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THE LEGAL NATURE AND HISTORICAL DEVELOPMENT OF THE INSTITUTES OF SUSPENSION AND RESUMPTION OF PROCEEDINGS IN CRIMINAL PROCEDURE

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Abstract

This article examines the legal foundations and procedural significance of the institutes of suspension and resumption of criminal proceedings. It discusses the legal grounds for the suspension of a criminal case by the court, including the emergence of new charges, the establishment of new facts, or the absence of evidence for the accusation. The article also emphasizes that the process of suspending a criminal case should be conducted in accordance with legal principles and requires coordination between the court and the prosecution. The study aims to explore the critical role of the suspension and resumption of criminal cases within the judicial system and their contribution to ensuring justice and the rule of law.

KEYWORDS: Suspension of a criminal case, resumption, procedural grounds, court, prosecution.

INTRODUCTION

The constitutional reform of 2023 marked an important milestone in the legal development of the country. The Basic Law was supplemented with new provisions strengthening the guarantees of human rights and freedoms. Particular attention is paid to social protection, which is reflected in the norms on access to education, healthcare and an environmentally friendly environment. Such a legislative initiative is important for ensuring social justice and compliance with the principle of equality before the law.

Serious attention is paid to reforming the judicial and legal system. The new amendments to the Criminal Procedure Code are aimed at

strengthening the principles of adversarial proceedings and equality of the parties, increasing the transparency of judicial processes and actively introducing digital technologies. The introduction of electronic justice facilitates citizens' access to judicial services and increases their efficiency. It should be noted that the reform of probation opens up new opportunities for the resocialization of convicts, which contributes to the reduction of recidivism.

The institutions of suspension and resumption of proceedings at the judicial stage of the criminal process are important elements of the criminal procedural legislation of the Republic of Uzbekistan. Their significance is determined by the

need to ensure the balance between the rights of participants in the process, effective justice and achieving the goals of criminal proceedings. The Criminal Procedure Code of the Republic of Uzbekistan clearly regulates the grounds, procedure and consequences of the suspension and resumption of production, which is of fundamental importance for compliance with the law and protection of the rights of participants in the process.

Criminal proceedings are characterized by actions taken by participants in the process, decisions made by them, and deadlines established by procedural law. These components of the process ensure the conduct of procedural activity in a single system. It is not always possible to continue the criminal process uninterrupted. In practice, it is natural that at almost all stages of the criminal process, circumstances arise that impede and hinder the conduct of the case. Objective and subjective factors contribute to the emergence of such situations. An example of such cases is the suspension of investigative actions and other procedural actions. In criminal proceedings, it is not only necessary to suspend proceedings, but in some cases it is not advisable not to suspend proceedings. All this is done within the framework of criminal proceedings.

When discussing the legal nature of the suspension and resumption of proceedings in criminal proceedings, there are different opinions on this issue in theory and practice. A number of specialists and legal scholars have expressed clear opinions on scientific research and debates regarding the legal nature of the mechanism for suspending and restoring criminal proceedings. The theoretical foundations of this institution and its practical application do not always have the same understanding, as each legal system and practice have their own specific conditions, normative legal foundations, and legal relations for their implementation.

Until now, the procedural institute related to the suspension and restoration of proceedings in criminal proceedings has been called differently in various lawyers and scientific literature. This situation arises from the fact that criminal

procedural legislation includes a large-scale suspension mechanism, as the legal nature of the institution of suspension and the position of the relevant legislation at each stage differ in its accuracy. According to Kh.Kh. Botirov, the procedural action "suspension of preliminary investigation" does not have a full character, and in criminal procedural legislation, the suspension of a criminal case can be encountered in preliminary investigation, appointment to trial, and trial. Due to the fact that the procedural institution of "suspension" in criminal procedural legislation regulates norms at the preliminary investigation and trial stages and is unique in its application alongside common grounds, it is not advisable to use a single term when using the word "suspension" at these stages.

This scholar's assessment stems from the fact that the mechanism for suspending proceedings in criminal procedural legislation is fully aligned with different legal foundations and norms at each stage. For example, the grounds and mechanism for terminating the case at the preliminary investigation stage are based on a number of practical and theoretical factors related to the resumption of criminal proceedings. Furthermore, at the stage of trial, the legal grounds and conditions for terminating a case become more complex, as court decisions and procedures related to the activities of judicial bodies have their own characteristics.

The main goal of the procedural institution of "suspension" in the legislation is to implement a mechanism for temporary suspension of the criminal case and subsequent resumption or continuation of the criminal case in the absence of a solution to the problems, the implementation of necessary measures, and the impossibility of continuing the criminal case. Therefore, the term "suspension" changes at every stage of criminal proceedings, and as a result, it is natural that it has its own term and sphere of procedural application.

Criminal procedural legislation provides for various additional conditions and norms for the practical application of the procedural institution of "suspension." This is particularly important in terms of changes in legislation on the suspension of

proceedings at the preliminary investigation and trial stage, as well as their practical and theoretical foundations. At these stages, it is not necessary to use the term "suspension" in the same way, as at each stage, the reasons for the suspension of proceedings, the procedure for procedural actions, and the application of legal sources to practical work are different. This is important for conducting theoretical and practical research based on the conditions of "suspension" and its occurrence at each stage.

A.V. Kochetova, who conducted research on the issue of terminating criminal proceedings, stated that the institution of terminating criminal proceedings, as a criminal procedural institution, consists of a set of norms regulating legal relations related to the emergence of grounds that are similar in legal and practical terms, have a unique structure and have a single initial principle, hindering the conduct of the case specified in the law during the preliminary investigation, appointment of the case for consideration in court, or judicial proceedings.

Today, the grounds for suspending a criminal case in court and the procedure for their application are important issues, especially those considered in court. When analyzing these issues, it is necessary to refer to Article 4057 of the Criminal Procedure Code of the Republic of Uzbekistan. This norm clearly determines in what cases the judge has the right to suspend the criminal case in court. According to the requirements of the article, if during the preliminary hearing it is found that the accused has gone into hiding, the judge must, first of all, decide to suspend the criminal case against this person and transfer him to search. At the same time, the judge should consider the issue of changing the preventive measures against the accused.

In addition, if the accused is unable to participate in the trial of the criminal case, because he has a serious and long-term illness, which is confirmed by the conclusion of the forensic medical examination, the judge may decide to suspend the criminal case until the accused recovers. In this case, the judge considers two grounds for suspending the case at the stage of trial. The first

ground is related to the defendant's hiding, and the second ground is related to his health. Therefore, if the accused is unable to participate in the trial due to his health, the trial may be suspended for a long time.

The listed grounds and procedure are not the only grounds for terminating a criminal case in the court of first instance. According to the content of the law, in the process of considering the case on the merits in the court of first instance, the proceedings may be suspended on the following grounds. According to Article 420 of the Criminal Procedure Code of the Republic of Uzbekistan, if the defendant hides during the consideration of the case in court on the merits, as well as in the event of a mental illness or other serious illness that excludes the possibility of attending the court session, the court suspends the case against that defendant and continues to consider the case against other defendants.

There are other important grounds for the suspension of proceedings by courts in the process of considering a criminal case in court. These grounds arise mainly when a new criminal case is reopened or new information about a new criminal case is revealed. In particular, according to Article 416 of the Criminal Procedure Code of the Republic of Uzbekistan, if a new accusation is revealed in the court during the consideration of a criminal case, that is, if a new accusation is filed against the defendant, if the court finds that there are grounds for bringing the defendant to a new criminal responsibility, the court may issue a decision to suspend the case. This process is also used in the event of a crime committed by a person who has not been prosecuted, but who creates new circumstances in the case.

In addition, according to Article 417 of the Criminal Procedure Code, if circumstances related to the commission of a crime by a person who is not held criminally liable in a criminal case are established, the court may issue a decision to take the necessary procedural actions to consider these circumstances. At the same time, if new information and circumstances obtained in the criminal case create difficulties in ensuring the implementation of the necessary processes for its

complete and accurate recording, the court will have to issue a decision on the complete termination of the case.

Thus, the suspension of proceedings in a criminal case is carried out only if there are clear legal grounds. These grounds are necessary to ensure a full and effective consideration of the criminal case and are at the discretion of the judge when making decisions to continue or suspend the case in court. Such decisions further enhance the procedural effectiveness of the court and its role in determining the true truth of the criminal case. Of course, the suspension of criminal proceedings on the grounds provided for in Articles 416 and 417 of the Criminal Procedure Code is somewhat different from the suspension of proceedings on other grounds. According to these grounds, the suspension is limited to a certain period in accordance with the law.

The Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 7 of May 14, 2022, "On Judicial Practice of Discussion of Criminal Cases in Court of First Instance," provides clear explanations regarding the application of the relevant norm for judges in the discussion of criminal cases. In accordance with Article 420 of the Criminal Procedure Code, the process of considering a criminal case in court may be suspended in the following cases:

1. If the defendant hides from the court;
2. If the defendant's participation in the court session is prevented by mental or other serious illnesses;
3. The court has instructed the prosecutor to conduct additional procedural actions in accordance with Articles 416 and 417 of the Criminal Procedure Code.

The Plenum of the Supreme Court in its explanation provides comments that do not differ from the norms of Article 420 of the Criminal Procedure Code. However, the Plenum's subsequent clarifications contain additional recommendations on granting the court the authority to suspend a criminal case against a defendant based on Article 420 of the Code of Criminal Procedure. This provision is not directly reflected in the Criminal

Procedure Code. The Plenum of the Supreme Court provided the following explanation: the court may also suspend the case against a defendant or permanently.

The decision of the Plenum of the Supreme Court extensively interprets these circumstances and provides for the possibility of suspending the trial for some defendants. According to the decision of the Plenum, if a criminal case is being conducted against several defendants, the criminal case against some of them may be suspended separately, and the court proceedings may be resumed. Although this situation is not directly defined in the Code, the Plenum's decision will help to understand the legal basis for the suspension and subsequent resumption of criminal proceedings.

This Plenum resolution is aimed at ensuring the uniform and consistent application of legal norms in criminal proceedings. At the same time, it contributes to the improvement of judicial practice in criminal proceedings and serves as an explanation that should be used to resolve certain situations in the activities of a judge based on legal criteria. Based on the Plenum's decision, the possibilities for resolving legal situations that are not directly present in the Code, but are necessary in judicial practice, will expand.

Article 569 of the Criminal Procedure Code of the Republic of Uzbekistan also provides for the termination of proceedings in a criminal case on an entirely different basis, based on which the termination applies equally to the stage of inquiry and preliminary investigation, as well as to the stage of court proceedings. According to the content of this article, if a mental disorder or other serious illness of a suspect, accused, or defendant is confirmed by the conclusion of an outpatient examination or other medical documentation and a stationary examination is being conducted to determine the disease, determine the issue of sanity, legal capacity, as well as to choose a coercive measure of a medical nature, the proceedings may be suspended during the period of placement of a person in a medical institution, provided that there is no need to perform other procedural actions.

The requirements of this norm do not provide for a

clearly defined procedure on the grounds provided for in Articles 364, 405, and 420 of the Criminal Procedure Code of the Republic of Uzbekistan, which regulate the issue of suspension of the preliminary investigation. When analyzing this issue, it becomes clear that there is a lack of systematicity in determining the grounds for terminating a criminal case by the courts.

In the current Criminal Procedure Code, the regulatory framework on this issue is set out separately in various articles and resolutions of the Plenum of the Supreme Court of the Republic of Uzbekistan. As a result, various approaches emerge in the application of existing rules for terminating criminal proceedings in judicial practice. This diversity, in turn, can lead to different interpretations of legal norms that are applied equally in practice.

Therefore, regulating these regulatory provisions and bringing them into a unified system is of paramount importance. In particular, it is necessary to unify the grounds for terminating a criminal case in Article 420 of the Criminal Procedure Code and expand the content of this article. This approach provides a number of important results:

- First of all, a unified practice will be formed in the application by the courts of the rules on the suspension of criminal proceedings.

- Secondly, it will make it possible to increase the transparency of judicial and legal activities and ensure a unified approach to the validity of court decisions.

Thirdly, this method serves to prevent legal disputes arising from the misinterpretation of procedural norms by judges.

Therefore, the consolidation of all grounds for terminating a criminal case in a unified manner in Article 420 of the Criminal Procedure Code and the expansion of this article will serve to ensure legal certainty and consistency in judicial practice and law enforcement. At the same time, such an approach will be an important step towards further improvement of the judicial system.

Based on the above texts, the following conclusion

can be drawn: The mechanism for the suspension and restoration of criminal cases is one of the important elements of the judicial process. The termination of the case by the court should be carried out only on the basis of legal grounds and procedural norms. These processes are based on reasons such as changing the accusation, revealing new circumstances, or incomplete proof of the accusation. Every court decision must be fair and impartial in accordance with legal principles. The suspension process requires effective interaction between the court and the prosecutor's office, which ensures the full implementation of the criminal process. It also plays an important role in ensuring the legal basis for the termination of criminal cases, the implementation of justice, and the rule of law.

REFERENCES

1. Х.Х.Ботиров "Жиноят ишлари юриштириш тўхтатиш ва қайта тиклаш институтини такомиллаштириш". Тошкент 2012 Б.15-16
2. Кочетова А.В. Актуальные вопросы института приостановления производства по уголовному делу: автореф. дис. ... канд. юрид. наук. – Челябинск, 2006. С. 14.
3. Ўзбекистон Республикаси Жиноят-процессуал кодекси. <https://lex.uz/docs/111463>.
4. Ўзбекистон Республикаси Олий суди Пленумининг 14.05.2022 йилдаги 7-сон Жиноят ишлари биринчи инстанция судида муҳокама қилиш бўйича суд амалиёти тўғрисида қарори <https://lex.uz/docs/-6033155#-6033263>.
5. Халменов К. Деятельность следователя и органа дознания в связи с приостановлением уголовного дела. – Алма-Ата 1973. С.9
6. Быков В., Ломоносовский В., Шуренкова С. Приостановление производства по уголовному делу. 1978. с.10
7. Скворцова С., Угольников Н., Шуренкова С. Уголовный процесс: Учебное пособие.- 2003 - с.81.
8. Файзиев Ш.Ф. Терговчи ва суриштирув

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