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THEORETICAL QUESTIONS OF THE ETYMOLOGY OF OPERATIONAL AND INVESTIGATIVE ACTIVITIES

Abstract: In the article, the authors examine the problematic issues of the theory of operational measures for the formation of a unified conceptual apparatus for the definition of operational activities. Identification of clearly defined the definition will serve as the basis for the development of a particular theory of operational activities. Definitions presented in theoretical research do not reveal the content of individual characteristics of operational activities.

The definitions presented in theoretical research do not reveal the content of individual characteristics of operational activities and do not have a semantic meaning for enterprises. According to the authors, the main obstacles to improving the effectiveness of research related to operational activities are the problems of lack of interest among theorists and practitioners in conducting theoretical research and analysis of this issue, their subsequent practical demand for operational agencies.

According to the authors, the main obstacles to improving the effectiveness of research related to operational activities are the problems of lack of interest among theorists and practitioners in conducting theoretical research and analysis of this issue. There is also a lack of activity of existing scientific schools and directions, a lack of continuity. The logic of the cognitive process of optimizing the definition of operational activities development of a unified concept of the required definition and overcoming the theoretical challenges facing operational science.

Key words: extremism, law, terrorism, criminal procedure, international law, operational measures, investigation, tactical combinations, human rights, disclosure, investigation, religious organizations, criminal sanctions, rules of law, international agreements.

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Introduction

The definition of a well-defined definition will serve as a basis for the development of a private theory of operational activities. In operational theory, creative and productive work is being done to establish a common conceptual framework for the definition of operational activities. The definitions presented in theoretical studies do not reveal the

content of the individual characteristics of operational activities and do not have any meaning for practical application.

This includes the lack of activity on the part of existing academic schools and disciplines, which analyze and study theoretical problems of operational activities, and the lack of continuity. The logic of the cognitive process aimed at optimizing the definition

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of operational activities is aimed at developing a unified concept of the required definition and overcoming the theoretical problems facing operational science. Operational activities are part of the system of operational activities. The content contained in the operational Law (*The Law of the Kyrgyz Republic, 1998*) is implemented by the operational agencies through the entities with the authority and competence, in accordance with the regulations in force.

Using a combination of tacit and transparent tools and techniques to address the challenges of operational activities [1].

Based on his analysis of the available material, the author comes to the following conclusions:

a) Creative and productive work is being done in operational theory to establish a common conceptual framework for the definition of operational activities [2];

b) A well-defined definition will serve as a basis for the development of a private theory of operational activities;

c) The definitions presented in the theoretical studies do not reveal the content of the individual characteristics of operational activities and are meaningless for practical application.

Theoretical framework

The main obstacles to improving the effectiveness of research related to operational activities are the lack of interest among theorists and practitioners in conducting theoretical research and analysis of this issue [3, p. 269]. The development of a scientifically based classification is a significant way of scientific knowledge of the theory of operational activities, which contributes to the structuring of existing theoretical knowledge, and helps to understand their meaning and essence.

This is what makes it possible to conclude that the issues presented need to be investigated and transformed into a clearly formulated theory of all operational investigative activities [5].

Based on the analysis of investigative and operational practices and his theoretical research, the author comes to a number of conclusions that [6]:

1) Methods of theoretical research designed to form a legal definition of the results of operational activities in their content were based on the principles of criminal procedure, criminalistics and operational search interpretation.

2) Knowledge of the nature of the content of the results of operational activities, based on the definition of the internal content of their joint comprehensive characteristics.

3) The use of the definition of «materials» in the content of Article.6 of the Operative Law of the Kyrgyz Republic is theoretically and logically justified, With regard to the use of criminal procedure,

it is not necessary to refer to the materials of operational activities but to the results of operational activities.

4) It is possible to speak about the results of operational activities in terms of legal content when the information received [7]:

a) The goals and methods correlate with the tasks of operational investigative activities;

b) Information obtained exclusively by the methods of the operational and investigative activities were indicated by normative acts;

c) Data obtained by employees who have the appropriate legal authority and competence have a procedural status;

d) The production of operational and investigative activities in the framework of the investigation of a crime, meets the requirements provided for by laws and departmental regulations.

Statement of the problem

After analyzing the practice of the law enforcement agencies and special services in their operational activities, the authors concludes that the norms of criminal procedure were previously an obstacle for the subjects of operational activities, at present, [paradoxically](#) that the rules of operational law are an obstacle [8].

Difficulties in giving legal status to the results of operational activities, i.e. operational information in the past called «legalization» are now a big internal problem of operational activities themselves. Since the information collected by the subject of operational activities in the process of proactive search, it is permissible to apply only if it is confirmed by the data obtained during the operational measures prescribed by law carried out in accordance with the norms of the criminal process.

Discussion

The problem is that in the code of criminal procedure in paragraph 44 of article 5 there is no general concept of operational activity, and there is a definition of special investigative actions. The body of inquiry is a very peculiar subject of the criminal process. Possessing a plurality of competencies and the right of authority, the practice of an entity endowed with operational authority covers both procedural and non-procedural areas of activity [4, p 142-145.].

Conclusion

In response to this practical fact, the author concludes in his study that:

1) Analysis of the concept of the system, and the delineation of the legal content of the implementation of operational measures, creates optimal conditions in the framework of scientific research, substantiation of theoretical provisions and practical recommendations aimed at optimizing and improving the efficiency of

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legal support and implementation of operational measures [9];

2) In the theory of production of operational activities, it is advisable to identify the following promising directions in the formulation of definitions of the principles of implementation of operational activities;

2.1 the system (legal) approach assumes that the conditions for implementing operational measures are limited by article 9 of the operational law.

2.2. the practical (real) approach involves, among other things, the use of rules specified in other articles of the operational law, as well as internal regulatory documents and legal acts.

The list of indicated conditions for the implementation of operational measures listed by the operational law is not exhaustive, due to the fact that the process of optimization and the search for the most effective ways of legal support is not completed. As a result, this list will be gradually expanded taking into account the real practical need for their application.

Of great practical importance is the development of rules for the operational-search limits for the immunity of officials who are subject to a special procedure for criminal proceedings and who need legal regulation, which is reflected in a separate article of the operational law.

The effectiveness of the process of production of operational measures implemented by departmental

authorization primarily depends on the specific definition of the limits of legal powers and competence of heads of departments implementing operational activities, the ability to implement and control in practice the principle of legality in operational activities, as a result, to optimize the procedure for applying the results of operational investigative activities during the investigation [10]. At the same time, the legal regulation of the rules for the production of operational measures has certain difficulties and requires improvement; a promising direction in this case is the separation of Article 9 of the operational law into independent articles, with the general content of the subject of legal restriction and regulation.

Results

In order to improve the monitoring of the implementation of the operational measures set out in the internal documents, it is advisable to classify them in two groups according to the level of legal regulation: legislative conditions and conditions prescribed by departmental regulations.

At the same time, certain restrictions indicated by interdepartmental acts require legislative interpretation and confirmation; this contributes to the implementation of the rule of law and ensures the observance of citizens' rights in the course of operational activities.

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