methods, establishment of the fund of expert research methods);

- Accreditation of a specific type of expert study as well as the methods and technology, algorithms used in this case that approved by an international expert organization;

- Indicators related to the calibration of devices and equipment, units, other technical means used in the course of expert examination, as well as, along with other areas, the purpose for their use in conducting research in the field of forensic examination;

References

1. Jhdanova Y.V. Problems of probable and reliable in criminally-remedial evidence and their influence on the adoption of individual procedural decisions by the investigator. Abstract of the dissertation for the degree of candidate of legal sciences. İjevsk, 2004, p.16

2. Commentary on the Code of Criminal Procedure of the Republic of Azerbaijan. J.H. Movsumov, B. J. Kerimov, A.H. Huseynov

3. Savelyeva N.V. Evaluation of the expert's opinion. Abstract of the dissertation for the degree of candidate of legal sciences. Krasnodar, 2007, p.6

4. Petrukhina A.N. The conclusion of the expert and his assessment in the criminal process. Abstract of the dissertation for the degree of candidate of legal sciences. M., 2012, p.4-5

5. Neretina N.S. Methodological, legal and organizational aspects of the formation and development of new genera and types of forensic examinations. Dissertation for the degree of candidate of legal sciences. M., 20156 p.140

6. Sarijalinskaya K.G, Javadov F.M, Mahmudov A.M, Aliyev B.Y. Forensic examination. Textbook. Baku 2003, p.4-5

7. Rossinskaya E.R. Judicial examination in civil, arbitration, administrative and criminal proceedings. M., 2006, pp. 269-273.

8. Savelyeva N.V. Evaluation of the expert's opinion. Abstract of dissertation for the degree of candidate of legal sciences. Krasnodar, 2007, p.6-7

9. Grigoriev I. A. Reliability as a legal principle of forensic activity. Dissertation for the degree of candidate of legal sciences. M., 2020, p.4-5

10. Nemira S. B. Reliability of expert opinion in criminal proceedings. Dissertation for the degree of candidate of legal sciences. Krasnodar, 2016, p.9

11. Prokopenko N. A. Peculiarities of assessing the examination of micro-objects by the subjects of proof // Ambassador of the Taganrog Institute of Management and Economics. 2017. No. 2, p.59

12. Javadov F.M Special theory of forensic expert opinion, their current state and development trends / Actual issues of forensic examination, criminology and criminalistics; Baku 1999, p.9

13. Samuticheva E. Yu. Expert opinion and its assessment in criminal proceedings (comparative legal research). Dissertation for the degree of candidate of legal sciences. M., 2015, p.123

14. Musayev. H. A. Non-traditional study methods in forensic proceedings (scientific - theoretical, organizational-methodological and legal aspects) Baku 2012, p.223

15. Musayev. H. Y. Some issues of forensic and judicial evaluation of forensic examination opinions, which involve the application of mathematical modeling. Study guide. Baku 1997, p.15

THE ROLE OF CRIMINAL PROCEDURE LEGISLATION IN THE EFFECTIVE FIGHT AGAINST CRIME

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ABSTRACT

The author of the article examined the role and importance of procedural regulation in the fight against crime. The article focuses on the analysis of the concept of crime itself in the fight against crime, and touches on the question of the appropriateness of the application of a number of procedural institutions in this fight. Along with punishment, the importance of coercive procedural measures, which are one of the main institutions of criminal procedure legislation, was noted in the fight against crime.

Keywords: crime, criminal procedure, coercive procedural measures, arrest, detention, hostage, criminal procedure legislation, restrictive measures.

In order to properly study the role and importance of procedural regulation in the effective fight against crime, it is first necessary to clarify the nature of crime and the fight against crime.

Crime is relatively massive, changing throughout history, criminal in nature, definiteis a negative social event characterized by quantitative and qualitative indicators, consisting of a set of crimes committed in the relevant state during the same period [9, p.25]. As crime is characterized as a negative social phenomenon for society, its expansion poses great obstacles to the protection and enforcement of human rights and freedoms. Since Article 12 of the Constitution of the Republic of Azerbaijan states that ensuring human and civil rights and freedoms, a decent standard of living for the citizens of the Republic of Azerbaijan is the highest goal of the state, the state must fight crime and take effective measures to reduce it.

According to Chingiz Mustafayev, the effectiveness of crime prevention depends, first of all, on the correct identification of the causes and conditions that cause it. Prevention means the prevention of a social

phenomenon caused by specific causes and conditions, rather than an abstract existing phenomenon. In this regard, it should be noted that the prevention of crime should be assessed as the elimination of these causes and conditions[10, p.90].

It should be noted that crime prevention is a multi-level system of state and public measures aimed at eliminating, weakening or neutralizing its causes and conditions.

Improving the effectiveness of crime prevention requires the correct and timely identification of negative traditions that significantly increase the burden on society and the creation of possible social, economic, political, cultural, organizational and legal opportunities for their elimination.requires ensuring efficiency, systematization, consistency and consistency in the implementation of relevant measures. Effectiveness means that prevention is focused on concrete results [10, p.98]. In general, an indicator of the effectiveness of preventive measures is the reduction, stabilization or slowdown in the level of crime and its various types. In addition, the quality of social and preventive activity of the population, state and non-state economic and educational structures, the protection of prevention work by public opinion are also included in the system of indicators.

At the end of the last century, the fight against crime in the republic was going through very difficult and complicated times. One of the main reasons for this was that before gaining independence, the Republic of Azerbaijan, being a part of the USSR, had almost no ability to independently formulate its methods of combating crime. Other reasons include the crisis of power, economic backwardness, Armenian aggression and so on. was. For such reasons, crime at that time created problems for the transition of society from control to a new system of normal socio-economic relations. Therefore, the elimination of the factors that led to the aggravation of the criminogenic situation was the main task of the state.

Jafarguliyev noted that the investigation, prosecution and judicial authorities have their ownThey should help strengthen the rule of law, prevent and eradicate crime, protect the interests of society, the rights and freedoms of citizens, adhere to the Constitution and laws of the Republic of Azerbaijan, and educate citizens to respect the rules of coexistence [11, p.7]. We partially agree with the views of the author. What we can't agree on is the task of eradicating crime. This is mainly due to the traditions of the Soviet criminal process. It is known that the classics of Marxism-Leninism claimed the possibility of eradicating crime and linked it with the end of human exploitation [12, p.129]. The followers of this training wrote in the textbook "Criminology": "As socialist society develops, the social roots of crime will be cut off, but some of the causes of crime will continue. They are not related to the nature of socialism, but to the specific historical conditions of the establishment of socialism, which is facing certain difficulties and contradictions and is struggling with intense class struggle at the international level. Crime will be sentenced to death in the face of communism ”[16, p.54]. Almost all Soviet scientists were in this position. Therefore, criminologists set themselves the task of "eliminating" or even "destroying" crime, while Western scholars believed that "socialism could not prevent crime." but some of the causes of the crime will continue. They are not connected with the nature of socialism, but with the specific historical conditions of the establishment of socialism, which is facing certain difficulties and contradictions and is struggling with intense class struggle at the international level. Crime will be sentenced to death in the face of communism ”[16, p.54]. Almost all Soviet scientists were in this position. Therefore, criminologists set themselves the task of "eliminating" or even "destroying" crime, while Western scholars believed that "socialism could not prevent crime." but some of the causes of the crime will continue. They are not related to the nature of socialism, but to the specific historical conditions of the establishment of socialism, which is facing certain difficulties and contradictions and is struggling with intense class struggle at the international level. Crime will be sentenced to death in the face of communism ”[16, p.54]. Almost all Soviet scientists were in this position. Therefore, criminologists set themselves the task of "eliminating" or even "destroying" crime, while Western scholars believed that "socialism could not prevent crime." It is connected with the specific historical conditions of the establishment of socialism, which is facing certain difficulties and contradictions and is struggling with intense class struggle at the international level. Crime will be sentenced to death in the face of communism ”[16, p.54]. Almost all Soviet scientists were in this position. Therefore, criminologists set themselves the task of "eliminating" or even "destroying" crime, while Western scholars believed that "socialism could not prevent crime." It is connected with the specific historical conditions of the establishment of socialism, which is facing certain difficulties and contradictions and is struggling with intense class struggle at the international level. Crime will be sentenced to death in the face of communism ”[16, p.54]. Almost all Soviet scientists were in this position. Therefore, criminologists set themselves the task of "eliminating" or even "destroying" crime, while Western scholars believed that "socialism could not prevent crime."

Many prominent scholars have commented on the persistence of crime. Philosopher E. Pozdnyakov claims that crime is "one of the beautiful and all-round elements of human nature, that is, of all humanity."[17, p.502]. That is, the more people there are, the more crime there will be. AI Aleksandrov wrote the following about it: “It is practically impossible to completely destroy the crime. This is the case, at least in the socio-economic formations known to us. This is only an ideal to be pursued ”[18, p.148]. It is impossible to disagree with the position of the authors.

The Constitution of the Republic of Azerbaijan is the basis for the procedural regulation of the fight against crime. Thus, many articles of the Constitution directly state that the security of the people must be ensured and that state bodies must carry out this work.

According to Article 12 of the Constitution, ensuring the human and civil rights and freedoms, a decent standard of living for the citizens of the Republic of Azerbaijan is the highest goal of the state. Providing constitutional guarantees of human and civil rights and freedoms is one of the most important features of the rule of law. Recognition of human and civil rights and freedoms as a supreme value means giving priority to rights and freedoms in the activities of all state bodies. Ilgar Jafarov notes that the state's trust in its citizens and citizens' trust in the state is determined by the degree to which they faithfully fulfill their responsibilities to each other. It is clear that a state that does not serve the interests of its citizens is unreliable and weak.[13, p.69]. It is impossible to disagree with the position of the author. The political significance of the criminal proceedings is also connected with this. Thus, when the law enforcement agencies effectively fight crime, people develop a sense of trust and confidence in government agencies. This is a very important factor for citizens to feel safe.

Part IV of Article 27 of the Constitution stipulates that the necessary protection provided by law, as a last resort, is to prevent the arrest and detention of a criminal, to prevent a prisoner from escaping from custody, to suppress a revolt or a coup d'etat, or to invade the country. The use of weapons against humans is not allowed. The fact that the Constitution makes exceptions for the use of weapons against human beings is clear evidence of the state's recognition of the supreme value of human life. However, this is an exceptionIt is clear from the circumstances that the use of weapons against a person is carried out mainly for the purpose of preventing the perpetrator or new crimes. It is important to understand the importance of using weapons against a criminal who is particularly relevant to our research object. The arrest of the perpetrator helps to fulfill the responsibilities of the judiciary, prevents recidivism. While it is the right of all citizens to apprehend a perpetrator, it is a duty of service for police officers. In the performance of this duty, he may also use a weapon if necessary.

According to Article 31 of the Constitution, everyone has the right to a safe life. According to this right, the relevant state bodies are responsible for ensuring the safety of people. Undoubtedly, one of the main threats to human beings is the increase in crime in society. Therefore, the effective fight against crime by government agencies serves constitutional law.

Pursuant to Part IV of Article 58 of the Constitution, associations pursuing the purpose of forcible overthrow of the legitimate state power, pursuing other criminal purposes or using criminal methods in the entire territory or in any part of the Republic of Azerbaijan are prohibited. Although the free operation of all associations is guaranteed, the ban on the establishment of associations for criminal purposes stems from the need for a more effective fight against crime. The creation of such associations leads to responsibility. It is also clear that the provision defining the cases in which the right to association is prohibited is directly related to Part III of Article 24 of the Constitution. Thus, the article states thatCovers. Abuse of rights is not allowed. That is, the abuse of the right to equality granted to people (exercise for criminal purposes) is not allowed.

Article 71 of the Constitution is dedicated to ensuring human and civil rights and freedoms. It is the duty of the legislative, executive and judicial authorities to observe and protect the human and civil rights and freedoms enshrined in the Constitution. Undoubtedly, one of the directions for the fulfillment of this duty is to take an active part in the effective fight against crime.

One of the most important legal bases for the fight against crime is the Criminal Procedure Code of the Republic of Azerbaijan. A number of articles of this normative legal act directly define specific requirements for the fight against crime. First of all, it should be noted that the criminal procedure legislation of the Republic of Azerbaijan is aimed at exposing and prosecuting any person who has committed a criminal act, which is of particular importance for the performance of a general warning function. Thus, the non-prosecution of perpetrators leads to mistrust of the prosecuting authorities and, most importantly, to the perception that the penal system is weak. Therefore, it is important to accept one of the goals in this way. According to Iering, the goal is the creator of all rights[14, p.225].

Cesare Beccaria writes in his famous book, Crimes and Punishments, that it is better to prevent crimes than to punish them. This is the basic purpose of a good written law[15, p.201]. It is in this direction that the provisions established in the Criminal Procedure Code of the Republic of Azerbaijan to combat crime are envisaged. Now let's move on to the analysis of those provisions.

One of the tasks of criminal proceedings under Article 8 of the CPC is to protect the individual, society and the state from criminal conspiracies.

Pursuant to Article 123 of the CPC, when the prosecuting authority discovers that the victim, witness, accused or other person involved in the criminal proceedings is or may be in need of protection from attacks provided for by criminal law, at the request or on its own initiative, take security measures by making an appropriate decision for their state protection. Security measures for the protection of persons participating in criminal proceedings shall be carried out in cases and in accordance with the procedure provided for by the legislation of the Republic of Azerbaijan. This timeThe Law of the Republic of Azerbaijan of 11 December 1998 on State Protection of Persons Participating in Criminal Proceedings plays an important role. This article of the CPC is aimed at protecting the victim, witnesses, the accused and other persons involved in the criminal proceedings from the dangers they may face in connection with their criminal activities. Even the dissemination of information about such security measures by a person entrusted or known to him in connection with his official position is subject to criminal liability under Article 316 of the Criminal Code. Given the sensitivity of the activities of persons involved in criminal proceedings, the application of such state protection appears to be an indispensable means of preventing new attacks on those persons. The authors of the commentary note that the threat of assassination of

persons involved in criminal proceedings may come from different addresses. Such a threat shall be imposed on persons exposed on the basis of their statements and other evidence, persons whose procedural position contradicts any of the persons involved in the criminal proceedings, as well as various persons involved in the criminal proceedings who have their own interests in a particular case. may come from other persons who try to obtain the necessary evidence by pressure [7, p.353].

As we know, the arrest of a person who has committed a crime is also an activity to fight crime. In this regard, withholding, which is one of the procedural coercive measures provided for in the CPC, is of particular importance. Pursuant to Article 148.2 of the Criminal Procedure Code, if there is a direct suspicion that a person has committed a crime, the investigator, other employee of the investigative body, the investigator or the prosecutor may apply his detention in the following cases:

1. when a person commits an act provided for by criminal law, or is arrested immediately after the crime;
2. when other persons who have suffered or witnessed the incident directly indicate that the act provided for by criminal law has been committed by that person;
3. when obvious traces of the commission of an act provided for by criminal law are found on a person's body, body, clothing or other items used by him, at his place of residence or in a vehicle.

Also, according to Article 148.3 of the Criminal Procedure Code, if a person has other information that gives rise to suspicion of committing an act under criminal law, he may be detained by an investigator, other employee of the investigative body, investigator or prosecutor in the following cases:

1. when attempting to escape from the scene or to hide from the prosecuting authority;
2. if he does not have a permanent place of residence or lives in another area;
3. if the identity is not established.

However, it should be noted that the arrest of a person on suspicion of a crime is not necessary, even if there are grounds to do so. A person may not be arrested if he or she does not fear that he or she will flee from the investigation and court, commit a new crime, or prevent the truth from being established [8, p.37]. This can be understood from the content of Article 149.1 of the CPC. The article states that if a crime is committed or the perpetrator tries to hide immediately after the crime, the perpetrator may assist the prosecuting authority in apprehending the person in order to apprehend him.

The most important procedural tool in the effective fight against crime is, without a doubt, restrictive measures, which are a type of procedural coercive measures. Pursuant to Article 154.1 of the CPC, a measure of restraint is a procedural coercive measure imposed on a suspect or accused in order to prevent unlawful conduct in a criminal case and to ensure the execution of the sentence and in the cases provided for in Article 155.1 of the CPC. Illegal behavior of a suspect or accused in criminal proceedings means that they not only have a negative impact on the course of criminal proceedings, but also have the opportunity to commit new crimes. The authors of the commentary also note that the illegal conduct of the suspect or accused here means it must be understood that the person has acted in accordance with Articles 155.1.1-155.1.4 of the CPC [7, p.472]. Legislative restraining measures aimed at preventing misconduct have established that there are sufficient grounds to suspect that the suspect or accused has already committed any wrongdoing, rather than that he or she has already committed any wrongdoing. The illegal behavior that a suspect or accused person may commit in the course of criminal proceedings may be of a different nature. At the same time, such behavior is not only aimed at obstructing the normal course of criminal proceedings, but can also be dangerous for society (committing a new crime, etc.). Therefore, when choosing a measure of restraint, the prosecuting authority must decide whether the suspect or accused person may have committed alleged wrongdoing, not only in terms of the normal course of proceedings, but also in terms of security of public relations [7, p.473]. . This is the duty of the body responsible for the effective fight against crime.

Article 155 of the CPC sets out the grounds for the application of restrictive measures. Pursuant to Article 155.1 of the CPC, restrictive measures may be applied by the relevant investigator, investigator, prosecutor in charge of the investigation or the court in cases where the materials collected for the prosecution are sufficient to suggest that the suspect or accused has committed the following acts: Give up the basics:

1. to hide from the prosecuting authority;
2. to obstruct the normal course of the preliminary investigation or trial by illegally influencing the persons involved in the criminal proceedings, concealing or falsifying materials relevant to the criminal prosecution;
3. to re-commit an act provided for by criminal law or to pose a threat to society;
4. not to respond to the summons of the prosecuting authority without good reason or to avoid being prosecuted or punished in any other way;
5. to impede the execution of a court judgment.

Apparently, each of these actions is against the interests of justice. In some cases, these actions are even considered the basis for the commission of a new crime. Materials of criminal prosecution, in particular, falsification of evidence, non-enforcement of a judgment, etc. cases are considered new criminal offenses. However, the main point to note here is that Article 155.1.3 of the CPC provides that restrictive measures may be applied to a suspect or accused person if there is a possibility of re-offending or endangering society. An offender who has committed an act under criminal law is more likely to repeat the act than others, and this is explained by the criminal tendency of these persons. Therefore, the legislature has included in the CPM the need for restrictive measures against criminals, if necessary, in order to combat crime. P. Despi thinks that people who have committed serious crimes do not have the moral feelings that dictate that there is good and evil in a person, condemn criminal desires and create feelings of remorse in the future [12, p.124]. Therefore, we consider

that according to Article 155.2.1 of the Criminal Procedure Code, when deciding on the necessity of choosing a measure of restraint and which of them to apply to a specific suspect or accused, The requirement that the prosecutor or court in charge of the procedural aspects of the investigation should take into account the gravity, nature and circumstances of the act referred to the suspect or accused is a very successful step. Because the restraining order is a coercive procedural measure imposed on the suspect or accused by temporarily restricting his rights, his choice must be justified.

The authors of the commentary also note that the possibility of a suspect or accused person re-offending or endangering society under the criminal law depends on the public danger of the act, the danger of his identity, the nature of the criminal intent, his post-crime behavior, the crime with special cruelty. committing socially dangerous methods and other similar circumstances. If a person commits a crime with special cruelty or socially dangerous methods, has committed similar crimes before, has no remorse after committing the crime, and even tries to justify himself, it increases the likelihood that he will continue his criminal intent or commit new crimes. In such cases, it is necessary to apply a restrictive measure [7, p.478]. In this case, in particular, the application of pre-trial detention is more common. This is because the detention of an accused person in a place of detention with a temporary restriction of liberty in the cases and in accordance with the procedure provided for in the CPC as a measure of restraint eliminates the possibility of him endangering society or re-offending under criminal law.

However, there are elements of the fight against crime in the content of other restrictive measures. For example, as a precautionary measure under Article 165 of the CPC, a suspect or accused person must be at the disposal of the prosecuting authority, not go anywhere else without the permission of the prosecuting authority, not to hide from him, not to engage in criminal activity, a written obligation not to obstruct the investigation and trial, to appear when summoned by the investigator, investigator, prosecutor or court, or to inform them of the change of residence.

Medicine teaches that in order to find a cure for a disease, one must first discover its origin and investigate its cause. We believe that the question of the perpetuation or perpetuation of a crime cannot be resolved outside the context of the causes of a person's criminal behavior. Both the environment and a person's psychophysical characteristics can be the causes of crime. In this case, crime can be eliminated provided that both the social environment and human "defects" are eliminated. Unfortunately, today we are unable to answer questions about the causes of human criminal behavior. Therefore, crime has become an eternal evil for us [12, p.132]. However, it is possible to fight crime because we are able to identify other causes and circumstances that lead to crime.

In view of the above, in our opinion, the most important provisions of the CPC in the fight against crime are contained in Article 221. This article defines the duty to identify and eliminate the circumstances that create the conditions for the commission of a crime. Here, responsibilities are divided between two entities. Thus, the investigator is responsible for determining the circumstances (causes and circumstances) that led to the commission of the crime, and the relevant legal or official is responsible for taking measures to eliminate the circumstances that led to the commission of the crime. According to Article 221.1 of the CPC, during the preliminary investigation, the investigator must determine the circumstances (cause and circumstances) that led to the commission of the crime. Upon identification of these cases, the investigator shall, if necessary, send a proposal to the relevant legal or official to take measures to eliminate the circumstances that led to the commission of the crime. According to Article 221.2 of the Criminal Procedure Code, it is mandatory to consider the investigator's proposal to take measures to eliminate the circumstances that led to the commission of the crime, and the investigator must be notified in writing of the outcome within one month. Article 85 of the CPC, which defines the procedural status of the investigator, also states that the CPM has a duty to complete the investigation in accordance with the requirements of Article 221 of the CPC (Article 85.2.12 of the CPC). According to Article 2, it is mandatory to consider the investigator's proposal to take measures to eliminate the circumstances that led to the commission of the crime, and the investigator must be notified in writing of the outcome within one month. Article 85 of the CPC, which defines the procedural status of the investigator, also states that the CPM has a duty to complete the investigation in accordance with the requirements of Article 221 of the CPC (Article 85.2.12 of the CPC). According to Article 2, it is mandatory to consider the investigator's proposal to take measures to eliminate the circumstances that led to the commission of the crime, and the investigator must be notified in writing of the outcome within one month. Article 85 of the CPC, which defines the procedural status of the investigator, also states that the CPM has a duty to complete the investigation in accordance with the requirements of Article 221 of the CPC (Article 85.2.12 of the CPC).

One of the conditions for the commission of a crime may be the ineffectiveness of law enforcement and judicial authorities, neglect of crimes, concealment of crimes, superficial investigation of criminal cases, errors in court proceedings [7, p.674].

In general, the causes and conditions of crime are understood as a system of negative social manifestations belonging to the relevant socio-economic formation and a particular state, which determines the crime as a result. Cause and effect are always related to the system of social contradictions of society. Therefore, as a result, crime has a social character. The reasons are the socio-psychological manifestations that create crime and crime as a direct result. For example, parasitism, aggression, nationalism, disrespect for security norms, frivolity, irresponsibility, etc. Circumstances are circumstances that do not directly create crime and crime, but contribute to their emergence. For example, shortcomings in the management of the economy can eventually lead to abuse of office, assassination [10, p.79].

Although the CPC obliges only the investigator to make a presentation to the relevant legal entities and officials to eliminate the causes and circumstances of the crimes, this issue is also regulated by the Law of the Republic of Azerbaijan "On the Prosecutor's Office". Thus, according to Article 22 of the same Law, in order to prevent violations of the law, the prosecutor or his deputy officially warns the citizen or official. In our opinion, if the CPM also directly provides the investigator with the right to issue such a warning, the cause and circumstances for the occurrence of crimes can be prevented more effectively. Pursuant to Article 23 of the Law on the Prosecutor's Office, in the exercise of his powers provided for in this Law, the prosecutor shall make recommendations to the relevant organizations or officials on the elimination of their causes and conditions. The prosecutor must be notified in writing of the consideration of the presentation and the measures taken no later than one month. However, in our opinion, the right of a prosecutor to make such a presentation should not be limited to the exercise of his powers under the Law on the Prosecutor's Office. Therefore, we propose to change the text of the article to read as follows: "In the exercise of his powers under the criminal procedure legislation, the prosecutor shall make a presentation to the relevant organizations or officials on the elimination of violations, their causes and circumstances." The prosecutor must be notified in writing of the consideration of the presentation and the measures taken no later than one month. However, in our opinion, the right of a prosecutor to make such a presentation should not be limited to the exercise of his powers under the Law on the Prosecutor's Office. Therefore, we propose to change the text of the article to read as follows: "In the exercise of his powers under the criminal procedure legislation, the prosecutor shall make a presentation to the relevant organizations or officials on the elimination of violations, their causes and circumstances." The prosecutor must be notified in writing of the consideration of the presentation and the measures taken no later than one month. However, in our opinion, the right of a prosecutor to make such a presentation should not be limited to the exercise of his powers under the Law on the Prosecutor's Office. Therefore, we propose to change the text of the article to read as follows: "In the exercise of his powers under the criminal procedure legislation, the prosecutor shall make a presentation to the relevant organizations or officials on the elimination of violations, their causes and circumstances."

This position, which is to be performed by the investigator, is supervised by the prosecutor in charge of the procedural aspects of the investigation. Thus, according to Article 290.2 of the Criminal Procedure Code, the prosecutor in charge of the procedural aspects of the investigation investigates the criminal case filed with the indictment in order to identify the circumstances that led to the crime and take measures to eliminate them. If, during the inspection, the prosecutor in charge of the investigation finds that the circumstances that led to the crime have not been identified and measures have not been taken to eliminate them, he must return the case to the investigator with his instructions for further investigation or re-indictment.

According to Article 4 of the Law on Police, the main areas of police activity are:

1. protection of public order and ensuring public safety;
2. prevention and detection of crimes and other offenses;
3. ensuring traffic safety.

As can be seen from the provisions of the law, the role of the police in the fight against crime is very important. It is also a common duty of a police officer to take urgent measures to prevent a planned crime or other offense. Along with the investigator and the prosecutor, Article 15 of the Law on Police also defines the duty of the police to investigate and eliminate the causes of crime. The law also provides certain rights for police officers to perform this duty. In order to carry out his / her duties, a police officer shall require each person to put an end to crimes and other offenses, actions that endanger and create conditions for the individual and public order;

Procedural regulation in the fight against crime is not limited to the Constitution, the Code of Criminal Procedure and other laws. Presidential decrees are of great importance in this area. The most important of such decrees is the Decree of the President of the Republic of Azerbaijan dated August 9, 1994 "On measures to strengthen the fight against crime, strengthening the rule of law" signed by national leader Heydar Aliyev. The decree was adopted at that time for crimes against the security of the economic and political foundations of the state, life, health and property rights of citizens, mainly committed by organized criminal groups, illegal armed groups and other criminal elements, including acts of terrorism, sabotage, premeditated murder, banditry, theft of weapons, ammunition and explosives, and other seizures, as well as the need to increase the number of drug-related crimes, financial and credit frauds, and other economic crimes. The decree acknowledges that the prevalence of crimes such as bribery and corruption in society is of particular concern, and even for some citizens, including officials, these facts are commonplace. The decree states that in many cases, law enforcement agencies do not take the necessary actions to solve crimes with the necessary agility, in the forms and in a timely manner prescribed by law, to make mistakes in the application of coercive measures provided by law. Ineffective use of their powers has led to justified dissatisfaction of the population and increased tensions in society. The Decree is of great importance for the effectiveness of the fight against crime and reflects many progressive innovations and changes.

It should be noted that the fight against crime is not limited to the domestic level. Recently, the policy of coordinating activities by concluding international cooperation agreements with other countries in this area is also effective for the procedural regulation of the fight against crime. An example of such agreements is the Agreement between the Government of the Republic of Azerbaijan and the Government of the Kingdom

of Morocco on the approval of the Agreement on cooperation in security and combating crime, approved by the Decree of the President of the Republic of Azerbaijan dated 11.06.2018.

The measures taken prove that the fight against crime, protection of public order and public safety are in the center of attention in our country. In recent years, there has been a steady decline in the severity of a number of serious crimes. In terms of the results of the fight against crime, Azerbaijan has for many years been one of the safest countries not only in the CIS, but also in Eastern Europe and with the highest rates in the fight against crime. All these facts prove that Azerbaijan is an undisputed leader in the region in the fight against crime and maintaining peace, along with socio-economic development. The main reason for this is the sensitive approach to human security and law enforcement in Azerbaijan. Because the state's political,

As the law is a system, the fight against crime must be carried out systematically, and not only procedural regulation, but also material regulation must be carried out effectively.

References

1. The Constitution of the Republic of Azerbaijan.http://www.e-qanun.az/framework/897

2. Code of Criminal Procedure of the Republic of Azerbaijan.http://www.e-qanun.az/code/14

3. Law of the Republic of Azerbaijan dated December 11, 1998 “On state protection of persons participating in criminal proceedings”.http://www.e-qanun.az/framework/5098

4. Law of the Republic of Azerbaijan “On the Prosecutor's Office” dated December 7, 1999.http://www.e-qanun.az/framework/5229

5. Law of the Republic of Azerbaijan “On Police” dated October 28, 1999.http://www.e-qanun.az/framework/2937

6. Decree of the President of the Republic of Azerbaijan dated August 9, 1994 "On measures to strengthen the fight against crime, strengthening the rule of law."http://www.e-qanun.az/framework/8950

7. CH Movsumov, BC Kerimov, AH Huseynov. Commentary on the Code of Criminal Procedure of the Republic of Azerbaijan. Baku: Digesta, 2016, 1335 p.

8. I. Zeynalov, C. Süleymanov. Commentary on the Code of Criminal Procedure of the Republic of Azerbaijan. Procedural coercive measures. Baku: Law, 2004, 232 p.

9. A. Piriyev. Criminology. Baku: Baku Business University, 1999, 239 p.

10. Ç. Mustafayev. Criminology. Baku: Khazar University, 2015, 331 p.

11. M. Jafarguliyev. Criminal proceedings of the Republic of Azerbaijan. Baku: Law, 2008, 768 p.

12. IM Rahimov. Philosophy of crime and punishment. Baku: East-West, 2014, 319 p.

13. I. Jafarov. Interpretation of the Constitution of the Republic of Azerbaijan. Baku: Legal literature, 2013, 723 p.

14. G. Radbruch. Philosophy of law. Baku: Law, 2016, 272 p.

15. C. Beccaria. About Crimes and Punishments. Ankara: İmge kitabevi, 2018, 224 p.

16. AA Herzensona, II Karpetsa, VN Kudryavtseva. Criminology: Textbook. Moscow, 1966, p.54.

17. E. Pozdnyakov. Philosophy of crime. Moscow, 2001, 575 p.

18. AI Alexandrov. Philosophy of evil and philosophy of crime. St. Petersburg, 2013, 597 p.