



Non special inquiry agencies (Using urgent investigative actions the legal basis for the inquiry activity and the improvement of their)

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Abstract

Manuscript show the ways of improvement, critical analysis of the inquiry and suggestions to improve the procedural position of the inquiry agencies and the institution of the inquiry.

Keywords: inquiry agencies, criminal procedure, criminal case, the inquiry, the investigator, the pre-trial stages

Introduction

The Universal Declaration of Human Rights adopted by the UN in 1948, is regarded by the international community as the system is developed and coordinated at the highest level and the rules of human coexistence guidelines, as a sort of code of a mutually acceptable, civilized behavior in different countries, nations, corporate entities and individuals. The universal significance of this document, in which the expressed will of the consolidated about 200 nations of the world, convincingly demonstrated by the practice of his actions.

The Universal Declaration of Human Rights is one of the first international treaties on human rights, which Uzbekistan ratified after independence and thereby subscribes contained therein generally accepted standards and norms of human rights. Today, these generally accepted standards and norms of human rights are reflected in the domestic legislation of Uzbekistan. In particular, "the provisions of the Universal Declaration of Human Rights are embodied in the norms of the Constitution, national laws to ensure the protection of political, economic, social and cultural rights and freedoms"^[1].

Since independence, the formation of a democratic state of law in Uzbekistan, first of all, it was designed to protect individual liberty. After all, the rule of law, rule of law, separation of powers, mutual rights and obligations of the state and the individual - these and other signs of the state characterize it as a law and create a more effective conditions for the realization of individual freedom.

One area that was exposed to radical reform is the judicial system. The reason is that without a new, independent, democratic legal system is not possible and the full functioning of the social, economic and spiritual life of the country. Of particular importance this was to acquire in case of failure of command - administrative management and decision-making for truly democratic, legal state and civil society with developed market economy, where the rule of law, strengthening the protection of rights and interests of the individual, family, society and the state, raising the legal culture and consciousness of the population, education of law-abiding citizens are both ends and means, the most important condition for the creation of such a state. To

achieve this, the judicial sphere required a deep understanding of, and fundamental reforms, reform that was undertaken.

Inmates are not a special investigating body of the Republic of the main subjects of the criminal proceedings, provided that:

- 1) military units, commanders of the main task of the chiefs of the military institutions and educational institutions, military institutions and educational institutions, students, soldiers and military control of the disciplinary procedure;
- 2) The Ministry of Internal Affairs of the Republic of Uzbekistan leaders of the governing bodies of the system of execution of penal institutions in the form of arrest, penal colonies, the colonies, the main task of the heads of detention centers and prisons, which are these institutions the provisions stipulated in the Criminal Procedural Code serving the speed control;
- 3) Called the state fire control agencies shows that the policy of the government to control the fire;
- 4) Captains of vessels that the ship's precise and accurate control of the supply of management guidance.

Border guard authorities not to dwell on the reason for this is that, as a result of the reforms of the last years of the Republic, the State Committee for the protection of the borders of an independent state body in December 2003, and lost its importance as part of the National Security Service.

"On introduction of amendments and additions to some legislative acts of the Republic of Uzbekistan" On April 30, 2004, the Republic of Uzbekistan No. 621 II state border protection functions of the committee of inquiry on amendments and supplements to the law. The amendments adopted in December 2003 on the basis of the presidential decree and this decree to protect the borders of the State committee for national security associated with the introduction of the system. Thus, on August 20, 1999, "the State border of the Republic of Uzbekistan" On December 15, 2000 and the law of the "fight against terrorism" On amendments and additions to the law, the fight against terrorism and the protection of the borders of the state investigation and rapid implementation competence to carry out activities gauges are now only carried out by the National security service.

Republic of Uzbekistan "On the state border" in accordance with Article 29 of the Law on the National Security Service, border protection and security intelligence, counterintelligence procedure and operational-search activities and the development of measures to combat smuggling. This change should be included in the amendments to Article 38 of the trial of the Republic of Uzbekistan, as well as Article 38 of the trial, "6) Border guard officials, violation of the state border;" content should be removed from paragraph 6 ^[2].

The results of the survey conducted in the above-mentioned inquiry showed that there is not a separate state. Not a special inquiry investigating government officials called the inquiry is not entirely correct. Because of the state administrative agencies are not always a crime. Investigation, and if the offense was committed. At other times, their main functions. In particular, in the case of the regional state fire control bodies, it is clear that during the years 2008-2014, only two criminal proceedings are fulfilled.

We believe that a special inquiry and urged the participants of the criminal proceedings is not simplified. Research has shown, military units, penal colonies, far away so many ships inquiry. For example, Navoiy Province No. 34051 military conducted the survey shows that the crime scene was found immediately, even before a criminal case not brought sent to the military prosecutor's office. Although the inquiry that a separate state, that it is the statutory and other legal documents, the practice is evident in the lack of interest of any of them. What is the impression that the inquiry about the essence of his work, or the organization of seminars. In this regard, the professor G. Abdumajidov the following ideas: the "project of Penal Procedure in the process of inquiry that they have sufficient knowledge of the legal framework, and that a full inquiry, the preliminary investigation as a form of status. As a result of the conversation made by the employees of the penitentiary system there is an inquiry, not just think about the result of operational search activities ".

In addition, only in the Surkhandarya region of Uzbekistan is not a small naval presence and there is also the Institute of the investigation were not identified.

Further investigation authority of the State fire control bodies. According to statistical data, the number of fires that occurred during 2006, including Turkey in 2005 increased by 1.8%, 18.3% the amount of damage caused by the fires, and the number of injured decreased by 0.6% ^[3].

This is a positive indicator, but a survey of state fire control bodies of inquiry, such as the above inquiry is not the most important. There is also determined if a crime is immediately transferred to the Prosecutor's Office and with information about how the investigation is being carried out.

Therefore, a special criminal investigation body considered necessary to change the legal status of the participants in the criminal proceedings. Therefore, an investigation by the authorities of the monthly report, fill in the blanks, and other similar recipe to prevent these bodies in accordance with the purpose of some of the actions of the criminal procedural amendments, and their bodies as a result of the above-mentioned criminal activities simplify.

We believe that all of them to carry out operational-search activities necessary to end the status of the inquiry body. Because these institutions need to institute an inquiry and, if

required, is the crime after finding no urgent investigation is underway. These bodies in accordance with the relevant article of the Penal Procedure of the Republic of the penitentiary system is a complete and thorough work.

Inmates are subject of a new criminal procedure of the Republic of "officer" and the term of its rights and obligations, and today's requirements as well. Although, in practice, this name, criminal-procedural legislation, legal norms regulating relations. Appropriate, the opinion of Article 39 of the trial the following words are filled with purpose. "Listed in Article 38 shall have the right to see each inquiry agency operative officer. Criminal identified to conduct a preliminary investigation, the right to see the necessary operational search measures ".

Legislative investigation is not a criminal proceeding related criminal cases are clearly identified from the list of subjects because of these organs and the socially dangerous acts that take place in any round is very difficult to determine, at the same time to say in advance how the crime has been washed. For example, military units, penitentiary institutions, far away to sea-going vessels of any crime, regardless of the inquiry there are signs of a crime, in any case, the criminal case as well as the activities of this criminal case is completed by the investigator.

However, in practice, is not a special investigation on the activities of the criminal proceedings in order to prevent the origin of the various misunderstandings, the result of the analysis of the norms of the Criminal Code of the Republic of Uzbekistan on August 29, 2001, "the Republic of Uzbekistan in connection with the liberalization of criminal penalties, the Criminal Procedure Code and the Administrative Code amendments and supplements to the Law "On to change the criteria for classification of crimes stipulated by the Criminal Code because of the social danger of the law are among the crimes punishable by imprisonment lighter crimes, including the crime, punishable by up to three years' imprisonment for crimes. As a result, Criminal code social danger of crimes decreased from 18.7% to 42.8%, less serious crimes, 50.4 percent, 30.3 percent and violent crime by 17.6 percent to 15.1 percent, the most serious crimes is 13.3 % to 11.8%.

Provided by the State Criminal code 87 criminal cases and lightened the punishment, including 26 relevant articles of the criminal sentenced to imprisonment or removed ^[4].

The subjects of the investigation is not a criminal proceeding outlined a list of criminal activities. This, in turn Inmates are required to include the following new Article:

"The 339-1 criminal inquiry proceeding

- 1) Article 221, Article 222 of the Criminal Affairs, Ministry of Internal Affairs of the Republic of Uzbekistan as well as the leaders of the governing bodies of the system of execution of penal institutions in the form of arrest, penal colonies, colonies, detention centers and prisons boy;
- 2) Provided for in article 259 of the Criminal Code, the Criminal Code, as well as the state fire control bodies of investigation department of inquiry;
- 3) 279 of the Criminal Code. 1.2., And 280-m. 1-q., 282, and 283-m. 1-q. 284, 285 m., 1., 287-m. 1-3q., 288-m. 1., 290-m. 1., 291-m. 1-q., 292, and 293-m. 1-q., 295, and 296-m. 1-q., 297 m. 1., 298-m. 1., 301-m. 1. Article 302 of the Criminal Code, as well as military units, commanders, heads of military institutions and educational institutions;

- 4) The journey, the captain of the ship - on board the ship has the right to conduct any investigation of the criminal case."

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