



GENESIS OF THE INSTITUTE FOR JUDICIAL DECISION REVISION IN CRIMINAL PROCEEDINGS

Sadriddinova Latofat

"Criminal proceedings. criminalistics, investigative law and forensic expertise" doctoral student

Tashkent State University of Law, Tashkent, Uzbekistan

E-mail: latofatsadriddinova@gmail.com

Article history:	Abstract:
Received: 20 th June 2024 Accepted: 11 th July 2024	This article provides explanations on the role of judicial bodies in the system of state power in criminal justice, legal status, proceedings in criminal courts, the content and essence of the courts of first, appeal, Cassation, their activities, powers, reforms implemented and implemented in the judicial system.
Keywords: The genesis of the institution of review of court decisions in criminal proceedings, appeal courts , content and essence, their activities, powers, reforms implemented and being implemented in the judicial system.	

INTRODUCTION AND RELEVANCE

Today, the formation of a truly independent judicial power and its enhancement of prestige, the achievement of guaranteed protection of the rights of citizens and legal entities through the court are one of the priorities of the fundamental reforms carried out in our country.

Reform and liberalization of the judicial sphere in particular, democratization of judicial power has become a legal prerequisite for the establishment of a humane legal state in Uzbekistan. Only liberalization, a derivative of the liberalization and renewal of legal norms, is a guarantee of practically complete ensuring, modernization of the independence of the judiciary.

The new Constitution of Uzbekistan began a new period of development of our country and determined the implementation of consistent and large-scale reforms aimed at practically ensuring the constitutional principle of independence of the judiciary.

Article 138 of the updated constitution states that "the acts of the judiciary are binding on all public bodies and other organizations, officials and citizens".

President Of The Republic Of Uzbekistan Sh. Mirziyoev noted, "our updated Constitution serves as a solid legal foundation on the way to building the third Renaissance". Only then will judicial activity become influential, democratize and humanize, the strict implementation of laws, which means that a triumph of justice is ensured.

In contrast to the radical reform and liberalization of the judicial sphere, the rule of law began to be ensured in society, deep reforms are also taking place in the system of prosecutors, law enforcement agencies that provide legitimacy and law enforcement, among the judicial system.

The most important thing is that the law of the judicial sphere is being improved. The increase in the quality of the implementation of justice is determined by the formation of the ability to look at the court not as a punishing body, but as a body protecting the rights and legitimate interests of citizens, ensuring the celebration of Justice, which means that people have increased confidence in the judiciary, the state.

Judicial reforms carried out in the Republic of Uzbekistan on ensuring the genuine independence of the judiciary, strengthening guarantees for the protection of human rights and freedoms, legitimate interests, are an important factor in the establishment of a democratic legal state and form a strong civil society. The improvement of national legislation, enriched by the humanitarian spirit, serves to further democratize society, to raise the welfare of the population.

President Of The Republic Of Uzbekistan Sh.M.Mirziyoev's decree on the strategy "Uzbekistan-2030" of September 11, 2023 established the task of radical reform of all spheres of life of the state and society, in particular, to turn the principles of justice and the rule of law in our country into the most basic and necessary condition for development.

The 14th purpose of the strategy is to ensure the rule of law and constitutional legitimacy and to define human value as the main criterion of this process, and the 17th goal is to form a new image of law enforcement agencies and direct their activities to effectively protect the interests of the people, human dignity, rights and freedoms."¹

In the discipline of Criminal Procedure Law, the revision of judicial decisions is considered as a form of Criminal Procedure activity. It includes several types of

¹ <https://lex.uz/ru/docs/6600413>



judicial review of judgments and judgments that have entered into legal force and have not entered into legal force. The tasks of the appellate and Cassation instances of the court are precisely such that in each of these stages the legitimacy of the judicial judgment and judgment that saw the case in the previous instance is checked.

In this, high-standing courts serve as a guarantee of determining the truth within the scope of the powers assigned to them in the legislation, ensuring the rights and legitimate interests of the participants in the process, eliminating investigative and judicial errors.

The process of improving Criminal Procedure legislation in independent Uzbekistan is being continued consistently. The law of the Republic of Uzbekistan dated September 27, 2023 "on amendments and additions to the Criminal Procedure Code of the Republic of Uzbekistan in connection with the improvement of the Institute for verification of the legality, validity and fairness of judicial decisions" changed the procedure for checking the legality, validity and fairness of the judgments of the court of control.

From the moment of independence in Uzbekistan to the present day, the ongoing democratic changes and judicial reforms radically changed the theoretical foundations of criminal justice and the practice of law enforcement.

In the Uzbek SSR, the law "on the judicial system of the USSR" (1938) was in force, which was considered the judicial system for all former republics of the Soviet Union and the main document for the legal regulation of judicial proceedings. According to Article 15 of this law, "convicts, their defenders, plaintiffs, defendants and their representatives can bring complaints in the manner prescribed by law to the judgments, judgments and decisions of all courts, except the Supreme Court of the USSR and the Supreme Courts of the Union republics, while the prosecutor can file a protest to the Superior Court.

When considering complaints and protests, a higher court instance examines the legitimacy and validity of a judgment or decision made by a lower court, based on the material contained in the case and submitted by the parties"².

The highest levels with jurisdiction to revise judicial decisions were the Criminal Tribunals of the Supreme Courts of the autonomous and Union republics. They oversaw the administration of justice by

the Union republic, Autonomous Republic, territories and all other judicial bodies.

On May 21, 1959, the Code of Criminal Procedure of the Uzbek SSR adopted at the second session of the Supreme Council of the Uzbek SSR of the fifth convocation established the procedural procedure for revising judicial judgments: in the Cassation procedure-non - lawful judgments of the courts of First Instance, and in the control procedure – a legally valid sentence, criminal cases considered in the courts of first Higher-case courts did not have a procedure to directly examine evidence when considering a criminal case, a situation that significantly limited the court of Cassation (control) instance's ability to make a fair decision on the case.

After Uzbekistan gained independence, the Criminal Procedure legislation was completely changed, in 1994 a new Criminal Procedure Code was adopted, the main tasks of which were to quickly and fully open crimes, the priority is to provide fair punishment to anyone who commits a crime, and to expose the guilty so that no person who is not guilty is liable and not convicted, and to ensure proper enforcement of the law (Section 2), and to protect the rights and freedoms of citizens participating in criminal proceedings (Section 18)³.

During the formation of our republic as a young independent state, many norms of Criminal Procedure legislation were similar to those that existed in the previous criminal procedure law. In 1994-2000, a review of court decisions in a criminal case was carried out in cases of Cassation, the tasks of which were sharply different from each other. The basis for hearing a criminal case in the court of Cassation is the complaint of the convicted person, his lawyer, the victim, issued within 10 days from the date of the judicial verdict, as well as the protest of the prosecutor. Only after considering the case in Cassation procedure would the verdict of the court of first instance come into legal force. On the basis of the protest of an official who had the authority to express a sentence that came into force legally, the criminal case was considered in the order of control. Judgments and judgments (decisions) issued under Article 511 of the CPC of the same period are allowed to consider cases in a controlled manner only when the president of the court, prosecutor or their deputies, who are given the right to protest in the law after they are considered on appeal or Cassation.

² Zakon o sudoustroystve USSR.
<http://www.consultant.ru/cons/cgi/online>

³ Code of Criminal Procedure of the Republic of Uzbekistan. Tashkent. Justice.2021.S.670.



The following were entitled to protest:

1) chairman of the Supreme Court of the Republic of Uzbekistan — over the judgments and judgments (decisions) of all courts of instance, deputy chairman of the Supreme Court of the Republic of Uzbekistan, Deputy Prosecutor General of the Republic of Uzbekistan, his deputies — except the decisions of the plenum of the Supreme Court of the Republic of Uzbekistan, over the judgments and judgments (decisions);

2) chairman of the Supreme Court of criminal affairs of the Republic of Karakalpakstan, presidents of Criminal Courts of Regions and Tashkent City Courts, Prosecutor of the Republic of Karakalpakstan, prosecutors of Regions and Tashkent City, as well as equivalent prosecutors — over judgments and judgments of District (City) Courts of criminal affairs; the Supreme Court of criminal cases of the Republic of Karakalpakstan, criminal cases and Tashkent City Courts, the Supreme Court of criminal cases of the Republic of Karakalpakstan, criminal cases of the Republic of Karakalpakstan, criminal cases of criminal cases of the Republic of Karakalpakstan, criminal cases of criminal cases of the regions and Tashkent City Courts, with the exception of Appeals and Cassation;

3) the president of the Military Court of the Republic of Uzbekistan, the military prosecutor of the Republic of Uzbekistan — over the judgments and judgments of the district and territorial military courts, over the decisions of the Military Court of the Republic of Uzbekistan, which have seen the case on appeal or Cassation, except for the appeals and Cassation judgments of the Military Court of the Republic of Uzbekistan⁴.

The reform of the judicial system, which was carried out in stages in Uzbekistan, made it possible to reform and update the criminal justice system at the initial stage of the formation of an independent state, providing guarantees of the rights and freedoms of citizens.

A turning point in the history of judicial review of decisions was the establishment of the institution of proceedings on appeal in 2000. The code of Criminal Procedure included an independent chapter 55¹- "proceedings on appeal", which provides for the legal

determination of the procedure for considering cases in an appellate instance, verification of the grounds for checking court decisions in this instance, and recording the powers of the court of Appeal.

The inclusion of a new appellate instance in the law with judicial decision review tasks led to a change in the system of verification of the legitimacy, validity, fairness of the court of first instance. Persons who participate in criminal proceedings and have the right to appeal court decisions have the right to appeal the verdict on appeal within 10 days, the right to appeal the sentence - on Cassation, which entered into legal force after 10 days. The court's judgment and ruling on cases heard in the appellate or Cassation procedure were then subject to the possibility of individuals protesting in a supervisory order. It should be noted that in the current Criminal Procedure legislation, the procedure for revising court decisions is carried out on the basis of legislation at the time of the introduction of the Institute of Appeal.

At the same time, due to the fact that in the course of reforms in the judicial system in Uzbekistan, it is important to improve criminal, Criminal Procedure legislation, relevant changes are being made in stages to criminal procedure legislation.

At the moment, on the basis of the laws of the Republic of Uzbekistan of March 29, 2017⁵ and January 29, 2018⁶, the higher instance of criminal proceedings has made relevant changes in the issue of improving the process of judicial review, revising court decisions in order to protect the rights and interests of participants in criminal proceedings.

On July 24, 2020, President of the Republic of Uzbekistan Sh.M.Mirziyoev signed a resolution "on additional measures to further improve the functioning of the courts and improve the efficiency of Justice" aimed at strengthening the judicial system, reliably protecting the rights and legitimate interests of citizens and entrepreneurs, ensuring justice effectively, increasing the role of the bodies of the judicial community⁷.

In addition to implementing organizational and structural changes in the judicial system, the decree approved proposals of the Supreme Court of the Republic of Uzbekistan, the Supreme Council of judges,

⁴ Code of Criminal Procedure of the Republic of Uzbekistan. Tashkent. Justice.2021.S.670.

⁵ March 29, 2017 law " on amendments and additions to certain legislation of the Republic of Uzbekistan in connection with the adoption of additional measures to

ensure reliable protection of Rights and freedoms of citizens

⁶ The law of January 29, 2018 on amendments and additions to certain legislation of the Republic of Uzbekistan, as well as finding certain legislation out of place

⁷ <http://uza.uz/oz/documents/>



the prosecutor general's office and the bar chamber to end the institution of judicial review, introduce into criminal procedure the right of the president of the Supreme Court of the Republic of Uzbekistan, attorney general and their deputies to.

The decree introduces the following procedures on the Institute for judicial decision revision:

a review of the decisions of the inter-district, district (city) courts by the province and its equivalent courts, and the decisions of the province and its equivalent courts as a court of first instance, by the Supreme Court of the Republic of Uzbekistan on appeal;

review of judicial decisions considered on appeal in Cassation procedure by the jury of the Supreme Court of the Republic of Uzbekistan; The Supreme Court of the Republic of Uzbekistan is proposing a procedure for repeatedly considering judicial decisions in cases considered by the judiciary in the Cassation procedure according to the protest of the president of the Supreme Court of the Republic of Uzbekistan, the prosecutor general and their deputies.

Obviously, the principle of "one court - one instance" put forward by the president is justified in order to effectively ensure justice, strengthen judicial decisions, reliably protect the rights and interests of citizens. We think that in an open court hearing in the court of first instance, a fair and legal Court judgment adopted with the assurances of the parties' gravity must have a high legal power.

On the initiative of the president, on January 12, 2021, the law "on amendments and additions to the Criminal Procedure Code of the Republic of Uzbekistan in connection with the improvement of the Institute for revision of judicial decisions in criminal cases" was adopted, which significantly changed the procedure for checking the legality, validity and fairness of judicial judgments and abolished the The new provisions of the law affected the powers of the courts of Appeal and Cassation in criminal proceedings, the procedure for considering cases in these instances, as well as procedural decisions being made in the revision of judicial judgments.

Conclusion

As a logical continuation of the decree of the president of the Republic of Uzbekistan PF-11 of January 16, 2023 "on additional measures to further expand the chances of achieving justice and increase the efficiency of judicial activity", the law of the Republic of Uzbekistan "on the improvement of the Institute for verification of the legality, validity and fairness of judicial decisions" dated September 27, 2023" Based on this law, the mechanisms for checking the legality and

validity of court decisions were further improved, and a new procedure for revising court decisions was introduced.

The law introduced the stage of consideration of cases heard by regional courts and their equivalent courts in the appellate or Cassation procedure in the review procedure in these courts.

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