



# PROSPECTS FOR THE USE OF PUBLIC OPPORTUNITIES IN PRE-TRIAL PROCEEDINGS

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Article history:	Abstract:
<b>Received:</b> 7 <sup>th</sup> May 2024 <b>Accepted:</b> 4 <sup>th</sup> June 2024	In the article, the author studies the current state of public participation in pre-trial proceedings of the case and analyzes the need to improve it. The article examines factors that prevent effective public participation in criminal proceedings. The author proposes regulatory, moral, economic and organizational measures to establish interaction with the public during the pre-trial investigation.

**Keywords:** criminal process, public, citizen, factors, security, encouragement, provision, pre-trial record keeping, participation, cooperation.

## Introduction.

Research is being conducted in the international arena in order to ensure active public participation in the administration of justice, identify and eliminate factors that impede the effective use of the capabilities of civil society institutions in the activities of pre-investigation inspection and investigation bodies. In particular, the study of problems related to the development of organizational and legal forms of using public assistance in communication is of urgent importance about crimes being prepared, committed or committed, or in the search for wanted persons, in accordance with the legislation for the commission of a crime, further improvement of the system for ensuring personal safety and encouraging members of the public at the stage of pre-trial proceedings and the legal position of some members of the public in criminal procedural relations. This indicates that in advanced foreign countries, the practice of using public opportunities has been properly established for the rapid and complete disclosure of crimes, the identification of the perpetrators, compensation for property damage caused to the victim, and to prevent the prosecution of innocent persons. This makes it necessary to pay special attention to this issue.

In particular, from the scientists of our country, Q. Abdurasulova [1], O. Zakirova [1], D.E. Karimova [2], Sh.A. Gulmatov [3], M.E. Mominov [4], M.A. Rajabova [5], B.A. Saidov [6], Sh.He Yakubovs [7], from foreign scientists F. Aref [8], R. Ma'rof [8], Neil Hodge [9], Ahmadreza Rezaei [10], while from the CIS countries, R.S. Belkin [11], A.M. Gavrilov [12], N.P. Isaeva [13] carried out their research work in this area.

While the above-mentioned scientists mainly studied some aspects of this topic in their research, within the framework of our research, a comprehensive analysis was carried out on ensuring public participation in the criminal process

## MATERIALS AND METHODS.

The article examines the issue of further improvement of cooperation between investigative bodies and the public in order to effectively use the forces and opportunities available in society to identify, expose and prevent crimes at the stage of pre-trial proceeding. Analysis, comparative analysis, deduction, logical, statistical, systematic approach methods were used during the research

## RESULTS.

In any country, the communication of law enforcement agencies with the population, cooperation of civil society with social and self-governing bodies, on the one hand, on the one hand, to the effective performance of their activity (service) tasks by law enforcement agencies, ensuring legal order, successfully solving crimes and fulfilling other functional duties on the other hand, the protection of citizens' rights serves to ensure the interests of society's structures [7; 134-135 6].

The experience of advanced foreign countries with low corruption and crime rates (USA, Great Britain, Germany, Israel, France, Sweden, Japan) shows that cooperation between law enforcement agencies and civil society institutions is a leading direction in these countries [14].

Studying the foreign experience during the research, it can be said that the richest and most advanced experience in the field of fighting crime belongs to the United States of America. The following opinion of the former President of the USA, Bill Clinton, clearly describes the policy of the USA in this regard: «The security of a true nation can only be ensured if all citizens feel a sense of responsibility for themselves, their loved ones and their apartments personally. The prevention and disclosure of crimes is carried out



primarily within the framework of the policy, the joint efforts of local authorities and citizens» [15; 52 6].

In particular, thanks to a single cooperation program launched in the USA, more than 1 million crimes were solved, more than 500 thousand criminals were caught, 1.5 billion dollars worth of property was returned, and 4.5 billion dollars worth of drugs were confiscated. [16]. According to the international investigation Association report, when 2,110 criminal cases with a total amount of \$ 3.6 billion in 133 states related to embezzlement and fraud committed by enterprise leaders in 2022 were studied, 42% of criminal schemes were exposed precisely on the basis of data provided by the public [17] show the importance of research in this area.

In fact, it is completely ineffective to involve the public in the conduct of the pre-trial proceedings, only because it is recognized in the international community or indicated in regulatory legal acts. It is very important for every citizen to feel responsible not only for his own fate, but also for the fate of those around him. If the law enforcement agencies work as an organism forming a whole system in the fight against crime, and if the people, who are the heart, do not support this organism with their blood, then all efforts to inspire will be null and void. Of course, just as all people are different, countries have their own mentality, upbringing, and traditions. However, the greatest factor supporting all states, moving them, is its population, people, society. Therefore, we believe that the study of the best practices and positive aspects of the above countries and their implementation taking into account the individual characteristics of our people will pay off.

## **DISCUSSION.**

Based on the analysis of judicial and investigative practice, the author identifies the following factors that hinder the effective provision of public participation in criminal proceedings: uncertainty of the legal status of some members of the public in criminal procedure legislation; insufficient security of members of the public involved in the case, as well as members of their families or close relatives; insufficient use of the incentive system in relation to members of the public who have fulfilled their duties; expenses incurred by members of the public are not recognized by pre-investigation and investigative bodies as procedural expenses and measures for their compensation are not provided; such negative situations as humiliation of the honor and dignity of members of the public, violence against them, intimidation, deception and ill-treatment are not completely eliminated in pre-trial proceedings; insufficiency in judicial investigative activities of the practice of effective use of private prosecution, preliminary confirmation of testimony, conducting

investigative actions via videoconference, reconciliation, plea agreement and other encouraging norms of the CPC; the presence of conflicting circumstances in the norms of legislation concerning the responsibility of participants in the process for the destruction, falsification of evidence, attempted bribery of witnesses, as well as for non-compliance with the requirements of precautionary measures by persons who took the defendant under surety, as well as the lack of formation of a unified practice of applying these legal norms; To this day, some members of our society have negative vices, such as irresponsibility and indifference, that is, they do not fully understand that the safety of themselves, family members and other loved ones is interconnected with the safety of society and the state and others.

Among a number of factors that prevent sufficient public participation in the criminal process, the following can be distinguished:

1. Excessive wandering of citizens in investigative bodies.
2. Existing problems in ensuring the safety of the participants of the process.
3. Ineffectiveness of the incentive system of the cooperating persons in practice.

*In order to overcome these factors, we offer the following.*

First of all, in the system of training and retraining of the officials of the state bodies responsible for pre-trial proceeding, it is important to pay attention to the formation of speech culture, moral aspects, communication, level of psychological knowledge, and human qualities of the young investigators who are just entering the position. A simple "thank you" from employees when appropriate will make the impartial and eyewitnesses want to help these agencies again. It is dangerous for the public if the persons responsible for pre-trial proceedings do not embody professional knowledge and ethical qualities, and do not have the "vaccine of honesty".

*Secondly*, the ethical aspects of the service providers in the state bodies responsible for pre-trial proceedings should be regulated by certain regulatory legal documents that are considered mandatory for everyone. We believe that it is necessary to adopt the Code of Conduct of Civil Servants specified in Decree No. PF-6257 dated 06.07.2021 of the President of the Republic of Uzbekistan in the formation of a new image of law enforcement agencies, including investigative agencies.

*Thirdly*, to interest the employees of the state body responsible for conducting the case directly from the



establishment of cooperation with citizens to the court. In this case, the recognition of the public and the ability to establish cooperation with citizens should be included as a separate criterion in the evaluation of the activities of the employees of the inspection, inquiry and investigative bodies before the investigation.

In fact, today the main criterion for evaluating the work of investigative agencies should be based on the opinion of the public about investigative agencies and the confidence of every citizen in his own safety. Today, the activities of investigative agencies are disclosed to the general public through the mass media and the Internet, mobile receptions are held by investigative leaders, and citizens' problems are solved on the spot.

*Fourthly*, it is necessary to improve the regulatory legal documents on ensuring the safety of public representatives participating in criminal proceedings and to take measures to ensure their real safety.

Improving the interaction of the bodies responsible for conducting the case before the court and the public largely depends on the improvement of our laws, legislative normative legal acts, as well as the fact that our practicing employees are able to effectively use the existing norms and other measures of influence during the proceedings. Because, the improvement of public participation in the conduct of the case before the court depends on factors in the legal, psychological, social, technological, economic, managerial and educational sphere.

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