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IMPROVING THE ORGANIZATIONAL AND LEGAL FRAMEWORK FOR RESPONSIBLE ACTIONS IN COMBATING CRIME

Abstract: The article highlights the main points of changes in the operational-search legislation of the Republic of Uzbekistan and gives recommendations for the further development of legislation. The article highlights proposals for the further improvement of the legal base of operational-search activity. Information and technical support plays an important role in improving the efficiency of operational investigations. In this regard, operatives of the operational unit use video, audio, film and photographic means, as well as property of legal entities and individuals, other environmentally friendly technical means in accordance with Article 12 of this Law. At the same time, operatives have the right to create and use information systems designed for quick tracing. Information obtained as a result of operational-search measures must be recorded in the relevant documents in order to collect, systematize, check, evaluate and make appropriate decisions on their basis, as well as to control the legality of their implementation. In the fight against crime with the help of operational investigations, specific tactical tasks are performed that allow solving the assigned tasks. For example, in order to perform tasks related to solving crimes, it will be necessary to solve a number of intermediate tactical issues, such as identifying suspects, studying their lifestyle, and finding a place where stolen property is stored. The tactical tasks arising in the process of implementation can be different, since they, in turn, depend on the emerging situation and the available initial information.

Keywords: operational-search activities, operational-search activities, forensics, telecommunication devices, telephone billing, operative search activities, legislation on crime detection, divisions of operational crime detection.

The history of combating against crime shows that the timely detection, prevention, elimination and disclosure of serious and grave crimes requires the use of other effective means, and not only transparent criminal proceedings and other means to find hidden criminals. For law enforcement agencies, an important task is not only to expose the crimes committed, but also to monitor the development of criminal events and processes.

To achieve these goals in all developed countries, including the Republic of Uzbekistan, there is a special state-legal mechanism - operational-search activity, which allows detecting, eliminating and disclosing planned and ongoing crimes in an opaque manner.

As part of the implementation of priorities in the field of judicial reform and further liberalization in the country, on December 25, 2012, the Law of the

Republic of Uzbekistan "On operational-search activities" was adopted, the adoption of which was a practical manifestation of building a democratic state in Uzbekistan. Its main tasks and principles are regulating the procedure, grounds and conditions for conducting operational investigations affecting the bodies carrying out their activities, their rights and obligations, as well as the constitutional rights of citizens.

According to article 3 of the Law of the Republic of Uzbekistan "On operational-search activity", "operational-search activity is a type of activity carried out by operational units of state bodies specially authorized for this by this Law by means of operational-search activities." Rapid operational investigations are a system of joint actions aimed at achieving specific tactical goals.

Law of the Republic of Uzbekistan "On operational-search activity" for the first time provides a complete list of operational investigations characteristic of this activity. In addition, Article 15 of the Law establishes the grounds for conducting operational investigations, and Article 16 establishes the conditions for their conduct when it is impossible to obtain the necessary information by other means.

Measures of operational-search activities are an integral part of the system and consist of a number of mutually joint organizational actions that allow solving specific tactical tasks. Organizational actions are specific and therefore include planning, preparation, conducting operational-search activities, making appropriate decisions based on the results.

Quick search actions constitutes the internal content of operational-search activities. These actions are divided into main and auxiliary ones:

1. The main actions are aimed at identifying all participants in planned and committed crimes and obtaining information related to the disclosure of their criminal actions.

2. Supportive actions - aimed only at creating the conditions necessary to achieve the goal, which include:

- analysis, assessment of the operational situation and forecast of the likelihood of its change;
- selection of participants, their support, provision of the necessary documents, special technical means;
- the development of legends, the creation of appropriate conditions for the planned event;
- developing methods to collect, store and use evidence.

On the basis of a system approach, the following general elements of operational-search measures can be distinguished: 1) object; 2) purpose; 3) content; 4) subjects of translation; 5) organizational methods that increase the efficiency of operational investigations; 6) information and technical support; 7) presentation of results.

Object of operational investigations are persons preparing and committing a crime, as well as persons hiding from the investigation and court, persons refusing to serve a sentence and missing, events and incidents related to them, as well as places of accumulation of criminal elements, etc.

Subjects of operational-search activity are (a) direct organizers of individual operational investigations (operational staff, heads of operational divisions); (b) persons involved in the operational investigations (facilitators, specialists, operators, members of the public, etc.).

Information and technical support plays an important role in improving the efficiency of operational investigations. In this regard, operatives of the operational unit use video, audio, film and photographic means, as well as property of legal entities and individuals, other environmentally friendly technical means in accordance with Article 12 of this Law. At the same time, operatives have the right to create and use information systems designed for quick tracing.

Information obtained as a result of operational-search measures must be recorded in the relevant documents in order to collect, systematize, check, evaluate and make appropriate decisions on their basis, as well as to control the legality of their implementation. In the fight against crime with the help of operational investigations, specific tactical tasks are performed that allow solving the assigned tasks. For example, in order to perform tasks related to solving crimes, it will be necessary to solve a number of intermediate tactical issues, such as identifying suspects, studying their lifestyle, and finding a place where stolen property is stored. The tactical tasks arising in the process of implementation can be different, since they, in turn, depend on the emerging situation and the available initial information.

Some operational-search measures are in many respects similar to the investigative actions provided for by the criminal procedure legislation. This similarity is primarily due to the fact that the same partial cognitive methods were used, which allows us to speak of a significant similarity in a number of operational-search measures and investigative actions. For example, in terms of the content of the survey and the method of cognition used in it, interrogation is in many ways reminiscent of an investigative action, collection of samples for comparative research - procedural sampling, identification, etc.

However, operational investigations are completely different from investigative actions on the basis, legal consequences and procedural form. It is known that investigative actions are usually carried out only on an initiated criminal case, while the conduct of operational-search measures is not limited to the framework of a criminal case.

Information obtained as a result of investigative actions has evidentiary value, and the results of operational-search measures can become evidence only after they have been confirmed in a procedural order. Investigative actions have the procedure established by law, and the procedure for conducting search activities is determined by departmental decrees. However, a number of operational-search measures have nothing to do with investigative actions, since the methods of cognition used in them are based on operational-search methods of obtaining information, which is unacceptable in open criminal proceedings.

Fast tracing operations require the use of operational technical means that do not harm the life and health of citizens, property of legal entities and

individuals, and environmental safety.

Conducted to ensure the inquiry and preliminary investigation operative search activity It cannot replace the criminal procedural actions provided for by the criminal procedural legislation.

Formalization of results of quick tracing operations. The results of the operative search work are drawn up by appropriate documents (notifications, certificates, acts, notifications, etc.). They are accompanied by other materials such as discs, photo and video images, samples of objects and documents, etc.

In our country, a number of legislative acts have been adopted on the consistent implementation of the tasks set forth in Action strategies by five priority directions of development of the Republic of Uzbekistan in 2017-2021. In particular, [1] reliable protection of the rights and freedoms of an individual in operational-search and criminal proceedings, respect for his honor and dignity, improvement of criminal investigation in accordance with international standards and world best practices, implementation of the principles of the rule of law and the inevitability of responsibility; further improvement of operational and criminal procedure legislation.

Comprehensive improvement of the legal regulation of operational-search activity is one of the key factors that will have a positive effect on increasing the effectiveness of this activity in the fight against crime. The Law of the Republic of Uzbekistan "On operative search activities", adopted on December 25, 2012, introduced concepts and terms previously unknown in theory and practice. The law includes 16 types of operational investigations, which can be considered the core of the law. However, the conducted research and practice show that some provisions of the Law, in particular, the content of certain operational-search measures, the grounds and conditions for their implementation, organizational and tactical aspects are still far from perfect.

One of the most important components of this activity, namely the definition of its concept, is of great theoretical and practical importance for the operational-search activity in general. It can be said without exaggeration that the absence of this concept in the Law is one of its serious shortcomings. In Commentaries to the Law of the Republic of Uzbekistan "On operational-search activity" published in 2015 by Uzbek scientists A.A. Khamdamov, T.R. Saitbaev, S.N. Gordeev, R.T. Rashitkhodzhaev, operational-search activity is characterized by as follows: "*these measures, based on the use of open means and methods in combination with hidden means and methods carried out by the competent authorities in accordance with the requirements of a regulatory legal act having the character of operational-search measures enshrined in the Law "On operational-search activities", that is, it is a system measures and actions aimed at the direct identification of the factual information necessary for solving operative search issues*". [2]

However, in our opinion, the controversial aspect of this concept is that it is very widely expressed, and it remains unclear what exactly are the features of such activities, that is, the grounds and conditions for its implementation. In

addition, the phrase “operative search issues” in the above definition is unclear and should be replaced with “operative search tasks”, since Article 4 of the Law describes the main tasks of operative search activities.

Russian scientists V.I. Mikhailov and A.V. Fedorov define an operational-search measure as carried out by specially authorized persons on the basis and in the manner prescribed by law, an action (set of actions) to obtain factual data included in the subject of research on a specific case of operational verification or primary materials, as well as necessary for a solution other tasks of operational-search activity.

This definition is limited to “data collection” only. It should be noted that in some cases operative search activities are carried out not only for collecting data, but also for other purposes. For example, creating favorable conditions for the detention of criminals, ensuring the safety of facilitators, etc.

In turn, the Russian scientist A.Yu. Shumilov also made a worthy contribution to the study of the concept of operational-search activities and put forward the following definition: "Operational-search measures are methods of obtaining factual information necessary for making a decision in operational-search activity (on a specific case of operational accounting, a signal, preliminary verification work, etc.)".

This definition of the author does not reflect all the specific features of the operational investigations. This is due to the fact that, although the process of obtaining information from the facilitator is also necessary for making decisions in operational-search activities, we cannot consider it as operational-search activities. One of the differences between operational-search activities from other areas of operational-search activities is that they are carried out on the grounds and conditions established by the Law "On operational-search activities". However, the above definition does not contain such features.

In addition to this definition, A.Yu. Shumilov commented on the "composition of the operational investigations." More precisely, classifying the composition of the operational investigations, he based the corpus delicti (object, objective side, subject, subjective side) in criminal law. In his opinion, it is difficult to distinguish between rapid tracing operations or to evaluate the actions of a field officer as quick tracing without defining the content of such measures. In order to substantiate the inconsistency of these views, we will do the following: first of all, in criminal law, the corpus delicti is important, since it is a prerequisite for criminal prosecution. In other words, we are talking about a criminal, unlawful, socially dangerous act, and the composition of operational-search measures is not only legal actions of operational units, but also actions, to be done for them. This obligation follows from the Law “On operational-search activity”, the duties of investigators under the Criminal Procedure Code. Thus, the point of view of A.Yu. Shumilova may be questioned. Of course, today scientists in this area need to conduct appropriate research.[3]

Currently, there is no consensus among experts on the definition of the content, concept, main characteristics and structure of operational investigations. Except for some published literature on this subject, no in-depth scientific research has been carried out. The published literature also contains a number of errors and omissions.

Some inaccuracies in the textbook by A.K. Zakurlaev and Yu.S. Pulatov "Operational-search activity". The textbook provides the following definition of operational investigations: A complete list of operational-search activities carried out in the course of operational-search activities, as well as specific actions established by the Law "On operational-search activities", reflect the components of operational-search activities, which together constitute an operational activity.

The interpretation of this concept leads to the conclusion that search activities are integral elements of operational-search activities. In our opinion, the authors mistakenly classify operational investigations as operational-search activities. Another disadvantage of this definition is that it does not contain the grounds and conditions for carrying out operations as intimate signs of search activities, and does not indicate the purpose of such activities. Also, there are serious errors in the definition in the textbook of a number of operational-search measures and the procedure for their implementation. In particular, a "masked operation" is described as the procedure for conducting operational investigations and the tasks associated with them, while the authors list almost all the tasks of operational investigations.

Based on the above analysis, as well as the requirements of the Law "On operational-search activities", the concept of operational-search activities can be expressed as follows: Operational-search activities are an integral part of operational-search activities, which are carried out by authorized persons in accordance with the grounds and conditions established by law, in accordance with open and non-transparent methods and means, as well as the tasks of operational-search measures.

The characteristics of operational investigations arising from this concept are as follows: a) operational investigations are an integral part of the operational-search activity; b) regulation by the Law "On operational-search activity"; c) the purpose of the search operation (solving the problem of operational investigations); d) operational-search measures are carried out only by specially authorized persons; e) operational investigations are carried out on the grounds and conditions established by law; (e) conducting operational and investigative measures in an open, non-transparent manner and in accordance with the means.

Another issue related to the rule of law in the conduct of operational-search activities is that certain operational-search activities are carried out in agreement with the prosecutor. Arrest and drive are carried out with the consent of the prosecutor. This is due to the fact that the above three operational investigations are associated with prohibited for sale or restricted in circulation items, substances and products (for example, weapons, explosives, drugs, etc.). This requirement

implies prior agreement with the prosecutor to avoid prosecution of a person who acquired controlled or restricted items to solve a specific crime.

However, modern experience shows that there are some shortcomings in this area in terms of ensuring the rule of law. At the same time, one of the most important tasks of the Department for Combating Economic Crimes under the General Prosecutor's Office is to prevent illegal activities related to the manipulation of prices for socially significant goods, the creation of artificial shortages and disorders, as well as activities related to the illegal circulation of low-quality or counterfeit medicines and medical products.

To accomplish these tasks, the operational divisions of the Department carry out a number of operational-search activities, including a "test purchase". It is known that in the process of taking these measures, the purchased products are not included in the list of items, substances and products prohibited for sale in open trade or restricted in circulation, and in this case it makes no sense to agree with the prosecutor. However, neither the Law "On Operational-Investigative Activities", nor sectoral regulatory legal documents regulate such actions.

To regulate these actions, it is proposed to state paragraph five of Article 16 of the Law as follows: "Purchases for inspection, control and supply under control in connection with the sale of items, substances and products, the sale of which is prohibited or restricted in open trade, is carried out with the consent of the prosecutor." [4]

In the process of conducting operational-operational investigations, the issue of classifying these operations is important for the observance of human rights and freedoms and the effective solution of the task of ensuring the rule of law. It should be noted that at present there is no single complete classification of operational-operational investigations in the field of operational-search activities. A.K. Zakurlaev and U.S. Pulatov they classify operational-search measures in the following order, that is, depending on: 1) attitude to the constitutional rights of citizens; 2) the level of secrecy; 3) use of equipment; 4) the relevance of the operational and technical forces and the means used. This classification is far from perfect, and it is almost impossible to differentiate fast operational investigations by their characteristics.

K.K. Goryainov, Yu.F. Kvasha and K.V. Surkov proposed the following options for the classification of operational investigations: 1) methods of forensic science adapted to the search (inspection; data collection; comparative inspection; inspection of objects and documents; operational observation; identification of persons; inspection of parking lots and other places, buildings, structures, sites and vehicles; express -experiment); 2) methods of reconnaissance used in the search (surveillance of mail, courier, telegraph and other means of communication; wiretapping of telephones and other communication devices; obtaining information through technical communication channels); 3) reconnaissance operations (rapid penetration and controlled delivery). [5]

A.Yu. Shumilov classifies operational-search measures into three categories: operational-search measures of the first category (usual), which do not limit the

rights of citizens: inquiry; collection of information; collection of samples for comparative research; purchases for inspection; inspection of objects and documents; fast tracking; personal identification; inspection of residential and other places, buildings, structures, land and vehicles; fast entry; controlled delivery; obtaining information through technical communication channels (without interfering with the private life of citizens); second category (includes all operational-search measures, except for the operational experiment, which is included in the list of operational-search measures that restrict the rights of citizens); the third (special) category is the express experiment

Based on the legislation and experience of operational-search activities, we conditionally classify operational-search activities into three groups, namely, operational-search activities: research; examination of objects and documents; identification of persons; examination of premises, buildings, structures, premises and vehicles; b) carried out on the basis of the decision of the head of the operational unit (purchase for verification; control; quick observation; quick penetration; controlled delivery; disguised operation; express experiment); c) carried out with the sanction of the prosecutor (checking postal, courier items, telegraph messages and other messages; wiretapping of conversations on the phone and other means of communication; obtaining information through technical communication channels). [6]

As a basis for such a classification, we consider the following order of systematization to be convenient: first, based on the complexity of the complexity of operational investigations; secondly, according to the possibilities of using the forces and means of operational-search activity; thirdly, according to the degree of impact of these measures on the rights and freedoms of citizens; fourthly, according to the powers of officials, to authorize operational investigations and, fifthly, if possible, use the results of operational investigations in criminal proceedings.

Part one of Article 16 of the Law "On operative search activities" restricts the right of citizens to privacy of correspondence, telephone and other messages, postal, courier, telegraph and other messages, as well as the right to protection of the home. These operative search activities carried out on the basis of the sanction of the prosecutor. It should be noted that they are exceptional measures and are carried out if only it is impossible to obtain real information by other means to protect the interests of the individual, society and the state from criminal encroachments.

Tracking postal items, in our opinion, is one of the oldest of the above methods of express search. K.K.Goryainov, Yu.F. Kvasha and K.V. Surkov give such an example from history. During his campaign in Asia, Alexander the Great used a simple method to verify information that protests had taken place in some allied and mercenary units in his ranks. He announces that he is writing a letter to his home and advises all his troops to do the same. He orders the courier to return the letters and reads them to find out the real situation. [7]

While this event took place in the 3rd century BC, V. Shironin gives another example, known to history even earlier. In the sixth century BC Tyrannus Miletus, wanting to rebel against King Darius, tried to send a letter to Pontic Aristago for advice. Given the vigilance of the Iranians, he cut off the slave's hair, wrote it on his bald head, and sent it to Aristagoras when his hair grew back. Aristagoras shaves the slave's hair again and reads the letter written on his head. That is, we can conclude that at that time the Iranians paid serious attention to the control of letters and dispatches.[8]

The experience of foreign countries in this regard shows that in the USA, most of the countries of Europe and the CIS, such operational investigations are carried out on the basis of a court decision. It is known that currently seven state structures are engaged in operational investigations in the Republic of Uzbekistan, two of which (the Department for Combating Economic Crimes under the Prosecutor General's Office and the Bureau of Compulsory Enforcement) are part of the Prosecutor's Office.

Article 21 of the Law provides that “consideration of materials on the conduct of operational-search measures that restrict the rights to inviolability of the home, privacy of correspondence, telephone and other conversations, postal, courier mail and telegraph messages transmitted through communication channels, as well as aimed at obtaining information about connections between subscribers or subscriber devices and information constituting bank secrecy is carried out by the prosecutor at the location of the body carrying out operational-search activities and applying for their conduct. In exceptional cases, the prosecutor may consider materials on the conduct of such events at the place of their holding. ” In our opinion, in order to eliminate such contradictions and ensure compliance with the principle of checks and balances, operational-search activities cIt is advisable to carry out with the permission of the judicial authorities.

In this regard, Part one of Article 16 of the Law " On operative search activities" is proposed to be stated in the following wording: "*Conducting operational-search measures limiting the rights to inviolability of the home, privacy of correspondence, telephone and other conversations, postal, courier items and telegraph messages transmitted through communication channels, as well as aimed at obtaining information about connections between subscribers or subscriber devices, is allowed on the basis of decision of the court*".

This proposal stems from the fact that, within the framework of judicial and legal reforms regarding criminal procedure legislation, investigative actions like the above-mentioned operational-search measures (in particular, registration of postal and telegraph messages, exhumation of a corpse) began to be carried out with the permission of the court.

Innovations in the criminal procedural and operational-search legislation adopted by the Law of the Republic of Uzbekistan "On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the improvement of legislation aimed at protecting the personal rights and freedoms of

citizens" (ZRU-651 of November 30, 2020 .) are important to ensure the implementation of urgent tasks in this area.

This law made amendments and additions to some of the 16 operational investigations provided for by Article 14 of the Law of the Republic of Uzbekistan dated December 25, 2012 "On operative search activities". In particular, in the tenth paragraph of Article 14, the name of the search operation was changed to "Inspection of residential and other premises, buildings, structures, land plots, equipment and vehicles". According to the new version of this provision of the Law, the operational-search bodies are given additional powers to check technical equipment (computers and communications).

On this basis, the legislative definition of this type of search measures was also in a new edition of the following content: "Inspection of residential and other premises, buildings, structures, terrain, technical and transport vehicles - an event that consists in direct or indirect (using technical means) visual inspection and study of residential and other premises, buildings, structures, areas of the terrain, computers, communication devices and vehicles in order to identify persons, facts and circumstances that are important for solving the problems of operational-search activities".

Inspection of premises, buildings, structures, sites and vehicles that make up the event object is carried out daily at the initiative of operational units. In accordance with article 16 of the Law of the Republic of Uzbekistan "On operative search activities", an inspection carried out with the restriction of the right to the inviolability of the home is allowed only on the basis of a prosecutor's sanction. As part of the event, an overview and study of technical means (computers and communication devices) will be presented. In fairness, one should ask the question, Will it be necessary to obtain permission from the prosecutor's office to conduct such events? This is because the above law does not say anything about it. If such funds are located at the place of residence or work of citizens, of course, such actions require the approval of the prosecutor, and, in our opinion.

Part one of Article 6 of the Law of the Russian Federation " On operative search activities" envisages in the list such an operational-search measure as "obtaining computer information", which is carried out in an open and secret manner. Public information acquisition is carried out by monitoring and analyzing open data in computer networks. The secret obtaining of information is carried out by obtaining the necessary information directly using computer devices or networks, while they can only be used with the permission of the court.[9]

At the same time, from the eleventh paragraph of Article 14 of the Law of the Republic of Uzbekistan "On operational-search activity" in the old edition of the name, the phrase "other information" is excluded. Consequently, this provision of the Law is set out in the following content: "control of postal, courier items and telegraph messages is an event consisting in the secret selection and study of postal, courier items and telegraph correspondence in order to obtain information that is significant for solving the tasks of operative search activities."

This change was made on the basis that the twelfth paragraph of Article 14 of the Law in terms of technology communication devices also covers wiretapping, interception and recording of telephone and other telecommunication messages.

The objects of control are letters, telegrams, parcels, parcels, bank containers, money and courier remittances sent through postal networks. It can control all correspondence sent to or out of a certain person, as well as all incoming and outgoing messages. Postal items sent by individuals bypassing post offices do not constitute this measure.

The procedure for conducting operative-search activities related to the control of postal, courier and telegraph messages shall be regulated by the operative-search legislation and administrative-regulatory documents of the bodies carrying out operative-search activities.[10] Censorship of letters and other consignments of convicts is not an operative search measure, as the legal basis and procedure for their implementation are the criminal-executive legislation and the relevant departmental regulations of the Ministry of Internal Affairs. [11]

In essence, this search operation is similar to the investigation of the seizure of postal and telegraphic items in criminal proceedings.[12] The difference is that the search of postal, courier and telegraph messages is carried out on the basis of a resolution approved by the head of the body carrying out operative-search activities in accordance with a resolution approved by the head of the body carrying out operative-search activities.

The decision of the investigator or inquiry officer to file a petition for the seizure of postal and telegraphic items shall be sent to the court through the prosecutor. The judge, having considered the petition for the seizure of postal and telegraphic items, shall issue a reasoned ruling on the seizure or refusal to seize them. The decision to hold the event is addressed to the head of the communications agency, and its implementation is mandatory for this head. Failure to comply with this decision or ruling, or its disclosure, shall give rise to liability under the law.

As stated in Article 12 of the Law "On operative search operations" one of the amendments to the law is the listening to the conversations that take place through the devices, receiving the information that is transmitted through them. Accordingly, its concept has been changed to include "covered listening, capture and recording of conversations, including text, graphics and multimedia information, using special technical means". In other words, unlike the old name of the event, the new event includes not only the non-public hearing, but also the process of receiving information transmitted through them. At the same time, the new name of the measure was changed to Article 169 of the Criminal Procedure Code.

This measure was removed from the list due to the inclusion of "telecommunications equipment" in the search operation, which includes the operative search operation in the thirteenth paragraph of Article 14, entitled "Receipt of information from technical channels of communication."

The term telecommunications are derived from a combination of two words (Greek - distance) and communication (Latin - message, communication), which means to transmit a message over a long distance.[13] Telecommunications is a set of systems for transmitting, receiving and processing signals, signals, text, images, sound and other types of information. Today, the main telecommunications networks, in addition to telephone communications, the Internet, mobile communications, data transmission networks (wireless, optical fiber, etc.), satellite communications, digital television and electronic banking (remote banking).[14]

According to a study conducted by experts of the National Aerospace University of Ukraine, the current distribution of information by telecommunications networks is as follows: Internet - 30%, mobile - 20%, data network - 10%, network - 10%, network - 10%. telephone communication - 10% and electronic banking - 5%.[15] This means that in this area, half of the data transmission falls on the Internet and mobile communications, and about a third on the Internet. Currently, the total number of Internet users in Uzbekistan is 22 million, including 19 million mobile Internet users.[16]

The technical characteristics of the communication channels used for this measure (such as wired communication lines, radiotelephone channels, cellular communication, satellite communication channels) are not legally important. According to its content, this operative-investigative measure is carried out by the investigative movement provided for in Chapter 21 [17] of the Code of Criminal Procedure, ie by means of wiretapping and interception of conversations carried out by telephone and other telecommunication devices. Necessary documents shall be prepared by the investigator, sanctioned by the procurator, and sent to the specially authorized state body for execution through the relevant operational and investigative body.

In addition to the transmission of speech over the telephone network, other telecommunication devices (telex, selector, radio relay transmission channels, personal telephone, telephone call system) Internet, facsimile messages, digital data transmission, video signals between computers and other messages (for example, SMS, MMS) and listening to conversations on other communication channels, as well as the transmission of information through them.

In the event of a threat to the life, health, property of legal entities and individuals, as well as their relatives and friends, to listen to their conversations by telephone and other telecommunications devices, to receive information transmitted through them at the request or written consent of these persons , is allowed on the basis of a decision approved by the head of the body carrying out operational search activities in accordance with the legislation, the prosecutor must be notified within twenty-four hours.[18]

In cases of urgency, such search operations may be carried out on the basis of a reasoned decision approved by the head of the body carrying out the search operation, and the prosecutor shall be notified within twenty-four hours. In the event of a long-term search operation, the body conducting the search operation

must obtain the sanction of the prosecutor or terminate the measure within twenty-four hours from the moment the measure is initiated. [19]

It is necessary to listen to the conversations made by telephones and other telecommunication devices, to record (record) the information received when receiving the information transmitted through them. Listening to conversations, phonograms obtained as a result of receiving information transmitted through them, are stored in a sealed condition in such a way that it is unlikely to be heard and reproduced by strangers. In the event of a criminal case against the persons whose conversations are intercepted, the phonograms and transcripts of the conversations on paper may be sent to the inquiry officer, investigator or prosecutor for inclusion in the criminal case on the decision approved by the head of the body conducting operational search activities.

The Law of the Republic of Uzbekistan No.651 supplemented the thirteenth paragraph of Article 14 of the Law "On operative search activities" with a new operational search operation entitled "Obtaining information on connections between subscribers or subscriber's devices." The concept of the law is given in the following wording: "An event consisting of the non-disclosure of information and other information about the date, time, duration of connections between subscribers or subscriber devices (equipment used)."

It should be noted that today mobile phones are an integral part of our lives, because almost every citizen has mobile devices that can be used not only to make calls, but also to access the Internet, send text messages and record and distribute various events around the world. At the same time, the phone can be used effectively to determine the address of its owner, his contacts with other subscribers.

The event to obtain information on the connections between the previous subscribers or subscriber's devices was held as part of data collection during the operational search, for which the operators provided relevant information through a letter of request from the head of the operational search body.

In order to improve operational search activities in the fight against crime in our country, taking into account international standards and best international practices, to observe the rights and freedoms of the individual in conducting search operations and to implement the principles of the rule of law. The search operation will be carried out by the forces and means of a specially authorized state body in accordance with a reasoned decision approved by the head of the body carrying out the search operation and the sanction of the prosecutor.

The purpose of the event is to obtain information on the date, time, duration of connections between subscribers or subscriber's devices to determine the involvement of the investigated persons in criminal activities, the whereabouts of wanted persons or means of communication and other similar information. In order to properly understand the essence of this event, it is necessary to correctly understand the meaning of the term "obtaining information about the connections between subscribers or subscriber's devices."

This event is usually called "telephone billing" and is widely used in everyday life, especially in the fight against crime.[20] It is known that each phone has a unique (IMEI) code, which is registered and stored on the server of the network of the relevant mobile operator with the first call (SMS or Internet access) with a SIM-card. Using the IMEI code: a) the address of the device; b) disconnect the device; c) information on the tariff plan; g) incoming and outgoing calls, SMS; d) subscriber information. This code allows you to locate the phone and disconnect it if necessary (for example, in case of loss or theft of the phone). Such information is sent to the billing server and stored there for a long time. It also contains information on the tariff plan, history of calls and SMS, as well as information on account replenishment.[21]

When it comes to this event, the relevance of information about the history of calls and SMS and its location increases, and the location of the phone can be determined very quickly by the operator. When a call is made by a specific phone (when sending an SMS, using the Internet), a signal is sent to the antenna of the station closest to the object, and thus it is possible to determine its location. In this case, regardless of the purpose of the search for the phone or its owner, it is important to use the phone bill based on the specific situation that arose.

The following types of telephone billing are common in a number of foreign countries, including the Russian Federation: The first type of telephone billing (simple detailing) may provide information on the place of storage, funds in the account, expenses incurred, the restoration of the telephone book on the lost device for a fee. Other types of telephone billing are subject to court order. In the second type of telephone billing you can get information not only about the date, time, duration of calls, but also about where the call was made, the subscriber's movement (geolocation) in the area. The third type of telephone billing is even more complex, in which, in addition to the actions of the subscriber in the area, it is possible to obtain information about the actions (geolocation) of another subscriber connected to him, from which area he is calling. In this case, more opportunities for analysis are created, because even when the SIM card of a particular phone is removed or replaced, the movement of the phone or the person using it can be controlled by the IMEI code on it.[22]

Search operations are also regulated by the legislation of the Republic of Kazakhstan[23] and the Kyrgyz Republic, so that they are carried out under the sanction of the prosecutor in Kazakhstan, and in Kyrgyzstan only by court order. [24]

By holding this event, it is possible to solve technically efficient and complex tasks, such as the detection of most serious and grave crimes, the identification of the wanted person or the exact location of the telephone. The accuracy of telephone billing depends primarily on the level of location of existing station antennas in a particular area. For example, in the city center, due to the large number of such antennas, the accuracy is about 10-15 meters, while in remote areas their accuracy can be up to 800 meters.

Section 7 of Article 16 of the Law of the Republic of Uzbekistan "On operational search activities" stipulates that and listening to conversations through other telecommunications devices, access to the information transmitted through them, if it is not possible to obtain real information in another way to protect the interests of the individual, society and the state from criminal encroachment, as an exceptional measure. However, this list does not include the search operation "Obtaining information about connections between subscribers or subscriber's devices." However, since this event is held in connection with the restriction of the constitutional rights of citizens, it is necessary to obtain a prosecutor's sanction to hold it. Therefore, it would be expedient to amend the seventh part of Article 16 of the Law on supplementing the above list of measures with this operational search operation.

In conclusion, it should be noted that the availability of these search operations at the disposal of operational units of law enforcement agencies, as well as the addition of new operational search operations and technical means to their list will further increase the effectiveness of combating serious and grave crimes.

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