

PROCEDURAL DOCUMENT: STRUCTURING FEATURES

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ABSTRACT	KEYWORDS
This article discusses the role of speech culture in the future professional activities of a lawyer. In particular, it pays attention to the issues of structuring the text of legal content: resolutions and protocols, reveals linguistic features in connection with parts of documents.	culture of speech, written speech, procedural documents, structure of the decision, structure of the protocol, decision, protocol.

Introduction

Today, our state pays special attention not only to the knowledge of a foreign language, but also to the knowledge of the culture of speech, which is undoubtedly important in the implementation of the professional duties of a specialist.

A lawyer, whose entire activity is closely related to speech, entering into communicative relations, must be aware of its communicative qualities and observe them. The mistakes made in his speech contribute to the appearance of the idea of him as an illiterate and uncultured person, which causes a distrustful attitude towards him. And vice versa - a speech that is distinguished by correctness, literacy, persuasiveness and expressiveness inspires confidence in people who turn to him for help. What is important in this case is the situation in which a communicative act occurs: legal consultation, advocacy, judicial or investigative process, since all the professional activities of a lawyer are connected with oral and written speech. The application of law involves the preparation of monologue speeches in court, subject to both legal and linguistic requirements, the execution of various kinds of legal texts, official business documents. Such qualities as the culture of speech, semantic accuracy and integrity, consistency of presentation, compositional clarity refer to all types of legal texts.

One of the main means of legal technique is the arrangement of materials in a certain order, its consistent differentiation. Like any construction, the creation of legal documents must obey certain rules. The main one is the division of the document into parts. This is done in order to:

- 1) Provide a complete statement of the information required for a legal document. If it is not systematized, there is a real danger that some of it may be missing;
- 1) Ensure effective assimilation of legal information by those to whom it is addressed. Again, if the legal document is not systematized, the addressee needs to spend considerable intellectual effort on its classification and selection, which is unlikely to be within the power of each of them, or it will require a lot of time from the subjects.

Any legal document contains usually consists of three parts:

1) introductory; 2) main; 3) final.

The structure of procedural documents is determined by their content. Depending on the type of document (decision documents, protocol documents), it may vary. Consider the structure of the regulations.

• Structure of Regulations

By their nature, regulations have a well-established structure and consist of three parts: introductory, descriptive and resolute, any subsequent part must be related to the size of the previous part and follow from it. The absence of one of the mandatory parts of the ruling, as a rule, entails the beginning of such a process of illegal decisions.

In the introductory part of each decision, the name of the procedural act (decree on the conduct of a search, etc.), the place of its preparation, the date and time, by whom it was drawn up are indicated. Further, in the introductory part of the decision, a criminal case is indicated, in which a preliminary investigation is being carried out.

The descriptive part of the decision begins with the word “established”, then the factual data is presented indicating the legal qualification of the deed under the relevant article of the Criminal Code and the procedural grounds for the procedural decision being made with reference to the articles of the Code of Criminal Procedure. In all resolutions of the investigator, the interrogator, at the beginning of the descriptive part, the factual circumstances of the case are set out to the extent necessary to clarify the essence of the issue being resolved. The descriptive part ends with an indication of the article of the Code of Criminal Procedure, on the basis of which (s) this decision is made. Such a division of the main part into separate semantic segments is due to the information that needs to be reflected in it - this is event and ascertaining.

The operative part of the resolution, beginning with the word “decided”, sets out the procedural decision itself made by the investigator, interrogating officer in a criminal case (to involve as an accused, to petition the court, etc.). Further, procedural decisions are also indicated on all other issues to be resolved in this decision. The decision is signed by the investigator, the interrogating officer, i.e. the person who drew it up. In the cases provided for in the Code of Criminal Procedure, the decision is announced to the interested parties with an explanation to them of the procedure and terms for appealing the adopted procedural decision. A note about this is made on the resolution itself or a special notification is sent. This part of the decision reflects prescriptive information.

Protocols differ from resolutions in their structure in that they consist of two parts, they do not have a operative part. Although the minutes of meetings, meetings contain a part that sets out the decision on the issue under consideration. But the resolute part is not provided in the procedural documents-protocols. Consider the structure of the protocols.

• Protocol Structure

Protocols, as well as resolutions, have a well-established form, but consist of two parts: introductory and narrative. In contrast to the resolutions, parts of the protocol, although they are interconnected in content. The second part of the protocol is the main one, since this part reflects the essence of the document and is logically connected with the previous one.

In the introductory part of the protocol, the name of the procedural document (minutes of the oral statement, etc.), the place of its compilation, the date and time, by whom it was compiled are indicated.

Further, in the introductory part of the decision, it is indicated what procedural actions were performed by the person who drew up the protocol.

In the narrative part, all procedural actions are recorded in the sequence in which they were carried out in reality. carried out by the investigator.

The protocol ends with an indication of the position, surname and initials of the person who compiled the protocol, some of them indicate the persons who took part in the process.

• The content and linguistic features of the decision to initiate a criminal case

In the first stage of the criminal process, documents are presented that set out the reasons and grounds for initiating a criminal case. These texts - primary materials on the case - are either immediately drawn up in writing (for example, reports of police officers, statements or explanations of citizens written in their own hands, complaints of victims, etc.), or are translated into written form from oral (recorded oral statements of citizens, confessions, explanations, etc.). Based on the analysis of primary materials, a conclusion is made about the need to initiate a criminal case or refuse to initiate it. This or that decision is formalized in the form of a resolution. The decision to initiate a criminal case may also be made in a court ruling or a judge's decision.

But in the end, the document should be organized into one text - a reasoned decision (determination) to initiate a criminal case or to refuse to initiate a criminal case.

When initiating a criminal case, far from all the circumstances are known, the exact legal qualifications are also unclear, therefore, the resolution (determination) reflects a minimum of specific data. As a rule, resolutions (determinations) on the initiation of a criminal case are written on forms that contain the necessary professional speech formulas. There are three of them: the first - in the introductory part (standard adverbial turnover with the word having considered); the second - when motivating the decision to initiate a case (turnovers with gerunds and participles, taking into account that there are sufficient data indicating the signs of a crime provided for); the third - in the operative part (sentences with infinitives to excite, accept, direct).

The descriptive part of the decision (determination) to initiate a criminal case ends with a professional speech formula that motivates the decision set forth in the operative part. As a rule, this formula is built in the form of a separate turnover in the following variants:

1) taking into account that ... and guided by ... - from a linguistic point of view, this option is the most successful, although it would be better to replace taking into account with taking into account - the meaning is preserved, but instead of three words one is used, the construction is simplified, approaches to colloquial speech (the verb to take into account is more common than the verb-nominal combination to take into account);

2) taking into account the above, guided by ...; based on the foregoing, guided by ... - the word implies the content of the previous parts of the document - the participial form of the past tense in this case is a kind of indicator like "see above";

3) proceeding from the foregoing, guided by ... - unwanted sound repetitions are created (based on the foregoing), the word proceeding gives the phrase a clerical character.

For the transition from the descriptive to the resolute, the following options are optimal: Considering that ..., and being guided by ...; In view of the foregoing, guided by ..

The operative part consists of professional speech formulas - constructions with infinitives to excite, accept, direct, etc. Each sentence of the operative part should begin with the infinitive. In the wording

of the resolute part, the word real (real criminal case) in the meaning of "the one in question" is informatively redundant. It should not be used.

• **Technical execution of the resolution**

The name of the document "REGULATION" is drawn up in the center of the sheet in capital letters, the words separating the parts of the decision: "established" and "decided" are printed in lowercase letters in the middle of the sheet on a separate line. These words separate the introductory and operative parts of this document. After the word "Regulation" below, two typewritten intervals, the time is printed on the left side of the sheet, and on the right - the place of its compilation. Then, two intervals from the red line, the position, title and surname of the investigator (interrogating officer) are printed, the rest of the content of the introductory part. Below the introductory part, the word "installed" is printed in two intervals, and then, after two intervals, the text of the descriptive part begins to be printed from the red line. After the descriptive part below it, three typewritten intervals, the word "decided" is printed, below which the text of the operative part is printed in two intervals, indicating the points. One paragraph usually lists homogeneous actions or decisions. The relevant paragraphs indicate the positions of persons who are obliged to fulfill the order of the decree. The names and positions of these persons are indicated in the dative case.

Installed:

(the reason and grounds for initiating a criminal case against a specific person are stated, indicating the last name, first name, patronymic).

Taking into account that there are sufficient data indicating the signs of a crime __, provided for by __ of the Criminal Code __, guided by articles

Decided:

1. Initiate a criminal case on the grounds of a crime under __ (paragraph, part, article) of the Criminal Code __, in relation to (last name, first name, patronymic).
2. Entrust the conduct of the preliminary investigation (to whom exactly: the name of the investigative body of the Investigative Committee of the Russian Federation or the position of the investigator of the Investigative Committee of the Russian Federation, special rank, surname, initials).
3. Send a copy of this decision to (name of the prosecutor's office).

Thus, we can conclude that knowledge about the structuring of a document, the ability to single out individual compositional and semantic parts in it, will not only contribute to the consistent distribution of information in its relevant parts, but will also provide, through language and style features, a qualitative presentation of the content of the document, competent design the above documents.

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