

## CONCEPTUAL REFORM TO IMPROVE JUDICIAL AND LEGAL SYSTEM

Dildora Bazarova

Head of Department of Criminal-Procedural Law of  
Tashkent State University of Law, PhD. Uzbekistan  
e-mail: d.bazarova@tsul.uz

### ANNOTATION:

**This article discloses conceptual reform to improve judicial and legal system of Uzbekistan. This article also analyzes the institutional changes that have taken place in recent years in the field of criminal procedure through practical examples.**

**Keywords. criminal process, information in electronic view, proof, law, information, technology.**

### INTRODUCTION:

Over the past years, significant changes have taken place in the criminal procedure 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 practices in this area.

An important step in the reform was the adoption of the "Action Strategy for the five priority areas of development of the Republic of Uzbekistan in 2017-2021", which identified the most important areas of state policy in the field of improving the criminal procedure legislation.

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

Based on the above, the following is an analysis of the institutional changes that have taken place in recent years in the field of criminal procedure.

### **Improving the system of human rights and freedoms in criminal proceedings:**

It should be noted that the criminal procedure legislation states that "respect for the honor and dignity of the individual",

"protection of the rights and freedoms of citizens" are the principles of criminal procedure. As a legal measure to ensure these principles, a number of laws have been developed in our country and international documents have been ratified.

In particular, the Republic of Uzbekistan acceded to the New York Convention on August 10, 1984, "Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" on August 31, 1995[1].

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

In this regard, in the speech of President Shavkat Mirziyoyev at the 46th session of the UN Human Rights Council, in the framework of the introduction of the National Preventive Mechanism for the Prevention of Torture, we stated that regardless of what was committed, the inevitability of punishment for them was emphasized.

Also, in accordance with the Decree of the President of the Republic of Uzbekistan dated August 10, 2020 "On measures to further strengthen the guarantees of protection of the rights and freedoms of the individual in judicial proceedings." it was forbidden to charge him for a crime committed as a result of such incitement.

In addition, cases of torture and unjustified detention by law enforcement agencies were cited as one of the indicators reflecting the territorial rule of law index.

### **Institutional reforms in the field of investigation and inquiry:**

It should be noted that in recent years, conceptual changes have been made in the norms of criminal procedure law related to the investigation. In particular, according to the amendments to the law this year, along with the Prosecutor General and his deputies, prosecutors of the Republic of Karakalpakstan, regional and Tashkent city prosecutors, as well as prosecutors equated to them, determined to be entitled to transfer to another.

At the request of the suspect or accused, who agreed with the prosecution, actively assisted in the discovery of the crime and remedied the damage, the supervising prosecutor also charged him with "socially dangerous, less serious and serious crimes". Agreement on Recognition "was introduced.

Under this agreement, a suspect, accused may file a motion to enter into 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 President instructed a number of agencies to establish the Institute of Investigation, develop completely new requirements for the investigative profession, introduce best practices and standards. put.

It should be noted that as one of the requirements for the position of investigator, candidates who are appointed to this position for the first time, at least 3 months before taking office - It is advisable to undergo an internship in the investigative units for up to 6 months. Since the content of every criminal case is directly related to human destiny, it is appropriate that every employee entering this position, in turn, has the necessary knowledge and experience.

One of the institutional changes in the inquiry is that until 2019, the inquiry on criminal cases was carried out by law enforcement agencies, the Department under the Prosecutor General's Office and the Bureau of Enforcement, 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 has also been designated as an inquiry body.

### **DIGITIZATION OF FORENSIC ACTIVITIES:**

In recent years, comprehensive measures have been taken to digitize the life of the state and society, the widespread introduction of modern information and communication technologies in all sectors and industries, especially in public administration and socio-economic spheres.

In order to ensure the rapid digital development of the economy, social sphere and public administration, including the further improvement of mechanisms for the provision of e-government services, the Decree of the President of the Republic of Uzbekistan dated October 5, 2020 approved the Strategy "Digital Uzbekistan - 2030".

The Strategy sets out the strategic goals, priorities and medium- and long-term goals for the development of the digital economy and e-government in the Republic of Uzbekistan, as well as the basis for the wider introduction of digital technologies based on the UN Sustainable Development Goals and e-Government Development Rankings.

As in other areas, digital reforms in the judiciary have been effective.

In particular, according to the Concept of Improvement of Criminal and Criminal Procedure Legislation, ensuring the effective use of information and communication technologies in judicial and investigative activities is one of the priorities of the Concept. At the same time, by digitizing the activities of the judiciary and law enforcement agencies, their openness and transparency are ensured, and some conveniences are created for the population.

In this regard, the Decree of the President of the Republic of Uzbekistan "On measures to further strengthen the guarantees of protection of the rights and freedoms of the individual in judicial proceedings" and "On measures to introduce a single system of interagency electronic cooperation in pre-trial proceedings" The decision is important.

In particular, according to the Decree of the President of the Republic of Uzbekistan

dated May 14, 2018 "On measures to radically improve the system of criminal and criminal procedure legislation", the procedure for criminal proceedings is gradually being digitized. This includes the integration of a secure system, including information systems and databases, which allows for the exchange of information with prosecutors, courts and penitentiaries, as well as other organizations during the conduct of criminal proceedings in electronic form and procedural actions. will be introduced through the automation of statistics on their work.

Also, the Decree of the President of the Republic of Uzbekistan dated October 31, 2018 "On measures to radically improve the system of criminal law statistics and increase the efficiency of systematic analysis of crimes" introduced a single information system "Electronic Criminal Statistics". criminal records, pre-investigation materials, court hearings and the results of the execution of court decisions, as well as a single record of information on participants involved as defendants and victims.

The system of pre-trial proceedings is being introduced by the Decree of the President of the Republic of Uzbekistan dated January 28, 2022 "On measures to introduce a single system of interdepartmental electronic cooperation in pre-trial proceedings." The system includes:

- Prompt exchange of information between government agencies and organizations to consider applications, reports and other information on crimes during the pre-trial phase of the case and to ensure the speedy receipt of information necessary for the inquiry and preliminary investigation of a criminal case;

- Send decisions, assignments, instructions and other notifications of inquirers and investigators to the relevant state bodies and organizations in the form of electronic documents, as well as receive responses in this way;

- Confiscation of property of the suspect, accused, as well as timely implementation of restrictive measures established by law in the use of information and communication

technologies in order to take measures to compensate for material damage caused by criminal acts and increase its effectiveness[2].

According to criminal procedure law, investigative actions involving witnesses, victims, suspects and defendants (interrogation, identification of persons and objects) can be conducted in videoconference mode using the tools. During the videoconference, the participants of the investigative action will directly monitor the process and results of the investigative action via live broadcast.

In addition, the introduction of modern technologies in the work of the courts has led to effective work to achieve perfect justice and ensure openness and transparency in the system.

As a practical expression of the digitization of the courts, the complex of information systems "Adolat", the activities of all courts of first instance "E-XSUD" and it is noteworthy that the information systems "E-COURT" and centralized electronic databases, the portal of interactive services "my.sud.uz", as well as the site "stat.sud.uz", which provides online access to statistical reporting on court activities.

It should be noted that the digitalization of the judiciary, in turn, will create more convenience for citizens and businesses, limit red tape in the system, provide citizens living in remote areas with the opportunity to participate in the courts from a distance, increase openness and transparency.

#### **ACTIVITIES OF CRIMINAL COURTS:**

It should be noted that in recent years, the work of criminal courts has been significantly improved in order to increase access to justice, improve the quality of court proceedings and expand the mechanisms to ensure equality and adversarial nature of the parties to make impartial, fair and lawful court decisions.

Starting this year, the Republic of Karakalpakstan, regional and Tashkent city courts of general jurisdiction have been established on the basis of regional and equivalent civil cases, criminal courts and economic courts, maintaining the strict specialization of judges and establishing

separate judicial commissions on types of proceedings.

The power to hear cases on administrative offenses has been transferred from administrative courts to criminal courts.

The appointment stage for criminal proceedings includes the initial hearing stage, which allows to determine the procedure for decision-making on the case with the participation of the parties, to quickly identify and eliminate obstacles to the consideration of the criminal case in general.

It also introduced a procedure for dismissing a criminal case on the grounds of rehabilitation in the event that the public prosecutor dropped the charge.

In addition, a new institute of criminal procedure legislation has been introduced, the institute of "preliminary hearings on criminal cases" conducted by criminal courts.

In conclusion, it should be noted that the improvement of criminal procedure legislation in the system of judicial reform, in turn, is

important in the reliable protection of the rights and legitimate interests of citizens and entrepreneurs, as well as the effective provision of justice in society.

**REFERENCES:**

- 1) [www.lex.uz](http://www.lex.uz)
- 2) National legislative database of the Republic of Uzbekistan
- 3) Bazarova D. About the System of Procedural Guarantees to Ensure the Rights of Participants in Criminal Proceedings //International Journal of Psychosocial Rehabilitation. – 2020. – T. 24. – №. 2. – С. 287-294.
- 4) Махмудов С. А. Termination Of Criminal Proceedings In Criminal Procedure //Conferences. – 2021. – T. 1. – №. 1.
- 5) Suyunova D., Shamsutdinov B. Digitalization of Criminal Proceedings in the Context of the Coronavirus Pandemic (Covid-19) in Uzbekistan //Medico-Legal Update. – 2021. – T. 21. – №. 2.