The American Journal of Political Science Law and Criminology
(ISSN – 2693-0803)
Published: March 30, 2021 | **Pages:** 7-10
Doi: https://doi.org/10.37547/tajpslc/Volume03Issue03-02

IMPACT FACTOR
2021: 5. 952

Views On The Implementation Of Criminal Procedure Standards In Time

Razzokov Sardor Gulomjonovich
Ministry Of Internal Affairs Of The Republic Of Uzbekistan Academy Preliminary Investigation And Teacher Of Criminology Department, Uzbekistan

ABSTRACT

This article provides feedback on the timeliness of criminal procedure law and develops scientific conclusions based on the analysis of problems and shortcomings.

KEYWORDS

Crime, legislation, time, inquiry, investigation, prosecution, court, precautionary measures.

INTRODUCTION

The country is carrying out large-scale reforms to ensure the rule of law, timely detection of crimes, comprehensive, complete and impartial investigation, the creation of effective mechanisms for the unconditional implementation of the principle of inevitability of responsibility.

This requires changes and additions to the criminal and criminal procedure legislation, as

well as their improvement in line with modern requirements.

As life goes on, it is natural for offenses and crimes to be committed in society, which strengthens the participation and role of the judiciary and law enforcement agencies in their activities.

The direct responsibility of these bodies is to identify, investigate, expose the actions of the perpetrators and resolve the issue of liability.

There are some problems in the process of determining and prosecuting the crimes committed and the perpetrators of these crimes.

Criminal law clearly defines the time of commencement and completion of a crime.

In particular, the Criminal Code of the Republic of Uzbekistan

Article 13 stipulates that the criminality and punishability of an act shall be determined by the law in force at the time of the commission of the act. If the act or omission was considered the time of the crime, the time of the socially dangerous act shall be recognized as the time of the crime. Article of this Code stipulates that if the crime is considered to have ended with the occurrence of a criminal consequence, the time of the criminal consequence shall be recognized as the time of the commission of the crime.

Also, the law repealing the crime, mitigating the punishment or otherwise improving the condition of the person is retroactive, ie it applies to persons who have committed a relevant crime before the entry into force of this law, including those who are serving or have already served a sentence, if they are still convicted. failure to do so, a law that criminalizes an act, increases the penalty, or otherwise worsens the condition of the individual, has no retroactive effect.

According to Rustambaev, "The content of Article 13 of the Criminal Code is to define not only the most important and stable social relations and a number of important and strict social relations documents adopted by the Oliy Majlis of the Republic of Uzbekistan or through a referendum, but also criminal and punitive cases. fully covers the normative legal acts that affect it [1].

In our opinion, it is the same, that is, the timeliness of the adopted laws should include the norms of criminal and criminal-procedural law.

Of the Criminal Procedure Code of the Republic of Uzbekistan

Article 3 stipulates that criminal proceedings shall be instituted in accordance with the legislation in force at the time of inquiry, preliminary investigation and trial, unless otherwise provided by the treaties and agreements of the Republic of Uzbekistan with other states, regardless of the place of the crime.

Legal documents regulating criminal-procedural relations, like any other objective reality, are valid over time. The time of entry into force is determined by the date of their entry into force. Determining this point is an important aspect of both criminal procedure law and the procedural law enforcement process. After all, the entry into force of the law means that from that moment until the investigation, all officials of the investigation, prosecution, court and advocacy, as well as citizens must comply with it, it will become a

mandatory document for its implementation [2].

We know that until 2008, the application of pre-trial detention as a precautionary measure against defendants was the exclusive prerogative of the prosecutor.

However, as a result of reforms aimed at ensuring the rule of law, strengthening the image of the judiciary as the most important guarantee of effective protection of human rights, ensuring the true independence of the judiciary, strengthening their role in building a democratic state governed by the rule of law, As of January 1, 2008, the right to sanction arrest was transferred to the courts.

However, there are some cases in our legislation that need to be addressed in the application of legal norms in the implementation of procedural actions over time and territory.

For example, in 2007 a person who had been convicted of a felony and absconded from a preliminary investigation and ordered to participate in absentia as a defendant was sanctioned and declared wanted by a prosecutor in absentia. If a person is detained several years later, the precautionary measure imposed on him by the prosecutor's sanction in 2007 may not be in force or he may not apply to the court to initiate a detention measure under the new law. we can see that the rest.

In addition, the precautionary measure may be applied, revoked or changed by the decision of the inquiry officer, investigator, prosecutor and the court, if the precautionary measure in the form of arrest or house arrest applied during the pre-trial stage is not grounds for further detention or house arrest. can be revoked or changed by the procurator, as well as with the consent of the procurator by the inquiry officer or investigator, with the obligatory notification of the court that issued the decision on precautionary measures, with the request to apply the precautionary measure Article 240 of the Criminal Procedure Code of the Republic of Uzbekistan stipulates that it does not preclude repeated appeals to the court.

The application of precautionary measures to a person during the period when it was the exclusive prerogative of the prosecutor, and after a period of detention, when there are no grounds for detention, the procedure for inquiry officers and investigators to keep the matter is not clearly defined in criminal procedure law.

This necessitates clarifications in the system of time-based application of criminal procedure law.

According to the research, it is advisable to add the word “prosecutor or” before the words “with the obligatory notification of the court” in the first part of Article 240, which is called a decision or ruling on the application, revocation, amendment or precautionary measure of the Criminal Procedure Code.

In conclusion, it should be noted that in the process of judicial reform, if we identify such cases and make appropriate changes and additions to our legislation, we will contribute to the regulation of investigative and judicial bodies and the prevention of misunderstandings in their activities.

REFERENCES

1. Rustamboev M.X. Course of Criminal Law of the Republic of Uzbekistan. Volume 1. The doctrine of crime. Textbook. 2nd

Published: March 30, 2021 | **Pages:** 7-10
Doi: https://doi.org/10.37547/tajpslc/Volume03Issue03-02

edition, supplemented and revised - T .: Military-Technical Institute of the National Guard of the Republic of Uzbekistan, 2018. - 488 pages.

2. Criminal-procedural law: Textbook // Doctor of Law, Professor M. A. Edited by Rajabova. Completed and revised third edition. - T .: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2019. - 851 p.