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PROCEDURAL MECHANISM OF PROVIDING PERSONAL RIGHTS: THEORETICAL AND LEGAL BASIS

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ABSTRACT

This article scientifically researches the theoretical and legal aspects of the mechanisms for ensuring the rights of the individual in the criminal process. The article also analyzes the scientific views of scientists on the theoretical aspects of the mechanisms of ensuring the rights of the individual in the criminal process.

KEYWORDS

Mechanism, law, standard, crime, criminal procedure, investigation.

INTRODUCTION

The content of the mechanisms of ensuring personal rights in the criminal process is made up of criminal-procedural norms and tools aimed at ensuring personal rights and freedoms, as well as the activities of state bodies and individuals responsible for ensuring personal rights and freedoms.

At the stages of criminal proceedings, in particular, from the investigation to the investigation, from the initiation of the criminal case, its investigation, appointment to court hearing, the substantive hearing of the case in court and the adoption of court documents (sentence, decision) based on the result, the execution of the sentence (sentence, decision)

providing entities are important institutional foundations in the system of the mechanism for ensuring individual rights.

In this regard, the proceduralist scientist V.Yu. Melnikov defined the concept of "the mechanism of ensuring, implementing and protecting individual rights through the criminal process" as a set of procedural and legal elements, tools and methods that ensure the functioning of the entire criminal process in a certain sequence according to the purpose. At the same time, according to this scientist, the category "mechanism for ensuring, implementing and protecting individual rights" itself consists of the following elements: legal norms that strengthen

individual rights and freedoms; legal facts of the emergence and termination of these rights and freedoms; the activities of the participants in the criminal proceedings, who are engaged in ensuring the guarantees of individual rights; special legal procedures designed to ensure, implement and protect individual rights and freedoms; Institute of legal responsibility [1].

According to L.M. Volodina, in the context of the concept of the mechanism of ensuring individual rights in the criminal process, the system of legal tools and methods related to the goals and tasks of the criminal process and the legal status of the participants in the process should be understood. [2].

E.G.Martynchik stated that the mechanism of ensuring and protecting the rights of individuals in the criminal process is the internal coordinated system of state bodies that conduct criminal proceedings, public and state organizations, institutions and enterprises participating in the field of criminal proceedings, as well as participants in criminal proceedings and criminal proceedings. activities of other entities participating in the investigation are understood [3].

Based on the above, the procedural activities of state bodies responsible for ensuring the rights and freedoms of individuals and individuals in the criminal process are analyzed on the example of the activities of prosecutors , investigators and lawyers .

ensuring the rights of the individual in the criminal proceedings . The institution of "supervision" is important in the implementation of social relations in the existing spheres of society in accordance with the relevant legal documents. The existence of the control institution, in turn, is a guarantee that every relationship is carried out within the framework of the

law, in particular, the principle of "rule of law" is ensured in society.

The prosecutor's office, which is one of the institutional foundations of this field, in particular, "prosecutor control", has a special place in the control of the execution of legal documents.

Prosecutor's supervision is an independent, specific type of state activity. Other than the prosecutor's office, no state office, organization, public organization, or other law enforcement agencies, as well as officials or individuals can perform this activity. The prosecutor's supervision is carried out on behalf of the state, that is, on behalf of the state of the Republic of Uzbekistan, even if it is not stated in the documents that it is on behalf of the state. The prosecutor supervises the clear and uniform implementation of laws on the territory of the Republic of Uzbekistan not on behalf of a specific office or in the interest of this office, but in the name of the state and in the interest of the state and our society [4].

Control over the precise and uniform implementation of laws in the territory of Uzbekistan is carried out by the Prosecutor General of the Republic of Uzbekistan and prosecutors subordinate to him, according to the legislation.

At the same time, prosecutors exercise appropriate control over the implementation of criminal procedural legislation in criminal proceedings, as in other areas.

In this regard, the direction of control includes quick-search activity, pre-investigation investigation, inquiry, control over the implementation of laws by the bodies that carry out the preliminary investigation, as well as protesting the illegal documents of the courts in criminal cases.

The legality of decisions made by crime-fighting bodies is the subject of control over law enforcement by crime-fighting bodies.

In this regard, the prosecutor exercises the relevant powers provided for in Article 28 of the Law "On the Prosecutor's Office" of the Republic of Uzbekistan.

In Article 382 of the Criminal Procedure Code of the Republic of Uzbekistan, the powers of the prosecutor to exercise control over the implementation of laws during the investigation and preliminary investigation are indicated.

The prosecutor has the authority to verify the validity of the request for the application of a preventive measure in the form of detention or house arrest applied to the detained suspect or the person involved in the case as an accused, and to send the decision on the initiation of the request and the necessary materials to the court.

According to the criminal procedure legislation, if the prosecutor checks the reasonableness of the investigator's presentation and agrees with it, he will send to the court a request to refuse to initiate a criminal case or to close a criminal case based on the amnesty act, together with the materials of the investigation conducted before the investigation or the criminal case.

Also, the prosecutor and his deputy have the right to file a protest against the court's verdict, which has not entered into force, in the appeal procedure.

The appellate court shall verify the completeness of the determination of the facts of the appeal (protest) and the correct application of the norms of the criminal law, whether the norms of the criminal procedural law were observed during the proceedings, the legality,

reasonableness and fairness of the verdict, decision of the court of first instance in the case and the appellate court examines the evidence further examined.

At the same time, The chief prosecutor, his deputies, the prosecutor of the Republic of Karakalpakstan, the prosecutors of the regions and the city of Tashkent, as well as the prosecutors equivalent to them, have the right to protest the verdict and ruling of the court of the first instance and the appellate court in the cassation procedure.

Let's consider below the aspects related to ensuring the rights and legal interests of the person based on the norms of the legal documents on the supervision of the prosecutor in the criminal proceedings.

It should be noted that the documents accepted as a result of the process and results of the criminal process, in particular, rapid search, pre-investigative investigation, inquiry, preliminary investigation processes, and the process of consideration of the case in court, are directly related to the rights and legal interests of the person.

In the opinion of legal scholars Z.F. Inoghomjonova and G.Z. Tolaganova, " the prosecutor is one of the most active participants in the criminal process, and only he participates in all stages of the criminal proceedings, that is, from the initiation of the criminal case to the execution of the judgment of the court issued against the person. The prosecutor leads the trial of all criminal cases and performs important tasks in moving cases from one stage to the next. At the same time, its procedural status will also look different at different stages . [5].

According to T.Yu. Grunskaya, in the system of ensuring procedural guarantees of the rights of the participants in the criminal proceedings, the

prosecutor's control is aimed at ensuring, on the one hand, the achievement of the interests of justice, and on the other hand, the protection and protection of rights and legal rights. The prosecutor's control over the provision of procedural guarantees of the rights of the participants in the criminal proceedings can be of two types: active and passive. Separation of these types of control is related to the initiative (activity) or lack thereof (passivity) at the beginning of the prosecutor's investigation, as well as the final decision on the complaint or petition. In addition, the form of active participation means the possibility of the prosecutor to conduct such an investigation on his own initiative, and passive - his participation in the investigation by another body (that is, not by the prosecutor). Which of the listed types of prosecutor's control is used depends on its content and specific features of its legal status, powers affecting security and measures of state protection against protected persons. [6].

Researcher S.R. Khisametdinova, one of the experts in the field, said that "observance of human rights and freedoms determines the content of the subject of the prosecutor's supervision under consideration. It also includes the scope of monitoring the implementation of laws by bodies carrying out rapid-search activities, and monitoring the implementation of laws by pre-trial investigative bodies. Observance of human and civil rights and freedoms is also in the focus of attention of prosecutors during the implementation of the function of criminal prosecution. [7].

As one of the institutional foundations of ensuring the rights and legal interests of a person in a criminal proceeding, the content of the prosecutor's supervision - from the receipt of reports and reports about a crime, to the investigation and investigation, and the stages of studying the legality of the court's

decisions on criminal cases in order to directly ensure the rights and legal interests of the person, organizes the implementation of control measures by the prosecutor on cases of clear and uniform execution of legal documents at these stages.

Therefore, the prosecutor carries out control at the above-mentioned stages of the criminal process and applies one of the relevant documents of the prosecutor's control, that is, a measure of influence, in order to determine the rights and legal interests of a person, as well as other cases of violation of the law. These documents are the result of actions of the prosecutor's control over the clear and uniform implementation of laws in the field.

In particular, the prosecutor can cancel the decisions of investigators and investigators, as well as pre-investigation inspection bodies, which are contrary to the rights and legal interests of a person, or are otherwise illegal and unreasonable.

In addition, during the investigation of the criminal case, he gives written instructions to the investigator and investigators, which must be followed in order to strictly follow the law and fully ensure the rights and interests of the person.

The prosecutor shall disqualify the investigator or the investigator from continuing the investigation or preliminary investigation, provided that they have violated the law during the investigation of the case.

In addition, the prosecutor requests documents, materials and other information on the progress of the preliminary investigation, investigation, and investigation related to the committed crimes.

The content of the powers of the prosecutor mentioned above and directly implemented in the

criminal proceedings, together with the rule of law, is formed by the goal of ensuring the rights and legal interests of the individual.

Procedural activities of investigative bodies in ensuring the rights of individuals in criminal proceedings . The activities of the participants in the criminal proceedings, in particular their rights and obligations, are the main elements of procedural guarantees.

Accordingly, one of the preliminary investigation officials in charge of the criminal case is the investigator, his rights and obligations, as well as the procedural activities of the preliminary investigation bodies, as one of the organizational and legal foundations of the mechanism for ensuring the rights of the individual, a comprehensive analysis based on the current legal norms and the scientific and theoretical views of the researchers. will be done.

Based on the above, based on the norms of the legislation on the activity of the preliminary investigation bodies in the criminal process, let's consider below the aspects related to ensuring the rights and legal interests of the person.

According to the current legislation, preliminary investigation bodies carry out procedural activities in the following areas of ensuring the rights of individuals in criminal proceedings:

1. To prevent unjustified initiation of a criminal case before the stage of initiation of a criminal case, that is, as a result of a thorough, comprehensive, complete and objective investigation of the applications and reports about the crime, and by giving a legal assessment of the behavior of each person based on the identified circumstances.

2. The obligation of the investigator to respect the honor and dignity of the persons participating in the case, in which, within the framework of the criminal case, the suspect, the accused, the victim, the witness, and other persons participating in the case, by means contrary to the law, that is, rape, intimidation, restriction of rights and other violations of the law not to try to get shows with special measures.

Strict adherence to one of the rules of the presumption of innocence in the investigation process, that is, all doubts about guilt should be resolved in favor of the suspect, the accused, provided that the possibilities of eliminating them have been exhausted .

4. Strict adherence to the existence of grounds established by law for accusing a person.

5. Consistent study of the cases of whether or not there are grounds for closing the criminal case without resolving the issue of the person's guilt in committing the crime.

6. Ensuring the rights and legal interests of the individual by strictly following the established rules of investigation (for example, the total duration of the interrogation should not exceed eight hours in one day).

Preventing the initiation of a criminal case without grounds at the end of the investigation before the investigation. It is one of the forms of conducting the case before the court, i.e. it includes actions related to the examination of applications, messages and other information related to crime, making decisions based on the result of their review, as well as measures to strengthen and preserve traces of crime, objects and documents that may be important for the case. investigation actions are carried out before the recipient's investigation.

In this case, the investigator conducting the pre-investigation investigation should carefully, comprehensively, fully and objectively investigate the applications and reports about the crime, in particular, initiate a criminal case only in cases where there are reasons and sufficient grounds for the commission of a crime.

In order No. 129 of the Prosecutor General of the Republic of Uzbekistan dated February 22, 2016 "On effective provision of the rule of law and the protection of the rights and freedoms of the individual in the fight against crime, investigation, preliminary investigation and rapid search activities", a criminal application is one of the main criteria for evaluating the activities of the prosecutor in this field. , it is indicated that the requirements of the criminal-procedural legislation are fully complied with during the review of the report and other information and the preliminary investigation, violations of the law that cause criminal cases to be returned for additional investigation are not allowed. According to this order, the state of registration, review and resolution of applications, reports and other information related to crime should be summarized every six months, the period of examination before the investigation should not be extended without reason, appropriate measures should be taken against the employees who unreasonably violated the period or allowed to censor without extending it in the prescribed manner. strengthen control over strict compliance with legal requirements when sending crime reports or documents collected on the basis of them territorially or according to their relevance to the investigation, the results of registering, reviewing and solving crime reports every six months to regional, district (city) prosecutor's offices and to them it is indicated to be included in the discussion of the co-ordinating council of law-enforcement bodies by the equalized

prosecutor's offices and to determine measures aimed at preventing systemic violations of the law [8].

in the "Concept of Improving the Criminal and Criminal Procedural Legislation of the Republic of Uzbekistan" [9], approved by the decision of the President of the Republic of Uzbekistan No. PQ-3723 of May 14, 2018, it is necessary

to expand the scope of the institution of conciliation in the investigation and consideration of cases at the stages of the investigation and before the investigation. development of completely new priorities of the state criminal-legal policy on clarifying the procedural status of the persons involved in the investigation process, as well as those detained before the initiation of a criminal case, was determined.

It can be understood from this document that the application of the institution of conciliation at the pre-investigation stage of the criminal process and the clarification of the procedural status of the arrested persons at this stage is one of the bases for ensuring the rights and legal interests of individuals in the field.

In the course of the investigation, respect for the honor and dignity of individuals and not to attempt to obtain factual information by limiting their rights guaranteed by law. As one of the main directions of the mechanism of protection of personal rights, the content of the procedural activities of the preliminary investigation bodies is to ensure the constitutional and procedural rights and freedoms of the participants during the investigative actions.

In this case, the investigator must respect the honor and dignity of the persons participating in the work, not to take actions that humiliate the honor and dignity of a person, lead to the spread of information related to his personal life, endanger his health, and cause him

physical and spiritual suffering without reason. is implied.

In addition, investigative bodies carry out criminal procedural activities by using the means of procedural coercion, often against the will and desire of some individuals, in order to reveal the committed crime and expose the culprits. These procedural means of coercion can be applied not only to suspected and accused persons, but also to victims, witnesses and others involved in criminal procedural activities. All coercive measures should be carried out on the basis of respect for the honor and dignity of the persons involved in the case. Prohibition of actions that degrade a person's honor and dignity, lead to the disclosure of information related to his personal life, endanger his health, and cause him physical or mental suffering for no reason, constitutes the essence of the principle of respect for the honor and dignity of a person. If in the course of the work, information related to the personal life of the persons participating in the process, adoption, medical secrets, etc. is revealed, the state authorities must take measures to prevent the dissemination of this information [10].

The Decree of the President of the Republic of Uzbekistan "On additional measures to strengthen the guarantees of rights and freedoms of citizens in judicial and investigative activities" prohibits torture, psychological and physical harassment and other cruel, inhuman or degrading treatment of participants in criminal proceedings or their close relatives. it was determined that the information obtained by using it is not allowed to be used as evidence in criminal cases [11].

The rules of "inadmissibility of evidence" should be followed by investigative bodies in strict compliance

with the criminal procedural law in ensuring the rights and freedoms of individuals.

According to the current legislation, the issue of the inadmissibility of using factual information obtained through illegal means as evidence during the pre-investigation investigation is determined at the initiative of the investigator. In this case, when solving the issue of inadmissibility of the evidence, the investigator must find out exactly what the committed violation is in each case and make a reasoned decision [12].

Strict adherence to the rules of the "presumption of innocence" principle during the investigation. It should be observed that all suspicions of guilt in the criminal case should be resolved in favor of the suspect, the accused, provided that the possibilities of eliminating them have been exhausted by the preliminary investigation bodies.

According to the Criminal Procedure Code, the doubts that arise when the law is applied must be resolved in favor of the suspect, the accused, the defendant.

Accordingly, the accused's inability to provide evidence of his innocence cannot be the basis for finding him guilty. Investigative bodies issue a decision to charge a person as an accused only if there is sufficient evidence [13].

Strict adherence to the existence of legal grounds for charging a person. Based on the criminal and criminal-procedural legislation, investigative bodies should pay serious attention to the existence of clear signs of crime in the actions of the accused person at the end of the investigation.

In particular, according to Article 82 of the Code of Criminal Procedure, the object of the crime to accuse a

person; the nature and amount of the damage caused by the crime, the circumstances describing the identity of the victim; the time, place, method of the committed crime, as well as other circumstances specified in the Criminal Code; causal connection between the act and socially dangerous consequences; that the crime was committed by this person; it must be proven that the crime was committed with right or wrong intention or as a result of negligence or self-confidence, the reasons and goals of the crime [14].

Based on this norm, one of the rules for ensuring the rights and freedoms of a person during the investigation process is that "one of the cases that must be proven in the criminal process is to prove that the crime was committed by this person. Proving the guilt or innocence of the accused helps to uncover the truth. It is very important to prove the degree of guilt and guilt of the accused, taking into account that any suspicion is resolved in favor of the accused, that the burden of proof is not placed on the accused, and that the burden of proof is not on the accused .

However, today, as a result of non-compliance with the above-mentioned criminal procedural law by investigative bodies, acquittals in criminal cases against persons unjustly accused during the investigation are increasing.

In this regard , citing the statistical and analytical data of recent years

[19], 859 persons were acquitted in 2019, 781 persons in 2020, and 743 persons in 9 months of 2021.

A consistent study of cases of whether or not there are grounds for closing the criminal case without deciding the issue of the person's guilt in committing the crime. Article 84 of the Criminal Procedural Code of the Republic of Uzbekistan specifies the grounds for

closing a criminal case without resolving the issue of guilt, and investigative bodies must close the criminal case without resolving the issue of a person's guilt in committing a crime within the framework of a criminal case.

In this regard, the effective application of the "reconciliation institution" during the investigation, the rights and legal interests of the person at the stage of the criminal case before the court will be consistently ensured, and it will be prevented from having the status of "conviction" in the future.

At the same time, during the investigation, if the person has committed a crime of low social risk or serious crime for the first time, and has submitted an application to plead guilty, has sincerely repented and actively helped to solve the crime, and the investigator has paid attention to the fact that the damage caused has been eliminated. termination of the criminal case is considered to be one of the means of ensuring the rights and interests of the individual.

Ensuring the rights and legal interests of a person by strictly following the established rules for conducting investigative actions. The content of evidence collection within the framework of a criminal case is organized by investigative actions carried out by investigative bodies and defined in criminal procedural legislation.

[16] that must be observed during these investigative actions :

- 1) committing actions that are dangerous for the life and health of individuals or demeaning their honor and dignity;
- 2) obtain testimony, explanations, conclusions, perform experimental actions, prepare and provide

documents or items by coercion, intimidation, deception and other illegal means;

3) conducting investigative activities at night, that is, from 10:00 p.m. to 6:00 a.m. Except for the cases where it is necessary to prevent the crime being prepared or committed, to prevent the disappearance of the crime trace or the escape of the suspect, and to recreate the state of the investigated event during the experiment.

4) inciting a person to commit illegal acts and accusing him of a crime committed as a result of such incitement;

5) if there are grounds for involving a person as a suspect or accused person in a criminal case, except for the cases where it is required to interrogate him as a witness, to carry out an examination or inspection;

6) take any written or oral testimony from the person until his procedural rights are explained to him;

7) summoning and interrogating the close relatives of the arrested suspect or the accused as participants in the proceedings, if there are no grounds;

8) summoning and (or) questioning of the participants of the proceedings to the law enforcement bodies by the employees of the inquiry and preliminary investigation bodies within the framework of the criminal case sent to the court for substantive consideration, cases where there is a separate criminal case related to them or a written order of the court except

Also, when performing work related to investigative actions, the investigator must strictly follow the prohibition of the presence of persons other than doctors participating in the case as specialists or

experts during the stripping of a person of the opposite sex.

According to Article 88 of the Criminal Procedure Code, the investigator must take measures not to disclose information about the personal life of the suspect, the accused, the victim, etc. during the investigation. For this purpose, the scope of the persons participating in the investigative actions that may reveal such information is limited, and the participants are warned about the responsibility for their disclosure.

In addition, in order not to limit the rights of the persons participating in the criminal case, the investigator should ensure that the total duration of the interrogation does not exceed eight hours in one day.

Also, the law stipulates that the rights and obligations of the participants should be explained and recorded in the report before the investigator begins the investigation.

ensuring the rights of a person in criminal proceedings . In recent years, effective efforts have been made to increase the role of the legal profession, which is one of the institutional foundations of the protection of the rights and legal interests of the participants in the criminal proceedings, in particular those who defend their interests. At all stages of court proceedings, measures aimed at organizing the proper functioning of the principle of dispute between the parties were consistently implemented, the necessary legal framework was created for lawyers to perform their professional activities [17].

It should be noted that the "defender", that is, the procedural activities of the lawyer, as a person who is one of the persons who defends his interests in the criminal proceedings and has the authority to protect

the rights and legal interests of the suspects, the accused, the defendants in accordance with the procedure established by law and to provide them with the necessary legal assistance the directions of implementation of this activity are defined in the criminal procedural legislation.

V. L. Kudryavtsev stated that the lawyer's procedural position is an independent participant in the process who has certain rights and obligations to protect the rights and legal interests of the participants in the criminal procedural law with all means and methods of protection not prohibited by the criminal procedural law [18].

A lawyer is a person who has the relevant education and a license to practice law.

Advocacy activity means highly qualified legal assistance provided by individuals who have received the status of attorney in the manner established by law in order to protect the rights, freedoms and interests of individuals and legal entities [19].

In the criminal proceedings, the lawyer's procedural activity can be defined as participation in the investigation, preliminary investigation stage and in the court as a defender, a representative of the victim, a civil plaintiff, a civil defendant.

According to the current legislation, a lawyer is allowed to participate in the case at any stage of the criminal proceedings, and when a person is arrested, his right to freedom of movement is practically restricted.

Based on this norm, it is appropriate to analyze the "protection function" that constitutes the content of the lawyer's procedural activity in almost all stages of the criminal process.

Considering the rights of the defender in the criminal proceedings, it is appropriate to note the following directions regarding the procedural activities of the lawyer:

- activities related to the protection of a person when a person is detained, when his right to freedom of movement is practically limited;
- to participate in the questioning of the suspect, to be present when the person is being charged and to be present when the accused is being questioned, as well as to participate in other investigative activities conducted with their participation and to ask questions to suspects, accused, witnesses, experts, experts;
- to give written comments, petitions and refusals regarding the conduct of the investigative action in which he participated;
- collection and presentation of evidence;
- getting acquainted with the documents related to the procedural actions conducted with the suspect or the accused, and after the completion of the inquiry or preliminary investigation, to get acquainted with all the materials of the criminal case and to record the necessary information from them, to take copies of the materials and documents using technical means at one's own expense or to change the information indicated in them record in the form;
- participation as a party in court hearings and court hearings;
- filing complaints against the actions and decisions of the investigator, investigator, prosecutor and the court;

- get acquainted with the minutes of the court session and express their opinions about it;
- to find out about the complaints and protests presented in the case and to raise objections against them;
- participation in appeal, cassation instance court sessions.
- if the suspect, the accused or the defendant is in prison or under house arrest, the defense attorney can meet with him freely without the permission of the state bodies and officials responsible for conducting the criminal case, without limiting the number and duration of meetings[20].

M.H. Rustamboev and U. Tukhtashaeva stated that "attorney uses a number of rights stipulated in the Code of Criminal Procedure during participation in the criminal proceedings as a defender or representative. The participation of a lawyer in criminal proceedings is a serious guarantee of protection of the rights, freedoms and legal interests of citizens, and it helps to determine the truth about the case and is an integral part of the principles of dispute and equality of citizens before the law and the court" [21].

It should be noted that in accordance with Article 49 of the Criminal Procedure Code, at any stage of the criminal proceedings, when a person is arrested, the participation of a defense attorney, that is, a lawyer, is allowed in the case from the moment when his right to freedom of movement is practically limited. At this point, it should be noted that in cases where a person is detained on the grounds specified in Article 221 of the Criminal Code, although the law stipulates that the relevant report should be drawn up after the person is brought to the internal affairs body or another law enforcement body, his right to freedom of movement

is practically limited from the moment is considered a suspect. From this moment on, the detained person enjoys all the rights granted to the suspect, including the right to get a lawyer, to call or send messages to relatives or a lawyer, to refuse to testify, and to know that the testimony he gave can be used as evidence against him in a criminal case. . Because of this, in such cases, he cannot be interrogated as a witness, without being notified of the decision that he is involved as a suspect in a criminal case, and without explaining his rights and obligations, and investigative actions against him cannot be carried out [22].

According to paragraph 12 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 19, 2003 "On judicial practice on the application of the laws on providing the suspect and the accused with the right to defense", the defender, in particular, the lawyer, according to the law, by the suspect, the accused or his legal representative, it is also offered by other persons based on the request or consent of the suspect, the accused. The suspect, the accused may offer several defense attorneys in the case.

In the opinion of Z.F. Inog'omjonova and G.Z. Tolaganova, "protecting the rights and legal interests of the accused is the main duty of the defender. To protect the legal interests of the accused, to achieve the dismissal of the criminal case due to the groundlessness of the accusation; to achieve a change in the qualification (qualification) of the criminal case in order to ease responsibility according to the circumstances of the case; obtaining the cancellation or modification of a precautionary measure with due justification; various procedural actions consisting of trying to determine mitigating circumstances and others are understood. In other words, protecting the legal interests of the accused, preventing the trial or

prosecution of an innocent person, preventing unjustly heavy punishment, includes taking into account all mitigating circumstances" [23].

Procedural activity of a lawyer in working with evidence is important in criminal proceedings. In particular, the lawyer has the right to collect and present evidence in the criminal case, which must be added to the criminal case materials, as well as mandatory evaluation during the pre-investigation investigation, investigation, preliminary investigation and criminal case trial. These evidences include: interviewing persons with information relevant to the case and obtaining written explanations with their consent; can be collected by sending requests to state bodies and other bodies, as well as enterprises, institutions and organizations, and by receiving references, descriptions, explanations and other documents from them.

Also, a motion to declare the evidence inadmissible by the lawyer can be submitted at any stage of the proceedings before the court and at the court session.

Since the evaluation of the evidence in the law belongs to the authority of the state bodies and officials responsible for conducting the criminal case, the lawyer, as one of the other participants in the criminal proceedings, can only object to the decision (judgment) of these bodies on the relevance, admissibility and reliability of the evidence by filing a complaint in accordance with the law. They have the right to express.

In addition, the principle of "argument" is also important in the implementation of the lawyer's procedural activities. At the same time, in court proceedings, the dispute takes place only if the

prosecutor and the lawyer are continuously present at the court session.

According to the criminal procedural legislation, this principle is considered one of the priority rules of the criminal procedure, and the proceedings are carried out on the basis of the mutual dispute of the parties at the court session of the first instance court, as well as when the cases are heard in the higher courts.

When the case is being heard in court, the tasks of prosecution, defense and case resolution cannot be performed separately and assigned to one body or one official.

A lawyer participates in the court session as one of the parties and uses equal rights to present evidence, participate in their examination, make a request, and express his opinion on any issue important for the proper resolution of the case.

It is established by the relevant documents that the lawyer's resumption of work does not require the repetition of procedural actions carried out up to that time. In particular, the employment of a lawyer during the court session is not a reason for restarting the court investigation. However, in this case, the court should give him the opportunity to familiarize himself with the case materials and prepare for the defense of the rights and interests of the person under his protection. The request of the lawyer to summon the persons questioned by the court before entering the proceedings shall be resolved in accordance with the procedure established by Article 448 of the Criminal Procedure Code.

Also, in cases provided for by Article 51 of the Code of Criminal Procedure, the presence of a lawyer must be provided at the session of the court of appeal,

cassation, and control instance in the higher court instances.

In cases where the convict waives the defense counsel, if it is accepted by the court in compliance with the provisions stipulated in Article 52 of the Criminal Code, it is allowed to hear the case in the court of appeal, cassation, control instance without the participation of the defense counsel.

Let's focus on the issue of language proficiency or lack of proficiency in the lawyer's procedural activities regarding the case pending in court. It is established that the lawyer's lack of knowledge of the language of the court case does not prevent him from participating in the case, and in this case, he should be provided with an interpreter in accordance with the second part of Article 20 of the Criminal Procedure Code.

Based on the above, the concept of the lawyer's procedural activity - the lawyer's functional tasks defined in the law related to the protection of the rights and legal interests of the person under his protection (participation in the stages of the criminal process, collecting and presenting evidence, asking questions to the participants of the process, written comments on the stages of the process) it is desirable to understand the activities related to giving, filing and rejecting petitions, filing complaints about the actions of officials, etc.).

In conclusion, it should be noted that the effective activity of the prosecutor, lawyer and investigator as elements of the mechanism for ensuring the rights of the individual, in particular, the implementation of procedural activities in accordance with the law and the adoption of legal decisions based on the result, in turn, are important in ensuring the rights and legal

interests of the individual at all stages of the criminal process.

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