



THE CONTENT OF THE PRESUMPTION OF INNOCENCE, ITS THEORETICAL AND LEGAL ANALYSIS

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Annotation: This article examines the concept and essence of the presumption of innocence as applied at the pre-trial stage, the definitions provided by legal scholars, the legal consequences of its non-observance, their analysis, and the distinctive features of its application in current legal practice.

Keywords: presumption of innocence, presumption of guilt, fundamental principle, public court hearing, fair trial, acquittal, re-investigation, innocent person.

Respected President Sh. Sh. Mirziyoyev did not emphasize in vain, “The fundamental task of courts is to establish justice. For this, the court must deliver a lawful, well-founded, and fair decision in each case.” This, in turn, means that during the initial investigation and in the court stage of a criminal case, the principle of presumption of innocence must be fully observed, and that decisions in each case must be correct and lawful.¹

By the way, the presumption of innocence is one of the primary norms enshrined in our main dictionary - the Constitution of the Republic of Uzbekistan. Because the presumption of innocence established in this law is a legal state of reality, according to which a person's guilt is proven by the evidence collected in the case, and there is no doubt that he was held criminally liable in a reasonable and fair manner, but if the court has not yet issued a verdict of conviction, he is considered innocent².

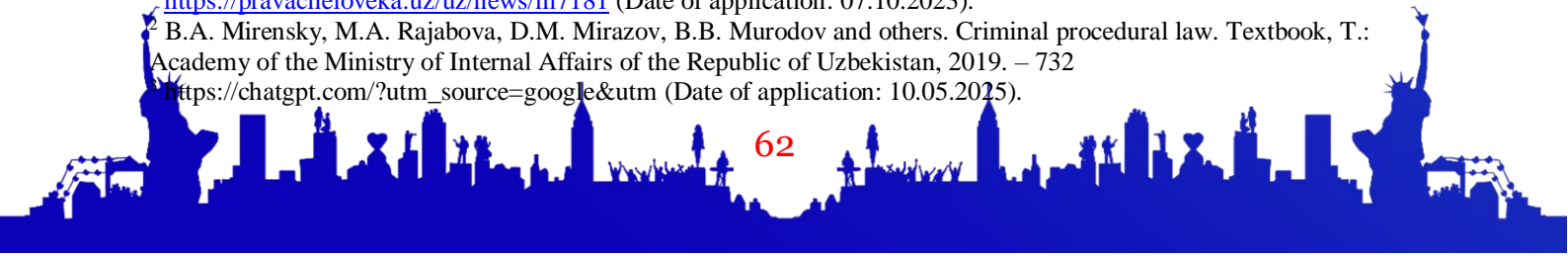
Today, the principle of the presumption of innocence is not fully implemented in law enforcement practice, in particular, systemic problems and shortcomings in the activities of the bodies implementing it negatively affect the effective implementation of this principle.

Available statistical data in this regard indicate that the number of acquittals has remained at a certain level in recent years due to problems with the implementation of the principle of the presumption of innocence. In particular, 859 people were acquitted in 2019, 781 in 2020, 932 in 2021, 1010 in 2022, 1244 in 2023, 723 in 2024, and 204 in the first half of 2025.³

¹ <https://pravacheloveka.uz/uz/news/m7181> (Date of application: 07.10.2023).

² B.A. Mirensky, M.A. Rajabova, D.M. Mirazov, B.B. Murodov and others. Criminal procedural law. Textbook, T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2019. – 732

³ https://chatgpt.com/?utm_source=google&utm (Date of application: 10.05.2025).





Also, in the first quarter of 2025, 204 people were unreasonably charged or reinstated by the preliminary investigation bodies, compared to the year of implementation, 3,765 people. Also, 1,330 criminal cases were processed in the cassation procedure, 115 out of 1,523 people were dismissed from their jobs by the courts of first instance, and 475 people were replaced by the employees of the courts⁴. These figures confirm that the presumption of innocence in practice is not fully realized.

To prevent such negative situations, to prevent them, to not hold any innocent person to criminal liability, requires full compliance with the principle of the presumption of innocence.

In our opinion, before addressing the above-mentioned problems, what is the presumption of innocence, and to what extent is it applied during the initial investigation and inquiry? And in order to find answers to such other questions, it is first advisable to analyze this word combination lexically.

To date, several definitions of the concept of the presumption of innocence have been given in legal literature. Some scholars interpret the presumption of innocence as "the accused is presumed innocent until his guilt is proven in accordance with the procedure established by law and determined by a court verdict that has entered into legal force."⁵ The second group of scholars believes that "the presumption of innocence is not characterized by the position of the accused in the criminal process, but is an element of the general legal status of a citizen."⁶

According to legal scholar U.T. Tadzikhonov, "the presumption of innocence is the recognition in criminal procedure law of the innocence of the accused (defendant) until his guilt is fully proven by evidence."⁷ it was noted that, according to B.A. Saidov, the presumption of innocence is the basis of the principle of legality of criminal proceedings and one of the main principles of justice⁸. B.B. Murodov noted that the presumption of innocence is the recognition of the innocence of the accused (defendant) until the evidence collected in the criminal case is fully proven⁹.

⁴ <https://online-telegram.ru/#@AzizAbidov> (Date of application: 11.05.2025.).

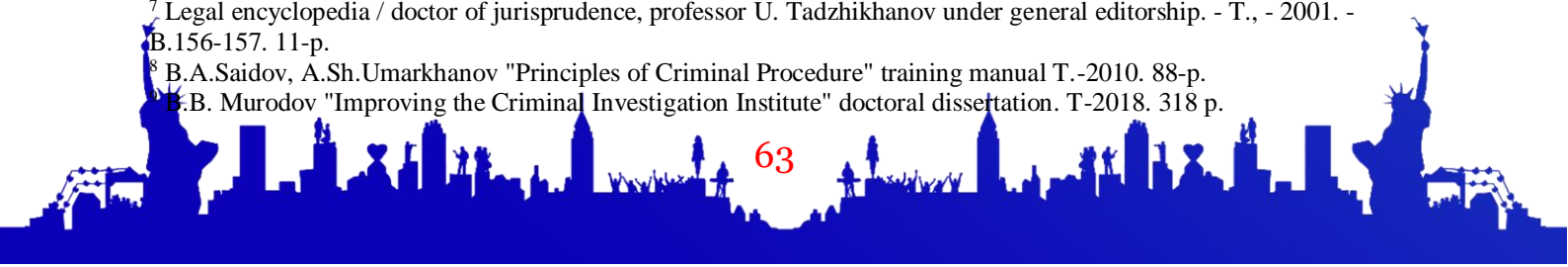
⁵ <http://lawlibrary.ru/izdanie9258.html> (Date of application: 10.10. 2023.).

⁶ <https://cyberleninka.ru/article/n/bibliografiya-po-teorii-praktike-tehnike-formirovaniya-i-realizatsii-pravovyh-prezumpsiy> (Date of application: 10.10. 2023.).

⁷ Legal encyclopedia / doctor of jurisprudence, professor U. Tadzikhonov under general editorship. - T., - 2001. - B.156-157. 11-p.

⁸ B.A.Saidov, A.Sh.Umarkhanov "Principles of Criminal Procedure" training manual T.-2010. 88-p.

⁹ B.B. Murodov "Improving the Criminal Investigation Institute" doctoral dissertation. T-2018. 318 p.





Also, as F.M. Mukhitdinov and E.Kh. Narbutaev note, regardless of the grounds on which the criminal case is terminated, a person is innocent due to the principle of the presumption of innocence¹⁰.

A.P. Gulyaev, one of the foreign scientists, defines the presumption of innocence as the rule that “every citizen is innocent of a crime until proven otherwise in accordance with the procedure established by law”¹¹. According to A.M. Larin, the presumption of innocence is a legal rule according to which the accused is presumed innocent until his guilt is proven by a final court verdict¹².

At the same time, some representatives of procedural theory are skeptical about the recognition of the presumption of innocence as an independent principle of the criminal process and propose to exclude it from the system of principles. In particular, K.A. Mokichev evaluates the presumption of innocence as an “unreasonable rule” and emphasizes that if it is fully observed, the inquiry officer, investigator, and even the court should treat a person as innocent until the court verdict enters into legal force.

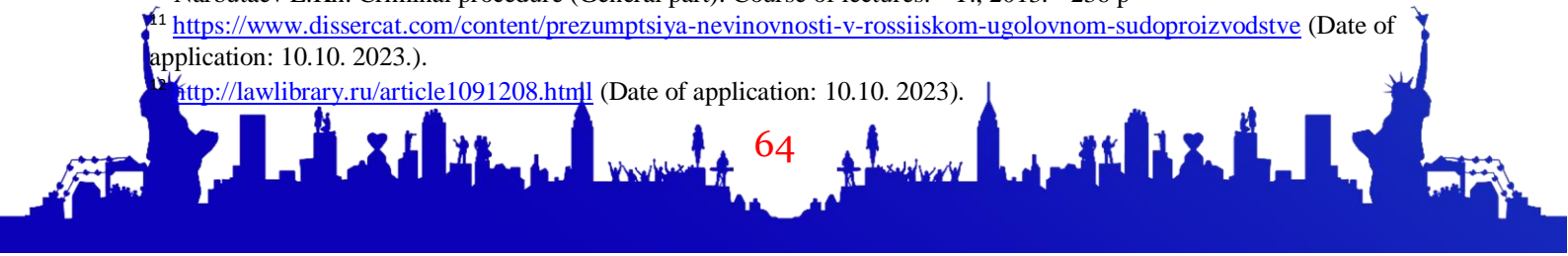
There are significant differences in the definitions of the principle of presumption of innocence given by scholars. In particular, some argue that it is necessary to recognize the innocence of the accused (defendant) until his guilt is fully proven on the basis of the evidence collected in the criminal case, while others argue that the principle of presumption of innocence allows a person to be considered innocent regardless of the grounds on which the criminal case is terminated, as specified in Articles 83 or 84 of the Criminal Procedure Code. A third group of representatives argue that a person is considered innocent until his guilt is proven by a court verdict that has entered into legal force, and another group of scholars argue that the observance of the presumption of innocence may limit the activities of the investigator. Of course, we do not agree with the last definition, since if this principle is not observed, it is impossible to establish the truth in the criminal case and give a fair legal assessment of the situation.

The opinions of the third group of scholars are also somewhat reasonable. Because a person is presumed innocent not only until his guilt is proven by a court verdict that has entered into legal force, but also by a ruling of the appeal, cassation and supervisory instance, as well as in the event that the criminal case is terminated during the initial investigation and inquiry. The opinions of F.M. Mukhitdinov and E.

¹⁰ Narbutaev E.Kh. Criminal procedure (General part): Course of lectures. - T., 2013. - 236 p

¹¹ <https://www.dissercat.com/content/prezumpsiya-nevinovnosti-v-rossiiskom-ugolovnom-sudoproizvodstve> (Date of application: 10.10. 2023.).

¹² <http://lawlibrary.ru/article1091208.html> (Date of application: 10.10. 2023).





Kh. Narbutaev also partially complement the essence of the presumption of innocence.

Based on the above opinions and considerations, we recommend U.T. Tadzhihkanov, B.A. Saidov, B.B. Murodov and F.M. Mukhitdinov and E.Kh. One can agree with Narbutaev's opinion.

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