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## **HISTORICAL DEVELOPMENT OF CONDUCTING THE CASE BEFORE THE COURT IN A SIMPLIFIED MANNER**

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**Abstract:** The historical experience of implementing the stage of bringing the case to the court in a simplified form is analyzed in the article. Comments are made on the advantages and disadvantages of this institution regarding the initial forms of proceedings in a simplified manner. Also, information on the entry of the initial forms of proceedings into the criminal-procedural legislation and its evolution is presented in a simplified form.

**Keywords:** human, law, crime, inquiry, investigation, guilt, simplification, bureaucracy, technology, innovation, term, responsibility, torture, experience.

Today, several positive works are being carried out in our country within the framework of reforms in justice and law implemented, first of all, to ensure and protect human rights and freedoms effectively, respect for his honor and dignity, compensation for the damage caused to the victims of the crime in a short period by quickly and fully solving the crimes, to ensure that innocent people are not prosecuted, timely registration of appeals of individuals and legal entities regarding crimes and solving them in the shortest possible time, torture and other cruel treatment of a person during the process of bringing the case to court, introduction of new, simplified mechanisms of proceedings for the prevention of inhuman or degrading treatment and acts related to the use of punishment, and introduction of international standards and advanced foreign experience in this sphere.

In particular, the Criminal Procedure Code of the Republic of Uzbekistan was significantly expanded with amendments and additions by Law No. 245-II of August 29, 2001, “On introducing amendments and addenda to the Criminal, Criminal Procedure Codes and Code of Administrative Responsibility of the Republic of Uzbekistan in connection with the liberalization of criminal punishments”, Law No. LRU-317 of January 5, 2012, “On introducing amendments and addenda to the Code of Criminal Procedure of the Republic of Uzbekistan”, Law No. LRU-442 of

September 6, 2017, “On introducing amendments and addenda to certain legal documents of the Republic of Uzbekistan in connection with the improvement of the investigative institute”, Law No. LRU-675 of February 18, 2021, “On introducing amendments and addenda to the Criminal and Criminal Procedure Codes of the Republic of Uzbekistan”.

With the adoption of these laws, “Relief from criminal liability due to reconciliation”, “Initiation of a criminal case based on the victim’s complaint”, “Investigation before inspection”, “Inquiry”, “Agreement on confession”, “Consolidation of evidence in advance”, “Preliminary hearing on a criminal case” institutions were introduced to our criminal procedural legislation, and the existing ones were further improved.

The study of the historical development stages of conducting the case before the court in a simplified manner provides an opportunity to identify the shortcomings of their research.

Since the 8<sup>th</sup> century, special attention has been paid to conducting business in a simplified manner in Muslim law, which is the primary source of law in our country, in which most of the cases were considered in a streamlined manner, and a decision was made in a short time. Even today, in the theory of Muslim law, it is allowed to be exempt from responsibility for offenses of the category of “*tazir*” (disciplinary punishment). This punishment is excluded when the accused is remorseful for his guilt. If the act affects private rights, the competent authority may apply the disciplinary sentence only at the victim's request and not apply punishment in cases where the victim forgives the accused [1; 45 b].

If the aggrieved person forgives himself and forgives the person who harmed him, then he is punished for the sake of society. That is, he is disciplinarily punished. Based on this, it can be concluded that the punishments are set heavier for the sake of the community and lighter for the sake of the individual [2; 195 b].

Sharia rules also regulate the institution of truce, and an agreed peace for crimes is made in connection with the *diyat* (ransom for the slain). In this case, the

fact that the crime was committed intentionally and carelessly is essential in paying compensation to the victim and reaching an agreement with him. That is, peace was concluded when the compensation paid for an intentional crime was not less than the amount of the *diyat*, and it was stipulated that the compensation paid when the crime was committed due to carelessness did not exceed the amount of the *diyat* [3; 498 b]. If it does not affect the fairness of the trial and does not undermine the trust in the court, the simplified procedure was the main procedure for criminal proceedings [4; 9 b].

However, we cannot say that the simplification of the administration has always served noble purposes. On June 10, 1794, the decree “On Enemies of the People” passed in France under the influence of Robespierre further simplified the conduct of court proceedings, ended pre-interrogation of the guilty, and determined that they could not use the right of defense and interrogation only in court [5; 341 b]. Until 1917, the Statute of Criminal Courts, which regulated the system of crime and punishment in the territory of our country, defined the principles of ending criminal cases based on agreement and reconciliation.

According to Article 113 of the Criminal Procedure Code of Uzbekistan of 1926, the court, before the hearing, explains the essence of the charge to the defendant. It is envisaged to determine his attitude to the accusation. Suppose the defendant has no objection to the accusation. In that case, the court will hear his last word and enter the consultation room to make a verdict, and it was intended to simplify the trial based on the defendant's attitude to the guilt. On December 1, 1934, the Resolution “On introducing amendments to the current Criminal Code of the Union Republics” established a 10-day time limit for investigating crimes against representatives of the Soviet government and then decided that a tribunal would review these cases and decisions would not be appealed [6]. The state-level repressive policy is based on the will of the authoritarian dictatorship, not from the point of view of human rights, and has abandoned the system of guaranteeing individual rights and freedoms by simplifying criminal procedural forms. In 1937-

1939 alone, more than 41,000 people were imprisoned by the “triple” of the People’s Commissariat of Internal Affairs of the Uzbek SSR. Of these, more than 37,000 people were tried, and 6,920 people were shot [7].

Because the court ceremony was carried out superficially without the limits of official procedure, the cases were considered for 5-10 minutes without witnesses. During that time, three of the judges “explained to the defendant his rights, read out the indictments, explained the nature of the accusation, his attitude towards the “crime committed by the accused” to determine, to hear his instructions and the last word, to be in the consultation room, to write the verdict there, to return to the courtroom, to announce the verdict [8; 31 b]. The saddest thing is that this simplified form of procedure was used until 1956.

Some forms of the Criminal Procedure Code, which are in force today, have found their reflection in the Criminal Procedure Code of the Uzbekistan SSR in 1959. According to Chapter 29 of this Code, by Article 5 of the Criminal Code, which falls within the scope of reconciliation, when the victim reconciles with the accused, a decision is made to dismiss the criminal case. If a criminal case has been initiated, it is determined to be closed.

Also, based on the decision of the Presidium of the Supreme Soviet of the USSR of July 26, 1966, “On strengthening criminal responsibility for bullying”, a form of “report” was introduced in the Soviet Union for proceedings before the court on bullying cases. According to it, in accordance with Article 384 of the Criminal Code, in connection with the cases specified in Article 114<sup>1</sup> and Part 1 of Article 204 of the Criminal Code, the investigative body shall determine the circumstances of the crime and the identity of the offender within 5 days, and he was obliged to take an explanatory letter from the victim and witnesses and send it to the court to prepare a report for consideration of the case in court. The report states that the offender has been caught, his identity is clear, the circumstances of the crime committed and confirmed by the head of the investigative body, the offender will be introduced, and the materials will be sent to the court with the prosecutor's consent. However,



suppose it is impossible to determine the circumstances of the crime committed within five days. In that case, the head of the investigative body shall decide on initiating a criminal case. Suppose the Court considers the materials sufficient for consideration at the court session. In that case, it may decide to open a criminal case and bring the offender to court and review the materials at the court session, return the materials for further inquiry or preliminary investigation, or refuse to open a criminal case. The most delicate aspect of this experience is that the court initiates the criminal case and forms the charge.

In 1987, with the recommendation of the Council of Ministers of the European Union, “Regarding the simplification of justice in criminal cases”, the main directions of the reforms in this direction in various countries began to conduct criminal procedural activities in a simplified manner.

Article 26 of the United Nations Convention against Transnational Organized Crime of November 15, 2000, provides that each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offense covered by this Convention.

In the Criminal Procedure Code of the Republic of Uzbekistan of 1994, the conduct of the case before the court is unified, the single procedural form is implemented as a preliminary investigation, and a simplified procedure is not provided. This Code abolished the protocol and private accusation forms of criminal proceedings, and a single procedural form was introduced for all crimes.

According to the Law of the Republic of Uzbekistan of August 29, 2001, No. 254-II, with the inclusion of Chapter 62 entitled “Proceedings on conciliation cases” to the Criminal Procedure Code, if the victim reconciles with the suspect, accused, defendant in the cases of crimes stipulated in Article 66-1 of the Criminal Code, it was determined that the court may terminate the criminal case without resolving the issue of guilt in accordance with the procedure established by Chapter 62 of this Code. During the past period, the institution of conciliation partially solved the

problem of the absence of a simplified form of criminal proceedings. However, its purpose and ultimately limited scope of application did not solve the problem of simplification of criminal proceedings. Applying the Reconciliation Institute in practice has shown its positive and, at the same time, factors affecting its effectiveness. Therefore, it is constantly being improved.

According to the Law of the Republic of Uzbekistan No. LRU-442 of September 6, 2017, in accordance with the amendments introduced to the Criminal Code, it was determined that the investigation of a criminal case would be carried out in the form of an inquiry or a preliminary investigation. That is, at the stage of bringing the case to court, it was possible to differentiate based on the social danger of the act.

Its content has changed radically in connection with introducing the simplified procedure of proceedings before the court. “Investigation” now means the activities of the investigator, the head of the investigation department, and his deputy, who are empowered to initiate, terminate, complete, and choose precautionary measures (except for imprisonment and house arrest) [9; 17 b].

By the Decree of the President of the Republic of Uzbekistan of August 10, 2020, “On measures to further strengthen the guarantees of the protection of the rights and freedoms of the individual in the judicial and investigative activities”, the charge announced against the person, regardless of the instance of the court in which the criminal case is being considered, it was envisaged to introduce the procedure for applying the institution of reconciliation in cases where the article or part of the Special Part of the Criminal Code of the Republic of Uzbekistan, which falls under the scope of the institution of reconciliation, is changed.

The introduction of a simplified procedure for pre-trial proceedings provides, first of all, a differential approach to cases. Due to the expansion of the rights of individuals in criminal proceedings, the effectiveness of the preliminary investigation was achieved. That is, the time of the participants of the process is saved as a result of the cases being viewed in a simplified manner, bureaucracy is avoided, and the



volume of work in the inquiry and preliminary investigation is significantly reduced, which directly serves to ensure the quality of the activity of the investigation and investigative bodies [10].

As a logical continuation of the reforms being implemented in this regard, on January 28, 2022, Resolution PR-105 of the President of the Republic of Uzbekistan “On measures to introduce a unified interdepartmental electronic cooperation system in bringing the case to court” was adopted. With the adoption of this decision, procedural actions carried out by the inquirer and investigators at the stage of bringing the case to court were implemented in a short period. As a result, the adverse effects, such as excessive red tape and censorship of citizens, were drastically reduced.

One of the most relevant and controversial topics of the theory of criminal procedure is considered one of the most relevant and controversial topics of the criminal procedure theory. As can be seen from the information above, in some periods of history, these institutions were used to make unjust judgments of the state. However, in the stage of bringing the case to the court, it is only positive if it is carried out in a simplified form, provided that the rules of the proof process are fully observed.

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