

**ORGANIZATIONAL AND LEGAL MECHANISMS FOR ENSURING THE
RIGHTS AND LEGITIMATE INTERESTS OF MINORS IN CRIMINAL
PROCEEDINGS: DIRECTIONS FOR IMPROVEMENT**

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Abstract This article examines the organizational and legal mechanisms for ensuring the rights and legitimate interests of minors in criminal proceedings. It analyzes the legal nature of the concept of a "minor" and their procedural status through a comparative study of national and foreign approaches. Particular attention is given to international legal standards, including child protection principles enshrined in global instruments, and their implementation into national legislation. The study also provides a historical and retrospective overview of the development of juvenile justice systems and identifies current trends toward humanization, specialization, and the introduction of child-friendly justice models. Based on the analysis, the article proposes directions for improving legal and institutional frameworks to enhance the protection of minors in criminal proceedings.

Keywords minors, juvenile justice, criminal proceedings, children's rights, legal status, international standards, child-friendly justice, procedural guarantees, humanization, legal reform

The protection of the rights and legitimate interests of minors in criminal proceedings represents one of the most sensitive and significant areas of modern legal policy. Due to their physical, psychological, and social immaturity, minors require enhanced legal safeguards and specialized procedural mechanisms. Contemporary criminal justice systems increasingly recognize that traditional approaches designed for adults are inadequate when applied to children.

In this context, improving organizational and legal mechanisms aimed at safeguarding minors' rights is a priority task for both national legislators and international institutions. The integration of international standards, the development of child-friendly justice, and the refinement of procedural guarantees are essential components of this process.

This article examines the theoretical and legal foundations of criminal proceedings involving minors, analyzes international legal standards, and explores the historical evolution and modern trends in this field.

The concept of a “minor” is a fundamental category in criminal procedural law. Generally, a minor is defined as a person who has not reached the age of 18. However, this definition may vary depending on the legal system and specific procedural contexts.

From a legal standpoint, the status of minors in criminal proceedings is characterized by a dual nature. On the one hand, minors may act as suspects, accused persons, victims, or witnesses. On the other hand, they are recognized as vulnerable participants requiring additional procedural guarantees.

In many jurisdictions, including continental European systems, minors are granted special procedural rights such as:

- Mandatory participation of a defense lawyer;
- Involvement of legal representatives (parents or guardians);
- Restrictions on interrogation methods and duration;
- Closed court hearings to protect privacy.

Comparative analysis shows that Anglo-Saxon legal systems place significant emphasis on diversion and rehabilitation rather than punishment, while civil law countries focus more on procedural safeguards within formal proceedings¹.

Furthermore, modern legal doctrine emphasizes the principle of the “best interests of the child” as a guiding standard in determining the procedural status of minors². This principle influences decisions regarding detention, questioning, and sentencing.

International law plays a decisive role in shaping national policies concerning minors in criminal justice systems. Several key instruments establish binding and recommendatory standards:

- The UN Convention on the Rights of the Child (1989);
- The Beijing Rules (1985);
- The Riyadh Guidelines (1990);
- The Havana Rules (1990).

These instruments introduce core principles such as:

- The best interests of the child;
- The right to be heard;
- Protection from harm and re-traumatization;

- Use of detention as a measure of last resort;
- Access to legal assistance.

The implementation (or “domestication”) of these standards into national legislation varies across countries. In many post-Soviet states, reforms have been undertaken to incorporate child-friendly procedures, including specialized juvenile courts and trained personnel³.

However, challenges remain, including:

- Inconsistent application of norms;
- Lack of specialized training for law enforcement officials;
- Insufficient institutional coordination.

Effective implementation requires not only legislative changes but also institutional reforms, capacity building, and monitoring mechanisms.

Historically, minors were treated similarly to adults within criminal justice systems, with little regard for their age or psychological characteristics. In early legal systems, punitive approaches dominated, and children were subject to harsh penalties.

The shift toward a protective and rehabilitative model began in the late 19th and early 20th centuries with the establishment of juvenile courts in the United States and Europe⁴. This marked the beginning of a differentiated approach to juvenile justice.

During the Soviet period, a paternalistic model emerged, emphasizing state control and educational measures. Although some protective elements existed, procedural guarantees were often limited.

In the modern era, there is a clear trend toward:

- Humanization of criminal justice;
- Development of restorative justice mechanisms;
- Expansion of diversion programs;
- Institutionalization of child-friendly justice.

Digitalization and the use of psychological expertise are also shaping contemporary practices. At the same time, globalization has led to greater harmonization of legal standards.

The analysis demonstrates that ensuring the rights and legitimate interests of minors in criminal proceedings requires a комплекс (comprehensive) approach combining legal, organizational, and institutional measures.

Key directions for improvement include:

- Strengthening procedural safeguards tailored to minors;
- Enhancing the implementation of international standards;

- Expanding specialized institutions and trained personnel;
- Promoting restorative justice and alternative measures

Ultimately, the effectiveness of these mechanisms depends on the consistent application of the principle of the best interests of the child and the commitment of all stakeholders within the justice system.

Comparative analysis demonstrates that many developed jurisdictions have adopted specialized juvenile justice systems that significantly differ from traditional criminal procedures applied to adults. For instance, in the United States, juvenile courts emphasize rehabilitation and diversion programs, allowing minors to avoid formal prosecution through community-based interventions and counseling. Similarly, in Germany, the Juvenile Courts Act prioritizes educational measures over punitive sanctions, ensuring that criminal proceedings serve primarily corrective and preventive purposes rather than retribution¹. This approach reflects a broader trend toward individualized justice tailored to the developmental needs of minors.

In contrast, the United Kingdom has introduced a hybrid model combining elements of accountability and welfare. The establishment of Youth Courts ensures that cases involving minors are handled by specially trained judges and magistrates, while procedural adaptations—such as simplified language and restrictions on public access—enhance child participation and protection. Additionally, restorative justice practices, including victim-offender mediation, are widely used to promote reconciliation and reduce recidivism². These mechanisms illustrate how procedural flexibility can coexist with the principles of fairness and due process.

In many European countries, including the Netherlands and Scandinavian states, there is a strong emphasis on early intervention and multidisciplinary cooperation. Social services, psychologists, and educational institutions actively participate in proceedings involving minors, creating a holistic support system. This integrated approach reduces reliance on detention and fosters reintegration into society. Compared to post-Soviet legal systems, where procedural guarantees are still evolving, these models highlight the importance of institutional coordination and specialized training for legal professionals.

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