

CLASSIFICATION PRESUMPTION OF INNOCENCE IN THE NORMATIVE  
LEGAL DOCUMENTS OF THE REPUBLIC OF UZBEKISTAN.

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The article deals with the presumption of innocence which is one of the fundamental principles of legal proceedings, according to which a person is presumed innocent until proven guilty of a crime in accordance with the procedure prescribed by law and established by a court sentence, which has entered into legal force.

Keywords: Constitution, Criminal Procedure Code, innocence, presumption, court, accused.

The opposition to the presumption of innocence is classified in compliance with the Constitution, the accused persons in the commission of a crime are considered innocent until the guilt of the accused is clarified legally, through a public judicial investigation, while all the necessities for the protection of their civil rights contribute.

It is worth noting that article 23 of the Criminal Procedure Code of the Republic of Uzbekistan mentions the presumption of innocence which reads:

A suspect, accused or defendant is considered innocent until his guilt in committing a crime is proved in accordance with the procedure provided for by law and established by a court verdict that has entered into legal force.

The suspect, the accused or the defendant is not obliged to prove his innocence.

All doubts about guilt, if the possibilities to eliminate them have been exhausted, must be resolved in favor of the suspect, the accused or the defendant. Doubts

arising in the application of the law should also be resolved in favor of the suspect, the accused or the defendant. <sup>1</sup>

The assumption of innocence functions in the relationship of the individual together with the stage of issuing an order regarding his involvement in the property of the convicted person, as well as in the course of the trial up to the stage of making a decision that allows the problem of guilt or innocence in the commission of a crime.

However, there are exceptions, for example, the victim in the court session has the opportunity to declare the guilt of the convicted person, as well as the defendant. The State Prosecutor, in addition, claims the guilt of the defendant, as well as the system of "prosecution" will require it independently.

The presumption of innocence, the principle of criminal procedure is mandatory on the part of the participants in the process, and, above all, on the part of the court. Paragraph 6 of the resolution of the Plenum of the Supreme Court explicitly states that "the openness of the trial is ensured by providing an opportunity to attend the court session to persons who are not participants in the process, including representatives of the media." The legislation, in turn, contains norms and requirements for the activities of the media and journalists when covering trials. Thus, according to the resolution of the Plenum of the Supreme Court "On ensuring the openness of judicial proceedings and the right to receive information about the activities of the courts", it was established that the media does not have the right only "to prejudge the results of the trial in a particular case or otherwise influence (exert pressure) on the court", and "the judge does not have the right to give interviews or speak in the media mass media in a case in which a court decision has not entered into legal force." <sup>2</sup>

There are many principles of criminal proceedings: the principle of inviolability of the home, the principle of inviolability of the person, the principle of legality and the

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<sup>1</sup> Criminal Procedure Code of the Republic of Uzbekistan article 23

<sup>2</sup> Receipts of journalists and the presumption of innocence.

administration of justice exclusively by the court. Seen, because the defendant has the right of presumption of innocence. Other participants in the criminal process on the part of the defense are represented by lawyers and defenders. The criminal process is an activity regulated by the Code of Criminal Procedure aimed at indicating the action of the crime, the persons responsible for its commission, as well as the establishment of all measures provided for by law for their punishment in accordance with criminal legislation.

The verdict is the most important act of justice, since the observance of constitutional rights and freedoms of the individual depends on its legality, validity, and fairness. No citizen can be found guilty of committing a crime except by a court verdict that has entered into legal force, decided in compliance with all the requirements of the law and on the basis of the law. The sentences of the courts of the Republic are mostly justified, however, unacceptable facts of violations of criminal and criminal procedure legislation continue to occur, which does not contribute to strengthening the rule of law, improving the quality and efficiency of the administration of justice.<sup>3</sup>

A guilty verdict cannot be based on assumptions, cannot be based on guesses (assumptions) of the investigation and the court that do not have proper evidence, cannot be based on the testimony of anonymous sources (the installation data of which are not known to the court), cannot be based on unsubstantiated statements (even in writing) the "alleged" fact of the existence of a multitude of secret evidence, which the court does not have access to, cannot be based on other "inadmissible evidence". It should be borne in mind that the criminal procedure legislation of different countries puts several different meanings into the concept of inadmissible evidence, and ignorance of these differences can lead the accused in a foreign country to serious mistakes in his defense).

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<sup>3</sup> Resolutions of the Plenum of the Supreme Court on the judicial verdict.

According to article 14 of the convention and the agreement of the International Covenant on Civil and Political Rights, it is mentioned;

All persons are equal before courts and tribunals. Everyone has the right to a fair and public hearing by a competent, independent and impartial court established on the basis of law when considering any criminal charge against him or when determining his rights and obligations in any civil process. The press and the public may not be allowed to attend all or part of the trial for reasons of morality, public order or State security in a democratic society, or when the interests of the private life of the parties so require, or — to the extent strictly necessary in the opinion of the court — in special circumstances where publicity would violate interests of justice; however, any court ruling in a criminal or civil case must be public, except in cases where the interests of minors require another or when it concerns matrimonial disputes or custody of children.

Everyone accused of a criminal offense has the right to be considered innocent until his guilt is proven according to the law.....<sup>4</sup>

The duty of the State to ensure the independence of the judiciary. A court considering charges against a person should not be a body of criminal prosecution, should not act either on the side of the prosecution or on the side of the defense, should not perform their functions (either in full or in part), but should be an independent, impartial, objective, comprehensive and legitimate consideration of the issue of validity/unreasonableness (evidence/unprovenness) of the charges brought against the accused, and the court, making a decision, has no right to go beyond the charges brought and known to the accused. It should be borne in mind that in those countries where the courts are actually entrusted with the functions of the prosecution (that is, where the court is the body of criminal prosecution), it is not necessary to talk about compliance with the "Presumption of innocence", regardless of the content of various declarations).

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<sup>4</sup> Convention and agreements of the International Covenant on Civil and Political Rights article 14.

The norms defining the general conditions of the trial are also intended to serve as guarantees of compliance with the presumption of innocence. The analysis of these norms shows that the legislator establishes a significant difference between the defendant and the convicted person, considers it necessary for the court to thoroughly check and evaluate all the evidence collected during the investigation and verified during the appointment of the court session in conditions of publicity, verballity and immediacy, in compliance with all the rules that exclude unjustified recognition of a citizen guilty of committing a crime.

For example, the court is obliged to check all the evidence collected by the bodies of inquiry or investigation: to interrogate the defendants, victims, witnesses, to hear expert opinions, to examine material evidence, to announce protocols and other documents; the prosecutor, the defendant, the defender enjoy equal rights to present evidence, participate in the study of evidence and the application of petitions.

Thus, the presumption of innocence is one of the main principles of criminal procedural law, which ensures an honest court that protects the rights not only of the victim, but also of society as a whole.

List of used literature.

1. Criminal Procedure Code of the Republic of Uzbekistan article 23
2. Receipts of journalists and the presumption of innocence.
3. Resolutions of the Plenum of the Supreme Court on the judicial verdict.
4. Convention and agreements of the International Covenant on Civil and Political Rights article 14.

Electronic educational resources.

1. <https://lex.uz/docs/111463>
2. <https://anhor.uz/pravovoy-razbor/presumption-of-innocence/>
3. [https://base.spinform.ru/show\\_doc.fwx?rgn=29930](https://base.spinform.ru/show_doc.fwx?rgn=29930)
4. [https://www.un.org/ru/documents/decl\\_conv/conventions/pactpol.shtml](https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml)