

## **MEASURES OF CRIMINAL PROCEDURAL COERCION**

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According to Article 13 of the Constitution of the Republic of Uzbekistan, democracy in the Republic of Uzbekistan is based on universal principles, according to which a person, his life, his freedom, his dignity and other inalienable rights are recognized as the highest value. The direct protection of democratic rights and freedoms by the Constitution and laws is the constitutional and legal basis for the application of coercive measures of criminal procedure [1].

Coercive procedural measures are coercive measures provided for in the criminal procedure legislation, which are applied by the competent authorities and officials of the state responsible for the criminal proceedings only in the manner and on the grounds established by law. Criminal Procedural coercive measures include the possibility of applying state coercion to persons who do not comply with the requirements of the law or to prevent a specific offense. For this reason, coercive measures of criminal procedure used as a means of influencing the behavior of certain individuals are called “Criminal Procedural Coercive Measures”.

It should be noted that in society, the adoption of certain laws in the legal field should not be the main goal, but their implementation should remain the main goal. That is why it is necessary to act in accordance with the Constitution and laws. In fact, it is also a constitutional duty. Compliance with the law is ensured through coercive procedural measures in the event of non-compliance by individuals.

In general, coercive measures are used in criminal proceedings that restrict the constitutional rights and freedoms of citizens to varying degrees, and without these measures, justice cannot be achieved. Punitive measures imposed for a crime committed severely limit a person’s natural rights. In cases where a person's guilt is proven, the imposition of criminal sanctions on the basis of a court decision is one of the fair and justified actions of the state. It can be said that the State has not only the right but also the obligation to restrict human rights in such cases.

Coercive measures of criminal procedure differ in that they are applied directly during the criminal proceedings and have a procedural character. However, they are used by the competent state authorities only within the scope of their authority. Coercive measures of criminal procedure prevent the successful performance of criminal proceedings against the participant of the criminal proceedings, which impedes or may impede the successful conduct of the pre-trial and direct court proceedings, the success of criminal proceedings. and unimpeded conduct is also used to limit the future criminal activity of the suspect, the accused, and it is aimed at protecting the rights of the victims of the crime.

The Code of Criminal Procedure of the Republic of Uzbekistan has a special Section 4, entitled “Procedural Coercion”, which clearly defines the grounds and limits of restriction of a person's rights and defines a specific system of coercive measures, ie coercive measures. types and grounds for application are reflected.

Including:

holding;

precautions;

dismissal;

compulsory citation;

placement in a medical institution;

Ensuring the safety of participants in the proceedings and liability for breaches of procedural obligations and procedures in court [2].

It should be noted that coercive procedural measures are carried out in full or in part with the restriction of many rights and freedoms guaranteed by the Constitution of the Republic of Uzbekistan. In particular, Article 25 of the Constitution of the Republic of Uzbekistan stipulates that a person restricting the right to liberty and security of person shall be detained, arrested, and placed in a medical institution; A coercive measure of restraint on the right to move from one place to another and to leave the Republic of Uzbekistan in accordance with Article 28 of the Constitution of the Republic of Uzbekistan; as well as bail, coercive measures for confiscation of property, restricting the right to inviolability of private property (Article 53 of the Constitution of the Republic of Uzbekistan), which is one of the most basic human rights; Procedural coercive measures to remove from office, which restricts the right to work and free choice of profession (Article 37 of the Constitution of the Republic of Uzbekistan), which is one of the social rights, also directly affect the constitutional human rights.

Coercive measures of criminal procedure should be strict procedural guarantees that ensure the legitimacy and validity of citizens in restricting their constitutional rights and freedoms. The extent to which the real necessity of restricting the rights of citizens depends on the application of coercive procedural measures is important in any legal, democratic state. The rights and freedoms of citizens should be restricted as little as possible in the direct pre-trial stages and in the criminal proceedings by the Courts. In particular, the constitution is the primary guarantee of the application of coercive measures under the current criminal procedure legislation. One such guarantee is that coercive procedural measures can be applied only if there are certain grounds for the criminal case.

Procedural coercive measures vary in nature, subject matter, and degree of restriction of rights and freedoms.

I. Procedural coercive measures are also divided into separate types depending on the nature of coercion. In particular:

1) coercive measures of criminal procedure of a physical nature: detention, arrest, forcible transfer, placement of a person in a medical institution;

2) criminal procedural coercive measures of a property nature: bail, confiscation of property, extortion and imposition of fines;

3) for the guarantee of a public association and team of a moral nature, a certificate of decent conduct, a personal guarantee, a guarantee of a public association and team, a command over the conduct of a serviceman, for the supervision of minors handing over, dismissal.

II. According to the subjects of coercive procedural measures:

1) coercive measures of criminal procedure applied only to suspects and accused: detention, all kinds of precautionary measures, dismissal, confiscation of property;

2) criminal procedural coercive measures applied to suspects and accused, but which may affect the property interests of other persons: bail, confiscation of property;

3) coercive measures of criminal procedure applied only to the suspect, accused, victim, witnesses: compulsory summons;

4) coercive measures of criminal procedure applied to all participants of criminal proceedings and other persons: collection of fines and fines.

III. Procedural coercive measures are based on the degree of restriction of rights and freedoms:

1) coercive measures related to the restriction of a person's constitutional rights and freedoms: measures of detention, arrest, placement of a person in a medical institution; a certificate of good conduct; pledge, confiscation of property; dismissal measure;

2) coercive measures not directly related to the restriction of constitutional human rights and freedoms: all other types of coercive measures [3].

Procedural coercive measures may be applied during the preliminary investigation and trial, and their application is the prerogative of the inquiry officer, investigator, prosecutor and the court. Procedural coercive measures shall be applied only when there are legal grounds and in the manner prescribed by law. Officials can use this power wisely to prevent crimes, detain offenders, suspects. Coercion and use of force against officials other than these purposes are strictly prohibited.

Coercive measures shall be imposed by the inquiry officer, investigator, prosecutor and court:

1) if a participant in the criminal proceedings obstructs the investigation or court proceedings;

2) fails to fulfill the obligations imposed on him;

3) If necessary, coercive measures shall be applied in order to prevent the suspect, the accused from further criminal activity and to ensure the execution of the sentence.

The overall ultimate goal of applying all the measures of the procedural majburlov is to ensure the successful implementation of the functions of judicial proceedings. Such a goal, if it is clarified through direct close goals with the norms of Criminal Procedural Law that regulate the application of some of the procedural majburlov measures, they form an unreasonable and mavhum appearance.

For example, as the most basic objectives of applying majburlov measures can be calculated as follows:

Prevention of evasion from the accused, the defendant, the inquiry, the preliminary investigation and the court;

If he does not fulfill the obligations imposed on him;

To prevent further criminal activity of the accused;

To ensure the execution of the sentence.

It should be noted that this list of goals for which majburlov measures can be applied is considered complete. Their use for other purposes, for example, the use of a non-standard procedure, is considered a gross violation of the legislation, and in the appropriate order can also lead to criminal liability. Certain criminal procedural coercive measures may be applied only in the presence of a situation that necessitates their choice. The existence or absence of such a situation is determined on a case-by-case basis by a set of factual data relating to the use of law or this procedural coercive measure. A set of factual data (evidence) that allows one to draw a conclusion about the need to apply this or that measure of criminal procedure is a sufficient basis for its application.

The Republic of Uzbekistan pays great attention to the protection of human rights, freedoms and interests, the further improvement of the judicial system. In particular, the introduction of the Habeas Corpus Institute in Uzbekistan on

January 1, 2008 has further enhanced Uzbekistan's image in the international community in the field of law. It is through the introduction of this new institution that the powers of the courts

have been further expanded. In particular, the Law of the Republic of Uzbekistan dated September 18, 2012 No. 335 "On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the further reform of the judicial system" Accordingly, the procedure of procedural coercive measures, such as dismissal of the accused and placement of the person in a medical institution, used by the prosecutor and the investigator during the pre-trial proceedings, was introduced only with the sanction of a judge. Criminal courts have also been empowered to sanction the use of pre-trial detention [4].

It can be said that the transfer of these powers to the courts, in accordance with Chapter XXII of the Constitution of the Republic of Uzbekistan, serves to further strengthen the principle of administration of justice only by courts.

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