ANALYSIS OF THE LEGAL BASIS OF THE WANTED LIST IN THE INVESTIGATION OF CRIMES

Bolatbayev Odiljon Rakhimovich
Chief Legal Adviser of the Legal Support Group of the Organizational Department of the Academy of the Ministry of Internal Affairs
https://doi.org/10.5281/zenodo.13986047

Criminal legislation is aimed at protecting the rights and freedoms of the individual from criminal encroachments. In accordance with the Code of Criminal Procedure of the Republic of Uzbekistan, the inquirer, investigator and prosecutor take all measures provided for by law to establish the event of the crime, disclose the person or persons guilty of committing the crime.

In accordance with the criminal procedure legislation, the bodies of inquiry are obliged to take all necessary measures aimed at establishing the location of the accused. In turn, the legal scientist A.P. Gulyaev stressed that the search for the accused, whose whereabouts are unknown, is one of the most important search functions of the investigator.

One of the priority areas of activity of the internal affairs bodies is the search for persons hiding from the bodies of inquiry, investigation and court, evading criminal punishment.

At the same time, the search for certain categories of persons is considered as an independent direction in the fight against crime. To date, the administration of justice against fugitives from the investigation, investigative authorities and the court, evading criminal punishment, creates significant difficulties for law enforcement agencies. So, in 2024 alone, more than 11 thousand people were put on the wanted list, 37% of whom were detained as a result of operational measures. However, the remaining 63 percent of persons are still hiding from the bodies of inquiry, investigation and court. Most of these people left for another country (Russia, Kazakhstan, Turkey).

The legal content of the search case consists of the norms contained in the acts of the current legislation, as well as in by-laws.

In accordance with article 15 of the Constitution of the Republic of Uzbekistan, generally recognized principles and norms of international law and international treaties signed by the Republic of Uzbekistan are an integral part of its legal system and must be applied in the State.

This means that law enforcement agencies are obliged to comply with these principles and norms when performing their duties and conducting operational search activities (operational search activities) within the framework of search activities.

If the implementation of international treaties does not require special domestic legislation, law enforcement agencies can apply these treaties directly in the performance of their duties.

Despite the fact that the Constitution does not contain direct instructions for conducting investigative measures, a number of its norms directly regulate the conditions for conducting operational investigative measures that restrict the constitutional rights of citizens. Law enforcement agencies conducting a search must comply with these standards and take them into account when carrying out operational search activities.

The following normative legal acts, revealing some features of investigative activities, is the Criminal Procedure Code of the Republic of Uzbekistan. If the location of the accused is unknown, the investigator is obliged to take all necessary measures to establish his whereabouts, and, if necessary, to declare a search for him, provided for in part 1 of Article 365 of the Code of Criminal Procedure.

After the termination of the preliminary investigation process (Article 364) and even if it continues, the investigator sends information about the accused to the pre-trial investigation bodies, which, on the basis of a special resolution, begin a search for the person who has disappeared from the preliminary investigation. In turn, on the basis of the norms of article 16 of the Law "On Internal Affairs Bodies", employees of internal affairs bodies are obliged to conduct a search.

The Law of the Republic of Uzbekistan "On operational investigative activities", adopted on December 25, 2012, is one of the main legislative acts regulating the legal issues of the organization of investigative work. This law regulates not only the main tasks of operational investigative activities, but also the tasks of the search, including "the search for persons who have fled from the bodies of inquiry, investigation and court, evading criminal punishment, as well as the search for missing persons."

The search task can be both the next stage of operational investigative activities carried out after the disclosure of a crime, and an integral part of the crime detection activity.

The procedures and rules related to investigative activities, including the duties of the bodies carrying out operational investigative activities, are established by article 13 of the Law "On Operational Investigative Activities".

Conducting investigative activities involves searching for the whereabouts of persons who have fled from the bodies of inquiry, investigation and court or who are evading criminal prosecution, as well as searching for missing persons. The purpose of the search is to identify these persons for the subsequent application of legal measures to them, including civil law or other measures provided for by law.

The task of tracing is different from identifying the perpetrators of crimes. The search for these persons is carried out on the facts of already known crimes and in relation to specific persons known to operational, investigative units. Operational investigative activities serve as an integral part of investigative work, helping to achieve search goals.

For successful investigative work, it is important to use operational investigative measures - their list is established by article 14 of the Law "On Operational Investigative Activities".

Summing up, it should be noted that an independent area of operational investigative activity is search work based on the norms of international law, the current legislation of the Republic of Uzbekistan, a system of organizational, procedural, operational investigative and other special measures carried out by authorized bodies in close cooperation.

References:

1. Гуляев А. П. Следователь в уголовном процессе / А. П. Гуляев. — М.: Юрид. лит., 1981. — 192 с.
2. https://stat.uz/ru/
3. 30.04.2023. The Constitution of the Republic of Uzbekistan // lex.uz/docs/6445147
4. 22.09.1994 Criminal Procedural Code of the Republic of Uzbekistan
5. Law of the Republic of Uzbekistan “On internal affairs bodies” https://lex.uz/mact/3027843
6. Law of the Republic of Uzbekistan “On operational-search activities”, 25.12.2012 йилдаги ЎРҚ-344-сон https://lex.uz/docs/2107763
7. Саъдуллаев Г., Собиров Ж. АНАЛИЗ ОПЫТА ЗАРУБЕЖНЫХ СТРАН ПО ОБЕСПЕЧЕНИЮ ОХРАНЫ ИНФОРМАЦИОННОЙ БЕЗОПАСНОСТИ ЛИЧНОСТИ //Евразийский журнал академических исследований. – 2024. – Т. 4. – №. 5 Part 3. – С. 54-59.
8. Саъдуллаев Г. А. У., Хамракулов Л. Э. У. ГОСУДАРСТВЕННАЯ ПОЛИТИКА РЕСПУБЛИКИ УЗБЕКИСТАН В ОБЛАСТИ ПРОТИВОДЕЙСТВИЯ ПРЕСТУПЛЕНИЯМ В СФЕРЕ ЦИФРОВЫХ ТЕХНОЛОГИЙ И БЕЗОПАСНОСТИ //Eurasian Journal of Academic Research. – 2024. – Т. 4. – №. 5-3. – С. 83-87.