



MODIFICATION, SUPPLEMENTATION AND TERMINATION OF THE CHARGE IN CRIMINAL PROCEEDINGS

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Article history:	Abstract:
Received: 26 th March 2026 Accepted: 24 th April 2026	This article examines the theoretical and practical issues related to the modification, supplementation, and termination of charges in the criminal proceedings of the Republic of Uzbekistan. It explores the legal nature of the charge as one of the fundamental institutions of criminal procedure, analyzing its role in the implementation of the criminal prosecution function and in safeguarding the accused's right to defense. Particular attention is devoted to the procedural grounds for modifying and supplementing charges, as well as to the legal consequences of terminating a charge at various stages of criminal proceedings. The article further examines existing scholarly approaches to the interpretation of these legal institutions, identifies shortcomings in the current criminal procedure legislation and law enforcement practice, and assesses their impact on the effective administration of criminal justice. Based on the findings of the study, the author proposes measures aimed at improving the legal framework governing the modification, supplementation, and termination of charges in accordance with the principles of legality, adversarial proceedings, and the right to a fair trial.

Keywords: charge, modification of the charge, supplementation of the charge, termination of the charge, criminal proceedings, criminal prosecution, right to defense, prosecutor, investigator

Against the backdrop of the ongoing judicial and legal reforms in the Republic of Uzbekistan, particular importance is attached to improving the criminal procedural mechanisms that ensure an appropriate balance between the State's public interest in combating crime and the effective protection of individual rights and freedoms. One of the key elements of this framework is the institution of the criminal charge, which defines the scope of criminal prosecution, the extent of the procedural activities of investigative authorities and the prosecution, as well as the limits of judicial proceedings. The content of the charge determines the subject matter of judicial examination and directly affects the accused's exercise of the constitutional right to defense.

The dynamic nature of criminal proceedings inevitably allows for changes in the factual circumstances of a case as evidence is collected, examined, and evaluated. During either the pre-trial investigation or the trial, new facts may emerge that require a revision of the legal classification of the offence, a modification of the scope of the charge, or the removal of certain elements thereof. In some cases, the evidence obtained demonstrates that there are no longer sufficient legal grounds for maintaining the

charge, thereby necessitating its full or partial termination. Accordingly, the modification, supplementation, and termination of a criminal charge constitute objectively necessary procedural institutions that ensure the conformity of the charge with the factual circumstances of the criminal case and the requirements of the law.

At the same time, the exercise of these procedural powers directly affects the fundamental principles of criminal proceedings. Any modification of the charge may influence the scope of the accused's procedural rights, the nature of the defense, and the limits of judicial examination. For this reason, the legislator has established specific procedural safeguards designed to prevent arbitrary modifications of the charge, ensure that the accused is promptly informed of the substance of the charges brought against them, and provide sufficient time and opportunity to prepare an effective defense. Compliance with these safeguards constitutes an essential prerequisite for the realization of the principles of legality, equality of arms, adversarial proceedings, and the right to a fair trial.

The relevance of this study is determined not only by the theoretical significance of the institutions under consideration but also by the practical needs of



contemporary law enforcement and judicial practice. In the context of the ongoing development of criminal procedural legislation, there is an increasing need to establish uniform approaches to the exercise of the powers of investigators, prosecutors, and courts with respect to the modification, supplementation, and termination of charges. The lawful application of the relevant procedural rules directly affects the legality of procedural decisions, the effectiveness of criminal prosecution, and the degree to which the rights and procedural guarantees of individuals are protected.

The institution of the criminal charge occupies a central position within the system of criminal proceedings, as it serves as the primary mechanism through which one of the fundamental functions of criminal procedure—the function of criminal prosecution—is carried out. The formulation of a charge determines the subsequent direction of the investigation, the scope of judicial proceedings, the extent of the procedural rights of the participants, and the nature of the activities performed by the authorities responsible for criminal prosecution. The completeness, specificity, and legal substantiation of a charge directly affect not only the effectiveness of crime detection and prosecution but also the protection of the rights guaranteed by law to individuals involved in criminal proceedings.

Despite the considerable body of scholarly research devoted to the issue of criminal charges, criminal procedure doctrine has yet to develop a uniform approach to defining their legal nature. The diversity of academic views is attributable to the fact that a criminal charge constitutes a complex legal category that combines substantive and procedural elements while simultaneously performing several interrelated functions.

The purpose of this study is to provide a comprehensive analysis of the theoretical and practical aspects of the modification, supplementation, and termination of charges in criminal proceedings, to identify the existing shortcomings in their legal regulation, and to develop proposals for improving the criminal procedure legislation of the Republic of Uzbekistan. One of the earliest comprehensive studies of the institution of the criminal charge was conducted by M. S. Strogovich, who defined the charge as an assertion that a particular person has committed a criminal offence, based on a body of evidence and expressed in the procedural form prescribed by law.

According to the scholar, the essence of a criminal charge lies not merely in the formal allegation of a person's guilt but also in the obligation of the prosecution to substantiate that allegation in accordance with the procedures established by law. This approach has had a profound influence on the subsequent development of criminal procedure scholarship and has largely shaped the contemporary understanding of the criminal charge as a fundamental procedural institution.

Further developing the functional approach, L. D. Kokorev argued that the criminal charge cannot be regarded solely as a procedural document or as the legal formulation of an allegation. In his view, the charge constitutes a continuous procedural activity carried out by the authorized participants in criminal proceedings, commencing from the moment legal grounds for criminal prosecution arise and concluding with the final determination of the individual's criminal liability. This approach makes it possible to conceptualize the criminal charge as a dynamic procedural category that evolves in response to the findings of the pre-trial investigation and the judicial examination of the criminal case.

At the same time, an integrated concept of the criminal charge has gained considerable recognition in legal scholarship. One of its principal proponents, F. N. Fatkullin, maintained that the charge cannot be reduced either to a procedural function or merely to a procedural act. In his view, the criminal charge constitutes a complex institution of criminal procedure comprising several interrelated elements: an official allegation that a specific individual has committed a criminal offence, the procedural activities aimed at substantiating that allegation, and the system of legal relationships arising among the prosecution, the accused, defense counsel, and the court. This approach most comprehensively reflects the multifaceted nature of the criminal charge and the distinctive features of its implementation at different stages of criminal proceedings.

The modification, supplementation, and termination of a criminal charge constitute independent procedural institutions that ensure the conformity of the charge with the factual circumstances of the criminal case and the requirements of the law¹. Their legal regulation is aimed at upholding the principles of legality, the objectivity of the investigation, the protection of the accused's right to defense, and the delivery of a fair judicial decision. At the pre-trial

¹ Vystropov, V. G., Chertikhina, Yu. P., & Ivashkovich, O. M. "Modification and Supplementation of the Brought Charge." *Legal Science*, No. 9, 2023, pp. 235–239.



investigation stage, particular importance is attached to Article 362 of the Criminal Procedure Code of the Republic of Uzbekistan², which establishes the legal grounds and procedural framework for the modification, supplementation, or termination of a charge. An analysis of this provision demonstrates that the modification of an initial charge is permissible only where the grounds expressly prescribed by law are present. These include the discovery of new evidence relevant to the criminal case, the identification of ambiguities in the original charge, or the establishment of an erroneous legal classification of the criminal offence. Accordingly, the modification of a charge does not constitute an arbitrary procedural decision; rather, it is objectively necessitated by the need to bring the charge into conformity with the factual circumstances of the case and the requirements of substantive criminal law.

It should be noted that the provisions of Article 362 of the Criminal Procedure Code of the Republic of Uzbekistan primarily govern the pre-trial investigation stage. However, a systematic interpretation of the provisions of the Code leads to the conclusion that the procedural mechanism established by this article may also be applied during the inquiry stage. Although Chapter 46¹ of the Criminal Procedure Code does not provide a separate procedure for the modification or supplementation of charges during an inquiry, Article 381³ stipulates that inquiry proceedings shall be conducted in accordance with the general rules of criminal procedure, subject to the specific exceptions established by law. This indicates that the general provisions of Article 362 of the Criminal Procedure Code are likewise applicable to the activities of an inquiry officer.

This conclusion is further supported by Article 361 of the Criminal Procedure Code of the Republic of Uzbekistan, which authorizes an inquiry officer, an investigator, and a prosecutor to issue a decision formally charging a person with a criminal offence. Since these officials are vested with the authority to formulate the initial charge, it is both logical and procedurally consistent to confer upon them the power to modify, supplement, or partially terminate that charge. Such an approach ensures procedural consistency and precludes decisions from being made by officials who lack the requisite legal competence.

At the same time, an analysis of Article 362 of the Criminal Procedure Code of the Republic of

Uzbekistan reveals the existence of certain legislative gaps. In particular, the legislator refers exclusively to the investigator, without taking into account that analogous procedural powers are also exercised by an inquiry officer, a prosecutor, and the heads of investigative bodies. In this regard, it appears justified to clarify the wording of this provision by introducing a broader legal concept encompassing all officials authorized to issue a decision formally charging a person with a criminal offence and to conduct either a pre-trial investigation or an inquiry.

Particular significance in the regulation of this procedural institution is attached to Article 385 of the Criminal Procedure Code of the Republic of Uzbekistan, which establishes the grounds for returning a criminal case for additional investigation. Pursuant to paragraph 2 of this article, the prosecutor is empowered to return a criminal case where it is necessary to supplement the charge, to modify the charge to a more serious one, or to modify the charge in such a manner that it differs substantially in its factual basis from the original charge. This provision is intended to ensure the completeness of the pre-trial investigation while safeguarding the accused's right to defense. However, the legislator does not define the concept of a «substantial difference in the factual basis of the charge», thereby creating the potential for inconsistent application of this ground in practice. The absence of statutory criteria allows different participants in criminal proceedings to assess the degree of modification of the charge differently, which may adversely affect the uniformity of law enforcement and judicial practice. Accordingly, this concept should be further clarified either through legislative specification or by means of an authoritative interpretation issued by the highest judicial authority.

The institution of the termination of a criminal charge also possesses independent legal significance. In legal scholarship, the grounds for terminating a charge have traditionally been associated with the existence of rehabilitative grounds or circumstances precluding criminal proceedings³. However, an analysis of the current legislation demonstrates that this institution has a broader legal scope. In particular, the grounds set forth in paragraph 1 of Article 362 of the Criminal Procedure Code of the Republic of Uzbekistan may also result in the partial termination of a charge where the investigation establishes new circumstances demonstrating the absence of legal grounds for continuing criminal prosecution with respect to

²Criminal Procedure Code of the Republic of Uzbekistan
<https://lex.uz/docs/111463#>

³ Criminal Procedure Law. Special Part: Textbook / Collective of Authors. Tashkent: TSUL Publishing House, 2018. 418 p.



particular counts of the charge. However, the termination of a criminal charge is permissible only where the procedural grounds expressly prescribed by law are present. In particular, such a decision must be based on the provisions of Articles 83 and 84 of the Criminal Procedure Code of the Republic of Uzbekistan, which establish the circumstances precluding criminal proceedings or constituting grounds for the termination of criminal prosecution. Only where such circumstances exist can the termination of a charge be regarded as lawful and duly substantiated. It should also be emphasized that the provisions of Articles 83 and 84 of the Criminal Procedure Code of the Republic of Uzbekistan are of a universal procedural nature. Their application is not confined solely to the pre-trial investigation stage. These provisions also apply to decisions refusing to institute criminal proceedings, terminating criminal proceedings, terminating a criminal charge, as well as to the examination of criminal cases by courts of first instance, appellate, cassation, and supervisory review jurisdictions⁴. Thus, the legislator has established a unified procedural framework governing the application of the grounds for the termination of criminal prosecution irrespective of the stage of the criminal proceedings, thereby promoting the uniform application of criminal procedure legislation.

Particular attention should be paid to the trial stage of criminal proceedings. Pursuant to Article 415 of the Criminal Procedure Code of the Republic of Uzbekistan, the court is authorized to modify a charge by excluding certain parts thereof or particular qualifying elements of the criminal offence. Such modification, however, is permissible only insofar as it does not worsen the defendant's legal position or infringe upon the right to defense.

A comparative examination of foreign approaches to the legal regulation of the modification, supplementation, and termination of charges is of considerable theoretical and practical significance. A comparative legal analysis makes it possible to identify the most effective mechanisms for maintaining a balance between the public interest in the prosecution of criminal offences and the need to safeguard the procedural rights of the accused. An analysis of the legislation and law enforcement practice of foreign jurisdictions demonstrates that, despite the differences

among national legal systems, the majority adhere to common principles of legality, fairness, and the protection of the right to defense when modifying the scope of a criminal charge.

Particular attention should be given to the criminal procedure legislation of the Federal Republic of Germany⁵, which belongs to the Romano-Germanic (civil law) legal tradition. The provisions of the German Code of Criminal Procedure provide that a charge may be modified during trial only if the procedural guarantees afforded to the defendant are fully observed. Where the legal classification of the criminal offence is altered or the charge is supplemented with new factual circumstances, the court is required to notify the defendant without delay and to afford sufficient time and opportunity to prepare an effective defense. This model is founded upon the principle prohibiting surprise charges, according to which an individual must not be placed in a position where they are deprived of a genuine opportunity to prepare their legal defense in a timely manner. German scholars L. Meyer-Gobner and B. Schmitt⁶ emphasize that this principle serves as a safeguard of equality of arms and ensures the effective realization of the right to defense.

At the same time, the criminal procedure legislation of the Republic of Uzbekistan is likewise founded upon the imperative of safeguarding the accused's right to defense. In particular, Article 25 of the Criminal Procedure Code of the Republic of Uzbekistan establishes the guarantee of the right to defense for suspects, accused persons, and defendants as one of the fundamental principles of criminal proceedings. Furthermore, Article 48 of the Criminal Procedure Code guarantees the accused the right to be informed of the nature of the charge, to provide explanations in response to the charge, to present evidence, and to receive the assistance of defense counsel. However, unlike German criminal procedure legislation, the Criminal Procedure Code of the Republic of Uzbekistan does not contain detailed procedural rules governing the actions of the court when modifying a charge during the course of trial.

The experience of England and Wales⁷ is also of considerable interest, as issues relating to the modification of charges are regulated by the Criminal Procedure Rules. A distinctive feature of the English model is the mandatory judicial oversight of any

⁴ Murodov, B. B. Improving the Institution of Termination of Criminal Cases. Doctor of Science (DSc) Dissertation in Law. Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan. Tashkent, 2018. 242 p.

⁵ <https://www.wipo.int/wipolex/ru/legislation/details/17666>

⁶ Meyer-Gobner, L., & Schmitt, B. *Strafprozessordnung: Commentary*. 64th ed. Munich: C.H. Beck, 2021.

⁷ Criminal Procedure Rules of England and Wales, Part 14 (Amendment of indictment).



amendment to a charge. The prosecutor is not entitled to alter the substance of a charge without the approval of the court. When considering such an application, the court assesses not only whether the procedural grounds for modifying the charge are satisfied but also the potential consequences of such a decision for the effective exercise of the accused's right to defense.

The legislation of the Russian Federation occupies a prominent place in comparative legal research. The Criminal Procedure Code of the Russian Federation provides for the possibility of modifying a charge both at the pre-trial investigation stage and during trial proceedings. Such modification is permissible only where sufficient evidence establishes the necessity of altering the substance of the charge. The public prosecutor is authorized to withdraw the charge in whole or in part, as well as to modify the legal classification of the criminal offence where the evidence examined demonstrates that the original charge is unfounded.

The French model of criminal procedure is distinguished by the significant role assigned to the investigating judge in the modification of charges⁸. During the investigation, the investigating judge is authorized to decide on the modification, supplementation, or reduction of the scope of a charge where new circumstances relevant to the criminal case are established. At the same time, any such decision must be accompanied by mandatory notification of the accused and defense counsel, who must be afforded an opportunity to examine the newly obtained case materials and to exercise the right to defense.

In the criminal justice system of the United States, issues relating to the modification of charges are governed by the Federal Rules of Criminal Procedure⁹ and well-established judicial practice. One of the defining features of the American model is the mandatory involvement of the court in the modification of charges. Any substantial modification of the original charge requires judicial authorization and, in certain circumstances, the filing of a new indictment.

Particular significance in the American legal system is attached to the principle of «due process of law», which requires strict observance of the procedural guarantees afforded to the accused at every stage of criminal proceedings. The Supreme Court of the United States has repeatedly emphasized that an unjustified modification of a charge, without providing the accused with a meaningful opportunity to prepare a defense,

violates the guarantees of a fair trial and is inconsistent with the requirements of the United States Constitution. Accordingly, any modification affecting the scope of a charge is subject to judicial review to ensure its legality and legal justification. This approach largely corresponds to the objectives of criminal proceedings in the Republic of Uzbekistan, as set forth in Article 2 of the Criminal Procedure Code of the Republic of Uzbekistan. Under this provision, criminal proceedings are intended to ensure the prompt and comprehensive investigation of criminal offences, the identification and prosecution of offenders, and the correct application of the law, while guaranteeing the full protection of individual rights and freedoms.

The contemporary development of the criminal procedure legislation of the Republic of Uzbekistan is aimed at strengthening the protection of human rights, enhancing the effectiveness of criminal proceedings, and ensuring the uniform application of legal norms. Despite the reforms that have been implemented, the legal regulation of the institutions governing the modification, supplementation, and termination of charges continues to present a number of challenges that affect both law enforcement practice and the effective exercise of the accused's right to defense.

The current legislative framework does not sufficiently define the procedural consequences of the full or partial termination of a charge, nor does it clearly regulate the exercise of the relevant powers by investigators, prosecutors, and courts. This gives rise to divergent interpretations of certain statutory provisions and hinders the development of consistent law enforcement and judicial practice.

It appears advisable to supplement the criminal procedure legislation of the Republic of Uzbekistan with provisions establishing statutory definitions of the concepts of «modification of a charge» and «supplementation of a charge», while also introducing uniform criteria for distinguishing between them. Furthermore, the procedural framework governing the modification of charges should be regulated in greater detail by imposing an obligation on the competent official to provide a reasoned justification for the decision adopted and to explain to the accused the substance of each modification, its legal consequences, and the procedural rights arising as a result of the modification of the charge. Particular attention should also be paid to ensuring effective judicial oversight of compliance with procedural safeguards when a charge

⁸ Code de procédure pénale (CPP), Articles 79–189.
https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT00006071154/

⁹ Federal Rules of Criminal Procedure, Rule 7.
https://www.law.cornell.edu/rules/frcrmp/rule_7



is modified. Strengthening judicial oversight would, in our view, minimize instances of unjustified modifications to the scope of a charge and provide an additional safeguard for the rights of participants in criminal proceedings. At the same time, it would be advisable to develop uniform methodological guidelines for the application of the legal provisions governing the modification, supplementation, and termination of charges, thereby promoting the development of consistent law enforcement and judicial practice.

The present study leads to the conclusion that the institution of the modification, supplementation, and termination of a charge occupies a distinctive place within the system of criminal procedure law, as it ensures that criminal prosecution remains consistent with the factual circumstances of the criminal case and the requirements of the law. The proper implementation of these procedural institutions is of fundamental importance for achieving the objectives of criminal proceedings, ensuring the legality of procedural decisions, and safeguarding the constitutional rights of participants in criminal proceedings.

Particular significance attaches to the institution of the termination of a charge, which constitutes one of the most important procedural safeguards for the protection of individual rights. The discontinuation of an unfounded charge gives effect to the principles of the presumption of innocence, legality, and fairness in criminal proceedings. At the same time, the analysis conducted has demonstrated that the current Criminal Procedure Code of the Republic of Uzbekistan does not comprehensively regulate certain aspects of the termination of a charge, thereby creating the potential for divergent interpretations of the relevant procedural provisions.

The study has identified a number of issues requiring further improvement of the criminal procedure legislation of the Republic of Uzbekistan. These include the absence of statutory definitions of the concepts of the modification and supplementation of a charge, insufficient regulation of the permissible limits of charge modification, the lack of clear criteria for distinguishing between the modification of an existing charge and the bringing of a new charge, as well as the insufficient regulation of the procedural framework governing the full and partial termination of a charge. The existence of these legislative gaps adversely affects the uniform application of criminal procedure legislation and may create a risk of infringing the accused's right to defense.

In conclusion, the further development of the criminal procedure legislation of the Republic of Uzbekistan should be directed toward eliminating the existing gaps in legal regulation, enhancing the legal

certainty of procedural rules, and strengthening the guarantees ensuring the accused's right to defense. The legislative establishment of clear legal grounds, limits, and procedural rules governing the modification, supplementation, and termination of charges will contribute to improving the effectiveness of criminal proceedings, ensuring the uniform application of the law, and reinforcing the fundamental principles of fair administration of justice.

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