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BASICS OF A QUICK EXPERIMENT CONDUCTING OPERATIONAL SEARCH EVENTS

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ABSTRACT

The article describes about the basics of conducting a quick experiment event as one of the quick-search activities in the legislation of foreign countries. The fundamentals of the operational-search event and the tasks and functions currently implemented in practice by conducting operational-search activities were studied, and scientific-theoretical conclusions and practical suggestions were given to improve the basics of conducting operational-search activities.

KEYWORDS

Operational-search activity, operational-search actions, rapid experiment, basis.

INTRODUCTION

The main tasks of the internal affairs bodies of the Republic of Uzbekistan are to protect the rights, freedom and legal interests of citizens, the property of individuals and legal entities, the constitutional system, to ensure the rule of law, the safety of individuals, society and the state, as well as to prevent and prevent crimes.

Ensuring a peaceful life of the population, combating crime and violations, maintaining public order and security are the most important and priority issues around the country. In fact, this issue is the most basic condition and guarantee for the successful implementation of all socio-economic reforms in our country, modernization and renewal of our country.

The Law of the Republic of Uzbekistan "On Operational-search Activity" among several normative legal documents adopted in order to regulate the activities carried out in this regard takes the main place.

Because, precisely with this law, the relations in the field of operational-search activities are regulated, the main tasks and principles of operational-search activities, the bodies performing operational-search activities, their legal status, the types of operational-search activities and the procedure for conducting them are determined.

Operational-search activity is a type of activity that is carried out by conducting operational-search events by operational units of specially authorized state bodies.

The importance of investigative activities in the fight against crime is very high, and in 2023, 41,339 crimes were detected on the initiative of employees, including 588 "cells", 122 illegal prayer houses, 89 illegal religious congregations, and 807 through the Internet and social networks. 10 t from illegal circulation, cases of spreading foreign ideas have been eliminated. More than 306 kg of narcotic drugs and psychotropic drugs were taken, 3,222 firearms, 2,182 pneumatic weapons, and 1,040 cold weapons carried in public places were confiscated.

Also, 91,322 or 87.2% of the total crimes committed in the republic were revealed, 7,563 persons who were hiding from the investigative authorities were caught, 450 missing persons were found, and 14 unidentified corpses were identified.

2,840 corruption and economic crimes committed by 3,316 persons were identified, and damages in the amount of 249 billion 548 million soums caused by them were recovered.

113 violations of border regulations and 189 persons who committed human trafficking crimes were prosecuted.

In addition, 420 Internet resources were identified and blocked, and 95 persons who committed them were brought to administrative and criminal responsibility.

The activities of 421 Internet resources that used to commit cyber extortion were identified, all of them were blocked, and 15 persons were brought to criminal responsibility, 54 persons were officially warned. .

Operational search activities are carried out by conducting 16 types of quick search activities, one of these rapid search activities is a quick experiment. Quick experiment— is an event that consists of artificially creating a situation that is fully managed and controlled by a body that carries out operational search activities in order to expose and identify persons who have committed an illegal act or are preparing for it by recreating a specific event. (Article 14).

In the explanatory dictionary of the Uzbek language, the word "to carry out" is combined with some words and means to carry out, conduct, do the action indicated by this word. .

The 7 followings could be reasons for conducting a quick-experiment operational-research event:

- a) existence of a criminal case;
- b) written assignment of inquiry, investigative bodies, instruction and assignment of the prosecutor;
- c) if there are no sufficient basics for initiating a criminal case, the information that has become clear to the bodies performing investigative activities about the signs of preparation and commission of crimes, as

well as about the persons involved in the preparation or commission of crimes;

g) availability of information about persons, events, actions (inaction) that threaten the security of a person, society and the state;

d) information about persons who are hiding from investigative bodies and courts, who are evading criminal punishment, missing persons and other persons in the cases stipulated by law, as well as about unrecognizable corpses that have become known to the bodies that carry out operational-search activities;

e) questionnaires received on the basis of international agreements of the Republic of Uzbekistan on cooperation in the field of fighting crime and providing legal assistance;

j) questionnaires of other bodies carrying out operational search activities (Article 15).

If we consider the basis of conducting a search operation in the legislation of some foreign countries, several different aspects are revealed.

In particular, the Law of the Republic of Ukraine "On Emergency Search Activities" states: "the presence of the following information obtained in accordance with the procedure established by law, which requires investigation using emergency search measures and tools: a) preparation for criminal offenses; b) persons preparing to commit a crime; c) persons hiding from investigative and judicial authorities or escaping from criminal punishment; g) missing persons; d) intelligence and subversive activities of special services of foreign countries, organizations and individuals against Ukraine; e) to the life, health, housing, property of court and law enforcement officials, as well as to persons participating in criminal proceedings, their family members and close relatives, employees of

Ukrainian intelligence agencies, their a real threat to close relatives, as well as persons who secretly cooperated or are cooperating with Ukrainian intelligence agencies and their family members; questionnaires of authorized state bodies, institutions and organizations on the examination of certain persons; The need to investigate the employees of the Ukrainian intelligence agencies and their assistants in connection with intelligence activities; Cases provided for in Article 17 of the Law "On Intelligence"; existence of the summarized materials of the Central executive bodies implementing the state policy in the field of legalization (laundering) of criminally obtained income or terrorist financing in accordance with the procedure established by law; applications and messages of mass media, public organizations, officials, citizens, instructions of the investigator and prosecutor, court decisions, materials of law enforcement bodies, questionnaires of law enforcement bodies of other countries and international law enforcement organizations, as well as authorized state bodies, institutions and questionnaires of organizations on verification of persons in connection with their admission to state secrets by the Cabinet of Ministers of Ukraine" 14 basics are provided, and in the absence of one of these basics, it is prohibited to carry out operational-search activities.

In the Law of the Republic of Kazakhstan "On operational- Search Activities": "Availability of pre-trial investigation materials; the following information obtained by the bodies carrying out operational search activities: the crime being prepared, committed or committed; persons hiding from inquiry, investigation and judicial authorities or fleeing from criminal punishment; the discovery of missing citizens and unidentified bodies; written instructions of the investigator on the criminal cases under investigation; Decisions of the Prosecutor of the Republic of Kazakhstan, his first deputy or deputies, regional



prosecutors and prosecutors equivalent to him, as well as written instructions given by the prosecutor during the control of the legality of the search activity; court decision on the recovery of debt from the defendant in civil cases, as well as decisions of bailiffs on the search of the debtor based on the sanction of the prosecutor; requests of international law enforcement organizations and law enforcement agencies of foreign countries on the provision of legal assistance in accordance with agreements (agreements) and the need to obtain intelligence information to strengthen the interests of society and the state and its economic and defense potential" 8 bases are defined, and the list of these bases can only be supplemented or changed by law.

In the Law of the Russian Federation "On operational-Search Activities": "the existence of a criminal case; the following information known to the bodies carrying out rapid investigation activities: signs of a crime being prepared, committed or committed, as well as persons who are preparing for, committing or committing a crime, if there are no sufficient basics for initiating a criminal case; Events or actions (inaction) that threaten the state, military, economic, information or environmental security of the Russian Federation; persons hiding from inquiry, investigation and judicial authorities or fleeing from criminal punishment; missing persons and unrecognized corpses; tasks of the investigator and the head of the investigative body, the tasks of the investigator and the head of the investigative body, the decision of the court on criminal cases, and the materials for checking reports on crime; questionnaires of other state bodies carrying out operational search activities on the basis specified in this article; Decision on protection of persons and application of security measures implemented by authorized state bodies in accordance with the laws of the Russian Federation; Questionnaires received from international law enforcement organizations and law

enforcement agencies of foreign countries in accordance with international agreements concluded with the Russian Federation" 6 bases are defined.

In the Law of the Kyrgyzstan Republic "On operational-Search Activities": the existence of a criminal case; the following information known to the bodies carrying out rapid investigation activities: signs of an offense being prepared, committed or committed, as well as persons who are preparing or committing a crime, if there are no sufficient basics for initiating a criminal case; events or actions (inaction) that threaten state, military, economic, information or environmental security; persons hiding from inquiry, investigation and judicial authorities or fleeing from criminal punishment; missing persons and unidentified corpses; the orders of the inquiry body, the investigator, the prosecutor's instruction, or the court's ruling on criminal cases conducted by them; questionnaires of other bodies carrying out operational-search activities according to the basics specified in this article; a decision on the application of security measures to persons protected by competent state bodies in accordance with the procedure provided for by law; Questionnaires of international law enforcement organizations and law enforcement bodies of foreign countries in accordance with the agreements (agreements) on legal assistance ratified by the Kyrgyzstan Republic" 6 basics are provided for, and it turned out that these basics are the same as the basics for the implementation of operational-search measures in the law of the Russian Federation.

In the Law of the Republic of Lithuania "On Prompt Action": "information on persons preparing to commit, committing or committing 27 crimes of low or low social risk provided for by the Criminal Code of the Republic of Lithuania, special investigation service information of other countries dealing with; concealment of the suspect, the accused, the

defendant; missing persons; protection of individuals from criminal acts; protection of state secrets; availability of information on actions that threaten the constitutional system of the state, its independence, economic security, ensure the defense power of the state or other important national security interests" as 7 bases are defined.

The Law of the Republic of Tadjikistan "On Investigation Activities" states: "the existence of a criminal case, the following information known to the bodies implementing investigation activities: signs of a violation of the law being prepared, committed or committed, as well as those who are preparing for, committing or committing a crime the persons who committed it, if there are no sufficient basics for initiating a criminal case; Events or actions (inaction) that threaten the state, military, economic, information or environmental security of the Republic of Tadjikistan; persons hiding from inquiry, investigation and judicial authorities or fleeing from criminal punishment; missing persons and unrecognized corpses; the assignment of the inquiry body, the instruction of the investigator, the prosecutor, or the ruling of the court (judge) on criminal cases under their management; questionnaires of other bodies carrying out operational-search activities according to the basics specified in this article; Decision on the application of security measures to the persons protected by the competent state bodies in accordance with the procedure provided by the legislation of the Republic of Tadjikistan; Questionnaires of international law enforcement organizations and law enforcement bodies of foreign countries in accordance with the agreements (agreements) on legal assistance ratified by the Republic of Tadjikistan" 6 bases, such as the following, are defined, and the bodies that carry out operational-search activities, within the scope of their powers, on the basis of collecting the necessary

information, the following: allow the use of information constituting a state secret; use of other secret information protected by law or allow work related to exploitation of highly important and classified objects; permission to participate in search activity or to use the materials obtained as a result of this activity; on establishing cooperation with the persons assisting the bodies carrying out operational-search activities or supporting such cooperation; to ensure the safety of the bodies that carry out operational-search activities; makes decisions on issuing permits for private detective and security activities.

The Law of the Republic of Moldova "On Special Investigation Activities" provides: "unexplained circumstances related to the initiation of a criminal investigation; the following information that is clear: signs of a crime being prepared or committed, as well as persons preparing for, committing a crime; missing persons and unidentified corpses; situations that threaten public order, military, economic, environmental or other state security, situations that threaten citizens and their family members assisting in special search activities; procedural documents of criminal investigators, prosecutors and criminal cases under court proceedings; questionnaires of international law enforcement organizations and law enforcement agencies of foreign countries in accordance with the agreements (agreements) on legal assistance ratified by the Republic of Moldova; information about situations that threaten the safety of the investigating officer, the safety of his family and relatives" 5 bases are provided.

The Law of the Republic of Belarus "On Operational-Search Activities" provides: "Information on events and actions that threaten the national security of the Republic of Belarus; information of a citizen who is aware of a crime being prepared, being committed or

committed, as well as being committed or having committed it; orders, instructions, decisions of the body conducting the criminal investigation, information and reports about the crime under consideration; the decision of the body conducting the criminal investigation to issue a search warrant, the court's ruling; the decision of the law-enforcement body or institution to issue a search warrant in cases where the sentence is prescribed by law; information about a missing (disappeared) citizen; information about a deceased citizen whose identity should be determined; written questionnaires of the bodies that carry out operational search activities on the implementation of operational search activities on the 8 basics listed above; the decision of the court on the application of security measures, the body that carries out criminal investigation and operational search activities; written questionnaires of international law enforcement organizations and law enforcement agencies of foreign countries based on the principle of cooperation, as well as in accordance with agreements (agreements) on legal assistance ratified by the Republic of Belarus; in accordance with the law, the bodies carrying out operational-search activities, the citizens who openly and secretly helped them, other citizens, need to collect information in order to ensure the safety of their family members and the protection of their property from various criminal attacks; the need to allow the use of information constituting a state secret, the use of information constituting another secret protected by law, or work related to the operation of extremely important and classified objects, participation in operational search activities, or the use of materials obtained as a result of these activities" A total of 13 bases are listed.

First, based on the study of the content and essence of the operational-search activities provided for in the content of these laws, 5 to 14 basics for conducting the operational-search activities are defined;

secondly, the existence of a criminal case, information that threatens the security of a person, society and the state, assignments and instructions of authorized officials (investigator, investigator, prosecutor, court), the implementation of investigative work, questionnaires of TQF implementing bodies, international organizations, other countries such as questionnaires received in accordance with treaties and agreements in the fight against crime, as well as in the laws of Ukraine, Russia, Kyrgyzstan, Tadjikistan, Moldova and Belarus, a decision or ruling on the announcement of a search by a court in criminal cases, in the law of the Russian Federation, an investigator and the head of an investigative body, an investigator and the task of the head of the investigative body should be the general basics available in our legislation for conducting operational-search activities;

thirdly, in the law of Kazakhstan, the basis of the court decision on the recovery of debt from the defendant in civil cases is the basis of the search for the person who evaded probation or probation control in a criminal case. , persons evading criminal punishment, missing persons and other persons in the cases provided for by the law, as well as the information that has become clear about the unrecognized corpses found" as "other persons in the cases provided for by the law";

fourthly, according to the law of Ukraine on investigative activities, applications and reports of mass media, public organizations, officials, citizens are the basis for conducting investigative activities. "Information about signs of preparation and commission of crimes, as well as information about persons involved in the preparation or commission of crimes" that has become clear to the investigative authorities, that is, the source of quick information that serves as a basis for conducting operational-search activities is not defined by legislation;

fifthly, according to the law of Moldova and Belarus, the basics for carrying out quick-search measures in cases of threats to assisting citizens and their family members are not established in our legislation.

It is also worth noting that the operative units of the internal affairs bodies of the Republic of Uzbekistan are responsible for a number of acts that are subject to administrative liability, for example, defamation (Article 40), insult (Article 41), sexual harassment (Article 411) of the Code of Administrative Responsibility of the Republic of Uzbekistan), violation of privacy (Article 461), illegal preparation, acquisition, storage, transportation or sending of small amounts of narcotic drugs, their analogues or psychotropic substances (Article 56), robbery in small amounts (Article 61), bribery of an employee of a non-state commercial organization or other non-state organization (Article 611), intentional destruction or damage to property (Article 612), concealment of found property (Article 62), in relation to tangible cultural heritage objects disrespectful treatment (Article 641), violation of the rules of hunting and fishing, as well as other types of use of wildlife (Article 90), illegal acquisition or transfer of foreign exchange wealth (Article 170), petty hooliganism (Article 183), illegal preparation, storage, importation or distribution of materials of religious content (Article 1842), preparation, storage or distribution of materials promoting national, racial, ethnic or religious enmity, unlawful use of weapons (1843 - article), illegal circulation of pyrotechnic articles (Article 1851), illegal circulation of items prohibited for circulation as civil and service weapons on the territory of the Republic of Uzbekistan (Article 1853), preparation or sale of home-made strong alcoholic beverages by citizens for the purpose of sale (Article 186), illegal production or circulation of ethyl alcohol, alcoholic and tobacco products (Article 1861), involving a minor in antisocial behavior (Article 188), preparation, import,

distribution of pornographic products, advertising, displaying (Article 189), making, importing, distributing, advertising, displaying products promoting oppression, violence or cruelty (Article 1891), engaging in prostitution (Article 190), gambling and risk taking based on other games (Article 191), arbitrariness (Article 200), violation of the rules of holding public events (Article 2001), organizing meetings, rallies, street marches or demonstrations, violation of the procedure (Article 201), non-compliance with legal documents or public incitement to violation (Article 2011), creating conditions for holding unauthorized meetings, rallies, street marches and demonstrations (Article 202), inciting to participate in the activities of illegal non-governmental organizations, movements, sects (Article 2021), false information distribution (Article 2022), violation of administrative control regulations (Article 206), illegal handling of weapons (Article 2201), violation of the legislation on religious organizations (Article 240), Offenses such as violation of the procedure for teaching religious teachings (Article 241). quick-search activities, including quick-experiment quick-search activities, are being used for the purpose of detection and exposure, moreover, we consider that it is not possible to detect this type of violations without conducting operational-search activities.

Based on the above, the following conclusions were reached regarding the basis of the researched rapid experiment operational-search event:

The positive aspects of the foreign experience in the implementation of operational-search activities and the work carried out in the practical activities of the IIO are included in the law of the Republic of Uzbekistan "On operational-search activities", to fill the gaps in this law, to implement operational-search in the practice of operational units of bodies that perform operational-search activities. We believe that it will

serve to ensure that there are no problems in conducting events, and to regulate the tasks and functions that are currently being implemented in practice with the norms of the law.

Based on the above analysis, Article 15 of the Law of the Republic of Uzbekistan "On operational-search activity", i.e., as the eighth basis for conducting operational-search activities, employees of bodies performing operational-search activities and persons assisting the bodies performing operational-search activities, as well as their family members introduction of threatening situations, as well as the third basis is not only crime, but also information about violations, i.e., "information that has become clear to the authorities that carry out rapid investigation activities about the signs of preparation and commission of crimes or offenses, as well as about persons involved in the preparation or commission of crimes or offenses" is proposed to be stated in the content.

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