



PRESUMPTION OF INNOCENCE AS AN IMPORTANT RULE OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

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Article history:	Abstract:
Received: December 8 th 2022 Accepted: January 6 th 2023 Published: February 8 th 2023	In this study, the author presented an analysis of the presumption of innocence and the international legal norms of the Universal Declaration of Human Rights. He paid special attention to the importance and improvement of the mechanism of compliance with international legal norms in the field of justice and its reflection in national legislation. In addition, the author gave reasonable explanations regarding the improvement of national legislation in connection with international law norms.

Keywords: Presumption of innocence, human rights, international law, international fair trial, Universal Declaration of Human Rights, increasing trust in courts, simplifying the judicial process.

On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights "as a task that all peoples and all states should strive to fulfill."

At the core of the Constitution of independent Uzbekistan is the goal of establishing a humane, democratic, legal state based on the universally recognized international law and the main provisions of this Declaration.

That is why today our international activity in the protection of human rights, according to the treaties aimed at the protection of human rights, the international obligations of the Republic of Uzbekistan should serve the demands and interests of our people.

It should be noted that many provisions of the Declaration are directly reflected in the Constitution of our country. For example, the issue of the presumption of innocence of a person can be a clear proof of our opinion. Below, we will first of all consider the presumption of innocence, which is established as an important rule in this Declaration, as well as in the legislation of our country.

In particular, according to Article 11 of the Universal Declaration of Human Rights,

1. Every person accused of committing a crime has the right to be considered innocent until he has been given all the opportunities for defense, and until his guilt has been determined in a public court session in a legal manner.

2. No one shall be convicted of any act or omission which, at the time of its commission, was not considered a crime under national law or international law at that time. Also, it is not possible to impose a

heavier punishment than the one that could be applied at the time of the crime¹.

The presumption of innocence as a separate rule was first expressed in the 1789 Declaration of the Rights of Man and Citizen.

The presumption of innocence (assuming that a person is innocent until proven guilty) is enshrined in Article 26 of the Constitution of Uzbekistan and is the basis of the principle of legality in criminal law and one of the main principles of justice.²

Presumption of innocence means that a person is considered innocent until the guilt is confirmed by the law and by the relevant authorities. Or, according to Article 23 of the Code of Criminal Procedure of the Republic of Uzbekistan, the presumption of innocence means that a suspect, accused or defendant is considered innocent until his guilt in committing a crime is proven in accordance with the law and until it is determined by a legally binding court sentence. According to the Criminal Procedure Code, a suspect, accused or defendant does not have to prove his innocence³.

Article 4, part 2 of the Criminal Code of the Republic of Uzbekistan develops the provisions specified in the Constitution, and it is clearly stated

¹ Comments on the Universal Declaration of Human Rights. - Tashkent: Adolat 1999. - 19 p.

² Constitutional law of the Republic of Uzbekistan. - Tashkent: Finance 2002. - 231 p.

³ See more about this: Comments on the Code of Criminal Procedure of the Republic of Uzbekistan. - Tashkent: Justice. - 37 p.



that no one can be found guilty of committing a crime without a court verdict.

Article 16 of the Law on Courts of the Republic of Uzbekistan is devoted to the presumption of innocence, in which the accused is considered innocent until his guilt is proven in accordance with the procedure provided for by the law and until it is determined by a legally binding judgment of the court.

No one can be imprisoned without a court order.

No one shall be subjected to torture, violence, cruel or other forms of oppression degrading to human dignity and dignity.

Presumption of innocence is one of the main principles of justice. In accordance with this principle, the sentencing authority (court) must determine that this person committed the crime before imposing the sentence. The preliminary investigation body is obliged to convict the person who committed the crime and prove his guilt (innocence) in committing this crime, because the accused is not considered guilty according to the presumption of innocence until the verdict of the court comes into force.

If a cassation appeal has been filed against the conviction issued in a criminal case, the cassation process has been notified, then the higher court upholds the verdict of this criminal case, after which it enters into force.

The obligation to prove the degree of guilt of a person accused of committing a crime is assigned to the investigator, the investigating person, the prosecutor and the court.

But the accused has the right to prove his innocence by using his defense right, but it is not his obligation. A person accused of committing a crime has the right to testify, and the right not to testify. This situation cannot be the basis for issuing an indictment against him.

The fact that the accused cannot provide evidence of his innocence is not a reason to call him guilty. The accused can be charged only if the confession of his guilt is confirmed by other evidence.

The following requirements arise from the principle of the presumption of innocence, that is, the investigator, the investigator and the prosecutor and the court: a) have no right to impose on the accused the obligation to prove the guilt of the person, which is assigned to him, besides, the accused is not obliged to prove his innocence, but to inform about the existence of his innocence. has the right, b) if the guilt of the accused is not confirmed, then his innocence should

be recognized as confirmed; c) should be interpreted in favor of the accused if doubt cannot be removed¹.

The importance of this rule is determined by the fact that "the presumption of innocence requires a complete, clear and indisputable determination of the guilt of the accused. If this requirement is not fulfilled, that is, the guilt of the accused is not clearly and completely proven by the evidence, the court's verdict that this person should be considered guilty of committing a crime will be unfair, and the rights and interests of this person will be limited. It is clear that such a judgment will not have legal force².

According to Article 26 of the Constitution and the Law "On Courts", every person accused of committing a crime is considered innocent until proven guilty in accordance with the law and determined by a legally binding judgment of the court. (Decision of the Plenum of the Supreme Court of the Republic of Uzbekistan of December 20, 1996).

Based on the above, it is not difficult to understand how the presumption of innocence strengthened in the Universal Declaration of Human Rights assumes priority and importance from the point of view of human rights. As we have seen above, it is not an exaggeration to say that this rule established in the Declaration has found its perfect reflection in the legislation of the Republic of Uzbekistan.

At the end of our opinion, the adoption of the Decree of the President of the Republic of Uzbekistan "On the program of events dedicated to the 60th anniversary of the adoption of the Universal Declaration of Human Rights" is a clear indication of the importance of the Declaration in our country.

REFERENCES:

1. Nurumov D. Characteristics of providing legal services to business entities by legal consultancy organisations //The American Journal of Political Science Law and Criminology. – 2021. – Т. 3. – №. 7. – С. 27-34.
2. Karomat o'g'li M. K. Priority Directions of the Prosecutor's Control Over Law Enforcement in the Field of Land in the Republic of Uzbekistan //Eurasian Research Bulletin. – 2023. – Т. 16. – С. 68-72.
3. Қаландарович М. Қ. СУДЬЯЛАР МУСТАҚИЛЛИГИНИ ТАЪМИНЛАШНИНГ АЙРИМ ЖИХАТЛАРИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2023. – Т. 8. – №. 1.

¹ Comments on the Criminal Procedure Code of the Republic of Uzbekistan. - Tashkent: Justice. - 38 p.

² Criminal proceedings. - Tashkent: Academy of Ministry of Internal Affairs of the Republic of Uzbekistan. - 70 p.



4. Кодиралиев С., Тулаганова Г. Роль адвоката в реализации права на защиту и квалифицированную юридическую помощь, установленного Конституцией Республики Узбекистан //Review of law sciences. – 2020. – Т. 1. – №. Спецвыпуск. – С. 152-156.
5. Qodiraliyev S. Issues of improving the activities of the chamber of advocates. – 2021.
6. Rakhimjonova N. R. Classification System of Crimes in Criminal Code of the Republic of Uzbekistan //Psychology and Education. – 2021. – С. 1094-1101.
7. Мардонов К. Суд ҳужжатлари ва бошқа органлар ҳужжатларини ижро этишда қонунларга риоя қилиниши устидан прокурор назоратининг устувор йўналишлари //Общество и инновации. – 2023. – Т. 4. – №. 1. – С. 15-21.
8. Matmurotov A. Issues of improving the procedure for passing the qualifying exam //Society and Innovation.//Society and innovation. – 2021. – Т. 2. – С. 205-221.
9. Матмуротов А., Кенжабоева Д. ИНСТИТУТ ДОСЛЕДСТВЕННОЙ ПРОВЕРКИ В УГОЛОВНО-ПРОЦЕССУАЛЬНОМ ЗАКОНОДАТЕЛЬСТВЕ: АНАЛИЗ И ВОПРОСЫ УСОВЕРШЕНСТВОВАНИЯ //Review of law sciences. – 2018. – №. 2. – С. 122-126.
10. Нурумов Д. Д. и др. НЕКОТОРЫЕ ПРОБЛЕМЫ ИСПОЛНЕНИЯ АКТОВ ЭКОНОМИЧЕСКОГО СУДА //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2022. – Т. 7. – №. 4.