

The Issue of Confidentiality in Criminal Proceedings against Minors**Nodirov Muzaffar Ahmad Ugli**Tashkent State Law University, Faculty of Criminal Justice, Deputy Dean for Youth Affairs and
Spiritual and Educational Affairs**ABSTRACT**

This article addresses the issue of confidentiality in the trial of juvenile defendants. In particular, the issues of special protection of juvenile defendants at the trial stage and the issues of closed hearings analyzed and substantiated by the legislation of developed countries.

KEY WORDS: juvenile, defendant, trial, closed criminal proceedings.

The trial is the most important stage of the criminal proceedings, because it is at this stage that the issue of the defendant's guilt is resolved. In this regard, criminal proceedings conducted in accordance with the general rules and principles of criminal procedure and special rules categories of cases, including juvenile cases.

Trial is an important part of criminal proceedings. For juveniles, this stage begins when a formal indictment against them announced in court. Every juvenile charged guaranteed the right to a fair trial, which is an important rule of criminal procedure. The right of a minor to justice is enshrined in international and regional instruments [1].

N.P. Dudin and S.A. Lugovtseva The trial is a crime in which the court of first instance decides the main issues of the criminal case. Whether the defendant is guilty, the degree of illegality and social danger of the act and the content of the circumstances characterizing the identity of the defendant noted as the central stage of the process [2].

Judicial proceedings in criminal cases involving minors are characterized by the purpose of justice and the existence of additional tasks of justice, which are the subject of special evidence in this category of cases, the scope of participants and the legal relationship between them, the procedure for action and decision-making [3]. In addition to the general functions of criminal procedure legislation set out in Article 2 of the Code of Criminal Procedure, juvenile trials have their own specific purposes arising from the need for special protection of minors.

As provided in Article 5.1 of the Beijing Rules, criminal proceedings against minors aimed at ensuring the well-being of the juvenile and ensuring that every measure applied to the juvenile is commensurate with his or her personality and the circumstances of the offense [4].

Although the Beijing Rules are of a recommendatory nature by their legal nature, they have a special place in that they set international standards for the conduct of criminal proceedings against minors. Therefore, the introduction of the above rule in the practice of national law will serve to ensure full compliance with the above-mentioned international standards of procedural actions and decisions in this area in our country. In this regard, taking into account the special role of the trial stage in criminal proceedings, it is proposed to supplement the first paragraph of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated 15.09.2000 "On judicial practice in juvenile delinquency" with the following sentence. "In the administration of justice in criminal cases against minors, the courts should provide an individual approach to the investigation of the circumstances of the act in which the measures of influence applied to the juvenile suspect,

accused, and defendant were committed. It should also be noted that the personality of minors should be commensurate with the circumstances of the crime, to prevent illegal actions among minors, and to ensure the social adaptation of this category of persons”.

The right to privacy of minors must be respected at all stages of the proceedings in order to prevent harm to the juvenile as it may cause unnecessary publicity or damage his or her reputation [5].

Indeed, the criminal procedure law should provide for mechanisms to protect the rights and legitimate interests of the juvenile, including the possibility of holding a closed trial in the interests of other persons, society and the state.

Violations of the rules of confidentiality and confidentiality in criminal cases against minors are on the rise. Proponents of breaches of privacy and confidentiality explain the situation by the need to ensure public safety. It argued that a society has the right to know the perpetrators in its community, regardless of the offender’s legal status. Therefore, the information of the defendant, including the juvenile defendant, disclosed to the public in terms of their interests. In other words, the need to protect the interests and security of society takes precedence over the protection of the interests of the minor [6].

Thus, in the opinion of the proponents of this approach, public control over the proceedings against minors is necessary to prevent the unlawful act of a minor. The abolition of secrecy and confidentiality in juvenile trials is a useful way to increase the efficiency of juvenile courts [7].

Consequently, the transparency of the proceedings against minors increases the accountability of the court and prevents illegal actions and decisions from made in accordance with the rules of illegality and fairness in court proceedings.

On the other hand, proponents of privacy and confidentiality believe that the disclosure of a juvenile’s identity and other information related to the circumstances of the criminal case could cause serious harm to the juvenile. In particular, the transparency of juvenile trials can have a significant impact on juvenile defendants’ ability to adapt socially [8].

Transparency of legal proceedings against minors may lead to the disclosure of personal information about these persons. This, in turn, leads to their isolation from society and the difficulty of social adaptation. In addition, the disclosure of personal and other work-related information in the media and to the public can have a serious psychological impact on the formation of a minor as a result of stigmatization, discrimination, and contempt [9]. In particular, the openness of criminal proceedings against minors may lead to the labeling of the defendant as a “criminal” by members of society. Rejection and alienation by society can make juvenile offenders feel like enemies of society and therefore continue to commit crimes in the future [10].

Indeed, the fact that juvenile delinquency cases are not heard in closed court, that information about crimes committed by juveniles is easily made available to other members of society, can also negatively affect a juvenile’s right to education and employment. In addition, being discriminated against by juvenile offenders by members of society can have a serious psychological impact on the formation of this category of individuals.

In many countries, juvenile trials are held behind closed doors, and information identified in court proceedings and in court documents is confidential. In German courts, for example, the verdict is announced in closed session. Under British law, newspapers are not required to disclose the name, address or address of the juvenile at the school where the case is being heard. The law prohibits the disclosure of personal information about a juvenile in connection with a juvenile criminal

proceedings. It is not allowed to publish in the newspaper a photo of a minor whose case is being considered in court. Similar requirements apply to radio and television [11].

Although international standards stipulate that criminal cases against minors be heard in closed court and have been introduced in many countries, Article 19 of the CPC provides for open trial in all courts. Cases on crimes of persons under the age of eighteen may be heard in closed court by court order. That is, this norm, established by the Criminal Procedure Code of the Republic of Uzbekistan, restricts the full implementation of the requirements for the confidentiality of minors specified in the rules of Beijing.

The closed nature of the trial can be explained by the need to prevent the juvenile's psyche from being negatively influenced by other persons present in the courtroom and to prevent the defendant from behaving in a negative manner.

In order to ensure full compliance with international standards in the field of juvenile justice, Articles 19 and 560 of the Criminal Procedure Code of the Republic of Uzbekistan stipulate that "all cases of crimes committed by persons under the age of eighteen shall be heard in closed court". We think it is expedient to introduce an imperative norm that stipulates.

REFERENCES

1. Aminuddin Mustaffa. Rights of children in criminal proceedings: a comparative analysis on the compatibility of the Malaysian juvenile justice system with the standards of the Convention on rights of children. Thesis for the degree of Doctor of Philosophy in Law// Law School, Lancaster University, December 2016/ P.114.
2. Dudin N.P., Lugovtseva S.A. Trial of criminal cases against minors. Monograph. St. Petersburg Law Institute of the RF Prosecutor General's Office, 2005. - P.172.
3. Nadelyaeva T.V. Features of the procedural form of administration of justice in criminal cases involving minors in the court of first instance: Cand. Candidate of Legal Sciences. - M., 2018. – P.75.
4. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) // International Human Rights Instruments. Collection of documents. - M., 2000. – P. 289.
5. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) // International Human Rights Instruments. Collection of documents. - M., 2000. – P. 289.
6. Siddiky L. Keep the Court Room Doors Closed So the Doors of Opportunity Can Remain Open: An Argument for Maintaining Privacy in the Child. Howard Law Journal, 2011. 55, P.218.
7. Pollack D. (2010). International Legal Note: Opening Child Proceedings to The Public and the Media: An International Social Work Perspective. International Social Work, 53(6), P.837.
8. Metzgar E. Neither Seen nor Heard: Media in America's Child Courts. Communication Law and Policy, 12(2), 2007. P. 193.
9. Aminuddin Mustaffa. Rights of children in criminal proceedings: a comparative analysis on the compatibility of the Malaysian juvenile justice system with the standards of the Convention on rights of children. Thesis for the degree of Doctor of Philosophy in Law// Law School, Lancaster University, December 2016/ P. 154.
10. Flint J. Who Should Hold the Key? An Analysis of Access and Confidentiality in Juvenile Dependency Courts. Journal of Juvenile Law, 2007. P.60.
11. Dudin N.P., Lugovtseva S.A. Trial of criminal cases against minors. Monograph. St. Petersburg Law Institute of the General Prosecutor's Office of the Russian Federation., 2005. – P. 20.