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UDC 343.14 (575)

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RECOGNITION OF EVIDENCE INADMISSIBLE IN THE CRIMINAL PROCEDURE: THE EXPERIENCE OF CENTRAL ASIAN COUNTRIES

A study of the criminal procedural legislation of the countries of Central Asia (Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, Tajikistan) shows that in these countries the procedure for declaring evidence inadmissible has certain features that reflect the level of development of their legal system.

Common to the legislation of Ukraine and the Republic of Kazakhstan in the aspect of the institution of inadmissibility of evidence are the criteria for violation of the procedural form and constitutional rights and freedoms of the individual.

Unlike the Criminal Procedure Code of Ukraine, the Code of Criminal Procedure of the Republic of Kazakhstan provides for a solution to the issue of inadmissibility of evidence or their limited use in criminal proceedings at the stage of preliminary investigation.

In the criminal process of the Republic of Uzbekistan, as well as in the Republic of Kazakhstan, the decision on recognizing evidence as inadmissible and excluding it from the body of evidence is carried out by an official of the body carrying out the pre-investigation check, by the interrogator, the investigator, the prosecutor both at the stage of pre-trial investigation and by the court at the judicial stages of criminal process.

The Code of Criminal Procedure of the Kyrgyz Republic allows the use of scientific and technical means in the process of proving and recognizes them as admissible. The Kyrgyz legislator abandoned the institution of attesting witnesses in

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favor of more modern technical means of recording investigative actions. A characteristic feature of the Kyrgyz criminal procedure legislation is that it regulates the procedure for excluding evidence.

A characteristic feature of the criminal procedural legislation of the Republic of Turkmenistan is that, unlike other post-Soviet countries, the court retains the right of the court to collect ex officio evidence, as well as to examine evidence collected during the preliminary investigation during the judicial investigation.

Keywords: inadmissible evidence, significant violations, trial, exclusion of evidence, petition of the parties.

Отримано 09.06.2021