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Prejudicial significance of court decisions

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Abstract

This article reflects scientific research on the existing court decisions in criminal procedural law. It is stated that the recognition of court decisions as evidence in criminal cases is strict for other courts as well as for preliminary investigation and inquiry authorities. There is no institution of prejudice in our current criminal-procedural legislation. In this regard, when the legal system of foreign countries is studied, it is expressed by the fact that the issues of prejudice and precedent are interrelated, and their negative and positive aspects are shown on the example of national legislation. This article explains the prejudicial importance of court decisions in evidence and proof, and the procedures for their use.

Keywords: Admissible evidence, proof, court decision, prejudice, sentence, enforcement of court decisions, criminal case

Introduction

Criminal-procedural activity as a special type of state activity cannot be carried out by its subjects based on their own internal confidence and desires. Therefore, the state determines the nature, direction, and content of the criminal-procedural activity by law with the help of special regulations. One such special rule is prejudice.

A mandatory condition for the use of prejudgment is compliance with the subjective (circle of persons involved in the previous case) and objective (identified facts and circumstances) limits of its use^[1].

According to O.V. Levchenko, the importance of prejudice is not in helping the court to determine the objective truth in a criminal case, but in ensuring the legal force of a previously issued decision, in other words, not in the field of knowledge, but in organizing the accuracy and specificity of court decisions that have entered into legal force, the same persons of the decision. It is manifested in ensuring non-repudiation, absoluteness and enforcement in interaction with other decisions issued on disputes between^[2].

According to P. V. Bruskov, prejudice in legal norms is manifested in different forms. It should be noted that, depending on the affiliation of the network, the prejudice may be different. However, their essence remains the same - it is a preliminary decision on a legal case for the purpose of making a fair decision, which facilitates the process of determining the factual and legal basis of the case^[3].

Material and Methods

This research work was initially carried out through observation, generalization, axiomatic and comparative methods due to the fact that scientific research was not carried out as a research work in criminal-procedural law. It should be noted that the comparative legal analysis method was widely used during this research.

Prejudiciality is a feature of the legal force of a court decision, which describes its external relationship with other decisions^[4]. The following goals are aimed at:

- 1) Compliance with the universality of the decisions of judicial bodies.
- 2) Preserving the social value of documents of judicial bodies.
- 3) Following the authority of judicial bodies.
- 4) Follow the authority of the decisions taken by the judicial bodies.
- 5) Compliance with the legal succession of decisions taken by judicial bodies.
- 6) Speeding up the process of evidence in a criminal case.

Research results

It is widely recognized that when the term prejudice is used in science, in most cases we are talking about a previous court decision. However, if we consider this provision in relation to the criminal procedural system in force in the Republic of Uzbekistan, a slightly different

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situation can be observed. The peculiarity of the criminal procedure of the Republic of Uzbekistan (applicable to almost all CIS member countries) is characterized by the independence of the pre-trial stage in making decisions.

Also, as stated by V. V. Vasin, prejudice is an element of the system of criminal-procedural knowledge of the court of general jurisdiction and is of great practical importance for the correct resolution of the criminal case^[5].

In this regard, it would be appropriate to agree with O. E. Yatsishina's opinion that "prejudice confirms once again the legal and social importance of court decisions, their inevitability and authority"^[6].

At the moment, this is only one side of prejudice, the other side of which is the use of prejudicial evidence to determine the circumstances that need to be proven in another case.

Prejudicial cases are accepted by the court, prosecutor, investigator, investigator without additional checks. This means that the process of proving these circumstances consists only of evaluating them in terms of admissibility, relevance, reliability and sufficiency together with other evidence collected in the criminal case^[7].

The relevance of prejudicially determined circumstances means the presence of a connection between these circumstances and the circumstances that must be proven in another criminal case in which they are used. In order to determine the relevance of the evidence, it is necessary to analyze the norms of substantive law used in solving the criminal case. Circumstances determined prejudicially can also prove cases that are not subject to proof. They relate to the objective side of the crime, the subjective side or both, the event of the crime, the guilt of the accused, the motive of the act, the nature and amount of the damage caused by the crime, etc. can identify cases.

The admissibility of prejudicially determined circumstances is a feature that indicates that this circumstance was obtained from an acceptable source by a competent subject of proof. In particular, a judgment that has not entered into legal force is not considered prejudicial. Accordingly, the cases defined by such a decision are not considered prejudicial. Basharti, if the previous decision is reliable, that is, it represents the objective truth, then the prejudicial circumstances determined on the basis of it are also reliable.

The sufficiency of prejudicially determined circumstances is determined by the possibility of the subjects of proof to determine the circumstances that are the subject of proof based on them within the necessary scope.

Prejudicial determinations are cases determined on the basis of evidence from previously decided cases. For example, if the crime was committed by examining the scene of the incident, witness, victim, expert's conclusions, and all these evidences passed the procedural procedure of proof - identified, collected, formalized, checked and evaluated, and the conclusions made based on them became legally binding (decision, verdict), these prejudicial circumstances can be accepted as evidence for further work or investigative actions on these cases.

Prejudicial documents (judgments or other documents entered into legal force) are considered evidence and are collected, examined and evaluated together with other evidence. A legally binding judgment (decision) may contain not only legal facts, but also legal conclusions establishing legal relations.

As O.V. Levchenko noted, "The legally binding decision in prejudice of legal relations is binding for the court

considering another case, not only in the determination of legal facts, but also in terms of the court's conclusions about these facts regarding the rights and obligations of the parties"^[8].

Basarti legal relations were the subject of research in some other case and were confirmed in a legally binding sentence (decision), then it is binding for the court considering another case in connection with the previous case.

The accused (defendant, convict), victim, civil claimant, civil defendant has certain rights and obligations in one criminal case, and under the influence of prejudicial circumstances, he has the same scope of rights and obligations in another case.

Prejudicial determined legal relationship frees the participants of the evidence from recognizing the person as a repeated victim or civil claimant, from repeatedly involving the person as a civil defendant. Their rights and obligations are not repeatedly explained to the representatives of the said criminal proceedings.

The existence of prejudgment rules in criminal proceedings brings the following advantages:

1. Eliminates conflicts in the activities of state bodies and officials responsible for conducting criminal proceedings.
2. The criminal case is more competently reviewed and resolved by an authorized person.
3. Allows for easy resolution of prejudicial situations that require a lot of expense and effort in criminal proceedings.
4. Prevents the disappearance of previous court decisions with legal force, resulting in a favorable solution to the situation.

When it comes to the issue of prejudice, there is a scientific debate about whether or not a prejudiced situation, that is, a previous court decision or a decision of other criminal proceedings bodies, is binding or not binding at the time of the next case. For example, L.M. Zvyagintseva admits that "such cases are mandatory for judges, unavoidable and do not need to be proven"^[9].

Analysis of research results

Implementation of the rule on prejudice

- 1) Always requires to take into account the presence of a legally binding court decision related to the case under investigation, investigator and court proceedings. The prejudicial status does not allow to proceed with the case without taking into account the prejudicial document.
- 2) Allows for the detection of a miscarriage of justice and ultimately the determination of the truth in two related cases.
- 3) Frees the investigator, the investigator and the court from the need to repeatedly determine the circumstances relevant to the case, which can be limited to referring to the legally binding court verdict^[10].

Prejudicial cases have the following important features

1. These cases are determined by court judgment and decision. These cases are determined by court decisions in criminal, civil, economic and administrative proceedings.
2. These cases are valid from the time the judgment and decision of the court of prejudicial importance become legally effective until these decisions and the judgment are annulled in a legal manner.
3. Prejudicial cases are accepted without additional checks

for judges, prosecutors, investigators and investigators.

L.S. Zarjitskaya shows the following as the main qualities of prejudice

1. Reality, because it has signs and properties characteristic of any legal matter.
2. Prejudice is a means of communication that arises in the process of solving legal and other social disputes.
3. Supremacy in case of disputes between court decisions;
4. enthusiasm, in fact, prejudice can exist only in the process of court proceedings.
5. Public-legal nature, because the court proceedings are held publicly as a rule.
6. Indirectness of justice and its results ^[11].

Prejudicial circumstances should be expressed in a legally binding court verdict and used in making a relevant criminal-procedural decision by concluding the act without additional checks in the criminal-procedural and criminal-legal qualification.

The importance of prejudice in criminal procedural activity is that the court acquires knowledge about the circumstances that were previously the subject of judicial investigation and with the help of certain circumstances that were not known to it, and achieves the determination of other events through a legally binding court verdict.

This, in turn, is a logical consequence of the presumption of the correctness of a legally binding court verdict, which frees the court from the obligation to verify and prove legal facts. The peculiarity of the prejudice is that it is directly related to the circumstances being determined in the case and consists of the circumstances that are important for the resolution of the criminal case and that have been established before. From a legal point of view, prejudicial facts are considered true because they arise from a legally binding judgment. Prejudicial findings can be accepted without further investigation only if the court, prosecutor, investigator, investigator using it does not raise doubts and does not have a dispute.

Disputes about the role and importance of prejudice in criminal proceedings are primarily determined by its status as evidence. It should be noted that, logically, prejudicially determined situations and information are already determined knowledge. This knowledge is based on real and proven evidence. In the future, this knowledge can become evidence and be used as verified and ready knowledge in other criminal cases. Thus, prejudicial facts or information, by their nature and internal content, are new ready knowledge and therefore can be used by the court as prejudicial circumstances. Prejudicially determined cases are manifested in their readiness and suitability for use by the court in the activity of criminal-procedural knowledge with attention to the essence. Prejudice in criminal proceedings refers to the circumstances identified in a legally binding court document (sentence, decision, decision, decision, etc.), provided that they meet criteria such as admissibility, reliability, and formalization in accordance with the requirements of procedural legislation.

the author's definition was given that it is a legal rule that provides recognition and application without additional examination and evaluation in the course of proceedings, as well as exempting these cases from repeated proof.

We can distinguish three types of prejudice in criminal proceedings, depending on the entity that makes the procedural decision in criminal court proceedings:

1. Prejudice used by the investigator, investigator.
2. Prejudice used by the prosecutor.
3. Prejudice applied by the court.

Summary

The following important features characteristic of prejudice were identified:

1. Prejudice is a legal technical method, a rule of proof that expresses the subject and direction, content of evidence used in law enforcement activities, and is used in considering legal cases and making decisions on them;
2. The basis of prejudgment lies in the reliability of proven circumstances in another legal case;
3. Prejudice is mandatory for all law enforcement bodies;
4. Prejudice is related to a legally binding court decision. The objective side of the prejudice is determined by the court's activity, and its observance ultimately leads to a legal result in the form of a decision;
5. Prejudice is applied only to the legal facts that form the basis of a court decision. It is generally accepted that prejudice alters the normal procedure of proof and exempts cases from the obligation of repeated determination and investigation because they have been decided by the court.

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