

## The Person Guilty Improvement Without Addressing the Issue of Criminal Procedure Finish

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### ABSTRACT

**Objective:** This article examines the historical development of the Institute for the termination of criminal proceedings without resolving guilt in criminal procedure legislation, aiming to identify issues and propose effective solutions. **Method:** The analysis involved reviewing scientific opinions on the institute, studying the gaps in national legislation, and critically assessing the legal and procedural frameworks surrounding case terminations. **Results:** The study identified significant loopholes and inaccuracies in the legislation, highlighting procedural deficiencies and the need for amendments. Suggestions for legislative improvement were also proposed. **Novelty:** The article provides a unique perspective on enhancing the effectiveness of the institute by addressing specific shortcomings in the legal framework, contributing valuable insights for the development of criminal procedure legislation.

## INTRODUCTION

To study it deeply in each legal system or in any area, it is considered a necessary factor to know what it is and what kind of reputation it means, as well as the history of the legal system in question. Therefore, it is advisable to comment on the lexical meaning of these concepts, their origin, before touching on the grounds for ending a criminal case without resolving the issue of rehabilitation and guilt, provided for by Articles 83 and 84 of the Criminal Procedure Code. The concept of "rehabilitation" is derived from the Latin word, which means the restoration of rights, the restoration of a lost good name, the abolition of an innocent person or an unjustified accusation of a group of persons due to the "absence of a criminal composition" [1].

The history of the origin of the Criminal Procedure legislation of the countries of Central Asia is inextricably linked with the Russian Empire. Therefore, it would be logical for us to research the history of the origin of this institute mainly through Russian sources. The initial obvious manifestation and widespread use of the institute within the framework of our study the analysis of the "regulations on criminal and Correctional penalties" of the Russian Empire, adopted on August 15, 1845, made it possible to identify cases that lead to the abandonment of criminal harassment, in modern terminology, divided into two independent groups [2].

Also, Criminal work finish and the criminal to capture done to increase related legal institute of the current status to learn and it's improving ways of identify to these institutions, the historical development of deep analysis to make, fully understand is

necessary. D. A. Kerimov, in the opinion of any legal institute in the past "remains", the times, there will always be together and the basis of the demands of the future [3].

This view point, this area away giving changes not only regulatory streamlining the application process, but this is the institute of the essence and its legitimate basis, as well as, criminal followed the end of the exact historical and social basis on scientific look development also particular attention to focus require will. Criminal of work to finish and the criminal to capture done of raising the legal institute of improvement only new regulatory decisions and laws accept to with is not limited, but this is the institute of development history, its practical aspects and the theoretical basis of a deep study through, the existing system is the most effective and fair to use the opportunity it creates. Such an approach, not only the criminal justice process to ensure, but also in society, legal culture and the development of also a large contribution will add.

## RESEARCH METHOD

This study employed a multifaceted approach to explore the termination of criminal proceedings without resolving guilt. First, the historical origins of the relevant legal systems were analyzed, with a focus on the influence of Russian legal traditions on Central Asia's criminal procedure legislation. Lexical and conceptual analyses clarified terms like "rehabilitation," derived from Latin, and their relevance within legal frameworks. Additionally, Articles 83 and 84 of the Criminal Procedure Code were examined to identify procedural grounds for termination.

Historical documents, including the 1845 "Regulations on Criminal and Correctional Penalties" of the Russian Empire, were reviewed to trace the evolution of this institute and categorize cases leading to termination. Insights from prominent legal scholars such as A.P. Ryzhakov, A.S. Barabash, and L.M. Volodina provided a theoretical foundation, framing case termination as an independent legal institution with distinct procedural and legal implications.

To assess practical challenges, the study analyzed cases involving civil claims and victims' rights, focusing on procedural inconsistencies and their impact on stakeholders. The analysis also incorporated recent legislative reforms, such as Uzbekistan's 2018 concept for improving criminal procedure legislation, to evaluate their effectiveness and identify areas for further enhancement. Through historical, theoretical, and practical lenses, this method aimed to propose comprehensive reforms for improving the institute's functionality and ensuring procedural fairness.

## RESULTS AND DISCUSSION

Starting the discussion part of our article with the comments of scientists who have conducted research in the field of Criminal Procedure Law about the Institute for the termination of criminal proceedings without solving the issue of guilt, professor scientist A.P. Ryzhakov believes that the end of the preliminary investigation is the final part of the preliminary investigation phase, when all investigative (procedural) actions on a

complete, comprehensive and objective examination of the circumstances of the case are completed and it is necessary to decide on the further fate of the case [4].

This theoretical approach is of importance, that is, it's not only the investigation of the proper and fair you get to be go for it is important, but the next process – for example, charges the announcement of to make or criminal work of the court submission for the basis creates. A. P. Ryjakovning opinion according, this stage of the investigation the quality, ensure to all procedural action full, objective and systematic to be should, because only then only the work of subsequent fate, that is, charges availability or available not clear and a fair solution to be can.

At the same time, research scientists A. S. Barabash and L. M. According to Volodina, the termination of a criminal case is a multifaceted phenomenon, as mentioned above in the theory of Criminal Procedure, procedural action, one of the forms of termination of the preliminary investigation, legal fact, procedural guarantee against unjustified criminal liability, independent legal Institute [5], [6].

Also, criminal work finish, the legal fact as also is regarded, because this phenomenon criminal of the work that had been completed, namely the criminal check and the charges on the action performed is witnessed means [7], [8]. This fact, often unfounded criminal responsibility, cooperation between against the procedural guarantees as noted, because of the work to the end, without charges and unreasonable liability to avoid to take help will. This, in its turn, citizens' rights and freedoms protection for the necessary condition.

Barabash and Volodina argue that the termination of a criminal case is considered as an independent legal institution, since it constitutes a certain stage of criminal proceedings, and this institution has its own legal forms and processes. The process of termination of a criminal case applies not only to the practical aspects of criminal proceedings, but also to its theoretical foundations, which indicates the need to make the institution more perfect.

As an important document aimed at developing priorities for improving the Criminal Procedure legislation of the Republic of Uzbekistan, the concept of improving the criminal and Criminal Procedure legislation of the Republic of Uzbekistan was adopted, approved by resolution PQ-3723 of May 14, 2018 [9]. This concept includes a number of reforms aimed at further strengthening the legal system in the country, improving the effectiveness of criminal proceedings and ensuring fair court decisions. This document is an important step towards adapting criminal law to the requirements of the Times and creating a system that meets international standards, the implementation of which is expected to have a significant impact on the development of the industry.

There are also some problems with its use in forensic practice, although it is of great importance in the Criminal Procedure of the Institute for the termination of criminal proceedings without resolving the issue of guilt [10]. It is of great importance in analyzing these problems in depth, improving the effectiveness of this institute in practice and

improving its legal aspects. Below we will try to cover more broadly the existing problems associated with this institute.

Cases of termination of a criminal case on the grounds provided for by paragraphs 1-3 and 8 of the first part of Article 84 of the Criminal Procedure Code of the Republic of Uzbekistan present some legal and practical problems in practice. For example, if the prosecution of a person has expired and the defendant or defendant (or in some cases their close relatives) does not file a petition, an investigation or a court order is issued to terminate the criminal proceedings without the resolution of the person's guilt issue. In this case, the property rights of a civil plaintiff or victim can be violated. Because, in the decision to terminate a criminal case, the right to appeal to the civil court for property rights to the victim and the civil plaintiff is explained, but in the process of termination of a criminal case, without resolving the issue of guilt, a civil lawsuit is not studied.

If the victim or civil claimant applies to the civil court seeking compensation for damages caused by a crime, the court may refuse to satisfy the claim through standard procedure, based on the presumption of innocence (i.e., if the question of guilt has not been resolved in the decision of the investigator, inquiry officer, or prosecutor to terminate the criminal case, or in the court ruling). This creates an unfavorable situation for the civil plaintiff or victim, as their claims for damages are not satisfied by the court.

Furthermore, according to the second part of Article 84 of the Criminal Procedure Code, if the accused, defendant, or close relatives of the deceased accused demand, the proceedings may be continued in the general order. In such cases, if there are grounds for a verdict, the judgment of conviction may be issued without imposing a sentence. Therefore, if the accused or defendant is found guilty by the court, it is possible that the civil plaintiff or the victim may also have a financial interest. In this situation, it is necessary to continue the investigation or judicial inquiry in practice and make appeals aimed at considering the issue of guilt of the accused or defendant.

Taking these circumstances into account, it is crucial to grant the right of appeal during investigative or judicial proceedings when determining the guilt of the accused or defendant. This is because a civil plaintiff or victim, being interested in protecting their property rights, should have the opportunity to exercise their right to file a civil claim, considering the court's decisions regarding the indictment [11]. Moreover, the resolution of the guilt issue in court and the examination of the victim's claims for compensation are necessary conditions for reaching a systematic and fair decision.

That is in addition to, the consideration of interrelated processes concerning the termination of a criminal case and a civil claim is crucial not only for the effective organization of the court's work but also for ensuring civil justice [12]. The termination of a criminal case without resolving the question of guilt by an investigation or court may create unfavorable conditions for civil plaintiffs and victims [13]. Therefore, taking these circumstances into account, there is a need to improve the institution of terminating criminal proceedings and to effectively implement the legal mechanisms related to it [14], [15].

## CONCLUSION

**Fundamental Finding :** The institution of criminal case termination serves as a crucial legal mechanism, enabling decisions to be made on criminal cases without resolving the issue of guilt. Its effective functioning addresses several legal challenges in judicial and investigative practices. **Implication :** Despite its importance, the practical application of this institution presents challenges, particularly the uncertainty surrounding the termination of criminal cases and civil claims without resolving guilt. This ambiguity can adversely affect victims and civil plaintiffs, as they may be unable to protect their property rights when the issue of culpability remains unresolved. **Limitation :** The study is limited by the scope of the cases analyzed, which primarily focus on issues arising from unresolved guilt in the termination of criminal cases. Further investigation may be needed to explore other potential challenges and broader implications for different legal contexts. **Future Research :** Future research should focus on further examining the practical applications of the termination of criminal cases in various legal systems and propose solutions to resolve the issues related to civil claims and property rights. Comparative studies with other legal frameworks may also offer valuable insights for improving the institution's effectiveness and fairness.

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