

## THE ESSENCE OF ACQUITTAL JUDGMENT IN CRIMINAL- PROCEDURE LAW

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**Abstract.** *The procedural basis of acquittal, its structure and content are analyzed. The author analyzes the problems of acquittal and the institution of rehabilitation of the acquitted. The grounds for acquittal and their order are scientifically analyzed. The main goal of the research is to guarantee the rights of citizens by issuing acquittals, not to pass illegal, unjustified, unjust sentences on innocent people, and to improve the quality of the sentences issued by the court, to investigate the problems that arise in this regard.*

**Keywords:** *acquittal, conviction, rehabilitation of a person, first instance, appeal, cassation, convict, acquitted person.*

December 20, 2022, as stated in the Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis and the people of Uzbekistan, that there are cases related to the low quality of the investigation, the crowding of people in the courts, and the non-execution of court decisions, therefore, it was emphasized that in the short term, the creation of a system that would train law enforcement agencies to work in a new way and increase the quality of justice. In particular, it was decided to sign a separate Presidential Decree in this regard[1].

As a result of public discussion, the development strategy of New Uzbekistan for 2022-2026, which consists of the following seven priority directions, developed on the basis of the principle "From the strategy of actions to the strategy of development", was adopted. The adoption of the Decree No. PF-60 of the President of the Republic of Uzbekistan dated January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026" determined that one of the new priorities is to make the principles of justice and the rule of law the most basic and necessary condition for development in our country.

In particular, the 14th goal provided for in this Decree is to ensure the rule of law and constitutional legitimacy and to define human dignity as the main criterion of this process, and the 15th goal is to establish effective judicial control over the activities of state bodies and officials and to ensure the justice of citizens and business entities. set the tasks of increasing the level of achievement, forming a new image of law enforcement agencies and directing their activities to the effective protection of people's interests, human dignity, rights and freedoms, and in the 18th goal, the tasks of ensuring the timely and complete execution of documents of courts and other bodies[2]. If we look at the implementation of these tasks from the point of view of criminal procedural legislation, we can say that by reforming the institution of prejudice and reflecting it in the national legislation, it can be a solution to issues such as solving procedural cases in a simplified manner, in the realization of the rights of citizens at the pre-trial stage and in court[3].

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

The educational and socio-political importance of the entire court system is inextricably linked to the verdict, which is the final result of the trial. Currently, a lot of work is being done to

ensure that court judgments meet all legal requirements. Decision No. 07 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated May 23, 2014 "On the Court's verdict" also defines additional measures to issue legal, reasonable and fair verdicts.

An acquittal is a judicial document that officially declares and guarantees the defendant's innocence, and his decision on his innocence has legal force.

The path to acquittal is a very difficult process for both the accused and the prosecutor. Because the investigator and investigator was sure that he found and exposed the criminal, collected all the necessary evidence, used arrest, search and other criminal procedural coercion measures for good reasons. The prosecutor, after studying the criminal case, approves the indictment and report of the investigator and investigator, is convinced that the preliminary investigation has been successfully carried out, the criminal has been found and brought to justice, the public prosecutor condemns the accused and asks for a guilty verdict.

Verdicts can be convictions and acquittals. But in some cases the charges are dismissed, others are confirmed, and thus the verdict against the same person can be both a conviction and an acquittal. This situation should be taken into account when maintaining court statistics of convicted and acquitted[4]. The same should be done in cases where some defendants are convicted and others acquitted on the basis of a single verdict. If the accused is acquitted on some episodes of the criminal article, a guilty verdict is issued on the remaining parts. Exaggerating this position a little, in cases where only one of the ten episodes of the indictment is proven, and the rest are found to be unproven, even if one episode remains, a conviction can be issued. It seems that in such cases, according to the unproven episodes of the accusation, the defendant should be found not guilty, which essentially means his partial acquittal. These data should be taken into account in the statistics and generalization of court practice and should not be "included" in the total mass of changes in charges in court[5].

Pursuant to Article 77 of the Criminal Code, a person acquitted is not considered convicted.

Article 464 of the Criminal\_Code lists the grounds for acquittal, the absence of a criminal event or the elements of a crime, and the fact that the accused is not involved in the commission of the.

An acquittal is issued in the following cases, provided:

- 1) if no criminal incident 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.

If it is determined that the crime was committed by another person, and if the accusation against the defendant is not convincingly confirmed after a detailed investigation of the case, the court acquits the defendant on the grounds provided for in paragraph 3 of the first part of this article.

It is not allowed to include in the verdict of acquittal statements that raise doubts about the innocence of the acquitted person.

When studying the official data, "in the first half of 2020, 371 persons were acquitted. Since 2017, the number of people acquitted in the republic has reached 2756.

In the first half of 2020, 371 persons were acquitted in 256 criminal cases. Since 2017, 2360 people have been fully acquitted in 1554 criminal cases across the country[6].

In addition, 1,111 preliminary investigation bodies issued groundless charges in 550 cases during the half-year. From 2017 to this day in 2020, this indicator is 9193.

In order to clarify the place of acquittal in the criminal justice system, whether it is an indicator of effective justice or a specific "error" in the work of investigative bodies, the following questions should be answered:

- 1) the significance of the acquittal for the accused and the state;
- 2) factors affecting acquittal;
- 3) The role of acquittal in the justice system[7].

Acquitting an innocent person is one of the goals of justice . In order for the court to issue a decision on the acquittal of the defendant, it is necessary to establish that the defendant is not guilty of committing the crime, that there is no incident or the composition of the crime (Article 464 of the Criminal Procedure Code). An acquittal confirms the defendant's innocence. After examining and studying the evidence in the prescribed manner ( without prejudice to the rights of the defendant ), the court must refuse to admit all inadmissible evidence. When issuing a decision on acquittal, the court allegedly refers to the mistakes made by the preliminary investigation authorities and the prosecutor's office, which in turn led to the violation of the defendant's rights. According to Chapter 37 of the Criminal Procedure Code, the state implements the right to rehabilitation, which includes the right to compensation for damages related to criminal prosecution .

The following factors affecting the acquittal can be determined[8].

1. Current criminal policy and law enforcement manifested in law enforcement: the adoption of regulatory legal documents, the basis, types and amount of responsibility for crimes, as well as the direct activity of law enforcement agencies and the implementation of justice.

2. Statutory requirements for sufficiency of evidence.

3. Legal positions of the Plenum of the Supreme Court, well established case law.

4. Quality of preliminary investigation.

5. Special procedure for litigation.

6. Public opinion is formed under the influence of media and law enforcement agencies in such a way that the image of acquittal is primarily associated with the impartiality or corruption of the court.

It is believed that the establishment of a corps of investigative judges can assist the parties in gathering and examining evidence. At the same time, it makes it possible to combat the lack of control of investigators, because the presence of strict judicial control "will be a filter that stops the filing of unreasonable requests or attempts to send unfounded materials to the court."

There is no agreement between scientists that a crime should be considered "undetected" . A group of authors believe that proof of the absence of an event and the absence of evidence of a crime are the same concepts, and they say that the verdict of acquittal is correct. According to other authors, the phrase "not committed" is used in the sense of the absence of the relevant event and means to prove that the illegal act of which the person is accused does not actually exist.

The main problems of the acquittal are: the problem of evidence evaluation, the reliability of the testimony of the participants in the criminal proceedings, the work efficiency of the preliminary investigation bodies and courts.

## REFERENCES

1. Uralov Sarbon Sardorovich. (2023). PREJUDICE IS THE FINAL KEY TO EVALUATING EVIDENCE IN CRIMINAL PROCEEDINGS. *World Bulletin of Management and Law*, 18, 55-57. Retrieved from <https://scholarexpress.net/index.php/wbml/article/view/1931>
2. Иноғомжонова З.Ф. Ҳукм, ажрим ва қарорларнинг қонунийлиги, асослилиги ва адолатлилигини текширишда суд назорати. Монография. –Т.: ТДЮИ, 2006. –Б.22.
3. Uralov Sarbon Sardorovich. PREJUDICE IS THE FINAL KEY TO EVALUATING EVIDENCE IN CRIMINAL PROCEEDINGS. *Wor.Bul.Man.Law*. [Internet]. 2023Jan.7 [cited 2023Feb.2];18:55-7. Available from: <https://scholarexpress.net/index.php/wbml/article/view/1931>
4. Rajabov Bekzod Khalimovich. (2023). SIMPLIFICATION OF CRIMINAL PROCEEDINGS: CONCEPT, CONTENT AND IMPORTANCE. *World Bulletin of Management and Law*, 18, 51-54. Retrieved from <https://www.scholarexpress.net/index.php/wbml/article/view/1930>
5. Suyunova Dilbar Joldasbaevna and Uralov Sarbon Sardorovich (2021) “Features Of The Institution Of Prejudice In Criminal Proceedings”, *The American Journal of Political Science Law and Criminology*, 3(06), pp. 100–103. doi: 10.37547/tajpslc/Volume03Issue06-14.;
6. Абдумажидов Ғ.А. Адолат, жавобгарлик, жазо.// Ҳаёт ва қонун. -1999. -№4. –Б.5-9.
7. Чурилов Ю. Ю. Актуальные проблемы постановления оправдательного приговора в российском уголовном судопроизводстве: монография. – М.: Юристъ, 2010. – 201 с.