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The Legal Nature of Acquittal Verdict in the Criminal Procedural Law of Certain Foreign Countries

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Abstract:

The basis of the announcement of the sentence in the criminal-procedural legislation of foreign countries and their procedural procedures are explained. It is also analyzed what grounds are established in the procedural legislation for issuing a verdict of acquittal. In particular, what procedures are established in the criminal procedural law for issuing a verdict of acquittal by the court in the provision of justice in foreign countries, and the powers of the court are theoretically explained.

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First of all, in order to compare the criminal procedural code of some foreign countries, it should be said that the grounds for acquittal found in the criminal procedural codes of some CIS countries are more imperfect than the grounds for acquittal reflected in our criminal procedural code.

For example, when the criminal procedural code of a number of CIS countries (Ukraine, Russia, Estonia) was studied and compared with the criminal procedural code of Uzbekistan, their criminal procedural code did not provide separate articles for acquittal and grounds for acquittal. All types of both accusations and acquittals are reflected in one article. In the criminal procedure code of some countries (Georgia, Latvia), the grounds for acquittal are defined in a separate article, but they are reflected in a very short 2-paragraph abstract form[1].

Also, we can make good use of their experience by studying the principles of acquittal in the criminal procedural code of some countries (Azerbaijan, Moldova, Estonia, Russia, Kazakhstan).

In particular, in Article 373 "Types of Punishment" of the Criminal Procedure Code of Ukraine, an

acquittal is issued if the following are not proven:

- 1) if it is not proven that the person has committed the crime;
- 2) proven that the crime was committed by the defendant ;
- 3) if it is not proven that there is a criminal element in the act of the defendant.

In order to close the criminal case provided for in clauses 1 and 2 of Article 1 of the Code of Criminal Procedure of Ukraine, a verdict of acquittal is also accepted by the court when determining the following grounds[2]:

- 1) it is established that there is no incident of criminal liability;
- 2) if it is established that the act does not contain a criminal element.

The current criminal- procedural legislation of the Russian Federation (Article 2 of the Criminal- Procedural Code of the Russian Federation) accepts acquittal in the following cases :

- 1) if the commission of a crime has not been established;
- 2) if the defendant did not participate in the commission of the crime;
- 3) if the action of the defendant does not contain a criminal element:
- 4) if the jury acquits the defendant.

According to Article 3, Part 302 of the Criminal Procedure Code of the Russian Federation, relying on any of these grounds means recognizing the accused as innocent and will lead to his reinstatement in accordance with Chapter 18 of the Criminal Procedure Code of the Russian Federation.

Article 309 of the Criminal Procedure Code of Estonia "Types of Sentence and its Composition " , acquittal is issued in cases where a crime has been committed or the crime itself has not been determined during the trial; or if it is not proven that the crime was committed by the accused; or it is reflected that an acquittal can be issued if the prosecutor has canceled the accusation[3].

The Criminal Procedure Code of countries such as Armenia, Moldova, Kazakhstan, Turkmenistan and Georgia have independent norms related to acquittal.

Article 366 of the Criminal Procedure Code of Armenia on "Acquittal" , the court is obliged to acquit at this court session if one of the grounds is provided for in paragraphs 1-3 of Article 35, Parts 1 and 2 of the Code .

Article 35 of the Criminal Procedure Code of Armenia provides for the exclusion of criminal proceedings and criminal prosecution.

to clauses 1-3 of Article 35, parts 1 and 2 of this norm , it is allowed to justify in the following cases :

- 1) if no crime has been committed;
- 2) if there is no criminal element in the act;
- 3) the act causing damage is considered legal according to the Criminal Code ; there is no proof of the accused's participation in the commission of the crime, and if all possibilities of obtaining new evidence have been exhausted.

Pursuant to Article 390 of the Criminal Procedure Code of Moldova, an "Acquittal" is issued if:

- 1) if the commission of a crime has not been established;
- 2) if the defendant did not commit the crime;
- 3) if there are no signs of crime in the actions of the defendant;
- 4) if the act is not provided for in the criminal law:

if there is one of the reasons that eliminate the criminal character of the act .

According to Article 394 "Acquittal" of the Criminal Procedure Code of Kazakhstan, a decision is made if:

- 1) if there is no criminal incident;
- 2) if the action of the defendant does not contain a criminal element;
- 3) if the participation of the defendant in the commission of the crime is not proven.

is devoted to "Acquittal" and provides that this type of sentence can be issued in the following cases :

- 1) if there is no incident of criminal offense;
- 2) if the action of the defendant does not contain a criminal element;
- 3) if the defendant did not participate in the commission of the crime.

Although in the Code of Criminal Procedure of Georgia there is a separate article on the sentence of hunting although it is distinguished, it has abandoned the specific grounds that usually determine the issuance of an acquittal . In particular, in Article 270 of the Criminal Procedure Code of Georgia, "Verdict of acquittal" states that the charge against the accused is not confirmed and There should be no words insulting the guilt of the acquitted person or his personality in the sentence . it is said[4].

Some articles related to the grounds of acquittal are also contained in the criminal procedural legislation of Latvia, Belarus, Kyrgyzstan, and Azerbaijan.

For example, according to Article 519 of the Criminal Procedure Code of Latvia "Grounds for issuing an acquittal" , the court accepts an acquittal in the following cases , if:

- 1) if the act committed by the accused does not contain a criminal element;
- 2) if the participation of the accused in the criminal act is not proven.

In accordance with Article 357 of the Criminal Procedure Code of Belarus "grounds of acquittal", an acquittal is issued if:

- 1) if there is no socially dangerous act stipulated by the criminal law;
- 2) if the action of the accused does not contain criminal elements ;
- 3) if the participation of the accused in committing the crime is not proven.

Article 340 of the Criminal Procedure Code of Kyrgyzstan "Grounds for issuing a decision on acquittal" states that an acquittal is accepted in the following cases:

- 1) if no crime or misconduct has been committed;
- 2) if there is no crime or wrongdoing in the action of the accused;

3) legal actions that cause harm based on the criminal law (necessary protection, minimum protection, justified need, physical or mental violence, harm during the arrest of a person who has committed a crime or misbehavior, execution of an order or other order, as well as duties within the scope of the position, reasonable risk, performing a special task within an organized criminal group or criminal organization);

4) when the jury acquits the accused.

However, not all of these articles specify which grounds should be used to justify them in which cases[5].

Azerbaijani legislation followed a completely different path. This country's Code of Criminal Procedure not only provides certain grounds for acquittal, but also explains in what cases an acquittal is based on those grounds.

to Article 42 of the Criminal Procedure Code of Azerbaijan "Grounds for Acquittal", the verdict of acquittal confirming the innocence of a person in the commission of a crime against him is determined according to the results of the court's review in the following cases[6]:

- 1) no crime has been committed;
- 2) absence of criminal elements in the act;
- 3) the accused is not related to the committed crime;
- 4) that the guilt of the accused has not been proven.

according to the reasons listed above, the explanation of each paragraph of the decision of acquittal also cited :

is possible if the incident did not occur or the existence of the crime was not proven in the incident ;

on the second basis (the crime does not contain the elements of a crime) - if the act of the accused does not contain the elements of a crime or there are circumstances that eliminate the crime;

on the third ground (lack of involvement of the accused in the committed crime), acquittal is possible if it is proven that the person was not involved in committing the crime charged against him or his involvement in this act is not proven;

on the fourth ground (unproven guilt of the accused) acquittal is possible if there is not enough evidence of the person's guilt or the collected evidence confirms his innocence[7].

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