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CLASSIFICATION OF CRIMINAL PROCEDURAL TERMS AND THEIR PLACE IN PROCEDURAL LAW

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Usmanaliev Najmiddin Kushbak ugli

Academy of the Ministry of Internal Affairs, department of investigative activity, teacher, major, Uzbekistan

ABSTRACT

The article discusses the classification of criminal procedural terms and the place of classification in the theory of criminal procedural law. Opinions are also presented on the types of classification of procedural deadlines, their significance, the need for classification, and the classification of procedural deadlines used in pre-trial proceedings.

KEYWORDS

Classification, terms, preliminary investigation, inquiry, guarantee, pre-investigation check, inquiry, preliminary investigation, procedural term, investigator, investigator, prosecutor, appeal, application.

INTRODUCTION

The Constitution of the Republic of Uzbekistan is literally the legal guarantee of human rights and interests, and all the norms of the newly revised Constitution are built around a single concept, that is, the concept of "human dignity". That a person cannot be detained for more than forty-eight hours without a court order, that all doubts as to guilt be resolved in favor of the suspect, accused, defendant or convict, the obligation to provide the assistance of a lawyer at

any stage and many other criminal procedure norms enshrined in our basic law. The strengthening of criminal procedural norms at the level of the Constitution creates the need to improve the legal norms related to this stage to the level of basic legal requirements, along with increasing the responsibility of the entities conducting criminal cases at the pre-trial stage. In the address of President Shavkat Mirziyoyev to the Oliy Majlis, the main laws and codes related to

the field of judicial law were adopted almost 20-25 years ago and do not meet the requirements of the current era, therefore, in the coming years, the parliament will introduce Civil, Criminal, Criminal-Procedural, Criminal-Executive, Administrative Liability. that it is expedient to adopt new codes on said. Based on the application, paragraph 8 of the roadmap for implementation of the national strategy of the Republic of Uzbekistan on Human Rights approved by Annex 2 of the decree of the president of the Republic of Uzbekistan "on approval of the national strategy of the Republic of Uzbekistan on Human Rights" dated June 22, 2020 PD-6012 defines the development of a new.

Classification of procedural terms is necessary to protect the rights and interests of the participants of the process, to ensure the effectiveness, speed and compliance of the process, and to systematize the terms.

The classification of procedural terms is relevant on the following grounds:

Organization and Systematization: Classification allows procedural terms to be systematized to facilitate learning and application. This helps to understand the place of each term in the procedural law system.

Determining the characteristics of each type of term: classification allows distinguishing the characteristics of each type of criminal-procedural terms (their duration, calculation procedure, availability of the possibility of recovery, etc.)

Development of the theory of criminal-procedural law: classification plays an important role in the development of the theory of criminal-procedural law, improvement of procedural legislation.

There are different bases for classification of procedural terms in science: "sources of legal regulation; source of organization; the form of expressing the disposition of the legal state; the nature of the activity regulated by the terms; possibility of extension; legal consequences of expiration; belonging to the regulation of the work procedure in separate stages; method of regulation of criminal-procedural activities; method of measuring duration".

Most of them are theoretical, but it should be noted that periods measured over a certain period of time affect the duration of proceedings. In the criminal process, the following periods are allocated depending on the period of committing certain actions:

- deadlines for immediate action;
- deadlines defining the initial moment of a specific action;
- deadlines limited to a specific point in time;
- other terms.

Time limits for prompt action include, in particular, time limits for the release of a person from prison following a conviction or non-custodial sentence.

The time limits that determine the initial moment of committing a certain act include the decision to initiate a criminal case.

Periods clearly limited to a certain time, in particular: detention on suspicion of committing a crime; includes periods of detention or house arrest.

Others include: time limit for carrying out individual investigative actions, time limit for filing a complaint, time limit for proceedings at individual stages of the process.

Depending on the field of activity, procedural terms are divided into the following:

- conducting proceedings at certain stages of criminal proceedings;
- performing separate procedural actions;
- carrying out separate investigative actions;
- application of other measures of criminal-procedural coercion;
- use of preventive measures;
- appeal against the actions and decisions of the preliminary investigation bodies, the prosecutor and the court;
- consideration of complaints and applications;
- making separate procedural decisions.

Some foreign jurists propose to express criminal procedural terms in the following classification:

- 1) time limits for conducting investigation and procedural actions in court (such as conducting an inquiry; discussing a criminal case at a court session);
- 2) deadlines for making procedural decisions (such as when a prosecutor or his deputy considers a criminal case with an indictment and makes a decision);
- 3) terms of applying (maintaining) procedural coercive measures;
- 4) deadlines for submission of applications, requests and complaints .

Some researchers recommend the classification of terms in criminal proceedings as follows:

- 1) periods calculated by time intervals (hours; days; months);
- 2) deadlines implying a calendar date (for example, according to Article 418 of the Civil Code, the court postpones the discussion of the case by specifying a specific calendar date);
- 3) time limits implying a legal fact (for example, suspension of the preliminary investigation of the case until the accused recovers) .

A.A. Sultanov states that procedural terms need a certain classification and classifies them as follows.

According to the degree of clarity, three types of criminal-procedural norms are distinguished:

- 1) norms of the law ordering the immediate execution of a criminal-procedural action;
- 2) the norms of the law defining clearly stated terms;
- 3) norms of the law that do not specify a specific period, but allow certain actions to be performed in general periods.

We can also see from the opinions of the scientists mentioned above-that the classification of procedural deadlines can be approached and expressed from different angles. All of the opinions expressed by scientists in the classification of procedural deadlines are relevant, which are important in understanding the nature of deadlines in highlighting the practical and theoretical sides of this important institution.

In connection with the improvement of the Institute of inquiry of the Republic of Uzbekistan on September 6, 2017, by the law of the Republic of Uzbekistan No. 442 "on amendments and additions to certain legislation of the Republic of Uzbekistan", the CPC underwent a



significant change and led to the addition of Chapter 401, known as the "general conditions for

We also found it necessary to classify, more precisely, into three large groups, as follows, with the support of the opinions of the above-mentioned lawyers and in addition to them in the pre-trial proceedings of the case, which is the object of our research.

1. Probationary deadlines pending investigation. Of course, these deadlines begin at the moment when criminal applications, messages and other information are received and end with the adoption of one of the decisions contained in Article 330 of the CPC. The notable aspect is characterized by the fact that the beginning and duration of these terms are strictly defined, the presence of the possibility of extension and the possibility of conducting certain investigative actions during this period.

2. Inquiry deadlines. While this repeats the signs of an initial investigation due to criminal investigative actions being carried out in the deadlines, the fact that relatively short deadlines are established due to the tasks of accelerating and simplifying the process reflects the peculiarity that a month's duration can be extended for another twenty days, starting with the initiation of a criminal case.

3. Preliminary investigation deadlines. It is a term that begins with the initiation of a criminal case and, with the possibility of an extension, initially lasts three months, containing many of the terms specified in the criminal proceedings.

Any law has a time-measurable existence duration. The legal system, the rule of law, and the law exist for a certain period of time before disappearing or undergoing change. Sometimes how long a law exists is directly stated in it, sometimes it is closely related to the social attitude that it regulates. Of course, this also

fully applies to criminal proceedings. The only area of social relations in which the state can intervene so sharply in the lives of individuals is probably Criminal Procedural activity. Therefore, the problem of guaranteeing that a person's rights and freedoms are respected in the criminal process is of particular importance. Of course, the provision of this guarantee is closely related to the observance of procedural deadlines in the criminal process. Jpk summarizes the norms that determine the exact range of motion of the subjects applying this law, the deadlines for which they are obliged to make a decision or are obliged to refrain from carrying out an action.

There were attempts by lawyers to determine the legal nature of the procedural mudats established by law, their place and originality in the procedural guarantees , but not fully revealed.

Procedural deadlines apply to all participants in the criminal proceedings, and the legislator in most cases has set the deadline for each action. Criminal procedure is the time or period in which a legal relationship is created, developed or terminated.

Currently, large-scale reforms are being carried out in the field of judiciary in our country, and it is important to have a clear understanding of the principles of legislation and legal regulation. Reforms should serve to ensure the speed, completeness and procedural economy of the process, not accumulation of ineffective norms. Therefore, the institution of procedural terms in criminal proceedings is characterized by its logical consistency, integrity, and most importantly, effective resolution of the goals and tasks of the JPK. This requires an in-depth approach, along with the urgency of measures to improve this institution, due to the fact that deadlines occupy the main place in procedural law.



I. Y. If Foynitsky understands procedural terms as the necessity to perform procedural actions for a certain period of time, while some scholars see deadlines in a general sense as the time set for the performance of specific procedural actions (or sometimes as the refrain from performing them). A.R. Gulyaev considers procedural terms as procedural guarantees as they limit the period of performance of one or another procedural action. However, procedural deadlines do not always come as a guarantee.

We can see from the above-mentioned and the opinions of jurists that there are no unanimous opinions not only on the concept of procedural terms, but also on the role and importance of terms in procedural law. All scientists regulate deadlines in criminal proceedings, protect and guarantee the rights and interests of the parties they emphasize that it is an important institution.

Observing the stages of development of the terms mentioned in the Criminal Code of the Republic of Uzbekistan in 1994 when the Criminal Code of the Republic of Uzbekistan was adopted, the time limits are still in effect today and have not changed, the norms related to the rights and interests of citizens and the implementation of the inquiry institute as an investigative stage have undergone some changes. but it turns out that the general terms (preliminary investigation period, prison term, etc.) are not optimized at all.

Of course, procedural deadlines are important as an institution that speeds up the process, moves the parties, imposes responsibility and ensures justice. These are the reasons that require a serious approach to setting deadlines. The time limits are not designed to solve a specific criminal case, but also include the time limits set for the examinations that need to be carried out within the framework of the criminal case,

investigative activities that require a long period of time, or at the same time taking into account the workload of the investigator or the investigator, the possibilities of managing organizational and technical work. it is considered necessary to find the most appropriate "golden mean". This, of course, imposes an additional responsibility on the legislator and requires that each term should be introduced after analyzing its scientific, theoretical and practical aspects.

As an example, the Ministry of Internal Affairs' order No. 100 of 12.06.2017 "On approval of the instruction on the procedure for organization of inquiry and preliminary investigation in internal affairs bodies of the Republic of Uzbekistan" in Chapter 8, sub-paragraph "v" "Investigation, inquiry and preliminary investigation prior to investigation" in order to reduce appeals by informing the interested persons about the results of the investigation, immediately after the initiation of the criminal case and then every ten days to inform the victim, the suspect and other interested persons about the work being carried out in the case, and after the initiation of the criminal case, at least once a month inviting the author of the appeal several times, including providing a detailed explanation about the investigative and urgent actions being carried out in connection with the collection and proof of the evidence of the crimes committed in the abstract." The requirements of this order are mandatory for all investigators and investigators working in the Ministry of Internal Affairs, and failure to comply with them will result in disciplinary action.

According to the content of this sub-paragraph, although the noble goal of reducing the appeals of citizens is envisaged, here it is necessary to inform about the results of the case every ten days or to invite the author of the appeal once a month, and to collect and prove the evidence. requirements such as detailed

explanation are quite controversial, where a number of requirements listed in the JPK are violated or contradicted. We have focused on the fact that the introduction of such an additional requirement related to deadlines into the criminal process creates an additional workload for investigators and investigators and leads to a violation of the logical consistency of the deadlines established in the Criminal Procedure Code.

Thus, the effective procedural terms and their observance are an important condition for the effective organization of the case before the court and fair consideration of the case. Deadlines impose an obligation on all participants of the process, requiring them to make timely procedural decisions, perform or refrain from performing a certain action, and non-compliance with the deadlines will cause negative consequences for the participants of the process, in general, in the investigation and conduct of the criminal case.

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