



THE IMPORTANCE OF PUBLIC PARTICIPATION IN PRE-TRIAL PROCEEDINGS

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Article history:	Abstract:
Received: 26 th April 2023 Accepted: 24 th May 2023	Cigarette smoking is associated with a variety of disorders via effecting various processes, factors, and mechanisms. This study aimed to inspect the differences in renal function tests, liver enzymes, and serum electrolytes among smokers and non-smokers in Iraqi males. In this study, 75 specimens were collected, during the period between January to March 2024, from Males who attended the private clinical laboratory at Al-Anbar province, Iraq. There was slightly increased in blood urea level among smokers (27.51 ± 9.78 mg/dl) compared to the non-smokers (23.82 ± 5.23 years), but it was not significantly, with a p-value of $0.08 > 0.05$. While serum creatinine was significantly increased among smokers (0.73 ± 0.24 mg/dl) compared to the non-smokers (0.63 ± 0.13 years), with a p-value of 0.05. When comparing smokers to non-smokers, the levels of both AST and ALT are higher in smokers. Regarding electrolytes, there was not significant increase in potassium (K), and not significant decrease in Chloride (Cl), sodium (Na), magnesium (Mg) levels among smokers compared to non-smokers.

Keywords: criminal procedure, pre-trial proceedings, public, citizen, provision, participation, cooperation.

In the world, international legal acts on combating crime establish the need for effective use of public assistance in pre-trial proceedings. Articles 10 and 21 of the Universal Declaration of Human Rights, articles 14 and 25 of the International Covenant on Civil and Political Rights, article 6 of the European Convention for the Protection of Human Rights and Freedoms, as well as the Doha Declaration on Public Participation in Crime Prevention and the Administration of Justice reflect the need to effectively use the capabilities of members of the public in the fight against crime. In many foreign countries, the effective use of the assistance of citizens and public organizations in the prevention of offenses and the fight against crime serves to prevent and solve many serious and especially serious crimes. According to a report by the International Association of Investigators, when studying 2,110 criminal cases in 133 countries around the world, 42% of them were disclosed based on information provided by the public. This indicates that in advanced foreign countries, the practice of using public opportunities has been properly established for the rapid and complete disclosure of crimes, the identification of the perpetrators, compensation for property damage caused to the victim, and to prevent the prosecution of innocent persons. This makes it necessary to pay special attention to this issue.

Undoubtedly, the successful fight against crime cannot be imagined without the application of preventive measures that can lead to crime. This requires that the person conducting the criminal investigation have an impartial and comprehensive knowledge of the reasons for the crime. Therefore, it is obvious that the preventive functions of the investigator do not end with the criminal-legal tasks of general and special prevention, which are solved in the framework of the quality investigation of the criminal case.

In this regard, it is incumbent upon the investigator to take other preventive and auxiliary-characterized measures to assist in the investigation of the criminal case: to make submission to eliminate the causes and conditions of the crime commission, conduct individual interviews, interact with the mass media and the public and so forth [1].

The following are reflected in connection with the cooperation of public associations and communities with their governing bodies in the preventive activities of the investigator and interrogator in the Criminal procedural code:

- the interrogator and investigator determine the causes of the crime and the circumstances that led to its commission, and take measures to eliminate these causes and conditions to the relevant state organ, citizens' self-government body, public association, community or authoritative official by submission of the review application during the investigative action of the criminal case (Article 297 of the CPC);
- There are the stipulation on the possibility of submission of recommendation to the chiefs of the relevant enterprise, establishment and organization on the basis of the investigator's initiative about the citizen's superior consciousness, courage, exemplary performance of social duty in preventing or disclosing the crime (Article 300 of the CPC).

We firmly believe that it is expedient to use not only imperative, but also incentive methods in ensuring the active participation of the public in the pre-trial phase of criminal proceedings. Particularly, the second type of submission is a submission by the interrogator, investigator or prosecutor to the Chief of the relevant enterprise,

establishment or organization and the community about the citizen`s superior consciousness, courage, exemplary performance of social duty in preventing or disclosing the crime. The first time such an incentive norm was introduced in the current criminal procedural legislation. It aims to encourage citizens to be active in crime prevention and detection. Unfortunately, such submission is rarely introduced in practice [2, 484-485].

In this regard, inadequate application and ineffectiveness of incentive norms and measures of public influence, insufficient of legal mechanisms for crime prevention and detection, as well as instilling in citizens high legal culture and respect for the law are indicated as shortcomings and problems in judicial practice in the Decree of the President of the Republic of Uzbekistan "On measures to radically improve the system of criminal and criminal procedural legislation" dated on May 14, 2018 № PD-3723 [3].

Furthermore, the consideration of assessment of crime and crime prevention as the sole responsibility of law enforcement bodies, the ineffectiveness of identifying the causes and conditions of systematic occurrence of offenses and the futility of the development of measures aimed at an attempt to yield to elimination does Not provide the expected results as indicated in the Decree of the President of the Republic of Uzbekistan dated on March 14, 2017 № PD-2833 "On measures to further improve the system of crime prevention and fight against crime". It is necessary to improve the mechanisms for involving citizens and public organizations in crime prevention, including through financial and other incentives to address these shortcomings [4].

In our opinion, our laws and legal documents set norms for the use of general public in the pre-trial investigative actions, and as a result of their proper application, we can incentivize citizens and public organizations to actively participate in the conduct of pre-trial phase.

For instance, the rule to award with the letter of appreciation, commemorative gifts and cash prizes for the active participation and direct implementation of propaganda activities among citizens and public organizations in the prevention of crime and the fight against crime, the implementation of proposals and initiatives to address the causes of crime and the conditions that allow it is reflected in the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated on January 8, 2018 № 15 "On approval of the Regulation on the procedure for incentives of citizens and public organizations for active participation in crime prevention and fight against crime" [5].

Likewise, special attention is paid to ensuring public participation not only through pre-trial proceedings, but also through incentives at the trial stage.

Notably, courts should introduce the practice of sending notices to the place of work, study or residence, as well as the use of the mass media in order to incentivize the citizens to prevent or stop offenses, the attempts to catch criminals and so forth are thoroughly indicated in the Resolution of the Plenum of the Supreme Court dated on December 19, 2020 № 34 "On increasing the role of courts in determining the causes of crime and the conditions that led to their commission" [6].

It is expedient to financially support and ensure the safety of the persons assisting law enforcement bodies in maintaining legitimacy and order, protection of the rights and freedoms of citizens, to involve the general public extensively in the processes of crime prevention and fighting against them are of paramount importance [7, p. 144].

We believe that the prevalent use of this opportunity by the pre-trial organs conducting the criminal case will effectively strengthen the cooperation between law enforcement bodies and the public, as well as the prevention of crimes that are the decisive purpose.

In recent years, large-scale reforms have been carried out in our republic to ensure public participation in criminal procedural relations. "Every law enforcement agency should have detailed information about the place and type of crime, and this requires regular joint work of government agencies and public organizations." It is necessary to direct the activities of judicial and investigative bodies to effectively protect the interests of the people, honor and dignity, human rights and freedoms, and establish effective interaction between state bodies with civil society institutions, mass media and educational organizations. Also, the crime rate in our republic, in which the percentage of unsolved crimes increases from year to year, indicates the need for scientific research to develop and implement effective mechanisms to ensure public participation in pre-trial proceedings, increase public trust and goodwill towards investigative authorities.

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