

THE IMPORTANCE OF FORENSIC PSYCHIATRIC EXAMINATION IN THE APPLICATION OF MEASURES OF MEDICAL COERCION

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Annotation: Despite the reforms implemented in the judicial system of Uzbekistan in recent years, the procedure for appointing a forensic psychiatric expert is based on the procedure for applying coercive measures of a medical nature. This article examines the problems that arise in legislation and practice regarding the appointment and conduct of a forensic psychiatric examination in the case of the application of measures of medical coercion to persons who have committed a socially dangerous act.

Keywords: forensic psychiatric examination, insanity, mental disorder, legal criteria, medical criteria, use of coercive measures in the medical direction

INTRODUCTION

The content and essence of the judicial reforms carried out in our country are aimed at further strengthening human rights, in particular, the purpose and essence of the use of procedural coercive measures in the form of placing a person in a medical institution for the period of inpatient treatment. Forensic psychiatry is designed to protect society from the criminal acts of mentally ill or mentally ill persons, to help such persons to reintegrate into society, to cure them or to improve their mental state to a level where they do not pose a danger to society, as well as to prevent these persons from committing new socially dangerous acts. When applying this type of coercive measure, the interests of the individual and society are combined [1].

METHODS

In accordance with the requirements of the law in force, all State bodies and officials conducting criminal proceedings are obliged to protect the rights and freedoms of participants in criminal proceedings. In this process, the investigator, the investigator, the prosecutor and the court must find out whether a crime has taken place, who is guilty of it, as well as all the circumstances related to it.

In particular, articles 265 to 269 of the Code of Criminal Procedure set out the grounds and time limits for placing a person in a medical institution. If there is a need for an in-patient examination of the accused or defendant in the course of a forensic medical or forensic psychiatric examination, they may be placed in an appropriate medical institution. A suspect whose mental state precludes the possibility of being prosecuted and charged, if there is sufficient evidence that he or she has committed a socially dangerous act, is placed in a psychiatric institution for examination [2].

RESULTS

Also, the victim and witnesses may not be placed in a medical institution for the purpose of conducting an appropriate forensic medical examination. He is a suspect, an accused and a defendant under the Criminal Code.

Except in cases where there is no other way to verify the veracity of the testimony given by them revealing the fact that they have committed grave or especially grave crimes provided for in paragraphs four and five of Article 15. A person may be placed in a medical institution for a period not exceeding one month. In some cases, on the basis of a doctor's report obtained during an inpatient forensic medical examination, this period may be extended by the court to one month only in respect of the accused and the defendant. The period of detention in custody or house arrest shall be supplemented by the time spent by the suspect, accused or defendant in a medical institution. If there are grounds for placing a person in a medical institution, the prosecutor, investigator and investigator shall issue a decision to initiate a request for the placement of the person in a medical institution, indicating the grounds for the application of this procedural coercive measure.

A petition for the placement of a person in a medical institution by a judge of a district (city) court for criminal cases at the place of investigation or preliminary investigation, who is not a judge of these courts, or, if there are circumstances, excluding his participation in the consideration of a petition for placement in a medical institution, criminal cases on behalf of the chairman of the court of the Republic of Karakalpakstan, the regional court for criminal cases, the Tashkent city court, of the Military Court of the Republic of Uzbekistan, it will be considered on a case-by-case basis by a judge of another relevant court.

A petition for the placement of a person in a medical institution shall be considered in the presence of the prosecutor, defence counsel and, if he participates in the case, the representative of the victim representing the interests of the persons whose placement in the medical institution is being considered by the medical institution, the witness's lawyer and legal representatives [3].

A person placed in a medical institution has the right to participate in a court hearing if his or her health permits. If necessary, the investigator or investigator may be summoned to appear in court. The judge shall consider the application for the placement of the person in a medical institution and shall decide whether to place the person in a medical institution or to refuse to place the person in a medical institution. The court's decision comes into force from the moment it is read and heard. Within seventy-two hours from the date of this decision, the person placed in a medical institution, his or her defence counsel, the victim's representative, the witness's lawyer and the legal representative may file an appeal or protest with the prosecutor. A complaint or protest is filed through the court that made the decision. This court must send them to the Court of Appeal, together with the materials, within forty-eight hours. The filing of a complaint or protest does not suspend the execution of the court decision. The appellate court is obliged to consider these materials together with the complaint or protest no later than seventy-two hours from the date of their receipt. The court of appeal has the right to consider the appeal and protest and by its decision to leave the judge's decision unchanged, and to leave the complaint, protest unsatisfied - to cancel the judge's decision.

Upon receipt of the conclusion of an in-patient forensic medical or forensic psychiatric examination, the procurator, investigator and investigator must notify the court that made the decision and issue a decision to revoke the procedural coercive measure in the form of placing the person in a medical institution.

On the basis of the results of the forensic medical examination, when a person is found to be mentally disabled, the question of his or her further stay in a medical institution is considered in accordance with the provisions of chapter 61 of the Code of Criminal Procedure, i.e. in the procedure for handling cases involving the application of coercive measures of a medical nature. In cases where the victim or witness is found to be mentally incompetent or the person has been diagnosed with another type of mental illness

requiring psychiatric assistance, it is resolved on a general basis in accordance with the law.

Thus, proceedings on the application of coercive measures of a medical nature are a complex legal institution that includes, along with the norms of criminal procedure law, the norms of criminal and other branches of law, as well as some rules of forensic psychiatric and forensic psychiatric examination. expertise.

CONCLUSION

As can be seen from the above, the reforms carried out in our country are carried out primarily for the sake of the person, for the sake of his value, in a word, according to the principle

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