

# The Necessity, Legal Basis and Requirements for Using the Results of Operational-Search Activities in Criminal Proceedings

Yakubov Bekzod Erkinbaevich

Chairman of the Bogat District Criminal Court of the Khorezm region, Uzbekistan

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**Abstract:** This article examines the types of operational investigative activities, the implementation of operational investigative activities and the main tasks of operational investigative activities and measures to ensure the legality of the results of activities, the legality of evidence collected during operational investigative activities, and provides scientific, theoretical and practical recommendations on the basics using this evidence as the main means in the investigation of crimes, as well as in proving guilt at a court hearing. At the same time, the opinions and reasoning of theoretical scientists and experienced employees were analyzed.

**Keywords:** Rapid search activities, rapid experiment type of event, conspiracy principle, results of rapid search activities and prosecutorial control.

**Introduction:** Conducting search and rescue operations is the process of implementing a set of search and rescue operations against persons who are reasonably suspected of committing or committing crimes, in order to prevent or solve their crimes, as well as to identify and detain hidden criminals, if it is impossible to achieve the goal in other ways or if this is extremely difficult.

It is necessary to have reasons and grounds for making a decision to conduct a search and rescue operation based on the tasks of combating crime. The information obtained and collected as a result of search and rescue operations is of great importance in clarifying the true state of the case and determining the truth.

In this regard, before addressing the issue of evidence collected during search and rescue operations, it is advisable to clarify the evidence and its specific features.

Because evidence is any information about facts and circumstances that is important for the correct resolution of a criminal case, obtained from sources established by law and by methods specified by law. [1] The use of existing information in criminal cases as

evidence contradicts the essence of judicial investigation, its procedural form, and the rule on the use of only procedural means of proof provided for by law, since the Criminal Procedure Code provides that it is unacceptable to use operational information received directly in criminal proceedings as evidence, to convert this information into judicial evidence by questioning officials (operational officers) conducting operational search activities, and persons involved in the case. [2]

We can analyze the legal basis for conducting search and seizure measures as follows: - the right to confidentiality of correspondence, telephone conversations and other conversations, postal, courier shipments, telegraph messages and other messages transmitted via communication networks, as well as the right to inviolability of the home, as well as the right to conduct search and seizure measures, such as the inspection of residential premises, must necessarily be sanctioned by a prosecutor or a court. The necessity and obligation of obtaining a prosecutor's sanction for conducting these search and seizure measures is primarily due to the fact that the conditions for their conduct infringe on the constitutional rights and freedoms of citizens. [3]

The legal basis for conducting search and rescue operations, the procedure and conditions for their conduct, the use of technical means permitted during the operations, the legal formalization of the results of the operations, and the legality of the sources of obtaining and collecting evidence that must be proven in the detection of a committed or prevented criminal offense are explained by the lawfulness of the operation.

An important factor in the high-quality organization and conduct of emergency and search operations is the full study of the requirements for the rules for conducting them by emergency personnel of specially authorized bodies, not only in terms of the essence of these operations, but also in terms of the rules for conducting them. Only by adhering to these principles, it is possible to fully master the principles and conditions for conducting emergency operations and apply the acquired skills in practice on a legally justified basis, preventing violations of legality and achieving legally significant results.

Based on this, the evidence collected as a result of operational-search activities can be described as follows: - any factual information that serves as a basis for the inquiry officer, investigator and court to determine, in accordance with the procedure established by law, whether a socially dangerous act has occurred, the guilt or innocence of the person who committed this act, and other circumstances important for the correct resolution of the case; - testimonies of witnesses, victims, suspects, accused, defendants, expert opinions, video and audio recordings, materials consisting of officially drawn up protocols; - factual information, documents and other material objects verified and evaluated as a result of operational measures carried out in compliance with the requirements established by law. [4]

These circumstances indicate that the results of the search and rescue activities are characterized by such important factors as the reliability, admissibility or inadmissibility of the evidence, the absence of relevant evidence, and the requirements imposed on them. When assessing the evidence of objects (items) and documents presented or collected as part of criminal cases initiated as a result of search and rescue activities, it is necessary to take into account such features that embody their necessary characteristics, without which the objects (items) and documents presented or collected cannot be used as evidence. That is, the objects (items) and documents presented or collected are recognized as evidence from the point of view of relevance, admissibility, reliability, significance, and sufficiency. [5]

It can be seen from this that the task of studying and analyzing the best practices of ensuring compliance with the requirements of criminal procedural legislation on the relevance, admissibility, reliability, significance and sufficiency of objects and documents collected as a result of operational search activities when recognizing them as evidence is of urgent importance today.

The main reason for using the results of operational search activities is to identify and verify initial information about the signs of a crime, collect samples for comparative examination, identify and record information about persons engaged in criminal activity, participating in the commission of a crime, identify persons participating in the commission of a crime and detain them in the act.

Today, the practice of search and rescue activities shows that search and rescue activities carried out to prevent, detect, eliminate and expose crimes require not only thorough preparation, but also strict adherence to the conditions stipulated by law. [6]

Article 16 of the Law on Search and Rescue Activities establishes the conditions and legal grounds for conducting search and rescue activities, which reflects the legal basis for the rules ensuring the legality and effectiveness of search and rescue activities established by law. [7]

The conditions and legal grounds for conducting search and rescue activities are as follows: a) search and rescue activities are carried out within the border territory of a certain state; b) in relation to all citizens; c) only for the purpose of solving the goals and objectives of search and rescue activities; g) is to use means that do not harm the life and health of citizens, the property of legal entities and individuals, and the safety of the environment. [8]

Initial information about the perpetrators of a crime obtained in the course of a number of operational-search measures serves as a guide to help correctly select future investigative actions aimed at collecting and verifying evidence in a criminal case.

The use of the results of operational-search measures as evidence in criminal cases poses serious difficulties, since it is necessary to explain the results of the operational-search measure while maintaining the covert nature of the operational-search measure and find ways to turn operational information into evidence.

In this regard, it is necessary to determine the compliance of the objects (items) and documents obtained or collected as a result of the operational-search measures carried out with the procedural rules

and requirements.

Since the problem of using the results of operational-search activities is multifaceted, it is impossible to solve it without analyzing this term. "Result" is the final result of some activity, work, that is, the result of operational-search activities is understood as the solution of the tasks of this activity. [9] Ensuring the legality of the results of operational-search activities serves to achieve the following: firstly, early prevention of violations of the law; secondly, prevention of documents collected as a result of operational-search activities being found as inappropriate evidence; thirdly, early prevention of the illegal circulation or consumption of certain items; fourthly, it serves to ensure the timely identification of the causes and factors leading to the violation and the prevention of the conditions created for their occurrence.

#### **REFERENCES**

E.A. Dolya Operative-rozysknoy deyatelnosi of use and proof of results. - Moscow. "Norm". 18.12.2004 p. 74-75.

B.A. Filimonov Basic theory of evidence in the Germanic process. - Moscow. "Spark". 21.05.2001. p. 107

A.S. Barabash Sushchnost ugovnogo protsessa i ego rol v formirovniy otvetstvennosti pravonarushitel. - Kroansnoyarsk. "Law". 02.07.2007 p. 131-132.

A.A. Khakberdiev Quick search activity: Tutorial. - Tashkent. "TDYuU". 02.06.2017 p. 105-106.

Z.Z. Zinatullin Ugolovno-procesualnoe dokazivanye. Uchebnoe posobie.- Izhevsk. "Jurid" 04.09.2001. p. 147-148.

B.A. Azizkhodjaev Otsenka dokozatelstv v ugovnom processe. - Tashkent. "Uzbekistan". 06.04.1999. B. p. 98-99.

V.I. Zajitsky Law on operative-rozysknoy deyatelnosti ugovnogo - proceses. - Moscow. "Norm". 08.04.2001. p. 58-59.

Sh.Kh. Inomjonov Problems of the theory of proofs. Study guide. - Tashkent. "TDYuU" 06.09.2006. p. 77-78.

A.V. Karimov Rapid search activity: Training manual. – Tashkent. "TDYUU" 02.06.2020. P.111-112.

Erkinbayevna, Y. S. (2023). The system of instilling a healthy perspective in students through eastern academics' educational principles. European International Journal of Multidisciplinary Research and Management Studies, 3(09), 55-59.