



## COOPERATION ISSUES IN THE INVESTIGATION AND DETECTION OF FRAUD

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<b>Article history:</b>		<b>Abstract:</b>
<b>Received:</b>	20 <sup>th</sup> May 2024	This article discusses the issues of interaction between investigative bodies and bodies engaged in operational investigative activities, the tasks of inquiry, investigative, operational units and internal affairs bodies, procedural independence of investigators and bodies of inquiry, non-interference in procedural activities during the investigation and disclosure of fraud crimes.
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The people's need and interest in private property and the type of fraud is increasing at the same time. Cooperation of investigative bodies and bodies carrying out rapid search activities plays an important role in solving these crimes quickly and fully.

Investigators and investigative bodies are given the necessary procedural powers to ensure the effectiveness of the actions of each of these entities. Investigators of internal affairs bodies conduct preliminary investigations of fraud-related crimes. In addition, investigative actions are carried out by the investigative body on the signs of the crime of fraud provided for in the first part of Part 168 of the Criminal Code.

Although the investigation of fraud is entrusted to the investigators of the internal affairs bodies in accordance with the criminal-procedural legislation, it is the task of the operative units and the internal affairs bodies to take measures to expose it and search for the criminals.

According to his procedural position, the investigator has no right to conduct search operations and participate in them. In addition, the investigator does not have the appropriate special training. However, these circumstances do not limit the right of the investigator to independently carry out necessary search actions of a special nature aimed at searching for persons and things unknown and known to the investigation.

The legal bases of mutual relations will be the Constitution of the Republic of Uzbekistan, the Code of Criminal Procedure, the Code of Administrative Responsibility, the Law "On Rapid Investigation Activities", departmental regulatory documents of the General Prosecutor's Office, other statutes regulating relations within the scope of rapid investigation and criminal procedural activities.

Organizational bases of cooperation in the fight against crime are developed by theory (criminology,

ORD) and practice and are determined by the above-mentioned departmental normative documents.

### **The most common organizational measures:**

- Assigning assistance to the investigator, the investigator during the investigation or investigation or during a separate investigative action or a series of investigative actions, as well as the implementation of operational search and other activities;
- Formation of operational investigative groups for different purposes and composition;
- Coordinated planning and carrying out of procedural actions, rapid-search, organizational and other activities in the investigation and consideration of applications (reports) about crimes, as well as their disclosure and investigation;
- Joint organization of timely search for criminals using crime scene inspection data and other information;
- Mutual notification of the participants in the joint discussion of the information collected by them on the case, promotion of versions, determination of the most effective methods of checking them by means of procedural and operational search.

The results of rapid-search activities are not evidence, and the information obtained by rapid means can have evidentiary value if they are checked and evaluated during investigative activities, therefore, the main organizational form of cooperation is the rapid-investigative team.

### **The main tasks of interaction:**

- Providing rapid investigative actions and rapid search activities in the process of exposing and investigating crimes;
- Comprehensive and impartial investigation of crimes, timely exposure and prosecution of the



persons who committed them, as well as taking measures to search for hidden criminals;

- Regardless of the form of ownership, implementation of measures aimed at compensating citizens and organizations for material damage caused by the criminal actions of the perpetrators.
- Properly organized cooperation between investigators and operatives in the detection and investigation of fraud allows:
- Optimal use of the opportunities of interaction subjects (investigators and operatives) who differ in terms of their powers;
- Combining public (procedural and non-procedural) methods of detection, disclosure, investigation, prevention and prevention;
- Prevention of crimes using covert (quick search) means and methods; to prevent, stop and expose crimes, simultaneously solve the problems related to the search for the persons who committed them and immediately apply coercive measures against them provided for by the criminal law;
- Identify and eliminate the causes and conditions that facilitate the execution of fraud attacks.

**Scientific analysis of legal and special literary sources made it possible to expand their list with the following components:**

- ✓ clear understanding of the interaction of its goals and tasks by the participants;
- ✓ procedural independence of investigators and investigative bodies, not to interfere in their procedural activities, to put an end to illegal influence on them;
- ✓ compliance with the requirements of legality by the participants of mutual cooperation and its organizers and managers;
- ✓ clear division of powers between investigators and operative units;
- ✓ comprehensive use of powers and tools at the disposal of investigators and operative units in detecting, investigating, preventing and stopping crimes;
- ✓ non-disclosure by participants of mutual cooperation of procedural, rapid-search, information and other activities used in the process of mutual cooperation;
- ✓ planning and implementation of other actions of the participants of mutual cooperation, which are stipulated by the organizational and legal documents and are determined by the tasks of the criminal case;
- ✓ continuous exchange of information between related participants, organizers and leaders;

- ✓ procedural control of interaction and procedural management of cooperation during the preliminary investigation;
- ✓ departmental control of mutual cooperation and its departmental management;
- ✓ personal responsibility of investigators and heads of operational units for the conduct and results of investigative activities and operational search activities;
- ✓ continuity of mutual cooperation in organizational activity, investigation and disclosure of crimes until the decision on the criminal case is made;
- ✓ prosecutor's control over the implementation of laws by its participants and leaders in the process of mutual relations.

Separation of the powers of the investigator and the operational officer means that each of them acts within the limits of the powers established by the law and departmental regulatory documents. The investigator does not have the right to participate in the search activity. In the case under consideration by the investigator, the operational officer may not carry out investigative actions that are within the exclusive authority of the investigator, such as actions such as filing an indictment and questioning the accused.

Comprehensive use of powers and tools at the disposal of investigators and operatives, firstly, shows that cooperation is carried out in all forms, taking into account specific situations; secondly, investigative actions and investigative activities are the only process of determining the truth in the case.

With a comprehensive approach to the use of forces and tools in the process of interaction, the efforts of detectives and operatives to solve crimes are aimed at complementing each other. Based on the information obtained as a result of the conducted rapid search activities, the investigator initiates a criminal case.

**The main task of organizing mutual cooperation is related to management entities - the head of the internal affairs body, the investigative department (department), the criminalist, who are obliged to:**

- a) Timely and active identification of signs of fraudulent attacks, creation of conditions for prevention, detection and investigation of these crimes;
- b) Ensuring the readiness of internal affairs bodies to expose fraudulent crimes;
- c) To ensure the organization of activities of fraud detection and investigation units, operatives, investigators and other services within one day after receiving information about their occurrence;
- g) To ensure organization of detection and investigation of fraud crimes in the next three days of the initial stage of the criminal case.



Special attention should be paid to the rapid training of emergency personnel and investigators to initiate immediate and effective actions after receiving a fraud report (application).

It is possible to ensure efficiency by developing model plans (algorithms) of preliminary organizational, rapid-search and procedural measures to fight against fraud, conducting joint training of employees and investigators as part of professional training, detection, prevention, elimination.

At the same time, it is necessary to ensure the use of quick-search and procedural opportunities to identify, detain, and place in temporary detention centers the persons suspected of committing fraud, as well as to take a number of organizational measures to obtain quick information.

The organization of cooperation between the investigator and the operational officer in the implementation of the materials obtained by means of rapid means is closely related to the issue of using the results of the rapid search activity.

In accordance with Article 19 of the Law of the Republic of Uzbekistan "On Rapid Search Activity", the results of the rapid search activity are used only for the performance of the tasks assigned to the bodies performing the rapid search activity.

The materials of the rapid investigation activities are the basis for the initiation of a criminal case, to be presented to the investigation and investigative bodies conducting the criminal case, to the prosecutor for the preparation of investigative actions and to conduct them, as well as to use these materials in evidence in criminal cases in accordance with the norms of the Code of Criminal Procedure of the Republic of Uzbekistan can be used.

The results of rapid search activities conducted in accordance with the provisions of this article may be recognized as evidence after being checked and evaluated in accordance with the Code of Criminal Procedure of the Republic of Uzbekistan.

Solving and using the materials at the disposal of the investigative body is an important activity of the investigator.

The main purpose of documenting the criminal activities of fraudsters is to ensure the process of proof after the criminal case is initiated.

If the facts of the fraudsters' criminal activities are sufficiently documented, the materials obtained by the investigative bodies should be sent.

It is understood that rapid search and investigative actions are carried out in accordance with a previously developed plan, which provides the possibility of using information from rapid development materials in the investigation process to expose the persons guilty of committing a crime.

In this case, it can be concluded that the concept of mutual cooperation of the operative and the investigator, the mutual cooperation of the investigator and the investigating body is a cooperation based on law and law.

In accordance with the facts related to the timely and effective prevention of crime based on the essence of crime, effective use of joint actions from a partnership, creation of necessary conditions for effective verification, ensuring the prevention of the accumulation of material damage, in the context of criminal activities produced by legal documents, damage caused as a result of criminal activities, as well as identification and prevention of hidden criminals.

**Mutual cooperation between the investigator and the investigative body allows:**

- Making a legal and justified decision to initiate a criminal case;
- Creating the necessary conditions for the use of factual information obtained in the course of the implementation of operational search activities for the purpose of collecting evidence and conducting appropriate investigative actions to expose criminals;
- Stop attempts by criminals and their accomplices to destroy or conceal evidence in preparation for a crime, or otherwise interfere with the activities of internal affairs bodies;
- Taking measures to prevent guilty persons from evading investigation;
- Ensuring compensation of material damage caused as a result of criminal actions of fraudsters;
- Find and catch the wanted criminal.

Thus, the organization of mutual cooperation in the implementation of the materials obtained in the course of conducting rapid-search activities is essentially expressed in the preparation of these materials for handing over to the investigator by the investigating body and the creation of a joint work plan.

In the investigation of a criminal case, the information obtained as a result of investigative activities is used in two main directions: in the preparation and implementation of investigative actions after the appropriate procedural formalization, and in the process of proving a crime.

It follows that the mutual cooperation of the investigator and the inquiry body, according to its content, allows not only to identify the persons and facts of the crime, to take preventive measures to prevent and put an end to the crime, but also to draw up documents and quickly implement them.

Thus, the successful implementation of the considered element of interaction between investigative bodies and preliminary investigation bodies is achieved using procedural and quick-search tools and methods at the next stages of the investigation of fraud crimes.



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From an organizational point of view, the implementation of the principle of inevitability of responsibility for an act depends equally on the professionalism and integrity of operatives, investigators, prosecutors and judges. Therefore, all participants are responsible for the detection, proof and prevention of the crime.