

PROCEDURAL AND ORGANIZATIONAL MECHANISMS OF PRELIMINARY INVESTIGATION CONDUCTED BY AN INVESTIGATIVE GROUP IN CRIMINAL PROCEEDINGS

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Abstract

The development of modern criminal activities, including organized crime, corruption, economic crimes, cybercrime, and transnational criminal offenses, has significantly influenced the requirements imposed on preliminary investigations. The increasing complexity of criminal cases, the growing volume of evidence, the involvement of multiple participants, and the necessity of using specialized knowledge require new organizational and procedural approaches within criminal justice.

This article examines the legal and procedural foundations of conducting preliminary investigations by a group of investigators under the criminal procedural legislation of the Republic of Uzbekistan. Particular attention is paid to the provisions of Articles 354–358 of the Criminal Procedure Code of the Republic of Uzbekistan, which regulate the establishment of investigative groups, the procedural status of their members, the powers and responsibilities of the head of the investigative group, and the procedure for conducting investigative actions involving several investigators.

The study analyzes the investigative group as a special procedural institution designed to ensure the effectiveness, completeness, and objectivity of criminal investigations. The article also considers foreign approaches to investigative group organization, including the experience of Germany, France, the United States, Russia, and Kazakhstan. Based on comparative analysis, proposals are developed aimed at improving the legal and organizational mechanisms of investigative groups in Uzbekistan.

Keywords: preliminary investigation, investigative group, criminal procedure, procedural independence, head of investigative group, evidence, prosecutorial supervision, comparative legal analysis.

The transformation of modern criminality has created new challenges for criminal justice systems throughout the world. Crimes committed by organized criminal groups, corruption networks, financial structures, and through digital technologies are becoming increasingly complex. Unlike traditional criminal cases, such crimes usually involve multiple participants, numerous episodes of criminal activity, large amounts of documentary and electronic evidence, and require cooperation between different state institutions.

Under such circumstances, the effectiveness of preliminary investigation depends not only on the professional skills of an individual investigator but also on the proper organization of investigative activities. The necessity of distributing investigative tasks, coordinating procedural actions, and combining different areas of professional knowledge has contributed to the development of the institution of investigative groups.

An investigative group represents a special form of procedural organization in which several investigators perform investigative activities within a unified criminal proceeding and

pursue a common procedural objective. The purpose of such cooperation is not limited to reducing the workload of individual investigators. Its main function is to ensure systematic collection, verification, and evaluation of evidence, as well as to guarantee that investigative decisions are made in accordance with the principles of legality and objectivity.

In the theory of criminal procedure, the investigative group is considered one of the mechanisms that allows improving the effectiveness of preliminary investigation in complex criminal cases. The participation of several investigators makes it possible to divide responsibilities according to specific directions of investigation, including financial analysis, examination of electronic information, interrogation of participants, and conducting procedural actions in different locations.

The Criminal Procedure Code of the Republic of Uzbekistan recognizes the importance of this institution and establishes its legal foundations in Articles 354–358. These provisions create a procedural framework for assigning preliminary investigation to a group of investigators and determine the relationship between the group leader and other members.

According to Article 354 of the Criminal Procedure Code of the Republic of Uzbekistan, preliminary investigation may be assigned to a group of investigators when a criminal case requires significant efforts, is particularly complex, or has special public importance. This provision demonstrates that the creation of an investigative group is not an ordinary organizational measure but a procedural decision based on specific circumstances of a criminal case.

The criteria established by the law reflect the practical realities of modern criminal investigations. A case may require an investigative group when it involves a large number of suspects or victims, several episodes of criminal activity, significant financial damage, international elements, or the necessity of applying special scientific and technical knowledge.

At the same time, the concepts of complexity and high workload require further theoretical and practical clarification. In investigative practice, different approaches may exist regarding when a criminal case should be considered sufficiently complex to justify the creation of an investigative group. Therefore, developing methodological recommendations that define objective criteria for establishing investigative groups would contribute to more consistent application of the law.

The effectiveness of an investigative group largely depends on the correct organization of leadership. The head of the investigative group occupies a special procedural position because he or she is responsible not only for coordinating the activities of other investigators but also for ensuring legality and effectiveness of the entire investigation.

Article 355 of the Criminal Procedure Code establishes the powers of the head of the investigative group. These powers include accepting the criminal case for investigation, determining investigative directions, distributing tasks among members, coordinating procedural actions, ensuring implementation of prosecutorial instructions, and preparing final procedural decisions.

The legal status of the group leader demonstrates that this person is not merely an administrative coordinator. The head of the investigative group is an independent procedural participant who bears personal responsibility for the legality of investigative activities. Therefore, leadership within an investigative group should be understood as procedural coordination rather than administrative subordination.

This approach is important because each investigator participating in the group retains procedural independence. The existence of a group structure does not eliminate the obligation of each investigator to act according to law and personal legal conviction.

Article 356 of the Criminal Procedure Code regulates the activities of investigators who are members of the group. They are required to follow lawful instructions of the group leader and provide information regarding completed investigative actions. However, their participation in the group does not deprive them of independent procedural status.

The balance between unified leadership and procedural independence is one of the fundamental guarantees of legality. If investigators become completely dependent on the opinion of the group leader, there is a risk of reducing individual responsibility and weakening procedural guarantees. On the other hand, excessive independence without coordination may negatively affect the effectiveness of the investigation.

Therefore, the investigative group should combine two principles: collective organization and individual procedural responsibility. These principles allow achieving both efficiency and legality in criminal proceedings.

An important feature of investigative groups is the possibility of conducting certain investigative actions involving several investigators. Article 357 of the Criminal Procedure Code provides such an opportunity when the nature of the investigative action requires coordinated participation.

For example, simultaneous searches in different locations, investigation of large-scale financial operations, examination of extensive digital evidence, or questioning numerous participants may require the involvement of several investigators. In such situations, joint participation helps prevent destruction of evidence and ensures faster procedural responses.

However, participation of several investigators also creates the need for clear coordination. Without proper organization, duplication of investigative actions, difficulties in exchanging information, and uncertainty regarding responsibility may occur. Therefore, effective management remains one of the key conditions for successful investigative group activity.

The institution of investigative groups is not unique to Uzbekistan. Many foreign legal systems have developed similar mechanisms adapted to their own procedural traditions.

In Germany, investigative groups are widely used in cases involving organized crime, economic offenses, and cybercrime. The German model emphasizes specialization and cooperation between investigators, prosecutors, financial experts, and technical specialists. This approach demonstrates that modern investigations require not only legal knowledge but also multidisciplinary expertise.

France has developed a centralized model of investigative organization where complex criminal investigations are often conducted through specialized units operating under prosecutorial supervision. The main advantage of this model is early distribution of tasks and specialization of participants.

The United States applies the task force model, which involves cooperation between representatives of different law enforcement agencies. Such groups are created to investigate serious crimes, including terrorism, organized crime, and cyber offenses. Their effectiveness is based on combining institutional resources, information databases, and professional experience.

The experience of Russia and Kazakhstan is also relevant for Uzbekistan because of similarities in legal traditions. These countries recognize investigative groups as an independent procedural mechanism and emphasize the importance of balancing the powers of the group leader with the procedural independence of investigators.

Comparative analysis demonstrates that successful investigative groups generally share several common characteristics: clear legal regulation, specialization of participants, effective communication mechanisms, technological support, and defined responsibility of each member.

Taking into account international experience and national practice, several directions for improving the institution of investigative groups in Uzbekistan can be identified. First, it is necessary to clarify the legal criteria for establishing investigative groups. Concepts such as complexity, high workload, and special importance should be supplemented with practical indicators, including the number of participants, volume of evidence, geographical scope of investigation, and need for specialized knowledge.

Second, the development of specialized investigative groups should be encouraged. In particular, groups specializing in cybercrime, corruption, financial crimes, and transnational offenses would allow investigators to respond more effectively to modern criminal challenges.

Third, digital technologies should be introduced into the management of investigative groups. Electronic systems for information exchange, unified investigation planning, and monitoring of procedural activities can significantly improve coordination among group members.

Fourth, international cooperation mechanisms should be strengthened. The increasing number of transnational crimes requires cooperation between different states and the development of joint investigative mechanisms.

In conclusion, the investigative group institution represents an important component of modern criminal procedural law. It provides an effective organizational and procedural mechanism for investigating complex criminal cases and ensures more complete, objective, and lawful investigation.

The provisions of Articles 354–358 of the Criminal Procedure Code of the Republic of Uzbekistan create the necessary legal basis for the functioning of investigative groups. However, continuous improvement of this institution is required due to changes in criminal activity and the emergence of new forms of crime.

The future development of investigative groups should focus on improving legal regulation, strengthening specialization, introducing modern technologies, and expanding international cooperation. These measures will contribute to increasing the effectiveness of preliminary investigations and ensuring the protection of rights and legitimate interests of participants in criminal proceedings.

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