

REALISATION OF THE PRINCIPLE OF EQUALITY OF ALL BEFORE THE LAW AND THE COURT IN THE COURT OF FIRST INSTANCE

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Abstract

This paper considers aspects of the implementation of the principle of equality of citizens before the law and the court in the context of the work of the court of first instance, as well as the principles of legal egalitarianism enshrined in the Constitution of the Republic of Uzbekistan.

Keywords: Principle of equality, criminal proceedings, petition, violations of law, achievement of truth, legal aid, criminal proceedings.

Introduction

Article 7 of the Universal Declaration of Human Rights affirms that all human beings are equal before the law and are entitled to equal protection without distinction of any kind. While Article 8 emphasises that every citizen has the right to adequate redress through competent national tribunals when his or her fundamental rights guaranteed by the constitution or the law are threatened. These articles provide a solid foundation for the defence of the dignity and rights of every human being, ensuring a bright path to justice and equality. The law thus becomes not only an instrument but also a shield protecting citizens from arbitrariness and injustice, strengthening the foundations of a civilised society. Every legal remedy provided by the state must be accessible and effective so that everyone can claim his or her rights and seek justice, because only in this way can we move forward towards progress and humanity, preserving the inviolability of the rights of every human being.

The principle of equality in criminal proceedings plays a key role, especially at the judicial stages, where the rights of both prosecution and defence are protected. First of all, this applies to the court of first instance, which is the main stage in the consideration of criminal cases. At this stage, both parties, i.e. the prosecutor and the defence counsel, must have equal opportunities to present their arguments, evidence and positions. This ensures a fair hearing of the case and enables the judge to make reasoned decisions.

In order to achieve equality of arms, it is important that each party has access to the necessary case materials, can call witnesses and provide expert evidence. It should also be borne in mind that the court must ensure equal conditions for the conduct of the proceedings, including time for speeches and the opportunity to ask questions.

An important aspect is that the principle of equality implies the absence of bias on the part of the court. Judges must act impartially without favouring one of the parties.



In addition, in today's environment, where more and more criminal cases are being handled through the use of technology, there is a need to ensure equal access to court resources and electronic databases. This will enable the parties to better protect their interests and contribute to a fairer and more transparent process.

Thus, the principle of equality not only guarantees the protection of the rights of the parties in criminal proceedings, but also contributes to building confidence in the judicial system as a whole. [2].

The principle of equality of all before the law and the court, which is fundamental in a state governed by the rule of law, is transformed at the stage of criminal proceedings into the principle of adversarial proceedings and equality of arms (Article 25 of the Code of Criminal Procedure - CPC). This is a key condition for establishing the truth and rendering a fair judgement. Equality of the parties, however, does not mean that their positions and opportunities are absolutely identical. Criminal proceedings are inherently asymmetrical: one party - the prosecution - seeks to prove the guilt of the defendant, while the other - the defence - seeks to disprove the accusation or mitigate the punishment. Despite this, the legislation guarantees equal procedural rights to each party, which is the essence of the adversarial principle.

At the trial stage, the parties are the prosecutor (representing the state prosecution), the defendant (the person accused of committing a crime), the defence counsel (representing the interests of the defendant), the victim (the person who has been harmed by the crime), the civil claimant (the person bringing a civil claim against the defendant) and the civil defendant (the person being held civilly liable). All of them, as well as their representatives, have equal rights in court proceedings. This includes the right to challenge judges or participants in the proceedings, to file motions, to present evidence, to participate in its examination (to question witnesses, experts, confront confrontation), to speak in court debates, and to present their arguments and objections. It is important to note that equality of rights does not mean equality of results. The outcome of the trial depends on the evidence presented by the parties and its persuasiveness to the court.

President Karimov's decree of 2 May 2008 rightly stressed the paramount importance of ensuring equality of procedural rights between the prosecution and defence as part of the reform of the legal profession. This reform is aimed at strengthening the independence of the Bar and enhancing its effectiveness in defending the rights and legitimate interests of citizens. The implementation of the principle of equality of arms is impossible without a strong and independent bar that can effectively counter the prosecution and provide the defendant with all the guarantees provided for by law.

The principles of criminal procedure enshrined in articles 11-27 of the Code of Criminal Procedure actively contribute to the realisation of the principle of equality of citizens at the trial stage in the court of first instance. Among these are the principles of the administration of justice by the court alone (excluding interference by other authorities), adversarial proceedings (equal rights of the parties to the proceedings), directness (the basis of the judgement on evidence directly examined by the court) and oral proceedings (the conduct of the proceedings primarily orally). These principles ensure that each participant in the process is able to defend his or her position, present evidence and arguments in his or her favour.



The norms of the CPC are designed to create favourable conditions for each party to defend its interests, both personal and public (in the case of the prosecution). This is achieved, among other things, through the provision of the right to legal assistance, the opportunity to familiarise oneself with the case file, the right to appeal against court decisions and other procedural guarantees. The procedure envisaged by the CPC should meet the objectives of ensuring the protection of the constitutional rights and legitimate interests of participants in legal proceedings, as well as guaranteeing the equality of citizens before the law and the court at all stages, including preparation for trial.

However, in practice, achieving full equality of arms may be hampered by various factors, such as unequal access to qualified legal assistance, lack of awareness of citizens of their rights, and possible influence on witnesses or experts. Therefore, continuous monitoring of compliance with the principle of adversarial proceedings and equality of arms, as well as the improvement of legislation and law enforcement practice, remain relevant tasks. In addition, it is important to pay attention to improving the legal literacy of the population and ensuring access to free legal aid for those in need, which significantly contributes to real equality before the law and the courts. Of particular importance is the professionalism and impartiality of all participants in the process, from judges to lawyers and prosecutors. Only if all these conditions are met can we talk about the full and effective functioning of the principle of adversarial proceedings and equality of arms in criminal proceedings.

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