



THE PRESUMPTION OF INNOVENCY IN CRIMINAL PROCEEDINGS

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<https://doi.org/10.5281/zenodo.18639031>

Abstract: This scientific article is devoted to a comprehensive analysis of the legal regulation and procedural features of the presumption of innocence in criminal proceedings in the Republic of Uzbekistan. The authors examine the constitutional and legislative foundations of this principle, its content, and significance for ensuring individual rights and freedoms in the context of criminal prosecution. Special attention was paid to the procedure for implementing the presumption of innocence at various stages of criminal proceedings, as well as identifying problematic aspects and ways to solve them. The article utilizes doctrinal approaches, analysis of judicial practice, and norms of current legislation. The purpose of the study is to deeply understand the role of the presumption of innocence in the legal system of Uzbekistan and to develop proposals for improving its practical application.

Keywords: presumption of innocence, criminal procedure, Republic of Uzbekistan, constitutional principles, burden of proof, right to defense, judicial practice, human rights, criminal procedure legislation, accused, defendant.

Аннотация: Данная научная статья посвящена всестороннему анализу правового регулирования и процессуальных особенностей презумпции невиновности в уголовном судопроизводстве Республики Узбекистан. Авторы исследуют конституционные и законодательные основы данного принципа, его сущность и значение в обеспечении прав и свобод личности в контексте уголовного преследования. Особое внимание было уделено определению порядка реализации презумпции невиновности на различных стадиях уголовного судопроизводства, а также выявлению проблемных аспектов и путей их решения. В статье используются доктринальные подходы, анализ судебной практики и нормы действующего законодательства. Целью исследования является глубокое понимание роли презумпции невиновности в правовой системе Узбекистана и разработка предложений по совершенствованию ее применения на практике.

Ключевые слова: презумпция вины, уголовный процесс, Республика Узбекистан, конституционные принципы, обязанность доказывать, право на защиту, судебная практика, права человека, уголовно-процессуальное законодательство, обвиняемый, подсудимый.

The presumption of innocence is one of the fundamental principles of modern criminal proceedings, the cornerstone of a legal state, and the guarantor of protecting human rights and freedoms from arbitrary actions by authorities. Its significance extends beyond purely procedural norms, being a system-forming element of the entire legal system, determining the humane nature of justice. This principle obligates the state and its bodies to consider everyone accused of committing a crime as innocent until their guilt is proven in accordance with the procedure established by law and established by a court verdict that has entered into legal force.

In the Republic of Uzbekistan, which is actively building a democratic legal state and civil society, the presumption of innocence has found its embodiment both at the constitutional and legislative levels. However, despite its clear normative expression, the practical implementation of this principle presents a number of difficulties and causes debates among scholars and law enforcement officials. The effectiveness of the guarantees provided by the presumption of innocence directly depends on how fully and consistently it is implemented at all stages of criminal proceedings - from the initiation of criminal proceedings to the execution of the sentence.

The fundamental significance of the presumption of innocence in the Republic of Uzbekistan is enshrined directly in the Constitution. Thus, according to Article 28 of the Constitution of the Republic of Uzbekistan:

1. Everyone is considered innocent of committing a crime until their guilt is proven in the manner prescribed by law and established by a court verdict that has entered into legal force.
2. The accused is not obligated to prove his innocence.
3. Any doubts about guilt are interpreted in favor of the accused (suspect).

This norm is fundamental and defines the main directions for all law enforcement practice. It not only proclaims the principle but also establishes its key components:

- proving guilt only in accordance with the procedure established by law, emphasizing the exclusive competence of judicial bodies to establish guilt and compliance with procedural guarantees;
- establishing guilt only by a court verdict that has entered into legal force means that before the verdict is issued and entered into force, the person, even under investigation or trial, is legally innocent;
- the absence of the accused's obligation to prove their innocence, that is, the burden of proving guilt lies entirely on the prosecution side, this aspect is the most important guarantee against unlawful prosecution;
- interpretation of doubts in favor of the accused (suspect). The principle of "in dubio pro reo" is a direct consequence of the presumption of innocence and obliges the court and investigative bodies to accept the most favorable interpretation of any irreparable doubts for the accused (suspect).

The Criminal Procedure Code of the Republic of Uzbekistan details the constitutional provisions on the presumption of innocence, establishing the procedural order for its implementation. Article 23 of the Criminal Procedure Code of the Republic of Uzbekistan fully reproduces and develops constitutional provisions, extending them to all stages of the process and all participants.

The most important norms of the Criminal Procedure Code regulating the presumption of innocence include:

- Article 2. Tasks of criminal proceedings. Among the tasks, the protection of human rights and freedoms is indicated, which is inextricably linked with observing the presumption of innocence.
- Article 22. Establishing the truth. Obligates the bodies conducting criminal proceedings to thoroughly investigate all circumstances of the case, including those mitigating responsibility or indicating innocence.



- Article 25. Competitiveness of proceedings in court. It guarantees equal procedural opportunities for the prosecution and the defense, strengthening the position of the innocent.
- Article 24. Ensuring the right of the suspect, accused, and defendant to defense. It clearly establishes that the burden of proving the guilt of the accused lies with the prosecution. The suspect, the accused is not obliged to prove their innocence.
- Article 95¹. Inadmissibility of evidence. It excludes any information obtained in violation of the norms of the Criminal Procedure Code from the evidence base, which is an important guarantee against accusations based on unreliable or illegally obtained data.

At the pre-trial proceedings stage (preliminary investigation and inquiry), the presumption of innocence manifests itself in the following aspects. The secrecy of the investigation (Article 353 of the Criminal Procedure Code) ensures the protection of the interests of the person against whom the case is being conducted from premature disclosure of information that could damage their reputation. The application of preventive measures must be justified and proportional, taking into account that the person has not yet been found guilty. Thus, arrest (Article 242 of the Criminal Procedure Code) is applied only in exceptional cases and with sufficient grounds.

According to the obligation to establish the truth (Article 22 of the Criminal Procedure Code), the investigator and inquiry officer are obliged to collect not only evidence that incriminates a person in a crime, but also those that justify or mitigate liability. The right to defense (Article 24 of the Criminal Procedure Code) provides the suspect and the accused with the opportunity to have a defense counsel from the moment of actual detention or prosecution, allowing them to effectively dispute the charges. At the same time, the investigator cannot demand that the accused or suspect prove their innocence, as there is a prohibition on shifting the burden of proof.

The trial is the central stage where the principle of presumption of innocence is most fully realized. Direct, oral, and open examination of evidence (Article 26 of the Criminal Procedure Code) presupposes that all evidence must be directly examined in court, while the parties have the right to ask questions and express their opinion regarding the evidence.

The adversarial process (Article 25 of the Criminal Procedure Code) guarantees that the prosecution and the defense have equal rights to present evidence, participate in its examination, and file petitions, and the court is obligated to ensure these conditions for them. In accordance with the burden of proof principle, the state prosecutor is obliged to prove the guilt of the defendant by presenting sufficient and permissible evidence, and the court cannot impose this burden on the defendant.

The principle of "in dubio pro reo" requires that any irreparable doubts arising during the trial be interpreted in favor of the defendant during the sentencing. The requirements for a guilty verdict (Article 455 of the Criminal Procedure Code) establish that a guilty verdict may be issued only if the guilt of the defendant is proven by a set of reliable, permissible, and sufficient evidence. Irremovable doubts about guilt lead to the issuance of an acquittal.

Despite clear regulatory framework, there are some problems in Uzbek law enforcement practice with the full and consistent implementation of the presumption of innocence:

in practice, investigative bodies do not always strictly observe procedural requirements when collecting evidence, and courts do not always strictly rule out such evidence;

Despite the legislative prohibition, there are cases of indirect coercion to confess;

sometimes, the bodies of inquiry and preliminary investigation are initially oriented towards proving guilt rather than objectively investigating all the circumstances of the case;

In some cases, when courts encounter contradictory evidence, they do not always consistently apply the interpretation of doubts in favor of the accused.

Analysis of the legal regulation and procedural features of the presumption of innocence in Uzbekistan shows that national legislation generally complies with international standards in the field of human rights, in particular, the provisions of the Universal Declaration of Human Rights (Article 11) and the International Covenant on Civil and Political Rights (Article 14). The constitutional enshrinement of the principle of "in dubio pro reo" and the direct indication that the accused is not obligated to prove their innocence are strong guarantees in the criminal justice system.

However, as practice shows and many researchers note, the formal consolidation of principles does not always guarantee their unconditional implementation. The problems identified during the study - in particular, regarding the exclusion of inadmissible evidence, the effectiveness of legal assistance, and the presence of accusational bias - indicate the need for further improvement of law enforcement practice. These problems are not unique to Uzbekistan and are characteristic of many post-Soviet states experiencing a transformation of the legal system.

An important direction of development is the further strengthening of the independence of the judiciary, which is the main guarantor of observing the presumption of innocence. Effective judicial control over the legality of investigative and inquiry bodies' actions, as well as strict supervision over compliance with procedural norms when considering criminal cases, can significantly increase the level of protection of individual rights.

The presented ways to solve the problems are complex and require not only changes in individual legal norms, but also a deep transformation of the legal consciousness of law enforcement officers, as well as improving their professional qualifications. Special attention should be paid to the training and retraining of law enforcement officers and judges, introducing advanced international methods aimed at ensuring human rights into their practice.

Based on the results of the conducted research, the following conclusions can be drawn:

1.The presumption of innocence is a fundamental principle of criminal proceedings in the Republic of Uzbekistan, enshrined at the constitutional and legislative levels, demonstrating the country's commitment to democratic values and the protection of human rights.

2.The content of the presumption of innocence in Uzbekistan includes key components: proving guilt only in the prescribed manner and by a court verdict that has entered into legal force, the absence of an obligation for the accused to prove their innocence, and the interpretation of all irrevocable doubts in favor of the accused (suspect).

3.The implementation of the presumption of innocence principle is observed at all stages of criminal proceedings through institutions such as the burden of proof on the prosecution side, the right to defense, the rules of inadmissibility of evidence, adversarial proceedings, and the principle of "in dubio pro reo."

4.Despite adequate legal regulation, there are problematic aspects in law enforcement practice related to the incomplete exclusion of inadmissible evidence, potential psychological

pressure on suspects/accused persons, incrimination at the pre-trial stage, and insufficient application of the "in dubio pro reo" principle.

5.To improve the implementation of the presumption of innocence, it is proposed to strengthen judicial control, improve the qualifications of law enforcement officers, ensure wide access to qualified legal assistance, introduce mandatory video recording of investigative actions, adjust the system for assessing the effectiveness of law enforcement agencies, and develop public legal awareness.

The consistent and unconditional implementation of the presumption of innocence principle is a guarantee of fair justice and strengthening citizens' trust in the law enforcement and judicial systems of the Republic of Uzbekistan.

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