



DIGITAL JUSTICE

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Article history:	Abstract:
Received: October 24 th 2023 Accepted: November 4 th 2023 Published: December 28 th 2023	The article analyzes necessity of digital justice in criminal process. In order to simplify and speed up the criminal process, proposals and recommendations for the digitalization of pretrial and judicial proceedings are scientifically substantiated.
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In case of violation of the rights of every person given to him by the Constitution and the law, the effective restoration of these rights is guaranteed by the court. There is no doubt that effective enforcement of the right consists in full and speedy restoration. This is an indication of the priority given to each term in criminal justice.

The faster and fuller the crimes are solved, the more crimes will be prevented in the future. For this purpose, it should be noted that in order to increase the speed of the procedure, it is recommended that the states revise their legal systems and develop forms of criminal proceedings that meet modern requirements. After all, it is necessary to fight against crime in a timely manner by bringing the time of the committed crime and a fair sentence for it as close as possible. First of all, based on the need to coordinate the process according to the level of social danger of crimes, as a result of such research, simplified procedures for conducting criminal cases began to emerge¹. Differentiation of the investigation and court process depending on the severity and complexity of the crimes allows to increase the efficiency of justice, that is, to simplify the criminal process and save time and money. In this case, the procedural speed should not affect the quality of the process and the quality should not harm the speed². As A.Galkin and N.Bogatyryov wrote, it is never possible

to allow unjustified delays in court proceedings, because everyone tries to ensure human rights as soon as possible. Unreasonably complex and inflexible procedural rules should not tie the hands of justice³.

In our opinion, it is desirable to simplify criminal justice through digitization. The order of criminal proceedings should be such that it should be as convenient as possible for the participants of the procedural actions, the citizen who demands protection of his violated rights should get it in time and the law enforcement bodies should perform their duties as soon as possible. In this regard, the role of digital technologies is incomparable and they can be used effectively in everything from criminal complaints to investigations and court practices⁴.

According to Yu.V. Gavrilin and A.V. Pobedkin, no matter how perfect the criminal process is, it cannot be imagined without modern digital technologies⁵.

L.N. Maslennikova also says that digital technologies protect against red tape, unjustified refusal to initiate a criminal case, unjustified termination and termination of a criminal case⁶.

Most procedural scientists emphasize that modern digital technologies serve to quickly identify and prevent crimes and also the need to introduce online services⁷. Currently, "Digital Justice" has become an important issue for all countries. In 2017, the People's Republic of

¹Gutsenko K.F., Golovko L.V., Filimonov B.A. The criminal process of Western states. 2nd ed. -M.: "Zertsalo-M", 2002. -S. 28-29.

²Yakupov P.X. Procedural terms in Soviet criminal proceedings (at the stages of initiating a criminal case and preliminary investigation). Avtoref...dis.... cand. legal Sciences. -M., 1972. -S. 6.

³Galkin A., Bogatyrev N. Judicial control over the timing of cases // Ross. justice, 2000. -M., -S.41.

⁴Khamitovna K.M. Digital terms in criminal process //European International Journal of Multidisciplinary Research and Management Studies. – 2022. – T. 2. – №. 07. – C. 59-63.

⁵Gavrilin Yu.V., Pobedkin A.V. Modernization of the criminal procedural form in the conditions of the information society // Proceedings of the Academy of Management of the Ministry of Internal Affairs of Russia. 2019. 3 (51). 27

⁶Maslennikova L.N. On the issue of the first results of the implementation of the scientific project No. 18-29-16018 "The concept of building criminal proceedings that provide access to justice in the context of the development of digital technologies" // Lex Russia. 2020. Vol. 73, No. 1. -FROM. 70-87.

⁷Sukhodolov A.P., Bychkova A.M. Artificial intelligence in combating crime, its forecasting, prevention and evolution // All-Russian criminological journal. 2018. -№ 6. -S. 753-766.



China alone united about 12,000 courts on a centralized electronic platform to hold court hearings through video conference communication and we witnessed 110,000 online proceedings in February-March 2020⁸.

In England, the full digitization of judicial investigation activities for certain types of crimes has been achieved. Digital justice is used for crimes of low social risk and "Electronic (digital) criminal case" is used in the judicial investigation of this category of cases. A single digital platform will be created, which will ensure the transition to a fully and systematically digitized "Digital Justice", its peculiarity is that it will integrate all inter-departmental systems and not individual stages and tasks of the criminal process, but the full digitalization of the criminal process⁹.

If we look at our national legislation, Article 91¹ of the Criminal Procedural Code establishes the rules for conducting investigative actions in the videoconference mode, according to which, investigative actions involving witnesses, victims, suspects and accused persons (interrogation, identification of persons and things, face-to-face) of these persons in their place or may be held in the videoconference mode using technical means, called to the law enforcement agency or court of the region or district or city of the place of residence. During the videoconference, the participants of the investigative action directly monitor the process and results of the investigative action through a live broadcast. The decision to conduct investigative actions in videoconference mode is made by the investigator, prosecutor or the court on their own initiative or at the request of the participants in the criminal proceedings. This experience shows that some elements of online justice have been implemented in practice and in order to fully introduce "Digital Justice" into our national legislation and practice in the future, to expand the scope of investigative actions allowed to be conducted in the videoconference mode in Article 91¹ of the Criminal Procedural Code, as well as to conduct investigations with a low social risk and a low risk. It is appropriate to introduce "Electronic (digital) criminal case" for crimes.

By establishing such a practice, several advantages are achieved, such as quick and full disclosure of crimes, exposure of the guilty, coordination of the process according to the degree of social danger of crimes¹⁰ and

simplification of judicial investigation activities.

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⁹Zuev S.V. Electronic criminal case: for or against // *Law*

order: history, theory, practice. 2018. -№ 4. -S. 6–12.

¹⁰Khamitovna K.M. Criminal procedural terms in the republic of Uzbekistan // *Asian Journal of Multidimensional Research (AJMR)*. – 2020. – T. 9. – №. 2. – C. 280-287.



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