person is significantly limited or completely deprived of the opportunity to choose a line of behavior for himself. This is the problem considered in the framework of this article-the awareness of law enforcement officers about the psychological impact. The studied type of impact, as already mentioned above, does not have its own legislative support, from a scientific point of view, it is not fully disclosed, and at this stage it is not of particular interest for its practical application. With the available scientific material, employees of investigative bodies should be well aware and familiar, since their official duties include psychological impact on both the employee and the heads of investigative bodies, it is necessary to insist on studying the basics of psychological impact.

To solve this problem, the following proposals are put forward:

First, it is recommended to develop a plan for the comprehensive conduct of theoretical and practical classes, both as part of professional training and as part of special advanced training courses;

Secondly, to focus on the study of this issue in educational institutions, on the terms of certain programs;

Thirdly, it is recommended to develop special methodological guidelines within the narrow topic of psychological impact in jurisprudence. The most important trend of the movement of human civilization into the future is the creation of a society based on the law. All humanistic ideas that put human interests at the center of public interests, the idea of democracy of rights and freedoms, the full satisfaction of the needs of free development will remain a bluff outside the rule of law. The most important condition for their vitality is a legal state that ensures the rights and freedoms of citizens. The rule of law and social progress are inseparably united. History teaches, and the life of modern Uzbekistan convincingly confirms that, for example, the economy cannot develop and provide for the material and spiritual needs of citizens without everyone's respect for the law. Crime in society is no longer just a kind of bitter foam on the surface of its boiling life. Criminalization of society organized crime corruption with their scale and influence is a cancer that threatens to destroy it. According to the very meaning of the rule of law, its humanitarian and democratic purpose, the work of legal bodies should be radically restructured. This is not

achievable without the psychological restructuring of all law enforcement officers without mastering fundamentally new techniques and methods of work, in particular related to their increased psychologization, i.e. the full use of data and recommendations of legal psychology where and when it is needed and will give an improved practical result. Special measures are needed on the part of state and administrative structures to strengthen such support, to ensure the full use of the achievements of legal psychology in mass practice, to improve the psychological professionalism of the staff of legal bodies.

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