

BASES OF ENSURING PUBLIC PARTICIPATION IN CRIMINAL PROCEDURAL LAW

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Abstract: This article discusses the participants in criminal procedural law, focusing on the role and importance of public participation. Recommendations and suggestions were made to increase the role of public participation in the pre-trial phase, preliminary investigation and inquiry, as well as in the judicial investigation. There are also recommendations for the formation of new mechanisms for public participation in criminal proceedings, based on the universally recognized rules of international law.

Key words: public participation, democratic essence, fair punishment, prosecutor, defence, democracy, protection function, indictment, defensive speech.

An effective fight against crime is impossible in modern conditions without the broad participation of members of the public, since only with their help it is possible to ensure full disclosure of all crimes, exposure and fair punishment of all perpetrators, and eliminate the causes and conditions that contributed to the commission of crimes.

The current criminal procedure legislation provides for various forms of public participation in criminal proceedings. This principle is enshrined in Article 21 of the Code of Criminal Procedure, according to which, during the investigation and trial of criminal cases, an inquiry officer, investigator, prosecutor and court have the right, within their competence, to use public assistance to establish the circumstances of the crime, search for and expose the perpetrators, and deliver a fair sentence, as well as to identify the causes of the crime and the conditions that contributed to its commission.

According to the article of the Constitution of the Republic of Uzbekistan, the only source of power is its multinational people. The Law enshrines the right of all citizens to participate in the management of state affairs, both directly and through their representatives. These constitutional provisions suggest that in a democratic rule-

of-law state, which is being built in our country, the regime of democracy should operate fully in the entire law enforcement system, including in criminal proceedings. Also, the activity of citizens in this area is one of the most important indicators of the level of development of democracy in the country.

These provisions imply the need to eliminate the tendency to limit public participation in the fight against crime, which developed at the end of the last century and significantly weakened the country's law enforcement potential. Moreover, as indicated in the Recommendation of the Committee of Ministers of the Council of Europe of September 5, 1996 "On the policy of combating crime in a changing Europe" (paragraph 11), neither the policy of combating crime nor the criminal justice system can be effective without the active participation of the population ...

The problem of solving crimes is extremely acute. For many years, the percentage of crimes solved has been kept at an extremely low level. Solving this problem requires ensuring effective public participation in pre-trial criminal proceedings.

Judicial proceedings in criminal cases also need to be more effective. In the target program "Development of the judicial system, it was directly stated that the legal framework that would fully ensure the administration of justice by the Constitution of the Republic of Uzbekistan and generally recognized norms of international law has not yet been created. It seems that this is why, in his Address, the head of state, substantiating the importance for the modern Republic of Uzbekistan of the values of freedom, democracy, justice, legality and other riches of human civilization, stressed that these principles should be reflected in everyday practice, and in this vein, he called one of the directions of the country's development improving the efficiency of justice.

The fact that there are still problems associated with insufficient efficiency of justice is also confirmed by the target program "Development of the judicial system. "On the state of the judicial system of the Republic and the priority directions of its development and improvement" These documents state the low level of public confidence in justice and the effectiveness of the consideration of cases, including a

significant narrowing of the opportunities for the participation of the masses in criminal proceedings.

Thus, despite the growing great need for public participation in criminal proceedings, it remains unsecured by law, except for the participation of assessors in criminal proceedings.

V.V. Stepanov "Involving the population to participate in the fight against crime", which mainly considers the historical, sociological, criminalistic and ethical issues of attracting the population to participate in the fight against crime, and only one small paragraph is devoted to the criminal procedural issues of this problem, consisting of ten incomplete pages. In 2009, AA Pavlov defended his PhD thesis "Public participation in the activities of the penitentiary system at the present stage", which, although it testifies to the importance of using public resources in the enforcement system, practically does not touch on the issues of criminal proceedings.

This goal is realized through the following tasks:

- to identify the social conditioning and democratic essence of public participation in criminal proceedings, to determine its legal basis;
- to analyze the historical experience and determinants of the development of the popular principle in criminal proceedings;
- to consider issues of public participation in the implementation of the functions of criminal prosecution, defence in criminal cases and assistance of criminal justice;
- to formulate proposals for improving the criminal procedure legislation in terms of normative regulation of the participation of citizens and public formations in criminal proceedings.

Provisions for Defense:

1. The social conditionality of public participation in criminal proceedings lies in the strengthening and development of the democratic foundations of the criminal procedure; the need to improve the quality, efficiency of justice, increase citizens' trust and respect for the court, eliminate conditions conducive to the commission of corruption crimes in the judicial environment; in improving the quality and efficiency

of criminal prosecution of crimes and fulfilling the tasks of the criminal justice authorities to prevent crime; in the implementation of international legal standards for the fairness of criminal proceedings.

2. A representative of the public is an uninterested person who is involved (alone or with the participation of other persons) to participate in a criminal case by officials, participants in criminal proceedings or who participates in it on his own initiative, providing assistance to criminal procedural activities or directly carrying out it, expressing the public interest.

3. The types of public participation in criminal proceedings are determined by the range of subjects of public representation in modern criminal proceedings, which are:

a) individual citizens involved in a criminal case by officials, participants in criminal proceedings or participating in it on their initiative;

b) unorganized, random groups of citizens who are not united either organizationally or jointly;

c) labour and educational collectives and other associations of citizens not created specifically for the protection of human rights (trade unions, parental committees, commissions for juvenile affairs, sports societies, etc.) and their representatives;

d) non-governmental human rights organizations and their representatives.

4. The forms of participation of the public in criminal proceedings - a specific, regulated by law for their involvement in activities aimed at the prevention, suppression, disclosure, promotion of investigation and consideration of criminal cases.

5. To ensure public participation in the performance of the prosecution function, we propose to reinstate such a participant as a public prosecutor. Public Prosecutor - a representative of the labour collective, a public, including a human rights organization, who appears in court and supports the prosecution. By participating in the trial, the public prosecutor has the right to: get acquainted with the

case materials; present evidence and participate in their research; make motions and speak in the debate of the parties with the presentation to the court of an opinion on the proof of the accusation. The public prosecutor is obliged to: take part in the trial; state the opinion of a public association or collective and assist in clarifying the circumstances of the case. Besides, as representatives of the victim, civil plaintiff and private prosecutor, at their request, admit, in addition to lawyers, other persons.

6. To ensure public participation in the implementation of the protection function, we propose to reinstate such a participant as a public defender. Public defenders are allocated by a plenipotentiary meeting of a public association or collective. The decision of the meeting must be submitted to the court. Persons authorized by the assembly to act in court as public defenders cannot refuse to defend themselves on behalf of a public association or collective without a relevant decision of the assembly. Public defenders have the right to submit documents and objects for admission as evidence, take part in their research, file motions and challenges before the court, express their opinion on the petitions of other participants in the trial, participate in judicial debates, present to the court an opinion on the circumstances mitigating liability the defendant or acquitting him.

The suspect, the accused should have the right to invite as a defence lawyer at his choice: a lawyer, another person with higher legal education, a relative.

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