

THE LEGAL NATURE, CONCEPT, AND PROCEDURAL SIGNIFICANCE OF CONFRONTATION AS AN INVESTIGATIVE ACTION

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ABSTRACT

This article examines the legal nature, concept, and procedural significance of the investigative action known as confrontation (face-to-face interrogation). Particular attention is paid to the role of confrontation in ensuring a comprehensive, complete, and objective investigation of criminal cases, as well as the grounds and procedures for its conduct. The article analyzes the procedural rights and obligations of participants involved in confrontation and highlights its importance in identifying and verifying evidence. Furthermore, it discusses challenges arising during the process, including resolving contradictions in testimonies, mutual influence of participants, and the impact of psychological factors. The article concludes with scientific and practical recommendations aimed at improving the institution of confrontation.

Keywords: *confrontation, investigative action, criminal procedure, evidence, testimony, procedural order, legal nature, proof, investigation.*

ANNOTATSIYA

Mazkur maqolada yuzlashtirish tergov harakatining huquqiy mohiyati, uning tushunchasi va jinoyat-protsessual tizimidagi o'rni ilmiy-huquqiy jihatdan tahlil etilgan. Xususan, yuzlashtirishning jinoyat ishini har tomonlama, to'liq va xolisona o'rganishda tutgan o'rni, uning o'tkazilish asoslari hamda tartibi yoritib berilgan. Maqolada yuzlashtirish jarayonida ishtirok etuvchi shaxslarning protsessual huquq va majburiyatlari, shuningdek, ushbu tergov harakatining dalillarni aniqlash va tekshirishdagi ahamiyati ochib berilgan. Shu bilan birga, yuzlashtirishni o'tkazishda yuzaga keladigan muammolar, xususan, ko'rsatmalardagi qarama-qarshiliklarni bartaraf etish, shaxslarning o'zaro ta'siri va psixologik omillar ta'siri tahlil qilinadi. Maqola yakunida yuzlashtirish institutini takomillashtirishga qaratilgan ilmiy-amaliy taklif va tavsiyalar ilgari suriladi.

Kalit so'zlar: *yuzlashtirish, tergov harakati, jinoyat protsessi, dalillar, ko'rsatma, protsessual tartib, huquqiy mohiyat, isbotlash, tergov.*

АННОТАЦИЯ

В данной статье рассматриваются правовая сущность, понятие и процессуальное значение следственного действия — очной ставки. Особое внимание уделяется роли очной ставки в обеспечении всестороннего, полного и объективного исследования обстоятельств уголовного дела, а также основаниям и порядку её проведения. В статье анализируются процессуальные права и обязанности участников очной ставки, раскрывается значение данного следственного действия в выявлении и проверке доказательств. Кроме того, рассматриваются проблемы, возникающие при

проведении очной ставки, в частности устранение противоречий в показаниях, взаимное влияние участников и влияние психологических факторов. В заключение предлагаются научно-практические рекомендации по совершенствованию института очной ставки.

Ключевые слова: *очная ставка, следственное действие, уголовный процесс, доказательства, показания, процессуальный порядок, правовая сущность, доказывание, следствие.*

1. Relevance of the Topic: In the context of increasingly complex modern crime, the issue of prompt, comprehensive, and objective detection and investigation of criminal offenses has become particularly significant. In this regard, the role of confrontation as an investigative action—being one of the effective methods of identifying, verifying, and evaluating evidence in criminal proceedings is growing in importance. In practice, contradictions that arise in the testimonies of witnesses, victims, or suspects necessitate the use of confrontation.

However, failure to comply with procedural rules during confrontation, the possibility of collusion between participants, as well as the influence of psychological pressure, may negatively affect the effectiveness of this investigative action. Therefore, a thorough scientific analysis of the legal nature of confrontation, its grounds, and procedures, along with the identification of existing problems and the development of solutions, is highly relevant.

Furthermore, the development of information technologies, the introduction of remote investigative procedures, and the expansion of international experience require further improvement of the institution of confrontation. For this reason, studying this topic is important not only from a theoretical perspective but also in practical terms.

2. Introduction. Investigative actions occupy a significant place within criminal proceedings, as they are directed toward the collection, verification, and evaluation of evidence in criminal cases. Each investigative action is characterized by its own legal nature, procedural framework, and tactical peculiarities. Among such procedural measures, confrontation represents one of the most important investigative actions in the system of criminal procedure.

From a legal perspective, confrontation may be defined as the simultaneous questioning of two individuals who have previously been interrogated, conducted in each other's presence where substantial contradictions exist between their testimonies concerning the circumstances of a criminal case.

Within the framework of criminal proceedings, the use of confrontation for the purpose of obtaining, verifying, and legally assessing evidence constitutes an essential element of the evidentiary process. The procedural regulations and forensic tactics governing confrontation establish the legal standards for working with evidence during the investigation of criminal offenses. These standards are grounded in the fundamental principles enshrined in the Criminal Procedure Code of the Republic of Uzbekistan, including the principle of legality, equality before the law and the court in the administration of justice, respect for human honor

and dignity, protection of individual rights and freedoms, establishment of objective truth, the presumption of innocence, and the direct and oral examination of evidence, along with other democratic legal principles. Such provisions reflect the priority given by the state to safeguarding human rights, freedoms, honor, and dignity.¹

At the same time, the legal essence of confrontation continues to generate scholarly debate among specialists in criminal procedure and forensic science. While certain scholars interpret confrontation as a specific form or разновидность interrogation, others recognize it as an independent investigative action possessing distinct procedural and tactical characteristics.

3. Research findings. Representatives of the first scientific school interpret confrontation as a complex form or a specific type of ordinary interrogation. This approach was advanced by the procedural scholar M.S. Strogovich, who defined confrontation as the process of simultaneously interrogating two individuals regarding the same event in each other's presence. However, this definition does not clearly emphasize the primary purpose of confrontation, namely the elimination of existing contradictions. Consequently, according to this view, confrontation is essentially regarded as equivalent to ordinary interrogation.

A similar position was expressed by A.B. Solovyev, who defined confrontation as “the interrogation of two previously questioned persons in each other's presence, conducted in cases where significant contradictions exist in their testimonies, for the purpose of establishing the truth regarding disputed circumstances.” In Solovyev's opinion, both interrogation and confrontation share the same cognitive nature because they rely on a common method of obtaining information, namely the questioning process. R.S. Belkin also supported this position, characterizing confrontation as “a continuous comparative process of the testimonies of two simultaneously interrogated persons.”²

However, representatives of the second group strongly criticized this approach and considered confrontation to be an independent investigative action possessing its own specific purpose, procedural framework, and tactical methods. In his monograph “*Очная ставка*” (1982), N.V. Bakharev substantiated confrontation as a separate and independent procedural institution. Particular attention should also be paid to the concept advanced by V.E. Konovalova. She defined confrontation as “an investigative action aimed at obtaining evidence in a case, consisting of the simultaneous interrogation of witnesses, accused persons, or a witness and an accused person by investigative or judicial authorities for the purpose of eliminating significant contradictions in their testimonies and establishing the truth.” The notable aspect of this definition is that it clearly specifies not only the purpose of confrontation but also the range of its participants. N. Zhilina likewise considered confrontation to be an independent investigative action and defined it as “the alternating interrogation of two

¹ Sh.A. Ismaylova (2024). *The Essence and Significance of Confrontation as an Investigative Action*. Models and Methods in Modern Science, 3(6), p. 111. <https://doi.org/10.5281/zenodo.11090394>

² Ochnaya stavka kak samostoyatelnoe sledstvennoe deystvie. (n.d.). Vuzlit. Retrieved April 1, 2026, from https://vuzlit.com/1418171/ochnaya_stavka_samostoyatelnoe_sledstvennoe_deystvie

previously questioned persons in each other's presence with the purpose of eliminating contradictions and establishing the truth in a case.”³

During confrontation, a suspect, accused person, defendant, victim, or witness may participate. Although this investigative action is primarily aimed at verifying previously given testimonies and evidence, it cannot be excluded that new information significant to the case may also emerge during the process.

An important feature of confrontation is that the participants are provided with an opportunity to clarify their previously given testimonies. This process is carried out through questions posed by the investigator, inquiry officer, prosecutor, or court, as well as through the answers provided by the other participant. Furthermore, during confrontation individuals may alter their previous statements, recall certain forgotten circumstances, or provide new information important to the case. In practice, it is common for one of the interrogated persons to deny and modify their earlier testimony while presenting new facts. In such situations, conducting an additional interrogation of that person after confrontation may produce effective results.

During confrontation, the truthful and reliable testimony of one participant often influences the other participant. As a result, the individual providing false testimony begins to realize that denying the truth is impossible. Upon hearing the statements of the other party, the person may gradually recall the events he or she personally observed or heard and attempt to correct inaccuracies in his or her testimony.

In some cases, both participants in the confrontation recognize the contradictions between their testimonies and attempt to eliminate them. If discrepancies nevertheless remain, the process of clarifying them continues through additional interrogations and other investigative actions.⁴

According to criminal procedural legislation, confrontation may only be conducted between two persons, and the simultaneous face-to-face interrogation of more than two individuals is not permitted. One of the essential requirements of confrontation is that the participants must have been interrogated separately beforehand.

If serious contradictions are identified in the testimonies of three or more persons, confrontation is conducted in pairs, meaning separately between every two individuals involved.

When conducting confrontation, the general rules governing interrogation in criminal proceedings, particularly the procedures established in Articles 96–108 of the Criminal Procedure Code, are applied. At the same time, participants retain the rights and obligations they possess during ordinary interrogation. For example, a suspect or accused person retains the right to refuse to testify during confrontation as well. Likewise, persons participating in the interrogation of a minor witness or victim also take part during confrontation.

³ Понятие, задачи, виды и значение очной ставки. (n.d.). Studwood. Retrieved April 1, 2026, from https://studwood.net/557578/pravo/ponyatie_zadachi_vidy_znachenie_ochnoy_stavki

⁴ Понятие, задачи, виды и значение очной ставки. (n.d.). Studwood. Retrieved April 1, 2026, from https://studwood.net/557578/pravo/ponyatie_zadachi_vidy_znachenie_ochnoy_stavki

If a witness or victim participates in confrontation, they are warned about liability for refusing to testify, evading testimony, or knowingly giving false testimony. This warning is duly recorded in the official protocol.

In most cases, confrontation is initiated by the investigator when substantial discrepancies are identified in the testimonies of previously interrogated persons. At the same time, legislation does not limit the initiation of confrontation solely to the investigator; other participants in criminal proceedings, including the victim, accused person, defense counsel, and others, may also request its conduct.

It is well known that every individual perceives events in a unique and subjective manner. Therefore, objective reality may naturally be reflected differently in the consciousness of different persons. In order to establish the actual circumstances of the case, the inquiry officer, investigator, prosecutor, or court relies on concrete evidence and factual information. This necessitates the elimination of existing contradictions. Discrepancies in testimonies may be either significant or insignificant depending on their impact on the essence of the case.

Significant contradictions refer to inconsistencies in testimonies relating to circumstances included within the subject of proof, where the information provided mutually contradicts one another. Such discrepancies may concern the description of events under investigation, the conditions under which an object or event was perceived, or the scope of the information provided. In some cases, contradictions relate to the entire object, while in others they concern only particular aspects, or its internal or external characteristics. Their causes may include intentional distortion of facts, incorrect perception of reality, weakness of memory, or inaccurate expression of actual circumstances.

Confrontation is conducted in the form of a question-and-answer procedure. Before beginning the face-to-face interrogation, the inquiry officer, investigator, or presiding judge asks each participant in turn whether they know one another and what kind of relationship exists between them, after which their answers are heard. Subsequently, each interrogated person is invited in turn to answer questions regarding the circumstances in which contradictions have arisen. If the contradiction concerns several issues or circumstances, the confrontation first addresses one issue by obtaining the testimonies of both persons, after which questioning proceeds to the next issue or circumstance.

4. Conclusion. Confrontation as an investigative action is one of the important procedural means in criminal proceedings for establishing the truth, eliminating existing contradictions, and verifying evidence. Through this investigative action, inconsistencies in the testimonies of previously interrogated persons are clarified, and important information serving to establish the objective truth in a criminal case is obtained. In this regard, confrontation plays a significant role in ensuring a comprehensive, complete, and impartial investigation of criminal cases.

The analysis demonstrates that different approaches exist among procedural law scholars and criminalistics researchers regarding the legal nature of confrontation. While some scholars regard it as a complex form of interrogation, others recognize confrontation as an

independent investigative action. However, the existence of its specific purpose, procedural framework, tactical characteristics, and psychological influence between participants further strengthens the significance of confrontation as an independent investigative action.

Furthermore, when conducting confrontation, it is essential to strictly observe criminal procedural principles such as legality, respect for human rights and freedoms, the presumption of innocence, and the direct and oral examination of evidence. This is particularly important because ensuring the procedural rights of participants and preventing unlawful pressure during the course of confrontation are of great significance.

In conclusion, confrontation is one of the important institutions in criminal proceedings that serves to enhance the effectiveness of the evidentiary process. Therefore, its further scientific and practical improvement remains one of the pressing tasks of modern criminal procedural legislation.

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