



# CRIMINAL PROCEEDINGS AGAINST MINORS: INTERNATIONAL STANDARDS AND NATIONAL LEGISLATION

**Saidvaliev Rakhmatulla Umarovich**

Senior lecturer of the Department of General  
Military Disciplines of the Military-Technical  
Institute of the National Guard of the Republic  
of Uzbekistan

**Sharipov Azam Azimjanovich**

Senior lecturer of the Department of General  
Military Disciplines of the Military-Technical  
Institute of the National Guard of the Republic  
of Uzbekistan

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## ANNOTATION

*This article develops practical proposals based on the analysis of compliance of standards created on the basis of international legal documents recognized as the Rights of a child with the norms of the current legislation of our country.*

**KEYWORDS:** *child rights, UN, international standards, juvenile justice, General Assembly, Declaration, process.*

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## INTRODUCTION

It is emphasized that the Constitution of the Republic of Uzbekistan recognizes the supremacy of universal norms of international law.

President of the Republic of Uzbekistan M. Mirziyoyev, in his speech at the ceremony dedicated to the 27th anniversary of the adoption of the Constitution of the Republic of Uzbekistan, stressed that "Our head encyclopedically guarantees the rights and freedoms of individuals, political, economic and social rights of people and citizens in full compliance with the requirements of the universal Declaration of human rights and other fundamental international documents"[1].

By bringing the domestic legislation of our state in line with international standards, it has ensured that Uzbekistan fulfills its obligations and has a high reputation in the eyes of the international community[2].

The Criminal procedure code of the Republic of Uzbekistan defines the procedure for conducting cases of juvenile crimes in a separate Chapter, and also sets specific requirements for the consideration of criminal cases of minors in the judicial system. Consideration of cases of juvenile crimes in a closed court complex is conducted according to all procedural rules.

## REVIEW

In judicial proceedings in cases of juvenile crimes, the court has the right to exclude him from the courtroom with its own decision when considering cases that could negatively affect the

protection of the minor offender, the legal representative, as well as the opinion of the Prosecutor and the minor offender. In accordance with article 551-562 of the Criminal procedure code of the Republic of Uzbekistan, the court informs representatives of self-government bodies of citizens, if necessary representatives of other organizations of the Commission that carries out activities for minors, about the organization of the enterprise where minor representatives of guardianship or guardianship bodies studied or worked... it complies with the Criminal procedure legislation of developed foreign countries[3].

The reason that criminal proceedings in this category are specified in a separate Chapter of the law is that other rules apply to them. It should be noted that minors take into account their social and psychological state when conducting criminal cases. Astemirov Z. A. said: "Minors have sharp thinking, quick anger, an inability to behave, an inability to fully assess the situation. This is due to the peculiarities of age, it is necessary to make an exception in the legislation and make additions"[4].

The introduction of a number of educational measures in the legislation of the Republic of Uzbekistan on minors shows that their protection in this regard takes a leading place. Thus, an adult has a real opportunity to stop their criminal activities and save from falling into the negative influence of the environment in places of deprivation of liberty. In fact, article 26 of our Constitution states that "Every person accused of committing a crime is tried legally and transparently in court, and they are



not considered guilty until their guilt is clear. In court, the accused is provided with all conditions for self-defense"[5]. Article 45 states that the rights of minors are protected by the state.

It should be noted that Uzbek legislation on the protection of minors is being formed and developed in accordance with international standards and norms. These documents include important international documents that reflect the main factors of the UN state policy on minors.

These international instruments include:

Declaration of the rights of the child (adopted by UN General Assembly resolution No. 1386 of 20 November 1959);

Rules of the UN minimum standard for the administration of juvenile justice (Beijing rules, adopted by UN General Assembly resolution No. 40/33 of 29 November 1985);

Declaration on legal and social principles of international and national child rearing and adoption, improvement of their condition and protection (adopted by UN General Assembly resolution No. 41/95 of 1986).

We can also cite the Convention on the rights of the child and other documents adopted by the UN General Assembly in 1989.

The Convention on the rights of the child, adopted by the UN General Assembly, was ratified by 193 countries, including the Republic of Uzbekistan on December 9, 1992.

The Convention on the rights of the child establishes measures to prevent and combat all types of offences that may be committed against children. In its article 34, States undertake to protect the child from all forms of sexual disorder, to involve and compel the child to engage in any abnormal sexual activity, and to take all necessary measures to prevent the use of pornographic material from children for the purpose of preparation.

In addition, States should take all necessary measures at the national, bilateral and multilateral levels to prevent the abduction, sale or smuggling of children for any purpose and in any form (35- article 17), it is necessary to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment, that the death penalty or life imprisonment is not imposed for crimes committed by young people under the age of 18, and that no child is subjected to unlawful or arbitrary deprivation of liberty (article 17).

## CONCLUSION

We can conclude as follows, the provisions of The United Nations minimum standards for the fair trial of minors; the Declaration on legal and social measures for the education of children at the international and national levels and their adoption, improvement and protection; The Convention on the rights of the child and other

documents adopted by the UN General Assembly in 1989 play an important role in ensuring and protecting all aspects of the rights of children and youth that are considered the heritage of humanity, their continuation, and improving our national legislation based on international standards. In particular, the law of the Republic of Uzbekistan "On the rights of the child", adopted in 2008 on January 7, 2008, fully expresses all the requirements of this Convention and international documents that serve as an independent legal basis for ensuring and guaranteeing their rights in criminal proceedings against minors in our country based on the requirements of international normative legal acts[6].

Juvenile justice, tested in the world experience, was considered as one of the factors for more effective protection of minors based on international standards in the course of judicial reforms carried out in our country in an intensive mode. Juvenālis "children"; jūstitia "justice of justice"), that is, the organization of juvenile justice ultimately leads to greater freedom of criminal proceedings against minors.

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