

Reforms in the Criminal Procedural Sphere of Uzbekistan

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Abstract:

This article discloses reforms in the criminal procedural sphere of Uzbekistan. In addition, rapid changes in the country, social and economic conditions, the complexity of crime and a qualitative change in crime require the implementation of comprehensive measures to establish the rule of law, protect the rights and freedoms of citizens. Also, the article discloses significant changes have taken place in criminal procedural legislation.

Key words: criminal process, information in electronic view, proof, law, information, technology.

1. INTRODUCTION

In recent years, significant changes have taken place in criminal procedural legislation, which is one of the main areas of jurisprudence in our country, aimed at improving its norms and introducing advanced international standards and foreign practice in this area.

An important step in the reform was the adoption of the "Action Strategy for Five Priority Areas of Development of the Republic of Uzbekistan in 2017-2021", which defines the most important directions of state policy in the field of improving criminal procedural legislation.

For example, comprehensive measures have been taken to expand the scope of activities of Habeas Corps, to introduce a simplified procedure for conducting criminal proceedings, as well as to further strengthen the guarantees of the rights and freedoms of citizens in the judicial process.

Based on the above, the following is the analysis of the institutional changes that have occurred in recent years in the field of Criminal Procedure the areas.

2. DISCUSSION

Improvement of the system of ensuring human rights and freedoms in criminal proceedings. It should be noted that "respect for the honor and dignity of the individual", "protection of the rights and freedoms of citizens" are enshrined in the criminal procedural legislation as the principles of criminal procedural law. As a legal measure to ensure these principles, our country has developed a number of laws and ratified international documents.

In particular, the Republic of Uzbekistan joined the New York Convention of December 31, 1995 "Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

According to the Decree of the President of the Republic of Uzbekistan dated November 30, 2017 "On additional measures to strengthen guarantees of the rights and freedoms of citizens in legal proceedings", torture, psychological and physical pressure and other cruel, inhuman or degrading treatment participants in the criminal proceedings or their close relatives, it was determined that the use of information obtained through the use of discriminatory treatment and, accordingly, has no legal force, since evidence in criminal cases is not allowed.

In addition, cases of torture and unjustified detention by law enforcement agencies were identified as one of the indicators reflecting the regional index of legality.

Institutional reforms in the area of investigation and inquiry. It should be noted that in recent years, conceptual changes have been made to the norms of criminal procedure legislation related to the investigation.

In particular, according to the amendments made to the legislation this year, along with the Prosecutor General and his deputies, prosecutors of the Republic of Karakalpakstan, regional and city prosecutors of Tashkent, as well as prosecutors equated to them, the right to transfer to the other has been determined.

At the request of the suspect or the accused, who agreed with the charge, actively helped in solving the crime and compensated for the damage, the supervising prosecutor was also charged with "socially dangerous, less serious and serious crimes" "Recognition Agreement" was presented.

In accordance with this agreement, the suspect, the accused can apply for a plea agreement at any stage of the inquiry and preliminary investigation.

In addition, during a video conference on June 30, 2020, to discuss the tasks of ensuring justice and combating corruption, the head of state instructed a number of departments to create an Investigative Institute, develop completely new requirements for the profession of an investigator, and introduce best practices.

It should be noted that as one of the requirements for the position of an investigator, candidates for the first time must undergo training in investigative units at least 3 – 6 months before taking office.

Since the content of each criminal case is directly related to the fate of a person, it is advisable that each employee entering this position, in turn, has the necessary knowledge and experience.

One of the institutional changes in the inquiry is that until 2019, inquiry in criminal cases was carried out by law enforcement agencies, the Office of the Prosecutor General's Office and the Office of Execution, the State Customs Committee.

According to the amendments to the Criminal Procedure Code of July 8, 2019, the National Guard of the Republic of Uzbekistan is also designated as an inquiry body.

Digitization of forensic activities. According to the Concept of improving criminal and criminal procedure legislation, ensuring the effective use of information and communication technologies in judicial and priority activities.

In this regard, the Decree of the President of the Republic of Uzbekistan "On measures to further strengthen guarantees for the protection of the rights and freedoms of the individual in judicial and investigative activities" and the Decree "On measures to digitalize the activities of the judiciary" in this regard are of great importance.

According to the decree, a software module that allows electronic registration of criminal statements, reports and other information created in the unified information system "Electronic statistics of criminal law", and maintain a single electronic record of their results, will be connected to all preliminary data.

In addition, digital technologies are widely adopted in courts.

In particular, these are systems for remote access to courts, participation in court sessions using videoconferencing, automatic distribution of cases between judges, publication of court decisions on the Internet, mandatory execution of executive documents in electronic form.

Starting this year, the appellate and cassation courts will automatically distribute cases between judges, inform all participants free of charge about the time and place of court sessions by SMS, as well as audio recordings of court sessions in all courts at the request of the parties and the consent of the presiding judge, registration and formation of court protocols using this system.

According to the aforementioned decree of the President of the Republic of Uzbekistan, when considering the issue of reducing or not applying fines by courts by integrating the "Unified Register of Social Protection" and other information systems to obtain reliable information on property and social status through the information system, it is planned to receive information on the average monthly wage in electronic form.

Also, according to the amendments to the Criminal Procedure Code of May 23, 2019, investigative actions involving witnesses, victims, suspects and defendants (interrogation, identification of persons and objects, confrontation) violate the legislation of the region or district or the City summoned to the security body or the trial can be conducted in the mode of videoconference using technical means.

Activities of criminal courts. It should be noted that in recent years, the work of criminal courts has been significantly improved with the aim of improving citizens' access to justice, improving the quality of judicial proceedings and expanding mechanisms to ensure equality and adversarialness of the parties to make impartial, fair and legal judgments.

Since this year, courts of general jurisdiction of the Republic of Karakalpakstan, regional and Tashkent city courts on the basis of regional and equivalent civil cases, criminal courts and economic courts have been created, maintaining the strict specialization of judges and creating separate judicial commissions by type.

The powers to consider cases of administrative offenses were transferred from administrative courts to criminal courts.

The appointment stage for criminal proceedings includes an initial hearing stage, which allows you to determine the procedure for making a decision in a case with the participation of the parties, quickly identify and remove obstacles to the consideration of a criminal case as a whole.

3. CONCLUSION

A procedure has also been introduced to terminate a criminal case for rehabilitation if the prosecutor refuses to bring charges. In addition, a new institution of criminal procedural legislation has been introduced - the institution of "preliminary consideration of criminal cases" conducted by criminal courts.

In conclusion, it should be noted that the improvement of criminal procedural legislation in the system of judicial reform, in turn, is important for the reliable protection of the rights and legitimate interests of citizens and entrepreneurs, as well as the effective administration of justice to society.

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