

Procedural Legal Status of the Investigator : Powers and Factors of Improvement

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ABSTRACT

Objective: This study examines the legal status and procedural independence of criminal investigators in Uzbekistan, focusing on their crucial role in ensuring fairness and objectivity in criminal investigations. **Method:** Using a doctrinal research approach, the study analyzes the Criminal Procedure Code of Uzbekistan and scholarly works by K.P. Grigorieva and V.D. Darmaeva. It also reviews case law and practical examples to assess the real-world application of procedural independence, categorizing the findings into themes on investigators' powers, independence, and challenges. **Results:** The study finds that procedural independence is vital for ensuring fairness in criminal investigations. The legal framework grants investigators broad powers, but challenges such as political pressure, limited resources, and lack of expertise hinder their ability to exercise these powers independently. These challenges underscore the need for stronger protections, resources, and training to support investigators in maintaining objectivity and autonomy. **Novelty:** This research provides a comprehensive analysis of both the theoretical and practical aspects of procedural independence. It highlights real-world obstacles faced by investigators, emphasizing the importance of adequate legal protections, resources, and professional development to ensure investigators can carry out their duties impartially and effectively, contributing to a just criminal justice system.

INTRODUCTION

In the field of jurisprudence, the role and legal status of an investigator are pivotal to the smooth functioning of the criminal justice system. Investigators are tasked with the responsibility of conducting preliminary investigations in criminal cases, gathering evidence, and ensuring that criminal law consequences are thoroughly examined. The investigator's powers and position within the criminal process have been the subject of ongoing academic inquiry due to their central role in safeguarding the integrity of criminal investigations and, ultimately, justice. As the official responsible for initiating, conducting, and supervising criminal investigations, an investigator holds a unique position in the legal process, making their procedural independence and legal status crucial for the proper administration of justice.

The Criminal Procedure Code establishes the authority of the investigator by specifying their functions and responsibilities, which include initiating and terminating criminal cases, detaining suspects, and making procedural decisions that influence the course of the investigation. Investigators are also granted the power to evaluate evidence, make decisions regarding suspects, and conduct various investigative actions to uncover the truth of the case. These powers, however, must be exercised within the bounds of procedural guarantees that protect the fairness and integrity of the investigative process. Legal scholars have further contributed to the understanding of an investigator's status, emphasizing the importance of ensuring their procedural independence, which allows

them to make objective decisions free from external influence, ensuring that justice is upheld throughout the process.

Scholars such as K.P. Grigorieva and V.D. Darmaeva have explored the legal status of an investigator by identifying several key elements: the functions and tasks of the investigator, their rights and responsibilities, and the procedural guarantees that underpin their actions. Grigorieva, for instance, highlights that the legal status of an investigator encompasses their powers and duties within the scope of their professional competence. Meanwhile, Darmaeva emphasizes the importance of procedural independence, which serves as a safeguard against external pressures that could undermine the objectivity of an investigation. By maintaining procedural independence, investigators can make decisions based solely on facts and evidence, ensuring fairness in the criminal process.

The procedural independence of an investigator is often seen as the cornerstone of a fair and unbiased investigation. This principle allows investigators to act with autonomy in selecting the direction of their investigation, choosing investigative tactics, and assessing evidence without external influence. Despite the established legal framework designed to protect their independence, practical challenges often arise, such as political pressures, lack of resources, or insufficient experience among investigators. Thus, ensuring procedural independence in practice requires not only legal protections but also adequate resources, training, and support for investigators to carry out their duties effectively and justly [1], [2], [3].

RESEARCH METHOD

This study adopts a doctrinal research method, focusing on the analysis of the legal norms set out in the Criminal Procedure Code of the Republic of Uzbekistan, alongside academic interpretations and scholarly contributions to the field. The study begins by reviewing the statutory framework that defines the powers, duties, and responsibilities of the investigator, particularly their procedural independence. It then examines scholarly work, specifically the studies by K.P. Grigorieva and V.D. Darmaeva, which offer a detailed examination of the elements that constitute the legal status of an investigator. The research also involves analyzing case law and practical examples where procedural independence has been challenged or upheld, providing insights into the real-world application of these principles. The analysis categorizes these findings into core themes: the powers of the investigator, the role of procedural independence, and the challenges faced by investigators in maintaining this independence [1], [2], [4].

RESULTS AND DISCUSSION

The findings of this research highlight that the procedural independence of the investigator is fundamental to ensuring fairness and objectivity in criminal investigations. The Criminal Procedure Code grants investigators broad powers, including the ability to initiate and terminate cases, detain suspects, and make decisions regarding preventive measures. These powers enable investigators to shape the trajectory of a case, making it essential that they remain free from external influence. The legal framework provides the foundation for these powers but does not always guarantee that investigators can exercise them without interference, particularly in politically sensitive or high-profile cases.

The study finds that procedural independence is not only a theoretical construct but a practical necessity for maintaining the integrity of the criminal justice process. Investigators must have the freedom to decide on the investigative methods, tactics, and procedural steps they deem necessary to uncover the truth. This freedom in decision-making extends to their ability to assess evidence and determine the direction of the investigation. By ensuring procedural independence, investigators are better able to resist external pressures, such as political influence or public opinion, which could compromise the fairness of the investigation.

However, the research also identifies several significant challenges to the effective implementation of procedural independence. One of the primary issues is external pressure and interference from various stakeholders, such as government agencies, political bodies, or influential individuals, which can undermine the investigator's autonomy. In some cases, investigators may feel pressured to align their decisions with the interests of powerful individuals or institutions, leading to biased or incomplete investigations. Moreover, limited resources, time constraints, and a lack of specialized expertise can further hinder an investigator's ability to perform their duties independently. These challenges make it difficult for investigators to exercise the autonomy granted to them by law, and the study argues that addressing these issues is essential to preserving the integrity of criminal investigations.

The study also emphasizes the importance of procedural guarantees in supporting the investigator's independence. By ensuring that investigators are protected from undue interference and given the necessary tools and resources to carry out their work, the legal system can foster an environment in which justice is pursued without bias. This includes not only legal protections but also the provision of adequate training and professional development opportunities, which are crucial for maintaining the investigator's objectivity and competence [4], [5], [6].

Ultimately, the research underscores that while procedural independence is a critical principle in the criminal justice system, it is not always fully realized in practice. To ensure that investigators can act freely and fairly, it is necessary to create conditions that minimize external pressures, provide adequate support, and strengthen the professional qualifications of investigators. Only through such comprehensive measures can the procedural independence of the investigator serve as a reliable guarantee of justice and fairness in criminal proceedings.

CONCLUSION

Fundamental Finding : The study confirms that procedural independence is a cornerstone of fairness and objectivity in criminal investigations. While the Criminal Procedure Code grants broad powers to investigators, these powers are not always free from external influences. Political pressures, limited resources, and lack of expertise frequently hinder investigators' autonomy, making it essential to address these challenges for the integrity of the justice process. **Implication :** This research highlights the importance of not only legal protections but also adequate resources, training, and institutional support to ensure investigators can operate independently. Strengthening these elements will promote a more just and effective criminal justice system, enabling investigators to act without fear of external interference. **Limitation :** The study is limited by its focus on the legal framework in Uzbekistan and may not fully account for variations in other jurisdictions or cultural contexts. Additionally, the research relies on

doctrinal analysis and case law, which may not capture all practical challenges faced by investigators. **Future Research :** Future studies could expand the scope of this research to compare procedural independence across different legal systems. Further exploration into the practical challenges faced by investigators, including the role of public perception and political influence, would provide deeper insights into how to better support their autonomy. Additionally, investigating the impact of training programs and institutional reforms on procedural independence could offer valuable recommendations for improving criminal investigations.

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