



SPECIFIC ASPECTS OF THE IMPLEMENTATION OF THE PRINCIPLES OF CRIMINAL PROCEDURE AT THE PREJUDICIAL LEVEL AND AT THE COURT LEVEL

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Article history:	Abstract:
Received: December 20 th 2023 Accepted: January 18 th 2024 Published: February 20 th 2024	In the article, following the principles of the criminal procedure and its specific features in the process of reviewing criminal cases before and after the trial, also, in the process of pre-trial investigation, rapid search, inquiry, preliminary investigation and trial, issues related to the importance of the principles of criminal procedure in protecting the rights and legal interests of the participants in the process were scientifically analyzed and appropriate proposals were put forward in this regard.
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The principles of the criminal process are the main rules and leading ideas that are established in the criminal-procedural legislation and determine the content of the criminal process at all its stages.

The principles enshrined in the Criminal Procedure Code have their own characteristics. First, the principles of criminal procedure have a general character, revealing its social direction and most important features. Secondly, they are strengthened in many ways in legal norms, and they have a normative, state-administrative, general mandatory character. Thirdly, the principles determine the content and rules of activities of all participants in the criminal proceedings.

The rules on the principles of the criminal procedure defined in the Code of Criminal Procedure of the Republic of Uzbekistan are applied together with the rules on the procedure of investigation, rapid search, investigation, preliminary investigation and court hearing in criminal cases.

In the process of studying and analyzing the principles of the criminal process, the authors express different attitudes to the concept of the principle.

S.A.Nasonov defines principles as "elements reflecting the essence and content of the criminal process, describing the historical type of the process, determining the subject and method of procedural regulation", principles as elements describing the level of protection of human rights and freedoms in the criminal process.

Y.K. Yakimov examines the principles of "... the most general, basic rules describing the criminal process

in general, its institutions, stages, the procedural status of the subjects of procedural activity."

Not all principles of criminal procedure are applied at the pre-trial stage. Some of them proceed at two stages (legality, the principle of the language of criminal proceedings, ascertaining the truth, direct and oral examination of evidence, etc.), some of them proceed to the pre-trial stage (regularity of initiating a criminal case, etc.), and some only to the court stage (justice implementation by the court, consideration of criminal cases in a panel and individually, etc.)

Legality is a universal general legal principle that is normatively reflected in the Constitution of the Republic of Uzbekistan and many normative legal documents. Compliance with it applies, first of all, to officials (investigator, prosecutor) and the court. Other participants in the criminal proceedings (for example, the accused, the victim, the defender) do not have the right to interfere with the activities of officials, to prevent them from carrying out their legal activities. Otherwise, administrative measures, criminal-procedural coercive measures or criminal liability may be applied to them. At the same time, they are obliged to follow the principle of legality in their actions and decisions in the course of criminal proceedings.

The independence of judges in the implementation of justice and obedience only to the law is considered one of the important principles of the criminal process.

The principle of respect for the honor and dignity of a person in the course of conducting criminal proceedings includes the obligation of the participants



of the criminal proceedings to perform their procedural functions in the criminal case, not to take actions or make decisions that demean the honor of the suspect, the accused, the defendant. It is prohibited by law to treat the participants of the criminal proceedings with rudeness, to discriminate against them, to insult them.

The principle of protection of the rights and freedoms of citizens first of all envisages the obligation of the court, prosecutor, investigator and inquirer to explain the rights, duties and responsibilities and the possibility of exercising these rights to the suspect, the accused, the victim, the civil plaintiff, the civil defendant, as well as other participants in the criminal proceedings.

Secondly, in the Criminal Procedure Code, the rule that the damage caused to a person as a result of the violation of his rights and freedoms by the officials of the bodies fighting against crime must be compensated in accordance with the established principles and procedure is enshrined in the legislation.

The principle that justice is administered only by the court includes the following provisions: 1) Justice in criminal cases in the Republic of Uzbekistan is carried out only by the court; 2) The rights and freedoms of citizens, enshrined in the Constitution and laws, are inviolable, and no one has the right to deprive them or limit them without a court decision; 3) The criminal case is fully, objectively and timely considered by the courts and judges authorized by the Code of Criminal Procedure.

The principles of criminal procedure are important at the stage of bringing the case to court. At this stage, legality, the language in which criminal proceedings are conducted, the determination of the truth, the direct and oral examination of evidence, the inevitability of initiating a criminal case, respect for the honor and dignity of a person, the protection of the rights and freedoms of citizens, the presumption of innocence, the protection of the suspect, the accused and the defendant. Proceedings in criminal cases are carried out on the basis of principles such as provision of rights, procedural actions and the right to appeal against decisions.

Proceedings of the case before the court starts with the reception of criminal applications, reports and other information and includes pre-trial investigation and investigation of the criminal case.

Article 320² of the Code of Criminal Procedure of the Republic of Uzbekistan establishes the rule on pre-trial investigation. According to it, pre-investigation investigation includes actions related to the examination of applications, messages and other information related

to crime, making decisions on the result of their review, as well as measures to strengthen and preserve traces of crime, objects and documents that may be important for the case.

The investigation prior to the investigation is carried out by the bodies specified in Article 39¹ of the Code of Criminal Procedure in accordance with the provisions of Chapter 41 of the Code of Criminal Procedure. Before the investigation, the investigation may be conducted by the investigator, investigator or prosecutor. According to Article 320³ of the Code of Criminal Procedure of the Republic of Uzbekistan, the investigation of a criminal case is carried out in the form of an inquiry or a preliminary investigation.

The preliminary investigation is carried out in the criminal cases considered in the second - seventh parts of Article 345 of the Code of Criminal Procedure, as well as in the cases considered in the fourth part of this article.

The investigation will be conducted on the criminal cases referred to in the first – third parts of Article 381² of the Code of Criminal Procedure.

Criminal cases, the investigation of which is conducted in the form of an inquiry, may be submitted for preliminary investigation according to the reasoned decision of the prosecutor in accordance with Article 381⁵ of the Code of Criminal Procedure in order to ensure a comprehensive, impartial and complete investigation.

The investigator, the investigator, the prosecutor and the official of the pre-investigation body are obliged to initiate a criminal case in all cases where there are reasons and sufficient grounds that a crime has been committed within the scope of their powers.

Determining the reasons and grounds for initiating a criminal case, reviewing criminal applications, reports and other information, making decisions as a result of reviewing criminal information, combining and separating criminal cases, refusing to initiate a criminal case, and other issues to be resolved directly before the court is carried out in compliance with the principles of criminal procedure used at the stage.

The investigator, the investigator, the prosecutor and the official of the pre-investigation body shall initiate a criminal case in all cases where there are reasons and sufficient grounds that a crime has been committed within the scope of their authority.

In addition to the Code of Criminal Procedure, other normative legal documents are also important in determining committed or pending crimes at the stage of proceedings before the court. For example, in the



detection and prosecution of crimes involving the illegal handling of narcotic drugs or psychotropic substances, the rules and procedures established in the Criminal Procedure Code of the Republic of Uzbekistan, along with the Laws of the Republic of Uzbekistan "On Narcotic Drugs and Psychotropic Substances", "Law on operative-search activities", the provisions of the Criminal Code are also important.

Proceedings in the court of first instance, including eligibility for trial, preparation of the criminal case for trial, preliminary hearing in the criminal case, preparatory part of the court session, trial, court investigation, negotiation of the parties and hearing the last word of the defendant, verdict, decision of the court of first instance the rules of the principles of criminal procedure shall be observed when filing an appeal (filing a protest), filing a cassation appeal (filing a protest) against the judgment and decision of the court, restarting proceedings due to newly discovered circumstances and other procedural actions and decisions.

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, managerial rules for the implementation of procedural actions in all its stages during the conduct of criminal cases.

In the course of conducting criminal proceedings, the principles of the criminal process are based on the requirement of objectivity, have a specific characteristic, normative expression and direct action. These features distinguish the principles from other rules of criminal procedure.

In the course of conducting criminal cases, the principles of criminal procedure must be directly applied and followed, and it is mandatory for the participants of the criminal procedure along with other criminal procedural rules.

The principles describe the level of protection of the rights and freedoms of people and citizens in the course of conducting criminal cases, and define the main procedural guarantees. The principles of criminal procedure form a whole system and the content of each principle is determined by the activity of other principles. Violation of one principle of criminal procedure leads to violation of other principles of criminal procedure.

In short, the principles of criminal procedure, which must be followed in the course of conducting criminal cases, and which are strengthened in the Code of Criminal Procedure of the Republic of Uzbekistan, reflect the essence and content of criminal-procedural

activity, determine the subject and method of procedural regulation.

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