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ACTIVITIES OF THE BODIES OF PRELIMINARY INVESTIGATION: SCIENTIFIC AND THEORETICAL APPROACHES

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Abstract: In the thesis, the legal status of the preliminary investigation bodies, which have a special status in the system of law enforcement bodies, the directions of their activities, and the functional tasks of the state bodies that carry out these activities are thoroughly analyzed on the basis of scientific sources. At the same time, the issue of the legal status of the "investigator" is scientifically analyzed in the thesis.

Keywords: investigation, law, body, state, person, activity, crime.

It is important to improve the activity of investigating criminal cases taking into account international standards and advanced foreign experience, to implement the principles of the rule of law and the inevitability of responsibility, and to further develop the activity of investigative bodies.

Here, in this thesis, preliminary investigation bodies, their legal status and functional duties can be analyzed based on scientific sources and legislation as follows.

There are other legal documents related to the activity of preliminary investigation bodies, including the laws of the Republic of Uzbekistan "On the Prosecutor's Office", "On the State Security Service of the Republic of Uzbekistan" and "On Internal Affairs Bodies".

In particular, according to the Law of the Republic of Uzbekistan "On the Prosecutor's Office", conducting a preliminary investigation of crimes and quick-search activity, pre-investigation investigation, investigation, control over the implementation of laws by the bodies that carry out the preliminary investigation, and coordination of their activities in the fight against crime ? one of the following main areas of activity of the prosecutor's office.

At the same time, investigation and preliminary investigation of criminal cases, the investigation of which is included in the competence of the State Security Service, is one of the activities of the State Security Service.

The internal affairs bodies, in turn, carry out investigations and preliminary investigations on criminal cases.

Let's talk about the concept of "preliminary investigation" and its legal description. Preliminary investigation is the stage of the criminal process that takes place after the initiation of a criminal case until it is scheduled for trial. The preliminary investigation is the activity of gathering, checking, recording and evaluating factual information important for the criminal case, which is carried out by the investigator and prosecutor in strict compliance with the Criminal Procedure Code of the Republic of Uzbekistan [1].

According to legal scholars M.H. Rustamboev, the preliminary investigation is a complex institution of criminal procedural law, which includes the methods and forms of crime disclosure, prosecution of the accused, and creation of grounds for presenting the case to court. In addition, the norms of this institution determine the procedures for termination of the criminal case in cases where during the investigation of the criminal case it is determined that no criminal act has occurred or in cases where the accused is

required to be released from criminal responsibility according to the law [2].

The investigator is a participant in the criminal process responsible for the correct application of the law in order to ensure legality and civil rights and freedoms at the preliminary investigation stage, to ensure that every person who commits a crime does not go unpunished and that no innocent person is allowed to be held criminally liable [3].

A.P. Gulyaev listed the following functions of the investigator in the criminal process: review of the application and reports about the crime; case studies; criminal charges; preventing citizens from being unjustly accused of committing a crime; recovery of material damage caused as a result of the crime and enforcement of judgment on confiscation of property; to take measures to eliminate the circumstances that led to the commission of a crime and to prevent crimes; issuing a search warrant to defendants whose residence is unknown; solving criminal cases[4].

The role of the preliminary investigation bodies in the detection of crimes and the exposure of the accused depends on the procedural function they perform in the criminal process [5].

Different opinions on this issue are expressed in the procedural literature. Some scientists expressed their opinion that the activity of the investigator is condemnatory (accusatory) [6] and even favors the side of the prosecution [7] in gathering evidence. According to other scientists, the activity of the investigator combines the functions of prosecution, defense and case resolution [8].

There are also views based on which the activity of the investigator is divided into two stages: 1) the investigator solves the crime before the accused appears in the case; 2) exposes or simultaneously exposes and defends a person after an indictment has been announced [9].

In the opinion of our national proceduralist scientists Z.F. Inoghomjonova and G.Z. Tolaganova, these views forget the basic rules of conducting the investigation completely, comprehensively and impartially, and divide the activity of the investigator, which is unique according to his character, into parts[10].

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- 1) the investigator solves the crime before the accused appears in the case;
- 2) exposes or simultaneously exposes and defends a person after an indictment has been announced [11].

In conclusion, it should be noted that it is important to further improve the organizational and legal basis of the activity of the preliminary investigation bodies, i.e. the legal basis and structural structure, in order to solve and investigate crimes, bring the culprits to justice in the appropriate manner, and fully realize human rights and freedoms in the field.

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