

## SUMMARY

**Key Words:** civil process, judicial examination, rights and duties of the expert, appointment of the examination.

**Subject matter:** Expertise in civil procedure

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**The supervising organization:** \_\_\_\_\_

**The relevance of the research topic** The relevance of the topic of the study of final qualification work is that forensic expertise plays a huge role in the qualitative and comprehensive examination of civil cases.

The realities of today's days cause the steady growth of the number of various kinds of disputes that are subject to review in various judicial instances. The development of commodity-money relations, trade relations, expansion of the sphere of civil-law regulation are the catalyst for the activity of subjects of civil legal relations. And hence the consequence of the growth of unresolved disputes.

Sometimes judges, as specialists in the field of law, are almost impossible to understand certain issues that are being considered in courts. To make the right and fair decision, it is simply necessary to attract narrow specialists in various fields of science, technology, art, etc.

Conducting these studies and giving a qualified opinion is the goal of the work of experts and expert institutions. Civil procedural law grants the right to be considered a separate type of evidence to an expert opinion. Nowadays the number of not only conducted examinations, but also types of forensic examinations, is growing. Participants in civil processes are increasingly using the services of experts.

**The purpose of the work:** the study of the institution of forensic examination in the civil process.

### **Objective:**

- to study the concept, types and tasks of examination;
- to consider the subject, object and methods of examination;
- to study subjects of expert activity, their duties, rights and responsibilities;
- analyze the features of the appointment of forensic expertise in civil cases;
- consider the stages of the forensic examination of civil cases;
- examine the content and structure of the expert's conclusion.

**The theoretical and practical significance of the research** is to justify the conclusions and proposals for improving the regulatory and legal regulation of relations related to expert activities. The findings, as well as practical suggestions, can improve the scientific level in the field of legal regulation of forensic expertise, and contribute to the development of the regulatory and legal framework that regulates these legal relationships. The results of the research can be used in the teaching process in the teaching of such disciplines as: civil and arbitration processes, forensic medicine, etc.

### **Results of the study:**

1. Forensic examination is an independent legal institution, i.e. a set of rules of procedural law governing relations by appointment, production of expertise, receipt and evaluation of the expert's conclusion. It does not imply any expertise, but only that which is used in the judicial process. It is characterized by a fairly rigid procedural form.
2. There is no complete list of applied types of expertise in the civil process. Therefore, a three-dimensional classification base (subject, object and technique) is used. There are nine classes of forensic examinations, which in turn are divided into genera, species, varieties. In civil proceedings, the most frequent are handwriting, commodity science, construction and technical, forensic, forensic psychiatric, psychological, land management expertise, etc.
3. Expertise is appointed by the court when there arise in the course of consideration of the case issues requiring special knowledge in various fields of science, technology, art, craft.

When appointing a forensic examination in a civil case, the court (judge) must clearly define its genus, questions submitted for the expert's permission, and make a reasoned determination. Each of the parties and other persons participating in the case have the right to submit to the court issues that are subject to resolution during the examination, but finally the range of issues to be resolved by the expert is determined by the court. The court must motivate rejection of the proposed issues.

4. The judicial examination is carried out by experts of forensic institutions on behalf of the heads of these institutions or other experts to whom it is entrusted by the court. Examination can be conducted in court session or outside the meeting, if it is necessary by the nature of the research or if it is impossible or difficult to deliver materials or documents for research in the meeting.

In the course of the examination, certain principles must be followed. Such principles are:

- the principle of legality;
- the principle of independence of the expert;
- the principle of objectivity, comprehensiveness and completeness of research.

5. In the process of expert research, there are four main stages:

- preparatory stage;
- stage of separate examination of the objects of examination;
- stage of comparative study of the objects of examination;
- the stage of generalization, evaluation of the results of the study and the formulation of conclusions.

The process of production of forensic examination ends with the design of the study in the form of an expert's conclusion.

6. The result of the examination is a written opinion prepared by the expert, which has the force of evidence in the case. This conclusion should contain a detailed description of the research conducted, the findings and answers to the questions raised by the court as a result of the research. The expert's conclusion, like any other evidence, does not have a pre-established force for the court and is subject to assessment in conjunction with other case materials.

7. A judicial expert is a person possessing special knowledge and appointed by the court in the order established by the procedural legislation for the production of forensic examination and giving an opinion.

The forensic expert is obliged to accept for examination the expertise entrusted to him by the court and to conduct a full study of the submitted materials and documents; give a justified and objective conclusion on the questions put to him and send him to the court that ordered the examination; appear on call of the court for personal participation in the court session and answer questions related to the research conducted and the conclusion given to them.

#### **Recommendations:**

1. With a view to timely resolving a civil case, it seems expedient to introduce terms for finding a case on examination, depending on the complexity of the type of examination.
2. There is a need to introduce a single federal register of forensic experts whose purpose is to provide information on the real number of forensic experts.