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“HABEAS CORPUS” INSTITUTE IN THE NEW CONSTITUTION AND THE “RULE OF MIRANDA” IS A TRUE GUARANTEE OF HUMAN RIGHTS AND FREEDOMS

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ABSTRACT

This article cites the norms of the Habeas Corpus Institute and the Miranda rules in the Constitution of the Republic of Uzbekistan, adopted in a new edition. The new version of the Constitution analyzes the definition of the provisions on the institution of Habeas Corpus and the Miranda rule using the example of the legislation of the United States and Turkey, which are considered advanced developed countries.

KEYWORDS

Constitution, man, society, Habeas Corpus institute, Miranda rule, human rights.

INTRODUCTION

As each country chooses its path to independence and development, it establishes the most important goals and tasks that serve to ensure the well-being of the people in its Constitution, which is considered the General Assembly. Therefore, a country that has a Constitution in harmony with the will, language and good intentions of its people will always move forward without ever deviating from the high goals it has set.

One of the important changes in the history of the new Uzbekistan is our newly edited General Directory, which has been updated by 65% and incorporates norms related to the protection and guarantee of human rights and freedoms.

Law came into force on May 1, 2023.

If you pay attention to some norms of our updated Constitution, you can see that the idea of human rights above all else and the approach "Human - society - state" are not only deeply embedded in the content of the new Constitution, but are also proven in practice.

Based on the fact that a person's life, freedom, honor, dignity and other inviolable rights are the highest value, during the past years, under the leadership of the head of our state, Shavkat Mirziyoyev, a number of works were carried out in order to ensure the personal, political, economic and social rights of a person. A clear example of this is the newly adopted Constitution, which includes human rights and freedoms.

If you take a closer look at the norms of the updated Constitution, you can see that international standards and provisions existing in the legislation of advanced foreign countries are expressed in it.

In particular, one of the issues put forward at the initiative of the President of the Republic of Uzbekistan, Sh.M. Mirziyoev, is the norm aimed at developing the institution of "Habeas corpus". That is, the person cannot be detained for a maximum of forty-eight hours until the court's decision, and if the court does not make a decision to arrest the person or restrict his freedom in any other way, then the person should be released immediately.

Looking at the analysis of the institution of habeas corpus, one can witness that this institution is strengthened at the level of the country's constitution. The United States of America is a clear example of this.

It is logical that the important norm about this is reflected in Article 27 of our Constitution. Such rules fully correspond to the noble principle that a person, his life, rights and freedoms are the highest value.

As a practical expression of the further development of the "Habeas corpus" institution in the field of criminal investigation in our country, the President of the Republic of Uzbekistan dated February 28, 2023

Decree No. PD-27 "On the state program for the implementation of the development strategy of New Uzbekistan for the years 2022-2026 in the year of attention to people and quality education" can be cited.

Clause 14 of the decree envisages the preparation of relevant draft laws on the transfer of authority from prosecutors to courts to conduct searches, listen in on telephone conversations, and sanction seizure of property in order to strengthen justice and rule of law, ensure unconditional observance of human rights and freedoms.

These norms are considered an important step towards the real development of the institution of "habeas corpus" in the Republic of Uzbekistan.

"Miranda rule" is one of the provisions regarding the provision of human rights that President Shavkat Mirziyoyev put forward in the meeting with the members of the Constitutional Commission regarding the amendment of the Constitution of the Republic of Uzbekistan and the implementation of organizational measures.

In other words, another important internationally recognized model - "Rules of Miranda" was applied to our Basic Law.

Although the "Rule of Miranda" originally appeared in US national legislation and practice, today it is one of the most important criteria of international law. According to it, the rights of an arrested person as a suspect in the process of being detained and before being questioned are explained as follows.

"Miranda Rule" of the Constitution of the Republic of Turkey found its expression in Article 38.

The main purpose of this procedure is to prevent the arrested person from testifying against himself without knowing the nature of the criminal case and the charges.

At this point, it should be noted that the requirements of the "Miranda rule" are expressed in several articles of the Criminal Procedure Code of the Republic of Uzbekistan. In particular, the Criminal Procedure Code

In accordance with Article 23, the right to remain silent is established. According to it, the suspect, the accused or the defendant does not have to prove his innocence. In other words, the right to remain silent or not to testify in our national law is based on the principle of presumption of innocence.

In addition, according to Articles 46 and 48 of this Code, a person, that is, an accused or a suspect, has the right to testify or refuse to testify about the charge or suspicion and any other circumstances of the case, also he has the right to be informed that his testimony may be used against him as evidence in a criminal case.

Based on the above, it can be concluded that the "Rule of Miranda" is reflected in the current criminal procedural legislation of Uzbekistan. But the "Miranda rule" is "scattered" in the Code of Criminal Procedure, that is, scattered, in fact, only if this rule is understood as a whole, it can be understood by everyone and effectively applied.

At the same time, the "Rule of Miranda" is the most fundamental human rights rule that should be defined at the level of the Constitution. In other words, defining the "Rule of Miranda" in the Code of Criminal Procedure is insufficient. It is appropriate that this rule is expressed in the Basic Law, which is considered the

most familiar and understandable document to the people.

Therefore, it is important that citizens learn their rights under the "Miranda Rule" not through the Criminal Procedure Code, but primarily through the Constitution. Also, the expression of the "Rule of Miranda" in our Constitution creates the necessary legal guarantees for the full application of this principle.

It can be seen that human rights are recognized as the highest value in the basis of the strengthening of a number of important provisions that were not previously in the legislation in our constitution.

These accepted norms make it possible to strengthen state guarantees of protection of citizens' rights and freedoms, and also serve to create conditions for ensuring a peaceful, prosperous and prosperous life of our people and forming a positive image of Uzbekistan in the international arena. The main thing is that the path of reforms of the new Uzbekistan was chosen correctly.

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