

THE IMPORTANCE OF REVIEWING COURT DECISIONS IN HIGHER INSTITUTIONS

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Abstract: the article highlights the importance of reviewing the legality, justification and fairness of decisions of first instance courts in higher courts, and analyzes the content of the reforms currently underway in the judicial system of Uzbekistan. It also presents expected forecasts and current diagnoses in judicial investigations.

Keywords: first instance, appeal, cassation, review, court ruling, court ruling, annulment of a judgment, change of a judgment.

INTRODUCTION.

The Decree of the President of the Republic of Uzbekistan "On the Strategy of Uzbekistan-2030" dated September 11, 2023, set the task of radically reforming all spheres of state and social life, in particular, making the principles of justice and the rule of law the most basic and necessary condition for development in our country. Goal 14 of the Strategy states that "ensuring the rule of law and constitutional legitimacy and establishing human dignity as the main criterion of this process, and goal 17 states that "forming a new image of law enforcement agencies and directing their activities to effectively protect the interests of the people, human dignity, rights and freedoms."

In criminal procedural law, the review of court decisions is considered a form of criminal procedural activity. It includes several types of review of court judgments and rulings that have entered into legal force and those that have not entered into legal force. The tasks of the appellate and cassation instances of the court are precisely such that at each of these stages the legality of the judgment and ruling of the court that considered the case in the previous instance is checked.

The process of improving criminal procedural legislation in independent Uzbekistan is being consistently continued. The Law of the Republic of Uzbekistan dated September 27, 2023 "On Amendments and Addenda to the Criminal Procedural Code of the Republic of Uzbekistan in connection with the improvement of the institution for verifying the legality, validity and fairness of court decisions" changed the procedure for verifying the legality, validity and fairness of judgments of the supervisory court, redefined the powers of the courts of appeal and cassation, and introduced a new inspection instance.

From the perspective of the new norms of this law, the textbook examines the modern legal factors of the institution of review of court decisions in criminal cases, the grounds for annulment or amendment of court decisions, the newly emerging powers of courts, their role in reviewing court decisions in criminal cases in courts of appeal (cassation) and review instances, and the types and essence of procedural decisions adopted in these courts.

RESEARCH METHODS.

The research used methods such as historical, systematic, comparative-legal, analytical, logical, sociological surveys, statistical data analysis, and study of the practice of applying the law.

RESULTS.

"Verification of the fairness of sentences and other court decisions is currently carried out through the organization of a system of various procedural actions consisting of several stages of

criminal proceedings, which have a test character in relation to court decisions. This task is solved at the stages of criminal proceedings aimed at verifying the legality, validity and fairness of court decisions in the criminal proceedings of the Republic of Uzbekistan. The importance of the institution of verification of court decisions is confirmed by the goals and objectives of appeal and cassation proceedings, which logically follow from the general goals of criminal proceedings."

Article 455 of the Criminal Procedure Code of the Republic of Uzbekistan sets out the requirements for a court verdict, which states that the verdict must be legal, reasonable, and fair.

A judgment is recognized as lawful if it is issued in compliance with all the requirements of the law and on the basis of the law. A judgment is recognized as justified if it fully and truthfully establishes the true circumstances of the case.

DISCUSSION.

As D. Suyunova noted, "A sentence is recognized as fair if the punishment or other measure of influence against the guilty person is assigned taking into account the degree of social danger of the crime committed and his personality, and the innocent person is acquitted and rehabilitated. Deviation from these requirements of the law when passing a sentence will lead to its amendment or cancellation as a result of the review of the criminal case by a higher court."¹.

According to U. Tukhtasheva, "Higher instance courts consider criminal cases on the basis of complaints and protests and administer justice. The practice of law enforcement and the analysis of the norms of criminal procedural legislation regulating the conduct of legal proceedings in courts of appeal and cassation allow us to conclude that these stages, in fact, serve as a means of controlling the judicial activities of lower courts, quickly correcting errors, and improving the quality of justice."².

According to the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On Certain Issues of the Practice of Considering Criminal Cases in the Appeal and Cassation Procedures" dated March 25, 2024, the powers of higher courts to review court decisions have supervisory functions, since they consider criminal cases on the basis of a complaint or protest. ThisAt the same time, courts of appeal and cassation instances investigate the criminal case in its entirety, not limited to complaints or protests.

Any court decision, including a verdict, represents the opinions and conclusions of a person, even if he has special judicial authority and the status of a judge.

I.N. Sikunova put forward the following scientific views on this matter: "On the one hand, the criminal procedural system, at the institutional level, should not exclude the conclusion that, due to human nature, "he can make mistakes."³

On the other hand, A.A. Larinkov's opinion was also noted as important, "such an opinion should not jeopardize the authority of the judiciary and the main task of ensuring that court decisions based on it are executed without question."⁴, he knows.

The right to appeal against court decisions is recognized not only as the most important procedural right of the parties, but also as one of the fundamental human rights. It should be borne in mind that the prosecutor's office almost always participates in criminal proceedings as an official representative of the state (prosecutor), including to protect the rights of the victim and act on the basis of professional obligations, while the accused and his defense attorney use

¹ Suyunova D. J." Obespechenie zashchity prav i interesov grajdan pri proverke zakonnosti, obosnovannosti, spradvelosti sudebnogo ompravora", Journal of legal research. Jurnal pravovykh issledovanii, 2024/7, No. 7, ctr. 109-116

²Tukhtasheva U.A. Ugolovno-procesualnye puti ustraneniya sudebnyx oshibok: monograph. - T.: Izdatelstvo TGYuU, 2020. - S. 19.

³Tsykunova I. N. Verification of the criminal case in the appellate court. - 2020.

⁴Larinkov A. A. Voprosy proverki dokazatelstv na stadii sudebnogo razbiratelstva: teoreticheskie i prakticheskie aspekti //Kriminalist'. – 2013. – no. 1 (12). - S. 31-36.

their right to appeal in order to avoid criminal liability. This is also reflected in the provision of Article 14, Part 5, of the International Covenant on Civil and Political Rights (1966), which states that "everyone convicted of any criminal offence and sentenced to a higher tribunal shall have the right to have his convictions and sentences upheld by a higher tribunal according to law."

The rule has been introduced that the parties can appeal the criminal case in two instances, that is, after the verdict is passed, it can be appealed to the court of second instance.

First, this refers to the inviolable or inalienable rights of the parties, and second, the parties can appeal the verdict that has not entered into legal force. has the right to appeal only once to the court of second instance (higher instance court); thirdly, in this case, the right to review a criminal case means not only the right to appeal the court decision, but also the right to conduct a repeated judicial investigation.

It is precisely because of the latter circumstance that the appeal instance in criminal proceedings should never be divided into full and partial forms, since the convicted person may present arguments that were not previously available based on new evidence or new circumstances that have arisen after the court's verdict, and this should be recognized as his civil and procedural right.

At the same time, it is necessary to distinguish the right to review a criminal case in two instances (first and appellate) courts with a full judicial investigation from the right to review a criminal case in a higher court. In this case, a criminal case can also be reviewed in a higher court after passing through two instances, but within limited limits: on a narrow range of grounds - usually only from a legal point of view, without conducting a court investigation and without establishing the circumstances of the case. Of course, the criminal procedural system should provide participants in criminal proceedings with the right to appeal to the highest court of our state, which is the top of the judicial pyramid, which carries out the final assessment. However, the process of reviewing a court decision is a series of complementary, functionally diverse, and numerically limited instances, each of which reflects the procedural right of the parties to criticize the court decision.

According to the scientific works of ES Shmelyova, "the essence of reviewing the judgments and rulings of courts that have not entered into legal force and those that have entered into legal force is to correct the shortcomings identified in them."⁵ It is worth noting that the institution of reviewing the legality, validity and fairness of judgments and rulings is a vivid example of the exercise of judicial control by higher courts.

First, the main part of the activity to be carried out, that is, the main direction, is precisely the inspection.

Secondly, this inspection depends on the will of the parties, meaning that unless a complaint or protest is filed, there is no possibility of starting this activity.

The legality, validity and fairness of court judgments, rulings and decisions may be reviewed through appeal, cassation and review procedures.

Hearing of the case by a higher court:

- 1) in the appeal procedure - Article 497 of this Code²- upon complaints and protests of the persons specified in Article 1;
- 2) in cassation proceedings - upon complaints and protests of the persons specified in Article 499 of this Code;
- 3) in the order of inspection:

⁵Shmelyova E. S., Sharkovskaya E. A. Osobennosti proverki dokazatelstv v sude appellyatsionnoy instantsii //Izvestiya Orenburgskogo gosudarstvennogo agrarnogo universiteta. – 2014. – no. 4 (48). - S. 254-256.

The court of the Republic of Karakalpakstan, regional and Tashkent city courts, and the Military Court of the Republic of Uzbekistan - upon complaints from persons specified in Articles 511 and 512 of this CodeIt is carried out according to their demands and protests.

Participants in the proceedings provided for in Articles 497², 499 and 511 of the Code have the right to file a complaint or protest in the appeal or cassation procedure against the judgment and ruling of the court of first instance, as well as to file a complaint (petition) or protest in the audit procedure. In doing so, they may submit additional materials to support their arguments.

CONCLUSION.

As a result of the performance of the above tasks, the courts of appeal and cassation, having given a legal assessment of the additional evidence collected, if there is a possibility to eliminate the shortcomings made by the court of first instance, make appropriate changes to the verdict and change the court decision, for example, re-qualifying the criminal actions of the guilty party in a mitigating manner, reducing the imposed sentence or replacing it with another, lighter sentence. If, as a result of the additional actions taken, it is impossible to eliminate the errors by the court of first instance (transition to aggravating circumstances, application of Articles 416-417 of the Code of Criminal Procedure), this verdict is invalid. For example, let's consider the following⁶.

According to the court's verdict, R. was found guilty of having 215.7 grams of heroin in his possession when he was arrested on suspicion of illegally selling a large quantity of drugs.

The appeal filed by the deputy prosecutor requested the annulment of the court verdict against R.

At the trial of the Court of Appeal, witnesses U. and X. indicated that they did not see the heroin taken as evidence from R., that it was not measured, that a report was not drawn up, that they did not see what was in the package, or that they had him sign any documents.

In addition, the testimonies of witnesses G. and S. questioned in the case that they received the drugs from R. were contradictory, and illegal investigative actions were also taken against the person who wanted to buy them, S., and as a result, the criminal case against him was terminated.

The necessary actions were not taken in the criminal case, the case was conducted unilaterally, including a complete and comprehensive investigation of the case, an impartial assessment of the collected evidence, a drug examination was not conducted, and measures were not taken to eliminate violations of the requirements of the Criminal Procedure Code during the preliminary investigation. These circumstances, namely the incompleteness and one-sidedness of the court investigation, served as the basis for the annulment of the verdict.

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