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IMPROVING THE EFFECTIVENESS OF THE INTERACTION OF THE INVESTIGATOR WITH PRE-TRIAL ORGANS IN THE REPUBLIC OF UZBEKISTAN

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Abstract: The article deals with the questions concerning improvement of improving the effectiveness of the criminal procedural interaction of the investigator with pre-trial organs, international aspects of cooperation of states in crime control, peculiarities of procedural interrelations between the investigator and subdivisions criminal search in detection and investigation of crimes. Legal aspects of improvement of national legislation and international cooperation in crime control are considered.

Keywords: fight against crime, investigator's interaction with the pre-trial organs, coordination of actions, improvement of criminal legislation on interaction, international cooperation in crime control, investigator, pre-trial organs, operative worker, Interpol National Central Bureau.

Crime control, detection of crimes, identification of criminals and bringing them to account for the criminal acts they committed stipulates for joint actions of all law-enforcement organs engaged in detection and investigation of crimes. It is necessary to note that the most important problem directly influencing on effectiveness of this cooperation is to ensure the coordination of joint actions. It should be admitted that some types of grave offences are committed in conditions of unobviousness, and for detection and investigation of these offences large volume investigative actions and use of information obtained by operational ways are required. It means that quick and accurate solution of crimes, institution of criminal proceedings against all guilty persons is impossible without well coordinated and reciprocal work of the pre-trial organs and preliminary investigation.

On this point A.A.Mukhiddinov's opinion that success of detection and investigation of crimes depend in large part on joint and concerted efforts of investigators and subdivisions criminal search is true [1, p. 137-138]. In this respect correctly organized joint activity, optimal distribution of duties between the investigator and the agents of the subdivisions criminal search, whose aim is to achieve a common result i.e. to investigate and solve the committed crimes in time, make it possible to attain the goal quickly and with least expenditure.

In the process of investigation of crimes the investigator and the agents of the subdivisions criminal search interact and coordinate their actions, and their professional relationship may be considered to be coordinated and interconnected actions for succeeding.

Coordination of actions by its definition is a work concerted by time, place and concrete actions of various law-enforcement bodies and their officials on performing the tasks of fighting crime. And the interaction of the investigator and the operative in fighting against criminality is an activity concerted by goals and objectives directed at quick solution of a criminal case and its accurate, objective and detailed investigation. Consequently, the interaction can be defined as a well-timed response upon statements and reports about crimes and accidents, continuous control of their timely and lawful solution and organization of detection and investigation of crimes.

V.I. Samarin gave his scientific definition of interaction as an activity in the context of cooperation of states representing mutual informational, operational, procedural and organizational support of the state bodies vested with corresponding competence in an effort to prevent and investigate socially dangerous acts provided by the criminal act, to convict the guilty persons and execute the sentences of the court [2].

Inherently, interaction of the investigator with the subdivisions criminal search in investigation of crimes expects reciprocal exchange of information about the course and results of the actions being carried out by them, mutual aid along the whole length of preliminary investigation on a specific fact of the committed crime.

Bilateral nature of assistance in interaction which is seen in the contact between the investigator and the organs of inquiry, sharing of information obtained during the investigative actions and other procedural and organizational measures insures the efficiency of performance of their tasks.

The most important condition of success in cooperation is consistency of actions carried out by the investigative organs and the subdivisions criminal search consisting in simultaneous or consecutive conducting of proceedings, investigative and operational search actions relating to different sides of the same case or conditions connected with each other or arising one after another.

Relations between the interacting sides being considered are characterized by the fact that the organizing role in these relations belongs to the investigator as a person responsible for investigation of crime, as long as he knows mostly about the case being investigated by him. He receives all the evidence about the case he is conducting. Reasoning from the available evidence and other information the investigator entrusts the subdivisions criminal search a task giving him basic information necessary in order to

perform it. Therefore it is the investigator who organizes the interaction and bears full responsibility for its efficiency.

Naturally, the interacting sides' subjective qualities such as professionalism, experience, good communication, sociability and many others are of no small importance for organization of effective interaction between law-enforcement bodies.

As M.Yu.Beketov fairly says that it is impossible to ensure the accomplishment of the purpose of criminal justice without additional revision of the theoretical basis of the investigator's interaction with the subdivisions criminal search, elimination of contradictions in standard legal regulation and elaboration of scientific and practical recommendations as well as literal perception of theoretical regulations and legal norms by practical workers [3, p. 5].

As a whole, interaction usually takes place in the form of preparing of a plan of joint investigative actions and proceedings in which realization of different measures of both procedural and organizational order in the course of investigation of crime are envisaged.

Besides, upon the outcomes of investigation of a certain crime, independent action plans are worked out which may be conducted by the investigator and the subdivisions criminal search separately and which are submitted to each other's approval so that their accomplishment ensures the attainment of the common goal, for the sake of which they are worked out.

Along with the interaction of the investigator and the subdivisions criminal search within the frame of national legislation, this interaction is also realized at the international level. Carrying out international cooperation by means of realization of interaction in the struggle against criminality, states use two main legal forms:

1. Contractual legal or conventional – signing and realization of bilateral or multilateral contracts in which the relations with the law-enforcement bodies of foreign countries in this sphere are regulated.

2. Institutional – cooperation within the framework of international organizations of both universal and regional character such as UNO, Interpol, CIC, OSCE, Shanghai Cooperation Organization and others.

It should be noted that the investigators and the subdivisions criminal search of different law-enforcement bodies participate in performance of the country's obligations on all basic directions of interstate cooperation in fighting against criminality and protection of public safety, and their activity on this direction are carried out in close interaction with competent ministries and departments, first of all with the Ministry of Interior, Ministry of Justice and Office of Public Prosecutor that are directly responsible for

coordination of crime control, foreign-policy line of the country in this direction.

As it has already been mentioned, international and legal component of regulation of the state's participation in interstate cooperation in crime control includes international conventions, bilateral and multilateral contracts of different levels (of interstate, intergovernmental and interdepartmental character by which various questions of interaction are regulated).

At the same time interdepartmental agreements completed within jurisdiction of a separate ministry or department, and today there are several tens of them, should not contradict the active legislation and the country's international contracts and, as a rule, they contain provisions regulating traditional forms of cooperation. The matter concerns first of all such formats as exchange of information and work experience, performance of inquiries about execution of investigative actions, legal proceedings in investigation of crimes.

As the practice shows one of the most effective organizational forms of ensuring of practical interaction of the investigator with the subdivisions criminal search and of other law-enforcement bodies with their foreign partners in fighting against criminality, particularly against its organizational forms such as illegal traffic in drug, arms and cultural values, human traffic, economical crimes is broadly developed in the world institute of law-enforcement bodies representatives operating on continuing basis at the embassies or consular offices of their own countries.

The investigator and the subdivisions criminal search as plenipotentiary representatives of competent law-enforcement bodies of a country realize procedural or organizational interaction with the foreign partners in fighting against criminality and in sharing experience.

Among them the one which is the main subdivision in realizing the international cooperation in crime control should be distinguished. The matter concerns the National Central Bureau of Interpol (NCB), the main coordinator of interaction with the competent organs of foreign countries, among the main objectives of which is maintenance of information exchange on questions of fighting against international criminality. Secretary General of Interpol and NCB of the member states coordinate the activity on execution of inquiries and notification of corresponding law-enforcement bodies about provision of information about crimes and criminals, wanted persons, objects and documents, about conducting observation of people suspected of criminal activity and others. Besides, the NCB of Interpol forms data bank of persons, facts, objects and documents on the basis of information received in the process of international cooperation.

Along with Interpol there are regional international organizations that also take an active part in carrying out the interaction in the struggle against criminality. Investigating the problems of interaction between the law-enforcement bodies of the Commonwealth of Independent States (CIS) in detection and investigation of transnational crimes S.Y. Yerkenov says that the questions of investigation of transnational crimes, in particular, interaction between the law-enforcement organs of CIS in fighting against them remain not adequately explored. Meanwhile it is the part of problem that often becomes the key to the solution of crimes of this category [4.].

If considering that in investigation of any type of crime the investigator interacts with the subdivisions criminal search with an effort to detect the crime quickly and accurately and to uncover guilty people, the positive completion of a pre-trial investigation depends on how responsibly the organ of inquiry in the person of an operative worker regards the investigator's assignments.

Actually interaction of the investigator and the subdivisions criminal search is predetermined as a purposeful and coordinated joint procedural action on establishing the details of the case and detection of the persons committed crime.

The investigator, being a procedurally independent figure of criminal procedure, if it is allowably to express, is a peculiar "center of gravity" around whom all the activity on investigation of a concrete crime is accumulated. He has the right to direct the course of investigation, to admonish of the course and outcomes of a certain action conducted with participation of the subdivisions criminal search.

The degree of success of the interaction between the investigator and operational services is also measured by the correctness and accuracy of formulation of the tasks the investigator puts forward. In practice investigators give the organ of inquiry written commissions often containing such common phrases as "carry out operational search measures directed at identifying and apprehension of persons committed the crime and finding evidence" etc.

Inadmissibility of such common commissions is obvious. After all, having no definite aim, the operative worker has to specify exactly which conditions of the case require extra operational check by special means. In turn the operational services also allow formal attitude to the performance of the commissions given by the investigator and there are cases of replies written for form only as well.

To avoid these kinds of situations the investigator should get clear idea of exactly which circumstances must be operationally checked, determine the possibility of their conducting taking into account certain circumstances of the case, appoint the time for performance.

The operative worker who is given the commission by the investigator first of all should make clear its purpose, size and then think over the ways of its realization, again, taking into account the certain circumstances of the criminal case and the existing prerequisites.

Under present-day conditions for achievement of tangible results in fighting against criminality more effective work on discovering crimes is demanded from the investigator and the subdivisions criminal search which supposes a higher level of interaction between them.

In conclusion it may be ascertained that some problems connected with the procedural order of interaction between the investigator and the subdivisions criminal search in investigation of crimes both in the framework of national legislation and international cooperation still exist. The ongoing reforms on improvement of criminal procedural legislation and international-and-legal regulation of interaction of authorized state bodies are aimed at increasing their effectiveness. Scientifically grounded proposals and practical recommendations directed at improvement of interaction of the investigator with the subdivisions criminal search in crime control will assist in perfection of interaction between the participants of criminal procedure in detection and investigation of crimes. Improvement of the basis of interaction between the mentioned subjects is one of the important trends of state activity in crime control.

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