



The Concept Of Deadlines In Criminal And Civil Procedure Law, Their Legal Basis And Differences

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ABSTRACT

In this article, the concept of “deadlines in criminal and civil procedural law”, their legal basis and differences are solved, the procedure for calculating procedural deadlines, the calculation of deadlines when using procedural coercion measures, the consequences of missed deadlines, suspension of deadlines, postponement, restoration and preparation of civil and criminal cases for trial.

Keywords:

procedural deadlines, calculation of deadlines, postponement, restoration, extension, preparation for court.

It is important to distinguish between them in terms of deep appropriation of terms in criminal and civil proceedings. "Our only goal is to please our people by ensuring justice and the rule of law." The words of our president are proof of this. In this regard, we will definitely work with reference to the codes of criminal and civil procedure, the sources of which are considered justified.

Chapter 15 of the Code of Civil Procedure of the Republic of Uzbekistan is called “procedural deadlines”. Combines substances 151-155 in itself. And in the Criminal Procedure Code of the Republic of Uzbekistan, chapter 39 and its constituent articles 314-317 are included in the Chapter “procedural deadlines”. Section 151 of the FPK is known as “procedural action

deadlines”.¹ Procedural actions are carried out within the deadlines established by law. In cases where procedural deadlines are not established by law, they are appointed by the court. Deadlines for performing procedural actions must necessarily occur with a calendar date or with a specific is determined by the period. In this case, the exact time of what happened should be indicated. When determined by a

¹ President Shavkat Mirziyoyev at the expanded jury meeting of the Ministry of Internal Affairs, analyzing the

situation of Law Enforcement Affairs in the process of determining future tasks

certain period, the action can be carried out throughout the entire period. As a question of interest, it is natural that questions arise in what order the calculation of these deadlines is carried out. ²Procedural deadlines is calculated with. The expiration of the term begins the day after the event occurred, which is defined as the beginning of the calendar date or term. It starts the next day of what happened. The term, which is calculated by years, will be the end on the corresponding month and day of its last year. The period calculated by months is the end on the corresponding month and day of its last month. If the expiration of the term, which is calculated by months, falls on a month without the appropriate date, then the deadline will be the end on the last day of this month. In the event that the last day of this term corresponds

to the day when there is no working day, the first working day after it is the day of the end of the term. A procedural action with a deadline to be carried out can be performed until twenty-four o'clock on the last day of the term. If the procedural action must be carried out in court, according to the established rules, the term at the hour of the end of the case in court is considered to be the end. In such cases, trifles and complaints can be introduced. If the application, complain, documents or sums of money are considered expired if they are transferred to the communication organization until twenty-four o'clock on the last day of the term, sent electronically through the Information System or issued to the relevant authority or to a person authorized to receive the document. ³.



Consequences also come from missing procedural deadlines it turns out. The right to carry out procedural actions is revoked by the expiration of the term established by law or appointed by the court. In this case, the passage of procedural deadlines does not exempt persons participating in the work from fulfilling the obligations imposed on them. Applications, complaints and documents submitted after the expiration of the due process period may also be available, if a request to restore the missed period. Applications, complaints and documents submitted after the expiration of the procedural deadlines are returned to the persons who

submitted them if there is no petition to restore the missed deadline or if it is refused to be satisfied. The passage of all procedural deadlines, which did not end when the proceedings were suspended, is also suspended.

The suspension of deadlines begins from the moment of occurrence of circumstances that underlie the suspension of proceedings. From the date of restoration of proceedings, the passage of procedural deadlines will continue. In the Civil Procedure Code of the Republic of Uzbekistan, procedural deadlines can also be extended and restored. The terms appointed by the court (judge) may be extended by the court

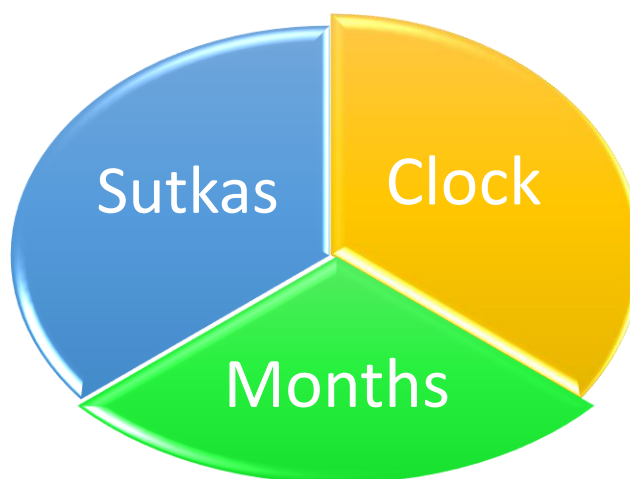
² Article 151 of the Code of Civil Procedure of the Republic of Uzbekistan

³ Article 152 of the Code of Civil Procedure of the Republic of Uzbekistan

(judge). "A copy of the extract of the decision to refuse to accept the application for proceedings or return the application is sent to the applicant no later than the day after the release of the statement, along with the application and the accompanying documents, as well as a copy of the decision to transfer the application to another court according to its relevance";⁴If the persons participating in the case missed the period established by the law for reasons that the court (judge) found to be excused, the term in question will be restored.for such a case, there must be grounds for the reasons to be found to be excused. The petition for the restoration of the missed due process is submitted to the court, where the procedural action must be carried out or filed, and the persons involved in the case are considered at the hearing with notification. However, the fact that these persons did not come does not prevent the consideration of the petition.⁵At the same time as issuing a petition for the restoration of the missed due process, the expired action must be completed or a document must be submitted.On the extension of the missed due process, on the restoration or on the rejection of the extension or restoration

the ruling is issued. A private appeal (protest) may be made against the refusal to extend the missed due process or the refusal to restore or a judicial ruling on restoration. "A private appeal (protest) may be filed against the court's ruling on the refusal to accept the application for proceedings. In the event of the cancellation of the ruling, the application is considered to have been made on the day of the initial appeal to the court";⁶

After opening the legal framework of the articles of the Code of Civil Procedure of the Republic of Uzbekistan, we realized the general differences in the terms of Civil Procedure. It begins with article 314 of the Code of Procedure of the Republic of Uzbekistan. The terms established by this code, as well as the terms appointed by the Inquirer, investigator, prosecutor's decision or by the verdict of the court in cases provided for by law, are calculated by hours, days and months. When calculating the deadlines, the hour, the date when the expiration of the term began, is not taken into account, but this rule does not apply to the calculation of the deadlines for detention, detention or stay under house arrest and in a medical institution.⁷



Calculation of deadlines:

Non-working time is also considered when calculating the term. The term expires at 24-00

⁴ Article 154 of the Code of Civil Procedure of the Republic of Uzbekistan

⁵ (The first part of Article 155 in the wording of the law of the Republic of Uzbekistan dated December 25, 2023 OORQ-887-National base of Legislative Data, 26.12.2023., No. 03/23/887/0972-effective January 1, 2024).

O'clock in the last day, when the deadlines are calculated by days. If the corresponding action

⁶ From the law of the Republic of Uzbekistan on amendments and additions to the code of Civil Procedure of the Republic of Uzbekistan in connection with the improvement of the procedure for checking the legality, validity and fairness of court decisions.

⁷ Article 314 of the Criminal Procedure Code of the Republic of Uzbekistan

must be performed in court, in the prosecutor's office or in another state institution, the period ends with the end of working hours in these institutions. The term, which is calculated by months, ends on the date of the last month, which falls on the day of the beginning of the term, the expiration of the term if it falls on a month without an appropriate date, the deadline will be the end on the last day of this month. The end of the term is understood as a day off from work, which falls on a day off or on a holiday. The term expires on the first working day after that, with the exception of cases of detention, detention or calculation of the period of stay under house arrest and in a medical institution. Once compulsion measures are used in criminal proceedings, the calculation of deadlines also changes. For example, when holding a person, keeping him in prison or placing him under house arrest and medical institution, the term is calculated from the moment these measures are applied in practice. After the expiration of the period specified in articles 226, 245 and 268 of this code, the person must be released from the time.

The period of detention is at most forty-eight hours, from the moment the person is practically caught (the real Limited moment of rights to free movement). Detention may be extended by forty-eight hours in addition to a court order when necessary and sufficient grounds are provided by the Inquirer, investigator or prosecutor. The duration of detention or house arrest when crimes are investigated is at most three months. The judge, reviewing the petition for the placement of the person in a medical institution, issues a ruling on the placement of the person in a medical institution or on the refusal of the person to be placed in a medical institution. In the court's ruling on the placement of a person in a medical institution: information about the person to be placed in a medical institution; its procedural status; the name of the medical institution in which the person is placed; the grounds for placing a person in a medical institution; the decision on the precaution, and if necessary, the

order on the transfer of the person to the institution in question, is indicated. The judge, reviewing a petition for an extension of the defendant's stay in a medical facility, issued a ruling on extending the defendant's stay in a medical facility, or refusing to extend the defendant's stay in a medical facility.

A complaint, petition or other document that has been submitted or reported to a person authorized to receive it before the expiration of the term is considered to have been complied with. If a complaint, petition or other document is filed with the mail before the end of the term, and for persons held in prison or in a medical institution, the period has expired if the original detention or transfer to the administration of a medical institution does not count.⁸The terms established by this Code can only be extended as provided for in it. In cases provided for by law, the deadline for performing a specific action by the decision of the Inquirer, investigator, prosecutor or a judgment of the court may be extended by the decision of the Inquirer, investigator, prosecutor or by the judgment of the court, which sets the deadline according to the request made by the interested participant of the proceedings.

In the Criminal Procedure Code of the Republic of Uzbekistan, it is also possible to restore the deadlines, just as they are included in the code of Civil Procedure. The missed period for reasons of excuse must be restored by the decision of the Inquirer, investigator, prosecutor in the case or by the verdict of the court. A petition may also be included. In order to satisfy or deny the petition for the restoration of the missed term, the Inquirer, the investigator, the prosecutor make a decision, and the court issue a verdict. The refusal to restore the term can be appealed in general order and protested. When a complaint is made after the expiration of the specified period, the execution of the ruling or decision can be suspended at the request of the participant of the interested process, until the issue of restoring the missed period is resolved. So, at

⁸ Article 315 of the Criminal Procedure Code of the Republic of Uzbekistan

the request of the participant of the process, it is suspended.⁹

In conclusion, it can be said that there are, of course, differences if we draw on the law and compare them. In the Code of Civil Procedure of the Republic of Uzbekistan, terms are calculated in years, months, days, while in the code of Criminal Procedure of the Republic of Uzbekistan, they are calculated in hours, days and months.

Literature used:

1. Code of Civil Procedure of the Republic of Uzbekistan-22.01.2018.
<https://lex.uz/docs/-3517337>
2. Code of Criminal Procedure of the Republic of Uzbekistan -22.09.1994.
<https://lex.uz/docs/-111460>
3. In the wording of the law of OORQ-887 - National base of Legislative Data, 26.12.2023-y.,03/23/887/0972.

⁹ Article 317 of the Criminal Procedure Code of the Republic of Uzbekistan