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## «MODERN LEGAL ENFORCEMENT AND SOME ISSUES OF IMPROVING THE INSTITUTION OF ENTERING INTO A PLEA AGREEMENT»

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## ABSTRACT

*This paper explores the international legal framework surrounding institution of entering into a plea agreement. It examines key international documents, such as the UN Convention against Corruption and the International Convention against Corruption in the Public Sector, to analyze principles, mechanisms, strengths, and weaknesses inherent in the global fight against corruption. Additionally, it discusses the necessity of further refining international legal mechanisms to ensure effective protection of societal interests and the reinforcement of legal order at both national and international levels. The study underscores the significance of ongoing academic inquiry into this crucial aspect of global governance and highlights avenues for enhancing international cooperation in combating corruption.*

In recent years, our country has adopted a number of legislative acts aimed at reliable protection of individual rights and freedoms, respect for their honor and dignity, expanding the application of the principle of adversarial proceedings at all stages of legal proceedings, as well as the introduction of international standards and advanced foreign experience in this area.

In the decree of the President of the Republic of Uzbekistan "On measures to further strengthen guarantees for the protection of individual rights and freedoms in judicial and investigative activities" dated August 10, 2020, guided by the proposal of the Prosecutor General's Office, the Ministry of Internal Affairs, the State Security Service, the Ministry of Justice and the National Center for Human Rights, changes have been made to the criminal procedural legislation regarding the admission of guilt. The task was set to introduce the institution of consent.

The presence of an admission of guilt is a necessary condition for the transition from the general procedure for proceedings in criminal cases to the procedure for proceedings in certain categories of criminal cases, such as proceedings in reconciliation cases, the application of an amnesty act at the stage of pre-trial proceedings in the case. Viewed in the interests of justice, in summary criminal proceedings an admission of guilt is considered a necessary element.



In a plea bargain, an agreement can be reached on conditions such as the provision of information about accomplices in the crime, compensation for damage, and the voluntary presentation of evidence. A plea bargain is apparently a way of making peace with the underworld or the person who committed the crime. It must be said that not everyone supports such office rules. Opponents of the guilty plea procedure primarily insist that court decisions will be unfair due to incomplete evidence in court.

The issue of including a procedure for resolving confessions of crimes into our national legal system has attracted the attention of the scientific community for many years.

In our country in recent years, many authors have appeared, including Q. Matkarimov, N. Koshaev, who have put forward proposals to include a plea agreement in our national legislation. The plea agreement is characterized by the fact that it is one of the effective measures in the legislation of a number of states. Including the legislation of the USA, England, Italy, Spain, Germany, France, Estonia, Israel, India and a number of countries, such as Russia, Moldova, Kazakhstan, Georgia.

In order to prevent the prosecution of an innocent person, under the laws of Denmark, France and Germany, the court must take all measures in this regard, paying particular attention to the principle of establishing the truth. This requirement is also reflected in the Criminal Procedure Legislation of Russia, Ukraine, Kazakhstan, and Kyrgyzstan, where these provisions are enshrined as a form of imposing a more lenient punishment.

The concept of a plea agreement is a completely new institution in the Criminal Procedure Legislation, in connection with the adoption in our country of the law "On Amendments and Additions to the Criminal and Criminal Procedure Codes of the Republic of Uzbekistan" dated February 21, 2021, the Criminal Procedure Code received a new Chapter 621 entitled "Plea Agreement". depends on the circumstances.

According to Article 586 (1) of Chapter 62 (1) "a plea agreement is an agreement concluded with the prosecutor supervising criminal cases of crimes of great social danger, less serious and serious, committed at the request of the suspect or accused, agreeing to suspicion, accusation, actively contributing to the detection of the crime and eliminating the damage caused."

In the explanatory dictionary of the Uzbek language there is no general concept of admission of guilt in the form of vocabulary. But by analyzing the words used in this dictionary, you can find out its lexical meaning. The dictionary meaning of the word "guilt" is given as a defect, an image-deed, a sin contrary to the rules and norms of etiquette. The concept of unlawful behavior, a necessary condition for bringing to responsibility, has also found its expression. It is noted that the word "confession", on the other hand, is understood in the meaning of "admit, consider true, admit, acknowledge." On the other hand, the lexical meaning of the word "agreement" is reflected in the meanings of opinion, conclusion, decision, agreement, contract formulated in mutual consultation. So, an agreement in the sense that interests us is a deal between the suspect and the accused and the prosecutor to admit guilt.

In our opinion, the concept of a plea agreement presented in the law has a number of inaccuracies, to clarify which we considered it necessary to refer to the definitions of a plea agreement in the theory of criminal proceedings. There is still no consensus in the legal literature regarding the concept of a prize agreement.



Despite the fact that this institution (concept) is new in the judicial and legal system of our country, a number of practitioners and scientists have expressed certain views and opinions. In particular, S. Tashniyazov emphasized that a plea agreement is a proposal made by the suspect or accused to the investigative body, concluded on the basis of equality, the consent of the parties, which must be signed by the prosecutor and the suspect or accused, as well as their defense attorney.

S. In the eyes of Mukhanov, this is a procedural institution regulated by the Code of Criminal Procedure, which consists of concluding a mutually beneficial agreement between the investigator and the prosecutor, on the one hand, and the accused and his defense attorney, on the other hand, for the investigation and disclosure of particularly serious, less serious crimes that do not represent public danger.

Drawing our attention to the opinions of scientists in foreign countries, some scientists argue that a plea agreement does not protect against criminal liability, but is only a basis for mitigating criminal punishment. V. Semenov and Yu. Loshkobanov regarded the plea agreement as a unilateral agreement, admitting that the duties of the suspect and accused are voluntary, and the duties of the prosecutor on the other side arise in exceptional cases in the Criminal Procedure Law.

It was stated above that a plea agreement is one-sided and, in our opinion, both parties should have an interest in the plea agreement. In particular, when a suspect or accused is interested in a more lenient punishment than himself, government agencies and officials responsible for criminal proceedings seek to quickly solve crimes, save effort and money, and reduce the amount of work.

Researcher V. According to Kolesnik, the main characteristic and basis of a plea agreement should be understood as agreements about equal subjects, even under unequal (subjects) circumstances. N. Dudina pointed out that in a plea agreement, the material and legal basis of the institution of admission of guilt is sincere repentance, repentance on the part of the suspect or accused, that the plea agreement itself does not have a civil legal nature, but is a type of document, providing one of the forms of law enforcement.

K. Bagautdinov, in his scientific research, noted that a plea agreement is a voluntary agreement between the parties, which cannot be imposed on the prosecutor as an obligation to enter into a plea agreement, that the prosecutor's refusal to enter into an agreement does not prevent the achievement of justice and does not limit rights and freedoms of participants in the process. Therefore, the courts, when considering the prosecutor's complaint, without discussing the validity of the decision to refuse, must conclude that the decision was made by the appropriate person within his competence, that in an agreement on pre-trial cooperation, unlike civil contracts, the public has priority, that the uniqueness agreement is that public and private interests cannot be emphasized in it, that in case of conflict, the matter will be resolved taking into account the interests of the public.

K. Having agreed with Bagautdinov's opinion, the prosecutor in the plea agreement explains and applies all the terms and features of the agreement set out in the Criminal Procedure Law. However, the fulfillment of any obligations in the agreement itself cannot be assigned to the prosecutor. The reason is that by going to court, the situation may completely change and the provision in the agreement will no longer be enforceable.



Researcher S. Kasatkina regards the legalization of the possibility of concluding a deal between the prosecution and defense at the stage of pre-trial investigation of a criminal case as a fundamental innovation for legislation. This agreement establishes the boundaries, form and conditions of cooperation of the accused with the investigation and allows for changes in the order of the trial, as a result of which the accused receives the privilege of reducing the amount of punishment for the crime committed.

G. Belova notes the importance of this for justice, arguing that a plea agreement is a procedure that simplifies, thereby speeding up, the administration of justice. T. Topchieva, in turn, emphasizes that “the purpose of the agreement is not to simplify and speed up the proceedings, but to attract the suspect (accused) to active cooperation with law enforcement agencies and assist them in the investigation of crimes.”

In our opinion, although in the above points scientists reflected the processes related to the structuring of the institution of recognition of guilt, these points do not fully reveal the essence and understanding of this institution.

Despite the diversity of opinions and the wide dissemination of such opinions in the literature and on Internet sites, there is still no clear understanding of the admission of guilt. Because the institution of a plea agreement is a new institution in the criminal procedural legislation of our country and differs from the institutions that exist in the legislation of foreign countries.

Unfortunately, although the institution of a plea agreement is reflected in the current criminal procedural legislation, insufficient regulation of the rules of the mechanism for its implementation leads to a number of problems in judicial investigative practice and, as a consequence, to the non-application of this institution.

An in-depth analysis of the above considerations made it possible to define a plea agreement as follows: “a plea agreement is an agreement between the suspect and the accused, concluded with the criminal prosecutor, who, at any time during the inquiry and preliminary investigation, admits suspicion or accusation against himself, sincerely repents of what he has done, helps solve the crime and fully compensates for the damage caused. not necessarily consent.”

Thus, a plea agreement is a kind of multilateral agreement, which, firstly, acquires meaning for the suspect, the accused as follows:

- reason for the use of incentive rules when assigning punishment (Article 57 (2) of the Criminal Code);
- various interferences are prevented;
- held accountable for his actions quickly and under certain circumstances, especially in a custodial environment protected from difficult circumstances such as awaiting trial.

Secondly, for inquiry, investigation, prosecutor’s office and court:

- saving time and resources;
- refusal from trial leads to a reduction in the load on the courts in criminal cases and expands the possibility of timely consideration of especially serious, complex criminal cases.

Third, this agreement may also have implications for the victim:

- the damage caused will be compensated;
- prevents negative aspects, such as frequent meetings with the suspect, accused (secret



in crimes against the person, in particular in crimes against life, health, sexual freedom and other types of crimes, the meeting of the victim with the accused, as well as with the defendant, will be very painful for him);

- saves time;

- preventing the conduct of various investigative and investigative experiments.

Thus, the introduction of the institution of a plea agreement into the criminal, criminal procedural legislation of our country is an important factor in promoting the protection of human rights, freedoms and legitimate interests to a higher level.

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