



Journal Website:
<https://theusajournals.com/index.php/ijhps>

Copyright: Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

PUBLIC PARTICIPATION AS SPECIALISTS IN CRIMINAL PROCEEDINGS: LEGAL FOUNDATIONS AND PRACTICAL ASPECTS

Submission Date: December 03, 2024, Accepted Date: December 08, 2024,

Published Date: December 13, 2024

Crossref doi: <https://doi.org/10.37547/ijhps/Volume04Issue12-06>

Nasiba A. Norova

Lecturer at the Department of International Law and Human Rights, Law Enforcement Academy of the Republic of Uzbekistan

ABSTRACT

The article analyzes public participation in the criminal procedure of the Republic of Uzbekistan. It examines the legal foundations, practical significance, and challenges of involving citizens and public organizations in crime investigation. Emphasis is placed on their role in preliminary investigations, with recommendations for improving legal regulation.

KEYWORDS

Public participation, criminal procedure, legal regulation, preliminary investigation, public organizations, efficiency of justice.

INTRODUCTION

Article 21 of the Criminal Code of the Republic of Uzbekistan establishes the principle of “Public Participation in Criminal Proceedings,” which serves as the legal foundation for involving the public in such processes. Additionally, Article 349 of the Criminal Procedure Code provides for public involvement in preliminary investigations as a general rule for pre-trial procedures. The article states:

"The investigator has the right to engage the public in preventing and solving crimes. To this end, they may request public associations, communities, and residents to provide information relevant to a criminal case, or to indicate the whereabouts of wanted individuals or objects. Public associations and communities, at the investigator's request, may recommend neutral individuals, translators, and experts from their ranks to participate in specific investigative actions. The provisions of this Code

regarding the rights and obligations of participants in the corresponding proceedings apply fully to impartial translators and specialists representing the public."

This article discusses only the mobilization of the public during the preliminary investigation. Investigators are empowered to involve the public in preventing and solving crimes. Since investigators cannot combat and solve crimes alone, they inevitably rely on the public's strength. Many practical examples attest to this dynamic.

Public involvement in crime detection and the identification of perpetrators has both criminological and investigative dimensions. It would be a mistake to overlook this issue in the context of criminal proceedings, whether as a criminological or operational-investigative activity.

RESULTS

The practical results of utilizing public or civilian authority in solving crimes depend not only on the investigator but also on the citizens' level of engagement. Citizens' assistance to the investigator in uncovering the truth and ensuring effective justice is influenced by three factors:

1. Attitude toward crime.
2. Attitude toward investigative authorities and courts.
3. The personality of the citizen involved as a public participant and their assessment of their role in the process.

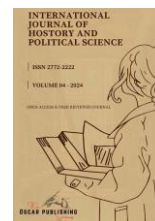
The investigator considers the personality of the citizen involved in the investigation as a public participant and their evaluation of their participation in the process. People naturally gravitate toward groups,

whether willingly or unwillingly. Their interests often align with those of others, and their involvement is based on mutual support. It is self-evident that citizens participating in investigations into organized crime as public representatives act in the interest of these groups. The foundation of public participation lies in the unity of societal and personal interests. A person involved as a public representative will fully support the investigator's work if they view their participation positively and have a personal interest in it. However, public participants must be chosen carefully to ensure they have no personal stake in the investigation or resolution of the crime.

Public participants should act confidently. A lack of self-confidence can hinder their ability to navigate work situations effectively, limiting their contribution.

During preliminary investigations involving public participation, the investigator may turn to public associations or directly to citizens on a voluntary basis to assist in solving crimes and identifying the perpetrators. Some argue that an essential condition for involving citizens in pre-trial investigations is their procedural status as participants. However, there are instances where the procedural status of a public figure assisting in solving a crime is not defined by law. For example, laws do not specify the procedural designation of individuals standing before an identifier during an identification procedure. Such individuals are theoretically referred to as statistical participants. Therefore, it is incorrect to claim that only citizens with a defined procedural status participate in preliminary investigations.

Investigators may also engage publicly and appeal to mass media to garner public support for participation in criminal investigations.



Public associations and communities may, at the investigator's request, recommend neutral individuals, translators, and experts to participate in specific investigative actions. These recommendations are subject to review by the investigator, who may involve these individuals in procedural or investigative activities as neutral participants, translators, or experts when necessary. The provisions of the Criminal Procedure Code regarding the rights and obligations of participants in the respective proceedings apply fully to impartial experts representing the public. Translators and specialists invited by public associations hold the same status and responsibilities as those invited at the investigator's initiative.

CONCLUSION

In conclusion, effectively utilizing the expertise of specialists in the field of human rights protection can help fulfill the primary objective of criminal justice. Consequently, the current period underscores the need to enhance the legal status of specialists, particularly the provisions regarding their rights and responsibilities.

REFERENCES

1. Norova, N. A. (2021). OBTAINING AND SECURING EVIDENCE IN THE SYSTEM OF METHODS OF COLLECTING EVIDENCE. In Новые вызовы новой науки: опыт теоретического и эмпирического анализа (pp. 93-99).
2. Nodirov, D. (2020). Ensuring the supremacy of law in the development of agriculture in Uzbekistan. *European Journal of Molecular & Clinical Medicine*, 7(8), 1414-1418.
3. Gadaev, A., Ismoilova, M., & Turakulov, R. (2022). Comparative analysis of calprotectin and helicobacter pylori in the faces and interleukin-6 in the blood of patients with and without COVID-19 before and after the treatment. *Scientific Collection «InterConf+»*, (26 (129)), 236-242.
4. Gafurov, R., & Nodirov, D. (2020). Issues of improving the system of the prosecutor's office of the Republic of Uzbekistan based on the tasks of ensuring legality in the field of environmental protection and agriculture. *European Journal of Molecular and Clinical Medicine*, 7(2), 982-989.
5. Nodirov, D. (2020). Issues of improving prosecutorial control over the implementation of legislation in the field of agriculture and food. *European Journal of Molecular & Clinical Medicine*, 7(2), 663-670.
6. Норова, Н. (2021). Особенности правового регулирования проведения допроса несовершеннолетнего допрашиваемого лица: вопросы правоприменения и совершенствования. *Общество и инновации*, 2(8/5), 111-120.
7. Mamasiddikovich, S. R., Isroilovna, I. M., Ziyomiddinovich, N. M., & Rakhmatjonovna, I. N. (2020). DIAGNOSIS AND THERAPY OF ATOPIC BRONCHIAL ASTHMA IN COMBINATION WITH ALLERGIC RHINOSINUSITES IN CHILDREN Ferghana branch of the Tashkent Medical Academy. *Journal of Critical Reviews*, 7(8), 1788-1791.
8. НОРОВА, Н. (2021). ПРОЦЕССУАЛЬНЫЙ СТАТУС ПЕДАГОГА И ПСИХОЛОГА КАК УЧАСТНИКОВ, ОБЕСПЕЧИВАЮЩИХ ИНТЕРЕСЫ НЕСОВЕРШЕННОЛЕТНИХ В УГОЛОВНОМ ПРОЦЕССЕ. *ЮРИСТ АХБОРОТНОМАСИ*, 2(5), 61-68.