

# Improving the legal basis of rapid search activities in Uzbekistan is a priority!!!

**Gafurov Farkhod Rashidovich**

Senior teacher of the Customs Institute  
State Customs Committee of the Republic of Uzbekistan  
E-mail: [fedya90.ivanov@mail.ru](mailto:fedya90.ivanov@mail.ru)

**Annotation:** This scientific article describes the issues of improving the organizational and legal basis of search and rescue operations in the Republic of Uzbekistan. Also, problems encountered in the field of rapid search operations and proposals for their solution are described.

**Keywords:** operational-search activity, operational-search activities, operational officer, operational analysis, currency, currency values, foreign countries.

## Introduction.

Today, on December 25, 2012, the Law of the Republic of Uzbekistan "On Rapid Search Activities" was adopted in the direction of combating crime, including the illegal export of currency values to foreign countries. Within the framework of this Law, the following are currently in order to expose the crimes, including the illegal export of currency values It is planned to conduct 16 rapid-search activities: 1. inquiry, 2. data collection, 3. collection of samples for comparative examination, 4. purchase for examination, 5. acquisition under control, 6. examination of objects and documents, 7. rapid observation, 8. determination of identity, 9. inspection of residences and other places, buildings, structures, plots of land, technical and transport vehicles, 10. control of mail, courier shipments and telegraphic messages, 11. eavesdropping on conversations carried out through telephones and other telecommunication devices, receiving information transmitted through them, 12. receiving information about connections between subscribers or subscriber devices, 13. fast input, 14. controlled delivery, 15. disguised operation, 16. a quick experiment [1, P.5-6]. Also, the analysis shows that today there is a need to improve the organizational and legal basis of the rapid search measures in the fight against the illegal export of currency valuables from the Republic of Uzbekistan.

## Materials And Methods.

First, the researcher studied and explained in detail the features of conducting operational-search measures. In particular, in this chapter, the author entered into a discussion with Uzbek scientists A. Khamdamov, T. Saitbaev, S. Gordeev, R. Rashitkhodzhaev [2] and Russian scientists V. A. Ilyichev, G. I. Kozyrev, I. A. Klimov, V.I.Mikhailov, A.V. Fedorov, A.Yu. Shumilov and expressed his point of view on specific aspects of his research [3]. The researcher also developed his own definition of the concept of operational-search activities and substantiated it scientifically and theoretically [4, P-274].

Analyzing the opinions of the above scientists and relying on the experience of legislation and practice of operational-search activities, the researcher substantiated the expediency of classifying operational-search activities into 4 categories as follows, excluding the rules applicable in cases where it is impossible to postpone:

Category 1 - operational-search activities that do not require the decision of the head of the body and the sanction of the prosecutor: interrogation, data collection, collection of samples for comparative research, examination of objects and documents, identification, search, check of places, buildings, structures, land and vehicles;

Category 2 - operational-search activities carried out on the basis of a decision of the head of the operational investigation body and without the consent of the prosecutor: operational surveillance, operational infiltration, disguised operation, operational experiment;

Category 3 - operational-search activities carried out on the basis of a decision of the head of the operational investigation body and in agreement with the prosecutor: acquisition for verification, acquisition under control, surrender under control;

Category 4 - operational-search activities carried out on the basis of the prosecutor's sanction: inspection of residential premises, control of postal, courier, telegraph and other messages, listening to conversations conducted by telephone and other means of communication, obtaining information transmitted through them, subscribers or obtaining information about connections between subscriber devices. The author notes that the above classification is considered conditional within the framework of this chapter, since the main direction of this classification is the following when conducting operational-search activities: 1) features of ensuring the rule of law in the process of conducting operational-search activities. 2) features related to the observance of human rights and freedoms in the implementation of operational-search measures. 3) scientifically and theoretically substantiate the fact that the necessary conditions and possibilities for carrying out operational-search measures were taken into account [5, P-249].

As a result of the scientific research conducted by the researcher in this chapter, the crime of illegal export of foreign currency is divided into stages at which crimes are conditionally planned, prepared and committed, and the types of operational-search activities that are effective and suitable for the purpose of identifying each stage are distinguished and tactical recommendations [6, P-81].

In the research were used methods such as systematic analysis, dialectical, comparative-legal, logical-legal, complex research of scientific sources, social survey, expert assessment and statistical data analysis.

### **Results.**

The analysis shows that today there is a need to improve the organizational and legal basis of the rapid search measures in the fight against the crime.

Firstly, Article 16 of the Law of the Republic of Uzbekistan "On Emergency Search Activities" entitled "Conditions for Conducting Emergency Search Activities" provides for privacy of citizens' residences, correspondence, telephone conversations and other conversations, mail, courier shipments and telegraphic messages transmitted through communication networks. It is established that the conduct of rapid-search activities aimed at obtaining information about the connections between subscribers or subscriber devices, which limit the rights to secrecy, is allowed on the basis of the prosecutor's sanction. This means that the prosecuting authority, the public prosecutor's office, is authorized to carry out search operations that limit human rights. This situation raises doubts about the admissibility of evidence in pretrial investigation, investigation and court proceedings. Because today, according to the results of the reforms implemented in the field of judiciary in the Republic of Uzbekistan, courts are recognized in the legislation as a state body that ensures the observance of human rights [7, P-3-4].

As an example, according to the Decree No. PF-6041 of the President of the Republic of Uzbekistan, adopted on August 10, 2020, "On measures to further strengthen the guarantees of the protection of the rights and freedoms of the individual in judicial-investigative activities", The procedure for taking statements, explanations or statements from the suspect, accused or defendant is based on the written permission of the investigator, investigator, prosecutor or judge involved in this criminal case and only in the presence of the defense counsel (except for cases where the defense counsel is waived in the prescribed manner) [8, P-6-7].

Also, in accordance with this Decree, incitement of a person to commit illegal actions by employees of pre-investigation, investigation and preliminary investigation bodies and charge him for a crime committed as a result of such incitement. In this case, it was established that the results of operational search measures can be recognized as evidence in a court judgment only if they are obtained in accordance with the requirements of the law and the person has the intention to commit a crime, independent of the actions of law enforcement officers or other persons participating in the operational activity.

This is evidenced by the fact that in Article 16 of the Law of the Republic of Uzbekistan "On Emergency Search Activities" entitled "Conditions for Conducting Emergency Search Activities", the privacy of citizens' residences, correspondence, telephone conversations and other conversations, mail and courier shipments transmitted through communication networks and restricts the rights to secrecy of telegraph messages, as well as specifies that the conduct of rapid search activities aimed at obtaining information about communications between subscribers or subscriber devices is allowed on the basis of a court sanction [9, P-7-8].

Secondly, in the practical application of the "quick entry" and "disguised operation" quick-search measures specified in Article 14 of the Law of the Republic of Uzbekistan "On Quick Search Activities" by operatives and to understand, understand and understand the similar and different aspects of these two quick-search measures and there are problems in making a legal correct assessment. Although the concept of this rapid-search activity is similar in content, it has its own distinct aspects [10, P-6].

Thirdly, the analysis of available data reveals new socially dangerous acts, actions and inactions that are not prohibited by the Criminal Code. For example, there are cases of illegal export of electronic currency funds, including "crypto-currency", "Bitcoin" to foreign countries.

However, the Criminal Code of the Republic of Uzbekistan does not specify liability for this socially dangerous act that threatens economic security. These illegal situations, in turn, require the introduction of new investigative measures that effectively help to combat these new negative trends.

### **Discussion.**

In Uzbekistan, improving the legal basis of rapid-search activities in combating crimes is of great importance. Above, the problems that exist in the Law of the Republic of Uzbekistan "On Quick Search Activities" were indicated. Based on this, it is appropriate to have a deeper discussion on the above-mentioned 3 problems. For example, "quick entry" and "masked operation" quick-search activities are almost identical in content, but differ from each other in terms of the purpose and definition of activities and the time of their implementation. Also, due to the fact that the activities of criminal groups or objects of operational importance continue during the implementation of the "rapid introduction" event, this event ends with the introduction of the employee of the body carrying out the rapid search activity or the person assisting on the basis of confidentiality into the criminal and criminogenic environment.

Therefore, taking additional actions as a follow-up to the "quick entry" quick-search activity after the entry is made will result in a violation. In this case, it is necessary to use the "disguised operation" quick-search event as a continuation of the "quick entry" quick-search event. If the "disguised operation" event is not used, the further actions of the criminal-criminogenic environment or the object of operational importance will remain without rapid processing, and the rapid-search actions will not be brought to a logical end.

It can be seen that the "quick input" event cannot be performed without the "masked operation" event, and the "disguised operation" event cannot be performed without the "quick input" event. These two fast-search activities are logically connected to each other. In this case, the "quick input" event logically starts the quick-search operation, and the "masked operation" logically continues and completes it.

It is also based on the analysis of identifying and eliminating new negative trends in the conditions of newly emerging social relations that are not regulated by current laws today (for example, cases where administrative and criminal liability are not defined in current legislation, illegal export of crypto-currencies to foreign countries) There is a need to put into practice a new rapid-search activity called "quick analysis" (research).

### **Conclusion.**

In conclusion, there is a need to improve the legal basis of investigative activities in the fight against crime in the Republic of Uzbekistan, including the detection of crimes of illegal export of foreign currency from the Republic of Uzbekistan to foreign countries.

### **Acknowledgement (suggestions).**

**Based on the above, it is considered appropriate to implement the following measures in the future to improve the legal basis of rapid search activities:**

- amending Article 16 of the Law of the Republic of Uzbekistan "On Emergency Search Activities" entitled "Conditions for Conducting Emergency Search Activities" and providing for privacy of citizens' residences, correspondence, telephone conversations and other conversations, mail, courier shipments transmitted through communication networks and determination of the possibility of carrying out quick search activities aimed at obtaining information about communications between subscribers or subscriber devices, limiting the rights to secrecy of telegraphic messages, on the basis of a court sanction (judgment);

- Interpretation of the "quick entry" and "disguised operation" quick-search measures specified in Article 14 of the Law of the Republic of Uzbekistan "On Quick Search Activities" as one quick-search event and 14 of the Law of the Republic of Uzbekistan "On Quick Search Activities" - to amend the article in the following content:

"a covert operation based on quick entry - an event consisting of introducing an employee of a body carrying out quick-search activities or a person assisting on the basis of confidentiality into a criminal-criminogenic environment or an object of operational importance and secretly using its capabilities in order to solve the tasks of quick-search activities."

- amending Article 14 of the Law of the Republic of Uzbekistan "On Rapid Search Activity" and introducing a new rapid search event called "Rapid Analysis (Research)" and defining it as follows:

"quick analysis (research) - to determine the causes and factors that create conditions for the emergence of new negative trends, the commission of administrative and criminal offenses, risks and threats that harm the security of a person, society and the state, on the basis of data analysis, to solve the tasks of operational search activities and is an inactive, secondary rapid-research activity aimed at developing proposals for their elimination."

**The structural elements of this "quick analysis" rapid search event are as follows:**

**The purpose of the event:** to identify the causes and factors that create conditions for the emergence of new negative trends, the commission of administrative and criminal offenses, and their elimination based on the analysis of data to solve the tasks of the investigative activity. development of proposals for;

**The entity performing the event** is operatives;

**The object of the event** is risks and threats that harm the security of the individual, society and the state, new negative trends that have arisen that are not regulated by legislation, reasons, factors, situations, circumstances, events that have enabled the emergence of new negative trends, administrative and criminal offenses, their commission information and information about the causes and factors that create the conditions.

**Document of formalization of the results of the event - analytical reference.** This analytical reference consists of an introduction, body and conclusion. The introduction of the analytical report shows the new negative trend, the urgency of the problem. In the main part, the facts, statistics, description of situations, situations are shown, and influencing factors and reasons are highlighted. In the conclusion, the risks and threats that harm the security of the person, society and the state, the causes, factors, situations, situations, events, administrative and criminal offenses, the reasons that create the conditions for their commission and suggestions for eliminating factors are shown [11, P-241-304].

The implementation of these measures will help to identify and prevent socially dangerous acts in the future in the Republic of Uzbekistan in a timely manner using rapid search measures.

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