



## Research Article

### INITIAL CRIMINAL INVESTIGATION SITUATIONS

**Submission Date:** November 05, 2022, **Accepted Date:** November 15, 2022,

**Published Date:** November 30, 2022 |

**Crossref doi:** <https://doi.org/10.37547/tajpslc/Volume04Issue11-03>

**Journal Website:**  
<https://theamericanjournals.com/index.php/tajpslc>

**Copyright:** Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

**Azim Baratov**

Head Of Department Of Criminalistics And Examination Of Tashkent State University Of Law, Uzbekistan

#### ABSTRACT

In the article, in order to organize and resolve issues of investigation and operational search, a detailed analysis of the available information about the crime, an assessment of the investigative situation, the nature of preliminary information about the incident, the reliability of sources, the possibility of using information as evidence in the case, the mechanism for the formation of traces, factors affecting the investigative situations, as a result of which the composition, structure and form of the investigative situation can be changed, such issues as the reflection of the investigation situations in the initial, intermediate and final situations are described.

#### KEYWORDS

Legal assistance, international crime, international organization, convention, international treaty, declaration

#### INTRODUCTION

To organize and resolve specific issues of investigation and operational search, it is necessary to analyze in detail the available information about the crime committed, to study and assess the situation of the preliminary investigation.

When assessing the investigative situation, it is necessary to take into account the nature of the initial information about the incident, the reliability of the sources and the possibility of using this information as evidence in the case.



During the investigation, the model of some situations, especially situations formed due to lack of data, does not always correspond to reality. When forming tactical decisions, versions, planning a criminal case and individual procedural actions, the investigator proceeds not directly from real situations, but from the information model formed in his mind, which serves as a kind of support for his further activities. This creates ineffective efforts to solve the crime and conduct an investigation.

The task of the investigator is not to mechanically collect evidentiary data, but to systematize them, save versions and use them wisely.

The first basic information on a crime case is obtained during a direct investigative action, for example, when examining a crime scene.

As mentioned above, the mechanism for the formation of traces during the commission of a crime has a number of features. Traces of the crime and other material evidence usually remain at the scene of the incident, if these traces are detected in a timely and thorough manner, and as a result of formalization, the investigator will be able to process the data received, draw up a version based on them and conduct a faster and more efficient investigation.

From the moment information about committed criminal cases is received by the relevant authorities and until the completion of the preliminary investigation in this criminal case, there are actual situations that show the specifics of investigative situations and constantly replace each other.

Based on the analysis of investigative practice in criminal cases, the investigative situation can be characterized as follows. An investigative situation is a set of grounds to be proved that are inextricably linked

with the personality and efficiency of the investigator's actions, with the conditions and circumstances of the investigation, and which are constantly changing and replenishing during the investigation.

The investigative situation requires the emergence of specific investigative tactics.

The first fundamental research devoted to the problems of investigative situations was carried out by L.Ya. Implemented by Drapkin[1,]. Investigative situations - according to it, they are divided into simple and complex, and they, in turn, are divided into five descriptive groups. These are problematic, conflict, tactically dangerous, organizationally disorganized and combined. All difficult investigative situations are directly or indirectly related to the lack of initial information for the investigator to make the most correct decision. Based on a detailed analysis of various definitions of the investigative situation, we reject the idea that the investigative situation is a real situation implemented in the investigation, and agree with the point of view that the investigative situation is a specific information model.

Taking into account the fact that investigative situations are a dynamic system that changes its composition, structure and form as a result of the action of various factors, the author divided them into initial, intermediate and final. In modern forensic literature, the concept of an investigative situation is defined in different ways. R. S. Belkin approaches this issue in the following way, i.e. states that the investigative situation is the sum of the conditions that are currently being implemented in the investigation, that is, the situation in which the process of proving takes place [2,].

In addition to the above opinion, the situation of investigation of committed crimes can be

characterized as follows - it is understood as the totality of any situation that, to one degree or another, affects the course of the investigation and its results. Accordingly, the following components (components) of the investigative situation can be distinguished:

- the level of the investigator's awareness: whether the investigator has information about the criminal situation and the suspects (accused) and their actions;
- psychological nature: the psychological qualities of the investigator, suspects (accused), victims, witnesses, the results of the conflict between the warring parties;
- procedural and tactical nature: the state of the production of investigative actions in the case, evidence and their sources, the possibility of choosing a measure of restraint, carrying out certain investigative actions, etc.;
- material and organizational and technical nature: the presence of communication between the duty unit and the investigation team, the means of obtaining information from the information center of the internal affairs bodies, the possibility of mobile cash and money management. Содир этилган жиноятлар юзасидан тергов вазиятининг шаклланиши объектив ва субъектив омиллар таъсирида рўй беради.

Objective factors include: the presence and nature of evidence and objective information from the investigator; determine the reliability of the channel through which targeted information is received, as well as the existence and strength of sources of evidence that have not yet been used; the speed of the evidence loss process and the strength of the factors influencing these processes, and b.

The subjective factors influencing the investigative situation are: the psychological state of the persons

participating in the criminal case; the psychological state of the investigator, the level of knowledge and skills, practical experience, the ability to make decisions and implement them in extreme situations.

To understand the situation of investigating crimes committed in addition to the above, the forensic environment is of great importance.

There are also laws of objective reality associated with the situations we study. That is: the laws of occurrence of the situation; the laws of its interelement relations; laws of relations between different situations; repetition of the process of occurrence of typical situations; the possibility of creating an information model of the event under study based on the study of the situation model.

The task of the concept of the investigative situation for committed crimes is to individualize a specific investigation process, identify all situations associated with this process at a certain point in time, and then analyze and evaluate these individual situations, draw up an appropriate decision on the case, taking into account the above considerations.

One of the important issues of the study is the definition of typical investigative situations that arise in the investigation of crimes in order to develop a set of recommendations on the methodology for investigating crimes, given on the basis of the above methodology. To resolve this issue, we consider situations in terms of the volume and content of the information available in them as typical investigative situations at a certain stage of the investigation of the crime committed.

Based on the crimes committed and the information obtained by the investigator as a result of interrogation, the following typical investigative

situations that arise at the initial stage of these crimes are distinguished:

1) information about the crime received at the time of its commission. This situation is most convenient for the initial stage of the investigation, since law enforcement agencies act promptly upon receipt of information about a crime, allows you to get more complete information about the incident, the persons who committed it, and in most cases leads to a quick capture of criminals;

2) indicates that the message received by law enforcement agencies was made by specific persons who managed to escape from the scene;

3) availability of information about the commission of a crime by unknown persons. Due to the limited information about the subject of the crime, this situation is the most unfavorable for the initial stage of the investigation. Such situations need to be investigated more deeply, since they cause certain difficulties in the preliminary investigation and investigation. In this or that situation, the main force is the number of criminals, their gender, age, height, professional skills, attitude towards the victim, etc.

In addition, it is possible to conditionally divide typical investigative situations into two groups depending on the availability of information about the crime committed: 1) the protocol contains enough information to indicate the signs of a crime; 2) there is not enough information indicating signs of criminal activity. In both investigative situations, we refer to the current legislation to determine the algorithm of the investigator's actions. Own cut. According to article 321 of the Criminal Code, the availability of sufficient information indicating the signs of a crime may be the basis for initiating a criminal case. Thus, in the first situation, there is no need to conduct a preliminary

investigation, the investigator quickly initiates a criminal case and proceeds to investigate it. According to E. I. Makarenko[3,] “in this case, the suspect should be interrogated by examining the scene.” Investigative actions can be carried out on the basis of this conclusion only when the suspect is detained at the scene of the crime. In the second situation, it is very important to choose the right method and methods of preliminary investigation, as well as to determine the sequence of measures taken.

At the next stages of the investigation, the following typical investigative situations may arise:

1) as a result of the preliminary investigation, one person suspected of committing a crime was detained, but the place of residence and the identity of the other participants are unknown;

2) the persons involved in the commission of the crime are identified, but the role of each of them in the committed crime is unknown.

Of fundamental importance is the concept of an investigative situation, which includes not only the factual information found in the case, but also the sources of their receipt. We cannot have a complete and clear idea of a specific investigative situation without taking into account the fact that the results were obtained thanks to operational-search measures.

The result of these actions is reflected in the data block and the sources of their receipt. The procedural actions carried out in determining the investigative situation are important, they allow you to plan the investigation and develop additional measures, save the version.

A typical investigative situation is a type of investigative situations, the essence of which lies in the nature of most individual types of crimes.



The nature of a typical investigative situation directly affects the style of the investigation.

According to O. A. Bandura, depending on the typical investigative situation, investigative actions and tactics for their implementation, as well as the necessary operational-search measures were chosen [4,].

In addition to the above opinion, the following typical crime situations can be listed:

- 1) the offender was caught while committing a crime or immediately after committing a crime;
- 2) the offender was caught selling the loot;
- 3) a person who is familiar with the criminal, the seller or the person who bought the loot has been caught;
- 4) the offender is known, but hiding, the place of his hiding is unknown;
- 5) the offender is unknown, but there is little information about him (appearance, traces on clothes, name, nickname);
- 6) the offender is unknown and there is no information about him.

In the first case, the most expedient system of operational-search measures may be the following: detention, personal search and interrogation of the suspect, search of the place of residence and place of work of the detainee, examination and presentation of seized things and objects. , appointing an expert and conducting, identifying and questioning witnesses.

In the latter case, one of the most effective operational search measures is the search for the suspect and his accomplices, as well as identifying the place where he can sell the stolen property.

In the third case, after the seller or buyer of the looted property is detained, an examination, interrogation and a personal search of the premises are carried out.

After that, it is necessary to establish contacts of the detainee with others by searching his place of residence and other places, operational-search activities. These messages are carefully studied by the express search method, confiscated items are presented for identification, postal and telegraph correspondence is taken for verification.

The fourth typical investigative situation is that the offender is known, but hiding, the place of his hiding is unknown. Time plays an important role in this situation. Therefore, the investigator and the operational-search officers must promptly collect the urgent information necessary for the search about the number of offenders, individual signs (external signs) of the person, the direction of the shelter, the nature, as well as the distinguishing features of the looted property can be obtained during interrogation of the nukhs. This is followed by a quick pursuit of criminals.

In all cases, the investigator, depending on the information available, sets tasks for the investigating authorities. Their power organizes surveillance in places where criminals are likely to appear and controls places where the sale of stolen property is likely.

In the fifth situation, efforts to quickly search are greatly expanded. It is advisable to start the investigation of crimes of this group with an inspection of the scene, interrogation of the victim and witnesses. In parallel with the investigative actions, operational-search measures are also being carried out: it is necessary to resolve such issues as the prosecution until the traces of the crime are covered up, blocking the escape routes of the criminal, inspecting houses and apartments based on the choice.

Based on the foregoing, the study of typical investigative situations at the initial stage of the investigation of crimes of robbery and home invasion

has not only theoretical, but also practical significance. Because a timely and correct assessment of investigative situations determines the most convenient system of actions for the investigator, the sequence and issues such as planning an investigation.

#### REFERENCES

1. Drapkin L.Ya. Osnovo' teorii sledstvenno'x situatsiy. – Sverdlovsk, 1987. – 48 s.
2. Belkin R.S., Livshits E.M. Taktika sledstvenno'x deystviy. – M.: Yurist, 1997. – 176 s.
3. Makarenko E.I. Rassledovanie razboyno'x napadeniy s proniknoveniem v jiliha. T.: 1991. 19 s.
4. Bandura O.A. Lukashevich V.G. Kriminalisticheskaya versiya: gnoseologicheskiy, logicheskiy i psixologicheskoy aspekt'. Kiev. Nauchno'y isledovatelskiy izdatelskiy otdel, 1991. – S. 43.

