



## THEORETICAL AND LEGAL FOUNDATIONS FOR EXAMINING APPLICATIONS, REPORTS, AND OTHER INFORMATION RELATED TO CRIMES INITIATED BASED ON A VICTIM'S COMPLAINT

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**Abstract:** This article discusses the concept and characteristics of examining applications and reports related to crimes initiated based on a victim's complaint, and the role of this institution in protecting individual rights and interests and ensuring freedoms.

**Keywords:** private prosecution, complaint, criminal procedural activity, criminal prosecution, victim.

In our country, the judicial and legal sphere is undergoing radical reform, with necessary measures being taken to transform the system into a place of justice for the people, and major reforms being implemented in the judicial and legal sphere in the new Uzbekistan.

In the book "Strategy of New Uzbekistan," our President emphasizes the vital principle our ancestors have always followed: "Do not oppress, be fair, build a fortress of justice for the people." He particularly notes: "We proceeded from such requirements in reforming the judicial and legal system. Specifically, we have put forward the idea that 'a judge should have justice in their mind, truth on their tongue, and purity in their heart,' and we are striving to implement this in practice."

The state, while serving the interests of the people, also determines measures to protect the interests of individuals and society, particularly from criminal encroachments. Indeed, Article 2 of the Constitution of the Republic of Uzbekistan states: "The state expresses the will of the people and serves their interests. State bodies and officials are accountable to society and citizens." Accordingly, the state is entrusted with a number of important tasks in the administration of justice. One of these activities is criminal procedural activity. Criminal procedural activity is carried out on behalf of the state by authorized bodies and officials. Criminal procedural activity, depending on its nature, can be conducted in various forms, including through the examination of applications and reports of crimes initiated based on a victim's complaint.

In Uzbekistan, profound reforms are being carried out in all spheres, especially in the judicial and legal system, to ensure an important constitutional principle - the protection of individual rights and interests. This, in turn, necessitates the improvement of criminal and criminal procedure legislation. Specifically, it is necessary to improve the procedure for initiating criminal cases or terminating proceedings based on a victim's complaint, as provided for in the Criminal Procedure Code, to introduce new articles into the relevant sections of the Criminal Code, and to incorporate new rules into criminal proceedings regarding the application of circumstances initiated based on a victim's complaint.

Criminal procedural activity is one of the areas where criminal penalties and state coercive measures are applied, which has the greatest impact on fundamental human rights

and freedoms. This area of legal relations performs important social functions in the successful disclosure of information to the public.

Article 40 of the Constitution of the Republic of Uzbekistan states: "Everyone has the right, directly and jointly with others, to apply with applications, proposals, and complaints to state bodies and organizations, bodies of citizen self-government, officials, or people's representatives. Applications, proposals, and complaints must be considered in the manner and within the time limits established by law"[2;17].

The fact that citizens' appeals and their resolution are enshrined in the Constitution is another proof of the importance attached to these provisions in our country. The basis for the constitutionalization of the mechanism for ensuring the rule of law and the rights and freedoms of citizens is constitutional laws that comprehensively regulate the exercise of constitutional rights and freedoms, including the right to appeal[3;50-58].

The Law of the Republic of Uzbekistan dated September 11, 2017 No. ZRU-445 "On Appeals of Individuals and Legal Entities" establishes that appeals can be in oral, written, or electronic form, applications, proposals, and complaints are considered types of appeals, and appeals, regardless of their form and type, have equal significance[4].

Article 3 (Basic Concepts) of the Law of the Republic of Uzbekistan "On Appeals of Individuals and Legal Entities" dated September 11, 2017 defines the following basic concepts:

application - an appeal with a request for assistance in the exercise of rights, freedoms, and legitimate interests;

proposal - an appeal containing recommendations for improving the activities of the state and society;

complaint - an appeal containing a demand for the restoration of violated rights, freedoms and the protection of legitimate interests;

In accordance with the requirements of Order No. 200 of the Ministry of Internal Affairs of the Republic of Uzbekistan dated April 24, 2024, "On Improving the System of Working with Appeals of Individuals and Legal Entities in Internal Affairs Bodies," the procedure for reviewing appeals has been established.

Article 322 of the Criminal Procedure Code of the Republic of Uzbekistan (Motives and grounds for initiating a criminal case) specifies the types of reports that are grounds for initiating a criminal case:

- 1). Applications of individuals;
- 2) reports from enterprises, institutions, organizations, public associations, and officials;
- 3). Messages from the mass media;
- 4) direct identification by the investigator, inquiry officer, prosecutor, as well as the body conducting the pre-investigation check, of information and traces indicating the commission of a crime;
- 5). A plea for confession serves as a reason.

It is established that information indicating the presence of signs of a crime is the basis for initiating a criminal case.

Cases initiated on the basis of a victim's complaint are also recognized in legal literature under the phrase "Private prosecution," and several procedural scholars have expressed different opinions on this institution. In particular, according to Professor B.N. Rashidov, the institution of private prosecution represents the processes of proceedings related to the

initiation, investigation, and resolution of the case on the merits based on the victim's claim, as well as the refusal to initiate criminal proceedings based on the victim's failure to file an application and the termination of the case upon withdrawal of this claim after the initiation of the case based on the victim's submitted application[6;31].

According to D.M. Mirazov, criminal procedural activity is carried out with the initiation of a case if there are grounds and reasons for initiating the case, and also a decision is made to refuse to initiate a case if there are no signs of a crime, and circumstances are established that preclude proceedings[7; 44-45].

According to the lawyer of the Russian Federation K.F. Gutsenko, private prosecution cases are cases in which the victim is granted the right to personally support the prosecution[8;3].

According to other scholars S. I. Katkalo and V. Z. Lukashevich, private prosecution is a special procedural procedure for considering cases of a certain category, the initiation of which is carried out in the same manner as a complaint from the victim and is terminated on the basis of the victim's reconciliation with the suspect or accused[9;29].

From the opinion of these scholars, it can be concluded that cases initiated on the basis of a victim's complaint refer to cases in which proceedings are initiated on the basis of a complaint from the victim or their representative and aimed at supporting their interests.

The process of investigating complaints, applications, reports, and other information about crimes includes receiving, registering, investigating such reports by officials and other persons authorized by law, taking necessary measures, and making a lawful, fair, and impartial decision based on the results.

It is necessary to take measures to protect the rights and legitimate interests of the victim, civil claimant, or other persons related to the case, to ensure timely and full compensation for damage caused to them, to prevent crimes that are suspected of being committed or planned, as well as to promptly expose committed crimes, to limit the further criminal actions of guilty persons, to comply with the principles of legality, equality of citizens before the law, democracy, humanism, justice, responsibility for guilt, and the inevitability of responsibility.

Applications, reports, and other information about crimes may be in the following forms:

1. Oral - an oral application, message, and other information submitted at the reception of a specific employee, received by drawing up a protocol with a warning about criminal liability for knowingly false reporting, as well as an application, message, and other information at the time of the reception, carried out using information and communication technologies in real time;
2. By telephone - applications, messages, and other information received on the "hotline" of state bodies, organizations, or on the telephone of the duty unit and formalized in the prescribed manner;
3. Applications, messages, and other information submitted in person or through a representative, sent by mail or courier service;
4. Applications, messages, and other information, confirmed by an electronic digital signature and containing the details of the electronic document that allow identification, sent in the prescribed manner by means of information and communication technologies,



including applications, messages, and other information posted on the official website of the state body, organization;

5. Messages from the mass media.

When applying this institution, it is extremely important to ensure legality and achieve reliable protection of the rights and legitimate interests of citizens, to understand its content and essence, and to take into account its differences from other crimes, taking into account the possibility of prompt resolution in conflict situations related to crimes falling under the influence of the victim's complaint. By reflecting these guarantees in legislation, it is possible to further expand this institution and achieve high efficiency.

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