



STUDY OF THE EXPERIENCE OF FOREIGN COUNTRIES IN THE ACTIVITIES OF INVESTIGATIVE BODIES

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Article history:	Abstract:
Received: 14 th May 2025 Accepted: 10 th June 2025	The author analyzes the experience of investigative structures in the system of the Prosecutor's Office of the Republic of Uzbekistan in foreign countries, Germany, Japan, the USA and Great Britain, and makes proposals for applying the experience of investigative bodies in these countries to our investigative bodies in his article.
Keywords: UN Havana Principles on Prosecutor's Offices, 1990, German Prosecutor's Office, German Criminal Procedure Code, Japanese Criminal Procedure Code, Criminal Justice Act, Ministry of Justice, prosecutor's office, investigation.	

An analysis of international and foreign experience is of great importance in studying the issue of legal regulation of the activities of investigative structures in the system of prosecutor's offices. The UN Havana Principles on the Prosecution Service (1990) [1] define the role of prosecutors in criminal justice, including their role in the investigation process. According to this document, "prosecutors shall perform such important functions as investigating crimes, supervising the legality of investigations, supervising the execution of court decisions and performing other functions that protect the interests of society."

As a result of an analysis of the experience of foreign countries, various models of legal regulation of the activities of investigative structures in the system of prosecutorial bodies have been identified. For example, in the Federal Republic of Germany, prosecutorial bodies manage and supervise the investigation process. According to Article 160 of the German Code of Criminal Procedure[2], "the prosecutor shall immediately upon receipt of information about a crime be obliged to carry out investigative actions in order to establish all the circumstances of the case." In this case, the police shall carry out investigative actions based on the prosecutor's instructions.

In Germany, the public prosecutor's office (Staatsanwaltschaft) is the central entity in the preliminary investigation of criminal cases. According to Article 160 of the German Code of Criminal Procedure (Strafprozessordnung)[2], the public prosecutor directs and supervises the preliminary investigation of a criminal case.

In the German model, the public prosecutor not only carries out the prosecution of a crime, but also supervises all actions during the preliminary investigation. The public prosecutor gives instructions to the police authorities on the conduct of investigative actions and the police submit the results of the

investigative actions to the public prosecutor. According to Article 161 of the German CCP[2], the public prosecutor may conduct the investigation either through the police or personally.

In Germany, there is an investigating judge (Ermittlungsrichter), but he does not conduct a full investigation as in France. The investigating judge is mainly responsible for sanctioning investigative actions that restrict human rights, such as approving searches, wiretapping, and arrests.

In Germany, the prosecutor's office is subordinate to the Ministry of Justice, but makes independent decisions during the investigation process. An important principle of the prosecutor's office is the principle of legality (Legalitätsprinzip), according to which the prosecutor must initiate criminal proceedings if there is sufficient evidence.

In the United States, the prosecutor's office is organized at the federal and state levels. At the federal level, the U.S. Attorney General also serves as the Secretary of Justice and heads the U.S. Department of Justice. A U.S. Attorney is appointed in each judicial district.

In the United States, unlike in continental European countries, prosecutors do not directly conduct investigations. Criminal investigations are mainly carried out by agencies such as the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Prosecutors are responsible for evaluating the evidence in a criminal case, preparing indictments, and supporting the state's case in court.

In the United States, prosecutors are empowered by law to provide legal guidance to investigative agencies. For example, they provide legal advice to investigators when obtaining a search warrant. Prosecutors also play an important role in Grand Jury proceedings,



which are a key element of the criminal investigation and prosecution mechanism.

A distinctive feature of the US prosecutorial system is its broad discretionary powers. Prosecutors have broad powers to initiate criminal proceedings, to file charges or to dismiss charges, and to dismiss criminal cases. This allows prosecutors to optimize the workload of the judicial system[3].

In the United Kingdom, the prosecution system is organized as the Crown Prosecution Service (CPS). The CPS was established in 1985 and is headed by the Director of Public Prosecutions.

In the UK, investigative functions are mainly carried out by the police. The police are responsible for detecting crime, gathering evidence and conducting preliminary investigations. The Crown Prosecution Service reviews the materials provided by the police, assesses whether there is sufficient evidence to prosecute a criminal case and makes a decision to send the case to court.

Under UK law, prosecutors do not directly intervene in the investigation process, but have the power to provide legal advice and guidance to the police. The Criminal Justice Act 2003 [4] expanded cooperation between prosecutors and the police, as a result of which prosecutors began to take a more active part in the investigation process.

In the UK, prosecutors make independent decisions on whether to bring charges, drop charges or amend charges. They also support the prosecution in court. [5]

In the Japanese prosecutorial system, prosecutors have the authority to investigate criminal cases. According to Article 191 of the Japanese Code of Criminal Procedure[6], prosecutors have the right to independently investigate crimes.

A distinctive feature of the Japanese model is that prosecutors not only supervise police investigations, but also conduct investigative actions themselves. In particular, prosecutors directly conduct investigations into corruption and economic crimes. In Japan, prosecutors have the authority to interrogate suspects, collect evidence, and order expert examinations.

Another important feature is that prosecutors in Japan have discretionary powers in the matter of bringing charges. Even if there is sufficient evidence, the prosecutor may decide not to bring charges from the point of view of the public interest. This is called the "principle of purpose" and is important in the consideration of criminal cases.

In Japan, prosecutorial bodies are subordinate to the Ministry of Justice, but they have a large degree of independence in their practical activities. The independence of prosecutors in the conduct of cases is guaranteed by law. [7]

Based on the above analysis, the following models can be distinguished as a result of analyzing the activities of investigative bodies in the prosecutor's system in different countries:

1. Prosecutor-led investigation model (Germany, Japan) - in this model, the prosecutor leads the investigation process and directly instructs the investigative bodies.

2. Police-based investigation model (USA, Great Britain) - in this model, the investigation is mainly carried out by the police, and the prosecutor performs the function of evaluating evidence and supporting the state prosecution during the trial.

It should be noted that each model has its own advantages and disadvantages. For example, the prosecutor-led investigation model allows for effective coordination of the investigation process, but can lead to the accumulation of excessive powers in the hands of the prosecutor. The police-based investigation model creates a system of "checks and balances" between the prosecutor and the investigative bodies, but can sometimes lead to a decrease in the quality of the investigation.

Based on the study of advanced international experience, the following trends can be identified:

1. In many countries, in the last decades, instead of the "leadership" model, the "supervision" model has been introduced in the regulation of the activities of the prosecutor's office. In this case, the prosecutor does not directly carry out investigative actions, but rather provides control over the activities of the investigative bodies.

2. The system of "checks and balances" in criminal proceedings is being strengthened. An example of this is the introduction of the institution of a judge on issues of freedoms and detention in France.

3. The function of protecting human rights in the activities of prosecutorial bodies is being strengthened. This is especially clearly manifested in the countries of the European Union.

4. Reforms are being implemented aimed at strengthening the independence of prosecutorial bodies, which will ensure that prosecutors are free from political influence and act only in accordance with the law.

5. Mechanisms for ensuring the legality and reliability of evidence in the investigation process are being improved, which will serve to exclude illegally obtained evidence from the evidence system and ensure a fair trial.

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