



## FEATURES OF JUDICIAL REVIEW OF CRIMINAL CASES ON JUVENILE CRIMES IN UZBEKISTAN

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### Annotation

This article examines the specifics of conducting criminal proceedings on crimes committed by minors. A number of scientists come to the conclusion that the rights of minors are not fully realized during the trial of the case. The question is also raised about the need for a teacher and a psychologist to participate in a trial involving minors. The authors also give examples of existing shortcomings in criminal proceedings of this category.

**Keywords:** court proceedings, minors, crime, court, defender, legal representative, rights and legitimate interests.

### Introduction.

Juvenile delinquency in criminal proceedings has significant features that are determined by the psychology of minors, the degree of their development and the ability to realistically assess the events taking place.

The proceedings in cases of juvenile crimes differ significantly from the proceedings in criminal cases against adults, although in our country all these cases are considered by courts of general jurisdiction.

In the Criminal Procedure Code of the Republic of Uzbekistan, the thirteenth section "Proceedings on certain categories of criminal cases" opens the chapter "Proceedings on juvenile crimes".

This chapter of the CPC regulates the procedure for conducting an inquiry, preliminary investigation and judicial proceedings against persons who were under eighteen years old at the time of committing a socially dangerous act [1].

According to Article 40.2 (b) of the UN Convention on the Rights of the Child, every child who is considered to have violated criminal law or is accused of violating it has the right to an urgent decision on the issue under consideration by a competent, independent and impartial body or judicial body during a fair hearing, which, in turn, requires the creation of special bodies and institutions for minors who have come into conflict with the law [2].





Generally, accepted international standards recommend that all law enforcement agencies, as well as employees of other agencies dealing with juvenile cases, be trained to conduct cases involving minors and regularly undergo retraining and advanced training.

The UN Committee on the Rights of the Child recommends that participating States establish separate juvenile courts.

As we know, according to the legislation of the Republic of Uzbekistan on courts, in our state there are district and city criminal courts, which have 3-4 judges in their composition and some, located in the regions of at least 2 judges.

According to the criminal and criminal procedure legislation, there are cases when a judge, due to objective and subjective reasons, cannot participate in the consideration of a case in a criminal court.

This may be the recusal or self-recusal of a judge, or the entire judicial composition in this criminal court, temporary or long-term disability of a judge due to his illness, business trip to another job, or vacation.

In such cases, if the legislation of the Republic of Uzbekistan allows the creation of special juvenile courts, then timely consideration and resolution of such categories of cases may become impossible.

Therefore, taking into account generally accepted international standards and national law enforcement practice in the field of criminal proceedings, the recommendations of the UN Human Rights Committee on the creation of special juvenile courts, we recommend creating conditions for the training of all juvenile judges, and organize regular training and retraining of criminal judges on the consideration and resolution of cases involving persons who have not reached the age of majority.

As we have already said, the UN Convention on the Rights of the Child requires States parties to establish a minimum age below which children are considered incapable of violating criminal law.

The UN Committee on the Rights of the Child recommends that States parties to the Convention be 12 years old as such a minimum age limit. This age must be applied regardless of the nature of the crime or offense.

In addition, it is not recommended to use a lower age limit as an exception, taking into account the severity of the crime and the criminal punishment for its commission.

In criminal and criminal procedure law, there is such a thing as juvenile justice, which means the application of special norms and requirements to participants in criminal proceedings when a minor acts as one of the participants.





At the same time, it does not matter who he will participate in, as an accused or suspect, defendant, victim or witness, the application of the norms and requirements of juvenile justice is mandatory.

What is meant by the application of norms and requirements of juvenile justice is mandatory?

In the Republic of Uzbekistan, in the systems of criminal and criminal procedural legislation, special norms are provided for by portions of legal support for justice and proceedings with minors.

For example, Article 121 of the Code of Criminal Procedure of the Republic of Uzbekistan predetermines the specifics of the interrogation of unsubstantiated, Chapter 60 of the Code of Criminal Procedure is fully sanctified by the proceedings in cases of unsubstantiated crimes, in which rules are written on mutual cases subject to proof in cases of unsubstantiated crimes (Articles 548), issues of participation in cases of the legal representative of a minor (Article 549), prevention of the participation of defenders in Juvenile delinquency cases (article 550), involvement in a fateful violation of cases of violations of juvenile representations of an enterprise, teaching and organization (Article 551), charging a minor (Article 552), interrogation of a minor suspect and accused (Article 553), teaching a teacher and (or) a psychologist in the interrogation of a minor suspect or accused (article 554), reduction measures, application to a minor accused (article 555), issues of releasing a minor from openness or punishment with the use of coercive measures (Article 564) and so on.

The division of the sixth Criminal Code of the Republic of Uzbekistan, sanctifying the condemnation of the question of the peculiarities of the openness of minors, an indication of ugliness and their types that can be applied to non-minors.

The minimal increase in angular openness and alienation associated with persons who have committed crimes, but have not reached the growth from which indicates angular deformity, which limited specialists and created international rules of a recommended nature.

In the Riyadh Guidelines it is written that the imperfect, who are committing crimes in the growth of a lower established growth of angular openness, cannot be attracted to angular openness under the legislation of one or another state where this illegal act was committed.

For such a category of non-adults, special protection measures can be provided, if they correspond, I find the interests of non-adults and these special protection measures are made, first of all, on the support of a child in their family.

Moving such an imperfect person in a children's institution should be a means of last resort and for the shortest necessary period of time.





A leading distrustful person can serve as a basis for his intervention in institutional training, whenever it poses a serious physical and psychological danger to him, and if a parent, a face of substitute parents, and services related to regional cooperation cannot be created with a dangerous one [3].

The corresponding orthodoxy in the Republic of Uzbekistan is hindered by human rights bodies, and the nominal internal affairs bodies, agreed upon by the norms of the angular, Angular Procedural Codes and laws of the Republic of Uzbekistan "On the prevention of hopelessness and delinquency among minors", agreed upon by which a minor, deliberative of generally dangerous acts, but has not reached growth, with which it is possible to attract to angular openness, is registered and is found under the supervision of a Subdivided preventive orthonova, a compatible subdivision of the internal affairs bodies, which should be updated and apply measures to eliminate the causes and conditions of the offense or other antisocial actions committed by these minors.

The issues of removing a minor from the justice system were also considered and joint recommendations were given to the egos of the member participants.

The UN Convention on the Rights of the Child requires the state to take measures for the imperfect, who have come into contact with the law, without recourse to judicial procedures for the consideration and resolution of criminal cases, the inclusion of mediation and the practice of basic justice.

As we conduct ourselves from the justice system, we must implement that in the case when this unsolicited person freely and voluntarily recognizes openness to their advisory violation and voluntarily agrees with the duration and Community of measures to withdraw from the justice system, having the opportunity to learn in advance legal or other advice from the patron of this imperfect faces.

In the Convention on the Right of the Child, it is prudent in advance whose parents and their surrogates (bricks and legal representatives of minors) have the right to compare them at all stages of criminal production.

In addition, a minor who has the right to be represented by a lawyer or the right to apply for free orthodox assistance, if the provision of such assistance is predetermined in this party by legislation [4].

The Criminal-procedural legislation of the Republic of Uzbekistan provides for the immobilized training of defenders in cases where a minor is taken into account, staffed with criminal court proceedings.

This rule is observed by all the requirements and norms of the general spatial rules on the violation of the rights of imperfect persons.







The court, based on the results of consideration of the criminal case, issues either an accusatory or an acquittal objection.

In the case of the imposition of criminal punishment against a minor defendant, the UN Convention on the Rights of the Child requires that the best interests of the child be given priority.

All minors who have come into conflict with the law must be treated in a manner that is consistent with ensuring their well-being and takes into account their circumstances and the crime committed.

Criminal punishment in the form of deprivation of liberty should be used as a means of last resort and for the shortest possible period of time.

The above-mentioned international document recommends to the States parties the application of various penalties not related to deprivation of liberty against minors.

This may include guardianship, guidance and supervision, group counseling and other activities, community service, compensation and restitution, treatment measures, probation, education and training programs, and other alternatives to institutional custody.

According to Article 81 of the Criminal Code of the Republic of Uzbekistan, the following main penalties may be applied to persons who have committed crimes under the age of eighteen:

- a) Fine;
- a1) Compulsory community service;
- b) Correctional work;
- b1) Restriction of freedom;
- d) Deprivation of liberty.

Additional penalties may not be applied to persons who have committed crimes under the age of eighteen [5].

But there is another side to this problematic situation. For example, a minor has committed a crime against a minor, and in such cases, the application of a more lenient punishment may be grounds for violating the rights and legitimate interests of a minor victim.

Because the law must protect both the rights and obligations of the minor accused and the defendant, as well as the victim. Therefore, in such situations, in practice, there are debatable points among specialists on the use of a milder type of punishment against minors.

When a criminal penalty of deprivation of liberty has been imposed on a minor, the UN Convention on the Rights of the Child requires all States to treat all minors





deprived of their liberty humanely and with respect for their dignity, taking into account the needs of a person at their age.

Juvenile prisoners must be separated from adult prisoners and, with some exceptions, have the right to keep in touch with family through correspondence and visits.

At the same time, it is important to ensure their following rights:

- The right to appropriate care and nutrition;
- Medical protection;
- Access to education and vocational training;
- Recreation and leisure;
- Contacts with parents and family;
- Protection from all forms of violence and abuse, including the use of inappropriate methods of discipline, such as solitary confinement, placement in a dark room, restriction of visits to family members and reduced nutrition.

At the same time, the size of the above types of punishments is also lower than usual and differs from them.

We propose to make appropriate amendments and additions to the Criminal and Criminal Procedure Codes of the Republic of Uzbekistan, regarding the appointment of other types of criminal penalties that are not related to the beating of a minor from society, which can have a bad effect on the psychological and moral development of the latter.

In addition, the use of the institute of mediation and reconciliation in criminal proceedings, when sentencing minors who have committed crimes that do not pose a great public danger, serious and less serious crimes.

The source of judicial review of criminal cases involving minors in the Republic of Uzbekistan are legislative and by-laws.

The Republic of Uzbekistan, having become a full member of the UN, has joined more than 60 international legal acts forming the system of international protection of human rights and freedoms, including the Universal Declaration of Human Rights and six main convention acts - The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Prevention of All Forms of Discrimination against Racial Discrimination, the Convention on the Prevention of All Forms of Discrimination against Women and a number of others international acts of the United Nations regulating the process of ensuring and protecting human rights and freedoms.





The Republic of Uzbekistan ratified the Convention on the Rights of the Child on December 9, 1992. In conditions when more than half of the population of the Republic (67%) is young people under the age of 30, of which 11 million are under the age of 18, which is 48.2% of the total population, the problem of compliance with the provisions of the Convention is becoming particularly relevant. Due to the fact that the normal democratic development of the country is impossible without a priority solution to the problem of ensuring the rights and freedoms of children, the Government of the country has done a lot of work in this area of public relations. The basis of the legislative system for the protection of the rights of the child in the Republic of Uzbekistan is the Constitution of the Republic of Uzbekistan, the norms of laws and by-laws of the Republic of Uzbekistan, which legislatively enshrine fundamental human rights and freedoms.

Juvenile justice in the Republic of Uzbekistan is carried out in accordance with the norms of the Criminal and Criminal Procedure Codes of the Republic of Uzbekistan. When considering cases of juvenile crimes and sentencing them, judges should be guided by the norms of Section six of the Criminal Code of the Republic of Uzbekistan, which regulates "Peculiarities of responsibility of minors". In this section, the law defines punishments and their assignment to minors, the release of minors from responsibility or punishment.

## **Conclusion**

In addition, there is another problem associated with the procedural status of a teacher and a psychologist.

The Angular Procedural Code of the Republic of Uzbekistan did not define these concepts and the compatible resolution of the norms establishing their procedural rights and denunciations, and many are written in which cases and from the names, they take at the judicial stage of the angular sink.

One group of students considers teachers, psychologists as specialists, since they impose two main confessions, their own data by teachers of legal proceedings – opposite special knowledge and disinterest in the results of work.

Other researchers insist that the teacher and psychologist are independent students of the angular process.

Therefore, we read that the attribution of a teacher, a psychologist to the resolution of independent students of the criminal process, and it is lawful to fix their legal status, rights and denunciations in the criminal proceedings.

With the teaching of all of the above, it is proposed that we do not legislate to formalize the procedural status of a teacher and psychologist, and therefore, purposefully





introduced into the current Angular Procedural Code of the Republic of Uzbekistan, which is compatible with the norms and requirements of international generally recognized conventions and declarations in the field of angular procedural law.

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