



---

## THE CONCEPT AND ESSENCE OF EVIDENCE IN CRIMINAL PROCEEDINGS

Khosiyat Mamatkulova

Senior Lecturer of the Criminal Procedural Law

Department of Tashkent State University of Law

khosiyat.mamatkulova@gmail.com

---

### Abstract

The article explores the concept of evidence in criminal proceedings and key doctrinal approaches to its definition. Evidence is defined as information about facts that gains legal force only when lawfully obtained and properly formalized. The author highlights the distinction between fact, information, and evidence, emphasizing the indirect nature of criminal procedural cognition. It is concluded that evidence represents a unity of factual content and procedural form, ensuring lawful and well-grounded decisions.

**Keywords:** Evidence, criminal proceedings, proof, factual information, procedural form, admissibility, evidentiary sources, criminal procedure law, legal cognition.

### Introduction

The concept of evidence is one of the basic principles in the theory of evidence and evidentiary law. The content embedded in the concept of evidence significantly affects the establishment of the rights and obligations of subjects of criminal proceedings. In the criminal procedure literature, there are several conflicting concepts on the issue of the concept of evidence. A number of processualists understand evidence as «specific factual data used to investigate the circumstances of a case, the sources of this data and the methods of obtaining, verifying and researching them.»<sup>1</sup>

---

<sup>1</sup> Gromov N.A., Tikhonov A.K. Evidence and proof in criminal proceedings // Collection of teaching aids M., 2002. - P.181-182



***Modern American Journal of Business,  
Economics, and Entrepreneurship***

**ISSN (E):** 3067-7203

**Volume 2, Issue 2, February, 2026**

**Website:** usajournals.org

***This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.***

---

Representatives of this position argue that testimony, physical evidence, protocols and documents, regardless of whether they are called sources of evidence, means of proof or otherwise, are included along with factual data in the general concept of evidence. The second concept excludes its sources from the concept of proof, referring them to the means of proof. The most correct definition of evidence is information about facts.

The concept of evidence is fundamental in the theory of evidence and evidentiary law. The correct definition of the concept of evidence is a necessary condition for achieving the truth in the criminal process, ensuring the legality and validity of decisions.<sup>2</sup>

The concept of evidence as an inseparable unity of content (factual data) and procedural form (sources containing such data) was substantiated in his work by S.A.Shafer.<sup>3</sup>

V.Ya.Dorokhov wrote: "Evidence in a criminal trial cannot be called facts included in the subject of proof. In human thinking, it is not things or objects that exist, interact, and move, but their images, concepts, and information about them. Factual data is information about facts obtained from legitimate sources."<sup>4</sup>

A crime is always an event of the past, and therefore it can only be known by studying the traces, prints, and reflections that any events leave on various objects in the material world or in people's minds. The information with which events of interest to the investigator, inquirer, prosecutor, judge are established, under certain conditions, become judicial evidence. In this regard, the relationship between the three concepts should be clearly understood.: the fact, the information about the fact, and the proof.

A fact is a phenomenon of objective reality, and it exists regardless of whether the investigator and the judge know about it. Information about a fact is information that can be used to know a fact. Evidence is the same information that is used by the court, prosecutor, investigator, inquirer, clothed in a proper procedural form. Therefore, in order to properly understand this issue, the

---

<sup>2</sup> Sorkin V.S. Sources of evidence as a means of establishing the truth in a case in criminal proceedings / V.S. Sorkin. - Grodno: Grodno State University, 2012. - P.8

<sup>3</sup> Sheifer S.A. The nature and methods of collecting evidence in Soviet criminal proceedings: a textbook / S.A. Sheifer. - M.: RIO VYUZI, 1972. - P.4

<sup>4</sup> Dorokhov V.Ya. The concept of evidence. - M., 1973. - P.207-224



***Modern American Journal of Business,  
Economics, and Entrepreneurship***

**ISSN (E):** 3067-7203

**Volume 2, Issue 2, February, 2026**

**Website:** [usajournals.org](http://usajournals.org)

***This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.***

---

following scheme should be followed: obtaining information is the transformation of information into proof of conclusions about a fact. An evidentiary fact is a confirmation of some new knowledge, which is achieved through logical reasoning, called inference, consisting of a certain number of appropriately related concepts and judgments.

Evidentiary facts include, for example, the testimony of a witness that he saw the suspect near the murder scene. These statements need to be verified, but, nevertheless, they represent evidence in the form of information about the fact. The same information is provided by individual casts of the shoe prints of the suspect found at the scene. But together with the testimony of the witness, they continue the evidentiary fact that the suspect was at the murder scene. This is also evidence that is used to substantiate the guilt of this suspect in the alleged crime.

Cognition of the event that occurred in the criminal process occurs indirectly. The means of such knowledge are proofs. The formation of evidence as information about an event is based on the ability of any object or phenomenon to change or retain traces (fingerprints) of this influencing object or phenomenon under the influence of another. The highest form of reflection of the objective world is the mental activity of a person, which includes the perception, receipt and processing of information, on the basis of which knowledge appears, including about the facts of the past.<sup>5</sup>

The content of information about the event or related circumstances can be very diverse. This can be information about people's actions (for example, the purchase of firearms, poison, striking, forgery of a pass for the export of stolen goods from a warehouse, etc.), about the physical and mental state (for example, about the state of intoxication of a person at the time of the commission of a crime, about the mental illness of the accused, the behavior of the victim, etc.). This can be data about natural phenomena (for example, the time of darkness in a certain area on the day of the crime, the temperature of the water in the river, etc.) or about events (for example, the time of takeoff, etc.) that are important for establishing the factual circumstances of the event under investigation.

---

<sup>5</sup> The doctrine of the general part of the theory of evidence in the science of criminal procedure (second half of the 20th – early 21st century): monograph. / V.S. Sorokin, V.M. Kozel. - Grodno: Grodno State University, 2022. - P. 16



*Modern American Journal of Business,  
Economics, and Entrepreneurship*

ISSN (E): 3067-7203

Volume 2, Issue 2, February, 2026

Website: [usajournals.org](http://usajournals.org)

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

---

There are two forms of reasoning: inductive and deductive. Inductive reasoning is expressed in the fact that a thesis is justified using single or general judgments, where the final conclusions come from individual conclusions. Deductive reasoning, as opposed to inductive reasoning, is based on general knowledge and should lead to reliable results.

Any deduction is based on a preliminary inductive study of the material, and induction, in turn, is based on knowledge of the already known general laws of the development of nature and society. Deductive reasoning is used whenever it is necessary to consider a phenomenon based on already known general provisions and to draw the necessary conclusion regarding this phenomenon. The correctness of the conclusion will depend on how strictly the rules of deduction were adhered to, which reflected the laws of the material world, objective connections and relations between the universal and the individual. For example, when deciding whether to involve a person as an accused, the investigator must examine all the evidence currently collected in the case and, having concluded that it is sufficient, make an appropriate decision. Here, the conclusion about the need to involve a person as an accused will depend on reliably established factual data giving grounds for bringing charges (the first premise), and knowledge of the norms of criminal procedure law, in particular the CPC. The truth of both premises naturally presupposes the truth of the conclusion. Thus, the investigation of the circumstances of the committed crime is an inductive process, because the final conclusion on the case is formulated on the basis of individual decisions taken. But the fact of a crime as a fact of objective reality cannot be evidence in a case, since the investigator and the court are not dealing with real reality, but with information about it that they receive through its cognition. Consequently, the subjects of criminal proceedings must know two groups of phenomena of objective reality: the crime event that took place in the past, and therefore is inaccessible to perception by the investigator, investigator, prosecutor, judge, as well as traces of the crime formed on material objects and in the memory of people. Therefore, the proof always has an objective content in the form of a reflection of objective reality and a subjective form in the form of a reflection in the mind of a particular subject.



***Modern American Journal of Business,  
Economics, and Entrepreneurship***

**ISSN (E):** 3067-7203

**Volume 2, Issue 2, February, 2026**

**Website:** [usajournals.org](http://usajournals.org)

***This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.***

In addition, evidence is not just any information about the circumstances of a criminal event, but it must be discovered, obtained and documented only by those persons and government agencies who are specifically authorized to do so by law, and their actions must strictly comply with the requirements of the criminal procedure law. It should be noted that, unlike the Code of Criminal Procedure of 1960, the current Code of Criminal Procedure includes among the subjects of evidence not only state bodies and officials, but also individuals who do not have any authority in the field of criminal proceedings: a defender. Only these subjects are able to give information about the circumstances of a crime the legal significance of evidence in a criminal case. The evidence formation scheme is quite complex. First, a material object is sought that has information on a criminal case, or contains such information. The discovered information must be perceived by the subject of evidence and officially fixed in the relevant procedural document. It is only after such a long and complex transformation that the information collected can acquire the legal significance of evidence in a criminal case. Since a crime is always perceived as a phenomenon of the past tense, therefore, for the objective establishment of its factual circumstances, i.e. the events of the crime, the guilt of the person, the nature and extent of the damage caused, and others, can only be used as traces reflected in objective reality: information contained in objects and documents, as well as captured in the mental images of eyewitnesses and direct participants in the criminal event. Therefore, the main task of all subjects of evidence is to detect (find) information carriers, obtain from them or from them any information about a crime, verify them and use them appropriately in the investigation of a crime and judicial review of a criminal case. So, in order to use the information about the circumstances of the crime that an eyewitness has, the investigator or the court must interrogate him as a witness and consolidate the testimony received in the appropriate protocol.

Specific carriers of evidentiary information on a criminal case are called sources in the theory of evidence. Undoubtedly, the provision that the formation of evidence is completed at the moment when the information takes the form of testimony, conclusion, protocol, physical evidence, and other documents referred to in the law as sources of evidence. These sources are nothing more



***Modern American Journal of Business,  
Economics, and Entrepreneurship***

**ISSN (E):** 3067-7203

Volume 2, Issue 2, February, 2026

**Website:** usajournals.org

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

---

than a procedural form of consolidating the information received about the established facts of a criminal event, which implies the continuity of form and content.

Thus, evidence, as a legal means of establishing the circumstances of a crime, in criminal proceedings acts as a product of a kind of synthesis of two elements that are interconnected in an organic unity: factual and formal. The actual component of evidence is its content, which provides information about the circumstances of the crime and other significant circumstances. The formal component reflects the compliance of the procedure and conditions for obtaining information about a crime with the rules laid down in the criminal procedure law.

### **References**

1. Criminal Procedural Code of the Republic of Uzbekistan // <https://lex.uz/docs/111463>
2. Gromov N.A., Tikhonov A.K. Evidence and proof in criminal proceedings // Collection of teaching aids M., 2002. - P.181-182
3. Sorkin V.S. Sources of evidence as a means of establishing the truth in a case in criminal proceedings / V.S. Sorkin. - Grodno: Grodno State University, 2012. - P.8
4. Sheifer S.A. The nature and methods of collecting evidence in Soviet criminal proceedings: a textbook / S.A. Sheifer. - M.: RIO VYUZI, 1972. - P.4
5. Dorokhov V.Ya. The concept of evidence. - M., 1973. – P.207-224 The doctrine of the general part of the theory of evidence in the science of criminal procedure (second half of the 20th – early 21st century): monograph. / V.S. Sorkin, V.M. Kozel. - Grodno: Grodno State University, 2022. - P. 16