

**GROUND AND PROCEDURAL FRAMEWORK FOR REFUSAL TO INSTITUTE
PROCEEDINGS BASED ON CRIME REPORTS AND COMPLAINTS**

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Abstract: *This article provides a comprehensive analysis of the theoretical and legal essence of the institution of refusal to institute proceedings based on reports and complaints concerning crimes, its interrelation with guarantees of human rights, as well as the procedural framework established under Articles 322–325, 333–334, and other relevant provisions of the Criminal Procedure Code of the Republic of Uzbekistan (CPC). The legal nature of the grounds for refusal—such as the absence of a criminal event, absence of corpus delicti, expiration of statutory limitation periods, inadmissibility of repeated proceedings, cases requiring a victim’s complaint, and others—is systematized.*

The article examines practical challenges encountered in law enforcement practice, including formalism, failure to observe procedural time limits, insufficient reasoning of decisions, and limited effectiveness of supervisory mechanisms. These issues are comparatively analyzed in light of the legal experience of Germany and France. On this basis, the author proposes scientifically grounded recommendations, including the introduction of a “procedural justice index,” the establishment of an electronic “complaint monitoring” platform, digitalization of prosecutorial supervision, standardization of decision-reasoning requirements, and revision of appeal deadlines.

Keywords: *crime report, crime complaint, refusal to institute proceedings, pre-investigation inquiry, initiation of criminal proceedings, refusal decision, prosecutorial supervision, appeal, human rights, procedural justice, digitalization.*

Reports and complaints submitted by citizens concerning crimes occupy a central position in criminal procedural legislation. Such submissions may serve as grounds for initiating criminal proceedings or for refusing to do so by judicial or investigative authorities. According to international practice and international legal standards—such as the state’s obligation to conduct an effective investigation into homicide—certain serious crimes require the prompt initiation of investigative measures. Therefore, issues related to refusing to institute proceedings based on crime reports and complaints remain highly relevant in Uzbekistan and require thorough analysis of their legal grounds and practical implementation.

Refusal to institute proceedings based on crime reports and complaints constitutes a key legal institution at the initial stage of criminal proceedings. This mechanism enables authorities to determine whether a criminal act has occurred, assess its factual and legal validity, and decide whether procedural actions should be initiated. This institution represents an integral component of the mechanism for instituting criminal cases.

According to A. Yunusov, in order to properly assess the practical role of this institution, it is essential to understand its significance in ensuring transparency and objectivity in preliminary procedural decisions. He emphasizes that investigative bodies can protect citizens' rights at an early stage by rejecting unfounded inquiries.[1]

From an analytical perspective, this institution is not merely procedural in nature but is also inextricably linked to human rights. Behind every complaint lies public trust in civil society, the level of legal awareness, and attitudes toward the activities of state authorities.

The Criminal Procedure Code of the Republic of Uzbekistan clearly defines the grounds for handling reports and complaints concerning crimes. Refusal to initiate criminal proceedings is permitted only in cases expressly provided by law, such as the absence of *corpus delicti* or the lack of legal necessity to continue proceedings.[2]

Sh. Abdullaev notes that refusal to institute proceedings is not merely a procedural act but a legal assessment affecting an individual's fate. In his view, "the complaint mechanism constitutes the final opportunity to ensure fair protection of citizens' rights." [3]

It should be added that if complaints are not examined correctly and promptly, public distrust toward state institutions becomes inevitable, leading to the escalation of legal nihilism within society.

Based on practical experience, V. Petrov analyzes the systems of Germany and France and highly evaluates their model of "active prosecutorial supervision." He emphasizes that refusal decisions must be comprehensively substantiated from the very outset in order to ensure justice.[4]

In the author's opinion, strengthening accountability in Uzbekistan is possible through the digitalization and automation of prosecutorial supervision.

Article 322 of the Criminal Procedure Code defines individuals' complaints as grounds for initiating criminal proceedings. Written or oral complaints submitted by citizens constitute primary sources of information regarding the commission of a crime. The Code also recognizes reports submitted by mass media or organizations as potential grounds for initiating criminal cases (Article 322, parts 2–3). At the same time, proceedings may not be initiated based on anonymous or falsified reports; complaints lacking a signature or bearing a forged signature do not constitute lawful grounds. Reports and complaints must allow for identification of the reporting individual.

Articles 323 and 324 of the Code regulate the procedure for formalizing complaints. Private individuals may submit complaints in written or oral form. Written complaints must

be signed by the applicant, while oral complaints are recorded in a protocol. The protocol must reflect the applicant's personal details, place of residence, and identification documents. The law requires that the applicant be warned of criminal liability for knowingly false reporting, and such warning must be recorded accordingly. Thus, the submission of complaints is subject to strict procedural requirements.

Article 333 of the Criminal Procedure Code specifies the legal grounds for refusing to institute criminal proceedings. Such refusal may occur in the following cases:

1. Absence of a criminal event or *corpus delicti*. If, during verification, no criminal act is established or the reported facts do not constitute a crime, initiation of proceedings is refused. Article 83 of the Code similarly provides that if no criminal event occurred or if the act lacks the elements of a crime, the individual must be acquitted and rehabilitated.

2. Expiration of limitation periods or delayed decisions. If the statutory limitation period for criminal liability has expired (Article 84, part 1), proceedings must be refused. Proceedings are also terminated in cases of amnesty or the death of the accused.

3. Prohibition of repeated proceedings. If a court judgment or prosecutorial decision has already been issued regarding the same criminal act, repeated proceedings are inadmissible (Article 84, part 5).

4. Requirement of a victim's complaint. In cases where criminal proceedings may be initiated only upon a victim's complaint (Articles 105–149 of the Criminal Code), absence of such complaint precludes further proceedings. In certain exceptional cases, the prosecutor may initiate proceedings without a complaint (Article 325 CPC).

5. Administrative or other non-criminal offenses. Reports concerning acts that constitute administrative, disciplinary, or other non-criminal offenses do not provide grounds for criminal proceedings. In such cases, the materials are forwarded to the competent authority.

When any of these grounds exist, the investigator, inquirer, or prosecutor conducting the pre-investigation inquiry issues a formal decision refusing to institute proceedings. A copy of the decision is provided to the applicant in writing, with an explanation of the reasons for refusal and the right to appeal.

Refusal decisions must be issued in written form and formally communicated to the applicant. Upon receipt, the applicant has the right to challenge the decision before a prosecutor or a court on legal grounds. Under Article 27 of the Criminal Procedure Code, complaints may be submitted at any stage of the process, initially to prosecutorial authorities and subsequently to the courts.

According to 2023 statistics, prosecutorial authorities in Uzbekistan registered 463,626 appeals, complaints, and reports, of which 60,534 were satisfied and 4,212 were refused—constituting approximately 0.9% of all submissions. In addition, prosecutors filed 674 protests against unlawful acts and submitted 210 representations, while 508 civil claims were brought before courts, totaling damages of 26.4 billion UZS.

In the first nine months of 2025, the Ombudsman reviewed 15,385 appeals and submitted 133 official applications and representations to state bodies to restore citizens' rights. However, detailed statistics on refusals to institute criminal proceedings and related appeals remain largely unavailable in open sources.

Practical observations reveal several persistent problems: excessive formalism in reviewing complaints, non-compliance with statutory deadlines, and limited effectiveness of supervisory mechanisms. Often, refusals are overturned only in high-profile cases attracting media attention or public pressure.

Refusal to institute proceedings based on crime reports and complaints serves as a vital guarantee of legality, justice, and protection of human rights. The study proposes the following measures:

1. Development of scientifically grounded criteria for assessing corpus delicti.
2. Institutionalization of pre-investigation inquiry and refusal mechanisms as independent research domains.
3. In-depth study of the relationship between refusal decisions and human rights protection.
4. Introduction of a procedural justice index to evaluate refusal decisions.
5. Creation of expert analytical systems utilizing artificial intelligence (e.g., "AdolatScan").

Additionally, practical mechanisms are proposed, including an electronic "Complaint Monitoring" platform, integration of mediation mechanisms, AI-based analysis of refusal decisions, public oversight dashboards, and legislative amendments mandating enhanced reasoning standards, extended appeal deadlines, mandatory digital registration of refusal decisions, strengthened prosecutorial supervision, and public disclosure of statistical data.

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