

ROLE OF DECISIONS OF THE PLENUM OF THE SUPREME COURT OF THE REPUBLIC OF UZBEKISTAN IN CRIMINAL COURT PROCEEDINGS

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Abstract

The article presents the views of some lawyers on the concept of simplified legal proceedings in criminal procedure relations and specific criteria for simplified legal proceedings, comparison of the rules of simplified legal proceedings in the criminal procedure legislation of some foreign countries, scientific and theoretical aspects. Based on the results of the study, suggestions and recommendations were made for the broad implementation of positive experience in our national legislation, the introduction of simplified procedures in criminal proceedings.

Keywords: simplified procedure in criminal proceedings, use of modern information technologies, exclusion of the Institute of impartiality from the preliminary investigation, inquiry and preliminary investigation, agreement on the admission of guilt, pre-strengthen witnesses and victims, as well as other participants in the criminal process, if they can not be questioned later for undesirable reasons (deposit)

INTRODUCTION

On the basis of the most comprehensive judicial and legal reforms in Uzbekistan's history, we have seen the widespread implementation of transparent mechanisms in every field of law to ensure the citizens' rights and freedoms.

As noted by jurist B.J. Matmurov, "the policy of any legal field, whether criminal, administrative, or civil law policy, is primarily a branch of the policy that is currently being carried out in our country." Legal policy creates the legal foundation for the successful implementation of social, economic, and political reforms by strengthening them and eliminating obstacles to their implementation. This function is carried out by criminal law, criminal procedural law, and all legal fields. As we adopt the concept of criminal-procedural legislation development in 2018-2021, the historical document defining our effectively implemented policy today is the "Strategy of Actions on Five Priority Areas of Development of the Republic of Uzbekistan in 2017-2021." [1, p . 7]

DISCUSSION AND RESULTS

First, on the initiative of our country's president, Sh.M. Mirziyoev, Decree No. 5268 [2] on the simplification of criminal procedural relations was issued on 30.11.2017, and on 14.05.2018

Decisions No. 3723 [3] on measures to fundamentally improve the criminal and criminal procedural legislation were issued.

According to the aforementioned two normative documents, the criminal and criminal procedural laws, as well as the methodology used in investigating and reviewing criminal cases, should be improved further. Additionally, there should be a widespread introduction of new forms and procedures for criminal proceedings, as well as the use of modern information and communication technologies in judicial investigation activities.

The adopted documents are aimed at preventing cases of systematic violations of the law in the activity of law-enforcement and judicial bodies in previous years and at the complete elimination of shortcomings, and became a great basis for further increasing the responsibility of the employees of the state bodies responsible for conducting criminal cases.

As there is a great need for widespread introduction of a simplified procedure in criminal proceedings in terms of ensuring human rights, some provisions of our criminal procedural legislation

the inclusion of norms that provide for a somewhat simplified procedure in the norms creates the need to improve some of them.

In our opinion, as a result of the widespread implementation of the mechanism of proceedings in a simplified procedure, the prolongation of the preliminary investigation process will be avoided, negative factors such as numerous interruptions in court proceedings and delays in the final decision by the court will be eliminated, so to speak, the fate of a person will be decided much earlier.

Rapid implementation of clear and effective procedural rules for simplifying the conduct of criminal cases will be another solid step in the strict protection of human interests in criminal justice policy for our democratic state.

It serves to guarantee the rights of the accused, the victim and other participants in the criminal process by giving up certain procedural actions that are not necessary for the speedy conduct of the criminal proceedings in a simplified manner, and to prevent the persons responsible for conducting the criminal proceedings from abusing their powers, that is, from committing corruption. Therefore, by introducing a simplified system to criminal procedural relations, it will allow us to make positive changes in the way that the rights and freedoms of citizens in the criminal process will be more reliable, faster and, most importantly, the trust of our citizens will increase in relation to state bodies. In the explanatory dictionary of the Uzbek language [4], the concepts of "simplify" and "simple" are defined as follows.

It is known that the procedural norms of the parliament of our country regarding the conduct of proceedings in a simplified manner were initially supplemented by such norms in the Civil Procedural Code of the Republic of Uzbekistan on the conduct of civil court cases [5], and later in the Economic-Procedural Code of the Republic of Uzbekistan on the conduct of economic court cases [6]. In the same way, a new Article 3321 of the Code of Administrative

Responsibility of the Republic of Uzbekistan, i.e. "Simplified procedure for the execution of a decision on fines" [7], has been introduced, providing privileges to our citizens in the process of ensuring the execution of a new decision.

Therefore, the introduction of new mechanisms, which provide for a new simplified procedure for ensuring the rights and freedoms of citizens in the current spheres of law, is the next urgent issue on the agenda of the criminal procedural legislation. At the same time, although the legal meaning of the concept of simplified procedure in criminal procedural relations has not been clearly defined in the legislation, several opinions have been put forward by the legal scholars of our country. We will consider the opinions of some jurists regarding its content and theoretical features.

For example, the head of the Department of Investigation under the Ministry of Internal Affairs of the Republic of Uzbekistan, lawyer B.E. Berdialiev, "simplified order of proceedings before the court" - before the investigation, at the stage of investigation, inquiry and preliminary investigation, the cases are clear and legal decision is made in a short period of time, taking into account the socially dangerous nature of the crime. defined as a process that allows acceptance.[8]

Legal scientist N.I. Khairiev studied the process of simplifying criminal procedural relations by intensifying criminal procedural relations.[9] TDUU yu.f.d. professor Z.F. Inog'omjonova thought in his scientific works about the simplified procedure at the court stage, G.Z. Tolaganova about the application of the simplified procedure at the court stage [10, p 207]. According to the UN, "summary proceedings" is a procedure aimed at ensuring high-quality efficiency of the justice system and speeding up court proceedings by reducing costs.[11]

In Article 10 of the Universal Declaration of Human Rights, "Everyone has the right to a fair and public trial by an independent and impartial tribunal in full equality, in order to determine his rights and obligations and to determine the validity of the charges brought against him." is firmly established. [12] Here, under the concept of "justice" it is intended to reduce procedural forms that directly cause pain and suffering for the accused, and to organize a judicial procedure that creates conditions for the speedy and fair resolution of his fate as much as possible. It is this rule that later served as a major foundation in the development of international standards for conducting criminal cases in courts.

Similarly, in accordance with article 9, paragraph 3 of the "International Covenant on Civil and Political Rights" of December 16, 1966, "every person arrested or imprisoned on charges of committing a crime shall be immediately brought before a judge or an official exercising judicial authority under the law." and has the right to have the case brought against him heard in court or released within a reasonable (in accordance with the purpose) period" [13]

It should be noted that the problems related to the simplification of the administration of justice in criminal proceedings have been studied in various scientific directions. For example, in the structure and system of criminal proceedings analyzed by legal scientist Yu.K.

Studying the issues of improving the simplified conduct of criminal proceedings, as well as for our research, requires an in-depth study and comparative analysis of the existing law and procedure in this regard in foreign countries. Today, if we look at the criminal procedural legislation of democratic countries, their procedural norms for criminal prosecution are simplified in dramatic pictures. Or, in the criminal procedural laws of these countries, procedural rules for speedy resolution of criminal court cases are established, and they differ from each other in terms of their content and essence.

Analyzing the "plea agreement", one of the forms of simplified judicial proceedings in the United States of America, at this stage the court is familiar with the evidence to decide that the crime has actually been committed and that this person is guilty of it. As a result, the judge issues a court order stating that the person entered the guilty plea voluntarily and admitted his guilt in full.

The basis of the simplified procedure of criminal proceedings is to be directed to the knowledge of the truth and must be proved by other evidence in the case of the prosecution aimed at the admission of guilt. It is known that in legal theory, the concept of determining the truth relies on the confession of the accused and the fact that it is proved by the existing objective evidence in the case.

The role of the court in the process of entering into a plea agreement is to ensure fairness and legality in practice. In the process of concluding this type of agreement, the accused (defendant), his defender (lawyer), state prosecutor (prosecutor), court (judge) must directly participate and ensure that it is fair, and the accused must be sure that he confessed his guilt without any pressure or threats.

If it follows from the presumption of truth determination in the application of the simplified procedure in the Anglo-Saxon criminal procedure, the agreements concluded during the simplified procedure in the continental countries, the object of judicial review is not the authenticity of the person's confession of guilt, but the legal recording of the process of the accused in agreement with the indictment. The process of conducting proceedings in a simplified procedure should also fully comply with the constitutional principles of the administration of justice, that is, a person should not be tried only by the fact that he has confessed his guilt.

The current JPK of the Russian Federation incorporates the American and continental European systems of conducting cases in a simplified manner. According to part 5 of Article 316 of the Code of Criminal Procedure, the court does not examine and assess evidence in a simplified procedure. As a result, the judicial investigation process, which is a part of the trial, will be simplified. In Italy, Spain, Portugal and some other European countries, such an agreement appears in a different form, that is, in the form of an agreement with the prosecution. The object of this form is not content with the guilt itself, but the agreement of the accused with the indictment. The accused may not plead guilty in this case.

However, in the presence of such consent, there is no stage of judicial investigation in the trial. According to the JPK of Latvia, there are several forms used in the pre-trial proceedings in a simplified procedure.

As a result of the conclusion of the plea agreement, the simplified procedure for conducting criminal cases is based only on the defendant's consent to the scope and classification of the indictment and the plea agreement process. A plea agreement is not allowed if there are several defendants in a criminal case. However, it is allowed to conclude such an agreement with minor defendants based on the consent of their representatives.

In the CIS countries, special attention is paid to the issues of conducting the judicial investigation in a simplified manner. In particular, according to Article 237 of the Criminal Code of the Republic of Belarus, in the event that the accused confesses his guilt, the court is limited to examining the evidence presented by the parties after questioning the accused, or declaring that the court investigation has been completed, and the right to proceed to the negotiation of the parties is provided. In this case, the judicial investigation is limited to questioning the defendant and determining whether he has voluntarily and consciously confessed to the crime. In the examination of the evidence, only the evidence presented by the parties is examined.

However, according to the Belarusian Civil Code, the judge must explain the consequences of the simplified procedure, that is, that the court verdict cannot be appealed based on the evidence that has been verified in the future. If the defendant is sentenced to imprisonment for more than ten years in the future sanction, such trial cannot be conducted in a simplified manner.

A different form of simplified procedure exists in the field of criminal justice in the Republic of Moldova, called a plea agreement. According to the Criminal Code of the Republic of Moldova, a plea agreement is an agreement between the public prosecutor (prosecutor) and the accused. A plea agreement may be concluded in writing with the participation of the defense counsel, the accused or the defendant in respect of crimes of low social risk, serious or serious crimes.

In adopting the new edition of the Criminal Procedure Code of the Republic of Uzbekistan, which is in force in our country, it is considered important to embody the above-mentioned norms typical of the simplification procedure.

Our current criminal-procedural legislation contains norms for simplifying the conduct of criminal cases, which are aimed at solving criminal cases quickly, without spending too much time, and preventing the abuse of their duties by persons responsible for conducting criminal cases. In particular, in connection with the liberalization of criminal punishments, the institution of reconciliation was introduced into our criminal procedural legislation. The institution of reconciliation as a type of exemption from criminal responsibility is the basis for ending criminal cases without solving the issue of the guilt of a person.

In the same way, Article 84 of the Criminal Code of the Republic of Uzbekistan, that is, all grounds for closing a criminal case without solving the issue of guilt, are among the norms that belong to the simplified procedure of criminal proceedings.

With the Law of the Republic of Uzbekistan dated September 6, 2017 "On Amendments and Additions to Certain Legislation of the Republic of Uzbekistan in Connection with the Improvement of the Investigation Institute" in order to simplify the process of bringing cases to court and court proceedings for crimes of low social risk, "Investigation before investigation" and "Investigation" institutes were separated. A simplified procedure for bringing crimes of low social risk to trial and in court has been established.

In particular, it was introduced that the investigation in the form of an inquiry should be conducted within a period of up to one month, and the investigative body that initiated the criminal case should send the criminal case along with the indictment to the prosecutor, and then it would be concluded with confirmation and presentation to the court. The introduction of this reform made it possible to simplify some criminal proceedings, and it is no exaggeration to say that it is a prelude to reforms in our country. At the same time, legal scholars and practitioners are conducting many analyzes regarding the reform of the institution of "pretrial investigation" and "inquiry" in criminal procedural relations.

When we analyzed the draft of the new decree "On improving the activities of inquiry and preliminary investigation bodies in the Republic of Uzbekistan" on the website regulation.gov.uz for public discussion of the draft normative legal documents adopted in our country, we found a wide range of new norms for conducting proceedings in a simplified manner in criminal proceedings. included. [15]

The analysis of the above-mentioned institutions shows that their goal is the same, aimed at simplifying the procedure for conducting court proceedings, saving the energy and time of the participants in conducting criminal proceedings, and preventing abuse of their official powers by persons responsible for conducting criminal proceedings.

The international practice of proceedings in a simplified procedure shows that it is during the proceedings before the court that the parties reach a mutual agreement with the state authorities applying the law on the cases of which they are interested. Therefore, in this regard, it is necessary to develop mechanisms aimed at preventing negative situations such as the abuse of law enforcement bodies and the restriction of the rights of a person.

During the proceedings before the court, the timely presentation of evidence proving the crime committed by the suspect or the accused is an "objective request to enter into a plea deal" without doubt, the accused, his defense, the prosecuting authority and the court have mutually agreed upon each other. conclusion of a deal will save a lot of time and effort.

In addition, it is important that the procedural legislation stipulates that the confession of the person who committed the crime does not release the investigative bodies from the obligation to determine the circumstances relevant to the case.

Another point worth noting is that when the criminal procedural legislation is conducted in a simplified manner, it requires solving the issue of simplifying the judicial investigation and negotiation of the parties. The reason for this is that the court's investigation and negotiation of the parties will not lead to the reduction of the volume of work, which is the intended purpose of the court's simplified proceedings.

However, with the acceleration of today's modern information technologies, it is desirable to reform this impartial institution, and to introduce new possibilities of information technologies without the impartial involvement of some investigative actions, with the possibility of capturing certain actions on photo and video recording.

As another proposal, the idea of introducing the institution of deponirovanie into our criminal procedural law at the stage of bringing the criminal case to court, the testimony of witnesses and victims, in cases where it is not possible to interrogate them later due to objective reasons, is being put forward by legal scholars of our country.

With the introduction of this institution, the pre-trial and judicial process of criminal proceedings will be simplified. Confirmation of witness and victim testimony in advance saves time, and in the future, their testimony is prevented from being changed and strengthened to some extent. When such a process is said to strengthen the testimonies of the participants, it means that such testimonies will be verified and strengthened before the court. The introduction of this procedure will save the time of the participant of the procedure, his safety and the opportunity to solve the case quickly.

CONCLUSION

On the basis of the above analysis, we can define the concept of simplifying the criminal process as follows: "Criminal - proceeding in a simplified manner in procedural relations - investigation, inquiry and preliminary investigation before the investigation, at the court stage, clearly and taking into account the social danger of the crime, quickly and cost-effectively we can say that it is a special process of the criminal process, which allows to make a legal decision, and is aimed at preventing the use of excessive repetitive force and other means by all the participants of the criminal process.

If we conclude the analyzed points, the following conclusions can be formed based on them. Firstly, the simplification of criminal proceedings is the possibility of conducting a criminal case in a simple and accelerated manner under the procedural law;

Secondly, "using the opportunities of criminal procedural legislation in an accelerated manner" means the simplification of procedural mechanisms related to the investigation or inquiry before the investigation, from the initiation of a criminal case as a result of the preliminary investigation, to the presentation of the case for discussion in court and the consideration of the case in court. availability of implementation resource;

Thirdly, simplifying the criminal justice process means increasing the efficiency of the justice system, preventing the state bodies responsible for criminal justice proceedings from spending a lot of time and resources before the trial.

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