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SOME CONSIDERATIONS ABOUT THE CONCEPT OF INVESTIGATIVE ACTION AND ITS ROLE IN THE SYSTEM OF OTHER INVESTIGATIVE ACTIONS

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ABSTRACT

the article discusses the concept of the investigative act of presenting for recognition and its place in the system of other investigative acts, and analyzes the foreign experience and the opinions of legal scholars in this regard.

KEYWORDS

Recognition, investigation, investigative act, show for recognition, investigator.

INTRODUCTION

One of the main reforms in the judicial system implemented in our country is the improvement of the Criminal Procedure Code of the Republic of Uzbekistan (hereinafter referred to as the Criminal Procedure Code) and legislation related to this field based on the requirements of the times. Ensuring legality and law and order, reliable protection of human rights and freedoms, interests of society and the state, peace and security through the creation of an effective system of criminal-procedural legislation are the priorities of reforms in this area.

In particular, the decision of the President of the Republic of Uzbekistan dated May 14, 2018 "On

measures to fundamentally improve the system of criminal and criminal procedural legislation" No. 3723 . In connection with the adoption of measures, the adoption and entry into force of the Law LRU-470 " On Amendments and Additions to Certain Legislations of the Republic of Uzbekistan" was one of the most important steps in the improvement of criminal procedural legislation, and these reforms are still systematically ongoing .

It should be noted that in the fundamental improvement of the system of criminal-procedural legislation, it is very important to conduct a scientific study of investigative activities and its types, which are

considered the most effective and widely used method of gathering evidence, and to determine the prospects for further improvement of their procedural and criminalistic aspects.

As one of such investigative actions, which is widely used in investigation and judicial practice today, it is possible to show the investigative action of showing for recognition. We will try to explain below this investigative action and its place in the system of other investigative actions.

In order to reveal the content of the investigative act of presentation for recognition and its place in the system of other investigative acts, it is necessary to clarify the concept of investigative actions. Because today, in the theory and practice of the criminal process, investigative action is the most effective and widely used method of gathering evidence.

Investigative action is the procedural activity of the official of the body conducting the investigation before the investigation, the investigator, the investigator, the prosecutor, aimed at gathering and checking the evidence, having the nature of knowledge, and serving to reflect the evidentiary information, in order to determine the important circumstances of the collected materials and the criminal case.

CPC defines not only investigative actions, but also court actions conducted during the judicial investigation, and it is appropriate to talk about these actions at this point. The legislator did not specify the exact difference between these actions in the CPC. However, the analysis of the norms of the Criminal Procedure Code shows that the investigative action can be carried out only by the official of the body conducting the investigation, the investigator, the investigator and the prosecutor, and this stage is

conditioned by the stage of conducting the case before the court.

After all, most of the activities carried out in the course of the judicial investigation in the CPC referred to the rules of conducting the investigative action to the procedural norms of the CPC that regulate the conduct of the same investigative action. From this, it can be concluded that the investigative action will have the status of investigative action if it is conducted at the stage of proceeding to the court, and judicial action if it is conducted at the court stage.

According to CPC, today there are several types of investigative actions as means of proof, which are interrogation; facialization; show for recognition; checking the show at the scene; take away; search; review; witnessing; exhumation of the corpse; conduct an experiment; taking samples for expert research; appointment of examination and inspection; acceptance of submitted materials and documents; consists of listening to conversations conducted through telephones and other communication devices.

Each of the listed investigative actions has its specific goals and tasks, and each of them has a special role in proving.

The investigative act of showing for recognition is a witness, victim, suspect, accused or defendant who has seen and remembered a person, a corpse and its parts, an animal, an animal corpse or its parts, things and objects that he has seen before and has kept in his memory. is a procedural action aimed at checking the evidence.

In the same way, showing for recognition is an independent investigative action that has its own place among other investigative actions, and the purpose of its conduct is to determine the collected materials and

circumstances that are important for the criminal case, that is, to determine the identity of a person or object.

The investigative act of presentation for recognition is strengthened in Article 87 of the Criminal Procedure Code entitled "Collection of evidence" and in Articles 125-131 of Chapter 14 (Presentation for recognition).

As distinctive features of the investigative act of showing for recognition from other investigative acts (different aspects) are the possibility of interrogating the recognizer both before and after the conduct of this investigative act, the possibility of similar objects (not less than 3) to verify the truthfulness of the testimony of the recognizer can be shown to be usable.

It should be noted at this point that the essence of the investigative act of showing for recognition is aimed at determining the exactness of things and objects through their individual signs, characteristics and symptoms, and a deeper understanding of this essence is impossible without the analysis of the concepts of "sign", "characteristic" and "symptom".

As it can be seen from these analyses, the purpose of the investigative act of showing for recognition is clearly defined in the Criminal Procedure Codes of some countries (Article 223 of the Criminal Procedure Code of the Republic of Belarus, Article 229 of the Criminal Procedure Code of the Republic of Kazakhstan), and in the Criminal Procedure Codes of some countries not specified (Criminal Procedural Codes of Kyrgyzstan, Moldova, Turkmenistan, Ukraine), as well as in the Criminal Procedural Codes of other countries, this investigative action does not have the status of an independent investigative action (Criminal Procedural Code of the Federal Republic of Germany and the People's Republic of China).

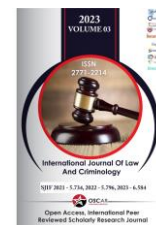
It should be noted that although the investigative act of showing for recognition is an independent investigative act, the legislator binds it only to checking the testimony of a witness, victim, suspect, accused or defendant about a person or thing. That is, in order to carry out this action, the person whose testimony is being checked must have been interrogated (Article 126 of the Criminal Code). Based on this procedural rule, it follows that the investigative act of showing for recognition cannot be conducted without the investigative act of questioning, and the current CPC does not allow it.

In addition, in order to conduct this investigative action or to create grounds for conducting it, if the person whose testimony is being examined says that he cannot describe a person or thing that will be recognized during the interrogation, the identification must not be performed.

Therefore, the investigative action of showing for recognition specifies the investigative action of interrogation, and the results of the interrogation clarify the conditions for conducting or not conducting this investigative action in the criminal case. This makes it possible to conclude that demonstration for recognition is a logical continuation of the investigative action of interrogation or that they are closely related to each other.

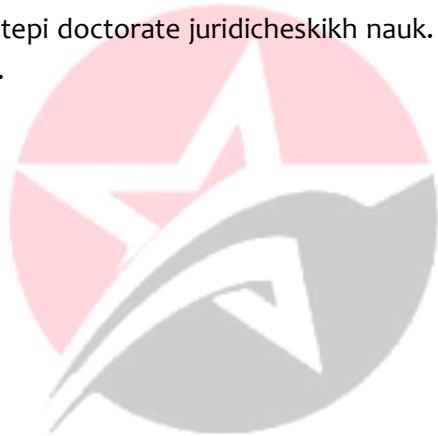
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