



## TYPES, PROCEDURES, AND GROUNDS FOR CONDUCTING URGENT INVESTIGATIVE ACTIONS IN CRIMINAL PROCEEDINGS.

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**Abstract:** The article analyzes the procedures, types, and specific features of conducting urgent investigative actions by investigators, inquiry officers, prosecutors, and courts during criminal investigations, as well as the theoretical and legal foundations of ongoing reforms in this area.

**Keywords:** Pre-investigation inquiry, preliminary investigation and trial, crime scene examination, ordering expert analysis, search and seizure investigative actions, swift and comprehensive crime solving.

In recent years, to eliminate instances of rights and freedoms violations of persons suspected or accused of committing crimes, there has been an objective necessity to further expand the practice of applying the "Habeas corpus" principle in criminal procedural relations.

Considering that conducting investigative actions constitutes a serious intrusion into citizens' private lives and is closely linked to the restriction of their constitutional rights, it is becoming increasingly crucial to reflect in criminal procedure legislation the process for establishing strict requirements regarding the factual grounds for conducting urgent investigative actions.

In the world, urgent investigative actions play a significant role in locating objects or documents relevant to criminal cases, finding wanted persons or corpses, and seizing property belonging to suspects and accused individuals to compensate for property damage caused to victims.

Urgent investigative actions hold a special place in quickly and fully solving crimes "while the trail is still hot." Conducting urgent investigative actions requires great skill from investigators and inquiry officers. This is because urgent investigative actions are carried out to identify and record traces of crimes during pre-investigation checks, preliminary investigations, and court proceedings, as well as to immediately seize evidence that needs to be examined.

Investigative action is a procedural activity carried out by an official of a pre-investigation body, an inquiry officer, an investigator, or a prosecutor. It is aimed at collecting and verifying evidence to clarify the gathered materials and significant circumstances of a criminal case. This activity has a cognitive nature and serves to reflect evidentiary information[1].

Conducting urgent investigative actions in a timely manner allows the investigator to promptly identify the person who committed the crime and take measures to apprehend them, determine the circumstances of the incident, the mechanism of its occurrence, and other relevant factors, find, document, and seize material evidence and objects related to the

crime, as well as take measures to preserve the seized items, instruments of the crime, and objects during their examination [2].

When conducting urgent investigative actions. In the theory of criminal procedure law, the concept of "urgent investigative action" is the subject of many scientific debates. Scholars interpret such investigative actions differently and determine which actions fall under this category based on their own perspectives. Some scholars consider "urgent investigative actions" to be a criminalistic concept, and according to criminal investigation tactics, they understand these as necessary primary actions aimed at obtaining and preserving evidence from fresh traces of the crime, that is, investigative actions carried out without delay. Other scholars, asserting that urgent investigative actions are a criminal procedural concept, emphasize investigative actions related to the time of initiating a criminal case, as well as those specifically designated as "urgent investigative actions" in criminal procedural legislation. Another group of procedural scholars identifies two aspects of "urgent investigative actions," considering them both criminalistic and criminal procedural concepts.

The current Criminal Procedure Code of the Republic of Uzbekistan does not specify a list or scope of urgent investigative actions. An investigator or inquiry officer conducting criminal procedural activities selects which investigative actions are "urgent" from among all possible actions, based on the complexity of the criminal case under their jurisdiction and its other characteristics. Therefore, in our opinion, the legislator was correct in not strictly defining a list of urgent investigative actions. This is because it is impossible to determine in advance which specific investigative actions will be urgent for a particular incident [3].

The most frequently used urgent investigative actions in criminal investigations include:

Crime scene examination - an urgent investigative action aimed at identifying, documenting, and analyzing necessary evidence to determine the existence and nature of circumstances relevant to the criminal case. It involves direct observation and study of objects located at places where traces and items causally related to the crime under investigation have been found [4].

Inspection of the crime scene plays a central role and is of great importance in solving crimes and conducting effective investigations. In practice, one of the most frequently performed investigative actions is the inspection of the crime scene. Carrying out this investigative action negligently or refusing to conduct it when necessary is considered a violation of the investigator's professional and moral duties. At first glance, the inspection of the crime scene does not seem to cause any moral problems, since only the investigator and witnesses participate in it. However, this investigative action also requires interaction with various people and has ethical aspects.

The procedure for inspecting the crime scene is specified in Articles 135-141 of the Criminal Procedure Code of the Republic of Uzbekistan.

In addition, it can be carried out before the initiation of a criminal case in urgent situations, as prescribed by Article 329 of this Code.

The crime scene examination report forms the basis of all criminal cases. It provides the main part of the evidence, determines the presence of criminal elements in the committed socially dangerous act, resolves the issue of initiating a criminal case, and helps to solve crimes while the trail is still "hot."



Examining the scene of an incident is a complex and extensive process. Its complexity is determined by numerous factors, including the multitude of objects and inspection tasks, changes in conditions at the scene due to meteorological factors, the characteristics of individual objects, alterations caused by deliberate or careless human actions, the duration of work activities, and significant psychological strain in complex situations, among others.

A search is an investigative action based on observation and conducted in accordance with legally established procedures. It involves the mandatory inspection of a residential, office, or industrial building, technical devices that may contain information, websites on the World Wide Web, social networks, or other locations, as well as a person or their clothing. This action is carried out when there is sufficient reason to believe that objects, documents, or information relevant to the case, or a wanted person or corpse may be present. It is also conducted to seize property belonging to the suspect, accused, defendant, and civil defendant in order to compensate for property damage caused by the crime[5].

Typically, searches are conducted on suspects and accused persons. However, it is not excluded that a search may also be conducted on witnesses, victims, and other persons who do not have any procedural status. A search can be carried out when there are sufficient legal grounds for its conduct, when it is necessary according to the circumstances of the case, and therefore morally justified.

According to Article 158 of the Criminal Procedure Code of the Republic of Uzbekistan, grounds for conducting a search are provided. It states that an investigator or inquiry officer has the right to conduct a search if they have sufficient information to believe that there are objects, documents, or electronic data relevant to the case in a residential, office, production building or other place, or in possession of a person.

The decision of the investigator or inquiry officer to initiate a request for a search and the necessary materials are sent to the prosecutor.

The prosecutor, having verified the validity of the request for a search, if in agreement with it, sends the decision to initiate a search request and the necessary materials to the court.

In urgent cases, a search may be conducted without the court's consent based on the decision of an investigator or inquiry officer, but the court and prosecutor must be subsequently notified of the search within twenty-four hours. The notification must clearly indicate the urgent circumstances. To verify the legality of the search order, copies of the investigator's or inquiry officer's search order, the search report, and the necessary materials must be attached to this notification in accordance with Article 158<sup>1</sup> of the Criminal Procedure Code.

When conducting a search, the investigator should take all possible measures to prevent the disclosure of personal and family secrets related to the private life of the person being searched. This requirement also applies to information concerning their close associates and even other persons not involved in the case.

Russian scholar S. V. Kornakova noted that "during a search, patience and perseverance are required from the investigator. Without rushing to forcibly open closed buildings and rooms, it is necessary to ensure their voluntary opening by their owners or authorized persons, and to take measures to restore the premises to their condition before the disorder that occurred after the search" [6].

The main tactical principle of a search is its suddenness and unexpectedness. The sudden and unexpected conduct of the search by the investigator prevents the person who



committed the crime from hiding, and interested parties from concealing or destroying material evidence.

If there are grounds provided for in Articles 157 and 158 of the Criminal Procedure Code of the Republic of Uzbekistan, the investigator or inquiry officer may conduct a personal search and seize items and documents relevant to the case found in the person's clothing, belongings, or on their body.

Seizure and search are conducted according to the rules specified in Articles 157-161 of the Criminal Procedure Code.

*Interrogation* Based on Articles 96-121 of the Criminal Procedure Code of the Republic of Uzbekistan, is the interaction between the investigator and the person providing information about the criminal event. According to the law, the investigator gathers information by obtaining testimony from the person being interrogated. It is understood that testimony obtained during interrogation is one form of evidence in a criminal case, and the collected information serves to establish specific circumstances of the crime. In investigative practice, the interrogation of victims, witnesses, suspects, and expert specialists is most common.

Interrogation is an investigative action that involves obtaining factual information from the person being interrogated about circumstances relevant to the case under investigation and of interest to the inquiry[7].

There are also rules and procedures for interrogation specified in the Criminal Procedure Code. Violation of these rules constitutes a breach of the principles of the Criminal Procedure Code, and the evidence obtained loses its evidentiary value.

Interrogation is an interaction between the investigator and the person providing information about the criminal event. According to the law, the investigator gathers information by obtaining testimony from the person being interrogated.

The significance of interrogation as an urgent investigative action lies in the fact that the immediate occurrence of the event, the limitations of hearing and vision, the peculiarities of memory, and similar objective and subjective factors affect the perception of the crime circumstances, regardless of who perceives them (whether witness or accused).

Listening to conversations conducted via telephone and other devices Information obtained from this investigative action, especially in the investigation of particularly dangerous crimes committed by organized criminal groups, serves as important evidence in solving crimes. The content of work-related conversations between group members is particularly valuable. Listening to information transmitted via telephone and other communication devices is also carried out to verify circumstances that need to be proven in the case, identify perpetrators and those involved in the crime, determine where to search for and detain them, locate hidden weapons and other objects related to the crime, and ensure the safety of participants in the legal process.

The conduct of this action is regulated by Articles 169-171 of the Criminal Procedure Code.

In some cases, urgent situations arise where it is impossible to delay listening to conversations conducted by telephone and other means of communication and obtaining information necessary for the investigation. In such cases, the investigator carries out this investigative action promptly in accordance with Article 170 of the Criminal Procedure Code; otherwise, the opportune moment will pass, and important evidence will not be obtained. In



urgent cases, the investigator has the right to send the decision on the conducted investigative action to the national security service bodies and must notify the prosecutor within 24 hours and formalize their sanction.

The need for appointing an expert examination arises during the investigation of a criminal case when special knowledge is required regarding certain disputed circumstances of the case. Article 173 of the Criminal Procedure Code specifies a number of circumstances under which an expert examination is mandatory. The provision of the law emphasizes the obligation to obtain an expert opinion on these circumstances, regardless of the presence of other information in the case materials (such as testimony from witnesses or victims). When establishing circumstances relevant to the case, including the initiation of a criminal case, determining whether a socially dangerous act constitutes a crime, identifying mitigating or aggravating circumstances, or qualifying a crime, the results of the examination are reflected in the expert's conclusion and serve as a source of evidence in the criminal case.

An expert examination is appointed based on Chapter 22, Articles 172-187 of the Criminal Procedure Code of the Republic of Uzbekistan. When conducting it, special knowledge is applied by expert personnel and it is examined as a separate investigative action. When carrying out urgent investigative actions, the collection of evidence and its procedural formalization, in a number of situations, must be mandatory for the preliminary investigation and the inquiry officer to conduct an expert examination.

"An audit is appointed in cases where information about circumstances relevant to the inspection of legal entities and individual entrepreneurs can be obtained by examining and comparing accounting, financial, statistical, banking, and other documents of the entities being audited." [8].

The grounds for conducting an audit are specified in Chapter 221, Articles 1871 - 18711 of the Criminal Procedure Code of the Republic of Uzbekistan.

The audit investigative action primarily focuses on falsification of accounting documents in entrepreneurial activities and entries in accounting registers; creation of unaccounted surplus products in trading bases and warehouses; generation of unaccounted surplus products in the production process; transfer of money to other persons for mercenary purposes; illegal obtainment of funds through deception; and crimes committed by officials such as embezzlement, misappropriation, abuse of office, fraud, and exceeding authority. The result of the audit primarily serves as the basis for initiating a criminal case.

Investigative experiment - an independent investigative action in the system of forensic tactics, regulated by Articles 153-156 of the Criminal Procedure Code of the Republic of Uzbekistan. During the investigation of a criminal case, it is conducted to determine whether past events and circumstances related to the criminal case actually occurred or not by reconstructing and examining them under specific conditions.

In the process of investigating various criminal cases, it is often necessary to perform an action known as identification for the purpose of recognizing people, objects, corpses, and other items (Articles 125-131 of the Criminal Procedure Code).

This investigative action is carried out to determine the connection between the object presented for identification and the fact being investigated. For example, it is established whether the person presented to the victim is indeed the one who attacked them for the purpose of robbery.



The essence of this action lies in the identifier comparing the image in their memory with a particular object. Presenting objects for identification is a widely used investigative action in criminal cases and is one of the means of gathering evidence.

Objects presented for identification are material entities that can be perceived by human sensory organs. The characteristics of the indicated persons and objects serve to compare, differentiate, and recognize them. In combating dangerous crimes, especially in investigating crimes such as murder, banditry, robbery, assault, theft, arson, bribery, and hooliganism, the presentation of people, objects, animals, and various items for identification is widely used.

Analysis of sources shows that, despite the study of this topic, due to the lack of attention to certain aspects, investigative actions are not being carried out fully, resulting in negative indicators in crime investigations.

The historical development of the institution of urgent investigative actions is inextricably linked with Soviet criminal procedure legislation.

In theory, this topic is being considered in various ways. For example, one of the authors of this topic, N.K. Kuzmenko, believes that "urgent investigative actions are linked to the preliminary investigation, their implementation is encompassed within the preliminary investigation stage" [9].

According to B.A. Mirensky and A. Asamutdinov: "the necessity for urgent investigative actions can arise at any stage, and in the preliminary investigation, they should be carried out promptly" [10].

In our opinion, these statements are considered one-sided, since urgent investigative actions can only be examined from the criminal procedure perspective in one case, while in another case, they can only be considered from a forensic-tactical point of view.

According to the legislation of several foreign countries, urgent investigative actions are conducted more extensively.

In accordance with Part 1 of Article 157 of the Criminal Procedure Code of the Russian Federation, in cases where signs of a crime are detected and a preliminary investigation is mandatory, the inquiry bodies initiate criminal proceedings and carry out urgent investigative actions.

Urgent investigative actions require finding traces of a crime, identifying evidence, as well as collecting and immediately verifying them. The Criminal Procedure Code of the Russian Federation does not contain a list of the sequence of urgent investigative actions.

In accordance with part 3 of Article 186 of the Criminal Procedure Code of the Republic of Belarus, the investigative bodies must carry out urgent investigative actions such as: search, seizure, confiscation of property, interception of postal, telegraphic and other communications, wiretapping and recording of conversations, presentation for identification, physical examination, detention, application of preventive measures, interrogation of the suspect, interrogation of the victim and witnesses, taking samples for examination, and ordering expert examinations. After conducting the necessary actions, they must transfer the case materials to the investigative authorities within 10 days.

According to the legislation of the Republic of Bulgaria, urgent investigative actions are permitted when there are insufficient grounds and evidence to initiate a criminal case.



According to Article 186 of the Criminal Procedure Code of the Republic of Bulgaria, a criminal case may be initiated solely for the purpose of conducting urgent investigative actions.

In the criminal procedure legislation of the Federal Republic of Germany, the results of urgent investigative actions are given more importance than in the Criminal Procedure Code of the Republic of Bulgaria.

The Criminal Procedure Legislation of the Republic of Uzbekistan does not specify the time, procedural order, and formalization procedures for conducting urgent investigative actions. The investigator, inquiry officer, and court make tactical decisions and conduct these investigative actions at any stage of the criminal investigation and court proceedings.

Characteristics of urgent investigative actions:

- 1) they are carried out by pre-investigation, inquiry, and investigation bodies;
- 2) urgent investigative actions may be conducted before or after the initiation of a criminal case.
- 3) urgent investigative actions are carried out regardless of the jurisdiction of the criminal case.
- 4) urgent investigative actions are performed to identify and record traces of a crime, as well as to immediately seize evidence that needs to be examined.

In conclusion, it should be emphasized that the incompleteness of legal regulation allows for arbitrary interpretation of certain provisions of the law by authorized persons - investigators, inquiry officers, prosecutors, and courts, which creates grounds for violations of the law and infringement of rights and freedoms enshrined in the Constitution and laws. In this context, it is necessary to quote the words of the President of Uzbekistan Shavkat Mirziyoyev: "From the analysis, we all understand that there are still many shortcomings in the system of internal affairs bodies in key areas, including criminal investigation and crime prevention. We have many tasks ahead of us to improve the current situation in the field and systematically organize work. There is no basis for complacency."

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