



ACQUITTAL IS A GUARANTEE OF PERSONAL RIGHTS AND FREEDOMS

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Today, reliable protection of the rights, freedoms and legal interests of citizens and legal entities is considered a high value in Uzbekistan. This is the main task of the courts.

In the following years, guarantees of impartiality and independence of courts in the administration of justice were legally strengthened.

In his address to the Oliy Majlis, the President of the Republic of Uzbekistan said, " The fact that our judges issue acquittals in order to ensure justice and the rule of law is, without a doubt, our greatest achievement in the field of justice and law. ¹" he said. If we rely on these opinions of the head of our state It is a huge responsibility to find justice in our society, to issue a legal, reasonable and fair verdict in every case . Today, reliable protection of the rights, freedoms and legal interests of citizens and legal entities is considered a high value in Uzbekistan. This is the main task of the courts.

If we pay attention to statistical data, "until 2016, there was almost no acquittal in the courts. Between 1991 and 2016, 1 person, 6 people in 2016, and 1 thousand 984 people were acquitted in the next three years (268 people in 2017, 857 people in 2018). In 2019, 859 people, 781 people in 2020, and 932 people in 2021 were acquitted and rehabilitated by courts in criminal cases ². For some, these are simple numbers it is possible. However, it should not be forgotten that behind these numbers are the irreversible lives of innocent people.

The main goal of the reforms implemented in the judicial system is to protect human rights, guarantee legal interests, and solve social problems. In order for justice and truth to be decided, it is necessary to strictly follow the laws at all stages of the criminal process, to carefully study and investigate each criminal case, and to issue a fair court sentence according to the criminal act committed

¹Address of the President of the Republic of Uzbekistan Sh. Mirziyoyev to the Oliy Majlis, December 22, 2017. <https://president.uz/uz/lists/view/1371>

²<https://kun.uz/news/2020/07/21/2020-yilda-371-kishi-since-2017-year> ;





by each person. Justice is understood as meaningful consideration and resolution of criminal cases in accordance with the law, internal confidence and legal awareness.

Article 19 of the Constitution of the Republic of Uzbekistan states that no one has the right to deprive citizens of their rights and freedoms enshrined in the Constitution and laws without a court order or to limit them, Article 10 of the Law of the Republic of Uzbekistan "On Courts" and Article 23 of the Code of Criminal Procedure, the accused, his it is stated that he is considered innocent until his guilt is proven in accordance with the procedure provided by law and until it is determined by a legally binding judgment of the court. Therefore, the issues of finding a person guilty of committing a crime, applying punitive measures against him or exempting him from punishment are reflected in the verdict, which is the most basic document of justice. If the sentences issued do not meet the requirements of the law, i.e. they are illegal, unjustified, unjust, the life of an innocent person may be damaged, the person who committed a crime may escape punishment, the peace of our people may be threatened, and people may have a feeling of distrust in the court.

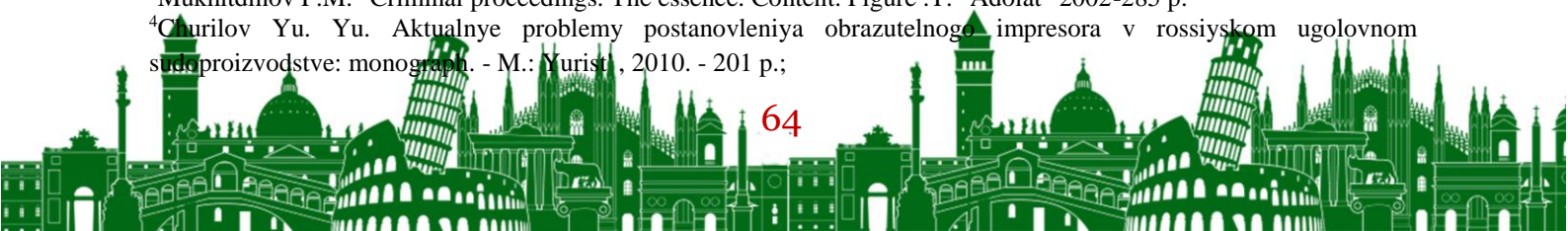
The court verdict is the final document of the court proceedings. "The main issue of the court hearing," says F.M. Mukhitdinov, "is that the arguments of one of the parties arguing about the defendant's guilt will be assessed as groundless as a result of the court hearing." Because the truth is not two, it is one. ³Therefore, today, when the issue of increasing the status of the court has become more urgent, judgments, which are the most important documents of justice, should fully meet the requirements of legality, reasonableness and fairness.

An acquittal is a rare, noble display of justice. Acquitting the defendant is the highest level of self-criticism of the state power. A. Gagarskiy states: "The acquittal is the most severe form of reaction of the courts of the first instance to the unreasonableness of bringing people to criminal responsibility by the preliminary investigation authorities." ⁴

An acquittal is a judicial document accepted by a court of first instance and is characterized by certain internal (legality, validity and fairness) and external (absoluteness, obligation, immutability) characteristics that have socio-political, legal, moral and educational significance, and a person's commitment to it establishes that he is innocent (not proven guilty) of committing the crime announced and supported during the trial.

³Mukhitdinov F.M. "Criminal proceedings. The essence. Content. Figure .T. "Adolat" 2002-285 p.

⁴Churilov Yu. Yu. Aktualnye problemy postanovleniya obrazutelnogo impresora v rossiyskom ugolovnom sudoproizvodstve: monografiya. - M.: Yurist, 2010. - 201 p.;





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These signs distinguish acquittal from other criminal procedural decisions of an exculpatory nature. The essence of acquittal as a legal reality is expressed in the fact that it is a necessary feature of criminal procedural activity, and it is closely related to the principle of justice.⁵

acquittal, the absence of a criminal event or the elements of a crime, and the defendant's involvement in the commission of the crime, is defined as follows in Article 464 of the Criminal Code. An acquittal is issued in the following cases, provided that: 1) no criminal incident has occurred; 2) if the act committed by the defendant does not constitute a crime; 3) if the defendant was not involved in the commission of the crime.

The court discusses and resolves the issues to be resolved in a logical sequence. Reasonable conclusions should be reached on each of them. During sentencing, the court decides the following issues in a separate room (consulting room):

1) *Did the defendant really commit the crime he is accused of?* If during the trial the crime for which the defendant was found guilty was not actually committed, and the case was concluded in court, an acquittal will be issued;

2) *this act crime that is it considered and it is JK 's which in the article mean caught?* This is the court issue solution in doing valid JK's General and Special in parts crime from concepts come comes out The following applies to all crimes to make any act a crime common signs have been developed: the social danger of the act, the presence of guilt, the violation of the law and the punishment. In order to declare an act a crime, the court must carefully analyze the above signs. Not all of the committed acts may be a crime, but a disciplinary, civil or administrative offense. Also, the court should pay attention to the circumstances that exclude the criminality of the act specified in Article 35 of the Criminal Code. Because although the cases where the criminality of the act is considered to be a criminal act according to its objective and subjective characteristics, in some cases such acts may be socially useful rather than socially dangerous and may not violate the law. Such actions are called circumstances excluding the criminality of the act in criminal law.

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⁵ Yu. Churilov Opravdatelny prigovor v Rossiyskom sudoproizvodstve. Abstract diss... kand jurid. Nauk. - Voronezh, 2009. - S. 6,7-8



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