IMPROVING PRE-TRIAL PROCESSING IN CRIMINAL CASES INITIATED MAINLY AT THE VICTIM'S APPLICATION

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Abstract
This article talks about improving the proceedings before the court in criminal cases initiated on the basis of the victim's application. Also, it is devoted to the analysis of the concept and essence of the principle of adversariality of the parties in pre-trial proceedings, the importance of this principle in the criminal process, as well as the similar and different aspects of the national and foreign experience in this field.

Keywords: judiciary, judge's position, law, application, criminal cases, human rights, freedom**.**

JABRLANUVCHINING ARIZASIGA ASOSAN QO'ZG'ATILADIGAN JINOYAT ISHLARIDA SUDGA QADAR ISH YURITISHNI TAKOMILLASHTIRISH

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Samarqand viloyati Ichki ishlar boshqarmasi
Tashkiliy boshqarma boshlig'ining
Yuridik masalalalari bo'yicha o'rinbosari

Annotatsiya
Ushbu maqolada jabrlanuvchining arizasiga asosan qo'zg'atiladigan jinoyat ishlarida sudga qadar ish yuritishni takomillashtirish haqida so`z yuritilgan. Shuningdek, sudgacha bo'lgan ish yuritishda taraflarning tortishuvchanligi tamoyili tushunchasi va mohiyatini, mazkur tamoyilning jinoyat protsessidagi ahamiyatini, shuningdek, bu sohada milliy va xorijiy tajribaning o'xshash hamda farqli jihatlarini tahlil qilishga bag'ishlangan.

Kalit so`zlar: sud-huquq sohasi, sudьyalik lavozimi, qonun, ariza, jinoyat ishlari, inson huquqlari, erkinlik.

During the years of independence, the legal sphere of our country was reformed, legal foundations aimed at ensuring the independence of the judiciary were created, and a legal system based on the supremacy of human rights, freedoms and legitimate interests was formed. The norms guaranteeing the independence of the courts have been strengthened in our constitution. A new version of the Law "On Courts" was adopted, which allows the judicial system to be completely freed from the control and influence of the executive authorities, as

well as changes and additions to the criminal-procedural and civil-procedural legal documents. The tasks of presenting candidates for the post of judge, suspending and prematurely terminating the authority of judges, initiating disciplinary proceedings against them were removed from the competence of the Ministry of Justice, civil and criminal courts were established. It was during this period that the cassation instance was reformed and the appeal procedure for reviewing court cases was introduced.

Adopted by the First President of the Republic of Uzbekistan "On measures to fundamentally improve the social protection of employees of the judicial system", "On organizational measures to further improve the activity of courts" and "Measures to improve the activity and efficiency of district and city courts of general jurisdiction" The Decrees on "activities" laid the groundwork for democratization and liberalization of the judiciary, increasing the role and importance of the judiciary in protecting the rights and legal interests of citizens.

However, the modern requirements of the development of our country and the strategic priority tasks of the development demanded further reform of the judicial system, as well as strengthening the guarantees of reliable protection of the rights and freedoms of citizens by the courts, law enforcement and control bodies, as is happening in other areas.

In this sense, the Decree "On the strategy of actions for the further development of the Republic of Uzbekistan" developed and adopted at the initiative of the head of our state Sh.M.Mirziyoev aimed at comprehensive and rapid development of our country.

In the strategy of actions, as one of the important measures aimed at strengthening the guarantees of reliable protection of the rights and freedoms of citizens through the court, the introduction of modern information and communication technologies into the activities of the courts, timely resolution of citizens' appeals, taking all necessary measures to restore violated rights, ensuring that citizens have unimpeded access to justice and it was envisaged to increase the efficiency and quality of the administration of justice, to improve the procedural bases of administrative, criminal, civil and economic court work.

The openness and transparency of the court's activity, ensuring the transparency of the trial is considered one of the important components of the democratic procedural forms of judicial proceedings and serves as an important legal guarantee in the implementation of legality in justice and the realization of the rights of the participants in civil proceedings.

The principle of transparency of court proceedings guarantees the reasonable, legal and fair adoption of court decisions. Transparency of court proceedings strengthens people's trust in the judiciary, media coverage of publicly heard cases ensures public control of court activities by the society and has educational value. In the literature, it is also suggested that the open hearing of cases allows citizens to get to know the work of judges directly, to bring their activities under public control, and thus ensures the proper resolution of civil cases.

Also, on the one hand, the transparency of court proceedings is a sign of the democratic nature of court proceedings and on the other hand, it is a way of public control over the observance of constitutional principles in court.

The purpose of the principle of transparency is to strengthen people's confidence in the judiciary. In addition, through the participation of the mass media in the court session, public control of court proceedings is ensured. Therefore, in the literature, the principle of transparency means the participation of all persons, including representatives of mass media, in the hearing of civil cases.

Through the principle of openness, the materials of civil cases are published in mass media, in particular newspapers, magazines, broadcast and shown on radio, television and in necessary cases, it is possible to see cases with the participation of representatives of public organizations and labor unions, in traveling court sessions. It should be noted that the scientific research of this issue has not lost its relevance, as certain works have been carried out to ensure the principle of transparency and public control in conducting civil court cases.

In particular, in our country, to ensure the openness and public control of the activities of state bodies and to further improve the legal basis for ensuring the openness of the judiciary, to study some procedural issues of the implementation of the principle of transparency in the conduct of civil court cases, to conduct a comparative legal analysis of the prospects of introducing modern information technologies in the conduct of court cases, in particular, researching the means of ensuring public control and their improvement in the conduct of civil court cases is one of the most urgent issues.

The right to a fair trial in criminal proceedings does not begin when a formal charge is filed, but when the state seriously impedes a person's freedom of movement or takes other measures to deprive a person of any rights, with the possibility of future criminal prosecution.

Therefore, everyone should be guaranteed a fair trial from the beginning of the investigation to the final stages of the judicial process, including the right to appeal the verdict. At this point, it should be noted that pre-trial, in-trial and post-trial actions cannot always be clearly distinguished and the violation of the accused's rights at any stage may have a negative impact on the subsequent stages of the trial, including the administration of justice.

Assessing fair trial standards in terms of pre-trial, in-trial and post-trial proceedings often helps identify issues that are relevant throughout the trial.

By the decision of the President, the "Electronic inquiry and preliminary investigation" information system was introduced to digitize the activities of inquiry and preliminary investigation bodies and to conduct the case before the court. Information on individuals and legal entities in the system was provided at the request of inquiry and investigative bodies.

In accordance with the document, a unified information system "Electronic inquiry and preliminary investigation" (Uniform investigative information system) will be introduced on

the issues of digitization of the activities of inquiry and preliminary investigation bodies and the issue of proceeding to court.
Electronic document exchange in matters of bringing the case to court through the unified investigative information system is carried out by:
• Ministry of Internal Affairs;
• General Prosecutor's Office;
• State security service;
• Department of Combating Economic Crimes under the General Prosecutor's Office and Bureau of Mandatory Enforcement;
• State Customs Committee;
• Investigation and investigative bodies of the National Guard.
The General Prosecutor's Office is responsible for the integration of the single investigative information system with other information systems, its continuous operation and information security.
The laws that are passed will only work if they are in harmony with our ongoing reforms. This is the truth, a vital axiom. But some of our laws do not meet the requirements of the time. Therefore, it is our urgent task to create a clear, systematic law enforcement mechanism.
After all, the analysis of judicial practice shows that there is a need to improve the calculation of the term of the criminal case in court and to expand the grounds for suspending proceedings. The solution of these problems, in turn, serves to form a high-quality and effective judicial practice. In particular, there are the following problems in calculating the duration of a criminal case in court. The term of the preliminary investigation of a separate criminal case, if the criminal case is being separated for a new crime or against a new person, is calculated from the date of issuance of the relevant decision. In the remaining cases, the term is counted from the time of initiation of the criminal case, which is separated from the criminal case.
These norms are defined based on the specific characteristics of the preliminary investigation. They cannot be fully applied to the trial stage.
Consequently, there is a need to eliminate the existing legal gap and ensure uniform judicial practice.
Secondly, in the current Criminal Procedure Code there are no rules on whether or not the time spent by the judge in a separate room and the time spent by the court in the consultation room, is added to the total duration of the trial. This situation, in turn, can lead to different approaches to calculating the duration of the trial in court practice.
Besides, it is not a secret to anyone that the preparation of the verdict or the decision in the consulting room or in a separate room on complex and large-scale criminal cases requires a certain period of time, to be more precise, 10-15 days.
However, the analysis shows that when it is determined that the defendant was detained as a precautionary measure for another criminal case outside the territory where the court hearing

the case operates, is being kept under house arrest or is serving a sentence of deprivation of liberty, restriction of liberty, this defendant is brought to the courtroom (staged) it is not possible to start the trial until In addition, it takes a long time to bring (stage) persons who are in prison (house arrest) or serving a sentence of deprivation of liberty (restriction of liberty) to the courtroom in another region of our republic, that is, from one to three months.

Pursuant to the law adopted on May 23, 2019, in the Criminal Procedure Code, investigative activities involving witnesses, victims, suspects and accused persons, that is, interrogation, identification of persons and things and identification of these persons in their place or called to the law enforcement body or court of the province or district or city of the place of residence, it is determined that it will be held in the video conference mode using technical means.

However, it is not possible to conduct investigative actions such as checking the instructions at the scene of the incident, conducting experiments, in the video conference mode.

In order not to disclose information about minors, as well as personal life of citizens, or information that degrades their honor and dignity, as well as the safety of the victim, witness or other persons participating in the case, they are family members or close relatives in cases where security is required, it is allowed to consider other cases in a closed court session by a court decision.

In judicial practice, in some cases, persons who participated in the case as a victim or witness, but were imprisoned outside the territory of the relevant region as a precautionary measure in connection with another criminal case, are kept under house arrest or are serving sentences of deprivation of liberty, restriction of liberty and also some in some cases, it may be necessary to appoint a case expert and send the material of the criminal case to the expert institution.

In such cases, it takes a certain amount of time to bring a person to the courtroom and conduct an expert examination. During this time, it will not be possible to continue the trial, especially in cases where the material of the criminal case is sent to the expert institution.

It should also be noted that in the Codes on the conduct of civil procedural, economic procedural and administrative court cases, this case is considered by the Constitutional Court of the Republic of Uzbekistan, a court on civil cases, a court on criminal cases, an administrative court or an economic court in connection with other cases or issues, as well as investigations it is provided that proceedings in the court will be suspended when the actions cannot be seen until the decision is made on the ongoing case, as well as when an expert is appointed by the court.

However, according to the above-mentioned reasons, it is not allowed to stop the trial of a criminal case in court, in turn, similar reasons are used differently in practice, depending on the specialty of the court.

In short, the actual procedure for conducting court cases should be convenient and simple for citizens, as well as for law enforcement officials and state bodies. Only then will the quality and effectiveness of judicial practice increase.

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