



CONCEPT AND SIGNIFICANCE OF URGENT INVESTIGATIVE ACTIONS

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Abstract: The article analyzes the specific features and importance of conducting urgent investigative actions, the historical development of the institution of urgent investigative actions, and the theoretical and legal foundations of ongoing reforms in this field.

Keywords: Investigative actions, swift and complete solving of crimes "in the heat of the moment," preliminary investigation and trial, detection and identification of traces, and characteristics of investigative actions.

Ensuring the rule of law in a democratic state and reforming the judicial and legal system within the framework of democratic legal principles places great responsibility on law enforcement officers. In this regard, priority tasks include the unconditional and unwavering implementation of constitutional principles such as the rule of law, equality of citizens before the law, humanism, justice, and the presumption of innocence, as well as respecting citizens' rights and freedoms in judicial and investigative activities, and further improving criminal procedure legislation [1].

Considering that investigative actions significantly interfere with citizens' private lives and are closely linked to the restriction of their constitutional rights, it is becoming increasingly important to reflect in criminal procedure legislation the process for establishing strict requirements for the factual grounds of conducting urgent investigative actions.

Globally, urgent investigative actions play a crucial role in performing tasks such as searching for objects or documents relevant to a criminal case, locating wanted persons or bodies, and compensating victims for property damage.

As is known, investigative actions are defined as the totality of procedures and methods stipulated by criminal procedure law and ensured by the state. When discussing the set of these basic procedures and methods - the ethical requirements that must be observed during investigative actions - it is first necessary to emphasize that the investigator's legal duty is to quickly and fully solve the crime and expose the perpetrators. In all types of crimes, investigative actions are mainly carried out, such as interrogation, search, seizure, inspection of the scene, appointment of an expert examination, obtaining samples for expert research, and identification.

Urgent investigative actions play a special role in quickly and fully solving crimes "on the hot trail." Conducting urgent investigative actions requires great skill from the investigator. Because urgent investigative actions are carried out for the purpose of identifying and recording traces of crimes during the pre-investigation check, preliminary investigation, and trial, as well as for the immediate seizure of evidence that needs to be examined.

Timely conduct of urgent investigative actions allows the investigator to timely identify the person who committed the crime and take measures to detain them, determine the circumstances of the incident, the mechanism of its occurrence, and other circumstances, find,

record, and seize material traces and objects of the crime, and take measures to preserve the seized items, instruments of the crime, and objects during their inspection [2].

Considering "urgent investigative actions" as a criminalistic concept, according to the tactics of criminal investigation, they understand the necessary primary actions aimed at obtaining and consolidating evidence from traces of a crime that have not yet cooled, that is, investigative actions carried out without delay (if not carried out promptly, they can lead to the loss, falsification of evidence) [3].

According to research results, only 40% of investigators perform urgent investigative actions during pre-investigation checks, while 55% direct investigative actions to other stages, and 5% to court cases [4].

Analysis of sources shows that, despite the study of this topic, due to the lack of attention to some aspects, investigative actions are not being carried out in full, as a result of which negative indicators are emerging in the investigation of crimes.

The historical development of the institution of urgent investigative actions is inextricably linked with Soviet criminal procedure legislation.

In theory, this topic is considered in different order. For example, one of the authors of this topic, N.K. Kuzmenko, believes that "urgent investigative actions are linked to the preliminary investigation, the implementation of which is covered by the preliminary investigation stage"[5]. According to B.A. Mirensky and A. Asamutdinov: "the necessity of urgent investigative actions should be carried out at any stage, and in the preliminary investigation - immediately"[6].

In our opinion, these statements are considered unilaterally considered, since only in one case can urgent investigative actions be considered in the criminal procedure procedure, and on the other hand, only from a criminalistic tactical point of view.

At the same time, the place of urgent investigative actions in the system of the investigative process can be determined only taking into account these two concepts: criminal procedural; forensic.

A.Ya. Dubinsky also agrees with the above opinion, stating that "the termination of the inquiry, the completion of only the initial stage of urgent investigative actions by pre-investigation checks and inquiry bodies, has been completed"[7].

This means that the pre-investigation check and inquiry bodies terminate the case after transferring it to the investigation or prosecutor's office.

According to the legislation of a number of foreign countries, urgent investigative actions are carried out more widely.

In accordance with part 1 of Article 157 of the Criminal Procedure Code of the Russian Federation, in cases where signs of a crime are detected and a preliminary investigation is mandatory, the inquiry bodies initiate criminal proceedings and carry out urgent investigative actions.

In urgent investigative actions, the discovery of traces of a crime, the establishment of evidence, as well as their collection and immediate verification, are required.

The Criminal Procedure Code of the Russian Federation does not contain a list of the sequence of urgent investigative actions.

Article 186 of the Criminal Procedure Code of the Republic of Belarus

According to Part 3, urgent investigative actions carried out by inquiry bodies: search, seizure, confiscation of property, seizure of postal, telegraph and other items, wiretapping and

recording of conversations, presentation for identification, testimony, detention, application of preventive measures, and interrogation of the suspect, interrogation of the victim and witnesses, taking samples for examination, appointment of an expert examination, must be transferred to the investigative bodies within 10 days.

According to the Russian scientist, Doctor of Legal Sciences, Professor P.A. Lukinskaya: "Investigative bodies are granted the right to conduct investigative actions to find and establish traces of crimes, but we cannot say exactly which investigative actions are carried out in urgent or other cases. Therefore, we must incorporate urgent investigative actions into the law as a general rule"[8].

According to the legislation of the Republic of Bulgaria, urgent investigative actions are permitted in the absence of sufficient grounds and evidence for initiating a criminal case.

According to Article 186 of the Criminal Procedure Code of the Republic of Bulgaria, a criminal case may be initiated only for conducting urgent investigative actions.

In the criminal procedure legislation of the Federal Republic of Germany, the results of urgent investigative actions are given more importance than in the Criminal Procedure Code of the Republic of Bulgaria.

Prosecutors and investigative bodies are obliged to review each received application and report, verifying the presence or absence of signs of a crime.

Based on the results of the investigation, the prosecutor and investigative bodies make one of the following decisions:

- 1) initiation of a criminal case;
- 2) refusal to initiate a case;
- 3) on the transfer of the case to public authorities;

Article 116 of the Criminal Procedure Code of the Republic of Mongolia establishes a specific procedure for reviewing applications and reports of crimes received.

The bodies of inquiry, the investigator, the prosecutor, and the judge may request materials related to the crime from other institutions and organizations even before the initiation of a criminal case.

According to the legislation of the Republic of Mongolia, at the stage of initiating a criminal case, it is not permitted to conduct an inspection of the crime scene to identify and consolidate traces of a crime.

Investigative bodies, within 14 days, carry out urgent investigative actions and transfer case materials to investigative bodies.

According to Article 116 of the Criminal Procedure Code of the Republic of Mongolia, investigative bodies, investigators, prosecutors, and judges initiate criminal proceedings and are obligated, within their competence, to carry out procedural actions to find information relevant to the case.

Article 330 of the Criminal Procedure Code of the Republic of Uzbekistan is analogous to the above provision. Only in our legislation, instead of transferring a case to a public body, a decision is made to send an application or a message to the investigation, depending on its jurisdiction.

Among scientists, there is a disagreement on the topic of conducting a preliminary investigation into the detection of a crime through urgent investigative actions. However, many of them say that investigative actions such as searches to identify crimes, questioning

witnesses, detention of suspects, and making and implementing preliminary decisions are not permitted.

The Criminal Procedure Legislation of the Republic of Uzbekistan does not define the time, procedural order, and procedure for conducting urgent investigative actions. It is assumed that the investigator, inquiry officer, and court make and conduct tactical decisions for conducting these investigative actions at any stage of the investigation and trial of crimes.

Characteristics of urgent investigative actions.

1) is the subject of the pre-investigation check carried out by the bodies of inquiry and investigation.

2) Urgent investigative actions may be carried out before or after the initiation of a criminal case.

3) Urgent investigative actions are carried out regardless of the jurisdiction of the criminal case.

4) Urgent investigative actions are carried out in order to identify and record traces of a crime, as well as to immediately seize evidence that needs to be examined.

In conclusion, it can be said that the correct and effective conduct of urgent investigative actions creates a worthy foundation not only for the quick and complete disclosure of crimes, but also for the fair punishment of every person who has committed a crime, and for no innocent person to be held accountable or convicted.

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