



ANALYSIS OF CRITERIA AND INDICATORS FOR EVALUATING THE EFFECTIVENESS OF CRIMINAL JUSTICE

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Annotation

In this article, from the point of view of research scientists, conducted research in this area. The author also compared and analyzed such concepts as transparency, disclosure of information in the conduct of criminal cases, and at the end gave suggestions and recommendations for improving legislation.

Keywords: effectiveness, transparency, openness, investigative secrecy.

Introduction

The definition of the essence of justice and its structure is one of the important institutions that need to be studied in our domestic procedural legislation. To date, no unequivocal conclusion has been reached on the question of what actions of the court should cover criminal justice. In general, the concept of "Justice" is not the subject of one branch of law: this concept is also studied in the areas of substantive and procedural law, such as constitutional law, state-legal theory, civil procedural law.

Although in our criminal procedural legislation the concept of "justice" does not have a clear definition, a number of norms help to understand its essence. In particular, the Constitution of the Republic of Uzbekistan provides that only the court can administer justice in criminal cases, and this rule is also reflected in the Code of Criminal Procedure as a separate principle. In addition, the provision that judges and people's councilors are independent and subject only to the law in the administration of justice is understood in the Code of Criminal Procedure as an activity directly related to the activities of the courts. In addition, in the Republic of Uzbekistan, judges and people's councilors are persons authorized to administer justice in accordance with the law, this is clearly defined in other legal documents. [1]. This concept, denoting a conscientious solution of the issue from the point of view of justice and law, is a special activity of the state aimed at an objective and fair resolution of disputes by the court in the manner prescribed by law.

Судлардан бошқа бирор давлат органи жиноят ишини мазмунан кўриб, уни ҳал этиш ваколатига эга эмас. Жиноий одил судловни таъминлашда бошқа жиноят процесси иштирокчилари ҳам қатнашиши мумкин, лекин улар кўмаклашувчи





шахслар, холос. Терговга қадар текширув, тергов органлари, ишда ўз манфаатларини ҳимоя қилувчи ва бошқа иштирокчилар, шунингдек суднинг қарорларини ижро этувчи органлар ҳам одил судлов иштирокчилари саналади. Apart from the courts, no state body has the authority to consider the content of a criminal case and resolve it. Other participants in the criminal process may also participate in the implementation of criminal justice, but they are only auxiliary persons. Pre-investigation check, investigative bodies, bodies of inquiry, persons protecting their interests, and other participants in the case, as well as bodies executing court decisions, are also considered participants in justice.

The scientist F. Mukhitdinov, who emphasized that justice is an important social tool for resolving various disputes in society, defined it as a social and legal function [2], aimed at resolving the issue of the guilt of a person who committed an unlawful act. E.V. According to Ryabtseva, justice is the activity of the court in considering the content of a criminal case, recognizing a person as guilty or innocent, imposing a just punishment, and taking measures to compensate for the harm caused as a result of a crime [3]. S. V. Burmagin defined justice as the activity of the court to consider and resolve cases, a form of criminal proceedings [4]. It follows from these ideas that process scientists studied justice as an activity related to the consideration of cases in court. However, in the theory of criminal procedural law there is no consensus on the concept of justice, its scope, limits of action.

Justice is associated not only with the consideration of the case on the merits, but also with its activities in the pre-trial period. It is known that judicial control has been established over a number of procedural actions that limit the constitutional rights of a person during an inquiry or preliminary investigation. In this case, the question of the guilt of the person is not resolved and the case is not considered. Nevertheless, scientists recognized this type of judicial activity as a form of justice [5].

The independent and effective functioning of the judiciary is one of the important guarantees of legality and justice in society. Its effective functioning is inextricably linked with the quantitative and qualitative indicators of the court's activities. In our current criminal procedure system, the criteria for the effectiveness of the judicial system have not been fully studied.

The concept of efficiency is universal and is used for various systems and procedures based on the number of measurements and performance indicators. Its essence is inextricably linked with such factors as economy, usefulness, efficiency, expediency. According to the explanatory dictionary of the Uzbek language, efficiency means “usefulness”, “to be useful” [6]. In the administration of justice in criminal cases, the criteria for effectiveness are determined depending on the goal pursued. Costs,





workloads and deadlines are very important. Therefore, the assessment of the activities of courts should be carried out according to two independent criteria: the level of quality of justice and the weight of social (material, time and other) costs. At the same time, the performance indicators of the judiciary show the effectiveness of organizational management and the management system at the same time. That is why justice is a complex process that requires proper management. To evaluate it, it is necessary to develop methodological foundations.

Judicial practice recognizes the status of a court decision as a result of its reconsideration in higher instances and compliance with procedural deadlines when considering a case as a criterion for the effectiveness of justice. In this case, the main indicator should be the degree of legality, validity and fairness of court decisions. A. Yu. Astafiev connected the effectiveness of justice in criminal cases with the legality of the courts. According to him, the number of amended and annulled court decisions, the number of private decisions issued against courts (judges), the number of disciplinary sanctions applied to judges for errors and inaction in the consideration of cases, the number of cases on criminal prosecution of judges in connection with the issuance of an incorrect verdict, justice in the activities of the courts, the main indicators that determine efficiency are listed [7]. The scientist also emphasized that the effectiveness of criminal proceedings is ensured not only by procedural guarantees, for this it is important to pay attention to the administrative aspects of the issue.

Ensuring fairness and quality solutions is also under special control in the European Union. In particular, in 2022, the European Commission for the Efficiency of Justice (SEREJ) was established, which included 47 people from member states. This commission includes an Advisory Council composed of judges. According to this Advisory Council, the quality of court decisions is influenced by the following factors: the quality of legislation, the material support of the system, the level of legal knowledge of judges and other participants in the process [8]. In addition, The World Justice Project (WJP), an international independent non-profit organization, regularly studies the effectiveness of criminal justice in countries around the world and publishes the results in the Rule of Law Index. [9] The 8th indicator of this international index is devoted to sub-indicators that study the effectiveness of criminal justice:

- 8.1. The effectiveness of investigative activities;
- 8.2. Speed and efficiency of consideration of the case in court;
- 8.3. The effectiveness of the penitentiary system;
- 8.4. impartiality of criminal proceedings;





- 8.5. Non-corruption conduct of criminal proceedings;
- 8.6. Freedom of criminal proceedings from state influence;
- 8.7. Ensuring the rights of the accused and determining the appropriate procedural order.

It can be seen that this index analyzes not only the judicial system, but also the pre-trial process in assessing the effectiveness of criminal justice in countries around the world.

The quality of justice is affected by the workload of a judge, the uniformity of judicial practice, standards of proof, the quality of drafting court documents, compliance with the rules of judicial ethics, the competence of a judge, the openness of information provided by the court to the public, the culture of treatment of other participants in the process of the judge and court employees.

Factors affecting the effectiveness of justice can be divided into several groups: regulatory (quality of legislation), procedural (quality of court decisions, transparency of work), organizational (material, technical and personnel issues). Studying the activities of the courts, Sh. Gofurov studied the digitalization of criminal justice as one of the main means of ensuring the effectiveness of justice [10]. The importance of digital justice was also emphasized by N. Pulatova in her scientific works [11].

In our opinion, increasing the efficiency of criminal procedural activities is carried out through several methods:

- Identification of factors hindering the effective implementation of activities, and their elimination;
- Strengthen procedural guarantees that ensure the rights and legitimate interests of citizens,
- To promote the mechanism of legal instruments that increase the efficiency of criminal procedure,
- Use of information and communication technologies;
- Increasing the procedural responsibility of the participants in the process.

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