



CONCEPT AND LEGAL FOUNDATIONS OF OPERATIONAL SEARCH ACTIVITY

D.I. ToshtemirovLaw Enforcement Academy
Master's student

Article history:	Abstract:
Received: 20 th August 2025	This article provides a scientific analysis of the legal nature of operational search activities, their role in combating crime, and their significance in ensuring the rights and freedoms of citizens. The implementation of operational search activities by specially authorized bodies in strict compliance with legality, law and order, and state interests further strengthens their position in the law enforcement system.
Accepted: 14 th September 2025	

Keywords: Operational Search Activity, Operational Search Measures, Combating Crime, Rights And Freedoms Of Citizens, Crime Prevention, Crime Detection,

Today, at all stages of our country's development, operational-search activity functions as a distinct and independent branch of legal activity. This activity is carried out exclusively for the purpose of combating crime by state bodies with special powers, their operational units, and authorized officials. The essence of operational-search activities is aimed at effectively implementing tasks in the fight against crime, with the primary goal of reliably protecting the legally guaranteed rights and interests of citizens, public organizations, and the state through the conduct of operational measures.

As emphasized by the President of the Republic of Uzbekistan Sh.M.Mirziyoyev, it is crucial to make the principle "Rule of law is supreme, punishment is inevitable" the main criterion, strengthen oversight of operational-search and investigative activities, and implement effective mechanisms to protect the dignity and freedoms of citizens¹. This underscores that operational-search activities play a vital role in society, as they serve to safeguard the rights and freedoms of citizens. This activity, carried out by specially authorized state bodies, aims to detect crimes early, prevent them, and expose them, thereby strengthening public safety. Timely and effective implementation of operational measures ensures reliable protection of citizens' rights and legitimate interests guaranteed by law, as well as public order. Therefore, operational-search activities are an integral part of maintaining security and protecting human rights in society.

The relevant² article of the Constitution of the Republic of Uzbekistan stipulates that private

organizations, public associations, and their subdivisions independently performing operational-search, investigative, and other special tasks to combat crime on the territory of the Republic of Uzbekistan are prohibited from being established and operating. It also states that public organizations and citizens may assist law enforcement agencies in protecting legality and legal order, as well as the rights and freedoms of citizens.

It should be noted that before discussing the legal basis of operational-search activity, it is necessary to analyze the theoretical foundation of this investigative-search activity concept. The Law of the Republic of Uzbekistan "On Operational-Search Activity" defines operational-search activity as a type of activity carried out by operational units of state bodies specially authorized by this Law through the conduct of operational-search measures³.

According to V. Karimov's theoretical perspective, the main structural element of the subject of studying the theory of operational-search activity is a specific type of pattern that emerges in the process of using special forces, means, methods, and forms by operational-search bodies in the fight against crime⁴.

Importantly, the first theoretical definition of this direction as an independent type of social practice was scientifically substantiated by A.G. Lekar in 1966. He emphasized that "operational-search activity is a set of intelligence and investigative measures carried out primarily through covert means and methods, based on

¹ Sh.M.Mirziyoyev "Development Strategy of New Uzbekistan for 2022-2026" Electronic source: https://president.uz/uz/pages/view/strategy?menu_id=144

² Article 146 of the Constitution of the Republic of Uzbekistan, adopted in a new edition on 01.05.2023. Electronic source: <https://lex.uz/docs/6445145>

³ Law of the Republic of Uzbekistan dated December 25, 2012 No. ZRU-344 "On Operational-Investigative Activities." Electronic source: <https://lex.uz/docs/2107763>

⁴ V. Karimov "Operational-Investigative Activities" textbook. HMQA. Tashkent-2020 P-32.



laws and regulations, with the aim of preventing and solving crimes, as well as identifying fugitive criminals⁵.

With the development of activity theory, this concept has been further clarified. For example, D.V. Grebelskiy in 1975 additionally noted the existence of a special object of this activity and the need for its scientifically based description. Later, V.A. Lukashov also emphasized that this activity possesses organizational and managerial characteristics.

Additionally, the term for this activity in the state language is based on the meanings given in the following dictionary sources: operative - (from Persian, meaning "quick," "rapid," "acting urgently," "ensuring the achievement of results in a short time"), search - (gathering information, pre-trial investigative work, collection of additional evidence related to the crime), activity - (from Arabic, meaning "dynamism," "effectiveness," "efficiency," work or active action carried out in a specific field).

Having studied the various definitions provided by scholars, the following can be added to them:

In particular, operational-search activity is a multifaceted special state system with an information-intelligence nature, strictly regulated by legal norms, aimed at eliminating risks arising in the criminogenic environment, studying and preventing their empirical factors. It represents a set of scientific-theoretical and practical-institutional mechanisms that serve to implement strategic, tactical, and operational tasks of law enforcement agencies through comprehensive monitoring of the dynamics, trends, and latent characteristics of crime, as well as collecting, verifying, and analytically processing operational information.

This activity, by its nature, is an effective state function that is rapidly adaptable in accordance with the patterns of criminal issues, structurally closed, based on special procedures for information exchange, and characterized by the legally legitimate application of covert methods and means. It also provides an epistemological basis for decision-making by law enforcement agencies, encompassing intellectual and analytical processes such as forecasting dynamic models of criminal reality, assessing operational situations, and identifying subclinical signs of crimes.

Operative-investigative activity is particularly important in uncovering crimes committed covertly. Due to its complex tasks and special characteristics, it manifests as a multifaceted activity. At the same time,

its ability to effectively combat crime through the use of operative-investigative forces, special methods and means, including operative-investigative measures, characterizes it as a specialized and targeted activity.

To comprehend the essence of the term "operative-investigative activity" as provided by law, it is necessary to rely on the provisions of this law, as well as on the norms of other regulatory legal acts governing issues related to combating crime and ensuring the security of individuals, society, and the state.

The legal definition of the concept "operative-investigative activity" allows us to distinguish the following distinctive features and components that reveal its main content and essence: Operative-investigative activity is a specific type of socially significant legal activity; operational units of state structures, endowed with appropriate special powers, act as its subjects; Operative-investigative activity is carried out through the implementation of operative-investigative measures.

In his research, D.Sh. Ismoilov provided his own definition not for the theoretical basis of operational-search activity, but for the concept of prosecutorial supervision over operational-search activity⁶. Specifically, prosecutorial supervision over operational-search activities is recognized as a type of activity carried out by authorized employees of the prosecutor's office within their powers, using the methods and means of verification established by law, in order to ensure the execution of laws by all operational-search bodies in the territory of the Republic of Uzbekistan. However, it should be noted that the prosecutor oversees the implementation of legislation related to operational-search activities, not the operational-search activities themselves.

Furthermore, operational-search activity manifests itself as one of the state's functions aimed at ensuring protection and security. It is directed at safeguarding the rights and freedoms of citizens, all forms of property, maintaining legal order, protecting the environment, as well as guaranteeing the security of individuals, society, and the state.

This activity is defined by legal norms and officially sanctioned by the state. It is limited to a circle of specially authorized entities acting on behalf of the state, conducted based on a set of strictly defined procedures and within established powers, and is

⁵ F.B. Bobomurodov "Ensuring Human Rights, Freedoms, and Legitimate Interests in Operative-Investigative Activities: Theory and Practice" monograph HMQA. Tashkent-2024. - P. 43-45.

⁶ D.Sh. Ismoilov's dissertation for the degree of Doctor of Philosophy in Legal Sciences titled "Improving Prosecutorial



subject to constant oversight by authorized state bodies.

According to R.N. Yuldashev, operational-search activity is an operational function carried out by specially authorized state bodies' operational officers through conducting operational-search measures to combat and prevent crime⁷. This definition is based on the premise that it consists of operational-search measures conducted by operational officers of the relevant state body.

In our opinion, based on the definitions provided by the aforementioned legal scholars and legislative norms, operational-search activity is understood as the activity of state bodies authorized to ensure citizens' rights and freedoms, as well as to organize crime prevention, combat crime, and eliminate criminal activities.

Operative-investigative activity is closely linked to protecting citizens' rights and freedoms, effectively organizing the fight against crime, and early detection and prevention of covert and serious crimes. This activity, carried out within the legal framework and special powers established by law, ensures the state's strategic tasks in the field of security. The use of operational-search methods, special means, and operational measures contributes to increasing the effectiveness of combating crime. Therefore, operational-search activity is one of the crucial guarantees for ensuring public safety, strengthening the rule of law, and reliably protecting human rights in the modern legal system.

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⁷ R.N. Yuldashev's article "The Concept, Main Tasks, and Functions of Prosecutorial Oversight of the Enforcement of Laws by Bodies Conducting Operational-Investigative Activities." Electronic

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