

## **PRESUMPTION OF INNOCENCE**

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The presumption of innocence should be understood as imagining that person as innocent until the offender's crime is proven in the manner prescribed by law. A suspect, defendant, or defendant is considered innocent until his conviction for committing a crime is proven in legal order and determined by a court verdict that has entered into legal force.

The presumption of innocence was developed by Roman jurists. Scholars have also found signs of presumption of innocence to be present in ancient Jewish law. The use of the presumption of innocence during this period was not as extensive as today's interpretation, meaning that not all members of society were able to exercise this right. This appearance of the presumption was known as the presumption of choice. This principle is used only by people whose name lived a great, honorable, exemplary life, as well as those who were known for their good behavior, mainly respected representatives of society.

The presumption of innocence is that the essence of the concept is that any person accused of violating legislation is not obliged to prove his innocence. Also, the accused cannot be recognized as a criminal until the prosecution authorities provide evidence for the crime committed and a verdict is handed down by the court. Looking at the practice, the presumption of innocence is determined mainly at the inquiry and investigation stages of the process. If there are cases in the case where the accused or suspect can be interpreted in favor of the person, these cases are interpreted in favor of the suspect or the accused person. Situations can be identified and presented to an investigation or court at any stage, even after the sentencing and publication of a sentence.

The presumption of innocence, carried out mainly by Judicial and investigative bodies, makes it possible to abolish the punishment of innocent persons. This is such that each accused person must exercise the right of protection from the unlawful actions of the investigating authorities. The presumption of innocence is present both in the Constitution, which is the main body of the Republic of Uzbekistan, and in the Criminal Code, and in addition to the legislator of the countries of the world, since this principle is taken into account in any illegal behavior, including when considering administrative offenses. In particular, Article 28 of the Constitution of the Republic of Uzbekistan quotes that “a person accused of committing a crime is considered innocent until his guilt is proven by a public hearing in the manner provided for by law and determined by a legally binding verdict of the court. All opportunities for self-defense are provided to the accused. A suspect, defendant, or defendant does not need to prove his innocence and may exercise his right to silence at any time...”<sup>1</sup>

In the Criminal Procedure Code of the Russian Federation, the presumption of innocence is regulated by 14modda. According to him, the authority of the defendant to prove his guilt and reject justifiable evidence belongs to the prosecutor. The judicial body is not a justifier and the

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<sup>1</sup> Constitution of the Republic of Uzbekistan – 01.05.2023. Article 28

prosecution has no right to bring facts, the court can interpret and analyze the collected evidence and information in accordance with the law.<sup>2</sup>

Despite the presumption of innocence, there are also no cases of bypassing this principle at all stages of judicial proceedings. The accused or suspect and his or her defense attorneys are required to monitor the inquiry, investigation, and trial, even if the suspect has actually committed an existing offense or Crime. Failure by a particular body to comply with its constitutional as well as the right established by law can result in a more severe punishment being imposed on the culprit.

The provisions of the presumption of innocence are clearly described in the relevant chapters of the legislation of the Republic of Uzbekistan:

- an innocent person cannot be criminalized;
  - the accused person may be called the person for whom sufficient evidence has been presented;
  - cases justifying and incriminating guilt in a criminal case must be ensured and taken into account;
  - that the defendant is silent and does not justify himself;
- \* testimony must be given voluntarily, without the use of various moral and physical measures of influence;
- the defendant's confession of guilt should not serve as the basis for the appointment of punishment, but the crime committed must be confirmed by strong evidence.

The presumption of innocence serves as a guarantee that the legal rights of the suspect, the accused and even the person who is recognized by the court as a criminal are followed. Each person, whether he or she is participating in a judicial process or just a member of society, must know the concept, content and meaning of the presumption of innocence. The lack of knowledge regarding the rights and interests of the person as set out in the act may cause that person to be charged for any unlawful conduct. In the pre-trial proceedings, in no case should pressure be placed on the suspect, witnesses or those who collect the evidence of the conviction and protect the citizen. The investigator or Inquirer must take into account the facts that justify the suspect and record them in the statement of work. After any evidence of guilt or innocence is collected, the case is transferred to the court. It should be said that the negative attitude of the representatives of the investigative body towards the suspect is also recognized as a violation of the presumption of innocence. These and similar circumstances can be used by a lawyer to protect his client at a hearing and interpreted by the judicial body in favor of the defendant. According to Article 23 of the Code of Criminal Procedure of the Republic of Uzbekistan, all doubts about guilt should be resolved in favor of a suspect, accused or defendant if the foresight has exhausted the possibilities of their elimination. Doubts arising in the application of the law must also be resolved in favor of the suspect, the accused, the defendant.<sup>3</sup>

On the basis of the presumption of innocence lies a general, widely recognized moral norm, according to which everyone should be suspected of innocence until proven guilty. The presumption of innocence, together with our national legislation, is also reflected in the norms of

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<sup>2</sup> Constitution of the Russian Federation – 12.12.1993. Article 14

<sup>3</sup> Code of Criminal Procedure of the Republic of Uzbekistan – 22.09.1994. Article 23

international law. In particular, Article 11 of the Universal Declaration of human rights firmly establishes that the presumption of innocence is an inviolable right granted to each person: everyone accused of committing a crime has the right to be considered innocent until his guilt is determined in legal order by an open court session, providing all the possibilities for protection“. In addition, the International Covenant on Civil and political rights and the European Convention on the protection of human rights and fundamental freedoms define the principle as a principle that should be highly universally recognized internationally. As noted above, the presumption of innocence has been officially adopted in many states as the main rule of criminal and constitutional law.

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