



## THEORETICAL CONCEPT AND LEGAL SIGNIFICANCE OF JUSTIFICATION

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Article history:	Abstract:
<b>Received:</b> December 8 <sup>th</sup> 2022 <b>Accepted:</b> January 6 <sup>th</sup> 2023 <b>Published:</b> February 8 <sup>th</sup> 2023	Acquittals issued by the court, the procedure for their preparation and announcement, making acquittals legal, reasonable, fair and civilized, the main requirements for acquittals - a thorough study of their legality, reasonableness and fairness, and relevant recommendations, opinions on eliminating shortcomings in this regard -consists of expressing opinions.
<b>Keywords:</b> evidence, exculpatory evidence, lawyer's request, trial, judicial investigation, acquittal, conviction, rehabilitation	

An acquittal is a judicial document accepted by a court of first instance and is characterized by certain internal (legality, validity and fairness) and external (absoluteness, obligation, immutability) characteristics that have socio-political, legal, moral and educational significance, and a person's commitment to it establishes that he is innocent (not proven guilty) of committing the crime announced and supported during the trial.

Acquittal, the absence of a criminal event or the elements of a crime, and the defendant's involvement in the commission of the crime, is defined as follows in Article 464 of the Criminal Code. An acquittal is issued in the following cases, provided that: 1) no criminal incident has occurred; 2) if the act committed by the defendant does not constitute a crime; 3) if the defendant was not involved in the commission of the crime[1].

If there is no criminal incident. That is, if it is determined that the suspected crime is innocent damage, an administrative, civil or disciplinary offense, or an act that cannot be considered criminal based on the circumstances that exclude the criminality of the act, an acquittal will be issued.

defendant does not constitute a crime. That is, in cases where the defendant's act does not contain four elements of the criminal structure - the object, the objective party, the subject and one of the subjective party, the act is not considered a crime. After all, according to Article 16 of the Criminal Code, only the commission of an act that has all the symptoms of the crime provided for in the Criminal Code is the basis for prosecution[2].

Defendant was not involved in the commission

of the crime. That is, a person should be acquitted even if the defendant was not a participant in the committed crime and had no connection to criminal involvement. According to the second part of this article, if it is determined that the crime was committed by another person, and if the accusation against the defendant is not convincingly confirmed after a detailed investigation of the circumstances of the case, the court acquits the defendant on the basis that the defendant was not involved in the commission of the crime. Basharti, if the person who committed the crime is not identified when the verdict of acquittal is issued on that basis, the court will send the case to the prosecutor after the verdict comes into force to identify this person and take measures to attract him to participate in the case as an accused[3].

Only some Uzbek scientists have conducted scientific research on the institution of grounds for annulment or change of sentence. However, this issue is important in its essence, because the fate of man lies on its ground. The very idea of an innocent person wrongfully prosecuted being punished and a truly guilty person getting away with it undermines respect and faith in the law. Even if it is too late, it is possible to eliminate the mistakes and shortcomings, but who will compensate for the lost health, lost life, lost dignity? This situation is completely contrary to the interests of the society and the state.

Official data, 371 people were acquitted in the first half of 2020. Since 2017, the number of people acquitted in the republic has reached 3702.

290 cases were heard by the courts in accordance with the lawsuits submitted for the recovery of property



and moral damage caused by acquitted persons as a result of unjustified prosecution. the damage is fully recovered[4].

In 2020, at the initiative of prosecutors, 57 people suspected of committing various crimes were acquitted. The Prosecutor General of Uzbekistan Nigmatilla Yoldoshev informed about this in his report at the plenary session of the Senate.

"Another important direction of our activity is related to the participation of our prosecutors in courts. In 2020, prosecutors participated in 119,000 cases, more than 3,000 illegal court decisions were adjusted to laws based on prosecutors' protests.

This is 31% of the total changed and reversed court decisions. At the initiative of the prosecutors, 57 persons were acquitted," said Nigmatilla Yoldoshev, the chief prosecutor of Uzbekistan.

The Deputy Chairman of the Supreme Court, Kholmomin Yodgorov, spoke about the reforms carried out to ensure the independence of the judiciary in the last 3 years, citing some figures in this regard.

"In the last three years, 2,273 persons were acquitted. This shows that justice is being decided and the rule of law in our society .

There was no concept of justification before. If it was decided, the case would be closed.

Also, over 3,500 young men and women who committed crimes during the same period of time were given non-custodial sentences and were given to the guarantors of the neighborhoods and the Youth Union[5].

It is known that in the Decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated August 24, 2018 "On some issues of the application of the norms of the criminal procedure law regarding the admissibility of evidence", the attention of the courts is to observe the presumption of innocence enshrined in the Constitution of the Republic of Uzbekistan that a person is considered innocent until his guilt in committing a crime is proven in accordance with the law. it was decided to focus on the need to achieve[6].

In accordance with Article 464 of the Criminal Procedure Code, if no criminal incident has occurred, if the act committed by the defendant does not constitute a crime, and if the defendant is not involved in the commission of the crime, the court issues a verdict of acquittal.

The procedural significance of the acquittal is that acquitting the defendant , is one of the most important procedural methods of redressing injustice . It not only contains a statement about the procedural errors made by the preliminary investigation authorities, but also eliminates this error by rehabilitating the

defendant who was found innocent . In acquittal, all previous criminal-procedural actions are summarized .

Acquittal in a professional environment is a rebuke to law enforcement agencies - investigative bodies , it is an indicator of unprofessionalism, imperfection of activity. Officials of these bodies are shortcomings and gaps in their work. In fact, when the court clearly recognizes the defendant's innocence, it is impossible to positively evaluate the activity of the investigator or the prosecutor. There cannot be a situation where two opposite correct decisions are not made on the same issue. One of them must be wrong.

place of acquittal in the criminal justice system, whether it is an indicator of effective justice or a specific " error " in the work of investigative bodies , it is necessary to answer the following questions:

- 1) the significance of the acquittal for the accused and the state;
- 2) factors affecting acquittal;
- 3) the role of justification in legislation[7].

Acquitting an innocent person is one of the goals of justice . In order for the court to issue a decision on the acquittal of the defendant, it is necessary to establish that the defendant is not guilty of committing the crime, that there is no incident or the composition of the crime (Article 464 of the Criminal Procedure Code). An acquittal confirms the defendant's innocence. After examining and studying the evidence in the prescribed manner ( without prejudice to the rights of the defendant ), the court must refuse to admit all inadmissible evidence. When issuing a decision on acquittal, the court allegedly refers to the mistakes made by the preliminary investigation authorities and the prosecutor's office, which in turn led to the violation of the defendant's rights. According to Chapter 37 of the Criminal Procedure Code, the state implements the right to rehabilitation, which includes the right to compensation for damages related to criminal prosecution .

following factors affecting the acquittal can be determined : 1. The current criminal policy and law enforcement, manifested in law enforcement: the adoption of regulatory legal documents, the bases, types and amount of responsibility for crimes, as well as the implementation of law enforcement agencies and justice. direct activity. 2. Statutory requirements for sufficiency of evidence. 3. Legal positions of the Plenum of the Supreme Court, well established case law. 4. Quality of preliminary investigation. 5. Special procedure for litigation. 6. Public opinion is formed under the influence of media and law enforcement agencies in such a way that the image of acquittal is primarily associated with the impartiality of the court.



In developed countries, it is believed that the preliminary investigation institution contributes to the decision of the court. Because, for example, after investigating a report of a crime, they refuse to open a criminal case due to the absence of elements of the crime or the incident.

Now let's talk about the concept of justice itself. Justice is a high value related to social life and mutual relations of society members. Therefore, it is often described by the phrase "social justice". In fact, justice is only social, and it is undoubtedly not something natural, artificial, technical, or sectoral.

In general, justice as a category of morality and law is a necessary measure that controls moral-legal relations and evaluates people's activities.

Justice is the best intention of a person, sometimes it is the decisive factor of life and death. As a constant companion of man, he has withstood innumerable conflicts in the past, endured hardships, and is also honored because he does not get lost in various eddies and walks smoothly on his path. Justice in the field of law is not only the main criterion, but also a powerful tool for achieving the rule of law, the activity aimed at protecting the law and the one and only support of the judiciary. That is probably why the term "justice" was not used at all in procedural laws until the adoption of the new JPK of our independent Republic in 1994 (Article 280 of the 1959 JPK). It should be noted that until 1990, the term "justice" was not included in textbooks, scientific works, legal encyclopedias and dictionaries devoted to the theory of law.

## REFERENCES

1. (Файзиев Ш.Ф. Нравственные основы досудебной уголовно-процессуальной деятельности в Республики Узбекистан // Судебная власть и уголовный процесс. 2015. № 4. С. 141-145).
2. Bazarova D. Presumption of Innocence-A Criminal Procedural Guarantee as A Component of the System //Middle European Scientific Bulletin. – 2021. – Т. 14.
3. Bazarova, D. (2021). On assurance of rights and interests of the victim in criminal proceedings of the republic of uzbekistan. *PhD in Law, 1(1)*, 1-11.
4. Uralov Sarbon Sardorovich. (2023). PREJUDICE IS THE FINAL KEY TO EVALUATING EVIDENCE IN CRIMINAL PROCEEDINGS. *World Bulletin of Management and Law, 18*, 55-57. Retrieved from <https://scholarexpress.net/index.php/wbml/article/view/1931>
5. Suyunova D. J., Koniushenko Y. Y., Nguindip N. C. A Comparative Understanding of Criminal Liability Formation for Crimes Against Women in Uzbekistan and Cameroon //Ius Humani, Revista de Derecho. – 2021. – Т. 10. – С. 129.
6. TULAGANOVA G. GUARANTEED TRUE INDEPENDENCE OF JUDGES //ИНТЕРНАУКА Учредители: Общество с ограниченной ответственностью "Интернаука". – С. 59-60.
7. Алишаев С. Т. ЖИНОЯТ ИШИНИ СУД МУҲОКАМАСИГА ТАЙЁРЛАШ ТАРТИБИНИ ТАКОМИЛЛАШТИРИШ МАСАЛАЛАРИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2022. – Т. 7. – №. 11.