



THE ESSENCE AND IMPORTANCE OF CRIME PREVENTION MEASURES IN PRELIMINARY INVESTIGATIONS

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Abstract. This article analyzes the crime prevention activities of investigative bodies based on the views of experts in the field. It examines the concept, content, and essence of these activities, as well as the regulatory legal framework governing crime prevention by investigative bodies. Special attention is given to the issue of crime prevention conducted by investigative authorities. The conclusion highlights that establishing a new mechanism for crime prevention activities and effectively planning them plays a crucial role in the early prevention of crimes.

Keywords: crime prevention, causes and conditions, investigator, inquiry officer, prosecutor, submission, elements of a crime, criminal case, criminal proceedings, socio-psychological causes and conditions, objective and subjective causes, objective and subjective conditions, socio-psychological phenomena, antisocial views, subject of proof.

Large-scale, systemic, and fundamental reforms are being carried out in all spheres of public and state life in our country. These processes are organized on the basis of the principle "For Human Dignity," which defines human interests and dignity as a priority value, and are aimed at ensuring the constitutional rights and freedoms of citizens, preventing violations of the law, and strengthening legal guarantees.

To this end, a number of practical measures are being implemented in the spheres of public administration, the judicial and legal system, economic relations, social protection, education, and science. In particular, the "Development Strategy of the Republic of Uzbekistan" for 2022-2026 defined the long-term conceptual directions of national development and formed the political-legal, socio-economic, and spiritual-educational foundation of the reforms being carried out in the country.

Within the framework of the 16th goal of this strategy, ensuring public safety, timely identification of factors and conditions contributing to the commission of offenses, and the creation of an effective system for their elimination are defined as priority tasks. This requires the harmonization of state security policy with modern information technologies, methods of scientific analysis, and preventive measures.

Thus, the Development Strategy serves not only as an institutional basis for ensuring sustainable socio-economic growth in the country, but also for building a legal state and an active civil society. Its implementation will lay the foundation for raising the public security system to a new level, ensuring the rule of law, and strengthening guarantees for the legal protection of human interests[1].

Certainly, the effectiveness of crime prevention is directly related to the activities of investigative bodies aimed at timely identification and elimination of the causes of crimes and the conditions that contributed to their commission. In investigative practice, a comprehensive

analysis of the socio-economic, psychological, and legal factors of crime, their systematic study, and the drawing of scientifically based conclusions acquire important methodological significance in crime prevention.

This process, in turn, requires a deep study of the causes of crimes and the conditions that create the basis for them, and the improvement of preventive measures based on the obtained scientific results. Proper organization of activities aimed at preventing crimes is a necessary and indispensable condition for the effective fight against crime.

It should be noted that the work carried out in this direction in our republic is carried out by the bodies of pre-investigation verification, inquiry, and preliminary investigation, which operate systematically. These bodies, along with the detection of crimes, play an important role in eliminating the causes of their occurrence, analyzing the trends in the development of crime, and developing preventive mechanisms that serve to prevent the recurrence of crimes.

Currently, the state of crime development and the increasing complexity of its various forms require investigative bodies not only to identify and expose committed crimes, but also to implement systematic, targeted, and scientifically based measures aimed at their prevention. This creates the need to strengthen the preventive direction in investigative activities, the effective use of information and analytical technologies, scientific analysis of the factors leading to crime, and the development of specific strategies for their elimination.

Thus, the activities of investigative bodies in the fight against crime are aimed not only at applying punitive measures, but also at achieving effectiveness through the prevention of crimes, raising legal culture in society, and strengthening preventive mechanisms.

In the Republic of Uzbekistan, law enforcement agencies, as one of the most important links of the legal society and the state, strive to adapt to the constantly developing social relations, the procedure for conducting criminal cases established by criminal procedure legislation, to strengthen legality, to prevent crimes, to protect the interests of the individual, the state, and society, as well as to take measures to prevent the commission of crimes.

Nevertheless, the analysis of law enforcement practice is reflected in the existence of problems related to the organization of crime prevention by investigative bodies, cases of violation of the law by investigators, the annual increase in criminal cases, and the fact that they do not deviate from the old procedure in the investigation of criminal cases, as well as in the decrease in the level of professionalism in investigative actions. These and other phenomena put at the forefront the issues of improving the organization of crime prevention work by investigative bodies and increasing the scientific basis for organizing their activities in this area.

The solution of issues related to the improvement of crime prevention activities is one of the important areas of activity of investigative bodies.

It is known that the activities of investigative bodies in the prevention of crimes are connected with the initiation of criminal cases. Article 296 of the Criminal Procedure Code of the Republic of Uzbekistan establishes the "obligation to establish the causes of the crime and the conditions that contributed to its commission," according to which "in criminal proceedings, the investigator, inquiry officer, prosecutor, and court are obliged to establish the causes of the crime and the conditions that contributed to its commission." Article 297 of this Code defines "Submission of the investigator, inquiry officer, prosecutor on the elimination of the causes of the crime and the conditions that contributed to its commission," according to which "during the investigation of a criminal case, the investigator, inquiry officer, prosecutor, having

established the causes of the crime and the conditions that contributed to its commission, submits to the relevant state body, body of citizen self-government, public association, collective or official a submission on taking measures to eliminate these causes and conditions. A copy of the submission is attached to the case file."

Crime prevention activity of investigative bodies is understood as the identification of causes and conditions contributing to the commission of a crime and the adoption of measures to eliminate them by means regulated by the norms of criminal procedure law. In addition, this activity of investigative bodies is aimed at carrying out targeted work on the legal education of members of society, preventing and suppressing crimes.

One of the main goals of investigative bodies is to identify the causes and conditions contributing to the commission of a crime. The legal basis for organizing the work of investigative bodies on crime prevention in the Republic of Uzbekistan is the Criminal Procedure Code of the Republic of Uzbekistan and the resolutions of the Cabinet of Ministers.

Since one of the main tasks of investigative bodies in the Republic of Uzbekistan is the prevention of crimes committed, when assessing their activities, the number of crimes prevented by investigators, inquiry officers, and prosecutors at the preparatory stage is also taken into account.

Crime prevention from a criminal procedural perspective is limited by the scope and timeframe of proceedings in a specific criminal case, using methods strictly defined by law. According to Article 297 of the Criminal Procedure Code, "during the investigation of a criminal case, the investigator, inquiry officer, or prosecutor, having established the causes of the crime and the conditions that contributed to its commission, submits to the relevant state body, citizens' self-governance body, public association, community, or official a representation on taking measures to eliminate these causes and conditions. A copy of the submission must also be attached to the case file." There is a legislative gap here, as we are talking about the causes and circumstances of the crime under investigation. What should the investigator, inquiry officer, and prosecutor do if they establish the causes and conditions that led to the commission of a crime not being investigated? Therefore, if the investigator, inquiry officer, and prosecutor have identified such reasons and conditions, including them in the submission has no legal basis, as we can see that these reasons and conditions are not within the scope of the crime being investigated. This, in turn, becomes one of the factors contributing to the increase in crimes committed in our Republic.

Of course, such a situation in organizing this activity cannot be considered normal. It is necessary to supplement part 2 of Article 297 of the Criminal Procedure Code of the Republic of Uzbekistan, which should indicate the causes and conditions of crimes other than the criminal case under the investigator's jurisdiction.

The existing shortcomings in the crime prevention activities of investigative bodies are explained by the following factors:

Firstly, insufficient attention is paid to taking measures to prevent crimes, and officials do not take the necessary measures to identify and eliminate the circumstances that contributed to the commission of crimes;

secondly, the improper organization of crime prevention activities by the heads of investigative units;

thirdly, the failure of heads of enterprises, institutions, and organizations, as well as officials, to conscientiously fulfill the tasks established by criminal procedure law for the execution of submitted representations;

fourthly, the imperfection of the current Criminal Procedure Code's provisions on crime prevention;

fifthly, the legislator's failure to clearly define the methods and means by which crime prevention should be carried out in investigative activities.

In criminal procedure theory, numerous definitions are given regarding the concepts of crime prevention and the causes and conditions that contributed to it. Nevertheless, let us first dwell on the lexical meanings of the words "cause" and "condition." The word "cause" is used in the Uzbek language in a number of meanings, that is, another event that is a factor in the emergence, occurrence of some action, event, phenomenon; something that is the basis for some action or state; the main event that ensures the necessary emergence of another result after a change that has occurred during some time, and the word "condition" is interpreted as a certain situation in an objective state, a state, an opportunity that influences the occurrence of something. It turned out that these concepts are also inextricably linked according to their lexical meanings.

It should be noted that the causes that led to the commission of the crime, in turn, under certain conditions, lead to certain consequences. The interdependence of cause and effect, and their inherent connection with circumstances, allows for a deep scientific and theoretical analysis of crime.

Professor Z.S. Zaripov, in his scientific research, investigating the causes and conditions of crime, put forward the idea that "the causes of crime, as a socio-psychological reality, are a system of specific processes that cause crime and crimes, and the conditions of crime, in their own way, include conditions that accelerate the emergence of its causes"[3]. Indeed, the author clearly and distinctly states the close interconnection of cause and circumstance, which plays an important role in the emergence of crime, that not every circumstance itself leads to an independent crime and crime, and that no crime can occur without a cause when conditions exist.

V.D. Malkova, on the other hand, interpreted the causes and conditions of a crime in a peculiar way, that is, according to her, the cause of a crime is understood as an event or phenomenon that causes other phenomena that, under certain conditions, cause a consequence. The conditions of crime are various circumstances in social life that do not give rise to independent crimes, but rather contribute to their occurrence and facilitate their commission[4].

In the aforementioned statements, we can see the causes and conditions of crime in the interconnectedness of the concepts of "cause" and "condition." It is known that the causal connection of phenomena usually manifests itself in the fact that one phenomenon causes another.

In the course of research, it can be concluded that at the heart of any phenomenon lies a certain cause, which means that there are no events without a cause. The cause and effect that caused the consequence ensure the development of the phenomenon necessary for its occurrence in a certain way. It should be noted that the cause is always ahead of the consequence in terms of time. Certainly, the action of the cause and conditions that enabled the

crime at a certain time creates a criminal consequence. And the criminal consequence manifests itself in the form of socially harmful changes in the object protected by criminal law[5].

According to S.I. Danilova, the causes and conditions that contributed to the commission of a crime are a set of events of legal significance that objectively and inevitably lead to the commission of a crime[6]. In our opinion, this author's definition is appropriate from a criminal procedural point of view. Because the chain of causes that enabled the commission of a crime can be long or short. In this case, the causes of one crime may have matured and recurred over a long period of time before causing a criminal consequence under certain conditions, or they may be the causes that immediately enabled and caused the resulting criminal consequence. From this point of view, we can assess the criminal consequence as a consequence of the causal chain of previous events.

From a criminal procedural point of view, scientists and specialists in the field have defined the causes and grounds of the crime as data indicating the presence of signs of a crime[7]. In our opinion, this definition is fully developed from the point of view of criminal procedure law. Indeed, circumstances with signs of a crime lead to the initiation of a criminal case, and accordingly, its causes and conditions are studied.

In turn, S.V. Legostaev considers the crime prevention activities of investigative bodies as a criminal procedural function of a mandatory nature[8].

M.Yu. Grigoriev, considering the investigator's activity in crime prevention as one of the main directions of the state, notes that the investigator, having an independent procedural status in the sphere of criminal proceedings, occupies one of the main places in crime prevention, since his activity is directly related to socially dangerous situations.

Agreeing with the opinions of the above-mentioned scientists, it can be concluded that the content of the crime prevention activities of investigative bodies is the purposeful identification of specific crimes and the causes and conditions that contributed to them, as well as the upbringing of a person (persons), elimination of existing criminogenic influences.

There are also specific psychological aspects of the causes and conditions that allowed the commission of a crime, which are related to the individual, their will, and free will. It is known that events and processes occurring around a person influence them, and at the same time, they themselves can influence such events and processes. Of course, such a situation is based on a causal connection between both cases. It should be emphasized that all causes and conditions of offenses influence human psychology and consciousness, forming antisocial views and behavior, or nourish and strengthen them. Therefore, the causes and conditions of offenses always have a socio-psychological character.

According to R.Kh. Dushanov, to understand the inner world of a criminal, it is necessary to know their place in life, their attitude to the surrounding reality, people, society, the state, law, labor, etc. Because any criminal activity is largely inextricably linked to the specific individual psychological characteristics of the person who committed the crime. For an honest person who obeys the law and has a high level of self-control, there are no and cannot be "criminal" situations. The situation itself cannot give rise to a crime, it can only be suitable for the realization of certain views and goals of a person with an antisocial character[10].

The socio-psychological causes and conditions of offenses in society are caused by negative phenomena, events, and processes existing in all spheres of social life. In any society,

at all stages of its development, there are objective and subjective causes and conditions that give rise to socio-psychological causes and conditions, but at different levels.

The socio-psychological phenomena underlying the commission of a specific crime, namely antisocial views, habits, skills, intentions, and behavior, are called subjective causes and conditions. Phenomena, events, and processes that are external to the individual and influence their psychology, forming and strengthening antisocial views, habits, and behavior in them, are called objective causes and conditions.

The activities of investigative bodies in the prevention of crimes are carried out at the stage of pre-trial proceedings. The legal basis for the activities of investigative bodies on crime prevention is regulated by Articles 36, 37, 38, 381, 39, 391 and 297 of the Criminal Procedure Code, and the procedural form is expressed in the submission by investigative bodies to the heads of enterprises and institutions of a proposal to eliminate the causes and conditions contributing to the commission of crimes. Non-procedural forms of activity are established at the discretion of the heads of the investigative body independently or on the basis of orders and instructions of higher authorities. From the point of view of the goals of the activities of investigative bodies, the prevention of crimes in criminal cases is one of the main goals of investigative bodies. Achieving this goal requires the professionalism of investigative bodies. This activity is one of the components of the diversity of investigative activity.

To analyze the specifics of crime prevention activities of investigative bodies, it is advisable to consider its content in a broad and narrow sense. The broad activity of investigative bodies in the prevention of crimes includes all work to achieve the goals and objectives of criminal proceedings. Investigators contribute to the strengthening of legality, the prevention of crimes, and the observance and respect for the law by participants in criminal proceedings and other citizens. It should be noted that here the main attention of investigative bodies is focused on the detection and investigation of committed crimes, but at the same time, it is important to prevent the commission of crimes, prevent the emergence of legal nihilism and moral corruption in the individual (s), and eliminate the conditions that created the criminogenic situation.

In our view, it is necessary for investigative bodies not only to know the directions for determining the causes and conditions that led to the commission of crimes, but also to know which issues should be given special attention in the process of their identification. After all, the problem of causality has not only theoretical, but also practical significance, since it is impossible to conduct a rational fight against crime without studying the causes of crime and the conditions that made it possible.

For example, M.K. Urazaliev, who conducted research on the connection of alcoholism, prostitution, and drug addiction with crime, their criminological characteristics, and prevention, cites the following as the main causes of prostitution:

- 1) low spirituality;
- 2) high unemployment rate;
- 3) "conflict" in family matters;
- 4) defects in socialization of the individual and others[11].

It turns out that the content of crime prevention activities of investigative bodies includes the identification and elimination of criminogenic factors causally related to the investigated

crime, as well as the conduct of educational influence on persons involved in criminal procedural activity.

The task of prevention of crimes in the narrow sense of the word is the activity of investigative bodies related to the prevention of general, special, victimological, and individual crimes. The more fully and conscientiously the investigative bodies carry out this activity, the lower the expenditure of forces and resources on the detection and investigation of crimes, as well as the cases of criminal prosecution.

Moreover, the legislator has not developed a definition of the submission made by the investigator and inquiry officer within the framework of the criminal case to eliminate the cause of the crime and the conditions that contributed to it. In criminal procedure theory, this problem has been developed by many authors. Some consider the submission to be a procedural action of the investigator aimed at eliminating the causes and conditions that contributed to the commission of the crime.

Some consider the submission to be a special procedural action of the investigator regarding the above negative circumstances.

For another category of specialists, it is the investigator's final procedural document[12].

The scholar E.Kh. Narbutaev believes that "in criminal proceedings, the investigator does not conduct separate investigative actions in order to establish the causes and conditions that contributed to the commission of the crime; they are determined by themselves, in whole or in part, during the investigation, when proving the circumstances that served as the basis for the accusation and conviction of the person"[13]. However, according to T.R. Ochilov, "the investigator should not be limited to establishing the truth in each criminal case, but should also pay attention to what measures should be taken to prevent the recurrence of this unpleasant incident"[14]. In his opinion, the requirement of Article 297 of the Criminal Procedure Code is the subject of proof, and failure to comply with this requirement is considered incompleteness of the investigation. In addition, criminogenic factors include shortcomings encountered in the practice of operational-search and forensic examination, as well as shortcomings in preventive activities. In our opinion, these factors necessitate the conduct of separate procedural actions in criminal proceedings.

The definition of the concept of a submission is not reflected in the Criminal Procedure Code of the Republic of Uzbekistan. The current Criminal Procedure Code does not define the form and content of a submission aimed at eliminating the causes of crimes and the conditions that contributed to their commission.

In most cases, the investigator and inquiry officer reflect in their submissions the circumstances that led to the commission of the crime. At the same time, practitioners indicate circumstances related to the circumstances of the criminal act. Apparently, this situation is associated with difficulties in determining the subjective factors that led to the commission of the crime (anti-social views, attitudes, habits of the accused, etc.). However, this does not mean that it is impossible to identify these cases. On the contrary, without identifying and carefully studying them, it is impossible to comprehensively, fully, and objectively assess the collected evidence, especially cases of socially dangerous acts committed by minors, as well as persons with intellectual disabilities.

Evidence confirming the existence of a crime.

The need to refer to evidence confirming the existence of certain causes and conditions that led to the commission of a crime stems from the fact that the relevant official, on the basis of a submission, may decide to bring the person responsible for the indicated circumstances to administrative or disciplinary responsibility.

According to part 1 of Article 299 of the Criminal Procedure Code of the Republic of Uzbekistan, a state body, citizens' self-government body, public association, or official to whom a submission has been sent to eliminate the causes of the crime and the conditions that contributed to its commission is obliged to take the necessary measures and notify the investigator, inquiry officer, or prosecutor, respectively, of the results of the measures taken no later than one month. However, in our opinion, such a text is not entirely successful, since in practice, investigators often send representations by mail. In this regard, the recipient may not receive it for a long time, as a result of which they may be deprived of the opportunity to take the necessary measures against it within the time limits established by law. Therefore, we believe that the version of the above article is the most correct and obliges the relevant organization or official to consider and inform the investigator, inquiry officer about the measures taken no later than one month from the date of their submission.

Based on the foregoing, it is proposed to amend part 1 of Article 299 of the Criminal Procedure Code of the Republic of Uzbekistan. We consider it expedient to introduce a provision granting the investigator the right, in some cases, to establish, at their discretion, shorter deadlines for the execution of the submission in order to eliminate the above-mentioned circumstances as quickly as possible.

In conclusion, it should be noted that the activities of the investigator, inquiry officer, and prosecutor related to crime prevention are extremely important, and this process requires great attention from the person responsible for it. From this point of view, the activities of investigative bodies in the prevention of crimes are one of the important links of criminal proceedings, based on and regulated by criminal procedure law. The fact that Article 2 of the current criminal procedure legislation separately indicates the prevention of crimes among the tasks of criminal proceedings also confirms that the prevention of crimes by investigative bodies is one of the main tasks of law enforcement agencies. After all, the fact that our people have a saying that "preventing a disease is better than treating it" also shows the comprehensive necessity of preventing the commission of a crime, rather than exposing crimes and bringing the person (s) who committed them to justice.

References:

1. Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. UP-60 "On Approving the Development Strategy of New Uzbekistan for 2022-2026." National Database of Legislation, January 29, 2022, No. 06/22/60/0082, March 18, 2022,
2. Criminal Procedure Code of the Republic of Uzbekistan Article 2. // URL: <http://www.lex.uz>.
3. Criminology. Textbook. Zaripov Z.S., Pulatov Yu.S., Avanesov G.A. et al.; edited by Prof. Z.S. Zaripov. - T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2014. - P. 65.
4. Criminology: Textbook edited by Prof. Malkov V.D. - Moscow. 2014 - P. 44.

5. Responsible for the publication of the Legal Encyclopedia of Uzbekistan R.A. Muhitdinov et al. T.: Adolat, 2010. 170.
6. S.I. Danilova Establishment and elimination of the causes and conditions contributing to the commission of the crime, at the stage of preliminary investigation.
7. A.Kh. Rakhmonkulov, D.M. Mirazov, A.O. Sharafutdinov and others. Preliminary Investigation: Textbook for the Academy of the Ministry of Internal Affairs. T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2019. -P.301.
8. S.V. Legostayev Prevention of Crimes at the Preliminary Investigation Stage Russian Investigator. 2015. No. 21-P.34-36.
9. Grigoriev M.Yu. Preventive activity of an investigator - one of the most important elements of combating exceeding official powers, committed with the use of mental and physical violence, special means or weapons / Russian investigator. 2013. No. 23. P. 28-31.
10. Dushanov R.Kh. Psychology of the Criminal Personality. Study Guide. T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2011. -P. 15.
11. Urazaliyev M.K. Connection of alcoholism, prostitution and drug addiction with crime, their criminological features and improvement of prevention. - T., 2016.-P. 152.
12. Zvirbul V.K., Mikhailov A.I. Main directions and forms of the investigator's work on crime prevention // Problems of eradicating crime. - M., 2005. Pp. 123 - 134.
13. Criminal Procedure (General Part): E.Kh. Narbutayev. Academy of the Ministry of Internal Affairs, - T., 2013.-P 95.
14. T.R. Ochilov. Problems of proof in cases of road traffic accidents: abstract of the dissertation of the Doctor of Juridical Sciences. - T., 2003.