



GENERAL CONDITIONS FOR REGULATING INVESTIGATIVE ACTIONS THROUGH VIDEOCONFERENCING IN CRIMINAL PROCEDURE LEGISLATION

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Abstract

The article examines the general conditions and legal foundations for conducting investigative actions (interrogation, confrontation, identification of persons and objects, etc.) via videoconferencing in accordance with the Criminal Procedure Code of the Republic of Uzbekistan. Particular attention is paid to the provisions of Articles 91¹–91⁴ of the CPC of Uzbekistan, introduced by Law of the Republic of Uzbekistan No. LRU-542 dated May 23, 2019. The study analyzes the grounds for the application of videoconferencing, as well as provides a detailed examination of the procedural requirements governing its use. Special emphasis is placed on practical application issues, including technical security and reliability of communication, guarantees of participants' rights, authenticity of evidence obtained remotely, and compliance with the principles of immediacy and adversarial proceedings in criminal procedure. In addition, the author formulates proposals and recommendations for further improvement of the normative regulation of videoconferencing in criminal proceedings.

Keywords: Videoconferencing, investigative actions, remote interrogation, Criminal Procedure Code of the Republic of Uzbekistan, digitalization of criminal procedure, procedural guarantees, electronic fixation of evidence, videoconferencing mode.



INTRODUCTION

The Law of the Republic of Uzbekistan No. LRU-542, "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with Ensuring the Protection of the Rights of Participants in Criminal Proceedings," was adopted on May 23, 2019. In accordance with this Law, a number of additions and amendments were introduced into the Criminal Procedure Code (CPC). Specifically, the CPC was supplemented with Articles 91¹ through 91⁴.

Today, as information technologies develop rapidly, innovative approaches are being widely applied in the activities of law enforcement agencies. The importance of remote communication tools increased significantly, particularly during the pandemic. Regulating investigative actions through videoconferencing is one such modern tendency, which, alongside a range of advantages, presents unique challenges.

Investigation via videoconferencing is a special investigative method regulated by procedural legislation, aimed at conducting investigative actions (interrogation, confrontation, presentation for identification) remotely during the investigation of criminal cases. It is carried out between two or more geographically separated participants in real-time using audio and video communication tools.

This method serves such purposes as ensuring the promptness of the investigation, reducing costs for participants, and in certain cases, ensuring safety. Furthermore, the information obtained can be used as evidence in the prescribed manner. Investigative actions such as interrogation, confrontation, and presentation for identification are conducted in videoconferencing mode.

One of the introduced innovations is the videoconferencing system in the courts of the Republic. This has created significant convenience for all parties.

LITERATURE REVIEW AND METHODOLOGY

In writing this article, several scientific works regarding investigative actions in criminal proceedings and the use of digital technologies therein by domestic scholars such as U.A. Tuxtasheva, I.R. Astanov, D.B. Bazarova, S.M.



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Raxmonova, D.J. Suyunova, M.H. Kadirova, and S.S. Uralov were studied and reflected upon in this research.

The research utilizes historical, empirical, logical, systemic, and comparative-analytical methods.

DISCUSSION

According to O. Miroshnichenko, "videoconferencing in courtrooms and prisons is not merely for convenience." The root cause of the problem is related to the burden of heavy caseloads and other factors within the majority of judicial systems [1].

Anything that can be used to expedite the process is a target for this sector of government. Therefore, videoconferencing has made such a significant difference—instead of waiting for a specific date or time when police officers are available to transport prisoners or other parties for hearings or court proceedings, remote communication technologies like "Tenveo" can be used to eliminate transport time entirely.

As a result, a judicial system exists that conducts daily cases more quickly and efficiently. Prisoners encounter the outcomes of their lives sooner and seek solutions such as early retirement (parole), probation, or other resolutions in a timely manner. We hope that videoconferencing has the potential to remove the barriers of month-long waiting times between routine hearings and practices.

Investigative actions involving witnesses, victims, suspects, and the accused (interrogation, identification of persons and objects, confrontation) may be conducted in videoconferencing mode using technical means, summoning these individuals to the law enforcement agency or court of the region, district, or city where they are located or reside. During the videoconferencing process, the participants of the investigative action directly observe the progress and results of the investigative action via live broadcast.

According to D. Suyunova, "the decision to conduct investigative actions in videoconferencing mode is made by the inquirer, investigator, prosecutor, or the court on their own initiative or upon the petition of participants in the criminal process" [2].



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The technical means and equipment used in conducting investigative actions in videoconferencing mode must meet specific minimal requirements. Investigative actions are conducted in videoconferencing mode in the following cases:

When a person cannot directly appear at the agency investigating the criminal case or the place where the investigative action is being conducted due to health conditions or other valid reasons;

When there is a necessity to ensure the safety of participants in the criminal process;

When urgent (exigent) investigative actions are conducted;

When there are reasonable grounds to believe that conducting the investigative action [in person] would be difficult or would incur excessive costs.

To increase efficiency, adhere to procedural requirements, and minimize potential problems in the practice of conducting investigative actions via videoconferencing (VC), the following recommendations can be made:

Before starting the VC session, it is necessary to test the working condition of all necessary technical means (camera, microphone, speakers, internet connection, software).

It is observed that connection stability is recorded as unsatisfactory in certain regions. The rooms where the investigator and the person being interrogated are located must be orderly, free of excessive noise, and provided with sufficient lighting. The background should not be distracting.

Participants should be notified in advance about the conduct of the investigative action via VC. Failure to do so limits the ability to ensure the participation of individuals in practice [3].

All documents necessary during the investigative action (decisions, forms, presentation sheets, etc.) should be prepared in electronic or printed form. The ability to exchange documents in electronic form should be verified. However, this is explained by the fact that such practice has not yet been fully integrated into the work style.

A backup plan for action in case of connection loss or other technical malfunctions (e.g., communication via telephone, using a different platform) should be developed. However, in practice, insufficient attention is paid to this.



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At the beginning of the VC session, the investigator must introduce themselves, provide information on the case, and verify the identity of the participants (by showing documents).

The person being interrogated must be fully explained their procedural rights (right to remain silent, right to counsel, etc.) in a language they understand. It is recommended to record this on video.

The progress and results of the investigative action must be reflected in detail in the protocol. The protocol must note that it was conducted via VC, information about the technical means, and connection interruptions (if any).

When necessary, video recording materials may be attached to the protocol.

When it is necessary to show or present documents, they can be shown clearly via the video camera or exchanged in electronic form [4]. The fact of receipt of documents submitted in electronic form should be confirmed.

A necessary condition for conducting court hearings in videoconferencing mode is that at least one of the persons participating in the case must be located in another administrative-territorial unit (Republic of Karakalpakstan, regions, and Tashkent city), i.e., outside the territory where the court hearing the case is located.

Currently, 321 courtrooms across the republic are fully equipped with this system. Through videoconferencing, parties are not required to come to the courtroom.

Through this, parties have saved 21.4 billion soums to date. At the same time, thanks to this system, it is now possible to participate in court cases even from abroad.

In the next stage, it is planned to develop a special mobile application for the videoconferencing system in court hearings. Simultaneously, the goal is to directly connect individuals in penal institutions with judges through the system. Until recently, obtaining court decisions was a very problematic task [5]. However, within the framework of digitalization of the system, the **public.sud.uz** platform was created. To date, more than 1,700,000 legally binding decisions have been published through the platform.

Rapid integration of the Supreme Court with the information systems of other state bodies is underway. Data collection, which previously took up to 25 days,



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now takes no more than a few days. The reason for this is that the Supreme Court's "E-XSUD" network has the ability to obtain online data from the information systems of 28 state bodies. All of this contributes to the rapid and effective conclusion of pending cases and helps to drastically reduce bureaucracy in the judicial system.

RESULTS

Stages for conducting investigative actions in videoconferencing mode have been developed:

Preparatory stage;

Investigative conduct stage;

Stage of formalizing procedural protocols;

Stage of delivering the protocol for inclusion in the criminal case file.

Technical means were analyzed and clarified as a distinct structural network:

Videoconferencing systems: Devices providing audio and video communication, software, and network equipment;

Audio communication tools: Telephones, dictaphones, audio recording devices;

Internet and online platforms: Software and platforms used for information exchange, sending and receiving documents, and remote collaboration;

Video recording cameras: Used to capture video images of investigative actions (interrogation, confrontation, and presentation for identification);

Audio recording devices (dictaphones): Used to conduct audio recording of interrogation and other procedural actions;

Fingerprinting and analysis equipment.

The ambiguous phrase "technical means" provided for in Article 91¹ of the Criminal Procedure Code has been clarified from a scientific-theoretical perspective: Technical means are understood as various devices, equipment, systems, and software used in carrying out investigative actions or other activities, designed to extend human physical or mental capabilities, and to make the process easier, faster, more precise, or safer.



CONCLUSION

Remote investigative actions (collecting evidence in a remote form) are considered a form of investigation aimed at collecting evidence resulting from conducting certain investigative actions via videoconferencing. These include interrogation, confrontation, and presentation for identification.

Stages of conducting investigative actions in videoconferencing mode:

1. Preparatory stage;
2. Investigative conduct stage;
3. Stage of formalizing procedural protocols;
4. Stage of delivering the protocol for inclusion in the criminal case file.

Technical means are understood as various devices, equipment, systems, and software used in carrying out investigative actions or other activities, designed to extend human physical or mental capabilities, and to make the process easier, faster, more precise, or safer.

Criminal procedural legislation provides for a number of procedural orders for the use of videoconferencing. Below, we highlight these situations.

Audio and video data transmitted during videoconferencing, as well as exchanged files, must be protected using strong encryption algorithms. This prevents the illegal acquisition of data by third parties. It is important to use standardized and internationally recognized encryption protocols (e.g., AES, TLS/SSL) [6].

Access to the videoconferencing system must be ensured only for authorized persons. Through strong authentication methods (e.g., Two-Factor Authentication, biometric authentication) and role-based authorization mechanisms, the actions of each user in the system are controlled, and only permitted functions are provided.

Collected personal data must be used only for investigative purposes and must not be used for other purposes. Data retention periods must comply with the procedure established by legislation. After the conclusion of the investigation, excess data must be destroyed in the prescribed manner.



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A clear procedure must be developed for rapid response, minimization of damage, and notification of relevant authorities in the event of personal data breaches. When conducting an investigative action in videoconferencing mode, the rights and obligations of the process participants must be clearly and fully explained in real-time, and this must be recorded in the video recording.

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