
The Essence of the Accusation in the Criminal Process of the Republic of Uzbekistan

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Annotation: This article deals with the issue of ensuring human rights enshrined in the Constitution in criminal proceedings. Also, the importance and role of the subjects and powers of the prosecutor's office in criminal proceedings are examined. In addition, by studying the norms of criminal procedure legislation, an analysis of the powers of each of the subjects of the accusatory function was carried out. It is argued that the procedural and legal status of the prosecutor is associated with the prosecutor's support of the state prosecution during the trial, the problem of the theoretical inexpediency of consolidating control, investigative and inquiry powers in the prosecutor's office, as well as the powers of the investigator to terminate the case. Problems such as the procedural and legal status of the prosecutor and the inappropriateness of combining in one body of the prosecutor's office such functions as supervision, investigation and inquiry, defense and prosecution are considered. The final section contains suggestions and recommendations for eliminating negative factors.

Keywords: Constitution, criminal procedure, function, court, prosecutor, accusation, defense, authority, victim, investigator, interrogator.

The goal of judicial reforms implemented in our country is to strengthen the authority of the judiciary as the most important guarantee of the effective protection of human rights, freedoms and legal interests, to ensure the true independence of the courts, and to increase their role in the establishment of a humane democratic legal state and a strong civil society.

President of the Republic of Uzbekistan Shavkat Mirziyoev "It is not for nothing that we attach special importance to the fundamental reform of the judiciary. Because the provision of human rights enshrined in our Constitution is directly related to the practical result of these reforms" [1].

It should be noted that within a short period of time, judicial reforms have been accelerated and a number of measures are being implemented in our country to provide reliable guarantees for the protection of the rights and legal interests of the individual, and to prevent illegal and unjustified restrictions on human rights. In particular, a number of legal documents aimed at improving the criminal procedural activity and increasing the efficiency of the justice system were adopted in connection with the implementation of the Action Strategy [2] on the five priority directions of the development of the Republic of Uzbekistan in 2017-2021.

The functions of the criminal procedure determine the duties of the participants in the criminal-judicial proceeding and the directions of the criminal-procedural activity. He, in turn, creates the necessary procedural status of these participants. With the help of the competent authorities of the state, the person who committed the crime is identified, an

official charge is announced against him, they justify their point of view with the help of evidence; in this way the prosecution is carried out.

Despite the fact that there are many opinions about the functions of the criminal procedure, many jurists define the functions as types and directions of criminal procedural activity. They believe that these directions are related to the tasks of conducting criminal-judicial proceedings and are specific to the activities of certain participants in the process" [3].

In our opinion, prosecution occupies a central place among the functions of the criminal process. Accusation is an integral part of the criminal process in most foreign countries as a procedural activity used in order to terminate the criminal activity of the person who committed the crime, to realize his responsibility for the crime.

However, the concept of "accusation" is not clearly defined in our national criminal procedural law. However, in most of the foreign countries, instead of initiating and ending the criminal case, the institutes of initiating and ending the accusation are in force.

To date, the analysis of legal literature [4] shows that the concept of "accusation" is used in three different senses:

1. procedural activity directed against a specific person, consisting of investigation and other procedural activities, and aimed at gathering evidence of the person's involvement in committing a crime and his involvement in the commission of this crime, consisting of investigation and other procedural activities;
2. the name of the function of the criminal court proceedings, in which the prosecution function performed by the participants of the criminal court proceedings - the parties on the basis of controversy;
3. the institution responsible for criminal proceedings.

When clarifying the concept of accusation, it is necessary to pay attention to their dictionary meaning [5]. "Criminal" - related to a crime, related to a crime, related to a crime, regarded as a crime, consisting of a crime, "accusation" - chasing after, following, chasing, punishing; "accusation" means to accuse, to find guilty, to blame. That is, the word accusation, that is, the word with the root "blame", is connected with accusation - with involvement in participation as an accused as a procedural event. accusation is a broader concept.

Although the prosecution is an independent legal institution, it is closely related to all other criminal procedural institutions. Therefore, as its legal basis, we can indicate a set of legal documents related to the criminal process. After all, prosecution as an activity is a way to solve the tasks before the criminal court, to achieve the goal of criminal procedural law.

At this point, it should be noted that we can observe that the initiation of the prosecution begins with the issuance of a decision to bring a person as an accused, as well as with the application of detention or preventive measure until the announcement of the charge.

Accusation as a criminal-procedural function has a wide meaning [6]. The charge begins with the initiation of a criminal case and is valid throughout the entire period of criminal proceedings and continues at all stages of the criminal process, i.e. during the time when it is reasonable to believe that a particular person is guilty of committing a crime and should undergo appropriate criminal punishment or other measures [7].

The above also corresponds to the etymological content of the word "accusation": "accusing someone in order to catch up with someone", "putting someone in an unpleasant situation", "hurting someone", "pursuing something" - among other things, to determine the grounds for initiating a criminal case, striving to solve a crime, to expose the criminal, to determine the circumstances aggravating criminal responsibility or the reasons and conditions for

committing the crime. Therefore, based on this interpretation of the word "accusation", the following can be included in the framework of the components of the accusation:

Attract a person to participate as a suspect in a criminal case;

Collecting evidence that is the basis for exposing the accused's involvement in the crime;

Application of procedural coercive measures against the suspect and the accused;

Taking measures aimed at identifying persons who should be held criminally liable;

Formulating and announcing the charge, drawing up and confirming the indictment;

Deliver a copy of the indictment to the person;

Supporting the accusation in the court of first instance and activities of the subjects of the accusation at the stage of sentence execution, appeal, cassation proceedings.

At this point, the question arises as to what stage of the criminal process the state accusation, which represents the function of accusation, is formed and in what document it is expressed. In this regard, legal scholars expressed different opinions [8]. A group of scholars believes that the state accusation is fully manifested from the moment when a person is involved as an accused at the initial stage of investigation. In our opinion, we cannot agree with this opinion. Because, before the court, the prosecution and the state prosecution should not be mixed up and confused. Although, at the initial stage of the investigation, the charge of the investigative bodies is formed and developed, this charge does not have the status of a state charge, because the state charge is carried out strictly in accordance with the law only by the prosecutor.

Another group of authors came to the conclusion that "the prosecutor begins the function of public prosecution only after the defendant is brought to court" [9]. In our opinion, this opinion is also controversial. Because, at the time of the start of court proceedings, the state charge must be formed, because support can be applied only to the existing approach, to the formed conclusion. In this case, the prosecutor has the status of a public prosecutor before the trial, and only after forming a public charge against a specific person, they visit the court session to support it.

E.L. Nikitin in this regard said that the violation of the right, the signs of which are the basis for initiating a criminal case, "is committed by a person, a member of society, and in this situation, the knowledge of this fact in the person who makes the decision to initiate the proceedings on the case is determined or the accusation against the person is suspected. forms and it is further detailed and substantiated in the process of determining the circumstances of the criminal case" [10].

In the opinion of Z.F. Inog'omjonova, the prosecutor's function of prosecution is to ensure the inevitability of the punishment and responsibility of the person found guilty of committing a crime; pursues two interrelated goals, which is to prevent citizens from being unjustly prosecuted or their rights restricted in a special way [11].

In this regard, T.Yu.Ivanova states that "prosecutor's evidence activity is related to a special procedural goal - justification of the charge that the prosecutor will later support in court" [12]. This is especially evident when the prosecutor gives testimony to the investigator during the preliminary investigation about the involvement of a person as an accused, the scope and qualifications of the accusation.

Thus, the entire activity of the prosecutor in the pre-trial stages of the criminal process is directed to the formation of a state charge of committing a crime based on the results of the pre-trial proceedings against a specific person and ensuring the possibility of its legal and reasonable disclosure. State prosecution, that is, a legitimate and justified state prosecution, is

a moderate consequence of a prosecution led by a prosecutor, which represents the role and procedural function of the prosecutor in the prosecution system.

In any case, the accusation is closely related to the institution of criminal responsibility and is based on the principle of inevitability of responsibility for the act. It can also be manifested in the form of negative consequences after a person has completed a criminal sentence or during the term of conviction.

So, accusation is a multi-factorial, multi-level, complex function. In addition, it does not end with the issuance of a guilty verdict and its entry into legal force, but continues at the next stages of the criminal process.

In our opinion, its essence is as follows: an accusation is a legal confirmation that a certain person has committed an act defined by the criminal law. It is always inextricably linked with two - factual (confirmation of the factual circumstances of the committed act) and legal (conclusion about the description of the relevant act) situation.

So, accusation is a broad concept. When the term prosecution is applied to persons who have the legal status of the accused, it is also carried out in relation to persons involved in the case as a suspect, that is, the prosecution is a procedural activity carried out by the competent authorities and officials who carry out the prosecution in order to expose the criminal acts of the suspect.

This means that the accusation includes the following complex actions that occur as a result of the commission of a criminal act:

- is based on the norms of the criminal-procedural law;
- occurs when a criminal act (act, inaction) is committed;
- in order to expose the crime and the persons who committed it, it consists of the duty of the investigator, the prosecutor to comprehensively, completely and objectively investigate the working conditions and determine the truth;
- Leads to the formation of an accusation in accordance with the established procedure for prosecution based on the Criminal Code.

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