



SOME THOUGHTS AND CONSIDERATIONS ON THE CONCEPT OF INVESTIGATIVE ACTIONS

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Abstract: This article provides a detailed examination of investigative actions, their grounds and procedural order, types of investigative actions, and subjects authorized to conduct them.

Keywords: criminal procedure, collection of evidence, verification of evidence, investigative action, types of investigative actions, concept of investigative action

The ongoing reforms in our country's judicial and legal system aim to ensure law and order by creating an effective system of criminal procedure legislation, reliably protecting human rights and freedoms, the interests of society and the state, and maintaining peace and security. These are priority areas of reforms in this field[1].

In particular, the adoption and implementation of the Resolution of the President of the Republic of Uzbekistan dated May 14, 2018 No. PP-3723 "On Measures for the Fundamental Improvement of the Criminal and Criminal Procedure Legislation System"[2], and the Law of the Republic of Uzbekistan dated April 4, 2018 No. ZRU-470 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Adoption of Measures to Strengthen Guarantees of Citizens' Rights and Freedoms in Judicial and Investigative Activities"[3] became one of the most significant steps in improving criminal procedure legislation, and these reforms continue systematically to this day. In the fundamental improvement of the criminal procedure legislation system, it is crucial to conduct scientific research on investigative actions and their types, which are considered the most effective and widely used methods of collecting and verifying evidence, and to determine the prospects for further enhancement of their procedural and forensic aspects. Currently, in the theory and practice of criminal proceedings, the collection and verification of evidence are carried out through investigative actions. However, it should be noted that there are no strict procedural rules in legal science and current legislation regarding the concept of investigative action, and various views and diverse opinions can be found in specialized literature.

In particular, S.B. Khodzhakulov believes that the investigative action is the procedural activity of the investigator, inquiry officer, and prosecutor, aimed at collecting and verifying evidence within the framework of a criminal case[4]. The given definitions do not allow for a broader understanding of the essence of investigative actions. It can be seen that the content of the investigative action is limited to the collection and verification of evidence within the framework of the criminal case. However, investigative actions are also carried out during the pre-investigation check process. In addition, investigative actions include elements aimed not only at collecting and verifying evidence, but also at establishing evidence. Among the concepts and definitions given to investigative actions, S.A. Sheyfer's opinion is broader: "The most effective and widely used method of collecting evidence is the investigative action. Based on the commonality of the cognitive function and procedural form, investigative actions

include actions carried out both during the preliminary investigation and during the judicial investigation[5]. The Criminal Procedure Code of the Republic of Uzbekistan specifies the types of investigative actions. These investigative actions include the following.

Investigative actions include inspection, examination, audit, interrogation, confrontation, presentation for identification, examination of testimony at the scene, experiment, examination, exhumation of the corpse, seizure, search, eavesdropping on conversations conducted via telephone and other telecommunication devices, obtaining information transmitted through them, taking samples for expert examination, and presenting objects and documents.

The conduct of investigative actions consists of the following.

- investigative actions carried out before and after the initiation of a criminal case;
- investigative actions carried out during the pre-investigation check;
- conducting investigative actions by officials of authorized state bodies;
- investigative actions carried out independently by the investigator, inquiry officer;
- investigative actions carried out on the basis of a court sanction;
- investigative actions with the participation of witnesses.

The grounds and procedure for conducting each investigative action are not the same. The Criminal Procedure Code defines the subjects authorized to conduct investigative actions. Investigative actions are carried out by an official of the body conducting a pre-investigation check, an investigator, an inquiry officer. Investigative actions cannot be carried out by officials of other authorized state bodies. The court also does not have the authority to conduct investigative actions. The investigative action acquires the status of an investigative action during the preliminary investigation and a judicial action when it is carried out in court[6]. The grounds and procedural order for conducting investigative actions by the subjects specified in the Criminal Procedure Code are enshrined in the norms of the law. The purpose of conducting investigative actions is to establish circumstances relevant to the criminal case within the framework of the investigated criminal case. It is necessary to distinguish between investigative actions and other actions. Procedural actions such as initiating criminal proceedings, applying coercive measures, issuing instructions, and declaring charges are not part of the investigative action system.

Investigative actions, as a method of proof, play an important role in establishing the truth. When proving, the investigator gathers evidence through investigative actions. In this process, it is necessary to strictly observe not only the rules of proof, but also the rules for conducting investigative actions. Violation of the rules for conducting investigative actions is grounds for the inadmissibility of evidence relevant to the case.

In the current Criminal Procedure Code, these investigative actions and judicial actions are separated, and there are some differences in the procedural rules for their conduct. Summarizing the definitions and concepts given to investigative actions, the following conclusion can be drawn. Based on the foregoing, it is advisable to define investigative actions as follows.

An investigative action is a procedural activity carried out before the initiation of a criminal case or after the initiation of a criminal case, by an official of the body carrying out a pre-investigation check, an investigator, an inquiry officer, a prosecutor, in the presence of grounds, in accordance with the established procedure, which serves the collection and verification of evidence necessary for proof.

References:

1. Mirazov D.M. Expansion of judicial control over pre-trial proceedings // Bulletin of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan. - 2012. - No 3. - P. 18.
2. Resolution of the President of the Republic of Uzbekistan dated May 14, 2018 No. PP-3723 "On Measures for the Fundamental Improvement of the System of Criminal and Criminal Procedure Legislation" // <http://lex.uz/docs/3735818>.
3. Law of the Republic of Uzbekistan dated April 4, 2018 No. ЗРУ-470 "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Adoption of Measures to Strengthen Guarantees of the Rights and Freedoms of Citizens in Judicial and Investigative Activities" // <http://lex.uz/docs/3609511>
4. Хўжакулов С.Б. Процессуал ҳаракатлар: тушунчаси, таснифланиши ва тизимлаштирилиши: Ўқув қўлланма / – Т.: Ўзбекистон Республикаси ИИБ Академияси, . – Б. 8.
5. Шейфер С.А. Методологические и правовые проблемы собирания доказательств в советском уголовном процессе: Автореферат диссертации на соискание ученой степени доктора юридических наук. – М., 1981. – С. 7.
6. Хўжакулов С.Б. Процессуал ҳаракатлар: тушунчаси, таснифланиши ва тизимлаштирилиши: Ўқув қўлланма / – Т.: Ўзбекистон Республикаси ИИБ Академияси, 2013. – Б. 8.