



Tactics And Procedures Implemented At The Preliminary Stage Of Investigation Of Juvenile Delinquency

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ABSTRACT

Based on the analysis of normative legal acts and forensic activities, the article deeply investigates tactics and procedures carried out at the preliminary stage of investigation of juvenile delinquency, especially this stage, investigative situations, drafting versions aimed at solving crimes and exposing the perpetrators, planning an investigation, as well as the procedures and operational-search measures.

Attention in the article is paid to ensuring the right of defense and providing a legal representative in determining tactics and procedures carried out at the preliminary stage of juvenile investigations.

KEYWORDS

Juvenile, pre-investigation check, preliminary stage of investigation, procedural actions, tactical actions, versions.

INTRODUCTION

Based on the proposals of the Convention on the Rights of the Child, adopted by the United Nations General Assembly Resolution 44/25 on 20 November 1989, and two additional protocols, the Optional Protocol on

Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, special attention in the countries of the world will be paid to the social and legal protection

of juveniles in judicial matters. The main purpose of this is to guarantee their rights and interests in law and practice, to ensure upbringing of physically, intellectually, spiritually and enlightened generation.

The need is emphasized for radically improving the institutional and legal framework on the protection of the rights and legitimate interests of children, ensuring their upbringing as a harmoniously developed generation, along with the work carried out in accordance with the Resolution of the President of the Republic of Uzbekistan of April 22, 2019 No. RP-4296 “On additional measures to further strengthen the guarantees of the rights of the child”, as well as the need for including in the laws of provisions that provide additional guarantees for the protection of children involved in criminal proceedings before and during the trial [1].

Therefore, starting from the initial stages of the investigation of juvenile delinquency, it is required to create conditions for them to enjoy the special benefits provided by law. In addition, planning of the investigation should also take into account the study of special cases that must be proved in the case of juveniles.

At the initial stage, the correct assessment of the circumstances of the investigation, the correct planning of the case and the clear definition of tasks provide the basis for determining the truth, a fair and just assessment of the actions of the juvenile.

RESULTS AND THEIR DISCUSSION

Procedures and tactics taken at the initial stage of the case are important in the investigation of all types of criminal cases,

depending on the subsequent stages of the investigation and the outcome of the case.

The initial stage of the investigation begins at the time of initiating the criminal case, and the main task of this stage is to collect evidence about the crime under investigation and the perpetrators [2].

According to Professor D.M. Mirazov, the content of the initial stage of the investigation of criminal cases is determined by the circumstances of the investigation, the nature of the information about the act and the perpetrators, as well as the circumstances to be determined [3].

The initial stage of the investigation includes the process of consolidating the facts identified during the pre-investigation period as evidence in procedural documents, conducting urgent investigative actions to investigate the details of the crime and exposing the perpetrators, as well as preliminary investigative actions to identify the circumstances to be proved.

M.G. Esanov and M.R. Khojayev stated that the system and sequence of preliminary investigative actions on juvenile delinquency depends on the type of crime committed, and the used methods of investigation of these crimes [4].

The views of these authors are well-founded and the tactical methods used in the early stages of the investigation of juvenile delinquency are determined by the type of crime committed. Tactical recommendations for the investigation of all types of crimes committed by juveniles should not be ignored. After all, from the initial stage of the investigation of juvenile delinquency, such features as their psychophysiological characteristics, behavioral instability, shallow

thinking, lack of experience should be taken into account. Juveniles are characterized by their indecision, and they are more prone to emotion. Because they belong to an as-yet-incomplete process of personality formation, they are prone to the negative effects of the environment. These circumstances are reflected in both the commission of the crime and the conduction of the investigation as a factor influencing the behavior of juveniles in some way [5].

It should be noted that the procedure for organizing the case at the initial stage of the investigation of juvenile delinquency depends on the following factors:

- 1) the nature of the circumstances identified during the pre-investigation process;
- 2) the degree of security of procedural rights of the juvenile and other circumstances.

In any case, it is advisable to study the initial documents collected, to properly assess the circumstances of the investigation, to plan the investigation by making assumptions aimed at exposing the crime. However, as noted by N.A. Ramazonova, Doctor of Philosophy in Law, the abstraction of information and the lack of preliminary data in the early stages of the investigation of juvenile delinquency have a negative impact on the planning of the investigation [6].

However, by examining the documents collected during the pre-investigation period, the details of the criminal case and the juvenile who committed it are formed. Based on these considerations, the investigation situation that occurred at the initial stage of the investigation should be assessed and certain assumptions should be made about the mechanism of the crime, the actions after the crime, the juveniles who committed it.

Typical situations that arise during the investigation of criminal cases depend on the availability of information about the crime and its perpetrators, and the nature of the circumstances that need to be determined during the investigation [7]. In addition, the time after the commission of a socially dangerous act before the initiation of criminal proceedings and the degree of dependence of the victim on the suspect may also affect the situation of the investigation [8].

Typical investigative situations that arise in the early stages of juvenile delinquency may include:

- 1) the documents in the case show that the crime was committed by a juvenile and he himself does not deny it;
- 2) if the juvenile denies the commission of the act, traces of the crime belonging to him have been identified at the scene or the victim and witnesses have testimony against him;
- 3) even if the juvenile confessed to the crime, no other evidence has been established to prove that he committed the crime.

The first investigative situation is also referred to in the forensic literature as a non-contradictory investigative situation. Candidate of Juridical Sciences, Associate Professor V.V. Konin notes that the confession of the suspect may have been made in order to conceal other crimes committed by him or his accomplices, and that the conflict situation that arises during the investigation may be further complicated [9].

In addition to his views, it would be expedient to examine the details of the case in detail by making assumptions, even when the circumstances of the investigation are not contradictory.

The results of the investigation of criminal cases show that at the initial stage of the investigation of juvenile delinquency, a situation of mainly conflicting investigations occurs. In such cases, a careful study of the evidence gathered is required to formulate the hypotheses correctly. Assumptions should be developed on the basis of the methods of committing the crime and the information obtained as a result of search operations conducted at the initial stage [10].

A list of procedural and non-procedural actions to be prepared in order to verify the allegations shall be drawn up and reflected in the investigation plan.

There are a number of views on the procedural actions to be taken at the initial stage of the investigation and the operational search measures. In particular, some authors have emphasized the need for urgent investigative action at this stage, such as reviewing the scene and questioning victims and witnesses [11]. The Russian researcher A.E. Jdanovskikh suggested that in addition to the above actions, such actions as the appointment of an expert and a search should be carried out at an early stage [12].

In our opinion, the procedural actions taken at the initial stage of the investigation may vary depending on the type of crime committed, the persons involved in it and the circumstances identified during the pre-investigation process.

In particular, R.A. Alimova and A.N. Norboyev stated the need for urgent investigative actions and search operations at the initial stage of the murder investigation, such as examination of the scene and the body, the appointment of a forensic examination [13].

B.S. Madrakhimov, on the other hand, emphasizes the need for witnessing and interrogation of witnesses at this stage in addition to the above on robbery crimes [14]. Candidate of Juridical Sciences, Associate Professor A.B. Qulakhmetov stated that at the initial stage of investigation of crimes of illicit trafficking in narcotic drugs and psychotropic substances should be planned to detain participants in the crime, including juveniles with evidence [15].

Some experts, clarifying the views of these authors, noted that the scope of investigative actions and search operations in the early stages of the investigation [16] should be determined based on the nature of the hypotheses developed [17].

CONCLUSIONS

The following scientific conclusions have been drawn based on the above analyzed opinions of scientists and researchers:

1. It was concluded that the procedural actions and operational search activities carried out at the initial stage of the investigation of juvenile delinquency depend on the circumstances of the investigation and the nature of the allegations made about them.
2. The following assumptions must be made in the case of a non-contradictory investigation of this type of crime:
 - The act was really committed by a juvenile;
 - The act was committed by a group of persons and involved a juvenile who pleaded guilty;
 - The juvenile admits that he has committed a crime, fearing that other criminal acts will be exposed, and is interested in the short duration of the investigation.

3. The following assumptions may be made in the event of a conflicting investigation:

- The act was committed by a juvenile;
- The act was not committed by a juvenile, the victim or witnesses testify against him for other reasons;
- The crime was not committed by a juvenile, committed by other adults, and he was charged with a crime because of the privileges provided by law for juvenile.

4. In the initial stage of the investigation of crimes committed by juveniles, in addition to the procedural actions mentioned by the above authors, special attention is paid to the following:

- If the defense counsel and legal representative did not participate in the pre-investigation investigation, the necessary measures shall be taken to ensure their participation in the case;
- Tasks aimed at determining the health status, personality traits, living and upbringing conditions of the juvenile, as well as the presence of adult witnesses and other participants in the crime, are implemented;
- One of the representatives of the persons, institutions or organizations specified in the Article 60 of the Criminal Procedure Code of Uzbekistan is recognized as the legal representative of a juvenile;
- The bodies carrying out operative-search activities are given written instructions on the investigation of certain cases in the case of juveniles and other necessary conditions in the case.

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