DOI 10.5281/zenodo.8402510

Zakirov Ulugbek Adilovich

THE CONCEPT OF ENDING THE PRELIMINARY INVESTIGATION

INTRODUCTION

From the whole array of criminal procedural acts of pre-trial proceedings in criminal cases, procedural appeals are distinguished by the fact that they can come from both citizens and organizations involved in the criminal process, and from government entities conducting criminal proceedings. Other types of criminal procedural acts do not differ in such universality: they either come only from officials vested with authority in the criminal process (acts of application of law and procedural acts of an administrative nature), or express simultaneously the will of the power subject and the citizen against whom criminal prosecution is being carried out (procedural agreements).

Procedural appeals are such procedural documents with which participants in criminal proceedings turn to state bodies, institutions, organizations or other persons whose competence includes making the appropriate decision or performing the necessary actions [1, p. 124]. Common to all procedural appeals is the presence of a request contained in them, which is always addressed to an official or a State body competent to make an appropriate decision or take certain measures. The Criminal Procedure Law provides for various types of appeals: applications, petitions, complaints, requests, etc.

The Criminal procedure law, as a rule, uses the term "petition" to denote procedural appeals emanating from the authorities of the subjects of pre-trial proceedings. Depending on the addressee , all procedural appeals of power subjects can be divided into three groups:

1) procedural appeals to higher officials exercising procedural guidance or prosecutorial supervision during pre-trial proceedings. This group includes the petitions of the inquirer and investigator for the extension of the period for consideration of a crime report (Part 3 of Article 144 of the Code of Criminal Procedure), the petition of the inquirer for the extension of the period of inquiry (Part 4 of Article 224 of the Code of Criminal Procedure);

2) procedural appeals addressed to the court. Such appeals are declared by the authorities of the pre-trial proceedings primarily in the order of judicial control, when in order to achieve the objectives of the preliminary investigation, decisions are required, the implementation of which is associated with the restriction of constitutional rights and freedoms of the individual (Part 2 of Article 29 of the Code of Criminal Procedure of the Russian Federation). The final acts of the preliminary investigation, which will be discussed further, should also be attributed to the same group of procedural appeals;

3) procedural appeals to bodies and officials who are not participants in the criminal process. This group includes requests (Part 4 of Article 21 of the Code of Criminal Procedure of the Russian Federation), as well as procedural appeals in order to obtain decisions that open up the possibility of criminal prosecution against entities with a special legal status (Chapter 52 of the Code of Criminal Procedure of the Russian Federation). In order to ensure the objectivity of the accusatory activity, the legislator authorized to resolve relevant issues, including officials and state bodies, a criminal claim). On the basis of taking into account the hybrid nature of the final acts of the preliminary investigation , the imperfection of the regulation of the procedure for sending criminal cases to the court for the application of coercive measures of educational influence, as well as the appointment of a criminal law measure in the form of a court fine, is shown.

REFERENCES:

https://wordlyknowledge.uz

1. Dikarev I.S. Procedural requests in pre-trial criminal proceedings. Ugolovnoe pravo = Criminal Law, 2020. no. 6, pp. 124–128. (In Russian).
2. Polyansky N.N., Strogovich M.S., Savitsky V.M., Melnikov A.A.; Savitsky V.M. (ed.). Problems of judicial law. Moscow, Nauka Publ., 1983. 223 p.
3. Isaenko O.V., Demichev A.A., Solovieva T.V., TkachevN.N.; Isaenkova O.V. (ed.). Claim in civil proceedings. Moscow, Wolters Kluver Publ., 2009. 216 p.
4. Ryazanovsky V.A. Procedural unity. Moscow, Gorodec Publ., 1996. 74 p.
5. Dikarev I.S. Criminal prosecution: clarification of the concept. Rossijskaya yusticiya = Russian Justice, 2013, no. 9, pp. 23–25. (In Russian).

WORDLY
KNOWLEDGE

https://wordlyknowledge.uz