



MODERN LAW ENFORCEMENT AND CERTAIN ISSUES OF IMPROVING THE INSTITUTION OF PLEA BARGAINING

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In recent years, a number of legislative acts have been adopted in our country aimed at ensuring reliable protection of individual rights and freedoms, respect for personal honor and dignity, expanding the application of the adversarial principle at all stages of legal proceedings, as well as the implementation of international standards and advanced foreign experience in this field. In the Presidential Decree of the Republic of Uzbekistan "On Measures for Further Strengthening the Guarantees of Protection of Individual Rights and Freedoms in Judicial and Investigative Activities" dated August 10, 2020, and based on proposals from the General Prosecutor's Office, the Ministry of Internal Affairs, the State Security Service, the Ministry of Justice, and the National Human Rights Center, amendments were made to the criminal procedure legislation regarding the concept of admission of guilt. The task was set to introduce the institution of plea agreements.

The presence of an admission of guilt is a necessary condition for transitioning from the general procedure of criminal proceedings to a special procedure applicable to specific categories of cases, such as reconciliation cases and the application of amnesty at the pre-trial stage. From the point of view of justice, admission of guilt is considered an essential element in simplified criminal procedures. A plea deal may include conditions such as providing information about accomplices, compensation for damages, and voluntarily presenting evidence. A plea agreement can be seen as a way of reconciling with the criminal world or with the person who committed the crime. It must be said, however, that not everyone supports this type of legal procedure. Opponents of plea bargaining argue that court decisions may be unfair due to the incomplete presentation of evidence in court. The issue of including plea bargaining in the national legal system has been attracting the attention of the academic community for many years. In recent years, a number of scholars in our country, including K. Matkarimov and N. Koshaev, have proposed incorporating plea bargaining into our national legislation. Plea agreements are recognized as one of the effective measures in the legal systems of several countries, including the USA, UK, Italy, Spain, Germany, France, Estonia, Israel, India, as well as Russia,



Moldova, Kazakhstan, and Georgia. To prevent wrongful convictions, the legislation of Denmark, France, and Germany requires the court to take all necessary measures, paying particular attention to the principle of establishing the truth. This requirement is also reflected in the criminal procedure legislation of Russia, Ukraine, Kazakhstan, and Kyrgyzstan, where such provisions are established as grounds for imposing a more lenient sentence.

The concept of plea bargaining is a completely new institution in the Criminal Procedure Code of Uzbekistan, introduced with the adoption of the Law “On Amendments and Additions to the Criminal and Criminal Procedure Codes of the Republic of Uzbekistan” dated February 21, 2021. As a result, the Criminal Procedure Code received a new Chapter 621 titled “Plea Agreement,” the application of which depends on the circumstances. According to Article 586 (1) of Chapter 62 (1), “a plea agreement is an agreement concluded with a prosecutor supervising criminal cases involving crimes of significant social danger, medium-gravity, and grave crimes, based on a petition from the suspect or the accused who agrees with the suspicion or charges, actively assists in solving the crime and eliminates the caused harm.” The Uzbek dictionary does not contain a general definition of the term “plea of guilt” as part of its vocabulary. However, through an analysis of the words used in this dictionary, its lexical meaning can be inferred. The word “guilt” is defined as a flaw, an act, a sin, or behavior contradicting the norms of etiquette.

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