

EXPERIENCE OF USING THE INSTITUTION OF PLEA BARGAIN AGREEMENT IN THE LEGISLATION OF THE USA

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ABSTRACT

In this article the author provided the peculiarities of the institution of plea bargaining, by comparative analyse of the experience of the USA and Russian countries, studied the different aspects of this institution from other institutions, the main positive aspects of the legislation of foreign countries on the the institution of plea bargaining, the difference between concepts of plea guilty and plea bargain agreement, the procedure for appealing a judgment rendered by the institution, significant aspects of the plea bargaining procedure and also the positive and negative sides of the institute. The role of the court in concluding a plea agreement, the defendant's rights in the proceedings, the differences between the "plea bargain agreement", the "cooperation agreement" and the "agreement on the application of abbreviated forms of litigation" and their essence are described. As well as, proposals were put forward to improve the institution of plea bargaining, that is, to introduce a petition for participation in the legislation of the victim in the conclusion of an agreement, to strengthen the right to participate in the judicial complex, to enter into an agreement on confession on charges, from the moment of obtaining the status of the defendant.

Keywords: guilt, plea guilty, plea bargain agreement, evidence, assistance in the detection of a crime, benefits in the criminal process, mitigating circumstances of the situation.

ОПЫТ ПРИМЕНЕНИЯ ИНСТИТУТА СОГЛАШЕНИЯ О ПРИЗНАНИИ ВИНЫ В ЗАКОНОДАТЕЛЬСТВЕ США

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АННОТАЦИЯ

В статье автором приводится сравнительный анализ особенностей института соглашения о признании вины, опыта стран США и России, были изучены отличий данного института от других институтов, основные положительные положения законодательства развитых зарубежных стран о соглашении о признании вины, различия между понятием признания вины (plea guilty) и соглашения о признании вины (plea bargain) в уголовно-процессуальном законодательстве США, порядок подачи жалобы на судебное решение, вынесенное этим институтом, существенные аспекты разбирательства в порядке

соглашения о признании в совершении преступления а также положительные и отрицательные стороны института. Освещаются различия между ролью суда в заключении соглашения о признании вины, правами обвиняемого в этом процессе, "соглашением о признании вины", "соглашением о сотрудничестве" и "соглашением о применении сокращенных форм судебного разбирательства" и их сущностью. Также были выдвинуты предложения по совершенствованию института признания в совершении преступления, то есть по участию в законодательном процессе при заключении соглашения потерпевшего, по усилению права на участие в судебном процессе, с момента получения статуса обвиняемого, по внесению изменений в законодательство о введении ходатайства о признании вины.

Ключевые слова: вина, признание вины, соглашение о признании вины, доказательства, содействие в раскрытии преступления, льготы в уголовном процессе, смягчающие обстоятельства ситуации.

INTRODUCTION

As a result of the reforms carried out in our country, effective mechanisms for the protection of human rights are being developed.

The Institute of conciliation for confession (plea bargain) is considered one of the pro-procedural institutions with a long history in criminal justice. In particular, in the United States, the institution of the confession agreement was established within the framework of the legal President and is recognized by the US Supreme Court as an important part of criminal justice due to the practice of concluding confessional agreements between the accuser and the defender. In recent years, the share of such agreements in US federal courts has reached 97%. And the higher such indicators are due to the fact that the Anglo-Saxon criminal process was built on different principles than continental Law [1].

The fact that this institute was also introduced in the CPC of Uzbekistan testifies to the relevance of the topic and the need for scientific work.

It should be noted that the history of its origin is interesting. According to American researchers, this institute did not exist in the XVIII century. The agreement with the Justice arose as a reaction to the growing complexity of the procedural form of judicial proceedings in the jury due to the additional guarantee of personal rights. In particular, this institute appeared due to the protection of the right to choose members of the jury, the participation of professional lawyers as defenders, the development of the right to prove and other factors [2].

Our main goal of studying this institute is to conduct a comparative-legal analysis of its main signs, types. At the same time, we consider it necessary to clarify the terminology of the subject of study in this:

- 1)"plea bargain agreement";
- 2) "cooperation agreement";
- 3)" agreement on the application of abbreviated forms of court cases " [3].

The plea bargain agreement provides for a compromise between the accuser and the protective party on the criminal legal qualification of the accused's actions, recognition of his guilt and the approximate amount of punishment for the act.

In this regard, the parties formalize their positions in such cases in accordance with the envisaged procedural form, after which the court makes a decision on the case in the manner prescribed by criminal-procedural legislation, checking the legality of the agreement, the absence of violations of the rights of process participants.

At the same time, the agreement on confession belongs only to the accused himself, and its legal consequences should not contradict the positions of the other accused in the case.

The cooperation agreement is another form of interaction between participants in the criminal process and actually aimed at creating optimal conditions for the disclosure and investigation of serious types of crimes using existing or artificially created conflicts within criminal groups or group organizers. Within the framework of these agreements, not only the issue of the fate of the accused in the case is resolved, but the process itself is used to encourage such a person to provide evidence of the guilt of other persons brought to responsibility for them.

It is obvious that the need to use procedural forms, their diversity, necessitates the study of the practice and problems of applying this institution in foreign countries, in particular in the USA.

MATERIAL AND TECHNIQUES

In the preparation of this scientific article, logical and scientific methods of scientific knowledge were used, in particular, such methods as logical analysis, synthesis, historical, comparative-legal were used. In addition, empirical materials, in particular statistical data, Social Survey Results, US State Criminal Procedure Law and practice were analysed.

RESEARCH RESULTS

The results of a comparative-legal analysis of relevant institutions that exist in countries with a system close to us are important.

In particular, the Criminal Procedure Code of the Russian Federation Article 40-1 provides for an "agreement on cooperation" as a special type of court decision-making.

L.V.Golovko noted that this institution leads to the independence of the court, insufficient provision of human rights, a restriction on the fact that the accused has the right to choose a lawyer at his own discretion. Also, the "cooperation agreement" creates more conditions for abuse by criminal prosecution authorities than contributes to the fight against crime [4].

Criminal Procedural Law has its own characteristics of the agreement on confession of guilt. As a positive side of this process, it is possible to recognize the presence of signs of resolving a criminal legal dispute on the basis of its economic efficiency, speed and mutual consent of the parties. The introduction of this institution allows you to get rid of the currently very bureaucratic, formalized and unfavourable criminal justice system.

In view of these circumstances, it is very important to ensure justice and unconditional observance of the rights of each person caught as a result of a crime in the creation of a procedural form of a confession agreement, so as not to repeat the mistakes made in other legal systems.

The implementation of this procedure should not be allowed only in the interests of law enforcement agencies, there should be no abuse and other violations within the framework of this institution. For this reason, the issue of the basic procedural guarantees of the individual is important when carrying out an agreement on confession.

Any agreements concluded between the parties are completely natural here, since the process itself is based on a dispute between the parties, and the absence of a dispute means that there is no process in the case. For this reason, agreements are drawn up in the United States on the confession of guilt in all categories of court cases and at any stage of the proceedings in court.

In US criminal-procedural law, there are 2 terms different from each other:

- the concept of guilt recognition (**plea guilty**) – the attitude of the accused to the accusation made to himself;
- the concept of a confession agreement (**plea bargain**) is an agreement between the accused and the prosecutor [5, 6].

According to this agreement, in exchange for the defendant agreeing to a confession agreement, his act will achieve requalification from a serious crime to a lighter crime or a change in the term and type of punishment.

In accordance with US Federal Criminal Court rules` paragraph 11, (Federal Rules of Criminal Procedure) when an indictment is made against the accused, he must choose one of the following on the indictment: confession of guilt (**guilty plea**), denial (**plea of not guilty**) or non-objection on the accusation (**noon contendere**).

It is distinguished as a feature by the fact that it is possible to appeal a sentence on the first two types of confession agreement.

As the third type of agreement, it provides an opportunity to appeal a court sentence on all grounds. In both the first and Second cases, the agreement must be approved by the judge. Then will it be mandatory for all parties.

Confession of guilt (**guilty plea**) means that the accused recognizes the accusation and renounces the trial. The accused can conclude an agreement with the prosecutor's office (**plea bargain**) on the confession after recognizing his guilt. The structure of this agreement has several legal consequences:

- to change the scope of the charge resulting from the exclusion of one or more episodes from the charge, or to change the direction to facilitate the qualification of the crime;
- to facilitate the most severe type and term of punishment even less than the one specified in the legislation.

The role of the court in drawing up a confession agreement is also considered special. The court is prohibited from participating in the discussion of the terms of the agreement, but in an open court session it is considered the right to clarify the state of voluntary nature of the confession Agreement and refuse the agreement of the parties on these conditions or postpone the case until studying the circumstances of the case and confirming the identity of the accused.

As a general rule, if the case comes to court and the terms of the agreement are approved by the court, the judgment is drawn up based on the terms of the agreement. Although this is not directly stated in the above rules either, it can be assumed that the court will not automatically accept an agreement between the parties, but will study the evidence provided by the parties when making a decision.

Until the terms of the concluded agreement are approved by the court, the accused may refuse the agreement for any reason. The accused may waive the terms of the agreement even after a court decision is made, until the court decision is executed, but the reason for this waiver must be "*fair and justified*" [7, 1].

When a confession agreement is concluded in the US criminal procedure, a court hearing of the jury (суд присяжных) is not held.

If the accused pleads guilty, it is explained by the court that the accused may be deprived of the right (not entirely) to deny his guilt and file an appellate complaint at an open hearing.

In the United States, the conclusion of an agreement with Justice is largely subject to the provisions of contractual law. In particular, each of the parties has the right to demand its fulfilment when concluding an agreement.

Also, the interests of the victim are not taken into account when concluding confession agreements in the United States, the consent of which is not required to conclude an agreement between the parties.

In the United States, the processes of a confession agreement are criticized. Among the criticisms, one can cite cases of excessive lightness in relation to the accused, the risk of confessing the guilt of the innocent person and non-compliance with the principle of the presumption of innocence.

In the legal literature, not only the positive, but also the negative aspects of the confession agreement are indicated [8]. Without considering them in detail, it can be noted that the negative aspects may include blaming an innocent person, artificially increasing the amount of accusation by the prosecutor in order to carry out cooperation of the accused to the investigating authorities, promising to re-qualify the criminal category for a mild type, etc.

The above institution of agreement is reflected in the Federal Criminal Justice regulations in the US state courts, and these laws are valid in addition to Alaska, New Orleans, California, and Michigan. The rules regulate the achievement of consensus between the parties, that is, between the accuser and the defender.

The application of confession agreements will prevent excessive costs when conducting a court hearing. If the accused recognizes his guilt for committing a less significant crime, he can achieve a lighter punishment for committing a serious crime.

Guilt recognition is understood to be absolute truth, with the exception of some work of course and ending the process [9]. And the presence of a confession agreement allows the judge to make an indictment without conducting a trial[10]. The prosecutor's office was exempted from collecting accusatory evidence and calling witnesses and questioning.

Thus, in the agreement on the confession of guilt (prosecutor), they reach an agreement (consensus) on the scope of the conviction announced between the accuser and the protective party, as well as the relief of the punishment for the crime.

According to the rules of the US Federal Criminal Justice, the plea agreement is the result of secret negotiations between the prosecutor and the accused and his lawyer. In this case, the initiative to conclude an agreement can come from any side in the case. The agreement is mainly offered by the incriminating party.

The prosecutor has the right to propose in oral and written form on the conclusion of an agreement. The legislation does not specify the procedure for negotiating an agreement. They can negotiate both in the service room of the prosecutor and in conditions of an informal atmosphere. It is also possible to implement the possibility of concluding an agreement in the Criminal Procedure Law even during the court session. In this case, the prosecutor's proposal to conclude an agreement is recorded in the minutes.

In turn, the lawyer has the right to challenge the prosecutor's proposal, through which he tries to make a commitment to facilitate the punishment. The final decision remains the responsibility of the accused anyway. The prosecutor, the lawyer, has no right to pressure the accused [11].

The peculiarity of this rule is that the accused renounces a number of constitutional rights in exchange for a confession to the accused with a request to conclude an agreement, that is, to refuse to see the case on the jury so as not to blame himself, with the help of a lawyer, they achieve a quick and open court hearing.

Most plea agreements are made after the accused is introduced to the indictment [12]¹.

A.M. Peshkov said that at the stage of the investigation of the police, the suspect was given the right to file a petition to conclude an agreement with the police. In addition, obtaining confession testimony will be necessary until an official indictment is made. Through it, the prosecutor will be able to obtain information about the partners of the suspect [13, 14].

Agreements on confession of guilt for less significant acts are used not only at the stage of investigation, but also during the period of preliminary hearing. If the accused pleads guilty, the court has the right to simultaneously determine the type and amount of punishment.

The court, before accepting an application for confession, gives the accused an explanation of the nature of the accusation imposed on him and the minimum amount of punishment provided for by law.

The court must receive answers to a number of questions before confirming the agreement on confession:

firstly, the accusation is declared to the defendant understandable?

secondly, does the defendant have information about the amount of punishment?

thirdly, was there enough time for the defendant to discuss a criminal case with a lawyer?

fourthly, was the defendant satisfied with the professional qualifications of the lawyer?

fifth, what is the defendant's reaction to the announced accusation?;

sixth, does the defendant know that he has the right not to admit his guilt and has the right to demand that the criminal case (jury trial) be considered by the jury?

seventh, does the defendant know that the confession of guilt is voluntary?

eighth, did the confession agreement come from the result of previous negotiations between the prosecutor, the accused and the lawyer?

The court cannot participate in the discussions of the terms of such an agreement. However, despite the existing legal ban, judges sometimes participate in the implementation of the practice of an agreement between the prosecutor's office and the parties to the *Défense* [15].

The prosecutor, the lawyer and the accused independently enter into the negotiation process in order to reach an agreement. The parties report about the agreement to the court. The court, in turn, accepts or rejects such an agreement. After the confession agreement comes into force, the judge can allow the accused to abandon the fulfilment of the terms under the agreement if he comes to the conclusion that there is no possibility of changing the agreement due to injustice.

¹ In US criminal proceedings, the figure of the accused begins when the accused first appears in court, that is, after the police investigation and the transfer of investigative documents to the prosecutor. The judge examines the documents collected by the police with the participation of the prosecutor and decides whether this evidence is sufficient to charge the person and to consider the case in court.

There is a presumption of not allowing the accused to unilaterally abandon the confession agreement.

When the judge explains his rights to the accused during the negotiation of the agreement, he explains that the accused cannot leave the agreement, even if he does not agree with the prosecutor's proposal to reduce the penalty. In this case, the judge reserves the right to impose punishment at his discretion. In practice, the judge seeks to comply with the recommendations made in the process of an agreement on the recognition of guilt [16].

The accused may file a complaint against the confession agreement through an application due to the professional incapacity of the lawyer [17].

However, it should be noted that it must provide evidence to support the professional incapacity of the lawyer.

The main purpose of the plea agreement is to avoid seeing the case on the jury in the trial [18]. Therefore, the parties, the prosecutor's office and the defender (accused, lawyer) resolve their criminal legal dispute by concluding an agreement on confession. Due to the agreement on confession, a judicial investigation is not carried out, evidence is not checked, witnesses are not questioned, etc.

Also, what makes this institution different from other institutions is that the conditions of the confession agreement are a mandatory confirmation by the court.

Proceeding from the content and legal nature of the agreement on confession of guilt, it is associated with the refusal by the state to determine the objective truth in the criminal process. When concluding such agreements, the prosecutor and the accused take into account the investigation in the confirmation of evidence on the circumstances of the case [19].

Unlike the institution of pretrial cooperation of the plea agreement, it does not provide for the possibility of a strict reduction in the punishment of the accused [20]. In the United States, the benefits granted to the accused when concluding an agreement on confession are not regulated by law, the solution of this issue depends on the prosecutor and the court.

The institution of a confession agreement provides for the replacement of the crime arising from the accusation by a lighter crime, or one fault from the accusation or several criminal episodes may be excluded [21].

The agreement on confession allows a criminal case to make a decision without analysing and evaluating the evidence contained in the documents [22].

It also differs in the procedure for filing a complaint against the judgment issued by this institute. In the US, the person who made the agreement does not have the right to appeal the sentence, since his guilt is pro-procedural enshrined [23]. Appeal of the sentence can only be the only basis for the professional incompetence of a lawyer.

ANALYSIS OF RESEARCH RESULTS

The agreement on the application of abbreviated forms of judicial proceedings is essentially an undeveloped form of the agreement on confession, which involves the selection of a simplified procedure for investigating the accused and taking the case in court.

As a rule, his confession of guilt leads to the relief of the amount of punishment and the reduction of the court case, without the full collection of evidence on the case. Some authors call such agreements "targeted".

In our opinion, a full-fledged procedural agreement is carried out only with the full resolution of the material (criminal-legal) and procedural aspects of the case at the same time.

Obviously, the issue of the possibility of using simplified processes is directly related to the recognition or non-recognition of his guilt by the person who is prosecuted, these issues must be resolved together and at the same time.

At the same time, the theory of differentiation of the procedural form does not exclude the possibility of developing the criminal process in the direction of creating new institutions aimed at optimizing criminal-procedural activities, without prejudice to human rights and fair justice standards [24].

Law enforcement activities in criminal cases not only cover various options for the criminal behaviour of people, but are also faced with the need to effectively resolve criminal law disputes that subsequently arise in this way.

From this basis, it can be concluded that the process of criminal proceedings should be multi-option, that is, at least adapted to the most common cases when investigating and resolving criminal cases by the court.

The general trend of judicial reform, which consists in the introduction of new procedural forms into the structure of criminal proceedings, confirms this conclusion.

It should be noted that there are often cases when participants in criminal proceedings are ready to make certain compromises in terms of the scope of charges and the amount of punishment. It would be wrong to ignore the need for an appropriate process from the point of view of rational management of a criminal case.

At the same time, this process must comply with some strict standards of ensuring human rights and the principles of fair criminal procedure.

CONCLUSIONS

We consider it is necessary to formulate a number of proposals aimed at ensuring greater fairness and effectiveness in improving this institution.

Several institutions of procedural agreements may arise when criminal-procedural legislation is consistently developing and guarantees of the independence of the courts and the rights of the individual are being strengthened. For example, it can be "agreement of the parties", "agreement of cooperation with the investigation", etc. For this reason, it is advisable to leave open options for further expansion of the procedural agreements.

It is also necessary to detail the mechanism for ensuring the right of protection and qualified legal assistance to the accused, who has concluded an agreement on confession.

When concluding an agreement on confession, it is advisable to indicate whether the victim's opinion in drawing up the agreement should be taken into account or not. According to the content of the law, the victim can take part in a court session, and in case of dissatisfaction with the court decision, he also has the right to appeal.

Therefore, we believe that we must ensure the rights and legitimate interests of the victim in the best possible way. As a participant in the process of the institution of agreement, it is advisable to preserve the expression of the victim's opinion on the amount of punishment and to compensate for the damage caused, as well as to preserve the rights to conclude an agreement depending on the regret of the accused.

Failure to involve the victim in this process leads to an inattention of the interests of the person affected by the actions of the accused, that is, the victim, in order to quickly get rid of criminal cases that are problematic by the bodies of preliminary investigation.

Therefore, the legislation must contain the right to appeal to the victim to participate in the conclusion of an agreement, to strengthen the right to participate in a court session, as well as to confirm the agreement in the event that the accused does not fulfil the terms of the agreement.

The fact that such additions are not included in the legislation, not only the courts, but also the process participants face difficulty in applying the laws. This could jeopardize the effectiveness of the Institute of confession agreement.

The CPC indicates that the suspect may file a petition to conclude an agreement on the confession of the accused at any stage of the inquiry and preliminary investigation. That is, according to this norm, the suspect can file a petition at the interrogation stage to conclude an agreement on confession.

In our opinion, it is advisable to change the legislation from the moment the suspect receives the status of the accused, until the end of acquaintance with the documents of the criminal case, to the introduction of a petition for an agreement on confession. Because we believe that it is unacceptable to resolve the issue of concluding an agreement at the moment when the person is in the status of a suspect.

First of all, this can lead to the creation of conditions for abuse, that is, the suspect is offered to admit his guilt, although there is not enough complete and valid evidence for criminal prosecution of the case;

Secondly, it does not prevent the determination of the size of the charge, the quantity and quality of such an accusation, which was put forward by the bodies of inquiry and preliminary investigation, and then offers an agreement on the confession of guilt.

The regulation of the procedural form of conclusion and approval of the confession agreement requires the improvement of this institution.

1) in accordance with Article 586¹ of the CPC, an agreement on confession of guilt can be concluded on *non-serious and serious crimes with a high social risk*. However, it is advisable that the scope of the confession agreement is limited only to those crimes that do not have a high social risk, not so serious.

The reason is that the non-existence of a judicial investigation into this category of cases means that the sentence is based only on evidence collected at the stage of conducting the case in a criminal case, up to the court. However, these arguments are collected in a situation where the dispute of the parties is limited, and the view of confession as a decisive argument can lead to an increase in the number of cases of judgment of an innocent person in a situation where the circumstances of torture have not ended. It is necessary that the severity of the consequences and the severity of the punishment (especially significant for serious and very serious crimes) comply with the processual guarantees made to the accused. The more serious the crime was committed, the more severe the measure of probable punishment, the more procedural guarantees should be given to the accused.

In most European and CIS member states, the agreement on confession does not apply to serious crimes.

2) cases concerning the agreement on confession are considered in general order, taking into account the specific features provided for in Article 586⁷ of the CPC, no later than a month from the moment the criminal case comes to court along with the agreement.

The court during the consideration of cases related to the agreement on confession:

the procedural rights of the suspect, the accused, when concluding the agreement were secured or not provided, and whether the requirements specified in Article 586¹ of the CPC were met;

whether the agreement was concluded voluntarily by the suspect, the accused;

the suspect said that the accused understood the essence of the agreement, whether he understood its conditions, whether he understood the consequences;

the defendant does not support or support the agreement;

the suspect determines whether the accused has taken measures to eliminate the damage caused.

In our opinion, the judge must explain to the defendant that he has the right to renounce the procedural agreement and make sure that the suspect, the accused, has not been tortured, has not been subjected to cruel and inhuman attitudes.

3) in accordance with Article 586⁸ of the CPC, in cases where the agreement is approved, the court issues an indictment. According to Article 449 of the CPC, when the public prosecutor comes to the conclusion that the defendant is guilty, he expresses his opinion to the court about the type and norm of punishment that should be applied to him.

So, even when viewing the agreement on confession in court, the parties express their opinion to the court about the type and norm of punishment that should be applied to the defendant, that is, in practice, the parties will hold negotiations. Article 586⁷ of the CPC provides for the hearing of the opinion of the defendant and his defender, the prosecutor, as well as, if necessary, the victim (civil plaintiff). In addition, it is not intended to hear the last word of the defendant. However, the deprivation of the right to speak the last word is considered a serious violation of the Criminal Procedural Law norm and is the basis for the cancellation of the sentence.

At the same time, it is necessary to establish that the case seen in a separate order does not have a prepositional power, does not deprive other criminal partners of procedural guarantees after the verdict is made against the person who has concluded an agreement on cooperation, prevents the formation of a prior opinion on the basis of the previous judgment by the judge

In accordance with article 586⁶ of the CPC, if several persons were involved to participate in the case as suspects, defendants, and an agreement on confession was not concluded with all of them, materials relating to suspects, defendants with whom an agreement has not been concluded are allocated, and proceedings on them are carried out in compliance with general rules, which

However, in the agreement on this cooperation, it is advisable to resolve this issue based on the circumstances of the case. For example, if a criminal case is initiated by an investigation against 15 persons and an agreement is concluded with 5 of them on cooperation, dividing the criminal case against each of them into separate proceedings, passing 6 Judicial processes instead of one process and making a separate sentence for each may not be in accordance with the goals of simplifying the proceedings.

Therefore, it is necessary that the issue of allocating materials relating to suspects, defendants in relation to the person who made the agreement be resolved separately in each case. The

reason is only that it is impossible to completely resolve the issue of ensuring the safety of the person who has entered into an agreement with the separation of the part of the criminal case into separate proceedings.

In complex forms of participation, it is possible to accurately and fully determine the role of each participant in cases in which a crime is committed only if a preliminary investigation and court proceedings in relation to all participants are carried out at the same time. On the contrary, the separation of a part of a criminal case into a separate proceeding in relation to a person who has entered into an agreement on cooperation can cause various problems and complications.

In addition, in some cases, in relation to the person who made the agreement, the case may come to court, and after the verdict is made, the main criminal case will be considered in court, and in the case in which the agreement was concluded during the hearing of the case, it may be established that the defendant's qualification of the reason may not be identified due to the fact that a judicial investigation of the case was not carried out in relation to the person who concluded the agreement.

Therefore, it is necessary to separate materials into separate proceedings in relation to the person who concluded the agreement, so that it does not prevent a comprehensive and complete identification of working situations.

It is for this reason that it is necessary to clearly establish in the CPC that the circumstances specified in the judgment on the case against the person who made the agreement do not have a prepositional action on other cases.

In order to effectively apply the institution of an agreement on confession of guilt, it is proposed to make changes to the CPC project in order to eliminate the above shortcomings and make a plenary decision on "issues of applying the agreement on confession in judicial practice.

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