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## Prospects For Improving The Institute Of Immunity In Criminal Procedural Relations

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### ABSTRACT

The relevance of the institute of immunity in criminal procedure and the need for further improving this process is analyzed in the article.

### KEYWORDS

Immunity, inviolability, investigator, prosecutor, judge, lawyer, criminal prosecution, arrest.

### INTRODUCTION

Immunity – (lat. immunitas) means to get rid of something, to be free<sup>1</sup>. We all know that the term immunity is widely used not only in medicine but also in law. If in medicine immunity is interpreted as a protective reaction against various diseases, in law this term is understood as a special right and

privilege granted to certain persons. In turn, in criminal and criminal-procedural relations, the institute of immunity is considered as a system of legal guarantees, consisting of protection of persons with special status from unlawful interference in their professional activities and ensuring that they are not held administratively, criminally, or otherwise.

<sup>1</sup> Explanatory dictionary of the Uzbek language: More than 8,000 words and phrases. J. Sh II. E-M / Editorial Board: T. Mirzayev and others; the Republic of Uzbekistan. Language and Literature Institute. – T.: “National Encyclopedia of Uzbekistan” State Scientific Publishing House, 2006. – P. 202.

The emergence of immunity as a legal institute stems from Roman law<sup>2</sup>. Initially, immunity was recognized as an exemption from taxes or state duties, a special right granted to an individual, category, or part of society by the Senate or the emperor. Over time, however, immunity was understood as the right to inviolability, depending on the social status of the offender and the victim, which prevented them from being prosecuted illegally.

In recent years, large-scale activities have been carried out in the country to further democratize and liberalize the judicial system, strengthen measures to reliably protect the rights and legitimate interests of citizens, increase the efficiency of the judiciary, law enforcement and oversight bodies, increase public confidence in justice, and strengthen the rule of law. At the same time, excessive bureaucratic barriers in judicial practice, the existence of conflicts between the law and by-laws, and several other shortcomings require a revision of the current Criminal Procedure Code<sup>3</sup> under modern requirements and international standards.

At the same time, the emergence of negative conditions in our society, such as preventing persons with immunity from carrying out their activities independently and fairly, or abusing the immunities granted to them by these individuals, indicates the need for full regulation of immunity-related relations.

Indeed, today's reality requires the development of new approaches to the

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<sup>2</sup> Koryakin, I.P. Immunity in criminal proceedings (genesis and epistemology): Textbook / I.P. Koryakin. - Almaty: Daneker, 2004.- p.7.

<sup>3</sup> Hereinafter referred to as CPC in the text

concept, content and meaning of procedural immunity, reflecting immunity as a separate institution in criminal proceedings, clearly defining the types of benefits, the scope and conditions of their application.

It is noteworthy that although Articles 4, 223, 239 and 596 of the current CPC contain norms on persons with immunity, they are not sufficient to fully regulate all disputes arising in judicial practice.

Thus, according to the CPC<sup>4</sup>, although the prosecutor and his investigator have immunity, the issues related to the fact that the investigator of the prosecutor's office does not have the right to immunity during the detention, as well as that some of the privileges available to the investigator of the prosecutor's office are not available to investigators of other bodies, lawyer and auditors of the Accounts Chamber do not have immunity at all, withdrawal for crimes committed by persons with immunity, failure to establish a special procedure for search, dismissal and other investigative actions, as well as coercive procedural measures, the ombudsman has no rights to the inviolability of testimony\*, the right to immunity of persons with the right to immunity, even after their dismissal, for the activity in this position, the right to immunity can be used not only in the performance of official duties, but also in other private life, are not fully reflected in our legislation.

Following the relevant laws governing the activities of courts, advocacy and the

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<sup>4</sup> Articles 223 and 239 of the CPC.

\* Note: In this case, the right not to give instructions on the circumstances known in connection with the exercise of powers.

prosecutor's office, criminal proceedings against a judge may be instituted by the Prosecutor General, initiation of a criminal case against a lawyer by the Prosecutor General, the Prosecutor of Karakalpakstan, the prosecutors of the regions, the city of Tashkent, initiation of a criminal case against the prosecutor, his investigator and the inquiry officer by the Prosecutor's Office.

The law on courts also stipulates that criminal cases against judges of inter-district, district (city) courts, and territorial military courts belong to higher courts, and judges of other courts to the Supreme Court of the Republic of Uzbekistan.

However, it is noteworthy that the norms on the right to immunity or immunity enumerated in the above laws are not fully reflected in the CPC of the Republic of Uzbekistan. Following the requirements of Article 1 of the Criminal Procedure Code, the procedure for conducting criminal proceedings in the territory of Uzbekistan is determined by the Code of Criminal Procedure.

This indicates that the current CPC should be supplemented with a new chapter entitled **“Proceedings related to persons with immunity or privileges”**, which defines the initiation of criminal proceedings against individuals with immunity, the application of coercive procedural measures, the special procedure and specifics of certain investigative actions.

We believe that the proposed new institution will be reflected in our current legislation, will create all the conditions for the full implementation of the responsibilities

assigned to it by persons with immunity in our society within the law.

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