

**PECULIARITIES OF CONDUCTING A SEARCH ON COMPANY PREMISES****Ibodullaev Saidmuhammad Rahmatullaevich**

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**Abstract:** This article simulates a situation with a search of an enterprise whose premises are directly related to criminal business. A clear analysis of the concept of “search” was also carried out.

**Key words:** office, enterprise, search, law enforcement officer, basis for ordering a search, conducting a search,

Let's simulate a situation: law enforcement officers came to your office (enterprise, premises directly related to your business).

The company's employees have a question: What to do? — The most important thing is not to panic. First, you need to make sure how lawful the actions of law enforcement officers are.

Taking into account the fact that you have been presented with the official identification of a law enforcement officer (the employees are dressed in the uniform of police officers or special units, etc.), this does not give the right or reason to enter (break into) the premises of your organization, only with your permission.

Taking into account the mentality of the citizens of our country, in order not to aggravate relations with employees, you would rather allow entry into the premises, which, with your tacit consent, indicates that you do not have the information and do not know the legal side of the actions, which may lead to such visits may be repeated regularly. The legislative framework of the Republic of Uzbekistan strictly regulates both the search procedure itself and the powers of law enforcement agencies to conduct it.

We expand on the concept of “Search” as an investigative action within the framework of a criminal investigation. The investigator, having sufficient grounds to believe that in any place or in the possession of any person there may be instruments of crime, objects, documents and valuables that may be important for the criminal case, conducts a search to find and seize them (Article 158 of the Code of Criminal Procedure RUz). Thus, the main content of the search

consists of the actions of the investigator aimed at searching for material and written evidence in the case and their seizure. The search is also carried out to

searching for escaped accused or suspects to find corpses. It is also carried out in cases where it is necessary to detect and seize property and valuables to secure a civil claim or possible confiscation of property.

A search may be carried out if there are sufficient grounds. The factual basis for the search is the specific data available in the criminal case, contained in the sources established by law.

So, in Part 1 of Art. 159 of the Code of Criminal Procedure of the Republic of Uzbekistan states that “A seizure or search is carried out by order of the inquirer or investigator or by a court ruling, which has the right to entrust the seizure or search to the inquiry body or investigator” and no special sanction or consent is required to carry out this investigative action. A search of a home is carried out on the basis of a court decision adopted in the manner established by Art. 158 Code of Criminal Procedure of the Republic of Uzbekistan (Part 3 of Article 158 Code of Criminal Procedure of the Republic of Uzbekistan). The seizure of objects and documents containing state or other secrets protected by federal law is carried out by the investigator on the basis of a court decision (Part 3 of Article 158 of the Code of Criminal Procedure of the Republic of Uzbekistan).

When conducting a search, the mandatory presence (participation) of at least two witnesses, due to the fact that in the future the witnesses can be questioned as witnesses in the case (witnesses of what?, you ask. - We answer: how, in what order the search was carried out, whether someone’s rights and obligations were violated, whether certain evidence, if any, was discovered and correctly seized).

Witnesses are selected taking into account the specifics of the object being searched. When searching institutions and organizations, it is advisable to invite their representatives; when searching for items and documents that constitute state secrets, employees who have access to them (however, in practice, everything happens a little differently; witnesses are most likely invited by law enforcement officers, for example students vocational schools, universities, etc., which came at their request, so it would not hurt you to ask to invite other witnesses, this will not be superfluous, taking into account the above).

A search of premises occupied by institutions, enterprises, and organizations takes place in the presence of their representative, which is mandatory. As a rule, this is the head of the organization, his deputies, the chief accountant or an in-house legal adviser.

The persons at whom the search is being carried out, the witnesses and the above-mentioned representatives by the investigator or the person conducting the search (the person may be, for example, a criminal investigation officer who has a corresponding order from the investigator to conduct an investigative action, necessarily indicating the number of the criminal case), must be explained their right to be present at all actions of the investigator and make statements regarding these actions, subject to mandatory

entry into the search protocol.

When conducting a search, at the request of a representative of the organization, a lawyer can be invited, which must be reported to the investigator and an appropriate entry must be made in the search protocol.

The above regulates the procedure for the search itself and the actions that the investigator must perform; however, in addition to this, there are a number of requirements that the investigator must comply with outside the search.

Initially, you should find out the official position of the representatives

law enforcement agencies and the purpose of the visit. If you have any doubts about the official position, you should immediately call the place of work of the relevant persons and find out whether the people standing on your doorstep are really who they say they are.

Next, you need to find out the purpose of the visit. Your future actions depend on this. In some cases, it is enough that one disagreement to communicate with representatives of law enforcement agencies, supported by the voicing of legal norms, is enough for representatives of these structures to leave the premises.

Who, when and under what conditions has the right to conduct a search?

Investigators of the Investigative Committee can issue orders to conduct a search of the premises and the search itself; internal affairs bodies; federal security service agencies; as well as investigators, only within the framework of an initiated criminal case. A search is an investigative action. Conducting a search before the initiation of a criminal case is a violation of the criminal procedural law and entails the loss of the evidentiary value of this investigative action.

Sometimes, after representatives of law enforcement agencies appear at the threshold of the organization's premises, they ask the director for permission to inspect the premises (investigative action - inspection of the crime scene, etc.). These circumstances indicate that employees of authorized bodies, most likely, simply do not have grounds to initiate a criminal case, and therefore to carry out

search. Accordingly, the possible purpose of the visit is to find information that could serve as such a basis. In this case, allow representatives

Law enforcement agencies are not allowed into their premises.

The purpose of the search is to find and seize objects or documents relevant to the criminal case. This feature distinguishes a search from another investigative action—a seizure. If a search takes place in an institution or organization, the investigator must issue a reasoned decision to conduct a search in the premises, which is announced to representatives of the organization. Sometimes law enforcement officials, not knowing the exact address of the organization or wanting to expand the scope of searches, can indicate the street and house number in the resolution. Based on this alone, they can search all areas of this building.

Often, the organization that owns the building rents out part of the premises. The resolution indicates the address of the organization, and the investigator has the right to search all premises. In order to guarantee your rights and protect yourself in such a situation, you must have a lease agreement for the premises you are renting, with a detailed description and explanation (diagram, etc.). By presenting such a lease agreement, you have the right to prevent a search of your premises.

It is important to know and understand that there are procedures and conditions for conducting a search.

Before starting a search of the premises, the investigator is obliged to present the resolution to conduct a search of the premises to the head of the organization or his representative, who familiarizes himself with the contents of this resolution and certifies this fact with his signature. A decree to conduct a search of a home is issued for a specific criminal case, the number of which is indicated in the decree.

According to the current legislation, a search of a premises at night, namely: in the period from 22:00 h. until 06:00 local time, except in urgent cases, is not allowed. Or the representative gives his written consent.

The investigator conducting a search in the premises is obliged to offer to voluntarily hand over the objects or documents of interest to the investigation, specified in the decision to conduct the search. In case of consent and extradition, a note about voluntary extradition is made in the protocol. Thus, the search of the premises can be completed.

When conducting a search on a premises, an investigator or other authorized person carrying out an investigative action has the right to:

1. open locked premises and storage facilities (if the owner or his representative refuses to voluntarily open them and present them for inspection);
2. take the necessary measures to ensure that information discovered during inspection, search and seizure containing state or other secrets protected by law is not disclosed;
3. check all persons present in the searched premises or those who arrived there (except for the lawyer who represents the organization) - prohibit these persons from leaving the premises, talking to each other or other persons on the phone, transferring any objects to each other or to other persons or documents until the end of the investigative action.

It must be remembered that physical force during a search can only be used on the instructions of the person carrying it, that is, the investigator.

Causing harm due to the unlawful use of force can be appealed. In addition, it is advisable to require the investigator to include the relevant institutions in the search protocol or to require the investigator to call doctors. Considering practice, there is an understanding that the investigator's greatest interest during a search is the manager's office, accounting, computers, electronic storage devices, and most importantly, the organization's server. During a search, security forces, as practice shows, remove all employees from their offices and gather them in one place.

Therefore, as a method of counteraction, when leaving the premises, close it and demand that the search be carried out only in the presence of the manager and a lawyer.

All investigative actions must be documented in appropriate protocols. Using the example of a search, a protocol for the search of the premises is drawn up, indicating all persons present, that is, all participants must be included in the protocol (investigator, operational officers, employees of special units, concept, lawyer, manager and other persons). During the investigative action, or immediately after its completion, the investigator draws up a protocol for the search of the premises in two copies. The protocol must include all searched premises, what was found and seized in them. The seized documents must be described and an inventory drawn up. When seizing computer equipment, it is necessary to check the serial numbers (color, type, etc.), this must also be entered into the protocol. Seized items and documents must be sealed with tags and explanatory notes. When sealing a room or a separate office, a corresponding record is also made about this.

Upon completion of drawing up the search protocol, the investigator reads the protocol out loud to all persons participating (participating), passes a copy to the representative of the

organization - a lawyer, to check the authenticity of the protocol. All persons are explained the right to make comments, which are also subject to inclusion in the appropriate protocol.

At the end of the investigative action, the protocol is signed by the inquiry officer (investigator), an authorized representative of the legal entity, a translator (if his presence was necessary), a specialist, witnesses and other persons if they participated in the investigative action. All changes made to the protocol

additions and corrections must be agreed upon and certified by the signatures of those named. Provided that if the head of the organization or witnesses refuse to sign the protocol, the person carrying out the investigative action is obliged to make a note about this in the protocol. It is important to remember that refusal to sign does not deprive the head of the organization or witnesses of the right to give an explanation in the same protocol about the reasons for refusing to sign.

The most important thing to remember is that a violation of the procedural order of drawing up a protocol can cause a loss of its evidentiary value, since in accordance with the Code of Criminal Procedure of the Republic of Uzbekistan, evidence obtained in violation of the law is recognized as having no legal force and, therefore, cannot be used as the basis for an accusation, and also be used in court.

If you believe that your rights were violated during the search, then you have every right to go to court with a complaint about unlawful actions of law enforcement officers.

The grounds for a complaint may be different: the search was carried out in the absence of authorized representatives of the organization; Documents for material assets or funds, samples of raw materials and products were unreasonably confiscated, and the premises were sealed; a search warrant was not presented or copies of investigative reports were not issued.

Almost always, as a result of such actions, the organization's production activities suffer. In the complaint, you can ask for compensation for damage, indicating its amount, and also provide evidence: contracts, specifications, payment orders, etc. And also ask for compensation for moral damage.

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