



SOME REFLECTIONS ON INTRODUCING THE PRINCIPLE OF "REASONABLE TIME" IN CRIMINAL PROCEEDINGS

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Annotation: The article discusses the necessity of improving criminal procedural time limits, the current possibilities of implementing the "reasonable time" principle, and the efforts undertaken by foreign countries in applying reasonable time limits in criminal proceedings. Additionally, proposals have been developed for enhancing procedural time limits and introducing reasonable time frames.

Keywords: reasonable time frame, deadlines, preliminary investigation, inquiry, guarantee, pre-investigation check, inquiry, preliminary investigation, procedural time limit, investigator, inquiry officer, prosecutor, appeal, application

One of the main goals of criminal proceedings is the timely resolution of criminal law disputes and the restoration of violated rights and legitimate interests of participants in criminal proceedings. Despite adherence to the procedural deadlines established by the Criminal Procedure Code of the Republic of Uzbekistan (CPC), the issue of timely consideration and resolution of criminal cases remains a pressing problem.

As a result of the unjustified prolongation of criminal cases, there are instances of violation of constitutional rights and legitimate interests not only of victims but also of defendants. This can negatively affect the effectiveness of criminal proceedings and undermine public trust in the justice system. Therefore, legal reforms aimed at reforming and improving the judicial and legal system, ensuring the consideration of criminal cases within a reasonable timeframe, are of great importance.

International legal standards, including Article 9, Part 3 of the International Covenant on Civil and Political Rights, adopted in 1966, stipulate that "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge and shall be entitled to trial within a reasonable time or to release." The adaptation of this norm to national legislation is one of the important conditions for ensuring justice in criminal proceedings.

One of the important directions of the democratic renewal of the country at the present stage is the democratization and liberalization of the judicial and legal system, aimed at strengthening the rule of law and legality, and ensuring reliable protection of human rights and interests.

Reforming and improving the judicial and legal system plays a crucial role in ensuring the rule of law and justice in our society, protecting citizens' rights and freedoms, and promoting the democratic development of our country. In this regard, legislative acts adopted in recent years, including Presidential decrees and resolutions, have been ensuring intensive development and modernization processes across all areas of the judicial and legal system, serving to strengthen the foundations of the rule of law.

This constitutional norm, while adhering to universally recognized norms of international law, necessitates their reflection in national legislation and implementation in law enforcement practice.

The concept of "reasonable time," which should be noted in part 3 of Article 9 of the International Covenant on Civil and Political Rights, adopted in 1966, is somewhat foreign to the criminal procedure law of the Republic of Uzbekistan.

Procedural deadlines are the most important institution that motivates the subjects applying the Criminal Procedure Code, restrains them from performing certain actions, and provides guarantees established by law. Adherence to procedural deadlines, the most reasonable establishment of norms related to deadlines, and the elimination of norms that allow for unjustified extensions or non-compliance with deadlines are the main conditions for ensuring a reasonable timeframe in criminal proceedings. Consequently, the deadlines must be proportionate to each other and to the circumstances of the case, ensuring the protection of the rights and interests of all parties.

The purpose of a reasonable time limit is to achieve the conduct of criminal proceedings with a rational ratio between the time spent and the result achieved[1]. In examining the prospects for incorporating the concept of reasonable time into legislation, we must remember that criminal proceedings should develop towards simplification, acceleration, and cost reduction, which will serve as a genuine procedural guarantee for participants in criminal proceedings[2]. The existence of formal guarantees that do not ensure the achievement of a positive outcome is illogical. Therefore, the practical significance of the proposals put forward for improvement plays an important role.

Currently, in several countries, the principle of "Reasonable Time for Criminal Proceedings" is reflected in various legal codes. For instance, it is present in the French Criminal Procedure Code, Article 20 of the Criminal Procedure Code of the Republic of Moldova, Article 6.1 of the Russian Federation's Criminal Procedure Code, and Article 192 of the Republic of Kazakhstan's Criminal Procedure Code, which states that "pre-trial proceedings must be completed within a reasonable time." The Criminal Procedure Law of the Republic of Latvia also incorporates the principle of reasonable time in several instances. These examples necessitate the study of prospects for reflecting this concept in national legislation and the development of practical proposals.

Based on the explanatory dictionary of the Uzbek language, where the word "oqilona" is interpreted as "appropriate, reasonable, sensible, wise"[3], it can be noted that considering a case within a reasonable time means ensuring that the process is not unnecessarily prolonged, avoiding excessive bureaucracy and red tape when examining the case, restoring the rights of affected citizens, or considering the guilt and punishment of persons who have committed a crime. The aim is to achieve an outcome within the most reasonable timeframe.

The introduction of the "reasonable time" principle in criminal proceedings plays a crucial role in the prompt and effective consideration of criminal cases, protection of victims' and accused persons' rights, and fair resolution of criminal law disputes. Implementing this concept in our national legislation should be carried out in stages. This process requires legislative reforms, improvement of law enforcement practices, and strengthening of control mechanisms in the judicial and investigative system.

First stage:



- Consolidating the concept of "reasonable time" as a general principle in criminal procedure legislation;
- Granting prosecutors and heads of investigative departments (divisions, units, groups) the authority to establish reasonable deadlines based on the complexity of the case, the severity of the crime, and other circumstances;
- Providing the right to participants in the proceedings and their defense counsel to petition for consideration of the case within a reasonable time at the pre-trial stage;
- Widely introducing norms that encourage the consideration of cases within reasonable timeframes (for example, incentivizing investigators who complete cases within the established deadlines).

Second stage:

- Strengthening judicial control at the pre-trial stage and increasing the role of the court (investigative judge) in resolving issues of establishing, extending, or shortening reasonable deadlines;
- Granting participants in the process the right to appeal to the court regarding violations of reasonable deadlines at the pre-trial stage;
- Creating a mechanism for courts to identify cases of compliance with or violation of reasonable timeframe requirements and to take appropriate measures.

Third stage:

- Developing and implementing legislative norms ensuring compliance with reasonable deadlines not only at the pre-trial stage but also during court proceedings;
- Determining the procedure for compensating participants in the process for damages caused by failure to consider the case within a reasonable time;
- Implementing measures aimed at reducing the timeframes for considering cases in courts.

The consistent and comprehensive implementation of these stages ensures compliance with the "reasonable time" principle at all stages of criminal proceedings, serves to protect human rights, and contributes to increasing the fairness and effectiveness of justice.

Commenting on the above views, it should be emphasized that applying the "reasonable time" principle to national legislation is a current requirement and necessity in order to create opportunities for victims to achieve justice more quickly, prevent unjustified prolonged criminal prosecution of the accused and suspects, ensure the right of participants in the process to a fair trial, align national legislation with international legal norms, reduce case processing times, eliminate unjustified delays and bureaucracy, and introduce modern legal institutions.

The calculation of reasonable time limits for suspects and accused persons begins from the date of recognition as a suspect or indictment, while for victims or other participants in the process whose interests have been harmed by the crime, it starts from the date of registration of the application, appeal, or report about the crime. This period continues until the criminal case is terminated in the prescribed manner or the final court decision (verdict) is adopted.

At the pre-trial stage, the investigator, inquiry officer, head of the investigative body, and prosecutor are responsible for considering the case within reasonable timeframes. At the trial stage, this responsibility falls on the judge considering the case.



At the pre-trial stage, the head of the investigative body handling the case and the prosecutor may establish reasonable deadlines on their own initiative or at the request of the participants in the proceedings.

Specifically, strengthening the "reasonable time" principle in criminal procedure legislation, ensuring compliance with this principle in pre-trial proceedings and court stages, as well as increasing accountability for deadline violations, will serve to enhance the effectiveness of criminal proceedings. Additionally, it is necessary to introduce mechanisms for participants in the process to file complaints and receive compensation in cases where reasonable time limits are violated.

World experience shows that legal institutions aimed at ensuring the consideration of criminal cases within a reasonable timeframe serve to increase the effectiveness of the judicial system in democratic states and strengthen the legal guarantees of citizens. Therefore, introducing the concept of "reasonable time" in criminal proceedings is one of the urgent directions for further improvement of the national judicial and legal system.

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