



IMPORTANCE OF CRIMINAL PROCEDURE PRINCIPLES IN CRIMINAL PROCEDURE

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| Article history: | Abstract: |
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| Received: April 6 th 2023 Accepted: May 6 th 2023 Published: June 11 th 2023 | Some key features of criminal procedures principles are scientifically analyzed and relevant proposals have been put forward in this article. These include the principles of the criminal procedure, its concept, types, legal nature and essence, the principles of the criminal procedure in the course of conducting criminal cases at different stages of the criminal process - pre-trial and judicial stages, and the application of the principles of the criminal procedure and its specific features. |

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Any activity in the field of law is based on certain principles and is carried out in compliance with it. Principles of criminal procedure are the main rules and principles that must be followed in the course of conducting criminal proceedings.

The principles serve to ensure the rights and freedoms of citizens, conduct legal, reasonable and fair criminal cases and make judicial decisions.

In the explanatory dictionary of the Uzbek language, the principle (Latin principium) is defined as a theory, doctrine, worldview, etc.

Principles are a multifaceted collective category. The principles are unique in terms of the evaluation factor of the content of the field. The discussion on the principles of the criminal procedure and its essence has always been the most relevant [1].

In philosophical dictionaries, it is noted that principle is understood as initial, theoretical rules that do not require proof, internal beliefs, immutable rules or rules of behavior.

The important principles and rules established in the international legal documents and the Constitution of the Republic of Uzbekistan aimed at the protection of human rights and freedoms, fair inquiry, investigation and judicial actions are strengthened in the Criminal Procedure Code as the guiding rules and principles of criminal procedural activity, that is, it is aimed at quickly and fully solving crimes, exposing the guilty and ensuring the correct implementation of the law so that every person who commits a crime is given a fair punishment and no innocent person is held responsible and convicted.

Any area of our activity is regulated by legislation, and its operation and development is always based on some

inviting, guiding rules. Such rules are usually called principles.

In the course of criminal proceedings, procedural actions are carried out and legal relations are entered into. It relies on the guiding and fundamental principles enshrined in the Code of Criminal Procedure in procedural actions and relations.

V.A. According to Ponomarenkov, "Principles of criminal justice reflect certain moral standards, the scope of social values and the culture of society, determine the general rules of conduct of subjective criminal-procedural relations, and thus the legal status of the participants in the process, their powers, and the procedure for the implementation of procedural actions, and others are the basis for identification" [2].

The principles of criminal procedure are of great importance in law enforcement activities and they are interrelated, violation of one principle may lead to violation of other principles as well and finally the invalidation of relevant decisions, documents and responsibility of responsible persons.

Determining the essence of the principles of criminal procedure directly depends on what are its characteristic features. One of the important features of the principle of criminal procedure is its objectivity. The principles of the criminal procedure are objectively determined by the legislation of the state, and they cannot otherwise be arbitrarily defined as basic rules.

One of the important features of the principles of criminal procedure in the course of criminal proceedings is that they are strictly defined in the Criminal Procedure Code in the form of procedural norms.

The principles of criminal procedure are firmly established in the Code of Criminal Procedure as the



main rules that must be followed in the course of conducting criminal cases.

In the course of criminal justice, an important feature of the principles of criminal procedure is determined by the scope of their direct influence, that is, the possibility of its implementation. The principles of criminal procedure are directly applied in the course of conducting criminal cases. Procedures established in the criminal procedural legislation, along with other rules, the rules on principles are uniform and binding for all courts, prosecutor's office, investigation, inquiry bodies, legal profession, as well as citizens.

In the theory of criminal procedure, the issue of systematization of the principles of criminal procedure is one of the urgent issues. Take the principles of criminal procedure as a basis in the systematization process criteria are important.

A.A. Solov'ev, based on the analysis of opinions regarding the classification of principles proposed by various authors, concludes that they are based on the following criteria: a) scope of application; b) the nature of the normative documents they are strengthened; c) connecting them to the rules of the judicial system or judicial procedure; g) type of process; d) priority of interests.

In addition, the author notes that it is generally recognized that the principles are divided into general legal, inter-branch and branch principles according to the field of application in the criminal-procedural literature [3].

Based on the analysis of the opinions and views of scientists regarding the systematization of criminal procedure principles in the theory of criminal procedural law, the principles of criminal procedure can be divided into constitutional, sectoral and special principles. The constitutional principles of the criminal procedure - the principles of legality, independence of judges and their obedience only to the law, respect for the honor and dignity of the person, protection of the rights and freedoms of citizens, the presumption of innocence, the principles of providing the suspect, the accused and the defendant with the right to defense. The sectoral principles of the criminal procedure - the implementation of justice only by the court, the implementation of justice on the basis of the equality of citizens before the law and the court, the open trial of criminal cases in court, the language of criminal proceedings, the principles of controversy in court proceedings. Among the special principles of the criminal procedure, we can include such principles as the jury and individual consideration of criminal cases, the inevitability of criminal proceedings, the participation of the public in the conduct of criminal

cases, the right to determine the truth, the right to appeal against procedural actions and decisions, direct and oral examination of evidence.

The principles of the criminal procedure are the main legal rules established by the law, which define the specific features of the criminal procedure and the general, guiding rules for the implementation of procedural actions at all stages of the criminal proceedings.

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