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Significance and Social-Value Essence of Acquittal Verdict in The Justice System

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Abstract. *This article discloses importance of acquittal verdict and its significance in social life. An acquittal is the epitome of rare and noble manifestations of justice. The acquittal of the defendant is the highest degree of self-criticism of state power, a model of the official apology of the sovereign to the innocent person. In other words, compensation for that the person was subject to criminal prosecution*

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Introduction

Fulfillment of constitutional tasks to protect the rights and freedoms of man and citizen requires the state to be extremely careful and attentive to the position of the defendant in criminal proceedings, which ends in most cases with a decision to negotiate. Legal, reasonable and fair justice is unthinkable without the presence of an acquittal in the final court decisions, because in a truly legal democracy the value of this institution should not be forgotten.

A verdict is always of public interest. Some issues of the court's issuance of an acquittal are not sufficiently covered in the doctrine of criminal justice. However, in practice there are often cases of unjustified prosecution of persons, which under no circumstances can be recognized as a normal

phenomenon. Such facts should receive negative evaluation and cannot be tolerated in our society. So, let's consider what the meaning of an acquittal is in the current criminal law.

An acquittal is an exceptional phenomenon, which causes a wide public response. An acquittal in a criminal case is a curiosity, unusually rare, unpredictable, surprising phenomenon in judicial practice. An acquittal means that the court finds the defendant not guilty of committing the crime charged against him. In addition, the acquittal, which has entered into legal force, provides for the complete rehabilitation of the defendant without any exceptions which, entails greater financial and moral harm, restoration of labor, pensions, housing and other rights of the rehabilitated person, including restoration of special social, military and honorary titles, class rank, return of state awards, etc.

A court ruling of acquittal means that the person brought before the court is under the defendant did not commit the crime charged with him. It is not without reason that to justify means to remove the subject. blame someone, recognize someone as being right, acted unreasonably, pass a sentence, contain-seeking recognition of the defendant as innocent and not deserving of punishment.

An acquittal is the epitome of rare and noble manifestations of justice. The acquittal of the defendant is the highest degree of self-criticism of state power, a model of the official apology of the sovereign to the innocent person. Compensation for that the person was subject to criminal prosecution, in other words.

Thus, the significance of an acquittal is considered, among other things, in terms of contrasting the position of the court and the investigation; it is assigned the role of a state instrument of control over the willfulness and tendentiousness of the activities of investigative bodies, a kind of means of limiting their power, while simultaneously emphasizing the ambiguous position of the judicial authorities to an acquittal.

As a rule, the significance of an acquittal is considered in five aspects: social political educational, preventive and procedural. Usually, any difficulties in understanding the essence of the first two-pronged points do not arise, if we take into account the diversity of constitutional rights and the freedom of citizens in the activities of government officials.

Its essence consists in the imperious denial of desecration as socially inappropriate behavior in human activity, in recognizing him by the state as a political formation as innocent of the act charged against him, in restoring his social rights and recognizing his inseparability from law-abiding society. The acquitted must be fully restored in the eyes of society, since this is an application for his left-handedness. Compensation for the unfounded, albeit temporary elevation of him by the state to the status of an accused and the defendant, otherwise, for erroneously involving a person in the sphere of criminal justice. The educational and preventive value of justification lies in the warning, first of all, to the criminal prosecution authorities (especially the prosecutor) about the inadmissibility of subjecting an innocent person to criminal prosecution, which is accompanied by coercive measures, sometimes associated with the placement of suspects. accused in pre-trial detention centers, restrictions. other constitutional rights of citizens, etc. The state, represented by its bodies restores itself and nourishes by presenting oneself in front of the whole society with a sharply negative assessment. This is the so-called negative side of the educational function. Positive education emphasizes the authority of the rights and freedoms of man and citizen, the inadmissibility of their violation by anyone, even an omnipotent state; The purpose of positive

education is directed towards each individual has its goal of increasing the level of legal awareness and, in general, the legal culture of the population ensuring faith in the fairness and objectivity of the final decisions of the state, giving confidence in the impartiality of the court as the last legal frontier. The educational value of an acquittal raises the bar for the protection of constitutional rights and human freedom.

The result of criminal proceedings, its main goal and task is to resolve the case on the merits and make a judicial decision. The final court decision in a criminal case is formalized mostly as acquittal or guilty verdict. It is in the verdict that the answer is given to the question about the qualification of the committed act, about the importance of punishing the person found guilty of committing a criminal act.

An analysis of judicial practice allows us to state that it is a clear and significant preponderance in favor of convictions. This may be evidence of either the punitive orientation of justice, or the effective work of the investigative authorities and public prosecution. The high efficiency of the preliminary investigation allows the court, by considering the case and studying the evidence collected by the investigation, to establish the truth and, in accordance with the law, make a final decision.

To claim which place acquittal verdict occupies in juridical proceedings, whether it is an indicator of effective justice or is it a kind of “error” in the work of the investigative authorities, it is necessary to answer the following questions:

- the meaning of the exculpatory clause for the accused and the state;
- factors influencing the decision of acquittals;
- statistics of acquittals;
- place of acquittal in the justice system;

The acquittal of an innocent person corresponds to one of the goals of justice. In order for the court to decide to acquit the defendant, it is necessary to establish that there is no guilt of the defendant in committing the crime, there is no event or *corpus delicti*.

An acquittal confirms the defendant's innocence. Having properly tested and examined (without prejudice to the defendant's guilt) the evidence, the court must refuse to admit all inadmissible evidence. By rendering an acquittal, the court seems to indicate mistakes made by the preliminary investigation bodies, the prosecutor's office and the mistakes made, which in turn, resulted in a violation of the rights of the defendant. Even the most conscientious judge is not immune from errors in decision-making, since any human activity involves the possibility making mistakes.

In 2010, the average annual workload per judge, including magistrates' courts and courts of general jurisdiction, was 857 cases per year, which gives approximately 17 cases per week). What is the reason for the fact that the percentage of acquittals is less than 1%? As a rule, cases go to court in which there cannot be an acquittal. This is explained by the fact that cases in which there is a possibility of a court decision in favor of the defendant are terminated at the stage preliminary investigation.

If law enforcement officers work efficiently, then the court. Fair sentence is decided by the based collected evidence and established facts.

In our opinion, there is another reason for the accusatory bias justice called solidarity, which recognizes the inadmissibility of justification. The efficiency of courts and judges is assessed by the number of cases examined, as well as the number of guilty verdicts and appealed decisions.

Following an acquittal, judges are subject to disciplinary action. An acquittal or too lenient sentence is a reason for the judge to suspect interest and corruption. Acquittals are overturned by higher authorities 3-4 times more often than convictions;

It is important to note that an acquittal sentence that has entered into legal force is generally binding and is subject to strict execution by both state (including law enforcement) bodies and all officials, legal entities and citizens. In this case, the right to overturn an acquittal belongs to a superior to the court, but only in cases provided for by law. In the science of criminal proceedings, there are quite widespread beliefs that an acquittal is an act of self-restraint of state power. Indeed, an acquittal means the illegality of the preliminary investigation of the inquest in relation to the accused. The fallacy of the position of the prosecutor who approved the indictment, and in some cases of the state prosecutor in court. Of course, these actions are carried out on behalf of the state and its bodies. The above indicates that an acquittal is a mechanism for monitoring the legality of actions taken on behalf of the state, which is actually capable of ensuring the restoration of justice and rights of citizens, thereby realizing the restorative function of law.

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