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ISSUES TO BE DETERMINED BY THE COURT WHEN DELIVERING A JUDGMENT

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Abstract: This article examines the legal nature and classification of the issues that must be resolved by a court during the delivery of a judgment in criminal proceedings. Based on Article 457 of the Criminal Procedure Code of the Republic of Uzbekistan and other relevant legal provisions, the matters considered by the court in the deliberation room are categorized into four principal groups. The article also analyzes the court's authority concerning the legal qualification of criminal acts, sentencing, adjudication of civil claims, disposition of physical evidence, allocation of procedural costs, and the application of compulsory medical measures.

Keywords: judgment, court decision, criminal case, deliberation room, sentencing, civil claim, criminal procedure.

A court judgment constitutes the final and most significant procedural act in the administration of criminal justice. Through the judgment, the court provides a legal assessment of all material circumstances of the case, determines whether the defendant is guilty or not guilty, establishes the criminal-law consequences of the offense, and resolves issues relating to the restoration of violated rights and legitimate interests. Accordingly, the delivery of a judgment represents one of the most responsible and complex stages of judicial proceedings, requiring a high level of professional competence, thorough knowledge of the law, and strict compliance with procedural requirements.

The Criminal Procedure Code of the Republic of Uzbekistan devotes particular attention to the procedure and content of judicial judgments by establishing a precise scope of issues that must be resolved by the court when rendering its judgment. In particular, Article 457 of the Criminal Procedure Code stipulates that, while in the deliberation room, the court is obliged to comprehensively, thoroughly, and impartially examine all circumstances established in the criminal case and reach a well-reasoned conclusion on each of them [1]. The issues to be determined when delivering a judgment encompass a broad range of matters, including whether the criminal offense was committed, whether the defendant is guilty, the proper legal qualification of the offense, the imposition or exemption from criminal punishment, the adjudication of civil claims, the disposition of physical evidence and procedural expenses, as well as the application of compulsory medical measures. Each of these issues plays a crucial role in ensuring the legality, validity, and fairness of the judgment.

Judicial practice demonstrates that the failure to resolve certain issues fully or consistently during the delivery of a judgment may result in the reversal or amendment of the court's decision by a higher judicial authority. Consequently, a systematic examination of the issues that must be resolved by the court at the stage of rendering a judgment, together with an analysis of their legal nature in light of the applicable procedural legislation, remains of considerable theoretical and practical significance.

Article 457 of the Criminal Procedure Code imposes upon courts the obligation to carefully deliberate on all circumstances established in the criminal case [1] and defines the scope of issues that must be resolved when rendering a judgment. These issues may be classified into four principal categories:

1. Issues concerning proof of the commission of the criminal offense and the defendant's guilt;

2. Issues relating to the imposition of criminal punishment;
3. Issues concerning civil claims and compensation for damages;
4. Other issues arising in connection with the delivery of the judgment.

While in the deliberation room, the court considers and resolves these issues in a logical sequence. It is required to reach well-founded conclusions on each of them. Specifically, the court shall determine the following matters:

1) Whether the act for which the defendant is charged was in fact committed.

If, during the judicial examination of the case, it is established that the act attributed to the defendant did not actually occur, and the court reaches this conclusion during its deliberations, an acquittal shall be rendered.

2) Whether the act constitutes a criminal offense and, if so, under which provision of the Criminal Code it is punishable.

In resolving this issue, the court is guided by the concepts and principles contained in both the General Part and the Special Part of the Criminal Code. For an act to be recognized as a criminal offense, it must possess the essential elements common to all crimes, namely: social dangerousness, guilt (culpability), unlawfulness, and punishability.

Accordingly, before classifying an act as a crime, the court must carefully examine whether these constituent characteristics are present. Not every unlawful act constitutes a criminal offense; some acts may instead amount to disciplinary misconduct, a civil wrong, or an administrative offense.

Furthermore, the court must take into account the circumstances excluding the criminality of an act as provided for in Article 35 of the Criminal Code. Although such acts may objectively and subjectively resemble criminal conduct, they may, under certain circumstances, be considered socially beneficial rather than socially dangerous and therefore lack the element of unlawfulness. In criminal law, such circumstances are recognized as grounds excluding criminal liability by eliminating the criminal nature of the act.

Once the court determines that the act constitutes a criminal offense, it must identify the specific provision of the Special Part of the Criminal Code under which the act is to be legally classified. If, on the basis of the evidence examined during the judicial investigation, the court concludes that the act does not constitute a criminal offense, it shall render an acquittal in accordance with Article 464 of the Criminal Procedure Code [1].

In determining the applicable provision of the Special Part of the Criminal Code, particular attention must be given to the legal qualification of the offense. The corpus delicti (elements of a criminal offense) reflects the legal, social, and economic nature of the offense and constitutes the legal basis for holding the perpetrator criminally liable. The existence of all constituent elements of the corpus delicti in the defendant's conduct serves as the foundation for criminal liability.

Moreover, the corpus delicti enables the court to determine the legal essence of the offense by correctly analyzing the statutory elements prescribed by criminal legislation and the factual characteristics of the act. Such analysis constitutes an indispensable prerequisite for the accurate application of criminal law and the proper legal qualification of the offense.

The determination of whether the defendant's conduct contains all the constituent elements of a criminal offense and the legal qualification of that offense is completed through the resolution of the following issues:

3) Whether the criminal act was committed by the defendant.

The resolution of this issue establishes the objective aspect (actus reus) of the defendant's criminal conduct. In determining this matter, the court primarily assesses whether the evidence examined during the trial sufficiently confirms the defendant's involvement in the commission of the offense. Particular attention must be given to the indictment, the findings of the judicial investigation, the arguments presented during the parties' closing submissions, and the defendant's final statement.

Where the indictment and the evidence examined during the trial contain relevant, reliable, and sufficient evidence proving that the offense was committed by the defendant, such evidence constitutes the legal basis for rendering a judgment of conviction.

4) Whether the defendant is guilty of committing the criminal offense and, if so, in what form of culpability.

Once the court has established that the criminal act occurred, that it contains all the constituent elements of an offense prescribed by the Criminal Code, and that it was committed by the defendant, the court must determine whether the offense was committed intentionally, through negligence, or in the absence of criminal culpability.

Pursuant to Article 20 of the Criminal Code, criminal liability arises only where an offense is committed intentionally or negligently. Accordingly, before finding the defendant guilty, the court must determine the applicable form of guilt (mens rea), as well as the motive and purpose underlying the commission of the offense.

Furthermore, in determining criminal liability, the court must establish the causal link between the socially dangerous act and its harmful consequences. Where necessary, the court shall also consider the defendant's mental capacity (criminal responsibility) in order to determine whether the individual possessed the legal capacity to bear criminal liability at the time of the offense.

The resolution of issues relating to the defendant's guilt ultimately serves to establish whether all constituent elements (corpus delicti) of the criminal offense are present. If the subjective element of the offense is absent, the court must render a judgment of acquittal.

5) Determination of aggravating and mitigating circumstances affecting criminal liability.

After resolving the foregoing issues, the court proceeds to consider matters relating to sentencing. The first of these is the determination of mitigating and aggravating circumstances provided for in Articles 55 and 56 of the Criminal Code.

According to Part One of Article 22 of the Criminal Procedure Code, the inquiry officer, investigator, prosecutor, and the court are obliged to establish whether a criminal offense has occurred, who committed it, and all other circumstances relevant to the case. Pursuant to Part Three of the same Article, every circumstance subject to proof must be examined comprehensively, thoroughly, objectively, and impartially.

Accordingly, when resolving any issue arising during criminal proceedings, the court must identify and take into consideration not only the circumstances incriminating the accused or defendant, but also those exonerating the individual, as well as circumstances aggravating or mitigating criminal liability.

While aggravating and mitigating circumstances constitute mandatory elements of certain criminal offenses, in many other cases they primarily influence the determination of an appropriate sentence. Therefore, when imposing punishment, the court must carefully examine all aggravating and mitigating circumstances specified in Articles 55 and 56 of the Criminal Code [2].

A particularly significant feature of Uzbek criminal legislation is that the court may recognize circumstances not expressly enumerated in the Criminal Code as mitigating circumstances. The practical significance of such recognition may be reflected in several ways:

a) the imposition of a more lenient punishment among the alternative sanctions prescribed by law;

b) the imposition of a sentence closer to the statutory minimum;

c) the application of an optional additional punishment where appropriate;

d) the granting of a suspended sentence.

6) Whether the defendant should be subjected to criminal punishment.

The court may render a judgment of conviction while exempting the defendant from punishment pursuant to Part Two of Article 463 of the Criminal Procedure Code, or may issue a conviction without imposing a criminal sentence [1].

Pursuant to Article 70 of the Criminal Code, where circumstances have substantially changed before the case is adjudicated, or where the defendant has demonstrated exemplary conduct, conscientious employment or study, and has thereby ceased to present a danger to society, the court may exempt the defendant from criminal punishment.

Likewise, a person who has committed, for the first time, a criminal offense that does not pose a significant public danger or constitutes a less serious crime may be exempted from punishment where, after committing the offense, he or she voluntarily reports the crime and fully compensates for the damage caused.

When sentencing juvenile offenders, the court is required to consider, as a matter of priority, the possibility of imposing sanctions that do not involve deprivation of liberty and allow the juvenile to be rehabilitated within society. In making this determination, the court shall take into account the nature and degree of social danger posed by the offense, the juvenile's personal characteristics, as well as all aggravating and mitigating circumstances.

A sentence involving deprivation of liberty may be imposed upon a juvenile only where the court concludes that rehabilitation without isolation from society is impossible. In such cases, the judgment must contain a detailed justification explaining why a custodial sentence is necessary [3].

Pursuant to Article 564 of the Criminal Procedure Code, the court may exempt a juvenile from criminal punishment while applying compulsory educational measures. In deciding this issue, the court must determine whether the juvenile's behavior may be corrected without the imposition of criminal punishment.

In accordance with Part Two of Article 42 of the Criminal Code, the principal purpose of punishment is the moral rehabilitation and correction of the convicted person. Consequently, the court must apply the above-mentioned measures strictly in accordance with the procedure established by law.

7) What punishment should be imposed upon the defendant and should the sentence be enforced?

According to Article 54 of the Criminal Code, punishment may be imposed only upon a person who has been found guilty of committing a criminal offense in accordance with the procedure established by law.

The court determines both the type and the severity of the punishment within the limits prescribed by the relevant provision of the Special Part of the Criminal Code and in conformity with the principles set forth in the General Part of the Code.

In resolving this issue, the court must primarily be guided by the purposes of punishment. Criminal punishment is not intended to inflict physical, material, or psychological suffering upon the offender but rather to ensure his or her correction and rehabilitation.

Pursuant to Article 72 of the Criminal Code, the court may impose a suspended sentence where the statutory conditions are satisfied. Furthermore, where, after the delivery of the judgment, the convicted person develops a severe mental disorder or another serious illness preventing the execution of the sentence, such person shall be exempted from serving the imposed punishment.

8) Whether the defendant should be recognized as a particularly dangerous recidivist pursuant to Article 34 of the Criminal Code.

The court may recognize a defendant as a particularly dangerous recidivist where the statutory conditions established by Article 34 of the Criminal Code are satisfied. In making this determination, previous convictions rendered by foreign courts may also be taken into consideration [2].

For the purpose of determining criminal liability for offenses committed by a particularly dangerous recidivist, the defendant must have already been legally recognized as such before committing the subsequent offense.

9) In which correctional institution should the convicted person serve the sentence of imprisonment, and should part of the sentence be served in prison?

After resolving the issues referred to in Paragraphs 5, 6, and 7 of Part One of Article 457 of the Criminal Procedure Code [1], the court determines the type of correctional institution in accordance with Article 50 of the Criminal Code.

Correctional institutions are classified into four categories:

- settlement colonies;
- general-regime colonies;
- strict-regime colonies;
- special-regime colonies.

In cases prescribed by law, the court may order that a specified portion of the sentence be served in prison. Such imprisonment may be imposed for a definite part of the custodial sentence but may not exceed five years [2].

This measure applies primarily to particularly dangerous recidivists and to persons sentenced to more than five years' imprisonment for serious or especially serious crimes. Where the court concludes that part of the sentence should be served in prison, it must provide a detailed legal justification for this decision in the judgment.

10) Whether the civil claim should be upheld, in whose favor and in what amount; whether property damage caused by the offense should be recovered where no civil claim has been filed; and whether multiple defendants should bear joint or several civil liability.

Compensation for pecuniary damage caused by a criminal offense plays an essential role in restoring violated rights and legitimate interests of the State, legal entities, and individuals, as well as in safeguarding property rights.

The Criminal Procedure Code provides for the institution of a civil claim within criminal proceedings to ensure compensation for damage caused by the defendant's criminal conduct. Ensuring compensation for material damage inflicted upon the State, citizens, enterprises, institutions, and organizations as a consequence of criminal activity constitutes one of the fundamental objectives of criminal justice.

Accordingly, in every criminal case involving pecuniary damage, the court must resolve the civil claim when rendering its judgment. Even where no civil claim has been filed, the court must consider whether, on its own initiative, it should order compensation for the material damage resulting from the criminal offense [3].

In civil proceedings conducted within criminal proceedings, the legal grounds, conditions, scope, and method of compensation for damages shall be determined in accordance with the provisions of civil, labour, and other applicable legislation (Article 281 of the Criminal Procedure Code). When rendering a judgment of conviction, the court shall satisfy the civil claim in whole or in part, or dismiss it, depending on whether the factual and legal grounds and the amount of the claim have been duly established.

Where pecuniary damage has been caused by several defendants, the court shall determine whether compensation should be imposed on the basis **of** joint and several liability or proportionate (several) liability**.** As a general rule, all persons who jointly caused the damage through coordinated criminal conduct shall bear joint and several liability for compensation.

Pursuant to Article 1000 of the Civil Code, upon the application of the injured party and where such an arrangement better protects the victim's interests, the court may impose proportionate liability instead of joint and several liability upon the persons jointly responsible for the damage, provided that such an approach ensures effective compensation for the loss suffered [3].

11) What should be done with the property seized to secure the civil claim?

Pursuant to Article 290 of the Criminal Procedure Code, in order to secure the enforcement of the part of the judgment relating to the civil claim and other property recoveries, the court shall order the seizure of the property belonging to the defendant or the civil respondent.

The seizure of property constitutes one of the principal legal mechanisms for ensuring compensation for pecuniary damage caused by a criminal offense. The absence of an inventory of the seized property in the case file does not preclude the court from considering the issue of compensation, since such property may also be identified during the enforcement stage of the judgment.

According to Article 295 of the Criminal Procedure Code, the seizure of property shall be lifted when an acquittal enters into legal force, criminal proceedings are terminated, the civil claimant withdraws the claim, or the grounds that justified securing the civil claim cease to exist [1].

12) How should physical evidence be disposed of?

This issue shall be resolved in accordance with Article 211 of the Criminal Procedure Code.

Accordingly:

- instruments of crime belonging to the defendant shall be confiscated and either transferred to the competent authorities or destroyed;
- objects withdrawn from lawful circulation shall be transferred to the appropriate institutions or destroyed;
- items having no material value shall be destroyed or, upon request, transferred to interested individuals or institutions;
- money and other valuables unlawfully taken from their lawful owners as a result of criminal or other unlawful acts shall be returned to their lawful owners, legal successors, or heirs;
- money and other assets obtained through criminal activity shall, pursuant to the judgment, be used to compensate pecuniary damage caused by the offense, and where no injured party can be identified, such assets shall be forfeited to the State;
- documents constituting physical evidence shall remain attached to the case file until their preservation is no longer necessary or shall be transferred to interested persons or institutions where appropriate [1].

For example, the operative part of a judgment may contain the following disposition:

"Upon the judgment becoming legally effective, 85.55 metres of wire, a fishing hook, and a polyethylene bag recovered from the crime scene and currently kept at the Qibray District Prosecutor's Office shall be destroyed."

(Materials of Criminal Case No. 1-170 examined by the Qibray District Criminal Court.)

13) Upon whom and in what amount should procedural costs be imposed?

According to Article 320 of the Criminal Procedure Code, procedural costs shall, as a general rule, be recovered from convicted persons or charged to the State.

Where several defendants are convicted, the court shall determine the proportion of procedural costs to be borne by each convicted person, taking into account the gravity of each defendant's guilt, the degree of criminal responsibility, and the financial circumstances of the convicted persons.

Where the defendant is acquitted or the criminal proceedings are terminated pursuant to Article 83 of the Criminal Procedure Code, procedural costs shall be borne by the State.

If the defendant is acquitted on one charge but convicted on another, the court shall require the defendant to bear only those procedural costs attributable to the charge resulting in conviction.

Where the person liable for procedural costs lacks sufficient financial means, such costs shall likewise be charged to the State. Furthermore, where payment of procedural costs would seriously affect the financial welfare of the convicted person's dependants, the court may exempt the convicted person from paying all or part of those costs.

Procedural costs arising from the unjustified failure of a duly summoned participant in the proceedings to appear before the court, thereby causing the postponement of the trial, shall be recovered from that person.

In criminal proceedings involving juvenile offenders, the court may order the parents or legal guardians of the convicted juvenile to pay procedural costs where they are found to have failed to exercise appropriate supervision over the juvenile.

Where criminal proceedings have been instituted upon the complaint of the injured party and the defendant is subsequently acquitted, the court may recover all or part of the procedural costs from the complainant whose complaint gave rise to the proceedings.

14) Whether it is necessary to impose, maintain, modify, or revoke a preventive measure in respect of the defendant.

After rendering a judgment of conviction and imposing a sentence, the court may impose, modify, or revoke a preventive measure pending the judgment's entry into legal force [4].

Where the defendant has been acquitted, exempted from punishment, or convicted without the imposition of a sentence, any preventive measure previously applied shall be revoked.

15) Whether compulsory medical measures or guardianship should be applied in respect of the defendant.

Under the Criminal Code, only natural persons who are criminally responsible and have attained the statutory age of criminal liability may be held criminally liable and subjected to criminal punishment.

A person is considered criminally responsible where, at the time of committing the offense, he or she was capable of appreciating the socially dangerous nature of the conduct and controlling his or her actions [5].

Pursuant to Parts Two and Three of Article 18 of the Criminal Code, persons who were legally insane at the time of committing a socially dangerous act are exempt from criminal liability and punishment; instead, compulsory medical measures shall be applied.

At the same time, Part Two of Article 91 of the Criminal Code authorizes the court, in addition to imposing criminal punishment, to order compulsory medical treatment where the convicted person suffers from alcoholism, drug addiction, or substance abuse, if such treatment facilitates the achievement of the objectives of punishment.

Furthermore, Article 96 of the Criminal Code provides that, where a person suffering from alcoholism, drug addiction, or substance abuse commits a criminal offense and an appropriate medical opinion has been obtained, the court shall impose compulsory medical measures together with the criminal sentence.

Accordingly, when sentencing an offender, the court must also determine whether compulsory medical measures should be imposed. Where a custodial sentence is ordered, persons falling within the scope of Part One of Article 96 of the Criminal Code shall undergo compulsory treatment in specialized medical institutions while serving their sentence.

Conclusion

In conclusion, the delivery of a criminal judgment requires the court to resolve a broad spectrum of substantive and procedural issues, each of which directly affects the legality, validity, and fairness of the final judicial decision. The court's principal responsibility is not only to determine every issue prescribed by law but also to address them in the sequence established by the Criminal Procedure Code, ensuring that no legally significant matter remains unresolved. Strict observance of these procedural requirements guarantees the effective administration of justice, the protection of the rights and legitimate interests of all participants in criminal proceedings, and the consistent implementation of the principles of the rule of law and judicial fairness.

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