



FEATURES OF ENSURING A COMPLETE AND IMPARTIAL INVESTIGATION

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Abstract. The article reflects on the tasks that an investigation, which forms the basis of pre-trial proceedings in criminal cases, should fulfill, and addresses the issue of conducting a full and impartial investigative process.

Keywords: investigation, preliminary investigation, inquiry, pre-investigation check, jurisdiction, investigative bodies, evidence, prosecutor's office, investigator, internal affairs bodies, suspect, accused, witness, order, degree of social danger, territoriality.

As is known, the procedure for conducting criminal cases on the territory of the Republic of Uzbekistan is determined by the Criminal Procedure Code[1]. Full and objective conduct of criminal cases contributes to the timely adoption of appropriate measures against the actions of criminals and the effective fight against crime. In this process, every employee in the field must conscientiously fulfill their duties in accordance with our legislation.

In criminal procedure law, investigation is considered a separate independent stage of criminal proceedings and forms the basis of pre-trial proceedings in criminal cases. Rapid and complete detection of crimes depends on the effective activity of investigative bodies, therefore, a number of reforms are being carried out to improve the quality of investigations, introduce an effective mechanism for protecting the rights of the individual in criminal proceedings, and simplify the investigation of crimes that do not pose a great public danger.

Investigative actions in Uzbekistan are carried out in two forms: on the basis of preliminary investigation and inquiry. As a result of the reforms carried out in recent years, on September 6, 2017, in accordance with the Law "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of the Inquiry Institute," it was established that the investigation of a criminal case is carried out in the form of an inquiry or preliminary investigation. Thus, the investigation should be significantly simplified and completed within one month from the date of initiation of the criminal case (the additional investigation period is ten days).

The preliminary investigation must be completed within three months (it can be extended up to seven months) from the date of initiation of the criminal case. Currently, investigators from the internal affairs bodies, the Department for Combating Economic Crimes under the Prosecutor General's Office of the Republic of Uzbekistan, the Bureau of Compulsory Enforcement, the State Customs Committee, and the National Guard are conducting inquiries and investigations. The preliminary investigation will be conducted by investigators of the prosecutor's office, internal affairs bodies, and the State Security Service[2].

According to our Constitution, all citizens must not infringe on the legitimate interests, rights and freedoms of other individuals, the state and society in the exercise of their rights and freedoms. At the same time, all citizens have the same rights and freedoms and are equal

before the law, regardless of gender, race, nationality, language, religion, social origin, beliefs, personality and social status. In international law and in each state, many historical documents have been adopted that serve to strengthen human rights and freedoms, the protection of the individual in judicial and investigative bodies. In particular, the “Miranda Rule” associated with the name of Ernest Arturo Miranda, who committed extremely serious crimes in the USA, is also among such documents. According to the “Miranda Rule”, a person who is currently arrested is now explained his rights as a suspect before being questioned in the following content. That is: “You have the right to remain silent. Any testimony you give may be used against you in court. Your lawyer may be present during the interrogation. If you do not have access to a lawyer, the state will provide you with one. Do you understand your rights?” At this point, it is natural to ask how the “Miranda Rule” is reflected in the criminal procedural legislation of Uzbekistan. When considering this, it is necessary, first of all, to dwell on the right to remain silent. In accordance with Article 23 of the current Criminal Procedure Code, a suspect, accused or defendant is not required to prove his innocence. In other words, in our national legislation, the right to remain silent or not to give any testimony is based on the principle of the presumption of innocence.

The right to remain silent, that is, the right to refuse to give evidence regarding the suspicions against one's self and any other circumstances of the case, is strictly guaranteed in Article 48 of the Code of Criminal Procedure[3].

According to the requirements of this article, the suspect cannot be obliged to give evidence, as well as to prove his innocence or any other circumstances of the case. Secondly, the right to be warned that every word or action uttered by a person, enshrined in our national legislation, can be used against him in court, and the “Miranda rule” is closely related in content. According to Article 46 of the Code of Criminal Procedure, a person has the right to be informed that his testimony can be used against him as evidence in a criminal case and to know what he is accused of[4]. This article also guarantees that a person cannot be obliged to prove his innocence or any other circumstances of the case. In addition, according to Articles 46 and 48 of the same Code, a person, that is, an accused or suspect, has the right to give or refuse to give evidence on the charges or suspicions brought against him and on any other circumstances of the case. He also has the right to be informed that his evidence may be used against him as evidence in the criminal case. Thirdly, there is a similarity between the right to a lawyer guaranteed in our national legislation and the “Miranda rule”. In accordance with Article 46 of the Code of Criminal Procedure, from the moment a person is informed of the decision to detain or recognize him as a suspect, he has the right to have a lawyer and to meet with him freely, without limitation on the number and duration of meetings. Fourth, our national legislation guarantees that a person who has been arrested or recognized as a suspect has the opportunity to call his lawyer or relatives once. In accordance with Article 48 of the Code of Criminal Procedure, a person has the right to call or inform his lawyer by telephone about his detention and whereabouts, as well as to have a defense lawyer. Beshinchidan, milliy qonunchiligimiz talabiga asosan, agar ushlangan yoki gumon qiluvchi deb e'tirof etilgan shaxsning advokat yollashga imkoniyati bo'lmasa, u davlat tomonidan advokat tayinlanishi huquqidan foydalanadi.

According to Article 50 of the Code of Criminal Procedure, at the request of a suspect, accused, defendant, the inquiry officer, investigator, prosecutor or court shall ensure the participation of a defense attorney in the case. They shall also have the right to fully or

partially exempt this person from paying for legal assistance. In such cases, the costs of paying for the lawyer's work shall be covered by the state.

In other words, the "Miranda Rule" is fully reflected in the current criminal procedural legislation of Uzbekistan. This, in turn, allows not to violate the rights and freedoms of a person suspected or accused of committing a crime. Also, the right of such persons to defense is ensured from the moment of their arrest. As a result, all this serves to further increase the quality of procedural actions in investigative and judicial proceedings and unconditionally ensure human rights.

References:

1. Criminal Procedure Code of the Republic of Uzbekistan. – T.: "Legal Literature", 2024 – P.4.
2. Criminal Procedure of the Republic of Uzbekistan: Textbook // Under the general editorship of Sh.T. Ikramov. Second supplemented edition. – T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2012. – P.635.
3. Criminal Procedure Code of the Republic of Uzbekistan. – T.: "Legal Literature", 2024 – P.33.
4. Criminal Procedure Code of the Republic of Uzbekistan. – T.: "Legal Literature", 2024 – P.32.