



SOME THOUGHTS ON ENSURING THE RIGHTS AND FREEDOMS OF PARTICIPANTS IN OPERATIONAL-SEARCH ACTIVITIES

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Abstract. The article examines real problems arising when officials involved in operational-search activities, persons of operational importance, and assisting individuals enter into social relations. It develops scientifically grounded proposals for their solution.

Keywords: lawyer, investigator, prosecutor, court, suspects, assisting citizens, victims, witness, expert, specialist, impartial observers

In ensuring human rights and freedoms in operational-search activities, the legitimate rights and interests of all participants (parties) should be protected. This should include protection not only of the rights and interests of those suspected of committing a crime, victims, and witnesses, but also the legitimate interests of state officials. Officers responsible for solving crimes find suspects and necessary evidence proving their actions through legal measures, and submit the collected procedural documents to the investigative body. In practice, various types of pressure and illegal actions against officers who uncover crimes occur due to the guilty person's desire to escape responsibility or other subjective factors (personal enmity, etc.). For example, organizing false accusations against an employee through provocative actions, demoting their position or transferring them to another job, etc. Also, cases such as high workload of these employees and non-compliance with labor legislation regarding working hours can be observed in all regions of our republic today.

To ensure human rights and freedoms in operational-search activities, it is necessary to determine the list of persons whose rights and freedoms should be prioritized. This list can be classified into three groups as follows: officials involved in implementing operational-search activities (operational officer and head of the operational-search activity body, lawyer, investigator, prosecutor, court); persons of operational significance involved in operational-search activities (persons intending, planning, preparing, or suspected of committing a crime); persons assisting in the implementation of operational-search activities (citizens who openly and covertly assist operational-search activities, victims, witnesses, experts, specialists, impartial observers).

In ensuring human rights, freedoms, and legitimate interests in operational-search activities, among the participants divided into three groups, operational personnel (mainly included in the second group) and the head of the operational-search activity body enter into socio-legal relations with other participants. When entering these relationships, it is necessary to adhere to relevant regulatory legal acts. When discussing socio-legal relations in the field of operational-search activities and their legal regulation, it is important to understand the essence and content of concepts such as "social," "legal," and "socio-legal relations."

It is known from the science of the theory of state and law that the concept of legal relations is studied in science as a separate category and institution, and is based on social relations. A certain part of social relations is regulated by legal norms, giving them the characteristics of stability, consistency, and purposefulness.[1] The part of social relations regulated by legal norms constitutes legal relations. The part of social relations regulated by legal norms constitutes legal relations.

According to Professor Kh.T. Odilkoriev: "legal relations arise as a result of legal norms and certain legal facts between individuals interconnected with subjective rights and legal obligations." [2] In the explanatory dictionary, the term "social" is derived from the Arabic word community, referring to society.[3]; the term "legal" is derived from the arabic word for law, justice and justice; [1] it implies that various socio-legal relations in the process of operational-search activities of internal affairs bodies primarily consist of relations between a person and a person and between a person and the state, moreover, the legal relations in the process of operational-search activities of the criminal procedural and operational-search activities of the criminal procedural code of the republic of uzbekistan determine that the actions of participants in the criminal procedural and operational-search activities are carried out

In particular, M.A. Utaev emphasizes that "social and legal relations in operational-search activities arise from the organization of activities on a legal basis, that is, the goals and objectives of the sphere; the main principles; the correct use of forces and means; compliance with the grounds and conditions for conducting operational-search measures." At the same time, employees carrying out operational-search activities should strictly comply with the law, not violate the rights and freedoms of the individual, and be the main condition for entering into social relations.

G.N. Vasilenko believes that "social and legal relations in operational-search activities have a specific condition and nature, that is, they are related to criminal and administrative-legal relations in the sphere of law, criminal and legal relations in the sphere of operational-search activities, they arise as a result of the commission of an action or inaction provided for by the norms of criminal legislation of the operational officer and the citizen who provides assistance, administrative and legal relations in the sphere of operational-search activities have a specific condition and nature, that the Of course, the role of criminal law and administrative law relations in operational-search activities is invaluable. In ensuring human rights and freedoms in operational-search activities, operational representatives are required, firstly, to define the boundary between administrative offenses and crimes; secondly, to not involve citizens assisting in operational-search activities in committing offenses and provocative actions.

According to A.L. Aganesian, A.E. Vitovtov, and I.F. Gaskarov: "Criminal procedural relations in operational-search activities arise as a result of the use of the results of operational-search activities at various stages of the criminal process (pre-trial and judicial), primarily in the identification, disclosure, and investigation of crimes, in the preparation for the conduct of an investigative action and the preparation of procedural documents, in the provision of operational-search information as evidence during the The rights and freedoms of the detained person are ensured, and violations of the law are not allowed when the procedural documents issued as a result of the conducted PCR's are in accordance with the law.

L.E. Shetnyov, who conducted research on the legal regulation of the organization and tactics of operational-search activities in the penitentiary system, notes that "criminal-search relations in the field of operational-search activities arise primarily on the basis of regulatory legal acts, in connection with which the development of legal foundations defining the organization and tactics of operational-search activities in the penitentiary institution, that is, the development of laws and regulations (techniques of special accounting, operational-search and subordinate In penitentiary institutions, crime prevention and detection work is primarily carried out. In order to improve the performance of these important tasks of operational-search activities, one of the necessary conditions for ensuring human rights and freedoms is the non-commission of illegal actions (confessing a crime, beating, torture, etc.) by operational personnel against a convicted person serving a sentence.

According to V.A. Cherkov, "civil law relations in the field of operational-search activities arise in the process of contractual legal relations between state bodies carrying out operational-search activities and individuals and legal entities, and these actions should always be carried out in writing."

S.R. Matveev notes that "labor-legal relations in the field of operational-search activities arise in the process of concluding an employment contract between an employee of the body carrying out operational-search activities and citizens involved in cooperation in accordance with the general requirements of labor legislation and operational-search legislation, and on this basis, in the process of assigning pensions to undisclosed employees based on their work experience." In practice, when entering into these relationships, the requirements of labor legislation are not fully complied with. This is due to the fact that the employee's working hours and workloads are not clearly defined, etc. To eliminate this factor, firstly, it is necessary to determine the amount of daily working time of the operational officer and ensure its compliance; secondly, it is necessary to establish additional remuneration for the operational officer and citizens assisting him in special conditions and overtime. This ensures the social rights and freedoms of the subjects of operational-search activities.

R.V. Gonnov and K.Yu. Efremov emphasize that "financial and legal relations in the field of operational-search activities are carried out by employees of state bodies engaged in operational-search activities, persons assisting them, in accordance with the law and regulations, for the effective implementation of operational-search activities and the achievement of positive results, a one-time monetary reward, valuable gifts, the provision of items should be carried out at the expense of the state budget and extra-budgetary funds,[11] as well as Financing serves the development of activities, for which it is necessary to develop an alternative mechanism for the system of financial support for operational-search activities. we believe that one of the effective methods of ensuring human rights in operational-search activities is the creation of special deposit accounts for pre-trial storage, ensuring measures to compensate for material damage caused during the disclosure of illegal currency values, goods and material assets, as well as property crimes, identified as a result of operational-search activities carried out on legal grounds and conditions, as well as the material and moral

Above, we studied the opinions of more than twenty scholars and specialists who expressed their opinions on socio-legal relations in operational-search activities. According to them, socio-legal relations in operational-search activities are, firstly, linked to the main categories of this activity; secondly, it became known that socio-legal relations in operational-

search activities arise in conjunction with other branches of law. However, their opinions are different, and a brief opinion is given about which sphere of law the socio-legal relations arising in operational-search activities arise in harmony with each other. In our opinion, the socio-legal relations arising in the provision of human rights, freedoms and legitimate interests in operational-search activities are called operational-search relations, and we consider it expedient to give a legal definition to this concept in the following content:

Operational-search relations are understood as the process of entering into criminal-legal, administrative-legal, criminal-procedural legal, criminal-executive legal, civil-legal, labor-legal, and financial-legal relations by the main participants of operational-search activities in accordance with the requirements of regulatory legal acts in this field.

In this regard, T.B. Tokalov, V.T. Tomin, and Kh.R. Popov emphasize: "Organizational and managerial relations in the operational-search activities of internal affairs bodies are important in solving the tasks of operational-search activities, and it is necessary to develop a regulatory legal document defining organizational and managerial relations for entities carrying out departmental control, as well as to strengthen the organizational and managerial legal status of operational units in it." Therefore, organizational and managerial relations in operational-search activities arise from the organization and conduct of operational-search activities by the operational officer and the head of the operational service to positively solve the tasks of operational-search activities, effectively carrying out work with assisting citizens.

Professor V. Karimov believes that "Operational-search relations arise between: a) the leader - the employee; b) the employee - the employee; c) the officer - the assistant person; d) the assistant person - the suspect; e) the officer - the suspect." In our view, the list of participants in operational-search activities in this classification is not exhaustive. This is due to the fact that in the above definition of the concept of operational-search relations, we came to a concrete conclusion that operational-search relations arise in conjunction with 7 areas of law. In our opinion, operational-search relations are the following types of operational-search activities: 1) the relationship between officials involved in the implementation of operational-search activities (lawyer, investigator, prosecutor, court) - These relationships mean ensuring the organization and control of the daily service activities of the operational officer in accordance with the Criminal Procedure Code of the Republic of Uzbekistan. For example, the adoption of a decision to refuse to initiate a criminal case based on the results of a pre-investigation check, the detention of a person and the submission of collected documents to the investigative body, etc.; 2) The relationship between the head of departmental control and the operational officer. In this regard, the head of the body ensures the proper organization of the daily duties of the operational officer; 3) The relationship between an operational employee and an operational employee. These relations serve to solve the tasks of operational-search activities on the basis of cooperation. For example, internal cooperation can be considered as an example of cooperation between operational units of the internal affairs agency system, between state bodies carrying out operational-search activities of external cooperation, as well as between the bodies carrying out operational-search activities of other states and operational units subordinate to the Ministry of Internal Affairs; 4) Operational officer - the relationship between a person of operational significance participating in operational-search activities (a person who intends, plans, prepares, suspects of committing a crime). These relations mean entering into a legal relationship based on the requirements of the Criminal Procedure Code in the positive

resolution of the tasks of operational-search activities; 5) Operational personnel - the relationship between citizens and impartial persons assisting in operational-search activities. These relationships mean obtaining information from citizens who assist in the effective resolution of operational-search activities about a person of operational interest, involving them in operational-search activities, and providing them with socio-legal support. 6) Relations between citizens - witnesses, assisting in operational-search activities. These relationships mean the collection of operational information of operational importance from witnesses, witnesses, and suspects by citizens assisting in operational-search activities based on two special principles of operational-search activities to achieve the goals and objectives of operational-search activities. 7) citizens assisting in operational-search activities - between the head of the departmental control and the participants, such as the investigator, the investigator. these relations, firstly, are aimed at organizing high-quality work with citizens assisting in operational-search activities; secondly, ensuring the safety of the person who actively participated in the disclosure of the crime, involving them in the investigation process, ensuring the rights of participants in operational-search activities in the operational-search relationship.

Furthermore, the development of the theory and practice of operational-search activities, taking a scientific approach to this issue, should be initiated, first and foremost, with a correction to the name of the specialty of the Higher Attestation Commission related to the research work. The main reason for this is, firstly, the fact that it is used in practice in foreign countries, including the Russian Federation, Armenia, Belarus, Moldova, Azerbaijan, Tajikistan, Turkmenistan, Kazakhstan, and Kyrgyzstan, as well as in the Republic of Uzbekistan; the fact that the specialties "Criminal Procedure, Forensic Examination, and Forensic Investigation" are defined in the list of specialties of the Higher Attestation Commission of the Republic of Uzbekistan; the fact that the authorized state bodies, based on the concept of "theoretical "In the Academy of the Ministry of Internal Affairs: the department of "Operational-search activity" has been established, and for 3 years, cadets studying in the specialty of "Operational-search activity" have been taught various forms of training in the disciplines of "Operational-search activity," "Operational-search activity of the Ministry of Internal Affairs," and specialists are being trained for state bodies carrying out operational-search activities, based on the analysis, it is necessary to change the word "operational-search. Furthermore, in ensuring human rights and freedoms in operational-search activities, it is necessary to conduct research on this issue, and for this, it is necessary to provide the necessary methodological assistance to practical workers and researchers. Therefore, it is advisable to create a "Scientific and Educational Portal of Operational-Search Activities" in order to form an electronic database of abstracts of research papers defended in the field of operational-search activities, a list of dissertation topics for the Doctor of Philosophy (DSc) and Doctor of Philosophy (PhD) degree for a scientific school, scientific grant projects, international and national regulatory legal acts related to the activity, as well as educational and methodological literature (textbooks, monographs, teaching aids The advantage of this educational platform lies in providing applicants and researchers with the opportunity to engage in research work on current problems in practice and their solutions for operational personnel at the republican level.

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