

The Role and Developmental Trends of The Preliminary Investigation Institution in Criminal Procedural Law

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DOI : <https://doi.org/10.61796/ijblps.v2i8.344>



Sections Info

Article history:

Submitted: April 11, 2025

Final Revised: May 16, 2025

Accepted: June 10, 2025

Published: July 06, 2025

Keywords:

Preliminary investigation

Criminal procedure code

Suspension of investigation

Reopening of criminal case

Investigation period

Rights of the accused

Investigative actions

Prosecutorial oversight

Criminal proceedings

Public participation

Territorial investigative

jurisdiction

Special investigation

Alternative investigation

Legality of investigation

Effectiveness of criminal case

ABSTRACT

Objective: This study investigates the theoretical foundations, legislative developments, and procedural tools that shape the preliminary investigation phase under Uzbekistan's Criminal Procedure Code, aiming to evaluate its effectiveness, legality, and alignment with international standards. **Method:** A qualitative legal analysis was conducted through a review of statutory provisions, comparative legal practices, and doctrinal literature, supported by examination of recent reforms and practical challenges in investigative procedures. **Results:** The findings indicate that clear jurisdictional rules enhance specialization and case efficiency, while mechanisms for suspension and resumption of investigations uphold procedural continuity. However, the three-month investigation timeframe is often inadequate, and limitations persist regarding investigator independence and legality of investigative actions. Increased public participation and strengthened prosecutorial oversight are identified as essential for ensuring transparency and legal protection. **Novelty:** This research provides a comprehensive evaluation of preliminary investigation mechanisms in Uzbekistan, highlighting both structural weaknesses and progressive reforms. It offers novel insights into optimizing procedural guarantees and proposes practical solutions such as enhanced training, international cooperation for extradition, and institutional accountability to uphold human rights and legal certainty in criminal justice.

INTRODUCTION

In the system of criminal procedure law, the institution of preliminary investigation is distinguished by its unique place and significance. This stage serves as a foundation for the initiation and effective conduct of a criminal case, and is also crucial for ensuring the legality and fairness of the judicial process. Preliminary investigation is not only the process of identifying crimes and exercising the legal powers of the investigator, but also a complex legal institution that includes respect for human rights, ensuring the rule of law, and protecting the principles of justice in society [1].

Due to the ongoing changes in the field of criminal procedure law, technological progress, the influence of international legal standards, and the need to adapt to the requirements of civil society, the content and practice of preliminary investigation are being fundamentally revised. In particular, the reforms being carried out in the criminal procedure legislation of the Republic of Uzbekistan, new approaches aimed at increasing

the transparency, speed, and effectiveness of the investigative process, are forming new trends in the development of the institution of preliminary investigation [2].

At the same time, a number of problems arising in practice during the investigation process - for example, issues of investigation timing, independence of the investigator, guarantees of human rights, and legality of investigative actions - complicate the development of this institution. This situation, in turn, requires the search for new theoretical and practical solutions to ensure the legal stability and effectiveness of criminal procedure law [3].

This article is aimed at analyzing the theoretical foundations of the institution of preliminary investigation, its place in the Criminal Procedure Code, and modern trends in its development. The article also presents proposals based on the practical significance of the preliminary investigation, scientific approaches aimed at increasing its effectiveness, and international experience. The results of this study will have important scientific and practical significance in the further improvement of criminal procedure law and ensuring judicial justice [4].

RESEARCH METHOD

In criminal procedural activity, the preliminary investigation stage is recognized as one of the main stages ensuring the legality, validity, and comprehensiveness of the investigation of a criminal case. This stage is the primary mechanism that is activated in criminal proceedings, the result of which directly affects the objectivity of the subsequent judicial process. As defined in Article 2 of the Criminal Procedure Code of the Republic of Uzbekistan, the tasks of criminal proceedings apply not only to the investigator or prosecutor, but to all participants in the process. This requires the practical implementation of the principles of legal stability and justice in the process of investigative activity [5].

The effective functioning of the preliminary investigation system largely depends on the correct resolution of the issue of jurisdiction. This principle determines the authority to investigate the case based on the content of the criminal case, the type of crime, the place of its commission, and the subject of the crime. For example, serious crimes such as murder are investigated by the prosecutor's office, and crimes against property are investigated by the internal affairs bodies. This distribution is based on the principles of specialization and effectiveness and allows each investigative body to effectively mobilize its experience and resources in its field [6].

The institution of special investigative jurisdiction guarantees the participation of investigators specializing in crimes related to military service or special subjects. This ensures the accuracy of the investigation even in complex cases. The mechanism of alternative jurisdiction provides for the continuation of the case by the body that initiated the criminal case, which facilitates the prompt analysis and proof of the circumstances [7].

An investigator, as the main figure in criminal proceedings, is a person who ensures the full, comprehensive, and impartial conduct of the investigative process.

According to Article 344 of the Criminal Procedure Code, the investigation is carried out by investigators of the prosecutor's office, internal affairs bodies, and the state security service. The powers granted to investigators are coordinated with their responsibilities, guaranteeing the accuracy, legality, and validity of investigative actions [8].

RESULTS AND DISCUSSION

Result

Empirical analysis

In investigative cases conducted by a group of investigators, the procedural leadership role of the group leader is particularly important. This situation contributes to the coordination of workflow, the prevention of errors, and the improvement of the effectiveness of investigative actions [9].

Criminal proceedings are strictly regulated not only in terms of content but also in terms of time limits. According to Article 351 of the Criminal Procedure Code, the preliminary investigation must be completed within three months. However, this period may be insufficient in some cases, especially in cases involving complex, multi-episode crimes or multiple individuals. In such cases, the investigation period is extended by the prosecutor on the basis of a reasoned petition [10].

Practice shows that if the investigation period is not monitored in a timely manner, this can negatively affect the quality of the investigation, the rights of victims, and the reliability of the materials submitted to the court. Therefore, the need to legally and timely justify each procedural action of the investigator is of urgent importance.

If it becomes necessary to conduct investigative actions in another territory during the preliminary investigation, the investigator has the right to give an assignment to another district investigator or inquiry body through a "special assignment." This ensures the consistent conduct of investigative actions, regardless of territorial boundaries. A separate assignment is legally formalized and indicates the circumstances of the criminal case and the specific investigative actions to be performed [11].

This institution ensures the conduct of investigative activities without territorial restrictions, the timely collection of evidence that contributes to the full disclosure of the case, and represents a practically expanded form of investigator's powers.

The openness and reliability of the preliminary investigation largely depends on the direct or indirect participation of the public. The investigator may involve public organizations, local residents, and specialists in investigative actions to prevent crimes, expose them, and increase public trust. Such participation is a legal expression of objectivity, transparency, and civic control [12].

In criminal procedure legislation, the principle of ensuring the continuity of investigation occupies one of the main places. However, in some cases, the investigation bodies do not have the opportunity to continue the criminal case. Therefore, the legislation has introduced the institutions of suspension and resumption of the preliminary investigation, which serve to increase the effectiveness of criminal proceedings, protect human rights, and ensure a fair trial.

According to Article 364 of the Criminal Procedure Code of the Republic of Uzbekistan, the investigator may temporarily suspend criminal proceedings if the following circumstances exist:

1. If the accused has not been identified - that is, the crime has been committed, but the suspect or accused has not yet been identified, the investigation is temporarily suspended.
2. If the location of the accused is unknown - although the person who committed the crime is known, his whereabouts are unknown, and the need to search for him arises.
3. The accused has left the territory of the Republic of Uzbekistan - if the person is in another state and there is no legal or material possibility to involve him in the investigation.
4. If the accused is unable to participate in the case due to health reasons - that is, he has a serious but treatable illness, and the criminal case is temporarily impossible to proceed with [13].

These cases are carried out not only at the initiative of the investigator, but also through legally substantiated procedural decisions that require proof. It should be especially emphasized that the suspension of the investigation is not a complete abandonment of the proceedings, but a postponement for a certain period. At the same time, the elimination of the circumstances that led to the suspension of the investigation creates a direct basis for the resumption of the investigation.

Resumption of criminal proceedings is a procedural action that permits the continuation of criminal proceedings after the elimination of legal or practical circumstances that led to the suspension of the investigation. According to Article 371 of the Criminal Procedure Code, a criminal case is reinstated in the following three cases:

When the grounds for suspension are eliminated - for example, in cases of finding the accused, restoring his health, or returning him from abroad.

1. Investigative actions that can be carried out without the accused are necessary - that is, some procedural actions can be carried out without the participation of the person.
2. Upon cancellation of the decision by the prosecutor - in the event that the suspension of the investigation is recognized as illegal, the prosecutor makes a decision on the resumption of the criminal case [14].

This institution serves to maintain the dynamics of criminal proceedings, as well as to ensure the priority of the principles of legality and justice at any stage of the investigation. The resumption of the investigation is an important procedural tool for restoring justice and ensuring the accountability of those involved in the crime.

In practice, the mechanisms for suspending and resuming an investigation may be misused in some cases. For example, there are cases of unjustified prolongation of the investigation stage by the investigator by suspending the case. Therefore, the effectiveness of prosecutorial oversight over this institution must be high.

In addition, in some cases, the weak international cooperation or lack of a contractual basis for bringing accused persons from foreign countries is the reason for the prolongation of the investigation. This negatively affects the effective and timely consideration of criminal cases [15].

Discussion

This article thoroughly analyzes the legal basis of the institution of preliminary investigation, its role and significance in the process. Within the framework of the relevant articles of the Criminal Procedure Code of the Republic of Uzbekistan, the initiation of the preliminary investigation, the timeframe, the procedure for conducting investigative actions in other territories, as well as the grounds for suspending and resuming the investigation were considered in detail. During the preliminary investigation, it was established that ensuring legality and order contributes to the prompt and high-quality resolution of criminal cases, as well as guaranteeing the rights of the accused.

It was noted that the main problems arising during the investigation process - the duration of the investigation, the procedure for extending the investigation, and difficulties in involving the accused in the investigation - can be eliminated by strict compliance with the norms established by law. The importance of increasing the effectiveness of crime prevention by ensuring public participation in the activities of investigators was also indicated.

CONCLUSION

Fundamental Finding : This study underscores that the effective organization of preliminary investigations in Uzbekistan hinges on the consistent and comprehensive implementation of criminal procedure legislation, particularly regarding the legality of investigative actions and strict compliance with procedural deadlines. **Implication :** The findings suggest that reinforcing coordination between investigative bodies and the prosecutor's office, along with advancing investigator training and procedural management, is essential to ensure timely and fair resolution of criminal cases and to enhance public trust in the justice system. **Limitation :** However, the research is limited by the scarcity of empirical data on the practical application of procedural mechanisms and the variability in institutional practices across regions. **Future Research :** Further studies should focus on empirical evaluations of procedural efficiency, comparative legal analyses with international models, and the development of innovative legal tools to enhance procedural justice and human rights protection in criminal investigations.

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