HISTORY AND CONTENT OF THE "MIRANDA RULE," ITS ENSHRINEMENT IN THE CONSTITUTION OF UZBEKISTAN, AND CHALLENGES IN ITS PRACTICAL APPLICATION

Soliyeva Munavvarkhon Qahramonjon qizi

Law Student, Sarbon University

munavvarxonsaliyeva98@gmail.com

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Abstract: This article examines the essence, historical origins, and significance of the "Miranda Rule," one of the fundamental procedural safeguards in criminal procedure law, as well as its role in international legal practice. Particular attention is paid to the relevant guarantees enshrined in Articles 27–29 of the Constitution of the Republic of Uzbekistan, adopted in its revised edition in 2023, and their relationship with the provisions of the Criminal Procedure Code. The study also analyzes potential challenges arising from the implementation of these constitutional safeguards in investigative practice and explores possible solutions. Based on the findings, practical recommendations are proposed to strengthen the effective protection of individuals' procedural rights.

Keywords: Miranda Rule, Constitution of the Republic of Uzbekistan, Criminal Procedure Code, suspect, right to remain silent, defense counsel, human rights, investigative practice

I. Introduction

The arrest and interrogation of an individual constitute some of the most critical stages of criminal proceedings, during which human rights are particularly vulnerable to violations. At precisely these stages, an individual's awareness of their legal rights may significantly influence the subsequent course of their case. In response to this concern, the "Miranda Rule," which originated in the United States, has become one of the most widely recognized examples of procedural safeguards requiring law enforcement authorities to inform detained individuals of their rights.

In Uzbekistan, Article 27 of the Constitution adopted in its revised edition in 2023 establishes that, upon detention, an individual must be informed of their rights and the grounds for detention in a language they understand. Article 28 guarantees the right to remain silent at any time, while Article 29 establishes the right to qualified legal assistance [1]. Consequently, examining the content and historical development of the Miranda Rule, its position within national legislation, and the challenges associated with its practical implementation is of considerable relevance.

The purpose of this article is to examine the origins and substance of the Miranda Rule, explore relevant international experience, analyze its reflection in the legislation of the Republic of Uzbekistan, identify potential challenges in its practical application, and develop recommendations for overcoming these challenges.

II. Materials and Methods

The research examined the Constitution of the Republic of Uzbekistan, the Criminal Procedure Code of the Republic of Uzbekistan (CPC), the Criminal Procedure Code of the Russian Federation, the French Code of Criminal Procedure, the International Covenant on Civil and Political Rights, the decision of the United States Supreme Court in Miranda v. Arizona (1966), and the judgment of the European Court of Human Rights in Salduz v. Turkey. The decisions of the United States Supreme Court in Dickerson v. United States and New York v. Quarles were also analyzed [1–5; 7–10].

Additionally, the study drew upon the article by D. M. Mamatqulov, Associate Professor at the University of Public Security, entitled "The Miranda Rule: Its History, Content, and the Necessity of Its Inclusion in Our Constitution" [6].

The research employed historical, comparative legal, formal legal, analytical, and synthesis methods.

III. Research Results

A. Historical Origins and Content of the Miranda Rule

The Miranda Rule is not merely a statutory requirement but a procedural safeguard established by the United States Supreme Court in its decision of June 13, 1966, in Miranda v. Arizona. According to this ruling, law enforcement authorities must inform an individual who has been arrested or whose freedom has been substantially restricted of their rights before conducting an interrogation. Otherwise, statements obtained during such questioning cannot be used by the prosecution as evidence in court. The decision refers to this situation as "custodial interrogation" [3].

Therefore, contrary to its frequent portrayal in films, the Miranda Rule does not necessarily require that rights be read immediately upon arrest; rather, it applies before the custodial interrogation of an individual.

The rule derives its name from Ernesto Arturo Miranda, an American citizen born on March 9, 1941, in Mesa, Arizona. During his youth, he committed several offenses [6]. In 1963, Miranda was arrested on suspicion of committing serious crimes. Following approximately two hours of interrogation, he signed a written confession. During the trial, this confession was admitted as evidence against him, and he was sentenced to imprisonment for a term ranging from 20 to 30 years for kidnapping and rape. The Arizona Supreme Court concluded that his rights had not been violated and upheld the conviction [3].

Miranda's defense attorney challenged the conviction, arguing that the confession had been obtained without informing Miranda of his right to remain silent and his right to legal counsel. On June 13, 1966, the United States Supreme Court, by a vote of 5–4, overturned the decision of the Arizona Supreme Court.

The Court established that the prosecution could not use statements obtained during custodial interrogation unless it demonstrated that appropriate procedural safeguards had been

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provided to protect the individual's privilege against self-incrimination [3]. Following this decision, informing individuals of their rights before custodial interrogation became a mandatory procedural requirement in the United States, subsequently known as the Miranda Rule.

The rule consists of four fundamental elements:

1. An individual has the right to remain silent.
2. Any statement made by the individual may be used as evidence against them.
3. The individual has the right to the assistance of an attorney during interrogation.
4. If the individual cannot afford an attorney, one will be appointed to represent them.

The principal objective of the Miranda Rule is to ensure the effective protection of an individual's privilege against self-incrimination during interrogation. A detained person is often subjected to psychological pressure and may be unaware of their legal rights. Consequently, the rule imposes an obligation on law enforcement authorities to explain these rights in advance. Failure to comply with this requirement generally results in the inadmissibility of statements obtained during the interrogation [3].

It should be emphasized that the United States Supreme Court did not consider the mere notification of rights sufficient. According to the decision, if an individual expresses a desire to remain silent or requests legal counsel during interrogation, questioning must cease. Furthermore, any waiver of these rights must be voluntary, knowing, and intelligent [3].

This demonstrates that the Miranda Rule requires not only the formal announcement of procedural rights but also their effective implementation and protection.

Subsequent judicial decisions further clarified the legal status and scope of the rule. In Dickerson v. United States (2000), the United States Supreme Court reaffirmed the constitutional nature of the Miranda Rule and held that it could not be overridden by ordinary legislation [9].

At the same time, in New York v. Quarles (1984), the Court recognized a limited "public safety" exception in circumstances involving threats to public safety [10]. Thus, although the Miranda Rule is not absolute, its fundamental principles remain intact.

B. International and Comparative Legal Experience

The specific form of the Miranda Rule established in the United States does not constitute a universally binding procedural requirement for all countries. Nevertheless, the underlying principles of the rule, particularly the prohibition against compelling individuals to testify against themselves or confess guilt and the right to legal assistance, are widely recognized in international law.

In particular, Article 14(3)(g) of the International Covenant on Civil and Political Rights provides that no individual shall be compelled to testify against themselves or confess guilt [4].

Similarly, in its judgment in Salduz v. Turkey (2008), the European Court of Human Rights emphasized that suspects should, as a general rule, have access to legal assistance from the first police interrogation [8].

Furthermore, Article 14(3)(d) of the Covenant guarantees the right of individuals to defend themselves in person or through legal assistance of their own choosing, to be informed of this right, and to receive legal assistance without payment when the interests of justice so require and they lack sufficient financial resources [4].

In Salduz v. Turkey, the European Court of Human Rights held that access to a lawyer should generally be provided from the first interrogation of a suspect by the police. The Court further emphasized that the use of incriminating statements obtained during police interrogation without access to legal assistance to secure a conviction may, in principle, irretrievably prejudice the rights of the defense. The judgment also acknowledged that exceptionally compelling reasons may justify certain restrictions [8].

Under French legislation, a detained individual must be informed of the grounds for detention and their procedural rights, including the right to notify relatives or an employer, undergo a medical examination, receive legal assistance, and remain silent [7].

According to the Criminal Procedure Code of the Russian Federation, when an individual acquires the procedural status of a suspect, they must be informed accordingly, and the investigator is required to explain their rights.

Article 46 of the Code guarantees suspects the right to legal assistance and the right to refuse to provide testimony [5]. These provisions may, to a certain extent, be regarded as functional equivalents of the Miranda Rule.

A comparative examination of these legal systems demonstrates that, in the United States, notification of rights is mandatory before custodial interrogation, with guarantees of the right to remain silent and access to legal counsel, including appointed counsel for those unable to afford representation [3].

In France, detained individuals must be informed of the grounds for detention and their rights, including the right to remain silent and receive legal assistance [7].

In Russia, investigators are required to explain procedural rights to suspects, who are entitled to legal representation and may refuse to testify [5].

In Uzbekistan, Articles 27–29 of the Constitution establish guarantees requiring individuals to be informed of their rights and the grounds for detention in a language they understand, the right to remain silent at any time, and the right to qualified legal assistance [1].

C. Reflection of the Miranda Rule in the Legislation of Uzbekistan

The fundamental elements of the Miranda Rule are reflected in the Constitution of the Republic of Uzbekistan and the provisions of its Criminal Procedure Code.

According to Article 27 of the Constitution, when an individual is detained, they must be informed of their rights and the grounds for detention in a language they understand.

Under Article 28, an accused person is not obliged to prove their innocence and has the right to remain silent at any time. Furthermore, no individual may be compelled to testify against themselves or their close relatives [1].

Article 23 of the Criminal Procedure Code establishes the presumption of innocence, while Article 24 guarantees the right of suspects, accused persons, and defendants to defense.

Articles 46 and 48 of the Code define the rights and obligations of accused persons and suspects, including the right

to refuse to provide testimony [2].

Regarding legal assistance, Article 29 of the Constitution guarantees everyone the right to qualified legal assistance and establishes that individuals may choose their own legal counsel from the moment their freedom is restricted. In cases prescribed by law, legal assistance is provided at the expense of the state [1].

Consequently, the provision of state-funded legal counsel is not unconditional in either legal system. In the United States, this guarantee is associated with an individual's inability to afford an attorney, whereas in Uzbekistan, pursuant to Article 29 of the Constitution, it is implemented in cases and according to procedures established by law.

Furthermore, Article 29 prohibits the use of evidence obtained in violation of the law in the administration of justice [1]. This corresponds to one of the principal consequences of the Miranda Rule, namely the exclusion of statements obtained without compliance with the required procedural safeguards.

An important distinction between the constitutional provisions of Uzbekistan and the Miranda Rule concerns the timing of their application.

In the United States, the obligation to inform an individual of their rights arises before custodial interrogation. In contrast, Article 27 of the Constitution of Uzbekistan requires that an individual be informed of their rights and the grounds for detention immediately upon detention [1; 3].

In this respect, the national constitutional provision requires individuals to be informed of their rights at an earlier stage. However, the practical significance of this guarantee depends on the consistency and effectiveness of its implementation throughout investigative proceedings.

D. ANALYSIS OF RESEARCH FINDINGS

E. Why Were These Guarantees Enshrined at the Constitutional Level?

A legitimate question arises: given that the presumption of innocence and the right to defense were already recognized in the Constitution before 2023, and certain elements of these guarantees were dispersed throughout the Criminal Procedure Code, why was it necessary to establish them more explicitly in the revised Constitution?

The reason is that when guarantees such as informing detained individuals of their rights, the right to remain silent at any time, access to legal counsel from the moment of restriction of liberty, and the prohibition against using unlawfully obtained evidence were regulated primarily by sector-specific legislation, their complete and uniform implementation was not always ensured.

Since these safeguards directly concern fundamental human rights and freedoms, granting them a unified and comprehensive constitutional status represents an appropriate legal solution [6].

In particular, Article 27 of the revised Constitution explicitly establishes the obligation to explain an individual's rights and the grounds for detention in a language they understand immediately upon detention [1].

This provision represents the constitutional safeguard most closely aligned with the substance of the Miranda Rule.

Furthermore, constitutional recognition establishes a unified standard for law enforcement authorities and judicial institutions. The provisions of the Criminal Procedure Code and investigative practices must be interpreted consistently with the safeguards established by the Constitution.

First, this provides clear legal guidance for investigators and judges. Second, it enables individuals to protect their rights by directly invoking constitutional provisions.

F. Potential Challenges in Practical Implementation

Regardless of how comprehensively a legal provision is formulated, its practical implementation may present significant challenges.

Based on an analysis of normative legal acts and scientific literature, the following legal problems can be identified [2; 6].

G. Difficulties in determining the inadmissibility of evidence

Article 95^1 of the Criminal Procedure Code regulates the inadmissibility of evidence [2], meaning that statements obtained in violation of legal requirements cannot be used as evidence.

First, proving that an individual was not informed of their rights may be difficult. If the interrogation record contains the individual's signature, it may be presumed that the required rights were explained.

Second, where legislation does not clearly determine the admissibility of additional evidence discovered as a result of statements obtained without proper notification of rights, inconsistent approaches may emerge in judicial practice.

H. Ensuring that rights are explained in an understandable language

Article 27 of the Constitution requires that individuals be informed of their rights in a language they understand [1].

In practice, however, merely reading the text of procedural rights aloud or obtaining a signature on an official record does not necessarily guarantee that the individual has genuinely understood those rights.

This risk is particularly significant when the detained person is emotionally distressed, lacks sufficient legal knowledge, or does not adequately understand the official language.

Therefore, it would be appropriate to establish procedures requiring rights to be explained in clear and accessible language, with the assistance of an interpreter when necessary, and to verify whether the individual has understood the information provided.

I. Expected Outcomes of Constitutional Recognition

The incorporation of these safeguards into the revised Constitution is expected to produce the following outcomes:

J. Increased legal awareness among citizens

The constitutional recognition of individuals' procedural rights, including the right to remain silent and the privilege against self-incrimination, is expected to contribute to the development of legal awareness and a stronger legal culture.

K. Greater accountability of law enforcement authorities

Since these safeguards have been elevated to constitutional status, failure to comply with them may result in the exclusion of unlawfully obtained evidence.

L. Strengthening the protection of human dignity

Reforms in this area are expected to reinforce the practical implementation of the principle that human dignity and individual rights must remain central priorities within the judicial and legal system.

M. CONCLUSIONS

The findings of this study demonstrate that the Miranda Rule constitutes an important procedural safeguard for the protection of human rights and that its fundamental principles are reflected in international law and the legislation of numerous countries.

In Uzbekistan, certain elements of these guarantees had previously been incorporated into various provisions of the Criminal Procedure Code. However, Articles 27–29 of the revised Constitution consolidated the guarantees relating to the notification of detained individuals of their rights, the right to remain silent, access to legal assistance, and the prohibition against using unlawfully obtained evidence.

At the same time, ensuring the full and effective implementation of these provisions requires the adoption of additional practical measures.

First, unified standard guidelines should be developed for law enforcement officers concerning the implementation of these constitutional safeguards.

Under Article 27 of the Constitution, individuals must be informed of their rights in a language they understand immediately upon detention. Therefore, the guidelines should establish procedures for explaining these rights at the moment of detention and reiterating them before the commencement of interrogation.

Second, procedures for documenting the notification of rights should be improved within the framework of Article 91 of the Criminal Procedure Code, which regulates auxiliary methods of recording evidence, and Article 224, which governs detention procedures prior to the initiation of criminal proceedings.

In particular, the use of audio and video recording as supplementary means of documenting the explanation of rights should be considered. Such measures would facilitate verification of whether procedural rights were properly explained and help prevent potential abuses.

Third, clear procedural mechanisms should be developed under Article 95¹ of the Criminal Procedure Code for declaring inadmissible statements obtained without proper notification of rights, as well as other evidence derived from such statements.

Furthermore, judicial practice in this area should be systematically reviewed and consolidated to promote consistent application of the law.

Fourth, the proposed guidelines should include procedures requiring the explanation of rights in simple and understandable language, with the participation of an interpreter when necessary, and verification that the detained individual has genuinely understood those rights.

The implementation of these recommendations could ensure that the rights of detained individuals are protected not merely formally but effectively, while also increasing public confidence in investigative procedures.

The incorporation of these safeguards into the Constitution should not remain a purely declarative measure. Instead, it should become a fundamental guarantee that the dignity, honor, and freedom of every citizen are protected by the state.

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