

IMPROVEMENT OF THE WORK OF THE INVESTIGATIVE BODIES IN THE REPUBLIC OF UZBEKISTAN

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ANNOTATION:

In this article, the problems of further improvement of the activities of the bodies of inquiry authorized to conduct an inquiry and inquiry in our country before the start of the investigation are scientifically investigated. Also, prior to the investigation, based on a comparative analysis of the legislation of developed countries, a number of legal acts regulating operational search activities were studied with the aim of further improvement and proposals were made for making changes and additions to the current legislation.

Keywords: body of inquiry, preliminary investigation, powers of the inquiry officer, inquiry officer, actions at the crime scene, bodies of inquiry conducting joint investigations based on their cooperation.

INTRODUCTION:

As a result of reforms to ensure the security of our country, its stability, as well as inviolability, to further improve the military capabilities and combat readiness of our national army, the National Guard was established. The issues discussed at the enlarged meeting under the President of the Republic of Uzbekistan on January 10, 2019 were discussed and among the tasks to be performed in the future were to make proposals to empower the National Guard to conduct pre-investigation

investigations and inquiries. In order to ensure the fulfillment of this task, in accordance with the Decree of the President of the Republic of Uzbekistan dated April 16, 2019, the Department of Coordination of Inquiries and its local branches were established in the National Guard of the Republic of Uzbekistan. Based on this decision, in accordance with the order of the Commander of the National Guard of the Republic of Uzbekistan dated May 15, 2019 No. 90, the Regulation "On the Department of Coordination of the Inquiry of the National Guard of the Republic of Uzbekistan" was approved.

Also, on July 8, 2019, the Law of the Republic of Uzbekistan No. 548 "On Amendments and Addenda to the Criminal, Criminal Procedure Codes and Administrative Liability Codes of the Republic of Uzbekistan" was adopted [2]. In accordance with this law, the National Guard of the Republic of Uzbekistan and its local units are responsible for the protection of classified facilities under Article 250¹, Part 1 (illegal handling of pyrotechnic articles) and Article 259¹ (officials of enterprises, institutions and organizations responsible for their protection). non-compliance with the provisions of Article 2 of the Criminal Code). Based on this authority, the fifth part of Article 38 of the Code of Criminal Procedure of the Republic of Uzbekistan is stated in the content "shall be carried out by inquirers of the National Guard of the Republic of Uzbekistan and its local

units." Let us now consider the views of the inquiry body. Different scholars and sources have given different opinions and opinions about the inquiry body. In particular, there are different views among procedural scholars on the bodies of inquiry, for example: A.P.Ryjakov says about the body of inquiry - [7] According to A.A.Chuvilyov, "the body of inquiry is the body conducting the preliminary investigation in accordance with the criminal procedure legislation, which has the same powers as the investigators. According to the information received, he will initiate a criminal case and conduct an investigation"[8], [9]. Uzbek scholar B.B.Khidayatov describes the investigative bodies as follows: "The inquiry body is a state institution authorized to initiate criminal proceedings and conduct urgent investigative actions, and some of them are criminals for the prevention, deterrence, detection and detection of crimes. has the right to take operative-search measures in order to apprehend the perpetrators"[5]. At this point, a reasonable question arises as to what the inquirer, who is serving in the inquiry body, is himself. According to Russian thinker M.S.Strogovich, an inquirer is a person who conducts urgent investigative actions aimed at solving crimes and identifying culprits [11], while Uzbek scholar Sh.F.Fayziyev believes that certain rights and freedoms are the basis for urgent investigative actions. procedural person to whom the right has been granted"[6]. In addition, some electronic sources state that the inquirer is an official who conducts investigative actions in a particular criminal case [13].

Based on the above considerations, taking into account that Article 3, Chapter 3, Article 38 of the Code of Criminal Procedure of the Republic of Uzbekistan does not provide a single definition of the inquirer, we can define it as follows. It would be appropriate to say that "an inquiry officer is an official who investigates

less serious and less serious crimes under criminal law"

It would be appropriate to substantiate this definition with:

First, this definition is a combination of criminal and criminal procedural law;

Second, this notion fills in the gaps in the current Code of Criminal Procedure;

Third, citizens need to understand what kind of person the inquirer is, as well as what type of criminal case they are authorized to conduct;

Fourth, it is no exaggeration to say that the National Guard will serve to further improve the work of law enforcement officers.

In addition, it is appropriate to say that the main purpose of this article is to reflect on the powers of the inquirer, his actions at the scene of the crime, his cooperation with the investigating authorities before the investigation. According to Article 381 of the Criminal Procedure Code of the Republic of Uzbekistan, the National Guard inquirers are responsible for the illegal handling of low-risk or low-weight pyrotechnic articles and the protection of critical and classified facilities by enterprises, institutions and organizations. conducts inquiries into non-compliance crimes by officials. In order to recognize these cases as a crime, the actions of individuals must have a criminal component (object, objective side, subject, subjective side). According to Article 329, Part 2 of the Code of Criminal Procedure[1], this includes the collection of pre-trial investigation documents, as well as personal search and seizure of urgent investigative actions during this period, inspection of the scene, examination and inspection. requires. These documents were sent to the scene on the basis of reports from the F-2 journal of the duty unit of the Ministry of Internal Affairs (by telephone from citizens or enterprises, institutions and organizations) or applications from the F-1 book (applications from citizens, enterprises, institutions and

organizations). the guard inquiry officer and the operative representative of the Of law enforcement on criminal investigation and fight against organized crime, the prophylactic inspector and expert criminologists, in other cases, other specialists in the field. In this regard, it is rightly noted that "if necessary, in conjunction with the investigation team of the Ministry of Internal Affairs on crimes related to the inquiry of the National Guard under the Criminal and Criminal Procedure Code, forensic science, forensic medicine, cynology, as well as, if necessary, with the participation of other experts in the field, to ensure timely and quality"[4]. The cooperation will also begin with the National Guard investigator leading a rapid investigation team. Gives reasonable instructions to the investigator and the staff of the Ministry of Internal Affairs conducting the preinvestigation investigation (operational representative of the criminal investigation department and the prevention inspector) to fully collect the pre-investigation investigation documents. The National Guard investigator, in turn, will conduct a thorough inspection of the scene with the participation of high-quality witnesses and take all necessary measures to identify evidence of the crime. At this time, the operational representative of the criminal investigation and fight against organized crime and the inspector of prevention receive complete and substantiated explanatory letters from witnesses and witnesses who have seen or heard the crime. In addition, the prophylactic inspector wraps the scene with special tapes to ensure the safety of strangers and the forensic expert takes a series of photographs of the scene and seals the evidence found at the scene in the presence of witnesses. attached to the protocol. In accordance with Article 321 of the Code of Criminal Procedure of the Republic of Uzbekistan decides to initiate criminal proceedings on the basis of The district

prosecutor confirms his decision on the basis of the "Form-1" card, approved by the inquiry officer and the head of the inquiry department, after reviewing the documents of the investigation before the investigation. In this case, the period provided for in the first part of Article 381⁷ of the Code of Criminal Procedure [1] arises with the numbering of the criminal case. Using the powers specified in Article 381 of the Code of Criminal Procedure of the Republic of Uzbekistan, the person who committed the crime must prove his guilt in full. During this period, the inquiry officer shall issue pre-investigation inquiries and inquiries of other law enforcement agencies based on the requirements specified in Article 381⁴ of the Code of Criminal Procedure [1]. However, it is no secret that in practice today there are no response letters to the instructions given by the inquiry officer or investigator on the timely measures taken. The second part of Article 381⁴ of the Code of Criminal Procedure[1] states, "The inquiry officer's assignment shall specify the period of execution, which is obligatory for the executor. If it is not possible to complete the assignment within this period, the assignee shall notify the inquirer in writing, by telegram or telegram, when the assignment may be completed and shall continue to carry out the assignment in accordance with his instructions. However, if inquirers are not given a clear timeline for the tasks set out in this article today, it could lead to various disputes between National Guard inquirers and other law enforcement agencies prior to the investigation. Based on the above, the second part of Article 381⁴ of the Criminal Procedure Code of the Republic of Uzbekistan shall be amended to read as follows: If for some reason this task takes a long time, within five days from the date of receipt, the inquirer who gave the task will be notified in writing, by telegram or telegram, when the task can be completed

and will continue to perform the task according to his instructions.

In addition, the current study of the criminal procedure codes of developed countries confirms that changes and additions to Chapter 41¹ of the Criminal Procedure Code of the Republic of Uzbekistan, entitled "Inquiry", are a requirement of the times. Article 37, paragraph 10, of the Code of Criminal Procedure of the Republic of Belarus, adopted on 16 July 1999 [14] Article 40, part 3, paragraph 3 of the Code of Criminal Procedure adopted by the Russian Federation [15] on 18 December 2001 states that "heads of diplomatic missions and consular posts of the Russian Federation shall be charged with criminal cases of crimes committed on the territory of these missions and institutions". Article 61, paragraph 8, of the Code of Criminal Procedure of the Republic of Kazakhstan [12], adopted on July 4, 2017 we can see that the powers of conduct are included. However, taking into account that Article 38 of the Code of Criminal Procedure of the Republic of Uzbekistan of September 22, 1994 did not refer to the heads of diplomatic missions among the bodies conducting inquiries, Article 38, Part 6 of the Criminal Procedure Code of the Republic of Uzbekistan heads - to conduct inquiries into criminal cases on crimes committed on the territory of these representative offices and institutions and in the vehicles belonging to them.

Based on the above views and comments, any crimes committed by citizens with diplomatic immunity in diplomatic missions and consular posts, as well as in their vehicles in our country are committed in accordance with Article 165 of the Criminal Procedure Code of the Republic of Uzbekistan, as well as the Cabinet of Ministers. The first, second and third paragraphs of paragraph 3.1 of Part 3 of the Regulation "On diplomatic missions and consular posts of foreign states in the Republic of Uzbekistan", approved by Resolution No. 207

of May 8, 2001, as well as paragraphs 3.12, 3.13, We can see that the fact that the rights and privileges of immunity are clearly defined in paragraphs 5.1 and 5.2, today it is difficult to conduct investigative actions against persons with the right to immunity.

Based on the above, in order to improve certain provisions of the legislation in force in our country and to effectively protect the rights, freedoms and legitimate interests of citizens, to fill the legal gaps in the pre-trial and trial proceedings in criminal cases, Amendments and additions to the relevant articles of the Criminal Procedure Code of the Republic of Uzbekistan serve to effectively protect the rights, freedoms and legitimate interests of citizens in our country.

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