



HISTORICAL STAGES OF THE EMERGENCE OF OPERATIONAL-SEARCH ACTIVITY

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<https://doi.org/10.5281/zenodo.15307406>

Abstract

This article comprehensively examines the emergence of operational-search activity and the stages of its historical development. Specifically, it analyzes the significance of this activity during the formation of early state structures and its role in societal governance and security provision. The article explores the initial forms of operational-search activity, the evolution of its legal and organizational foundations, and the distinctive features of this field in various historical periods. Additionally, it presents insights and reflections on the interaction between operational-search activities and state institutions and social structures, as well as the processes of its transformation into modern forms. Drawing on historical sources and scholarly analysis, the article offers valuable information for readers interested in studying the past and present significance of this activity.

Keywords: History of operational-search activity, stages of emergence, informants, covert service, intelligence and counterintelligence.

Establishing stability, peace, and tranquility in society, and ensuring unconditional observance of human rights and freedoms is a crucial condition for achieving the goals of the wide-ranging reforms being implemented for the country's further socio-economic development, improving the population's well-being, and building a legal democratic state[1].

To achieve these goals, the early prevention, detection, elimination, and eradication of crime in our country remains one of the most pressing issues today.

For this reason, law enforcement agencies are implementing a number of measures to curb crime, and scientific research is being conducted to increase the effectiveness of law enforcement officers in combating crime, which is yielding significant results.

In the process of globalization, the competent authorities of each state are carrying out effective work by developing various measures to combat crime.

Sooner or later, periods come in the life of each branch of scientific knowledge that allow science to develop in new ways, give new impetus to scientific research, and contribute to development and progress. However, it is not always possible to clearly observe the transition from one stage of scientific development to another. Sometimes it takes time to understand the changes that have occurred and to view ongoing processes from the outside[2].

The history of crime fighting demonstrates that for the timely detection, prevention, suppression, and exposure of grave and especially grave crimes, as well as the search for fugitive criminals, it is not sufficient to use only overt criminal procedure and other means; other effective methods are required. For law enforcement agencies, an important task is not only the detection of committed crimes, but also establishing control over the development of criminal phenomena and processes. To achieve these goals, all developed countries, including the Republic of Uzbekistan, have a special state-legal mechanism - operational-search activity,

which allows for the detection, suppression, and exposure of crimes being prepared, committed, and already perpetrated through covert means. This is an important part of the state's criminal justice policy[3].

The use of operational-search activities as an effective measure is yielding expected results. In particular, based on the Law of the Republic of Uzbekistan dated December 25, 2012 No. ZRU-344 "On Operational-Search Activities," an effective fight against crime is being carried out. The law provides for combating crime through operational-search measures. The emergence of operational-search activities carried out today can be traced back through several stages.

Currently, historical and socio-legal sciences cannot answer the question of when operational-search measures first arose, who first conducted them, and for what purposes. However, there is no doubt that the first actions related to searching have existed since the emergence of humankind. Surveying and observation are the simplest and at the same time necessary actions in everyday life. However, they cannot be called operational-search measures in the sense embedded in the current concept[5].

In the period of the emergence of early statehood, information was needed to find criminals, and the need arose to obtain them using criminal traces, through the enemies of the people who committed the crime, or through random witnesses, subjects who could be recruited for a certain fee. The fight against crime, the struggle for power, intensified. Naturally, the most important thing in this struggle was the acquisition of information. Kings, kings, and other rulers, before conquering a certain territory, sent their people there under the guise of merchants, ambassadors, and dervishes. They gathered information from bazaars, mosques, or ordinary people about how the people lived and their attitude towards the ruler's policies. To achieve the goal, it was necessary to systematize the data, which were collected, processed, and on the basis of which offensive or defensive measures were developed.

The core of obtaining classified information is operational-search activity, that is, the activities of employees of the army, law enforcement agencies, who collect classified (intelligence) information from various individuals - sought-after sources of information - by establishing or developing reliable relationships with its owners and documenting illegal actions. One of the first archaeological sources confirming the use of a pottery fragment containing an ancient inscription, discovered in Syria and dating back to the 13th century BC, as hostages from secret agents in interstate relations. In this inscription, the king of one country complains to the king of another country that he released his spies by agreement, but has not yet received compensation for them[6].

With the emergence of the state, its functions consisted of ensuring its interests, protecting the territory, identifying and countering external threats, as well as timely identification of such threats. Along with the organization of armed forces for defense, it was necessary to have the ability to identify threats in advance. This necessitated the existence of specific structures that identify such threats. Undoubtedly, this activity, as a rule, should have been and was carried out covertly, secretly. He became the embodiment of the state's covert operational-search activities. Opportunities for such activity were also used to counter similar actions by other states. Operational-search activities within the framework of such activities were, of course, carried out without any overt, legally regulated procedures[7].

Along with the above, the state faced another important task - ensuring order within the state and combating crimes of various forms and character[8].

With the development of social relations, the centralized state was strengthened. This led to the enhancement of its role in public life. Accordingly, the powers of state bodies were expanded, including those related to combating crime[9].

The great commander and conqueror Amir Timur made a huge contribution to the history of medieval Central Asia. In his "Tuzuks" (Code of Laws), he described methods of governing the state, what to pay attention to, and so on. The principle that "Strength lies in justice" emerged during that period. Its implementation required studying the lives of ordinary people and the situation in the provinces. In "Temur's Tuzuks," it is stated, among other things: "...I kept myself informed about the condition of the people in every land. I appointed chroniclers (news writers-messengers) from among trustworthy, honest writers to record and inform me about the situation in each country, the mood of the army and subjects, their way of life, their actions, and the relationships between them. If I found out that they had written something false, I punished such chroniclers. Whenever I heard about any of the rulers, soldiers, or subjects oppressing the people, I immediately took measures to ensure justice and fairness towards them"[10].

Initially, the need for operational-search activities was connected with the social necessity of combating crime. The essence of this type of activity was initially related to the implementation of general criminal investigation. In operational-search activities, the means of establishing the truth is analytical work. It combines operational-search diagnostics, operational-search identification, and operational-search forecasting as the main forms of activity[11].

The main periods of development in the legal regulation of operational-search activities largely coincide with the stages of formation of Uzbek statehood. Based on this, in the history of Uzbekistan, it is possible to (conditionally) distinguish four periods of legal regulation of operational-search activities. In each of these periods, several important aspects of the processes of creation and development of operational-search activities can be distinguished. These include:[12]

The first period - the implementation of criminal investigation in Turkestan, before its conquest by the Russian Empire - until the end of the 19th century. This period is characterized by the fact that in the territory of Turkestan, the rulers of the Kokand and Khiva Khanates and the Bukhara Emirate actively used the practice of obtaining information from secret sources about the criminogenic situation in the territory under their control, conspiracies and treacheries around the authorities, and the military potential and plans of neighboring states.

At the same time, it should be noted that all actions in this regard were carried out outside the legal framework, in most cases on a paid basis, for which, as a rule, relevant documents (receipts, obligations, contracts, etc.) were drawn up. This was done for the following purposes: recruitment of the source; collection of materials discrediting the source; its long-term use in secret work and inclusion in circles or objects of interest to the recruiter; maintenance of treasury financial reporting.

The second period is associated with the partial legal regulation of TQF during the Russian Empire era - from the late 19th century to the Soviet period (early 20th century). It should be noted that the legal regulation of criminal investigation in the Russian Empire began in the 18th century[13].

In the mid-17th century, elements of investigative activity became clearly evident in Russia. The Council Code of 1649 paid special attention to the process of investigating state crimes. In 1655, the Secret Affairs Office was created, which dealt with particularly important state crimes, especially cases requiring the Tsar's special attention. This effectively marked the emergence of the secret police, as the Office operated both overtly and covertly. These clandestine methods and measures were later applied to the fight against general criminal activity[14].

Around the same time, the position of detective emerged as permanent agents for carrying out special assignments, particularly for tracking down and apprehending runaway peasants.

From that period onwards, the fight against general crime also expanded, facilitated by the establishment of police services. The police began to conduct inquiries and, when necessary, preliminary investigations. The practice of recruiting undercover informants from criminal circles also began, which can be compared to the use of individuals providing assistance to law enforcement agencies on a contractual basis.

In the Russian Empire, the Ministry of Internal Affairs was established in 1802, and the Ministry of Police in 1810. While a political investigation structure was created within the latter, a separate criminal investigation body was not formed[15].

An important step towards improving operational-search activities in the Russian Empire was the creation of the Third Section of His Imperial Majesty's Own Chancellery and the instructions for working in this body. According to the latter, the purpose of establishing the department was "to strengthen the well-being and peace of all social strata in Russia and to restore justice." Every official had to "observe possible disturbances and abuses in all parts of government and in all states and localities; ensure that the peace and rights of citizens are not violated by someone's personal power, the dominance of the powerful, or the harmful intentions of ill-willed people." The officers of the Third Section did not wear special uniforms, and the nature of their activities initially remained secret. They began to create an extensive network of agents, mainly among the nobility and urban upper classes, while also relying on many monarchist-leaning elements[16].

Until the October Revolution of 1917, it underwent multiple reforms and improvements. From the Russian conquest of Turkestan Krai until the October Revolution of 1917, TQF in the region was carried out partly based on the Russian Empire's criminal investigation regulations, and largely independently (without legal basis) by the rulers of Turkestan Krai in accordance with previously existing procedures. A similar situation was observed in Russia during the February Revolution of 1917[17].

The third period is based on the legal regulation of the TQF during the Soviet era - from mid-1918 to August 1991. This period is associated with Soviet power, first in Turkestan, and after the territorial division, in Uzbekistan. During this time, along with other Union republics, departmental normative legal acts of the USSR ("center") were in effect in Uzbekistan, aimed at developing and regulating a unified policy in the field of TQF throughout the Soviet Union. With the exception of 1962-1968, when the ministries and departments of the Union republics carrying out TQF had their own independent regulatory framework. However, it was practically the same throughout the entire Union.

In specialized literature, when studying the historical aspects of the TQF, this period is usually considered from the 17-21 years of the 20th century, without taking into account the

theory and practice of previously existing states. However, such practice and corresponding generalizations, systematizations, and descriptions did exist. This is primarily explained by the lack of specific research on this practice. Only in a few works are some provisions of the TQF considered, which were in effect during certain periods in some countries.

At the beginning of the 1930s, the legal basis of the TQF began to be developed in accordance with various operational apparatuses created by the Soviet government. It should be noted that during this period, the regulatory framework of the TQF was significantly more comprehensive and took into account practical needs.

In the 1970s, scientific activity in the field of TQF, particularly in the direction of the Ministry of Internal Affairs, began to develop intensively. Nevertheless, until the collapse of the USSR (up to 1991), legislation on TQF was not adopted in the Soviet Union. By 1991, however, a draft law on the Union's TQF had been developed and discussed in various agencies.

Thus, during the period under review, TQF was carried out by two bodies - the State Security Committee (KGB) and the Ministry of Internal Affairs. This activity was conducted based on classified departmental legal acts[18].

Until the 1990s, the procedure for conducting operational-search activities was mainly determined by classified orders and instructions constituting state secrets. This created difficulties in using the results of these measures in criminal proceedings, including proving their negative nature for the investigation of criminal cases. These circumstances forced scientific and practical workers to seek ways to incorporate the results of operational-search activities into criminal proceedings, that is, to resolve the issue of legalizing the obtained operational results. Consequently, it necessitated the official recognition of operational-search measures and their legal regulation[19].

The fourth period encompasses the legal regulation of operational-search activities in the current stage - from December 1992 to the present. This period is characterized by the collapse of the Soviet Union and the development of Uzbekistan as an independent state.

The operational-search activity of internal affairs bodies dates back centuries and originates from intelligence and its constant companion - counterintelligence. The need to gather information to protect society from external threats, as well as to satisfy the need for water, food, and housing, has compelled humanity to find ways to solve these problems since the primitive communal system[20].

Prior to the fourth period, the absence of legislative framework for implementing operational-search activities in the Republic of Uzbekistan, with regulation only by subordinate regulatory legal acts adopted by various agencies, led to various misunderstandings. This included problematic situations related to the restriction of constitutionally guaranteed human rights, freedoms, and legitimate interests. These issues necessitated the adoption of essential measures in this field, including resolving the problem at the legislative level.

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