



LEGALITY IN THE THEORY OF CRIMINAL PROCEDURAL LAW

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Annotation

The article discusses the concept and essence of legality in the theory of criminal procedure law, the importance, conditions and features of its observance, classifies the subjects of observance of legality.

Keywords: legality, criminal procedure, court, preliminary investigation, investigator, prosecutor.

Introduction

In the first years of independence, the Republic of Uzbekistan has been gradually implementing reforms aimed at building a democratic state based on the rule of law and a civil society based on a market economy with a unique and appropriate path of development. In the reform of the state and the creation of national laws at the level of universally recognized standards of international law, special attention was paid to ensuring human rights and freedoms, the rule of law.

Ensuring the legitimacy of criminal proceedings in the detection and investigation of crimes, the content of the organization of this activity consists of a number of terms, so it is possible to understand its content by considering these legal terms separately.

Before dwelling on ensuring the legitimacy of crime detection and investigation activities, it is necessary to think briefly about the legality.

The concept of legitimacy gives an idea of the legal reality, how the legal norms are implemented, how the political foundations of the legal structure are in relation to other socio-political institutions. This concept encompasses three principles: the mandatory observance of the law by citizens, the legal order of socio-political life in society, and the theory of legality. The theory of legality is formed primarily in the legal consciousness and is aimed at ensuring that the actions of the participants in the legal relationship are in accordance with the law.

Legislative requirements include:

- have a general understanding of the law, ie the need for legal management of social relations and the recognition of the rule of law;
- Recognition of the supremacy of the Constitution and laws;
- observance of the status of equality of citizens before the law, the existence of legal and social mechanisms to ensure the implementation of the law;
- high-quality implementation of legal norms, ie the fight against any offenses, legal liability for each offense;
- Strength and stability of the legal order, a single function of the legal governance mechanism.

The prosecutor, investigator, inquiry officer, defense counsel and other participants in the criminal case involved in the criminal procedure relationship must strictly adhere to the above requirements of



legality. Otherwise, the commission of any illegal act shall be deemed a violation of the principle of legality and shall give rise to legal liability, and the person who committed such an act shall be held liable.

Criminal proceedings are a law-based activity. In accordance with the programmatic task of strict adherence to the rule of law, combating any violations of law and order, prevention of its causes and conditions, the tasks of criminal procedure are defined in the criminal procedure legislation.

The procedure for criminal proceedings established by the criminal procedure legislation is uniform and mandatory for all courts, prosecutors, investigators, inquiry, advocacy bodies, as well as citizens (Article 1 of the CPC), which ensures the legality of proceedings, rights, interests and freedoms of persons involved creates guarantees that the decisions made will be reasonable and fair.

One of the basic principles of criminal procedural law is legality. Every action of citizens must be carried out within the limits and in the manner prescribed by law. The principle of legality also forms the basis of litigation, otherwise it would not have been referred to as a fair trial.

Procedural form is an important guarantee of the legality and validity of criminal procedural documents, the accuracy of coercive measures, a high level of socio-educational significance of the criminal process, the full protection of the rights and legitimate interests of the individual in criminal proceedings.

Procedural guarantees play an important role in ensuring the legality and validity of criminal proceedings, the correct initiation, investigation, consideration and resolution of criminal cases established by law, the implementation of the tasks of criminal proceedings in court to ensure the execution of the sentence (ruling, decision).

In each case, the law distinguishes between procedural guarantees in the form of tools that ensure the implementation of the tasks of justice and guarantees of the rights and legitimate interests of the individual, ie guarantees through which participants can protect their rights and legitimate interests. These guarantees are inextricably linked and cannot be contrasted or equated, and they are a type of legal guarantee of legality in criminal proceedings. The interests of the state in relation to an individual may not be mutually exclusive, but by determining the legitimate nature of an individual's particular interests, the state ensures the protection of those interests. In the broadest sense, the guarantee of legality is the whole criminal process, as well as the procedural form. The form is aimed at ensuring that the tasks of the criminal process are resolved in accordance with the rights and legitimate interests of the participants in the proceedings.

Guarantees to prevent any violation of a person's procedural rights, in particular, to avoid unjustified prosecution and sentencing of the accused - are part of a single system of criminal procedural guarantees, the observance of which is one of the requirements of explicit and unconditional observance of the law in criminal proceedings. Article 11).

Today, the jurisdiction of the suspect, the accused, the application of precautionary measures of house arrest, the extension of detention and house arrest, dismissal and placement of a person in a medical institution have been transferred to the courts, judicial control over their legality and validity has been established. It should be noted that the judiciary is the result of legal reforms as a constitutional



guarantee of protection, and they also contributed to the implementation of Articles 19, 25, 44 of the Constitution.

Thus, in conclusion, it should be noted that the procedure of criminal proceedings established by law serves as an important tool for strengthening the rule of law, as well as its requirements by the state bodies responsible for criminal proceedings - courts, prosecutors, investigators, inquiries, advocacy. it must be carried out unconditionally by both the persons defending their interests and by the other participants in the process.

Literature

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