



## SOME ASPECTS OF IMPLEMENTING CRIME PREVENTION MEASURES IN PRE-TRIAL PROCEEDINGS

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**Abstract.** The article analyzes the crime prevention work of pre-investigation verification, inquiry, and preliminary investigation bodies in pre-trial proceedings based on the opinions of field experts and existing problems in law enforcement practice. It examines their concept, essence, as well as the regulatory legal acts governing the process of crime prevention by investigative bodies. Special attention is paid to the mechanism for eliminating the causes of crimes identified by investigative bodies and the conditions that enabled them. The conclusion of the article highlights that establishing a new mechanism for crime prevention and its effective planning are of great importance in the early prevention of crimes.

**Keywords:** crime prevention, causes of crime and conditions, types of crime prevention, investigative prevention, submission, criminal proceedings, cause of crime, conditions enabling crime commission, consequence, objective cause, subjective cause, causal chain of events, investigative prevention, submission.

Among the tasks of the Criminal Procedure Code of the Republic of Uzbekistan, it is stipulated that the procedure for conducting criminal cases, as established by criminal procedure legislation, should contribute to strengthening legality, preventing crimes, and protecting the interests of individuals, the state, and society [1]. This legal provision serves as the initial principle for crime prevention activities carried out by inquiry and preliminary investigation bodies.

In this regard, we can cite the words of the President of the Republic of Uzbekistan Sh.M.Mirziyoyev: "Today, it is becoming increasingly important to prioritize not the fight against the consequences of crime, but its early prevention by identifying and timely eliminating the root causes of crime" [2].

Crime prevention measures by investigative bodies are consistent with the general theoretical foundations of crime prevention, meaning that both concepts are inherently interconnected and complement each other in terms of content and essence. However, it should be emphasized that investigative bodies play a crucial role in identifying the causes of crimes and the conditions that facilitated them, which form the basis of all preventive activities and are decisive in determining their directions. On this matter, Russian scholar I.R. Verenchikov noted that the importance of studying the investigator's crime prevention activity is determined by the fact that they are the main subject of social crime prevention, and their activity in identifying the causes of crime and the conditions that facilitated it at the preliminary investigation stage serves as a foundation for other entities carrying out social crime prevention [3].

In criminal procedural law and other legal literature, there is no specific definition of the concept of crime prevention activities of investigative bodies. However, the core of

investigative bodies' activities consists not only of solving committed crimes but also preventing crimes. In this context, the obligation of investigative bodies to identify the causes of crime and the conditions that facilitated its commission constitutes taking measures to prevent crimes, which is one of the tasks of legislation [4].

Legal scholars who developed the Legal Encyclopedia of Uzbekistan noted that crime prevention is one of the main tasks of criminal proceedings, and this activity is entrusted to investigators, inquiry officers, prosecutors, and courts to determine the causes of crime and the conditions that facilitated its commission [5]. In our opinion, from a criminal procedural perspective, this definition should be supplemented. Article 297 of the Criminal Procedure Code states: "...during the investigation of a criminal case, the investigator, inquiry officer, or prosecutor, having established the causes of the crime and the conditions that facilitated its commission, submits to the relevant state body, citizen self-government body, public association, community, or official a representation on taking measures to eliminate these causes and conditions." From this point of view, the crime prevention activity of investigative bodies consists not only of identifying the causes of crime and the conditions that facilitated its commission but also of taking procedural measures to eliminate them.

In legal literature on criminal law, crime prevention is defined as ensuring the prevention of socially dangerous acts by forming a level of legal consciousness that determines legal behavior as a separate norm [6]. From a criminal-legal point of view, we agree with this definition. Because by establishing responsibility for committing certain actions through criminal legislation, the norms of legal behavior are formed in people and its boundaries are established.

The causes of crimes identified within the framework of investigative bodies' crime prevention activities and the conditions that contributed to them are crucial in both directions of crime prevention.

In our opinion, it is advisable to study the activities of investigative bodies in the prevention of crimes, conditionally dividing them into two interconnected stages. At the first stage, investigative bodies are tasked with identifying the circumstances that led to the commission of the crime and the conditions that made it possible during the preliminary investigation, and at the second stage, tasks related to their elimination, in particular, the submission of a submission, ensuring its execution.

Based on the foregoing, we consider it necessary to put forward the following author's definition of the crime prevention activity of investigative bodies, that is, the crime prevention activity of investigative bodies is a set of criminal procedural actions aimed at identifying the causes of crimes, the conditions that contributed to their commission, as well as their elimination by conducting investigative actions.

The main goals of the organization and conduct of crime prevention activities of investigative bodies are consistent with the goals of criminal proceedings established by criminal procedure legislation. The procedure for conducting criminal cases, established by criminal procedure legislation, serves three purposes: firstly, to strengthen legality - that is, to recognize the supremacy of the Constitution and laws in criminal proceedings; secondly, to prevent crimes - that is, to exert moral and psychological influence on the defendant and other persons, preventing them from committing new crimes; thirdly, to protect the interests of the individual, the state, and society - criminal procedure legislation serves to protect the

interests of individuals, the state, or society who have suffered damage or harm as a result of the crime, including compensation for material and moral damages [7].

In our opinion, it is advisable to more broadly formulate the goals of crime prevention activities of investigative bodies in the following order:

- identification of the causes of crimes and identification and ensuring the elimination of the conditions that contributed to their commission;
- ensuring the safety of citizens, protecting them from criminal encroachments;
- elimination of the consequences of a socially dangerous act;
- maintenance of law and order and ensuring legality;
- providing the necessary information for the activities of early crime prevention, identifying and eliminating the causes of crimes and the conditions contributing to them;
- suppression of the criminal activity of persons who have committed socially dangerous acts, persons prone to committing such acts.

It should be noted that the activities of investigative bodies in the prevention of crimes are an important issue in the system of legal science. In particular, criminal law and penal enforcement law constitute an integral part of crime prevention activities. While criminal law regulates the determination of whether an act constitutes a crime and the imposition of punishment for it, criminal procedural law regulates the activities of inquiry bodies, preliminary investigation bodies, and the conduct of inquiries and investigations related to the consideration of a case in court. Criminal executive law regulates relations arising from the execution of sentences by persons convicted of committing crimes. The interconnectedness of these disciplines lies, first of all, in the commonality of their functions, that is, in the fight against crime. Based on this, the main tasks of the codes, which form the basis of both criminal and penal enforcement law, are precisely the prevention of crimes. In particular, the tasks of the Criminal Code are defined as protecting the individual, their rights and freedoms, the interests of society and the state, property, the natural environment, peace, and the security of humanity from criminal encroachments, as well as preventing crimes and educating citizens in the spirit of observance of the Constitution and laws of the republic [8]. The tasks of the Criminal Executive Code include ensuring the execution of sentences, the correction of convicts, and the prevention of crimes [9].

Effective organization of crime prevention activities by investigative bodies is equally relevant for the safety and health of the individual, the state, and society. From this point of view, the legal basis of crime prevention measures in our republic is strengthened and improved by relevant laws, decrees, and resolutions. Today, investigative bodies are further improving two important, direct legal foundations of crime prevention activities - criminal and criminal procedure legislation. In order to develop and implement fundamentally new priority areas for improving criminal and criminal procedure legislation, 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 System of Criminal and Criminal Procedure Legislation" approved: firstly, the Concept for Improving the Criminal and Criminal Procedure Legislation of the Republic of Uzbekistan; secondly, the proposal of the Prosecutor General's Office, the Supreme Court, and the Ministry of Internal Affairs of the Republic of Uzbekistan on the phased digitalization of the procedure for conducting criminal cases, implemented within the framework of the preliminary project "Electronic Criminal Case," providing for: thirdly, the creation and approval of the composition of the Interdepartmental Commission for Improving

the Criminal and Criminal Procedure Legislation of the Republic of Uzbekistan; fourthly, the tasks of the interdepartmental commission and working groups for the implementation of the preliminary project "Electronic Criminal Case"; fifthly, the conditions and requirements for the implementation of [10].

It should be noted that currently, in our republic, in addition to criminal and criminal procedure laws, a number of regulatory legal acts have been adopted in the field of combating crime, in particular, crime prevention, which, along with forming the legal basis of crime prevention activities, ensure the functioning of a whole mechanism in this system.

Unfortunately, when studying the work of investigative bodies on crime prevention in law enforcement practice, a number of problems and shortcomings were identified. In particular: when analyzing the work of law enforcement practice aimed at preventing crimes by investigative bodies, problems related to the execution of submitted submissions and their control were clearly revealed.

Unfortunately, the number of cases of failure to ensure the execution of submissions made by investigative bodies to eliminate the causes of crimes and the conditions that contributed to their commission is increasing year by year.

In addition, in order to fully identify the causes of the crime and the conditions that contributed to it, as well as to effectively use the results of the analysis in the future in the prevention of offenses, the causes of crimes identified by investigative bodies and the conditions that contributed to them are not consolidated in the center of legal statistics and operational accounting, but remain only on paper. In order to systematize, in the prescribed manner, the causes of crimes identified by the investigator and inquiry officer, and the conditions that contributed to their commission, and to effectively use them in the development of preventive measures in the future, there is a need for a new sample of the form 1.1 card, which is filled out by investigative bodies.

In conclusion, it should be noted that, from the point of view of the activities of investigative bodies, the development of a new approach and mechanism for the prevention of crimes and, thereby, the fight against all forms of crime with intolerance serves as a basis. Currently, analysis of law enforcement practice requires reforming the work of investigative bodies on crime prevention, developing a new and effective mechanism.

### References:

- 1.Ўзбекистон Республикаси Жиноят-процессуал кодексининг 2-моддаси <https://lex.uz/docs/111460>
- 2.Ўзбекистон Республикаси Президентининг 15.01.2024 йил куни қабул қилинган "Жамоат хавфсизлигини таъминлаш ва жиноятчиликка қарши курашиш соҳасини илмий тадқиқ қилиш фаолиятини сифат жиҳатидан янги босқичга кўтариш чоратадбирлари тўғрисида" ги ПФ-10-сон Фармони. <https://lex.uz/docs/6755597>
- 3.Криминология: Учебник // под ред. проф. Малкова В.Д. – Москва.: 2004 г. стр.-3.
- 4.Неъматов А. и др. Тергов органларининг жиноятларнинг олдини олиши юзасидан хорижий давлатлар тажрибаси //Proceedings of International Conference on Educational Discoveries and Humanities. – 2024. – Т. 3. – №. 5. – С. 215-223.

- 5.Ўзбекистон юридик энциклопедияси /нашр учун масъул Р.А.Муҳитдинов ва бошқ. Т.:Адолат, 2010. Б. 184.
- 6.Ўзбекистон Республикаси Жиноят кодексига шарҳлар // юридик фанлар доктори, профессор М.Х.Рустамбаев таҳрири остида. Т.:2009., Б.-4.
- 7.Ўзбекистон Республикасининг Жиноят-процессуал кодексига шарҳлар. Умумий қисм (илмий-амалий шарҳ) / Масъул муҳаррир: профессор Б.Х.Пўлатов. – Тошкент: Янги аср авлоди, 2014. – Б.-7.
- 8.Ўзбекистон Республикасининг Жиноят кодекси 2-модда
- 9.Ўзбекистон Республикасининг жиноят-ижроия кодекси 2-модда
- 10.Ўзбекистон Республикаси Президентининг 2018 йил 14 май куни қабул қилинган «Жиноят ва жиноят-процессуал қонунчилиги тизимини тубдан такомиллаштириш чоратадбирлари тўғрисида»ги ПҚ 3723-сон қарори // <http://lex.uz/docs/3735818> (Ўзбекистон Республикаси Қонун ҳужжатлари маълумотлари миллий базаси.)