

CHANGES RELATED TO THE IMPLEMENTATION OF THE CHARGES IN THE CRIMINAL-PROSESSUAL LEGISLATION OF THE REPUBLIC OF UZBEKISTAN AND THE FEATURES OF THEIR APPLICATION

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Annotation:

In this article, the content of the accusation and the private accusation, its implementation, as well as the essence of the Institute of confession on charges and the features of its application is mentioned.

Keywords:

Prosecution in criminal process, private prosecution, confession to guilt, Institute of reconciliation, application of the Institute of reconciliation.



In most cases, the initiation of criminal-prosessual activities will be the basis of the appeal of a person who has suffered from a crime or a representative defending his or her right to restore the violated rights. Exactly this appeal is in the content of the charge, it represents the function of the charge. When the accusation is made, the victim, the civil plaintiff (their representatives), the investigator, the investigator and the prosecutor are understood to have prosessual activity aimed at proving the existence of the fault of this person in order to open the crime, to ensure that the issue of the responsibility of the person who committed the crime is resolved correctly in court.

There is a mass and dispositive basis for the initiation of proceedings in the criminal process [1, p. 42]. According to the mass grounds for the commencement of criminal-prosessual activity, every message that a criminal case has been committed should be thoroughly examined by the examination bodies, the investigator, the investigator, the prosecutor, without regard to the will of any natural or legal person, a criminal case is initiated and measures should be taken to identify the criminal cases, the persons who committed The mass basis of criminal-prosessual activity recognizes the violation of the rights and legitimate interests of an individual as a result of the commission of a crime as the damage to the interests of society and the state. This activity must be carried out regardless of the will of any institution, organization, Citizen [2, p. 54]. Public grounds for carrying out activities are imposed on the responsibility of state bodies and officials responsible for the conduct of the criminal case, however, this does not take into account the freedom, attitude of the person whose rights have been violated or affected as a result of the crime. On the contrary, the person is warned with responsibility that he did not report the committed crime or refused to give testimony. According to the causative bases of the crime-prosessual activity, an investigation and investigation can be carried out, depending on the desire of the person who suffered from the crime. It is also possible that the proceedings being carried out will be terminated depending on the will of the person.

In the theory of criminal-prosessual law, the accusation is divided into three types according to whom and in what forms it is carried out:

- 1) private accusation;
- 2) public (public, public) accusation;
- 3) mixed (private-public or public-private) accusation.

At present, the main form of the accusation, which is carried out in our country, is a state accusation, it is carried out by a prosecutor, and the public prosecutor can support the accusation. The victim is not required to carry out the accusation. In the private-public form of mixed charges, cases are instituted

according to the complaint of the victim, the refusal of the victim from the accusation after the initiation of the case does not impede the proceedings, that is, it is possible to include cases in which the case can not be terminated as a result of reconciliation of the victim with the In the case of public-private prosecution, the complaint of the victim for the initiation of the case is not required, but the case can be terminated if the victim applies for the termination of the accusation. In the case of mixed conviction, the right to support the charge belongs to the victim and the public prosecutor (Prosecutor).

The private charge covers criminal cases that are filed only on the basis of the application of the victim, as well as possible to terminate the criminal case on the basis of reconciliation after the initiation of the case, in accordance with article 661 of the Criminal Code of the Republic of Uzbekistan and Article 325 of the criminal-prosecutorial Code, the 434]. According to the current legislation, in cases of private prosecution, the public prosecutor can also support the accusation.

The resolution of the president of the Republic of Uzbekistan "on measures to radically improve the system of criminal and criminal-prosecutorial legislation «dated May 14, 2018, № PP-3723 stipulates the improvement of the guarantees of the rights and freedoms of a person in the criminal process; the introduction of new forms and procedures of the criminal process [4], as well as the improvement

The initiative of the president of the Republic of Uzbekistan to introduce the Institute of extradition agreement on charges of Criminal Procedure in the decree № PD-6041 of August 10, 2020 "on measure to further increase the guarantees of protection of rights and freedoms of a person in judicial investigation activities" was put forward. With the law of the Republic of Uzbekistan dated February 18, 2021, number 675, the Institute for confession of guilt was introduced into the criminal-prosecutorial code. According to him, an agreement on confession to guilt is an agreement with the prosecutor, which controls the conduct of the criminal case on the basis of the request of the suspect or the accused, who agrees with the defendant, the accused, who has actively contributed to the detection of the crime and has eliminated the damage caused, without great social risk, without undue.

According to the content of the norms included, the agreement on confession to guilt can be concluded if there are the following conditions: 1) the suspect, if the defendant has understood the essence of his actions, as well as the consequences of the petition he has submitted; 2) the petition is voluntarily and after consultation with the defender participating in the case; 3) the, also, if it does not deny the nature and amount of damage caused, and also eliminated it.

If there are grounds for the application of medical or non-compliance measures in relation to the suspect or the defendant, or if several crimes have been committed by a person, and one of them does not correspond to the requirements for concluding an agreement on extradition to the accused, an agreement on extradition can not be concluded.

The conclusion of and an agreement on confession to guilt and the conduct on its basis shall be carried out in the following order:

1. To file a petition for the confession about the conclusion of an agreement.
2. The application for the conclusion of an agreement on confession to the crime is considered by the prosecutor.
3. To make a decision on the conclusion of an agreement on confession to guilt.
4. Formalization of the agreement on confession to guilt.
5. Completion of the investigation after the conclusion of the agreement.
6. An agreement on confession of guilt is considered by the court.
7. The decision of the court on the agreement on confession of guilt and the release of judgment.

A request for the conclusion of an agreement can be filed at any stage of the investigation and preliminary investigation. In the petition, it is indicated that the suspect, the defendant will recognize the suspect or accusation put in the inquiry and preliminary investigation, will not deny the evidence, will facilitate the investigation of the crime, actions that are required to be carried out in order to find the property acquired as a result of the crime, other information related to the crime that It may also indicate certain actions that are carried out by the suspect, the accused and that facilitate the disclosure of the crime.

The petition for the conclusion of an agreement on confession to the crime is written on behalf of the prosecutor and submitted to the interrogator or investigator. The investigator, from the moment the investigator receives this petition, within 24 hours, sends the materials of the criminal case to the prosecutor to resolve the issue of reconciliation.

The prosecutor considers the petition with the participation of the investigator or investigator and the suspect, the defendant, his defender and makes a decision within 72 hours from the moment of his arrival. On the basis of the decision of the prosecutor on the satisfaction of the petition for the conclusion of an agreement on confession to the fault, an agreement on confession to the fault is concluded. The document of agreement specifies all the circumstances and information that will be necessary for the implementation of the agreement, established by law. The agreement is signed by the prosecutor, the suspect, the defendant, his defender.

In the absence of the need to conduct an investigation and other prosecutorial actions on the case after the signing of an agreement on confession to the accused, the case is sent to court in the case with a conviction or indicative act. In the event that there is a need to conduct an investigation and other prosecutorial actions after the signing of the agreement, the investigation will be continued to collect sufficient evidence to confirm the guilt of the suspect, the defendant. In the event that it is determined that there are other cases in which the offense is not provided for by the agreement on confession to the crime, the agreement loses its force and the circumstances that exclude the conclusion of an agreement on confession to the crime, the proceedings in the criminal case are conducted in a general order. If the identified circumstances do not exclude the conclusion of an agreement on confession to guilt, the agreement can be revised in the manner and within the terms provided for by law.

The materials of the criminal case are sent to the court through the prosecutor within five days after the evidence is collected to confirm the guilt of the suspect or the accused. If several persons are involved in the case to participate as suspects, defendants, and not all of them have concluded an agreement on confession of guilt, then materials will be allocated to the defendants, to whom the agreement has not been concluded, and proceedings against them will continue in the general order.

In the simplified procedure for cases with a confession of guilt, the criminal case is considered no later than a month from the moment of its receipt in court along with the Consent Document.

When concluding an agreement in the courtroom, it is established that the suspect, the defendant's prosecutorial rights are secured; whether the requirements specified in the law were fulfilled or not; whether the agreement was concluded voluntarily by the defendant, the defendant-not structured; whether the suspect understood the essence of the agreement, whether he understood its terms or not, whether he understood its consequences.

In cases where an agreement on confession of guilt is approved, the court issues a judgment of conviction. The Court 1) if there are no grounds for confirming the agreement or if there is a violation of the requirements of prosecutorial law in the conclusion of the agreement; 2) if the court does not agree to the conditions governing the qualification of the crime in the charge provided for in the agreement; 3) if there is a justified suspicion in the court, it makes a judgment on the refusal to confirm the agreement and sends the criminal case to the prosecutor for investigation by general rules or for the revision of the agreement.

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