

THE PECULIARITIES OF INITIATING A CRIMINAL CASE ON CRIMES RELATED TO EXTREMIST ACTIVITY

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Annotation

The article covers the subject matter, the circumstances to be determined, the evidence and their significant aspects, until the investigation into the application and complaints received in criminal cases related to extremism. The specifics of the issue of initiating or rejecting a criminal case are expressed based on the circumstances on which the case is based.

Keywords: review, seizure, interception, investigation, incitement, denial of action, Court, prosecutor, message.

It remains a time requirement to optimize the system of procedural actions, which should be carried out in the verification of the legality and adequacy of the reasons for initiating a criminal case, to bring the system of collecting, examining and evaluating evidence to a new level at this stage, to improve the procedure for registering a criminal application, message and other information

U.T. Tadjikhanov said that "the investigation before the investigation is a complex concept, and during its implementation, the issue of initiating a criminal case and refusing to initiate it is resolved.¹ It is against this idea that V.G. Kosykh states that "during the period of investigation before the investigation, even if the applicant has described all the details of the crime, it is not possible to have the amount of information necessary to initiate a criminal case based on this report"²⁴It is against this idea that V.G. Kosykh states that "during the period of investigation before the investigation, even if the applicant has described all the details of the crime, it is not possible to have the amount of information necessary to initiate a criminal case based on this report"²⁴. In particular, in this case, it is necessary to at least identify the applicant, warn him about the criminal responsibility for false reporting, which is a component of the investigation before the investigation, because due to this activity, the veracity of the reason for initiating a criminal case is determined.

In this matter, A.B. Divaev emphasized that the initiation of a criminal case at the end of the pre-investigation investigation serves to initiate the preliminary investigation, and that the pre-investigation investigation phase should also be called the initiation phase of the criminal case²⁶.

A.P. Ryzhakov also expressed an opinion in this context, according to which the initiation of a criminal case is a period of time, within which a specific activity called examination of a criminal complaint (report) before investigation is carried out²⁷. It is known from the opinion of proceduralist scientists that the pre-investigation investigation is the first and necessary stage, in which the employee of the pre-investigation body, the investigator, the investigator and the prosecutor resolve the issue of the existence of a reason and basis for the initiation of a criminal case, when the signs of a crime are detected, they initiate a criminal case or there are may refuse to initiate a criminal case based on the grounds.

¹ Юридик энциклопедия / юридик фанлар доктори, профессор У.Таджихановнинг умумий тахририда. – Т., – 2001. – Б.156– 157. ¹ Ботаев М.Дж. Терговга кадар текширув институтини такомиллаштириш: Юрид. фан. д-ри. дис. Автореф. – Т., 2020. – 219 б.

In the Criminal Procedure Code, pre-investigation bodies are included in the group of state bodies and officials responsible for criminal proceedings.

In our opinion, the inclusion of pre-investigation investigative bodies in the group of state bodies and officials responsible for conducting criminal proceedings causes conflicts between legal norms. After all, in accordance with the requirements of the current Criminal Procedure Code, the activity of the state bodies responsible for criminal proceedings begins immediately after the initiation of a criminal case. M.Dj. According to Botaev, the activity of investigative bodies before the investigation ends from the time of receiving the information about the crime until the decision to initiate or refuse to initiate a criminal case is made. That is, until the investigation, the investigative bodies do not belong to the group of state bodies and officials responsible for criminal proceedings. In order to analyze such opinions and eliminate conflict situations in the existing legislation, it is appropriate to change the phrase "state bodies and officials responsible for conducting criminal proceedings" to "state bodies and officials responsible for conducting criminal proceedings" used in the norms of the criminal-procedural law is considered.

The reasons for initiating a criminal case are stated in Article 322 of the current Criminal Procedure Code, and these reasons serve to initiate an investigation before a direct investigation. Including:

- 1) applications of individuals;
- 2) messages from enterprises, institutions, organizations and public associations and officials;
- 3) media reports;
- 4) Identification of information and traces indicating the commission of a crime before the investigation by the investigative body, investigator, investigator, prosecutor or the court itself;
- 5) plea of guilty is the reason.

One of the reasons for initiating a criminal case is the applications of individuals. An application is an appeal stating the request of citizens to provide assistance in realizing their rights, freedoms and legal interests.² In accordance with Article 324 of the Criminal Procedure Code, it is stated that the applications of individuals about crimes can be written or oral, and it is indicated that the oral applications of citizens are recorded in the charter.

The minutes must express the place and time of application, the position and surname of the applicant, information about the applicant (last name, first name, Year of birth, position and place of work, identity passport è other document, House address), the signature of the CEC that the applicant is explained to be criminally liable if he falsely informs the applicant under Article 237, the content of the application, issued with the signature of the applicant and the official who received the application³.

The requirement of the Criminal Procedure Code that the application must be signed by its author is aimed at increasing the liability of the citizen reporting the crime information, obtaining reliable information that can be taken as a basis for solving the issue of criminal proceedings, therefore, in each case when an oral or written application or message is received, the identification of the applicant.

At this point, it is worth noting that the current Criminal Procedure Code does not reflect the requirements for the application of citizens in electronic form, which can cause a number of problems in the future due to the rapidly developing jaraèns. B.A. Saidov said that in order to ensure that appeals of individuals and legal entities to crimes are registered in a timely manner and resolved in the manner prescribed by law, it is

² Ўзбекистон Республикасининг «Жисмоний ва юридик шахсларнинг мурожаатлари тўғрисида»ги 2017 йил 11 сентябрь ЎРҚ-445-сонли Қонуни // <https://lex.uz/docs/3336169>

³Суриштирувнинг процессуал хужжатлари:Ўқув-амалий қўлланма/Муаллиф-тузувчилар:И.Ж.Бабамурадов, Б.Э.Бердиалиев, М.А.Саттаров, А.А.Султонов; Ўзбекистон Республикаси Ички ишлар вазири, генерал-лейтенант П.Р.Бобожоновнинг умумий тахрири остида. Т: «O'qituvchi» НМИУ, 2018. Б.-332

necessary to introduce procedures for registration and formalization of criminal applications and complaints even in electronic form⁴ although stressed, the procedure for formalizing appeals of individuals and legal entities, the requirements for an electronic application, opinions on their formalization were not expressed, that is, the procedure for carrying out electronic appeals of citizens was not covered. However, 30% of crimes related to extremist activities are reported through applications and appeals. This type of crime is mainly addressed by the loved ones of the perpetrators. But we know that the safety of loved ones, the secrecy of their personality, will have to be ensured. But the provision of such cases as well as the adoption of applications and applications, the fact that the procedure of electronization is practically absent in Sabali it is not possible to do it.

In our eyes, it is advisable to establish the requirements for an electronic application, which has a uniform form, while maintaining the requirements for the applications of individuals in the Criminal Procedure Code in order to ensure the acceptance of electronic applications and the conduct of the examination in advance of the investigation on its basis.

Another of the reasons for the pre-investigation Investigation investigation was the media reports. Reports about the crime in the press, radio and television, documentary films, as well as in letters addressed, published and not published to the media, cause the investigation to begin until the investigation. The media that sent the message of the crime to the relevant places èki, as well as the authors of this message are obliged to submit to the request of the Investigating Authority official, Inquirer, investigator, prosecutor èki court actions and other materials confirming the message, which are at their discretion (Criminal Procedural Code 327-m).

The fact that such a reason for initiating a criminal case is established in the Criminal Procedure Code imposes on officials, interrogators, investigators, prosecutors and judges of the investigating authorities, subject to constant monitoring of press reports and taking action on them⁵.

The next reason is the direct identification of the signs of a crime by the investigative body, the investigator, the investigator, the prosecutor, and the court before the investigation. The specific aspect of this reason is that the issue of initiating a criminal case is prepared, not because of the application, report, or letter about the committed crime, but because of the investigation. will be decided by the initiative of the inspection body, investigator, prosecutor, judge or court. The direct identification of information indicating the commission of a crime is carried out before the investigation by an official of the inspection body when performing an administrative task, an investigator, an investigator during the investigation of a case related to another crime, and a prosecutor during the supervision of the implementation of laws or during the preliminary investigation of a case related to another crime related to the crime in cases where the information is found, it will lead to the initiation of a criminal case. The last of the reasons for pre-trial investigation in our criminal procedure law is the plea of guilty. A plea of guilty is a statement made by the applicant about a crime committed by him before he is suspected of committing this crime and before he is charged, it can be verbal or non-verbal. Prior to the investigation, the official of the inspection body, investigator, investigator, prosecutor, or court shall record the oral report in the report, which includes

⁴ Саидов Б.А. Ишни судга қадар юриштида шахсинг конституциявий ҳуқуқ ва эркинликларининг таъминланишини такомиллаштириш:Юрид. фан. Д-ри..... дис. Т:, 2020. Б.33.

⁵ Суриштирувнинг процессуал ҳужжатлари:Ўқув-амалий қўлланма/Муаллиф-тузувчилар:И.Ж.Бабамурадов, Б.Э.Бердиалиев, М.А.Саттаров, А.А.Султонов; Ўзбекистон Республикаси Ички ишлар вазири, генерал-лейтенант П.Р.Бобожоновнинг умумий таҳрири остида. Т: «O'qituvchi» НМИУ, 2018. Б.-332

information about the applicant's identity and describes the content of the application in the name of the first person. The document is signed by the applicant and the official of the inspection body, the investigator, the investigator, and the prosecutor before the investigation.

In this case, it is necessary to distinguish between the application for admission of guilt and the sincere confession of guilt after the interrogation of the suspect during his arrest. Such a confession is sometimes mischaracterized in forensic practice as a guilty plea.

Another important aspect of the concepts presented in Article 329 of the Code of Criminal Procedure is that the institution of pre-investigation is procedurally strengthened in this article, and this norm empowers employees who have the authority to conduct pre-investigation investigations to conduct procedural and investigative actions even before initiating a criminal case.⁶ According to the current criminal-procedural legislation, the procedural actions that can be carried out during the investigation before the investigation are strictly limited, it allows only nine procedural actions to be carried out. Including:

1. requesting additional documents;
2. asking for explanations;
3. issuing orders on conducting rapid-search activities;
4. application of a procedural coercive measure of detention;
5. conduct a private search investigation;
6. conducting a seizure investigation;
7. inspect the scene of the incident;
8. issuing a decision on the appointment of expertise;
9. issuing a decision on the appointment of an inspection.

Despite the fact that the above-mentioned cases are allowed to be carried out during the pre-investigation process, we can observe that the authority to conduct some of them was not given to the official of the pre-investigation inspection body, or that the legislator ignored these norms in the process of developing new norms. For example: Article 201 of the Criminal Procedure Code states that managers of enterprises, institutions, organizations and other officials are required to submit specially prepared documents based on actions at their discretion or available information at the request of an investigator, investigator, prosecutor or court. But in this norm, the official of the inspection body was not brought before the investigation.

In our opinion, in order to eliminate the existing gap, it is appropriate to amend Article 201 of the Criminal Procedure Code in the following version:

"Article 201. Provision of documents at the request of persons responsible for criminal proceedings

Heads of enterprises, institutions, organizations and other officials are obliged to submit specially prepared documents based on the documents at their disposal or the available information at the request of the state bodies responsible for conducting criminal cases.

Heads of enterprises, institutions, organizations and other officials are obliged to conduct audits or other service audits within the scope of their powers at the request of the state bodies responsible for conducting criminal cases and submit the report on the results of the audits or audits along with all their applications within the specified period.

State bodies responsible for conducting criminal cases have the right to demand the elimination of errors noted in the document in case of deviations from the rules, defects, conflicts and other deficiencies

⁶ Хўжақулов С.Б. Процессуал ҳаракатлар: тушунчаси, таснифланиши ва тизимлаштирилиши: Ўқув қўлланма. – Т.: Ўзбекистон Республикаси ИИВ Академияси, 2013. – Б.63

established in the document on the results of the inspection or inspection or in another document.”

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