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PSYCHOLOGICAL CHARACTERISTICS OF MINORS DURING INTERROGATION

Abstract: The article reveals the problems of minors during interrogation, his age, legal assessment, parents must know without fail why the child was detained. Also n When establishing psychological contact is necessary to take into account age features of formation of indications and individual characteristics of the person of a minor that requires the investigator's professional skills good knowledge of pedagogy, general and child psychology. At the same time, as with any other form of communication, there is an exchange of information, mutual influence, mutual assessment, the formation of moral positions and beliefs. However, the leading role in this interaction belongs to the person conducting the interrogation. The purpose of the article is to reveal the term legal evaluation and analysis of the protection of the rights of minors during questioning. The results of this study can be applied both in the practical activities of practicing lawyers and for law students studying law. Methods for the study. The research methodology is based on psychological and special legal methods.

Key words: questioning the rights of minors, false e readings I, criminal responsibility, legal representatives, the psyche of the child, mental attitude, law enforcement, protection and children's rights.

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Introduction

If a minor is interrogated by an investigator. Communication during interrogation is manifested in interaction, in which, in addition to the interrogated, other persons (lawyer, expert, specialist, translator, teacher, etc.) can participate. I believe that the participation of a teacher or psychologist in an interrogation should both serve to establish the truth in the case, and have an educational impact on a minor.

When carrying out all procedural actions, a minor should be explained the rights and obligations, as well as the goals of the procedural action in a way that he understands, taking into account the child's age, language of communication, level of development, knowledge and role in a particular production. The obligation to inform the child in a language that he understands or to offer the necessary translation service includes the right to receive

information in a common language rather than a legal language

After all, if a child is in a state of fear, anxiety, uncertainty, it is very easy to get testimony from him not about what actually happened, but about what the adult sitting in front of him wants to hear.

Does the law provide for a number of rights for parents if their child is detained?

If minors are suspected of committing a crime or at that time turned out to be an eyewitness to an administrative offense, then the parent also has the right to be present at the interrogation, to participate in the interrogation of the child or other investigative actions, to get acquainted with the case materials, as well as to present evidence, file petitions, file complaints about actions of the investigator.

The investigator has fundamentally different goals. The correct mental attitude during interrogation is the key to your success. Do not philosophize,

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engage in polemics or demonstrate your oratorical skills. I repeat that the task of the investigator is to get you talking. Don't help him! All questions should be answered as briefly and to the point as possible. It is advisable to limit yourself to the words "yes" or "no". The more a person speaks during interrogation, the easier it is for him to get confused, to be caught in inconsistencies, and the easier it is for the investigator to cling to something. A person is confused, he becomes more vulnerable, he can be manipulated and cornered.

An investigator is a professional. Be professional and you. If the question requires a description, be as laconic as possible. Each word must be carefully thought out. Remember that you are not limited in time (there is no minimum interrogation time, the maximum is eight hours). Set yourself up to a slow pace: you have nowhere to rush. Take your time to answer even the simplest questions, use pauses. Get the investigator used to this pace of conversation. If he starts pushing you, honestly admit that you are a little worried and uncomfortable. It is natural to feel uncomfortable in such a situation.

Interrogation is both a fight between two people in the legal field, and a fight of two characters, in which all the actions of an investigator are aimed at suppressing the psyche of a minor. The law has its own rules, the place for interrogation should not cause concern for the child. The atmosphere should be friendly, dispose the teenager to a frank conversation. Therefore, this procedure is provided in order not to harm the child's psyche. Therefore, legal representatives are invited for questioning without fail, these are parents or the participation of a teacher or psychologist [1].

It is necessary at the initial stage of the interrogation to arouse the child's interest in the conversation. To do this, you can tell him that urgently needed help is expected from him, but you should behave carefully so as not to focus on something specific. You shouldn't put pressure on a minor with such words as "You must understand this ..."; "How can you forget ..". In such cases, the investigator must apply the necessary interrogation tactics and approach competently. The time of interrogation of minors and minors should include not only tasks, but also individual psychological, age characteristics.

According to Kochenov M.M. and Osipova N.R. productive testimony the interrogation time should have at least 30 minutes, children over 10-11 years old. If during the set time it was not possible to obtain the necessary information, then a break is taken. B is in the interrogation is, minors must contain a two-hour or four-hour breaks. So on the basis of the material used, th Rist Alexander Seljutin gives tips on how to talk with the investigator, to ak behave under interrogation? There are no friendly conversations with law enforcement officials: if the police want to talk to you, this is an interrogation or questioning [2].

It is strongly discouraged to go to it without a lawyer. Do not confuse interrogation with polling. The interrogation is carried out in the framework of a criminal case, and the interrogation is carried out during verification in the latter case, it is not necessary to answer the questions at all [6].

So on the basis of the material used, I want to add the interrogation technique, about the bottom of the most important aspects of the interrogation of a minor form the criminal procedural basis. They should be understood as the totality of the requirements of the criminal procedure law regarding the legal status of a minor, the procedure, conditions and sequence of the production of this investigative action, the circle of persons who may take part in it, the subject of interrogation, the procedure for recording its results, as well as procedural guarantees of the identity of this participant in the criminal legal proceedings [8].

The procedural form is a set of conditions established by law for the investigation bodies to perform those actions by which they exercise their functions in the field of criminal investigation, as well as for the citizens participating in the criminal proceedings to perform those actions by which they exercise their rights and fulfill their duties.

Criminal procedure legislation provides for a special procedure for juvenile proceedings, taking into account their age and psychological characteristics, insufficient life experience, emotional instability, underestimation of the social danger of their actions and the severity of their consequences. In turn, the tactics of conducting a preliminary investigation in a specific case of a minor should be based on the fact that the adolescent's external behavior often reflects the action of the causal factors that underlie it.

The object here is the personality of a minor, most often not completely formed, being in great dependence on the environment, environment. One of the most important tasks of the preliminary investigation in the investigation of cases involving minors is not so much the exposure and punishment of the perpetrator, but the identification and elimination of the causes and conditions that contributed to the offense. As already mentioned, parents or other legal representatives or close relatives of a minor, defenders, translators can take part in the interrogation. This creates a difficult psychological situation in preparation for interrogation and during interrogation of a minor, because each of such participants in the interrogation in a certain way brings his own psychological features into this investigative action [7]. In this regard, the investigator faces complex tasks of a special nature: he must take into account the psychological characteristics of minors and all other participants in the interrogation.

Victims and witnesses under the age of 16 are not warned about liability for refusing to testify and for knowingly giving false testimony. This is due to

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the fact that the tactics of interrogating a minor is based on his age.

Also, a special order of summons for interrogation is established, namely Part 2 of Art. 191 of the Criminal Procedure Code of the Kyrgyz Republic states that a person under the age of 16 is summoned for questioning through his legal representatives or through the administration at his place of work or study. A different procedure for summoning for interrogation is allowed only if it is caused by the circumstances of the criminal case.

When interrogating a minor witness or victim, parents or legal representatives are called, in their absence, an employee of the authorized state body for the protection of children is called. When interrogating a minor witness or a victim under the age of 14, a psychologist or teacher is also called in (Article 196 of the CPC KR).

Minor witnesses and victims under the age of 16 are not warned about liability for refusing to testify and for knowingly giving false testimony. When explaining to such witnesses and victims of procedural rights and obligations, they are shown the need to speak only the truth. The juvenile witness and victim shall be explained the right to refuse to give evidence that incriminates themselves or close relatives of committing a crime. A note is made on the clarification of the rights and obligations in the protocol, which is certified by the signature of the witness or the victim, as well as by persons representing their interests. A minor suspect occupies a special position during interrogation. The interrogation of this person is not specifically regulated by the Criminal Procedure Code of the Kyrgyz Republic and is carried out according to the rules for interrogating minor witnesses and victims, as well as an adult suspect, accused. A distinctive feature is that the bringing of a minor suspect without first summoning him for interrogation can be used only in cases when he is hiding from the investigation [9]. Bringing and interrogation cannot be carried out at night, except in urgent cases. It should also be noted that, based on modern experimental data and the provisions of psychological science on the time during which minors are able to hold attention, the interrogation of such a person cannot continue without a break for more than 40-45 minutes, and in total it can last no more than 4 h per day. This is mainly due to the fact that the interrogation of minors is complex and multifaceted. It, as a criminal procedural activity to establish the circumstances and facts of interest to the bodies of preliminary investigation, includes procedural, tactical, organizational, psychological, pedagogical, ethical aspects. The interrelation of these aspects and the relationship between them are expressed in the fact that tactical techniques are used by the investigator in strict accordance with the criminal procedure law and the requirements of moral norms, taking into account the age-psychological and

individual characteristics of the personality of the minor. The achievement of this goal was ensured by solving the following tasks: as Porubov N.I. writes, the act of interrogation at the preliminary investigation [3]:

- to investigate the controversial provisions of the criminal procedural legislation governing the procedure for interrogating juvenile witnesses and victims during the preliminary investigation;

- to disclose the ethical aspects of this investigative action;

- to investigate the psychological possibilities of perception and transmission of information by adolescents, as well as the peculiarities of adolescent psychology from the standpoint of taking them into account in interrogation tactics;

1. to substantiate and reveal the main elements of the tactics of preparation for the interrogation of juvenile witnesses and victims;

2. on the basis of the study of the judgments of a number of criminologists, highlight tactical methods of obtaining testimonies from underage witnesses and victims.

Thus, one should understand the totality of the requirements of the criminal procedural law regarding the legal status of minors, the procedure, conditions and sequence of production of this investigative action, the circle of persons who may take part in it, the subject of interrogation, the procedure for recording its results, as well as procedural guarantees of the identity of these participants criminal proceedings [4].

Therefore, questions asked to a minor witness (eyewitness) are formulated very thoughtfully. They should be short, clear and contain no clue, no suggestion. When interrogating witnesses from the immediate environment of a minor, the fact of their friendly relations should be taken into account. Often they form stable groups formed on the basis of cohabitation, at the place of study (work), and leisure activities. As mentioned above, this is usually emotional excitement combined with depression from an unfamiliar environment. As I write so in his writings the authors as A.P.Ryzhakov, Bogomolov SN "It should be noted that one should start with a conversation about the conditions of life, study (work) and upbringing of a teenager, about the range of his interests and hobbies. A teenager may willingly talk about himself and his friends, believing that these questions have nothing to do with the crime committed" [5]. Also, the investigator must correctly formulate the questions. They should be specific, not complex, and not contain any factual data that could suggest something to a teenager. One should not forget about such a feature of it as suggestibility.

During the interrogation, it will be important for the investigator to demonstrate his awareness of the circumstances of the crime committed [10]. However, this must be genuine information obtained from the

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protocol of the inspection of the incident, the testimony of eyewitnesses. The use of the element of surprise when presenting to the suspect (minor), albeit not very significant, but convincing evidence can incline to the need to tell the truth. When referring to an alibi, it should be borne in mind that adolescents usually do not prepare it in advance.

Therefore, the suspect's detailed questions and answers to them about the place, time, witnesses, joint actions, the information recorded in the interrogation protocol will help to further reveal the inconsistency of his alibi references.

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