



SPECIFIC FEATURES OF PUBLIC PARTICIPATION AND ENSURING THEIR OVERSIGHT IN PRE-TRIAL PROCEEDINGS

Mirzakulov Farkhod Musurmonkulovich

Listener of group 4 at the Higher School of Judges

<https://doi.org/10.5281/zenodo.14924598>

Abstract: This article examines the opinions of legal scholars on the specifics of public participation in pre-trial proceedings and ensuring their oversight. The author has developed proposals and recommendations based on this analysis.

Keywords: Court, proceedings, public, oversight, committed crimes.

In the global community, ensuring active public participation in the process of pre-trial proceedings and the administration of justice has become increasingly relevant. This includes identifying and eliminating factors that hinder the effective use of public representatives' capabilities by pre-investigation, inquiry, and investigative bodies. It also involves developing organizational and legal forms for utilizing public assistance in crime prevention, reporting crimes being prepared or committed, and locating individuals wanted for committing crimes in accordance with legislation. Furthermore, there is a need to improve systems for ensuring the personal safety and incentivization of public representatives during pre-trial proceedings, as well as researching and addressing issues related to the legal status of certain public representatives in criminal procedural relations.

In recent years, our republic has implemented wide-ranging reforms to ensure public participation in criminal procedural relations. Notably, the "Development Strategy of New Uzbekistan for 2022-2026" outlines goals such as shaping a new image for law enforcement agencies and directing their activities towards effectively protecting human interests, dignity, rights, and freedoms. It also aims to establish productive cooperation between state bodies and civil society institutions, mass media, and educational organizations. The increasing crime rate in our republic, including the growing proportion of unsolved crimes, underscores the necessity to develop and implement effective mechanisms for ensuring public participation in pre-trial proceedings. This includes building public trust and enhancing public oversight at the pre-trial stage, particularly in terms of fostering trust and goodwill towards pre-trial inspection, inquiry, and investigative bodies[1].

In a legal-democratic society, no sphere or institution of state life can be closed to the public or exist without public oversight. When authorities conceal information from society or provide insufficient and biased information, their activities immediately come under scrutiny. Consequently, the transparency of state authorities is not only the state's obligation to civil society but also a crucial condition for the legitimacy of government activity in this society.

In a legal-democratic society, there is no sphere or institution of state life that can exist closed to the public or free from public oversight. As soon as the authorities conceal something from society or begin to provide insufficient and biased information, their activities come under suspicion. In turn, the transparency (openness) of state authorities is not only the state's obligation to civil society but also an essential condition for the legitimacy of government activities in this society.

Therefore, for a government to be legitimate, its activities must be transparent in the broadest sense: public, open, and under public control. In this regard, the adoption of the Law "On Public Control in the Republic of Uzbekistan" is of great importance, as it has created a systematic and effective legal mechanism for civil society institutions and the general public to oversee the implementation of laws by state authorities and administration bodies[2].

The requirement to be legitimate in society (to operate legally) equally applies to the activities of the courts. The Law of the Republic of Uzbekistan "On Courts" does not contain a provision on public control. However, this does not mean that the activities of this state body are outside public oversight.

As one of the important institutions of the state, the judiciary also needs public control. Every step of the court must be open and transparent to society. Article 4 of the Law of the Republic of Uzbekistan "On Courts" states: "Judges are independent, subject only to the law. Any interference in the activities of judges in the administration of justice is not permitted and entails liability in accordance with the law. In the Republic of Uzbekistan, the judiciary operates independently of the legislative and executive branches, political parties, and other public associations." However, this independence should not prevent public oversight of the legality of the court's activities, without interfering in its lawful work. Otherwise, there is a risk that this principle of independence, established by law, may lead to arbitrariness.

Article 36 of the Constitution of the Republic of Uzbekistan. Citizens of the Republic of Uzbekistan have the right to participate in the management of the affairs of society and the state both directly and through their representatives. Such participation is carried out through self-government, referendums and the democratic formation of state bodies, as well as through public control over the activities of state bodies, and the procedure for exercising public control over the activities of state bodies is determined by law, which indicates the need to ensure public control and participation not only over state bodies, but also over bodies of pre-investigation verification, inquiry and investigation[3].

Article 69 of our Constitution. It has been established that civil society institutions, including public associations and other non-governmental non-profit organizations, bodies of citizen self-government, and mass media, form the basis of civil society, and the activities of civil society institutions are carried out in accordance with the law.

In conclusion, the more open and transparent the activities of pre-investigation verification, inquiry, preliminary investigation and judicial bodies, and the more under public control, the more public trust in them increases. Increasing public trust in pre-investigation verification, inquiry, preliminary investigation and judicial bodies is one of the important conditions for the effectiveness of their activities. Here, one thing should not be overlooked: the level of public trust depends on how well the public is aware of the activities of this state body. In general, improving pre-trial proceedings and public control over the activities of judicial bodies serves the interests of ensuring legality in the country, strengthening the protection of human rights and the interests of society as a whole.

References:

1. Abdreimov A., Sayfullayev O'. Characteristics of using technical means in collecting and examining evidence at the pre-trial stage of the case // Journal of Academic Research of New Uzbekistan. - 2024. - Vol. 1. - No. Special Issue 12. - pp. 92-97.

2.Dumayev F. Grounds for applying the amnesty act at the pre-trial stage of proceedings //Science, Innovation and Education: Key Vectors of Social Progress. - 2024. - Vol. 1. - No. 1. - pp. 42-47.

3.Tadjiyev A., Qodirov X. Improving the use of information technologies in pre-trial proceedings //Science and Innovation in the Education System. - 2024. - Vol. 3. - No. 8. - pp. 99-103.

