World Bulletin of Management and Law (WBML)
Available Online at: https://www.scholarexpress.net
Volume-18, January-2023
ISSN: 2749-3601

PREJUDICE IS THE FINAL KEY TO EVALUATING EVIDENCE IN CRIMINAL PROCEEDINGS

Uralov Sarbon Sardorovich,
Tashkent State Law University
independent researcher
e-mail: s.uralov@tsul.uz
+998916330770

Article history:		Abstract:
Received:	November 10th 2022	this article reflects the scientific views and theories regarding the final evaluation of certain evidence by the court, the result of the given evaluation is of decisive importance and serves to ensure its recognition without re-evaluation for other inquiry and investigative bodies and courts. In addition, prejudice has been strengthened as evidence in criminal proceedings. The limits of the application of prejudice, the issues of its use are studied both practically and theoretically.
Accepted:	December 6th 2022	
Published:	January 6th 2023	

Keywords: evidence, ruling, court decision, recognition of court decisions, criminal case, evaluation of evidence, court decision of foreign countries.

The development strategy of New Uzbekistan for 2022-2026, consisting of the following seven priority directions, developed based on the principle of "From the strategy of actions to the strategy of development", was adopted. The adoption of Decree No. PF-60 of the President of the Republic of Uzbekistan dated January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026" is one of the new priorities, specifying that the principles of justice and the rule of law are the most basic and necessary conditions for development in our country. gave

The relevance of the topic is that In criminal proceedings, the institution of prejudgment provides an opportunity to eliminate conflicts in the activities of state bodies and officials responsible for conducting criminal proceedings, to easily resolve prejudgment situations that require a lot of expense and effort.

The purpose of the study is to develop theoretical rules for the solution of the problems related to the implementation of the institution of prejudice in criminal-procedural law based on the analysis.

The tasks of the research are to determine the prospects of improving the national legislation related to the use of the institution of prejudice in criminal proceedings and to prepare scientific proposals and recommendations for the legal basis of this institution.

In particular, the 14th goal provided for in this Decree is to ensure the rule of law and constitutional legitimacy and to define human dignity as the main criterion of this process. set the tasks of increasing the level of achievement, forming a new image of law enforcement agencies and directing their activities to effectively protect people's interests, human dignity, rights and freedoms, and in the 18th goal, the tasks of ensuring timely and complete execution of documents of courts and other bodies. If we look at the implementation of these tasks from the point of view of criminal procedural law, we can say that by reforming the institution of prejudice and reflecting it in the national legislation, it can be a solution to issues such as solving the procedural cases in a simplified manner in the realization of the rights of citizens at the pre-trial stage and in court. .

It should be noted that the method of comparative legal analysis was widely used during this research.

It has the following goals:

1) to observe the universality of the decisions of judicial bodies;

2) preserving the social value of documents of judicial bodies;

3) following the authority of judicial bodies;

4) follow the authority of the decisions taken by the judicial bodies;

5) compliance with the legal succession of decisions taken by judicial bodies;

6) is to speed up the process of proof in a criminal case [1].

1) the concept and significance of the institution of prejudice is revealed as a means of increasing the importance of court documents in criminal procedural law and ensuring reasonableness, speed and uniformity in the consideration of criminal cases ;

2) concrete proposals are developed for solving theoretical and practical problems related to the prospects of introducing the institution of prejudice in criminal proceedings;

World Bulletin of Management and Law (WBML)
Available Online at: https://www.scholarexpress.net
Volume-18, January-2023
ISSN: 2749-3601

3) suggestions are made on the development of the limits and scope of the institution of prejudgment and procedural procedures related to its application in the operation of the court on criminal cases [2].

During the research carried out within this topic, scientific views were studied.

Nowadays, its provisions are applied in practice, although not in the name of "prejudice" in the legislation of almost all countries. Prejudice comes from the Latin word praejudicium, which means "to decide a matter in advance; a decision made in advance; circumstances that allow discussion about the consequences" [3].

In the theory of law, prejudice means a legal rule, according to which a legally binding judgment (decision) of one court is binding for other courts, and therefore it is not allowed to review the same case or part of it repeatedly [4].

As we have seen, different views on the concept of prejudice have been formed in the legal literature. In particular, AGGorelikova and IVChashchina understand prejudice as a rule that exempts the circumstances determined in a legally binding court sentence from recognition and proof in the course of proceedings in another criminal case [5]. The importance of prejudice is that it serves to exclude contradictions between court documents in order to comply with the universality of court documents, to speed up and ease the process of determining cases that need to be proven, as well as to create conditions for procedural economy.

In fact, prejudice is the cases determined by the court, prosecutor, investigator, investigator in the course of civil, economic or administrative court proceedings by a legally binding judgment or other decision of the court, provided that they are not rejected by the evidence collected, checked and evaluated during the criminal proceedings in accordance with the procedure established by law. , is an element of the proof process expressed in the recognition without additional checks.

To put it simply, a means of proof by a court is a rule on exemption from the obligation to prove circumstances determined by a legally binding judgment of another court and recognized as binding and which do not require repeated examination. In this case, if certain circumstances are determined by the court and confirmed by a court decision, they are recognized as prejudicial applied to the following persons and these circumstances. In other words, from the situation and legal conclusions determined by the decision of the investigator, investigator, prosecutor, court, judge, investigative body with legal force, investigator, prosecutor, court, judge on the substantive resolution of the case in criminal, administrative, civil, economic cases. In the process of proof, it is necessary to understand the rule of proof, which determines the basis and order of use [6].

In short, prejudice in criminal proceedings refers to the circumstances defined in a legally binding court document (sentence, decision, decision, decision, etc.), provided that they meet criteria such as admissibility, reliability, and formalization in accordance with the requirements of procedural legislation, in a criminal case means a legal rule that ensures recognition and application without additional examination and evaluation in the course of business , as well as exempting these cases from repeated proof.

Although there is currently no rule on prejudice in our current criminal-procedural legislation, we can see that this institution is being used in the studied judicial investigation practice. The proof of our opinion can be explained by several specific facts. In particular, if we make a comparative legal analysis, there are specific articles of prejudice in the civil and economic procedural codes. But the name of the substance is not mentioned as prejudice.

For example, in Article 38 of the Criminal Code, the question of jurisdiction of the civil case on damages caused by crime is resolved. That is , it is indicated that a civil claim arising from a criminal case, if this claim was not filed or not resolved during the trial of a criminal case, is submitted for consideration in the procedure of conducting civil court cases according to the general rules on the admissibility of civil cases. In addition, Article 75 defines the grounds for exemption from proof. There is such a norm in this that includes the element of clear prejudice. In this case, among the cases taken from proof, the norm is established that the cases which the court finds to be known to everyone do not need to be proved. Similar issues arise in criminal procedural law. In solving this issue, we can see that the rules provided for in the FPC are used in practice in an unusual way. For this reason, we will have to introduce a norm related to prejudice in the JPK itself.

REFERENCES LIST

1. Sardorovich US, Marcelli A. PREJUDICE IN EVIDENCE AND PROOF //Otvetstvenn y y redaktor. – 2021. – S. 22.;
2. Sardorovich U. S., Marcelli A. PREJUDICE IN EVIDENCE AND PROOF //Ответственный редактор. – 2021. – С. 22.;
3. Zarzhiskaya L.S. Prejudits ii v system of criminal-procedural evidence: presentation of results of scientific-practical issledovaniya // Mirovoy sudya. - 2013. - No. 1. - S. 26 . ;
4. Bruskov P.V. Prejuditsiya v ugolovnom, arbitrazhnom i grajdanskom protsessakh // www.pravoektb.ru/stati/preyuditsiya-v-ugolovnom-arbitrazhnom-i-grazhdanskom-protsessakh (28.02.2013) .;
5. Konstitutsionno-pravovye problemy primeneniya principa prejudice v ugolovnom processe. Obobshchenie pravoprimenitelnoy practical. Otvetstvennye redaktory: A. Ya.

World Bulletin of Management and Law (WBML)
Available Online at: https://www.scholarexpress.net
Volume-18, January-2023
ISSN: 2749-3601

Asnis, O. V. Istomina. - M.: Granitsa, 2013. - 24 p.

6. Pulatova NS The role of court documents in the mechanism of legal regulation (theoretical-legal issues): Jurid. science. name ... diss. autoref. - Tashkent: TDYUI, 2011. - 27 p.
7. Esaulov S.V. The realization of the principle of presumption of innocence and proof of the existence of the principle of presumption of innocence: Autoref. diss. ... candy. walk science - M., 2013. - 24 p.