

ERHÖHUNG DER EFFIZIENZ DER ZUSAMMENARBEIT DER VORGERICHTLICHEN VERFAHRENSBEHÖRDEN BEI DER UNTERSUCHUNG VON STRAFVERFAHREN ZU MENSCHENHANDEL

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Zusammenfassung: Der Autor diskutiert im Artikel die Besonderheiten der Interaktionsorganisation bei der Aufklärung von Strafsachen im Zusammenhang mit Menschenhandel. Das Konzept der "Interaktion" als Element einer privaten forensischen Technik wurde untersucht. Die Notwendigkeit der Organisation der Interaktion als Hauptfaktor zur Effizienzsteigerung bei der Aufdeckung und Aufklärung von Straftaten wird begründet. Durch eine eingehende Analyse der Theorie, der Strafverfolgungspraxis sowie der internationalen und nationalen Gesetzgebung in diesem Bereich werden Empfehlungen und Vorschläge gemacht, um Lücken und Mängel zu beseitigen, die bei der Untersuchung des Menschenhandels auftreten.

Schlagnworte: Interaktion, Ermittlungsverfahren, Ermittlung von Straftaten, Personensuche, Entlarvung des Schuldigen, Menschenhandel.

INCREASING THE EFFICIENCY OF INTERACTION OF THE PRE- JUDICIAL PROCEEDINGS AUTHORITIES IN THE INVESTIGATION OF CRIMINAL CASES ON HUMAN TRAFFICKING

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Abstract: In the article, the author discusses the features of the organization of interaction in the investigation of criminal cases related to human trafficking. The concept of "interaction" as an element of a private forensic technique has been studied. The necessity of organizing interaction as the main factor in increasing efficiency in the detection and investigation of crimes is substantiated. Through an in-depth analysis of theory, law enforcement practice, as well as international and national legislation in this area, recommendations and proposals are made to eliminate gaps and shortcomings that arise in the investigation of human trafficking.

Keywords: interaction, pre-trial proceedings, investigation of crimes, search for persons, exposure of the guilty, human trafficking.

In modern conditions, human trafficking, along with terrorism and extremism, is considered as one of the most serious crimes committed in various dangerous ways that cause great physical harm and material damage. The growing trend of crimes related to the illegal use of a person for the purpose of exploitation is also a threat to national security, since these socially dangerous acts ultimately encroach on the democratic values of society. A well-known form of human trafficking is sexual exploitation, however, hundreds of thousands of victims are subject to other forms of human trafficking as well.

According to statistics, over the past 15 years, the number of identified victims of human trafficking has increased, and including the proportion of children that has increased - from about 10% to more than 30%. The proportion of adult women among those affected decreased from over 70% to fewer than 50% in 2018. The number of adult males during the same period increased from 10% to 20%, 50% of identified victims were trafficked for sexual exploitation, 38% for forced labor, 6% for participation in criminal activities, 1% for begging, the rest for forced marriages, organ harvesting and other purposes [1].

We have to admit that a person (a man, a woman, a child, his organs, strength) has become a “commodity” for transactions of sale and exploitation, and human civilization in the 21st century again faced manifestations of the slave system.

Uzbekistan is adopting consistent reforms to develop international and regional cooperation in the fight against human trafficking, improve national legislation and mechanisms. In particular, a number of international documents on combating human trafficking have been ratified: the UN Convention against Transnational Organized Crime; Protocol to Prevent and Suppress Trafficking in Persons; The Law “On Combating Trafficking in Human Beings”, as well as the introduction of appropriate amendments that implement the norms of international law. The title and content of Article 135 of the Criminal Code [2] of Uzbekistan was brought into line with the requirements of the international convention, which also served to strengthen the fight against this type of crime at the state level.

Taking into account international experience, a new version of the Law of the Republic of Uzbekistan "On Combating Trafficking in Persons" was developed, which contains definitions of the concepts of "trafficking in persons" and "trafficker in persons", "identification of victims of trafficking in persons", describes the powers of state bodies directly involved in the fight against trafficking in persons, establishes the creation of a coordinating body for the activities of state institutions and their interaction with civil society institutions in this area, as well as specialized institutions to provide assistance and protection to victims of human trafficking [3].

According to this law, the identification of victims of human trafficking is carried out in order to identify them and provide them with the necessary assistance and protection, as well as to prevent the risk of their re-trafficking. The order of social rehabilitation and adaptation of victims of human trafficking has also been determined. At the same time, in the future, it is necessary to define and introduce the concepts of all forms of exploitation into legislation [4, pp. 525-530].

In 2019, at the initiative of the President of Uzbekistan Shavkat Mirziyoyev, the National Commission to Combat Human Trafficking and Forced Labor was established. The activities of this commission are carried out in close cooperation with all interested parties, including the judiciary, law enforcement agencies, health authorities, social protection of the population and labor, migration and border services, the public and representatives of international organizations, as evidenced by its work plan, which provides various measures to prevent, detect, suppress cases of human trafficking, bring perpetrators to justice, as well as social and legal rehabilitation of crime victims.

The continuation of systematic and coordinated activities aimed at combating human trafficking implies the need for constant interaction of all law enforcement agencies directly involved in the fight against this crime.

This is also due to the fact that the special danger of human trafficking lies in the commission of this type of crime in conditions of non-obviousness. The perpetrators of human trafficking either flee to other countries or hide, which naturally does not allow timely identification and prosecution of the organizers of this type of crime. These circumstances prove that the use of operationally obtained data in the process of disclosure and investigation of human trafficking is an objective necessity. This proceeds from the fact that it is difficult, and sometimes impossible, to solve such crimes only by traditional methods, since criminals take various measures to conceal crimes, which often allows them to commit their acts for a long period of time. Therefore, the probability of solving such crimes by carrying out only procedural or investigative actions is very low. In the process of solving the problems facing the investigator, it is necessary to carry out a large amount of work, for which the efforts of him alone are not enough. In addition, their implementation is often associated with a large investment of time, and in such situations, the question is about the promptest identification of criminals in order to prevent the possibility of them committing new crimes. The foregoing determines that the prompt and complete disclosure of crimes, bringing all the perpetrators to criminal liability is impossible without the coordinated work of all pre-trial proceedings.

The concept of "interaction" as an element of a private forensic methodology is of interest from the standpoint of public administration problems and can be represented by the following model:

- 1) Each element as part of the system does its work independently of each other (joint-individual activity);
- 2) The general task is performed sequentially by each element, part of the system of joint-sequential activities);
- 3) The task is performed directly (simultaneously) by each element, part of the system (jointly interacting activity) [5, p.48-49].

These types of joint activities are also characteristic of law enforcement agencies. Each service unit, each employee performs certain functions, does his work independently of other employees, however, each of them thus simultaneously performs the functions facing the internal affairs bodies as a whole. This model is a joint-individual activity.

The interaction process consists of several stages. At the initial stage, uniform tasks are developed, the solution of which during the period outlined by the plan is recognized as the most urgent. The next stage involves the delimitation of areas of responsibility for the implementation of the planned tasks, and at the final stage, the forms of interaction and control over the execution of the planned tasks are determined.

It should be noted that the interaction of these units in the investigation of human trafficking is a kind of coordinated activity of law enforcement agencies to combat crime, which is not limited to the investigation of crimes, but has broader goals, objectives and forms.

The need for interaction between pre-trial proceedings is due to a number of objective factors, expressed:

Firstly, in the social significance of the activities of interacting subjects. In other words, there is a need to protect the security of society and the state. This means that a comparison of criminal procedural and operational-search activities indicates that they are united by the presence of a common goal - the suppression and disclosure of crimes, the protection of the rights, freedoms and legitimate interests of the individual, the protection of property from criminal encroachments, the search for and exposure of those guilty of crimes, the establishment truth in criminal cases;

secondly, in the difference in systems, that is, investigative units act in accordance with the criminal procedure legislation, and the bodies that carry out pre-investigation checks or operational-search activities are based on the Law "On operational-search activities" and other departmental, interdepartmental legal and regulatory acts;

The third factor justifying the need for interaction is the diversity in the legal nature of the results of these actions. So, as a result of the production of investigative and procedural actions, evidence is obtained, and as a result of conducting operational-search measures, information that can be used as evidence only after their procedural consolidation. In addition, the limits of the production of these actions are also different - investigative actions, as a rule, are carried out only after the initiation of a criminal case, and operational-search measures can be carried out before the initiation of a case.

The social and legal significance of the interaction of pre-trial proceedings lies in the fact that in the fight against crime it provides:

- Coordination of the forces and means of bodies that, in accordance with procedural legislation, have the ability to carry out certain activities;
- Concentration of forces and means to combat the most serious crimes, including interregional and international crimes;
- timely detection of signs of crimes, their rapid disclosure, initiation, investigation of criminal cases, as well as ensuring the protection of the rights and freedoms of the individual from unlawful encroachments.

The organization of interaction between pre-trial proceedings in the framework of the investigation of cases of human trafficking is a joint-consecutive activity, and

the simultaneous conduct of any activities by employees of various services united in one group is a joint-interacting model.

It should be noted that at the moment there are the following problems of organizing interaction:

- There is no consensus on a number of important theoretical and practical issues of organizing interaction between pre-trial proceedings in the detection and investigation of crimes;

- Legislative norms concerning the issues of interaction do not have a clear regulation, but are of a general nature;

- In the current Code of Criminal Procedure there are no specific norms, principles governing the interaction of participants in the criminal process;

- the currently existing procedural procedure for giving instructions by the investigator, the interrogating officer to the bodies carrying out pre-investigation checks and operational-search activities does not meet the requirements of the time;

- there are differences in understanding the tasks, rights and obligations of interacting subjects;

- There are cases of weak organization of interaction, as a result of which some crimes remain unsolved, etc.;

- Inconsistency of actions of the subjects of interaction;

- There is a problem of interpersonal relations between the subjects of the considered interaction;

- Unsatisfactory interaction of pre-trial proceedings with the public, the media, as well as with the population.

Interaction is impossible without a mutual understanding of the essence of the issues to be resolved jointly and the consent of the parties on the subject, procedures and consequences of such interaction. The real essence of interaction lies in mutual assistance and support of the cooperating parties. Three types of communication are possible between the services and divisions of law enforcement agencies whose activities are aimed at solving and investigating criminal cases on human trafficking:

- a legal bond that is permanent and based on laws and by-laws;

- functional connection arises in connection with certain tasks of interaction and is expressed in giving mutual advice, recommendations and consultations, as well as providing assistance;

- Information communication involves joint planning of measures to suppress crimes, joint analysis of the results of the investigation. At the same time, information interaction can be permanent, stationary, and situational, when the need for information interaction is caused by a specific situation [6, p.57-58].

An analysis of the theoretical and practical aspects of interaction makes it possible to find the most effective variant of its organization in the specific conditions of investigating crimes of human trafficking, as well as to identify systems and subsystems of interaction:

1. When solving various tasks of identifying, disclosing, investigating criminal cases related to human trafficking, according to the nature of the connections between the preliminary investigation bodies and operational units, interaction can be direct

and indirect: with direct interaction, direct, direct links are established between units. This is typical in the implementation of specific investigative actions and other activities. With direct interaction, the exchange of information is carried out directly between the units themselves, bypassing the intermediary participation of higher and other management structures; in case of mediated interaction, communication between specific subdivisions of law enforcement agencies is carried out, as a rule, through a higher body representing the service in whose interests the interaction is organized.

2. According to the time of implementation of joint actions, interaction can be carried out permanently and temporarily. Constant interaction is carried out between specialized units created specifically to perform these functions when working on complex and multi-episode cases. Time-limited interaction is usually aimed at solving a specific problem.

3. According to the functions of the interacting parties, their cooperation involves various types of activities: in particular, both investigative and operational-search, criminal procedural, administrative-legal, and criminal-legal, organizational and managerial. In turn, each of these functions is differentiated into functions of a smaller order, and their implementation has its own characteristics, characteristic of joint activities to prevent, disclose and investigate illegal acts.

4. In relation to the system of bodies that carry out interaction, it is necessary to be guided by the principle of relevance and their organizational and structural affiliation.

5. According to the stages of implementation of joint actions, the process of coordinated activities can be divided into the following stages: preliminary and subsequent.

7. By subjects, interaction presupposes the existence of the following principles: the right and obligation of the subjects of interaction to implement their functions in full and its implementation to a limited extent. Interaction in full can be carried out by services and units directly involved in the investigation of cases of human trafficking. In a truncated volume, interaction is carried out by auxiliary units, which include operational and technical units, accounting and registration, etc. [7, p.212].

The foregoing allows us to conclude that the interaction of pre-trial proceedings can be considered as a kind of system aimed at ensuring joint coordinated activities, where the common goal is to suppress, disclose and investigate crimes.

Improving the substantive aspect of interaction in conjunction with others is, first of all, in addressing the issues of structural support for the joint activities of investigative services and operational units of different bodies and departments and its special legal regulation [8].

Abstracting from the theoretical aspect of the topic under consideration, I would like to give some recommendations for improving the efficiency of interaction between pre-trial proceedings:

firstly, in order to successfully combat crimes related to human trafficking, a qualitative change in approaches to solving existing problems is necessary, leading to close interaction and systematic work of authorized bodies, consolidation of the efforts of the state and civil society;

Secondly, the effective organization of legal advocacy activities to explain to the general public the measures taken in the fight against human trafficking;

Thirdly, to involve all members of civil society in the fight against human trafficking.

Undoubtedly, strengthening the interaction not only of pre-trial proceedings, but also of non-governmental organizations will serve to increase the legal awareness of citizens, their awareness of the consequences of human trafficking, which, in turn, will lead to a significant reduction in the number of commissions of this type of crime.

References

1. The share of children in human trafficking has tripled in 15 years URL: <https://iz.ru/1119552/2021-02-02> date of access:04.10.2021y
2. Law of the Republic of Uzbekistan dated September 16, 2008 “On amendments and additions to the Criminal Code of the Republic of Uzbekistan in connection with the adoption of the Law of the Republic of Uzbekistan “On combating human trafficking” // Collected Legislation of the Republic of Uzbekistan, -T., 2008, N 37-38, Art. 366.
3. Law of the Republic of Uzbekistan “On Amendments and Additions to the Law of the Republic of Uzbekistan “On Combating Trafficking in Human Beings”. URL: <https://lex.uz/ru/docs/4953319>; (date of access: 04.10.2021).
4. Kolosov Yu. M., Krivchikova E. S. Current international law. textbook allowance - M. : MAMP, 2002., S. 525-530.
5. Gaidar K. M. Socio-psychological concept of a group subject: monograph. Voronezh: Voronezh Publishing House. State un-ac, 2013. - P.48-49.
6. Prokopenko O.V., Au T.V., Balgimbekov D.U., OsikYu.I., Seitkhozhin B.U. Combating Human Trafficking: Legal and Economic Aspects: Textbook. - Chorzow: DrukarniaCyfrowa, 2017. - P.57-58.
7. Fundamentals of operational-search activity: a textbook for law schools. - 4th ed., - St. Petersburg: Lan, 2002. - P. 212.
8. KholovaE.Kh., Khuseinova A.A. Law of the Republic of Uzbekistan “On combating human trafficking” URL: <https://cyberleninka.ru/article/n/zakon-respubliki-uzbekistan-o-protivodeystvii-torgovle-lyudmi?gclid>. (date of access: 04.10.2021).