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ISSUES OF IMPROVING THE INSTITUTION OF RETURNING A CRIMINAL CASE WITH NEW CHARGES AT THE TRIAL STAGE IN THE REPUBLIC OF UZBEKISTAN

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Abstract

This article examines the procedural and legal aspects of returning a criminal case for additional investigation or reconsideration when new charges arise during court proceedings in the Republic of Uzbekistan. The study analyzes the provisions of the Criminal Procedure Code, judicial practice, and recent reforms aimed at strengthening adversarial principles and protecting human rights. Particular attention is paid to the legal grounds, procedural mechanisms, and shortcomings of the current system. Based on doctrinal analysis and comparative approaches, proposals are developed to improve the institution in line with international standards.

Keywords

Criminal procedure, new charges, return of criminal case, court proceedings, Uzbekistan, due process, judicial reform, adversarial principle

Introduction

The criminal procedure system of the Republic of Uzbekistan is based on the principles of legality, justice, and protection of human rights, as enshrined in the Constitution and the Criminal Procedure Code (CPC). The CPC establishes a unified and binding procedure for all courts, prosecution bodies, and investigative authorities [1].

One of the complex procedural issues arises when, during the judicial examination of a criminal case, new circumstances or facts indicating additional or modified charges are discovered. In such cases, the court may face the necessity of returning the case for further investigation or procedural reconsideration. This institution is directly linked to ensuring the correctness of qualification of crimes and the fairness of judicial decisions.

Recent reforms in Uzbekistan have focused on strengthening adversarial proceedings, transparency, and judicial independence [2]. However, the mechanism for returning cases with new charges remains insufficiently regulated and raises practical challenges related to procedural delays, protection of defendants’ rights, and the balance between prosecutorial powers and judicial independence.

Methodology

The research is based on a doctrinal legal analysis of the Criminal Procedure Code of Uzbekistan, as well as scholarly articles and comparative legal studies. The methods applied include:

- formal-legal analysis of legislative norms;
- comparative legal method (comparison with international practices);
- systematic analysis of judicial procedures;
- synthesis of academic opinions on procedural institutions.

The study also relies on recent academic works addressing criminal procedure reforms and procedural guarantees in Uzbekistan [3].

Results

The analysis shows that the institution of returning a criminal case due to new charges is closely related to several procedural mechanisms, including:

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- suspension and resumption of proceedings;
- preliminary hearing stage;
- prosecutorial powers in court;
- judicial control over investigation.

According to legal doctrine, the emergence of new charges or newly discovered facts may serve as grounds for suspending proceedings or returning the case for further investigation [4].

The CPC emphasizes that criminal proceedings must ensure the correct application of law and that no innocent person is convicted [1]. Therefore, when new charges arise, the procedural system must guarantee:

- full and objective investigation;
- protection of the accused's right to defense;
- avoidance of unjustified procedural delays.

However, current practice reveals inconsistencies in the application of these principles.

Analysis and Discussion

The institution of returning a criminal case to the prosecutor or investigative body due to the emergence of new charges during trial proceedings represents a complex and multifaceted procedural mechanism within the criminal justice system of the Republic of Uzbekistan. Its legal nature lies at the intersection of several fundamental principles of criminal procedure, including legality, adversarial proceedings, judicial independence, and the protection of human rights. A detailed doctrinal and practical analysis of this institution reveals both its essential role in ensuring justice and its existing shortcomings that necessitate further reform.

First and foremost, the legal foundation of criminal proceedings in Uzbekistan is defined by the Criminal Procedure Code (CPC), which establishes a unified and mandatory procedural framework for all participants in criminal proceedings. According to the CPC, the primary objectives of criminal procedure include the full and prompt disclosure of crimes, the identification and punishment of guilty persons, and the protection of innocent individuals from wrongful conviction [1]. This principle directly influences the institution of returning a case with new charges, as the emergence of additional or modified accusations during trial indicates that the initial investigation may have been incomplete or insufficiently thorough.

At the same time, the CPC imposes a duty on courts, prosecutors, investigators, and inquiry bodies to initiate criminal proceedings upon discovering elements of a crime and to take all necessary measures to establish the truth [2]. This norm implies that if new evidence or circumstances arise during trial, the legal system must respond appropriately to ensure that the обвинение reflects the actual facts of the case. However, the procedural mechanisms for implementing this obligation at the trial stage remain insufficiently detailed in the legislation, creating a gap between legal principles and practical application.

One of the key issues concerns the lack of explicit regulation governing the procedure for introducing new charges during court proceedings. While the CPC provides general provisions on the powers of the court and the prosecutor, it does not clearly define whether new charges should be formally added within the ongoing trial or whether the case must be returned for additional investigation. This ambiguity leads to inconsistent judicial practice, where different courts may adopt varying approaches depending on their interpretation of procedural norms. Such inconsistency undermines legal certainty and may result in unequal treatment of defendants.

Another important aspect is the relationship between the court and the prosecution when new charges arise. The adversarial principle requires that the prosecution and defense operate as equal parties, while the court maintains neutrality and impartiality. However, when new charges emerge, the question arises as to whether the court should actively initiate procedural actions or remain passive and rely solely on the prosecutor's initiative. According to legal doctrine, excessive judicial activism may violate the principle of impartiality, while excessive passivity may hinder the achievement of justice [3]. Therefore, a balanced approach is necessary, where the court ensures legality without encroaching on prosecutorial functions.

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The issue of judicial independence is also closely linked to this institution. The CPC explicitly states that judges are independent and accountable only to the law, and any interference in their activities is prohibited [2]. However, in practice, the necessity to return cases for additional investigation may create indirect pressure on courts, especially in situations where the prosecution seeks to strengthen its position by introducing new charges. In such cases, the court must carefully assess whether the return of the case is justified by objective circumstances or whether it may lead to procedural abuse.

Procedural delays constitute another significant challenge associated with returning criminal cases due to new charges. The principle of a reasonable time for criminal proceedings is an essential component of the right to a fair trial, recognized both in national legislation and international legal standards. Returning a case for additional investigation inevitably prolongs the proceedings, which may negatively affect the rights of the accused, particularly in cases involving detention. Scholars emphasize that prolonged proceedings can undermine public trust in the justice system and lead to violations of fundamental rights [4]. Therefore, any decision to return a case must be justified by compelling reasons and accompanied by strict procedural deadlines.

The protection of the defendant's rights is a central consideration in this context. The CPC and the Constitution of Uzbekistan guarantee the right to defense, equality before the law, and respect for human dignity [2]. When new charges are introduced, the accused must be informed promptly and given sufficient time and opportunity to prepare a defense. This includes access to legal counsel, the ability to examine evidence, and the right to challenge the prosecution's arguments. Failure to ensure these guarantees may result in violations of due process and render the trial unfair.

In addition, the evidentiary aspect of criminal proceedings plays a crucial role in determining whether new charges justify the return of a case. According to the CPC, proof in criminal cases consists of the collection, verification, and evaluation of evidence [5]. If new evidence emerges during trial, it must be carefully assessed to determine its relevance and reliability. The court must ensure that the evidence meets legal standards and that its introduction does not prejudice the rights of the defense. This requires a high level of judicial competence and adherence to procedural safeguards.

The introduction of the preliminary hearing stage in Uzbekistan's criminal procedure system represents an important reform aimed at addressing some of these issues. This stage allows the court to assess the readiness of the case for trial, evaluate the sufficiency of evidence, and identify procedural deficiencies before the main hearing begins [6]. In theory, the preliminary hearing could serve as an effective mechanism for resolving issues related to new charges at an early stage, thereby reducing the need to return cases during trial. However, in practice, the potential of this stage has not yet been fully realized, and further refinement of its procedural framework is required.

Comparative legal analysis provides valuable insights into possible solutions for improving the institution under consideration. In many jurisdictions, the introduction of new charges during trial is regulated by clear procedural rules that specify the conditions and procedures for amending the indictment. For example, some legal systems allow the prosecution to modify charges with court approval, provided that the defendant's right to defense is fully protected. Others require the suspension of proceedings and the initiation of additional investigation only in exceptional circumstances. These approaches emphasize the importance of flexibility combined with procedural safeguards.

In contrast, the current system in Uzbekistan can be described as a hybrid model that incorporates elements of both approaches but lacks clarity and consistency. On the one hand, the prosecution retains significant powers to shape the обвинение, while on the other hand, the court has the authority to ensure legality and fairness. However, the absence of detailed procedural rules leads to uncertainty and may create opportunities for abuse or procedural errors.

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Another important dimension of this issue is the role of prosecutorial supervision. The prosecutor is responsible for overseeing the legality of the investigation and ensuring that the обвинение is substantiated by sufficient evidence. If new charges arise during trial, it may indicate deficiencies in prosecutorial supervision at earlier stages. Strengthening the role of the prosecutor in ensuring the completeness and quality of the investigation could reduce the need to return cases and improve the overall efficiency of the criminal justice system.

Digitalization and modernization of criminal proceedings also offer potential solutions. The use of electronic case management systems, digital evidence, and automated procedural controls can enhance transparency and efficiency. For example, digital tools can facilitate the timely exchange of information between investigators, prosecutors, and courts, reducing delays and improving coordination. Such innovations are consistent with ongoing judicial reforms in Uzbekistan aimed at increasing transparency and accountability.

Furthermore, it is important to consider the broader context of judicial reforms in Uzbekistan, which are aimed at strengthening the rule of law and aligning national legislation with international standards. These reforms emphasize the importance of human rights, judicial independence, and the efficiency of legal procedures. In this context, improving the institution of returning criminal cases with new charges should be seen as part of a comprehensive effort to modernize the criminal justice system.

Based on the analysis above, several key directions for reform can be identified. First, it is necessary to introduce clear legislative provisions that define the procedure for handling new charges during trial. These provisions should specify the conditions under which a case may be returned, the procedural steps to be followed, and the rights of the parties involved. Second, strict procedural deadlines should be established to prevent unnecessary delays and ensure compliance with the principle of a reasonable time. Third, judicial control over prosecutorial actions should be strengthened to prevent abuse and ensure legality. Fourth, the rights of the defense must be fully guaranteed at all stages of the proceedings, including access to legal counsel and adequate time for preparation. Finally, the use of modern technologies should be expanded to improve the efficiency and transparency of criminal proceedings.

Conclusion

The institution of returning a criminal case with new charges at the trial stage is an essential element of criminal procedure in Uzbekistan. It ensures the completeness and objectivity of the investigation and the fairness of judicial decisions.

However, the current legal framework requires further improvement to eliminate inconsistencies and ensure effective protection of human rights. Strengthening procedural guarantees, clarifying legislative norms, and aligning national practices with international standards are key priorities for reform.

The implementation of these measures will enhance the efficiency and fairness of criminal justice in Uzbekistan and contribute to the development of a modern, transparent, and rights-based legal system.

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