



The Essence of The Principle of Presumption of Innocence

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Annotation. This article discusses the content of the principle of presumption of innocence, its definition in the legislation of the Republic of Uzbekistan, the history and emergence of this principle, its legal nature. Also, the provisions directly related to this principle and the proposed changes to the Constitution of the Republic of Uzbekistan were analyzed.

Key words. Suspicion, democratic principle, guarantee, judicial stage, human interest, acquittal.

The presumption of innocence (Latin: Praesumptio - derived from the words guess, suspicion) is considered one of the general democratic principles of the criminal process, which ensures the protection of individual rights and prevents unjustified accusations and punishments. Sometimes it is also expressed by the Latin phrase "Ei incumbit probatio qui dicit, non qui negat", that is, "the proof must be given not by the one who rejects it, but by the one who asserts it."

In the presumption of innocence, a person is considered innocent from the beginning of a certain event, if his guilt is legally proven, he is found guilty, otherwise he remains innocent. According to Article 26 of the Constitution of the Republic of Uzbekistan, the case of any person accused of committing a crime is not considered guilty until the case of a person accused of committing a crime is considered in court in a legal manner and publicly, and his guilt is determined. All conditions for self-defense are provided to the person accused in the court¹.

The principle of the presumption of innocence is one of the general principles of the law, and at the same time it is the most important guarantee of the rights and freedoms of an honest and public subject, it ensures the legal status of a person, which is related to its universal purpose and the content of theories and rights, which is manifested through rights and freedom.

Presumption of innocence is one of the important principles of criminal procedural law. According to it, the suspect, the accused or the defendant is considered innocent until his guilt of committing a crime is proven in accordance with the law and determined by a legally binding court verdict. Another important feature of this principle is that the suspect, accused or defendant does not have to prove his innocence.

The presumption of innocence does not represent the personal opinion of a judge, investigator or prosecutor, it means an impartial legal position. Investigative authorities consider a person as an accused by accusing him, but his guilt still needs to be proven. According to the law, the determination of a person's guilt should be carried out through a trial phase where the legal

¹ "Xalq so'zi" newspaper, December 15, 1992, No. 243 (494); 09.02.2021, No. 03/21/671/0093



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rights and interests of the accused and the scrutiny of the evidence of the prosecution are effectively guaranteed. The accused is considered innocent until the announcement of the conviction and its legal effect. The presumption of innocence must rest in favor of the accused, meaning that not being proven guilty of a crime is tantamount to being proven innocent.

The presumption of innocence is reflected in the norms of international law as well as in our national legislation. In particular, Article 11 of the "Universal Declaration of Human Rights" clearly states that it is an inviolable right granted to every person: "Every person accused of committing a crime is innocent until he is found guilty in a legal manner, provided all opportunities for defense are provided by an open court session. has the right to be considered"². It can be seen that international law norms have always put human interests first. For example, human rights are protected by law in almost all democracies. Also, the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms have defined this principle as a separate provision.

Historically speaking, the presumption of innocence in its present form did not take shape until the Renaissance. It was first expressed as a legal principle in the French Declaration of the Rights of Man and Citizen, adopted in 1789. In the second half of the 18th century, the presumption of innocence was fully recognized as a basic constitutional right guaranteed to every person. Its firm establishment in modern legal systems took place in the 19th century. To date, this principle has been reflected in all developed democratic countries, and it is the most important link in ensuring human rights.

The principle of presumption of innocence entered the law of the United States of America in 1894 through the case "The US vs Coffins" heard by the US Supreme Court. At that time, it was found that the lower court did not instruct the jury that the accused should be innocent until proven guilty. The presumption of innocence is expressed in the decision of the Supreme Court of the United States issued in connection with this case: "The law assumes that persons accused of committing a crime are innocent until proven guilty by concrete facts." Although the US Constitution does not recognize the presumption of innocence by special articles, the 5th, 6th, and 14th amendments establish the application of this principle. However, until the end of the 19th century and even in the 20th century, cases such as falsification of evidence, intimidation of witnesses and forced crimes on the neck of the accused did not decrease. All this, of course, completely contradicts the requirements of the presumption of innocence.

After the independence of our country, the Criminal Procedure Code of the Republic of Uzbekistan, adopted in 1994, for the first time strengthened the principles of criminal procedure in accordance with international legal norms, introduced the presumption of innocence, the fact that the court process is based on controversy, ensuring the right of defense and other norms. In this code, the right to defense was not only announced, but it was ensured that it is implemented from the initial stage of the court case, that is, from the time when a person is suspected of committing a crime and is arrested.

At the moment, an important historical process in the Republic of Uzbekistan, the issue of amendments and additions to the Constitution is about to be resolved by the people. Article 28 of

² <https://www.un.org/en/about-us/universal-declaration-of-human-rights>



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the newly revised Constitution includes norms aimed at strengthening everyone's rights related to the presumption of innocence. One of the important guarantees in this regard is the rule that "a person cannot be found guilty or punished if his confession is the only evidence against him." What is the significance of this warranty?

It is very important to respect the honor and dignity of a person in criminal proceedings. The reason is that there is a great risk of unreasonable physical or mental pressure on a person during criminal proceedings. For this reason, the law strictly prohibits officials from communicating with the participants of the criminal proceedings in any illegal way, that is, abusing their authority.

According to another important rule introduced in Article 28, a person cannot be found guilty or punished if the confession is the only evidence in the case! That is, such a guarantee of the rights of a person imposes a special responsibility on the investigative bodies at the constitutional level, that now, in the process of proving the guilt of a person, they must not give the main emphasis to the testimony of the confession and prove the accusation with a set of other evidence verified by the investigation.

If these security requirements are not met, in such cases, the court will issue a verdict of acquittal due to insufficient evidence of the person's guilt. That is, the international standard "unproven guilt equals proven innocence" applies.

In conclusion, the presumption of innocence is one of the most important principles of justice, and according to international standards, this rule must be defined in the legislation of each country.

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