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Who is inquiry man in criminal cases of Republic of Uzbekistan?

Abstract

In article author try to explore status of inquiry man. There are will done some comparative analyze for improving of status of inquiry man.

All decisions of the inquirer must be approved by the head of the inquiry body. The head of the body of inquiry through supervision ensures the legality and validity of the decision of the inquirer. However, this order is not settled in the Criminal Procedure Code.

Key words: *inquiry agencies, criminal case, the inquiry man. Improve position of inquiry man.*

In the legal literature, there is no unified opinion on the concept of the inquirer¹.

Inquirer - an official, to whom the head of the body of inquiry is given the right to carry out an inquiry and other powers provided for in the law.

1) *Historical development and the current situation.* Elimination of problems of combating crime is possible through raising the level of professional qualifications of investigators. At present, it presents certain difficulties.

The term "inquirer" was first used in the Criminal Procedure Code of the Republic of Uzbekistan. In the Russian Federation's Code of Criminal

¹ Rsl.ru; doaj.org

Procedure of 2001², this term was applied later. Earlier, in the Criminal Procedure Code of 1959, which was in effect until March 30, 1995, this person was referred to as "the person conducting the inquiry".

All decisions of the inquirer must be approved by the head of the inquiry body. The head of the body of inquiry through supervision ensures the legality and validity of the decision of the inquirer. But, this order is not settled in the Criminal Procedure Code.

The head of the body of inquiry transfers the criminal case initiated by him to the inquirer for the inquiry.

In accordance with the article 39 of the Code of Criminal Procedure, the inquiry officer, upon the charge and under the supervision of the head of the inquiry agency, shall conduct urgent investigative action to meet the objectives provided by Article 339 of this Code.

Heads of each inquiry agency specified in Article 38 of this Code, shall have a right to initiate criminal case, assume the proceedings, and undertake inquiry, or refer the case to a subordinate inquiry officer, or refuse the initiation thereof, or transfer the notification on investigative jurisdiction.

The inquiry officer shall fulfill commissions of the investigator on conducting special investigative and detective actions on the case under his conduct, and assist the investigator in the course of investigation.

The inquiry officer, when conducting inquiry or fulfilling commissions of the investigator, shall conduct investigative actions and render resolutions in accordance with the rules of the pretrial investigation. These rules shall be binding for the head of the inquiry agency acting as an inquiry officer.

² Малышева О.А. О необходимости совершенствования правовой регламентации процессуального статуса дознавателя. // Российская юстиция 2014. №9. Б. 20-23; Малышева О.А. Теоретико-правовые основы процессуального статуса дознавателя. // Российский следователь. 2011. №16. С. 21-23.

Resolutions of the inquiry officer shall be approved by the head of inquiry agency. The written instructions of the head of the inquiry agency are binding for the inquiry officer, who is entitled to challenge them to the prosecutor shall be entitled to bring complaint against them with the prosecutor not suspending their execution.

The written instructions given by a prosecutor shall be binding upon the head of the inquiry agency and inquiry officer. In case of disagreement, the head of inquiry agency or the inquiry officer shall be entitled to bring complaint against the prosecutor’s instructions with a higher prosecutor without suspending their execution.

In accordance with the article 343 of the Code of Criminal Procedure, an inquiry officer shall carry out investigator’s assignments to conduct investigative and detecting actions in compliance with the investigator’s instructions on the conditions, procedures, and time limits for carrying out thereof.

The written instructions given by a prosecutor shall be binding upon the head of the inquiry agency and inquiry officer. In case of disagreement, the head of inquiry agency or the inquiry officer shall be entitled to bring complaint against the prosecutor’s instructions with a higher prosecutor without suspending their execution.

The Code along with the rights laid on the inquirer the some duties.

The actions related with providing the rule of law on investigative and procedural actions (article 10 of Code);

The notification of participants of trial after accepts the certain acts upon the criminal case (article 15, 17 of Code);

Circumstances Precluding Participation of Inquiry Officer on case (article 76 of Code).

The legal nature of the inquiry by the inquirer raises a number of difficulties.

2) *Problem and solution.* According to the Code of Criminal Procedure, the procedural status of all inquirers is equal. That is, inquirers who carry out their activities in the bodies of the Ministry of Internal Affairs, the Judicial Department, the Department of the Prosecutor's Office, the National Security Service and custom agencies have equal rights to initiate criminal cases, conduct investigative and procedural actions. Article 39 of the Code of Criminal Procedure is recognized as the legal basis for this activity. The specifics of the proceedings in the above-mentioned bodies differ among themselves, although internal orders, provisions are considered a secondary legal basis, they should not contradict the Code.

The results of interviews conducted in the bodies of inquiry, the study of their practice, the theoretical views of scientists regarding the incomplete use of criminal investigative activities of investigators in preventing and suppressing crime, collecting and storing evidence, detaining suspects in committing crimes, and searching for hidden suspects and accused on the relevance of research on this topic.

The results of the questionnaire indicate that in most bodies of inquiry, citizens who do not have a higher legal education or do not have a legal direction act on the posts of the inquirer and the head of the inquiry body. So, as an example, we can mention the employees of the system of execution of punishments of the Ministry of Internal Affairs, state fire supervision authorities, commanders of military units and subunits and other bodies of inquiry. At the same time, the Criminal Procedure Code provides the inquirer with powers whose erroneous application may pose a serious threat to the rights of the individual, society and the state. The criminal process is one of

the main branches of the legal system. Interpretation of the object of this legal knowledge and its application presents great difficulties for the staff who graduated from higher educational institutions in other specialized specialties (as if a person who does not have higher medical education conducts surgical operations).

In the higher legal educational institutions of the Republic of Uzbekistan, there is no separate direction for the preparation of inquiry officers. For example, familiarity with the curricula and programs of the Tashkent State Law University, the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, Karakalpak State University named after Berdak (in the Karakalpak language), the National University of Uzbekistan (until 2016), the Tashkent Higher Military Technical School, the Higher Military Customs Institute of the Republic of Uzbekistan, the Institute of the National Security Service, the Higher Institute of Fire Safety of the Ministry of Internal Affairs of the Republic of Uzbekistan shows that they are studying only general questions of the discipline "Criminal Procedural Law", of which only 2 or 4 hours are given to the inquiry, while within the section "Participants in the Criminal Process" the inquirer is not studied separately, but within the framework of the theme "state bodies and officials responsible for the production in the criminal case".

In our view, before giving the inquirer, in practice such large powers and responsibilities should be theoretically prepared him for this, because each discipline has its own specific features in higher education. We believe that the separate discipline "Organization of the production of inquiry"³

³ Ушбу фан бўйича муаллифнинг 2010 йилда ўқув қўлланмаси чоп этилиб, бутун республикада ишлатилиб келинмоқда. Ш.Файзиев Суриштирув ишини ташкил этиш. Ўқув қўлланма. Илм зиё нашриёти. 2010. Б. 330.

taught in some legal colleges of the republic should also be introduced in higher educational institutions.

3) *Proposals for improving legislation.* Analysis of the legislation shows the existence of a number of conflicting norms related to the powers of inquirers. In particular, after the adoption of Presidential Decree I. A. Karimov on August 8, 2005 "About transferring to the courts of the right of issuing the sanctions for the conclusion by the guard" Act "On amendments and additions to some legislative acts of the republic of Uzbekistan in connection with the transfer of vessels to the law of issuing the sanctions for the conclusion by the guard" on June 27, 2007, innovations concerning criminal procedure Bodies of inquiry, did not find their reflection in the Criminal Procedure Code.

The words "2) grounds to prosecute certain person as an accused in criminal case have been established" referred to in paragraph 2 of Article 342 of the Code, limit the actions of the inquirer related to the participation of the accused, by itself they testify to the existence in the individual articles of the Code conflict rules, the removal of which is possible through the elimination of these articles, the term "inquirer" or norms additions permitting accused in the actions of the inquirer. The implementation of these proposals can be carried out in the following way. Realization of logical and technical errors of legislation can be eliminated in two ways.

Firstly: It should eliminate the word "inquiry man" of the articles 41, 46, 256, 236, 255, 256, 257, 258, 259, 265, 266, 269 of the Code, or to prepare and implement evidence-based suggestions and ideas for further improvement of the mechanism of the exercise of the powers of the inquirer in the current Code.

Secondly: to reconsider and fundamentally reform the model of inquiry provided for in the Criminal Procedure Code. Work is underway to prepare a draft law providing for the inquiry in a simplified, expedited form of the transfer of the criminal case materials for less serious offenses directly to the court. A number of scientific and practical⁴ recommendations on the introduction of scientific illusions into the current legislation have been realized through publication in national and foreign publications⁵.

The reforms implemented between 1991 and 2015 were mainly related to strengthening the independence of the courts, much attention was paid to the separation of the judicial system and the specialization of the judiciary, with this trend continuing.

In our opinion, it will be useful to review the powers of the investigator and the investigator responsible for the implementation of the institute of inquiry and preliminary investigation.

4 “Суриштирув органлари жиноят-процессуал фаолиятини такомиллаштириш юзасидан Жиноят-процессуал кодексига қўшимча ва ўзгартишлар киритиш тўғриси”да қонун лойиҳаси. –Т.: ТДЮИ нашриёти, 2008. – 43б.

⁵ **Fayziev Sh.** Last changes in the constitution of Republic of Uzbekistan and its influence to executive authority // The Republic of Korea 1st Asian Forum for Constitutional Law. 2005 Seoul, The Republic of Korea. P. 211-238: **Ш.Файзиев** Права человека при проведении дознания в Республике Узбекистан. Материалы международной научно-практической конференции «Права и обязанности человека и гражданина: актуальные проблемы теории и практики»/под ред. к. ист. н. Т.А.Брагиной. – М: Международный юридический институт, 2013. – 272. с.230-233: **Ш.Файзиев** Необходимость законодательного урегулирования оперативно-розыскной деятельности в Республике Узбекистан. Материалы международной научно-практической конференции «Уголовное производство: новации процессуальной теории и криминалистической практики» к 95-летию Таврического университета. Симферополь. 2013. **Файзиев Ш.,** Хидоятов Б. Основные этапы законодательного регулирования дознания в Республике Узбекистан // Международная конференция Эволюция уголовного судопроизводства на постсоветском пространстве: сравнительно-правовой аспект: Материалы международной научно-практической конференции в 3-х книгах, 22-23 июня 2006. Книга II - Киев. - С. 126-134: **Shohrud Fayziev** Die Rechte des Angeklagten bei der Beweisaufnahme. Die strafprozessuale Hauptverhandlung zwischen inquisitorischem und adversatorischem Modell. Eine rechtsvergleichende Analyse am Beispiel des deutschen und des zentralasiatischen Strafprozessrechts. 2014. -141-144.

Disclosure and investigation of crimes, presentation of the materials of the criminal case to the court, is the main task of the preliminary investigation function.

The current procedure for regulating the institution of inquiry in the Criminal Procedure Code speaks of its all-round limitation (with the exception of the transfer of the materials of the criminal case to the court in connection with the conciliation and application of the amnesty act).

Some scientists put forward ideas about the rejection of this institution, so in some countries the inquiry is excluded from the Criminal Procedure Code.

Inquiry by its nature has a search character, the form of inquiry that exists in the Criminal Procedure Code is not observed in any state. That is, the inquiry can be either closely related to the investigation or search (art. 433 of the Code of Criminal Procedure), and sometimes is not connected at all and does not show its investigative, simplified and accelerated procedure for the case.

It will not be a mistake to say that, in practice, the evaluation of the work of the bodies of inquiry is determined on the basis of criminal cases handed over to the courts after them.

Usually, an inquirer with long years of experience creates for himself as a template his own and true, in his opinion, algorithm of work, when he is asked by the young cadres, he, of course, directs them along his path, however, are his recommendations correct?

One of the main factors in the process of inquiry is an incorrect evaluation of its results, insufficient attention to the successes achieved, therefore, one should also pay attention to the activities of the inquirer. We believe that this rule is important when conducting an inquiry. The risk and

admission of errors under strict supervision, as well as raising questions about the appointment of punishment, seriously affects the quality of disclosure and investigation of the criminal case.

Each inquirer, in the disclosure and investigation of a particular criminal case, relies on his knowledge and experience. There are many systems of relative assessment of knowledge, but how to evaluate the experience?

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The inquiry officer shall fulfill commissions of the investigator on conducting special investigative and detective actions on the case under his conduct, and assist the investigator in the course of investigation.

Several scientific attempts have been made to extend the powers of the inquirer⁶.

The inquiry officer, when conducting inquiry or fulfilling commissions of the investigator, shall conduct investigative actions and render resolutions

⁶ А.Х. Сатторов Ички ишлар органларининг инсон ҳуқуқлари ҳимоя қилиш фаолиятининг асосий йўналишлари. Ўзбекистонда инсон ҳуқуқларини ҳимоя қилиш ва таъминлаш тизими: Монография // Муаллифлар жамоаси // Масъул муҳаррир: ю.ф.д. А.Х. Саттаров. Тошкент: 2013. Б. 160-228; Бородкин М.А. Дознаватель в уголовно-исполнительной системе: перспективы законодательной регламентации. уголовно-исполнительная система: право, экономика, управление. 2014. Б. 15-17; Федулова И.И. К вопросу о Понятии «Дознаватель» Вестник Московского университета МВД России. 2012. № 5. Б. 166-168; Анненкова А.С. Дознаватель и следователь: должны ли быть одинаковы процессуальные полномочия? Законность. 2015. № 4 (966). Б. 47-49; Седых Т.В. Дознаватель: Процессуальный Статус И Проблемы Его Совершенствования. Юристъ - Правоведъ. 2015. № 1 (68). Б. 41-45; Баженов С.В. Порядок представления результатов оперативно-разыскной деятельности в орган дознания, дознавателю, следователю или в суд Законодательство и практика. 2011. № 2 (27). Б. 48-52; Багмет А.М. Дознаватель органов внутренних дел как субъект производства неотложных следственных действий по уголовным делам о массовых беспорядках. Вестник Всероссийского института повышения квалификации сотрудников МВД России. 2014. № 4 (32). Б. 48-51; Муравьев К.В. Обязан ли дознаватель удовлетворить ходатайство подозреваемого о производстве дознания в сокращенной форме?. Законодательство и практика. 2014. № 2 (33). Б. 55-57.

in accordance with the rules of the pretrial investigation. These rules shall be binding for the head of the inquiry agency acting as an inquiry officer.

Resolutions of the inquiry officer shall be approved by the head of inquiry agency. The written instructions of the head of the inquiry agency are binding for the inquiry officer, who is entitled to challenge them to the prosecutor shall be entitled to bring complaint against them with the prosecutor not suspending their execution.

The written instructions given by a prosecutor shall be binding upon the head of the inquiry agency and inquiry officer. In case of disagreement, the head of inquiry agency or the inquiry officer shall be entitled to bring complaint against the prosecutor's instructions with a higher prosecutor without suspending their execution.

Analysis of the provisions of the Code moves to the division of the inquiry's actions into five groups.

First: the conduct of investigative and procedural actions carried out in the course of pre-investigation checks;

Secondly: investigative and procedural actions implemented at the stage of the criminal case;

Thirdly: conducting, after the institution of a criminal case, together with the operative-investigative authorities, urgent investigative actions;

Fourthly: the actions carried out on behalf of the prosecutor or the investigator in the process of his appeal;

Fifth: actions carried out in the course of carrying out instructions, instructions and requirements of the inquiry within the framework of the relations between the prosecutor, the investigator and inquirer.

Let us consider each of these actions:

The first: carrying out of investigative-procedural actions, carried out during the pre-investigation check.

In accordance with the article 329 of the Code of Criminal Procedure, complaints, communications, and other information about offenses shall be registered and reviewed immediately or no later than within three days, and,

if it is necessary to verify whether the reason and grounds to initiate a criminal case are respectively legal and sufficient – directly or with assistance of inquiry agencies – no later than within ten days. These time limits shall be calculated from the moment of receipt of information about an offense until the moment of taking decision on initiation of a criminal case or on denial thereof or submission of materials of case to Prosecutor (for application of the amnesty act upon the investigation stage) in accordance with the article 587 of Code.

Immediately or in ten days, **additional documents** and **explanations** may be requested and **apprehension, view of the locale of the crime, and forensic examination** may be conducted. In accordance with the article 224 of the Code of Criminal Procedure, the authorized person effectuating apprehension may conduct body search or seizure, if there are sufficient causes to believe that the person apprehended has weapons with him or intends to get rid of evidence damning that he has committed an offense. An official record of body search or seizure may be executed after the apprehended person is delivered to an office of militia or any other law enforcement agency in the presence of attesting witnesses.

Conducting other investigative actions shall be prohibited prior to initiation of criminal case.

In exceptional cases the limited time of under investigation search may be prolonged by Prosecutor for one month over reasonable resolution of inquirer or investigator in following cases:

- 1) Appointment of forensic examination, official inner check-up, revision, demanded long time;
- 2) Necessity of explanations of persons, who are at the distant region or avoid to give their explanations;
- 3) Find out new circumstances which demands the extra examination to assume the measures.

In short, investigative and procedural actions of the inquirer, which can be carried out after the institution of a criminal case, are as follows:

Investigative action in the form of demanding additional documents, explanations, procedural enforcement of coercion in the form of detention of a person, investigative action in the form of view of the locale of the crime,

investigative actions in the form of forensic examination, personal search and seizure.

Second: investigative and procedural actions, implemented at the stage of the criminal case;

In accordance with the article 224 of the Code of Criminal Procedure, in each instance of receipt of information about an offense and immediate discovery of such information, an inquirer shall take one of the following decisions: 1) to initiate a criminal case; 2) to deny initiation of a criminal case; 3) to refer a complaint of or communication about an offense to the appropriate investigative jurisdiction.

Third: conducting, after the initiation of a criminal case, together with the operatively-investigative agencies of urgent investigative actions;

The Criminal Procedure Code does not provide a clear list of urgent investigative actions, this is logical, since it is impossible to plan and organize by law in advance what investigative action the inquirer should perform. The inquirer, after initiating a criminal case, presenting the materials of the criminal case to the investigator, is in acute relations with the operational-search authorities.

Fourth: actions carried out on the instructions of the prosecutor or the investigator in the course of his appeal;

In accordance with the article 39 of the Code of Criminal Procedure, resolutions of the inquiry officer shall be approved by the head of inquiry agency. The written instructions of the head of the inquiry agency are binding for the inquiry officer, who is entitled to challenge them to the prosecutor shall be entitled to bring complaint against them with the prosecutor not suspending their execution.

Fifth: actions carried out in the course of carrying out instructions, instructions and requirements of the investigator within the framework of the relationship between the prosecutor, the investigator and the investigator.

In accordance with the article 343 of the Code of Criminal Procedure, an inquiry officer shall carry out investigator’s assignments to conduct investigative and detecting actions in compliance with the investigator’s instructions on the conditions, procedures, and time limits for carrying out thereof.

If it is impossible to meet the time limit for assignment, an inquiry officer shall notify an investigator thereof and file a motion to extend the time limit or to alter the conditions and modalities of carrying out the assignment.

At the official request of an investigator, an inquiry officer shall be obliged to render assistance to the investigator in conducting investigative actions, as well as to provide documents and other materials, which may be of proving significance, for familiarization and including in the criminal case file.

An investigator shall forward all his assignments, instructions, and official requests to an inquiry officer through head of the respective inquiry agency.

In the opinion of U.Museibov⁷, the investigator also carries out an inquiry. In our opinion, this is not entirely true, since the inquiry should be carried out only by inquirers, the investigation by investigators, whereas operational-search activities are conducted only by operational personnel.

We believe that in the republic, in order to resolve the issues of cadres of inquiry officers, it is necessary to develop measures to eliminate, **first**, the material and technical and personnel shortages, and **secondly**, measures should be taken to eliminate the backlog of lawmaking and law enforcement practice.

To eliminate the inadequacy of the inquirer's powers, to solve the personnel deficit, several scientific researches were developed⁸, attempts were made to introduce them into practical activities.

Analysis of the Code of Criminal Procedure of some foreign countries from the viewpoint of improving the powers of the inquirer indicates that when the investigator executes his powers on an initiated criminal case, in the process of inquiry it is required to determine the specific guilty person, acknowledge his guilt, and also the written consent of the accused and the victim. In a number of countries there are simplified forms of inquiry, in accordance with Article 151.3 of the Code of Criminal Procedure of the Russian Federation, there are three forms of preliminary investigation,

⁷ Мусейбов У.А. Производство дознания следователем проблемы правового регулирования. // Российский следователь. 2013. №9. Б. 12-13.

⁸ Боруленков Ю.П. Следственный комитет РФ как организация проектного типа. // Российский следователь 2014. №11. Б. 42-46.

preliminary investigation, inquiry and a simplified inquiry. After the new model of inquiry, under the preliminary investigation as a function, will begin to operate in the Belarusian CPC (47), Azerbaijan (Chapter XXXIX), Kazakhstan (23-1), Kyrgyzstan (36.1), Tajikistan (46), Moldova (V) Criminal procedure will be understood and inquiry. Preliminary investigation includes in itself and inquiry.

Preliminary investigation and judicial investigation has the character of the function of conceptual resolution of the case⁹.

According to T. Ryabinina, the preliminary investigation should be carried out only by representatives of the judiciary¹⁰.

An analysis of the provisions of the Code says that the competence of the investigator is very limited and when the inquiry is conducted it is impossible to fully use his powers. Therefore, in order to expand them, a number of suggestions were made.

Due to the fact that each proposal is inevitably connected with finances, their implementation into the legislation is quite difficult, for this reason, it is proposed to expand the rights of investigators by practicing the provisions already existing in the Code of Criminal Procedure.

In our opinion, for the optimal and full implementation of the actions of the investigator, it is appropriate to use some scientifically grounded recommendations:

First: In practice, a large amount of work, communication with suspects, as a rule, affect the knowledge and psyche of investigators, they enrich their experience every year, becoming to some extent psychologists, working on the same pattern, in this regard, Proceeding from the sharp development of public relations, in order to improve the knowledge of investigators, it is advisable to introduce 1, 2, 3, 4 monthly mandatory exercises to improve qualifications through retraining, seminars and conferences.

Secondly: In the aspect of a more responsible attitude of investigators to their profession, increasing the skills of investigating criminal cases, it is

⁹ Проблемные вопросы реформирования досудебного производства России. / А.П. Гуськова, В.А. Емельянова, А.А. Славгородских// Российский судья. 2008. № 4. Б. 10-11.

¹⁰ Рябина Т.К. Дознание-самостоятельная форма досудебного производства. Российский следователь. 2013. № 19. Б.46

advisable to hold between the investigators of the competitions in the categories "Best Inquirer", "Possessor of the best intellectual knowledge", "Worker who has perfected the provisions of the Criminal Procedure Code", "Inquirer who made the biggest contribution to the state budget" at the level of districts, regions and the whole republic. By encouraging the delivery of state awards, you can increase the level of loyalty to your cause, the effectiveness of crime detection. This will become the basis for more optimal and effective use of the internal reserves of investigators.

Thirdly: In the investigation of a criminal case, its disclosure, it is important to synthesize, synthesize experience and knowledge. For this reason, it is necessary to introduce a system "overview board", where errors in criminal and administrative cases should be reflected. As a result, errors and shortcomings of inquirers will be prevented, and the quality of criminal inquiry will be improved.

Fourth: In addition, the issues of the wanted persons - the possibility of prosecutorial supervision will be spared from additional costs, paperwork.

Fifth: specific proposals should be developed, recommendations on introducing in the CPC norms that more clearly disclose the relationship between the investigator and the head of the inquiry body. In Article 39 of the Code of Criminal Procedure, procedural relations between the inquirer and the head of the inquiry body are mixed with the powers of inquiry. The analysis of the legislation of a number of foreign states says that separate articles should be developed concerning rights and duties, as well as clarification of mutual relations between the "inquirer", "the head of the inquiry body".

Sixth: to improve the powers of the investigator provided for in Article 342 of the Code of Criminal Procedure related to the termination of the inquiry and to expand powers to finish the criminal case.

Seventh: In our opinion, it is advisable to develop and implement in law enforcement the theory of inquiry, which includes the model of the search, accelerated pre-trial proceedings in the case.

This new model of inquiry provides for a reduction in the workload of the investigators and their release from the investigation of criminal cases provided for in paragraphs 2, 3 of Article 15 of the Criminal Code, as well as

the implementation of differentiated activities in the category of crimes that are difficult to investigate.

Separate and special attention should be paid to the relations between the bodies of inquiry and investigators.

The inquiry ends in no more than ten days by transferring the case to the investigator. The next steps are expressed in joint actions.

In the criminal trial of developed countries, pre-trial inquiry is carried out mainly in three forms:

- 1) Inquiry under the supervision of the police (Romano-Germanic system of law)
- 2) The inquiry is carried out by judicial investigators or the investigator of the court, under the control of the preliminary investigation bodies (Anglo-Saxon system of law)
- 3) Inquiry in Muslim law.

The conducted researches show that the tendency of the model of inquiry of the second type is observed.

Eighth: The possibility of acquaintance of one second inquirer by one inquirer of a criminal case is comparatively small, in most cases there are no such opportunities at all.

Therefore, in order to facilitate the activities of inquirers, they need to create a computer support program for a particular criminal case - the Algorithm program. The possibilities of the new system Algorithm are quite large: for example, the creation of a single electronic portal, where each inquirer can enter with his ID code and familiarize himself with similar cases. With the help of this portal, inquirers can get an opportunity to apply to the criminal case of the body of inquiry of any field and get acquainted with all the materials.

In addition, the issues of wanted persons - the possibility of prosecutorial supervision will be spared from additional costs, paper red tape.

This proposal, which has not yet found its confirmation, should be conducted in a pilot experimental regime on a certain territory, after which, analyzing its negative and positive characteristics, specific measures should be developed to implement it.

As a result of the development of an algorithm that includes tactical plans and versions for investigating criminal cases involving crimes that are not of great social danger and less serious, the necessary investigative and procedural actions, various options for disclosing the relevant crimes, and subsequent introduction into practice, will be eliminated and warned Shortcomings of staff, problems of law enforcement practice.

The preliminary picture of this Algorithm-program can be expressed in the following:

1) Determination of the issue of investigative jurisdiction of an application for a crime to investigators after registration.

2) The choice of a particular investigative action in the context of the pre-investigation verification provided for in Article 329 of the CCP, proceeding from the circumstances of the case.

2.2.) It is of great importance for what crime, provided for by the Criminal Code, to the inquirer of the criminal case.

3) After clarifying the question of which category of crimes this or that act belongs to, the Algorithm introduces the number of this article, the algorithm includes answers only for a specific type of crime.

4) If there is a set of crimes, the criminal case must be immediately transferred to the investigator, since the inquiry can be conducted only for crimes that do not pose a great public danger and less serious crimes.

In addition, the following new separate article regulating the authority of the inquirer is proposed:

Article 39¹. Authorities of the inquirer

The inquirer is an official who, within the limits of his powers, exercises pre-trial proceedings in the criminal case specified in this Code.

The inquirer has the right, in the presence of sufficient grounds and reasons, to initiate a criminal case, to take the matter to his consideration and begin the inquiry, to carry out all investigative or other procedural actions within his authority, to refuse to initiate a case and to forward the application, report on the investigation, Stipulated by Article 342 of this Code, to finish the criminal case.

The person conducting pre-trial proceedings in the case, adheres to the provisions of the 42-chapter of this Code.

An inquirer who carried out or carries out operational search activities in a criminal case shall not be entitled to carry out an inquiry on this criminal case. The inquirer has the right to apply with a justified petition to the head of the inquiry body with the request to give the operative officer an order to conduct operative-search activities.

The inquirer, upon the charge and under the supervision of the head of the inquiry agency, shall conduct urgent investigative action to meet the objectives provided by Article 339 of this Code.

The inquirer shall fulfill commissions of the investigator on conducting special investigative and detective actions on the case under his conduct, and assist the investigator in the course of investigation.

The inquirer, when conducting inquiry or fulfilling commissions of the investigator, shall conduct investigative actions and render resolutions in accordance with the rules of the pretrial investigation. These rules shall be binding for the head of the inquiry agency acting as an inquirer.

In case of disagreement of the investigator or the head of inquiry agency, the prosecutor or judge the inquirer shall be entitled to bring complaint against their instructions with a prosecutor, higher prosecutor or higher judge without suspending their execution.

Written orders and resolutions of the inquirer issued in accordance with the law on the cases under his jurisdiction shall be legally binding for all enterprises, institutions and organizations, officials, and individuals.