

**BASIS OF INTERPRETATION OF THE RIGHTS AND OBLIGATIONS OF AN  
ARRESTED PERSON UNDER THE LEGISLATION OF THE REPUBLIC OF  
UZBEKISTAN**

**Khudoynazarova Ozoda**

Teacher of law school of Navoi region

Phone: +998(93) 506 22 06

[22hamza06@mail.ru](mailto:22hamza06@mail.ru)

**Khudoyorova Nafisa Baxtiyor qizi**

Teacher of law school of Navoi region

Phone: +998(97) 559 94 34

[nafisa.xudoyorova@mail.ru](mailto:nafisa.xudoyorova@mail.ru)

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**Abstract.** *This article analyzes the reflection of the Miranda rule in the Constitution of the Republic of Uzbekistan. Also, foreign experiences related to this rule were studied.*

**Keywords:** *Personal rights and freedoms, right to remain silent, attorney's fees, suspect, accused or defendant, interrogation, immunity, testimony.*

**ОСНОВЫ ТОЛКОВАНИЯ ПРАВ И ОБЯЗАННОСТЕЙ АРЕСТОВАННОГО  
ЛИЦА В СООТВЕТСТВИИ С ЗАКОНОДАТЕЛЬСТВОМ РЕСПУБЛИКИ  
УЗБЕКИСТАН**

**Аннотация.** *В данной статье анализируется отражение правила Миранды в Конституции Республики Узбекистан. Также был изучен зарубежный опыт, связанный с этим правилом.*

**Ключевые слова:** *Личные права и свободы, право хранить молчание, гонорары адвоката, подозреваемый, обвиняемый или подсудимая, допрос, иммунитет, свидетельские показания.*

The newly revised Constitution of New Uzbekistan, adopted on May 1, 2023, elaborates on the personal rights and freedoms of a person. In particular, Article 27 of the Constitution states that everyone has the right to freedom and privacy, as well as that no one can be arrested, detained, imprisoned, kept in prison, or his freedom restricted in any other way without the basis of the law.

These provisions are also reflected in Articles 18, 242 - 248, 588 of the Code of Criminal Procedure of the Republic of Uzbekistan. These rules are actually known as the "Miranda rule" which is generally recognized in international law. The "Miranda rule" was originally created in the United States. According to it, a person detained by an employee of an authorized state body should be warned about his right to remain silent and that every word or action said by the person can be used against him in court.

The main reason for the creation of this rule is to ensure the right of a person not to give instructions to himself. The origin of this rule is connected with the name of Ernest Arturo Miranda. Ernest Arturo Miranda was arrested by the Arizona State Police on suspicion of several crimes.

Because he was not explained his rights as a suspect before his Miranda interrogation, he pleaded guilty without knowing his rights. His testimony was used as proof of his confession and

he was convicted. After that, his lawyer appealed to the court. The court found that Miranda was not informed of his rights, announced an acquittal in his favor, and Miranda was released from punishment. The norm resulting from the court decision was initially called "Miranda rights" in US practice, and then "Miranda rule" in international law. Currently, as a norm of international law, it is a rule that is used in many countries of the world.

Before interrogating a person arrested under the Miranda rule, he must:

- the right to remain silent;
- that what he said can and will be used against him in court;
- that his lawyer may participate in the interrogation;
- if he cannot pay for a lawyer, he will be explained that he will be given a lawyer by the state and asked: "Do you understand your rights?";
- must be given the opportunity to call his lawyer or relatives once.

We analyze these rules according to the legislation of the Republic of Uzbekistan. First, the right to remain silent is based on the principle of presumption of innocence. Article 23 of the Code of Criminal Procedure of the Republic of Uzbekistan stipulates that the suspect, accused or defendant does not have to prove his innocence.

The scope of the right to remain silent, i.e. the right to refuse to testify about the suspicion and any other circumstances of the case, is fully explained in the last part of Article 48 of the Code of Criminal Procedure of the Republic of Uzbekistan. It is noted that the suspect cannot be charged with the obligation to testify, as well as to prove that he is not involved in the crime or any other circumstances of the case.

In addition, Article 28 of the Constitution of the Republic of Uzbekistan stipulates the following provision:

A suspect, accused or defendant does not have to prove his innocence and can exercise the right to remain silent at any time.

Secondly, according to Articles 46 and 48 of the Code of Criminal Procedure of the Republic of Uzbekistan, a person (accused or suspect) has the right to be warned that every word or action said by a person can be used against him in court. has the right to give or refuse to give testimony about accusations or suspicions and any other circumstances of the case, and to be informed that his testimony may be used against him as evidence in a criminal case.

This provision is part of the Constitution of the Republic of Uzbekistan

It is reflected in Article 28 as follows:

No one is obliged to testify against himself or his close relatives.

If a person's confession is the only evidence against him, he cannot be found guilty or punished.

Thirdly, the right to contact a lawyer. According to Articles 46 and 48 of the Code of Criminal Procedure of the Republic of Uzbekistan, the accused or suspect has the right to inform the lawyer about his arrest or detention and his whereabouts by phone. A person has the right to have a lawyer from the moment of his arrest or from the moment when the decision to recognize him as a suspect is made known to him. Also, Article 29 of the Constitution of the Republic of Uzbekistan guarantees everyone the right to qualified legal assistance.

It is noted that every person has the right to use the assistance of a lawyer at any stage of the criminal proceedings, and when the person is arrested, when his freedom of movement is practically limited.

Fourthly, if it is not possible to hire a lawyer, the right to appoint a lawyer by the state, according to Article 50 of the Code of Criminal Procedure of the Republic of Uzbekistan, the investigator, investigator, prosecutor or court conducting the case shall exempt the suspect, the accused, the defendant from paying for legal assistance. or is entitled to partial exemption.

In such cases, the costs of the attorney's fees shall be paid from the state account in accordance with the procedure determined by the Cabinet of Ministers. Article 29 of the Constitution of the Republic of Uzbekistan states that legal aid shall be provided at the expense of the state in cases provided for by law.

It should be noted that the "Rule of Miranda" today is expressed in various forms not only in the legislation of the USA and the Republic of Uzbekistan, but also in the Constitutions and laws of all developed countries of the world.

In particular, part 4 of Article 29 of the Constitution of Ukraine states that "every person arrested or detained shall be informed without delay of the reasons for his arrest or detention, his rights shall be explained, and from the moment of his arrest, he shall be given the opportunity to defend himself or to have a legal right, and the person himself, will not be responsible for refusing to give testimony or explain something about family members or close relatives.

Also, the 1987 Constitution of the Philippines states that "any person under investigation for a crime has the right to remain silent and to be informed of his right to competent and independent counsel of his choice."

According to Article 38 of the Japanese Constitution, no one can testify against himself.

The South African Constitution requires that "any person arrested be informed of the right to remain silent and of the consequences of failure to remain silent and of the right of the arrested person to have a lawyer".

According to the German Code of Criminal Procedure, the following actions must be taken before the first interrogation of a suspect:

1. to know what and under which article he is accused;
2. to give instructions or not to give instructions;
3. to meet with a lawyer for an unlimited time, especially before the first questioning.

If we make a general conclusion based on the above points, we can say that the requirements of the "Miranda rule" are fully reflected in the legislation of many countries, in our national legislation, in particular, in the new version of the Constitution of the Republic of Uzbekistan and in the current criminal procedural legislation. Initially, the "Miranda rule" was defined in several articles of our criminal procedural law in a scattered manner. In fact, this rule can give effective results only if it is defined as a whole.

Therefore, with the expression of this provision in our Constitution, it became important for citizens to know their rights under the "Miranda Rule" through the Constitution. Because the Constitution is the most familiar and understandable document to the people than the Code of Criminal Procedure. Also, the expression of the "Miranda rule" in our Constitution is considered a necessary legal guarantee for the full and unconditional application of this principle.

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