

PARTICIPATION OF AN ADVOCATE AT THE STAGE OF EXECUTION OF COURT VERDICTS, RULINGS AND DECISIONS

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At the stage of execution of court decisions, the advocate's participation can be implemented in various forms. The advocate explains to the convict, the victim, the civil claimant and other interested parties the issues related to the execution of court decisions (sentences, rulings and decisions); filing motions on issues related to the execution of court decisions; participation in the court session in solving issues arising in the execution of judgments, rulings and decisions; may file complaints and take other actions provided for by law. The constitutional right to receive qualified legal assistance is also directly applicable at the stage of execution of court decisions. The judgment, ruling and decision of the court, which has entered into legal force, is binding for all state organs, public associations, enterprises, institutions and organizations, officials, citizens and must be executed in the entire territory of the Republic of Uzbekistan.

It is known that according to Article 528 of the Code of Criminal Procedure of the Republic of Uzbekistan, the sentence enters into legal force upon the expiration of the period for filing an appeal and filing a protest against it. If an appeal is filed or a protest is filed, the sentence, if it has not been cancelled, enters into force on the day the case is heard by the higher court. If there are two or more convicts, provided that at least one of them has filed an appeal or protest against the verdict, the sentence against all the convicts will not enter into force until the higher court considers the case. The judgment shall be executed by the court that issued the judgment no later than three days from the date of the judgment entering into legal force or the case being returned from the appellate court. The order on the execution of the sentence is sent by the judge or the chairman of the court together with the copy of the sentence to the organ entrusted with the obligation to execute the sentence. If the judgment is changed during the appeal, cassation or supervisory procedure, a copy of the ruling or decision of the court of appeal, cassation or review instance is attached to the copy of the judgment.

The organs executing the sentence will immediately notify the court that issued the sentence about its execution. The administration of the penal institution must inform the sentencing court about where the convict is serving their sentence.





Failure to comply with the court decision on time or in full will cause liability according to the law. A copy of the judgment entered into legal force, if necessary, is sent to the place of work, study or residence of the convict. If necessary, the public will be informed about the judgment that has entered into legal force through the press or other mass media. If the court has issued a decision on depriving the prisoner of his military title or special title, the court shall send a copy of the judgment to the authority that issued this title for execution. The court shall decide on the appropriateness of making a submission to the relevant organ about depriving him/her of these awards or titles when issuing an indictment against a person who has been awarded state awards or has a high military or special title.

For the execution of the fines and other property recovery part of the sentence, the writs of execution or their duplicates are sent to the bailiffs of the convict's place of residence or the place of serving the sentence, as well as the place where the convict's property is located. The court is obliged to notify the family of the prisoner that the sentence on deprivation of liberty of the prisoner kept in prison has entered into legal force and will be executed. Meetings with the prisoner in prison are allowed before the execution of the sentence based on Article 477 of the Criminal Code.

If the court has made a decision to place the convict's minor children under the auspices of institutions, relatives or other persons, the court shall inform the guardianship authority of the place where the children are located, as well as the convict. On the need to take measures to protect the abandoned property and residence of the convict, the court shall inform the government or the self-government organ of the citizens on the land where the property and residence are located, and shall inform the convict about this. .


At the stage of the execution of the sentence, the advocate can provide legal assistance to the interested parties on the following issues that are considered in court:

1. in solving the issues of compensation for the damage caused to the rehabilitated person and restoration of his/her other rights (Chapter 38 of the Civil Code);
2. for a convict who evades payment of a fine imposed as a punishment or violates the conditions for paying it in installments, this type of punishment is combined with correctional work, restriction on service, imprisonment or deprivation of liberty (Article 44 of the Civil Code);
3. replacing correctional work with imprisonment (Article 46 of the Civil Code);



4. changing the conditions of detention of a person sentenced to imprisonment while serving the sentence (Article 537 of the Criminal Code);
5. when releasing a prisoner from punishment due to illness or loss of working capacity (Article 75 of the Civil Code, Article 534 of the Criminal Code);
6. in the case of release of the convict due to the fact that the term of execution of the sentence has passed (Article 69 of the Criminal Code);
7. canceling the conditionality of the punishment (Article 72 of the Civil Code; CPC Article 535);
8. in resolving the issues of application of a new law with retroactive force, which cancels the criminality of the act against the convict, mitigates the punishment or otherwise improves the situation of the person (Article 13 of the Criminal Code);
9. when considering the issue of removal of conviction (Criminal Code's Article 79);
10. when releasing a minor from liability or punishment using coercive measures (Article 87 of the Civil Code);
11. Article 89 of the Civil Code on conditional release of a minor from serving the sentence);
12. commuting a minor sentence to a lighter one (Article 90 of the Criminal Code);
13. in extending, changing and canceling coercive medical measures (Article 95 of the Civil Code);
14. in solving the problems that arise in the part of the civil claim and other property recoveries in the execution of judgments, rulings and decisions (Article 53-91 of the Civil Code);
15. in the case of other unexecuted judgments, when the court determines the order of execution of the judgment (Article 540 of the Civil Code);
16. when considering applications to add the time spent in correctional work to the total length of service of the prisoner (the CPC Article 545);
17. in court consideration of motions to take into account the time of service restriction, detention in the disciplinary part (Article 546 of the Criminal Code);
18. in court consideration of the issue of release of a convict from punishment based on the amnesty act (Article 536 of the Criminal Code);
19. a lawyer may provide legal assistance to interested parties at the stage of sentence execution in other cases provided for by law.





Issues related to the execution of the sentence are decided by the judge at the court session with the participation of the prosecutor and the convict. The rights of the prisoner provided for in Article 532 of the Criminal Code are ensured. A defense attorney must be present when the judge is considering issues related to the execution of sentences for minors, as well as prisoners with physical or mental disabilities.

LIST OF REFERENCES:

1. Criminal Code of the Republic of Uzbekistan
2. Criminal Procedure Code of the Republic of Uzbekistan
3. Law on Courts of the Republic of Uzbekistan <https://lex.uz/docs/-5534923>
4. Code of the Republic of Uzbekistan about administrative responsibility
5. M.H.Rustambayev, U.A.Tuxtasheva. "Advocacy activity in the Republic of Uzbekistan". O'zbekistonFaylasuflarijamiyatlashriyoti. Tashkent-2012. ISBN 978-9943-391-37-6

