



## DIGITAL TERMS IN CRIMINAL PROCESS

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**ABSTRACT:** - The article analyzes the necessity and possibilities of digitalization of the criminal process, the concept of digital terms and their specific features. In order to simplify and speed up the criminal process, proposals and recommendations for the digitalization of pre-trial and judicial proceedings are scientifically substantiated.

**KEYWORDS:** Digital terms, digital programs, digital law.

### INTRODUCTION

During the thirty-year period of our country's independence, a stable legal basis for the formation of a humane democratic legal state and a strong civil society was created. The judicial system was not left out of these reforms, and a number of regulatory legal documents were adopted regarding the humanization, differentiation, and intensification of the criminal process<sup>1</sup>.

Now, it is necessary to transform the procedures for carrying out criminal procedural actions, including pre-investigation

investigation, initiation of a criminal case, receiving sanctions, carrying out expertise and investigative actions, gathering evidence, checking, evaluating, trial and execution of court decisions, and simplifying them through digitalization, as well as the creation of a new form of criminal procedure and implementation of procedures is considered an urgent task.

First, modern forms of providing information on the rights and freedoms and legal interests of individuals and legal entities in the "Strategy of Actions on Five Priority Areas of

<sup>1</sup> Kadirova M. Criminal procedural terms in the Republic of Uzbekistan. Asian journal of Multidimensional Research.

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Development of the Republic of Uzbekistan in 2017-2021", adopted by the Decree of the President of the Republic of Uzbekistan №PF-4947 dated February 7, 2017 the need to introduce has been strengthened. As a result, the system of consideration of appeals has been radically improved, "virtual reception rooms", electronic state services, online auctions, open data portal (data.gov.uz) and (my.gov.uz) databases and sites (kharid.uz) was created.

The Decree of the President of the Republic of Uzbekistan dated January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026" №PF-60 also defines the digitization of the criminal process – It serves to provide reliable mechanisms for guaranteeing the rights and freedoms of the individual, and to increase the quality and speed of justice. In this regard, the new form of procedural terms defined in more than one hundred norms of the Code of Criminal Procedure of the Republic of Uzbekistan, which was adopted for the first time among independent countries on September 22, 1994 and came into force on April 1, 1995, leads to the creation of a new form of "Digital time limits" and its concept, characteristics, requires a theoretical study of the effect of ensuring consistency, sequence and continuity of criminal court proceedings.

Currently, lawyers, judges and other practitioners all over the world fully recognize that the simplification and digitization of the criminal process is a reality<sup>2</sup>. As a result of such research, modern methods of conducting criminal cases began to emerge. They are called simplified, summary, quick, and the only simplified procedure currently has such forms as, "Mediation", "Transaction".

In particular, speed in criminal proceedings can be achieved by setting reasonable terms in the law<sup>3</sup>. For example, the reform of the criminal procedure is carried out not by the increase of inefficient procedures, but also by rational saving of procedural means, procedural economy<sup>4</sup>.

We believe that all objectives can be met by digitalization of the criminal process by setting digital terms. Procedural terms, which are a necessary element of effective criminal proceedings, are inextricably linked with procedural economy. Fast and effective investigation and consideration of a criminal case allows to bring the time of a fair sentence as close as possible to the time of the crime, which is one of the important conditions for ensuring the inevitability of responsibility. After all, the procedural terms also ensure the fairness of the process<sup>5</sup>. Therefore, it is desirable to achieve justice quickly, within the

<sup>2</sup> Kachalova O.V. Pravosudie kak ushuga: human trend // Criminal process. 2019. No. 11. -S. 10; Kachalova O.V., Tsvetkov Yu.A. Elektronnoe ugholovnoe delo - instrument modernizatsii ugholovnoho sudoproizvodstva // Rossiyskoe pravosudie. 2015. No. 2. -S. 95-101; Vlasova V.S. K voprosu o prispoblivanii ugholovno-procesusualnoho mekhanizm k digital reality // Biblioteka kriminalista: nauch. journal. 2018. No. 1. -S. 9-18; Kleandrov M.I. Discussion on the topic: mojet li sudey byt robot? // Rossiyskoe pravosudie. 2018. No. 6. -S. 15-25; Markovicheva E.V. Vliyanie tsifrovyykh tekhnologiy na razvitiye ugholovnoho sudoproizvodstva // Pravosudie. 2019. T. 1, No. 1. -S. 98-107; Maslennikova L.N. Question about the first result of the research project №18-29-16018

"Conceptsiya postroeniya ugholovnoho sudoproizvodstva, obespechivayushchego dostup k pravosudiyu v usloviyax

razvitiya tsifrovyykh tekhnologiy" // Lex Russica. 2020. T. 73, No. 1. -S. 70-87; Pastukhov P.S. Elektronnoe veshchestvennoe dokazatelstvo v ugholovnom sudoproizvodstve // Vestnik Tomskogo gosudarstvennoho universiteta. 2015. No. 396. -S. 149-153; Sukhodolov A.P., Bychkova A.M. Iskusstvennyy intellekt v protivodeystvii prestupnosti, ee prognozirovaniy, preduprejdenii i evolyutsii // Vserossiyskiy kriminologicheskiy zhurnal. 2018. T. 12, No. 6. -S. 753-766.

<sup>3</sup> Samylina I.N. «Razumnye sroki» v ugholovnom protsesse // Rossiyskaya justice, 2009. -№ 4. -S. 48-52.

<sup>4</sup> Inako Ts. Sovremennoe pravo Japonii. -M.: Progress, 1981. -S. 250-255; Friedman L. Vvedenie v amerikanskoie pravo: per. English -M., 1993. -S. 140-142.

<sup>5</sup> Sokol R.P. Prossedualnye sroki v debnykh stadiyax ugholovnoho sudoproizvodstva Rossiyskoy Federatsii:

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framework of a rational and fair process, through the digitization of the criminal process.

At this point, according to Golovka L.V., the real and virtual worlds for the criminal process do not differ from each other, the digitization of the entire criminal case does not change anything in terms of the criminal procedure<sup>6</sup>, opinions are controversial. His comments regarding procedural statements, decisions, rulings and verdicts with a bird's feather or a pen, on a typewriter or on a computer do not change their content, require scientific observation<sup>7</sup>.

It is true that reading a writer's works electronically does not make him a new writer, but there was no "revolution" in their transition from typewriters to computers, just as there was no "revolution" in the transition from writing procedural documents in ink to typewriters<sup>8</sup>, cannot agree with the views. After all, "Smart digital programs", i.e. "Electronic digital signatures" have been created for the signing of procedural documents, which has caused a radical change in the formalization of these documents.

First of all, the Decree of the President of the Republic of Uzbekistan "On measures to further improve the introduction of modern information and communication technologies into the activities of the courts" dated August 30, 2017. It should be noted that the E-XSUD judicial information system has been developed in order to ensure its wide

implementation. This digital system allows the automatic allocation and re-allocation and consolidation of criminal cases between judges, and the publication of court decisions on the website of the Supreme Court, "Registration of precautionary measures used by the court and recording of information about their results", "Criminal cases not distributed among judges", "Unregistered applications, letters and other appeals of general content", "Unregistered cases", "Crime violating the term of appointment" cases", "Criminal cases in which the time limit for starting the trial is violated", "Criminal cases in which the trial period is violated", "Criminal cases postponed for five, ten or more times" in practice, with the help of "digital programs", judges are taught the sequence of procedural tasks and the main mention of procedural terms was achieved.

It is not a simple processing or scanning of procedural documents on a computer, but an achievement of smart digital software that does not compromise the quality and timeliness of documents. In addition, a new chapter 12-1 was introduced into the Criminal Code, which reflects the rules of pre-recording of evidence, and Article 91-1 also defines the rules for conducting investigative actions such as interrogation, identification of persons and objects, face-to-face in videoconference mode – some elements of the digital crime process are currently in practice indicates that it has been done. In the future, it is desirable to increase the effectiveness of our national

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pravovaya reglatsiya i protsessualnye osobennosti. Autoref. diss. ... candy. walk science - Vladimir, 2008. -S. 3-4.

<sup>6</sup> Golovko L.V. Digitization in mental processes: local optimization or global revolution? Vestnik ekonomicheskoy bezopasnosti. 2019; (1). -S. 15-25.

<sup>7</sup> Kadirova M. Forms of production research of hardware and software of a computer system. International journal of advanced research. DOI:10.21474/IJAR01/10467. DOI URL: <http://dx.doi.org/10.21474/IJAR01/10467>.

<sup>8</sup> Zuev S.V., Nikitin E.V. Informatsionnye tekhnologii v reshenii ugovolno-procesusualnyx problem // Vserossiyskiy

kriminologicheskij zurnal. 2017. Vol. 11, No. 3. -S. 587-595; Zuev S.V. Elektronnoe ugovolnoe delo: za i protiv // Pravoporyadok: history, theory, practice. 2018. No. 4. -S. 6-12; Bogdanovich N.A. Pravovye aspekty formirovaniya elektronogo ogolovnogogo dela: dostoinstva i dosadostaki // Informatsionnye tekhnologii i pravo: Pravovaya informatizatsiya – 2018: sb. material VI Mejdunar. nauch.-prakt. conf. / pod obshch. ed. E.I. Kovalenko. Minsk, 2018. - S. 91-95.

legislation and practice, and to expand the range of investigative activities allowed to be conducted in the video conference mode through the widespread introduction of digital technologies into investigative and judicial activities. In short, "Digital terms" have entered the criminal process based on digital programs, and in the future, the full digitalization of the pre-trial and court stages will serve to achieve the following advantages in the criminal process:

- 1) timely provision of human rights and freedoms, legal interests;
- 2) timely adoption of procedural decisions, rulings and judgments;
- 3) timely formalization of procedural documents;
- 4) reduction of procedural terms and saving of procedural funds;
- 5) provision of reasonable speed in criminal proceedings;
- 6) establishment of transparency in criminal process.

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