



ROLE OF DECISIONS OF THE PLENUM OF THE SUPREME COURT OF THE REPUBLIC OF UZBEKISTAN IN CRIMINAL COURT PROCEEDINGS

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ABSTRACT

Application of decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan in legal proceedings, the role of decisions of the Plenum of the Supreme Court in the fair adoption of judicial decisions and the importance of their interaction with regulatory legal acts.

Keywords: criminal procedure, court decision, appeal, protest, normative legal act, supervision.

INTRODUCTION

As we all know, Decree No. 4850 of the President of the Republic of Uzbekistan dated October 21, 2016 "On measures to further reform the judicial system and strengthen the guarantees of reliable protection of the rights and freedoms of citizens" was adopted. This Decree is intended to reform many aspects of the judiciary radically. The decree's requirements for the further improvement and development of the judicial system fundamentally reformed some procedural actions. Based on the legislation, a comprehensive program of measures for further reform of the judicial system was adopted. The program envisages the development and adoption of several new laws, amendments, and additions to many rules and organizational issues related to the judicial system.

DISCUSSION AND RESULTS

On February 17, 2017, the President of the Republic of Uzbekistan adopted the Decree "On measures to fundamentally improve the structure of the judicial system of the Republic of Uzbekistan and increase its efficiency" in order to ensure the consistent and systematic reform of the judicial system provided for in this Decree. In this Decree, it was noted that one of the priorities for the further development of the country is the further democratization of the judicial system, ensuring strict compliance with the constitutional norms on the independence of the judiciary. According to it, from June 1, 2017, the issue of unification of the Supreme Court of the Republic of Uzbekistan and the Supreme Economic Court, the establishment of a





single supreme body of judicial power in the field of civil, criminal, administrative, and economic court work - the Supreme Court of the Republic of Uzbekistan was resolved. This reform not only served to eliminate overlapping functions in the management of the judicial system but also to ensure uniform application of requirements of legal documents, and uniform application of laws by making a single decision on similar issues. [1]

Article 106 of our General Dictionary states that the "judiciary in the Republic of Uzbekistan operates independently of the legislative and executive authorities, political parties, and other public associations." Also, by Article 110 of the Constitution of the Republic of Uzbekistan and Article 13 of the new edition of the Law "On Courts" adopted on December 14, 2000, the Supreme Court of the Republic of Uzbekistan is the supreme body of the judiciary in the field of conducting civil, criminal, economic and administrative court cases. It was also stated that the Supreme Court of the Republic of Uzbekistan has the right to control the judicial activity of the lower courts. From these mentioned norms, we can conclude that the Supreme Court of the Republic of Uzbekistan is the only body exercising control over all lower judicial bodies. [2]

At this point, the question is bound to arise. How important is the role of the Supreme Court of the Republic of Uzbekistan in the judicial activity of lower courts? So, in order to give a detailed answer to this question, first of all, it is appropriate to briefly touch on the norms related to the activity of the Supreme Court of the Republic of Uzbekistan provided for by the Law of the Republic of Uzbekistan "On Courts".

According to Article 13 of the Law of the Republic of Uzbekistan "On Courts", the Supreme Court of the Republic of Uzbekistan:

The Plenum of the Supreme Court of the Republic of Uzbekistan supervises the implementation of the explanations by the courts;

performs a systematic analysis of court practice and court statistics;

organizes training of court staff.

Article 14 of this law specifies the norms on the composition of the Supreme Court of the Republic of Uzbekistan. According to it, the Supreme Court of the Republic of Uzbekistan conducts work in the following composition:

The plenum of the Supreme Court of the Republic of Uzbekistan;

Directorate of the Supreme Court of the Republic of Uzbekistan;

The jury on criminal cases;

Civil Trial Panel;

Judicial panel on administrative cases;

Judicial panel on economic cases.





It can be seen that the highest stage of consideration of cases in the Supreme Court of the Republic of Uzbekistan is considered by the Plenum of the Supreme Court of the Republic of Uzbekistan. [3]

Indeed, today, to what extent are the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan used in the judicial activity of the lower courts? In this regard, let's look at Article 17 of the Law on Courts. The noteworthy point of this article is that, according to it, in part 2, point 1 of the article, the Plenum of the Supreme Court of the Republic of Uzbekistan reviews materials summarizing the judicial practice and issues explanations on the application of legal documents. Article 19 of the law stipulates that the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan shall enter into legal force from the moment of its adoption. [4]

What can we conclude from these mentioned norms? If we pay attention to the indicated clause, It is indicated that the Plenum of the Supreme Court of the Republic of Uzbekistan will consider the materials of the summary of judicial practice and provide explanations on the issues of the application of legal documents. However, today, if we pay attention to the quality of work of the lower courts in the judicial activity, almost a third of the criminal cases heard by the courts of the first instance and middle level are sent to the courts of the first instance, appeal and cassation instance for a new review due to the fact that they do not apply the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan.

A question arises here. Are the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan binding or advisory?

In our opinion, there is no mandatory instruction on whether or not to apply the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan in judicial practice. It is indicated that it is of a recommendatory nature only. The legal basis for this is that Article 6 of the new version of the Law "On Regulatory and Legal Documents" adopted on April 20, 2021, does not specify the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan as types of regulatory legal documents.

Based on this, we can say that the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan have a recommendatory character. In particular, there is no norm in any normative legal documents that the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan must be applied in the course of judicial proceedings. Of course, the application of the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan in judicial practice helps to make high-quality and fair court decisions. However, there is no clear norm regarding their use or non-use.





Now, we will directly show the relationship between the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan and the Criminal procedural law of the Republic of Uzbekistan through the following examples. As we all know, Article 45 of the Criminal procedural law of the Republic of Uzbekistan can be used as both the main and additional type of punishment. [5]

Let's say that a judge is not obliged to apply Article 45 of the Criminal law of the Republic of Uzbekistan when he is hearing a case under Part 1 of Article 266 of the Criminal procedural law of the Republic of Uzbekistan, but in the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan on February 3, 2006 "On the practice of imposing punishment for crimes by courts" of the Criminal procedural law of the Republic of Uzbekistan The obligation to discuss the application of Article 45 is indicated. However, in our opinion, the norms in the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan help to apply the norms of the Criminal Procedure Code of the Republic of Uzbekistan in a clear and understandable manner. For example, Article 503 of the Criminal procedural law states that "a person who has filed a complaint or protest against a sentence has the right to withdraw his complaint or protest." In our opinion, we believe that this norm is presented in a somewhat narrow scope and unclear. The reason is that if the participants in the proceedings consist of several persons, and one of them seems to withdraw the cassation appeal, how will the proceedings be carried out? Article 503 of the Criminal procedural law does not mention any norm in this regard. So, in this case, we can see the place of the leadership instructions in the Plenum of the Supreme Court of the Republic of Uzbekistan. According to him, in paragraph 6, paragraph 3 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 11 of May 15, 2008 "On the practice of hearing criminal cases by courts in the cassation procedure" it is stated that "withdrawal of a cassation appeal (protest) if the participants in other proceedings on the case If there is no cassation complaint (protest) filed by It is through this norm that we can understand that in cases where a cassation complaint (protest) is withdrawn, proceedings should be continued based on the complaint (protest) of other participants in the process. In addition, Article 502 of the Criminal Procedure Code specifies the content of a cassation appeal (protest). However, this article also does not specify the norm regarding which cases cassation appeals can or cannot be filed. In general, the use of the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan in cassation procedure does not necessarily affect the quality of court decisions.



CONCLUSION

Based on the above, we can conclude that the application of the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan as guidelines in judicial practice will definitely help the fair adoption of court decisions, as well as the quality of work of the judge conducting the criminal case, and the court decisions will not be invalidated by the higher instance.

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