



EXPERIENCE OF FOREIGN COUNTRIES IN DECLARING A SEARCH FOR PERSONS WHO HAVE COMMITTED CRIMES AND GONE INTO HIDING

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Abstract

This article provides a legal analysis of the experience of foreign countries in declaring wanted persons who are hiding from inquiry and investigation bodies and evading criminal punishment. The author has developed proposals and recommendations for improving this field.

Keywords: crime, search, criminal punishment, inquiry and investigation bodies.

The Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. UP-60 "On the Development Strategy of New Uzbekistan for 2022-2026" defined increasing the role of our country as an equal subject in international relations and enhancing the image of our country in the world community as goals of our development strategy[1].

As the head of our state emphasized, in this regard, we must be in constant search, deeply studying advanced foreign experiences, and striving to renew our lives and working methods[2].

One of the priority areas of activity of the internal affairs bodies is the search for persons evading criminal punishment who are hiding from inquiry and investigation bodies, and the court. In accordance with criminal procedure legislation, preliminary investigation bodies are obliged to take all necessary measures aimed at establishing the location of the accused.

Analysis of law enforcement practice shows that today, the administration of justice in relation to persons evading criminal punishment and hiding from inquiry and investigation bodies, and the court, creates significant difficulties for law enforcement agencies. In particular, in 2024 alone, more than 11 thousand people were declared wanted, 37 percent of whom were detained as a result of operational measures. However, the remaining 63% of individuals are still hiding from inquiry and investigation bodies, and the court. The majority of these individuals have fled to other countries (Russian Federation, Kazakhstan, Turkey) [3].

The concealment of persons from investigative bodies and the court in the investigation of crimes, ensuring the principle of the inevitability of responsibility, the emergence of hidden crimes, the increase in recidivist crimes, and the formation of a negative opinion among citizens about the activities of internal affairs bodies contribute to this.

One of the Uzbek scholars, S.N. Gordeev, for the further improvement of investigative work, considers the study of foreign experience in comparative legal analysis and tactics[4].

Therefore, the study and comparative analysis of foreign experience in the search for a person who has committed a crime and fled is of great importance.

Consideration of modern international experience is one of the important aspects of any state policy, since each of them must solve many similar issues using essentially the same forms and methods in the fight against crime[5].

Studying the effective practice of foreign countries is a logical continuation of reforms aimed at improving the activities of investigative units of internal affairs bodies, and we also aimed to study and conduct a comparative legal analysis of the best practices of foreign countries.

According to S.N. Gordeev, "a scientifically based analysis of the experience of foreign countries will help to identify the strengths and weaknesses of the national system"[6].

The study of the activities of competent authorities of foreign states shows different approaches to the regulatory regulation of the activities of operational apparatuses, determined by the structure of the legal system and law enforcement sphere of each specific state[7].

In the words of A.Kh. Saidov, "comparative legal research, on the one hand, helps to identify all the beneficial factors that justified themselves in solving the main problem abroad, and on the other hand, creates an opportunity to take into account the negative aspects of foreign experience, the ineffectiveness of certain legal solutions"[8].

We agree with the opinions and judgments of the above-mentioned scientists and believe that the introduction into our legislation and investigative practice of the positive experience of foreign countries in the search for persons who have committed and hidden crimes is of great importance. By analyzing the theoretical and legal approaches to the methodology and concept of declaring wanted in relation to persons hiding from investigative bodies in the investigation of crimes in developed countries, a scientific and practical study of the tactics of investigating crimes against wanted persons will serve to fill the gaps in our current criminal and criminal procedure legislation, as well as the introduction of advanced foreign experience into investigative practice.

Therefore, in the course of our research, we will familiarize ourselves with the processes and procedural provisions of the legislation of a number of foreign countries, in particular, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan, related to the search for a person who has committed a crime.

The procedure for declaring a search for a person who has committed a crime and fled in accordance with the legislation of the Russian Federation differs slightly from the procedure for declaring a search in accordance with the legislation of the Republic of Uzbekistan. In the Russian Federation, in addition to the accused, a procedure for declaring a search for a suspect has been introduced, and these searches are carried out in accordance with Article 209 of the current Criminal Procedure Code of the Federal Republic, which provides for taking measures to establish the identity of the person who should be involved in the case as a suspect or accused, if the identity of the person is not established, and making a decision to declare a search for the person who has fled[9], while Article 210 is called "Search for a Suspect, Accused," according to which, if the location of the suspect or accused is unknown, the investigator, as indicated in the decision to suspend the preliminary investigation or issue a separate decision, assigns his search to the investigative bodies. The search for a suspect or accused may be announced both during the preliminary investigation and simultaneously with its suspension[10].

Republic of Kazakhstan: The declaration of a wanted person in the Republic of Kazakhstan is regulated by the Criminal Procedure Code in force in this country. The process of declaring a wanted list is similar to the Criminal Procedure legislation of Russia, and Article 292 of the current Criminal Procedure Code, entitled "Declaration of a search for a suspect, accused," according to this norm, the search for a suspect or accused includes taking measures to establish his location, detain him, and transfer him to the jurisdiction of the body conducting the pre-trial investigation. The person conducting the pre-trial investigation issues a decree on the search for the suspect, the accused, which indicates all known information about their identity, the grounds for conducting the search, and entrusts the search to the investigative authorities[11].

The procedure for declaring a search for a defendant in the Kyrgyz Republic is carried out on the basis of the Criminal Procedure Code of the Kyrgyz Republic, which provides that, according to Article 248 of this Code, if the location of the defendant is unknown, the investigator must issue a decision to transfer the search to the investigative bodies, which must be indicated in the decision to suspend the investigation or issued separately, and the search for the defendant can be announced both during the investigation and simultaneously with its suspension[12].

The procedure for declaring a search for an accused in the Republic of Tajikistan is carried out on the basis of the Criminal Procedure Code of the Republic of Tajikistan, which is similar to the legislation of the Kyrgyz Republic, according to which, according to Article 232 of the Criminal Procedure Code of the Republic of Tajikistan, if the location of the accused is unknown, the investigator must issue a decision to transfer the search to the investigative bodies, the declaration of the search must be indicated in the decision to suspend the investigation or issued separately, and the search for the accused can be announced both during the investigation and simultaneously with its suspension[13].

The Republic of Turkmenistan: The declaration of a wanted person in the Republic of Turkmenistan is regulated by the Criminal Procedure Code of the Republic of Turkmenistan, the process of declaring a wanted person is similar to the legislation of the Kyrgyz Republic, the Republic of Tajikistan, Article 310 of the Criminal Procedure Code of the Republic of Turkmenistan, entitled "Declaration of a wanted person," according to which, before the expiration of the period established for conducting a preliminary investigation, the investigator is obliged to take all necessary measures to establish the location of the accused, if the location of the accused is unknown, the investigator is obliged to take measures to search for him, the investigator has the right to declare a wanted person only for participation in the case as an accused, and a wanted person may be declared both during the preliminary investigation and simultaneously with its termination[14].

Analysis of law enforcement practice shows that the countries analyzed above can be divided into two categories when declaring a search for a person who has committed a crime. If Russia and Kazakhstan are included in the first category, then Kyrgyzstan, Tajikistan and Turkmenistan can be included in the second category. According to the Criminal Procedure Legislation of the first category of states, Russia and Kazakhstan, a search is provided for both the suspect and the accused, which, we believe, will give a positive effect, since the search for a suspect is a measure aimed at preventing the departure of a person who has committed a crime to a foreign state, increasing the effectiveness of detaining a wanted person. We also

consider it necessary to reflect in our procedural legislation the practice of declaring a search for a suspect during the inquiry and preliminary investigation.

References:

1. Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. UP-60 "On the Development Strategy of New Uzbekistan for 2022-2026." <https://lex.uz/>. Date accessed: 03.01.2025.
2. Address of the President of the Republic of Uzbekistan Sh. Mirziyoyev to the Oliy Majlis. 2012.2022. <https://president.uz/ru/lists/view/5774>. Date accessed: 03.01.2025.
3. <https://stat.uz/ru/> Date accessed: 03.01.2025.
4. Gordeev S. N. Organization of investigative work of law enforcement agencies (foreign experience) // Journal of Foreign Legislation and Comparative Law. 2016. No. 3. P. 136.
5. Gordeev S. N. On the Search for Persons Written by Justice Bodies (Foreign Experience) // Bulletin of the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan. 2012. No. 3. P. 84-87.
6. Gordeev S. N. Organization of investigative work of law enforcement agencies (foreign experience) // Journal of Foreign Legislation and Comparative Law. 2016. No. 3. P. 14
7. Saitbaev T. R. Structure of law enforcement agencies of the USA and the organization of their interaction in the fight against crime // Shit. 1999. No. 4-5. P. 10-12.
8. Saidov A. Kh. Comparative jurisprudence (main legal systems of our time): Textbook for universities. - M., 2000. - P. 36-37.
9. B. Murodov, F. Bobomurodov Criminal Procedure Support of Operative-Investigative Activities in Internal Affairs Bodies: A Comparative Analysis of the Norms of Foreign and Uzbek Legislation // Oriental Renaissance: Innovative, Educational, Natural and Social Sciences. 2022. P. 273.
10. https://www.consultant.ru/document/cons_doc_LAW_34481/63684e3e2ccf6dc69ee7070bf2ffa09c3ebab5ed/ "Criminal Procedure Code of the Russian Federation" dated 18.12.2001 N 174-FZ (ed. dated 28.12.2024) Date accessed 06.01.2025.
11. Criminal Procedure Code of the Republic of Kazakhstan Code of the Republic of Kazakhstan of July 4, 2014 No. 231-V ZRK. <https://adilet.zan.kz/rus/docs/K1400000231>. Date accessed: 07.01.2025.
12. Criminal Procedure Code of the Kyrgyz Republic of October 28, 2021 No. 129 <https://mvd.gov.kg/rus/ministry/normative-bases/23>. Date accessed: 06.01.2025.
13. Criminal Procedure Code of the Republic of Tajikistan dated December 3, 2009 (with amendments and additions as of 03.01.2024) https://continent-online.com/Document/?doc_id=30594304#pos=6;-142 Date accessed: 06.01.2025.
14. Criminal Procedure Code of the Republic of Turkmenistan dated April 18, 2009. https://base.spinform.ru/show_doc.fwx?rgn=27706. Date accessed: 07.01.2025.