



CONCEPT AND CONTENT OF PRE-TRIAL PROCEEDINGS IN CRIMINAL PROCESS

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Abstract

The article examines the theoretical and legal foundations of pre-trial criminal proceedings as an independent and essential stage of the criminal process. Particular attention is paid to the concept, essence, and structure of the criminal procedural form, as well as to the issues of its unification and differentiation in the context of ongoing reforms in criminal justice. Based on an analysis of national criminal procedure legislation, law enforcement practice, and scholarly opinions, the study substantiates the need to improve pre-trial procedural forms in order to enhance their effectiveness and ensure the protection of the rights and legitimate interests of participants in criminal proceedings. A comparative legal analysis of the Anglo-Saxon and Romano-Germanic models of pre-trial proceedings is conducted using the legislation of Germany and France as examples. The article concludes that it is necessary to develop a unified concept for the differentiation of criminal procedural forms based on the degree of social danger of the crime and the complexity of criminal prosecution, taking into account the prospects for the implementation of simplified and digitalized forms of criminal proceedings.

Keywords: Pre-trial proceedings, criminal procedure, criminal procedural form, initiation of criminal proceedings, preliminary inquiry, differentiation of procedural forms, simplified proceedings, preliminary investigation, criminal prosecution, comparative criminal procedure law, digitalization of criminal justice.



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Introduction

The problems of pre-trial proceedings and ways of differentiating them require, first and foremost, a precise definition of the concept and content of this part of the criminal process. As is well known, the criminal process consists of five main stages and one exceptional stage. However, as a criminal case progresses through the stages, a clear division between pre-trial and trial proceedings can be seen. Pre-trial proceedings include the stage of initiating a criminal case and the stage of inquiry and preliminary investigation, while the remaining stages of the criminal process are included in judicial proceedings.

Improvements in criminal proceedings in international practice are often linked to the issue of increasing the effectiveness of law enforcement agencies at various stages of criminal proceedings. From the moment reports or statements about crimes are registered, they must be thoroughly investigated in order to avoid the unlawful initiation of criminal cases and criminal prosecution, which can contribute to a reduction in crime.

Global statistics show that, on average, more than 450 million crimes are reported annually worldwide, but about 700 million crimes remain unreported.¹ In global criminal proceedings, particular attention is paid to ensuring “the right of individuals to a trial within a reasonable time,” improving the criteria and forms of differentiation of criminal procedure, critically evaluating existing procedural forms, introducing new procedural forms based on the social danger of the crime, and creating effective mechanisms for resolving criminal law disputes.

If we refer to the latest statistical data, it is clear that the overall level of crime in our country has increased significantly. In this regard, simplifying the procedural form of pre-trial proceedings is an urgent necessity that requires the introduction of new forms and procedures of criminal proceedings, as well as the further development of the principles of simplified pre-trial and judicial proceedings, and the introduction of innovative forms and methods of conducting judicial and investigative actions.

¹ 1.National Center for Victims of Crime. (n.d.). The mission of the National Center for Victims of Crime.
<https://victimsofcrime.org>



Relevance of the Study

The relevance of this study is determined by the need for theoretical understanding and practical improvement of the criminal procedural form of pre-trial proceedings in the context of reforming the judicial and legal system. The lack of uniform procedures for registering, verifying, and resolving reports of crimes, as well as the fragmentary nature of departmental regulation, negatively affect the effectiveness of criminal proceedings and the level of guarantees of individual rights.

The aim of the study is to conduct a comprehensive analysis of the concept, content, and structure of the form of pre-trial proceedings in criminal proceedings, as well as to develop theoretical conclusions aimed at improving criminal procedural legislation and law enforcement practice.

To achieve this goal, the article addresses the following **tasks**:

- to reveal the concept and legal nature of the criminal procedural form;
- to determine the place and significance of pre-trial proceedings in the criminal process system;
- to analyze scientific approaches to the concept and content of criminal procedural form;
- to identify the main criteria for differentiating procedural forms;
- to carry out a comparative legal analysis of models of pre-trial proceedings in foreign countries;
- justify the need to improve the forms of pre-trial proceedings.

The object of the study is the social relations that arise in the process of pre-trial proceedings in criminal cases.

The subject of the study is the norms of criminal procedural legislation regulating the forms of pre-trial proceedings, as well as the practice of their application.

Research Methodology

The study uses general scientific and special methods of cognition: analysis and synthesis, induction and deduction, formal-legal, comparative-legal, systemic-structural, and logical-legal methods.



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In recent years, our republic has been implementing large-scale reforms to ensure the rule of law and further improve the judicial and legal system. One of the priorities of these reforms is “ensuring guarantees for the reliable protection of citizens' rights and freedoms,” the aim of which is to ensure the timely consideration of citizens' appeals, to ensure the inevitability of responsibility for allowing red tape, bureaucracy, and indifference to the consideration of appeals, as well as taking all necessary measures to restore violated rights. However, despite the reforms being implemented, criminal law statistics in the Republic of Uzbekistan indicate a sharp increase in reported crimes in recent years. A study of statistical data and materials from judicial and investigative bodies has revealed frequent errors in the conduct of preliminary investigations, the initiation of criminal cases, their dismissal, and the conduct of investigations, which leads to frequent reversals of decisions made by officials. We believe that the reason for this is the lack of a unified procedure for registering, verifying, and approving reports of crimes, as well as their regulation by various internal departmental acts.

The study of this issue is motivated not only by shortcomings in the legal regulation and practical application of the rules governing pre-trial proceedings, but also by problems in the scientific development of its institutions. Thus, the introduction of new provisions regulating criminal procedural activities at the stage of pre-investigation verification, the initiation of criminal proceedings, refusal to initiate a case, and criminal prosecution necessitates a more detailed and comprehensive theoretical development to overcome the negative aspects of the implementation of the provisions of the law and to ensure uniformity in law enforcement practice.

In order to ensure justice in criminal cases, protect the rights and legitimate interests of persons involved in the case, ensure the implementation of the objectives of criminal procedure legislation, and establish the truth in the case, it is important to properly organize the forms of pre-trial proceedings. Today, the issue of improving the effectiveness of judicial and investigative activities necessitates a review of the forms of pre-trial proceedings and the introduction of a comprehensive procedure in substantive, procedural, and other aspects, which is one of the main directions of the reforms currently being carried out in



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the judicial and legal sphere. At the same time, the primary task should be to ensure the rights and legitimate interests of participants in criminal proceedings, in particular persons suspected or accused of committing a crime.

One of the important institutions that requires more in-depth study in terms of existing shortcomings in the system of criminal procedural law is the criminal procedural form. It should be noted that to this day, national procedural legislation operates precisely on the basis of established forms of pre-trial proceedings.

Any violation of this legislation in itself contradicts the principle of legality, which can also be seen in the requirements for the conduct of investigative or other procedural actions. Deviation from the requirements of the law not only leads to the inadmissibility of evidence, but may even result in disciplinary, administrative, or even criminal liability for officials responsible for criminal proceedings. In general, procedural form is a complex phenomenon with internal and external features.

While criminal procedural relations and norms are considered internal components, the system of requirements established by law constitutes its external form. These requirements determine the procedure for carrying out specific criminal procedural activities and recording their results in procedural documents.

Consequently, procedural form arises as a legal phenomenon from the moment a statement or report of a crime is received and becomes a criminal procedural form with the initiation of a criminal case until the case is closed or a court decision aimed at enforcement enters into legal force. It is obvious that the essence of criminal procedural form is combined with the essence of criminal procedural law as a whole.

In the theory of criminal procedural law, there is no consensus or definition of the essence of criminal procedural form. Although it is known that criminal procedural form is essentially linked to procedural relations in the period from the moment of receipt of a statement or report of a crime to the passing of a sentence and its enforcement, the boundaries, scope, and internal structure of this legal institution have been systematically studied by procedural scholars. In particular, F. Mukhitdinov emphasized that “criminal procedural form regulates



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social relations related to determining the responsibility of a person who has committed a crime and applying punishment to the guilty person”² . Analyzing the institution of judicial review in her research work, U. Tukhtasheva concludes that “the form of review is a way of organizing it”³ . By this, the authors meant that the form of criminal procedure is a matter related to the organization of case management in criminal proceedings as a whole.

Another proceduralist, K.T. Mavlanov, points to the connection between the concept under study and the order of proceedings in criminal cases⁴ . In his opinion, criminal procedural form is understood as the procedure for procedural actions established by law, failure to comply with which entails a violation of procedural form and may also lead to the recognition of any procedural decision as illegal or its cancellation. F.A. Kadyrov, having studied the internal structure of criminal procedural form, analyzed its elements as the order, requirements, conditions of criminal proceedings, procedural deadlines, changes or termination of criminal procedural relations, the conduct of procedural actions or the implementation of criminal procedural activities⁵ . According to E.V. Mishenko, the basis of the criminal procedural form is constituted by the norms regulating procedural activities⁶ . And these activities are carried out in a certain form. As can be seen, in their studies, these scholars examined the inseparable connection between the criminal procedural form and the procedural order and conditions. Agreeing with their opinion, we can say that criminal procedural form is a set of conditions and procedures for performing procedural actions established by law. In other words , criminal procedural form is understood as a system of criminal procedural institutions and the rules governing them; the sequence of stages of criminal proceedings is understood as the terms, methods,

² Мухитдинов, Ф. М. (2005). Жиноят-процессуал шакл: назарий ва методологик муаммолар. Doctoral dissertation. <http://diss.natlib.uz/ru-RU/ResearchWork/OnlineView/302588>

³ Тухташева, У. А. (2020). Суд хатоларини бартараф этишнинг жиноят-процессуал йўллари. Doctoral dissertation abstract. <https://tsul.uz/files/avtoreferat/tuxtasheva.pdf>

⁴ Мавланов, К. Т. (2022). Жиноят процессида гумон қилинувчининг ҳуқуқ ва эркинликларини ишончли ҳимоя қилиш қафолатлари. Doctoral dissertation, 38.

⁵ Кадилов, Ф. (2020). Жиноят-процессуал ҳуқуқнинг предмети, процессуал шакл ва ҳаракатлар моҳияти тўғрисида. *Journal of Law Research, Special 2-2*.

⁶ Мищенко, Е. В. (2014). Проблемы дифференциации и унификации уголовно-процессуальных форм производств по отдельным категориям уголовных дел. Doctoral dissertation, 61.



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and conditions for performing procedural actions carried out in the process of collecting and verifying evidence. The “condition” for performing any procedural action should be understood as a legal fact. For example, in order to conduct an investigative action such as a confrontation in a criminal case, there must be a significant contradiction between the testimonies of two previously interrogated persons (Article 122 of the Criminal Procedure Code of the Republic of Uzbekistan).

The criminal procedural form implies a procedure established by law for carrying out a particular criminal procedural activity and recording its results in the relevant documents (protocols). The structure of the procedural form as a criminal procedural activity, established by law, will depend on the purpose of the criminal case, the composition of the participants, and the expected result. In this regard, there are many manifestations of this procedural form in our legislation. For example, when conducting a search in a specific criminal case, if it is necessary to carry out an investigative action, the official conducting it must comply with certain rules: it is necessary to issue a decision to carry out the investigative action, obtain the permission of the prosecutor (court), and ensure the presence of witnesses. This shows that various procedures and norms give rise to procedural form.

Another important aspect of criminal proceedings is the procedural form, which serves as a guarantee of legality in the proceedings and of the rights of citizens. In addition, it is an important legal instrument in the conduct of criminal proceedings. Consequently, it can be concluded that the activities of participants in criminal proceedings are regulated by procedural form. In this regard, there is a need to improve the pre-trial forms of criminal proceedings, transforming them into a system that is convenient for all participants in the process, as well as to create a specific and optimal form, a model for proceedings in cases, and thereby ensure the functions of criminal procedural legislation.

Modeling criminal proceedings, developing a perfect scientifically based model, i.e., a model of practical case management in criminal cases, has not lost its significance as a subject of research by procedural scholars. To this day, this issue remains the focus of procedural scholars around the world. They pay



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special attention to simplified forms, which, in their opinion, allow for the optimization of criminal proceedings with accelerated timelines⁷.

The forms of criminal proceedings cannot exist without a generalized concept of views on criminal procedure. On the other hand, the national concept of criminal proceedings has made pre-trial proceedings an integral part of criminal proceedings, which means that a preliminary investigation or inquiry in accordance with the established procedure is necessary for a criminal case to be heard in court. This concept is based on an analysis of the existing Anglo-Saxon and Romano-Germanic models of criminal procedure.

The Anglo-Saxon model of pre-trial proceedings in criminal cases is based on court proceedings, in which the main burden of proof lies with the parties. A single procedural element (preliminary investigation or inquiry) in the pre-trial period is not formed due to the division of the parties into two sides in the presentation of evidence. Evidence is gathered independently by the defense and the defendants themselves. For example, in the United States, Canada, and England, in adversarial investigations, the circumstances of the case are not examined comprehensively, deeply, and completely; it is sufficient for the investigating authorities to collect evidence and present it in court.⁸ At the same time, the police do not compile the materials of the criminal case, but only conduct an investigation into the person's involvement in the crime, the results of which are then sent to the prosecutor. The prosecutor, having examined the results of the investigation in the context of criminal prosecution, decides whether to terminate the proceedings or refer the case to court. In other words, in this model, criminal proceedings and criminal procedural activities begin at the judicial stage.

An examination of the pre-trial proceedings of the criminal process in countries with a Romano-Germanic model and an analysis of the provisions of the German Code of Criminal Procedure show that the moment of initiating criminal prosecution is important for the accused, as his involvement in the case

⁷ Игнатова, Е. А. (2020). Упрощённая форма досудебного производства по уголовному делу: вопросы теории, законодательства и практики. Yurlitinform.

⁸ Гольдман, М. С. (n.d.). Сравнительная характеристика досудебных производств, 48 <https://www.iolr.org/wp-content/uploads/2012/pdf>



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determines his status and thus, he acquires the procedural rights inherent to the accused. According to the German Code of Criminal Procedure, the accused, within the limits of their procedural rights, may refuse to testify against themselves and immediately exercise their right to professional defense, which is very similar to national legal proceedings⁹. In addition, only after acquiring the status of an accused person are procedural coercive measures applied to that person. It should be noted that, according to Part 2 of Article 220 of the Criminal Procedure Code of the Republic of Uzbekistan, detention may be carried out until the initiation of criminal proceedings in order to promptly suppress the criminal actions of a person. A distinctive feature of German criminal procedure law is the absence of the initiation of criminal proceedings. However, § 397 (para. 1) of the German Tax Code contains a very interesting definition, according to which a criminal case is considered open from the moment when the financial authorities, the police, the public prosecutor's office, or the criminal court applies a measure that is clearly aimed at proving that someone has committed a (tax) criminal offense. Thus, in this context, neither the intention to prosecute nor any formal action (e.g., compiling a criminal case file, assigning a registration number to the case, etc.) is relevant. This procedure demonstrates the absence of a pre-investigation review in German criminal proceedings. German criminal proceedings have a feature whereby law enforcement agencies cannot initiate criminal prosecution if there are no factual grounds for suspicion. If such grounds exist, criminal proceedings (prosecution) are initiated in the usual manner, even if only a small part of the signs of a crime are present. However, even if we recognize the existence of a pre-trial investigation in the form of a preliminary inquiry, as was the case in the history of our criminal proceedings, it can only be conducted within the framework provided for in criminal procedural law, with particular attention to the proportionality of the measures applied. According to the general principles of criminal procedure in Germany, a preliminary investigation does not necessarily have to be directed against a specific person whose personal data has been established. In addition,

⁹ German Code of Criminal Procedure, § 136(1)(2).



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criminal proceedings (prosecution) may also be initiated against an “unknown person”¹⁰ .

Under French law, “initiating criminal proceedings” is equivalent to initiating a “public prosecution,” since the prosecutor is a figure of public defense, a kind of advocate for society. Only the prosecutor can request the initiation of a preliminary investigation into cases of misdemeanors; in this category of offenses, a preliminary investigation is not a mandatory stage. In contrast, for crimes, a preliminary investigation is a mandatory stage, but it also begins with a decision by the prosecutor.

The first stage of criminal proceedings in France is the initiation of criminal proceedings, defined as a procedural action through which a party exercises its public functions¹¹ .

In addition, since 2018, France has launched a project to digitize criminal proceedings, including the receipt of complaints and reports of crimes. The main objective of this approach is to improve the efficiency of the criminal justice system by modernizing it through the elimination of paper and handwritten signatures, from the filing of a complaint to the enforcement of a sentence, as well as to bring the justice system closer to citizens by improving information on the results of complaint reviews.

Preliminary investigations in France are conducted at the pre-trial stage of criminal proceedings, where preliminary investigations determine the signs of a crime having been committed. As a rule, evidence in criminal cases is gathered during preliminary investigations through investigative and other procedural actions. The regional prosecutor and the investigating judge are responsible for supervising and controlling the pre-trial stage, and the criminal police officer conducting the preliminary investigation is responsible for notify the public prosecutor as soon as a person is identified against whom there is evidence indicating that they have committed or attempted to commit a crime¹² .

¹⁰ Худайбергенов, Б. (2022). Сравнительный анализ первоначальной стадии уголовного процесса некоторых зарубежных стран. *Общество и инновации*, 3(7/S), 138–144. <https://doi.org/10.47689/2181-1415-vol3-iss7/S-pp>

¹¹ Стадии Французского уголовного процесса. (n.d.). na-journal.ru.

¹² Code de procédure pénale: Chapitre II: De l'enquête préliminaire (Articles 75-1). (n.d.)



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In accordance with the provisions of the French Code of Criminal Procedure, the preliminary investigation takes the form of an inquiry, which can be either general or special. As a general rule, a “general inquiry” is used when investigating crimes that are less serious, while a “special inquiry” is used for more serious crimes. The prosecutor who receives all the materials of the criminal case as a result of the inquiry decides on its further fate¹³.

Based on a comparative analysis of German and French criminal proceedings, we have concluded that the institution of initiating criminal proceedings is similar in both countries. It is noteworthy that France is undergoing a dematerialization of criminal proceedings, including the procedure for receiving and registering reports and statements about crimes, misdemeanors, and offenses.

Our national criminal procedure legislation is organized according to the continental model, and pre-trial proceedings are a separate and important stage of the criminal process and represent a complex process.

One of the characteristic features of the criminal procedure form is its unity. This is explained by uniform procedural legislation, uniform principles of criminal proceedings, the unity of procedural means aimed at establishing the facts in all criminal cases, established by uniform legal foundations, the procedure for making decisions, and the requirements imposed on it. Another important feature of the procedural form is its systematic nature. The legislative body must take into account the systematic functioning of procedural actions when creating criminal procedural norms or making relevant changes or additions to them. Otherwise, as M.N. Marchenko notes, “this will negatively affect the efficiency of case management”¹⁴. Procedural form requires consistency not only in criminal procedural relations, but also in other institutions of criminal procedure. In particular, in the Code of Criminal Procedure, the arrangement of sections, chapters, articles, and all criminal procedural institutions in general (e.g., principles, composition of participants, etc.) should be based on logical sequence. Scientific and technological progress today affects all spheres of

¹³ Code de procédure pénale: Chapitre II: De l'enquête préliminaire, (Articles 75-2). (n.d.)

¹⁴ Марченко, М. Н. (2007). Системный характер права: некоторые вопросы теории и методологии познания. В Труды Института государства и права РАН. Ценности и образы права.



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society, including criminal procedure. The system of procedural relations needs constant changes in order to find the best solutions to contemporary problems observed in judicial and investigative practice and to bring it into line with the requirements of the times. This requires the development of a new approach to the investigation of various categories of criminal cases. The new approach is inextricably linked to the diversity (differentiation) of forms of criminal proceedings. In pre-trial and trial proceedings under our current criminal procedure legislation, there are such types of procedural forms as ordinary (conducting preliminary investigation and trial proceedings according to general rules), complex (providing more guarantees to ensure the rights of participants), and simplified (e.g., preliminary inquiry).

An important criterion for the unification or differentiation of criminal procedural forms is the specific legal status of the participant in the criminal process who has committed a socially dangerous act. Age and psychological state are among the factors that determine whether proceedings against certain individuals should be conducted in a special form. In addition, there are other conditions for differentiating procedural forms, including the public need to separate a criminal case from general proceedings into separate proceedings, and consideration of the costs necessary to achieve the desired result. M.V. Zotova emphasizes that “the differentiation of procedural form should be based on criteria such as: the place where the crime was committed, the degree of complexity in establishing the facts, the subject of the crime, and the degree of public danger of the crime”¹⁵. Similar criteria were studied by E.V. Mishenko, who additionally included the legal status of the person who committed the crime¹⁶. At the same time, procedural criteria have been developed that assume the degree of complexity of examining the circumstances of the case that constitute the subject of proof, the interests of the persons who committed the crime or suffered from it. Based on this, it can be concluded that in this matter,

¹⁵ Зотова, М. В. (2016). О необходимости дифференциации уголовно-процессуальных форм и создания сокращенной формы дознания. Судебная власть и уголовный процесс, 2. <https://cyberleninka.ru/article/n/o-neobhodimosti-differentsiatsii-ugolovno-protsessualnyh-form-i-sozdaniya-sokraschennoy-formy-doznaniya-1>

¹⁶ Мищенко, Е. В. (2011). Основания (критерии) дифференциации процессуальной формы по уголовным делам в отношении несовершеннолетних и применения принудительных мер медицинского характера. Известия Оренбургского государственного аграрного университета, 1(29), Ч. 2, 249–252.



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a close connection between substantive law and procedural law can be traced. Thus, from the point of view of these scholars, there are two main criteria for differentiation: the degree of public danger of the crime (substantive law) and the degree of complexity of criminal proceedings (procedural law). It is these characteristics that serve as the basis for the transition to a simplified or complicated procedure for conducting cases.

The forms of criminal procedure that are generally accepted in international practice are linked to the nature of the crime committed. In most continental European countries, unlike our national legislation, socially dangerous acts for which criminal law provides punishment are divided, depending on the nature of the social danger, into crimes and criminal offenses (two-level classification) or crimes, offenses, and misdemeanors (three-tier classification). For example, in France, the stages of criminal proceedings do not have a unified system: there is a separate system for criminal offenses (crimes), a separate system for criminal offenses (delicts), and a separate system for misdemeanors (contraventions). A similar system can be found in US criminal procedure law, i.e., the classification of a socially dangerous act into one of the categories of crimes—felonies or misdemeanors—is the basis for determining the form of proceedings in a case. The need for unification or differentiation of forms of criminal proceedings, their positive and negative aspects, are the subject of debate among procedural scholars. In particular, S.V. Zakharova¹⁷ and I.V. Mikhailovskaya¹⁸ advocated differentiation, considering it a necessity for the development of criminal procedure. However, N.A. Vlasova¹⁹, referring to the shortcomings of such an order, emphasizes that it is impossible to establish the truth in criminal proceedings without sufficient time, effort, and resources, while V.V. Khatuaeva believes that the procedure for any criminal case should remain unchanged in the form of the unity of the principles of criminal proceedings and the judicial system. The task of unifying the form of criminal proceedings is not to create a

¹⁷ Захарова, С. В. (n.d.). Понятие и свойства уголовно-процессуальной формы. <https://articlekz.com/article/magazine/74>

¹⁸ Mikhailovskaya, I. B. (2003). The objectives, functions and principles of the Russian criminal justice system (criminal procedural form), 381. rpi.msal.ru/prints/201004_42kozyavin.html

¹⁹ Власова, Н. А. (2008). Концептуальная модель досудебного производства по уголовным делам. Научный портал МВД России, 1, 1–6. <https://cyberleninka.ru/article/n/kontseptualnaya-model-dosudebnogo-proizvodstva-po-ugolovnym-delam>



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new form, but to improve the procedural form that already exists in our legislation. In our opinion, in both cases, the starting point should be how effective and less costly criminal proceedings will be. At the same time, it should be borne in mind that the main goal is to achieve greater results with fewer resources. However, at present, no criteria have been developed for assessing the effectiveness of existing procedural forms in criminal proceedings.

The standard form of criminal proceedings is regulated by the general rules of the Code of Criminal Procedure. The criminal procedural form is complicated by such measures as extending the time limit for a specific procedural action, establishing additional guarantees for participants, conducting cases involving minors, and introducing a procedure for obtaining additional permits. On the other hand, simplification is associated with the procedure for speeding up the process, facilitating the investigation or trial, depending on the nature of the public danger of the crime committed, and thus reducing material and other social costs. This approach helps to narrow the existing formalities in legislation and judicial and investigative practice. At the same time, these types of differentiation are not without drawbacks; in particular, standard case management requires long procedural deadlines and resources, and simplification of court proceedings does not fully comply with the principles of criminal procedure. Therefore, it is necessary to create a unified concept of procedural forms of differentiation that allows for the creation of forms that equally serve public and private interests. This concept should be based on such provisions as the protection of individual rights, efficiency, comprehensive and thorough investigation of the circumstances of the crime, etc.

At the same time, compliance with procedural form in criminal proceedings does not always lead to the establishment of the truth or the ensuring of a fair trial. Proof that the proceedings are strictly formalized may cause inconvenience to the responsible persons conducting them. The administrative procedures established by law do not exclude the independent activity of the investigator. Procedural form, while ensuring the legality of criminal proceedings, also entails the inadmissibility of evidence if it is deviated from. In other words, criminal proceedings as a type of procedural activity are carried out in a special procedural form.



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Based on the above, the following elements of criminal procedural form can be identified:

- conditions – normative provisions establishing the grounds, place, time, and deadlines for procedural actions;
- process – a set of procedural actions and the order in which they are performed, the sequence of stages;
- guarantees – legal means aimed at realizing the rights and legitimate interests of participants in criminal proceedings.

The structure of the criminal procedural form, on the other hand, consists of:

- procedural order for making decisions on procedural actions;
- the implementation of procedural actions;
- recording the results of procedural actions in the relevant documents.

Based on the above, it can be concluded that the forms of pre-trial proceedings in criminal cases in **a broad sense** should be understood as a set of conditions and procedures for procedural actions established by law, in **a narrow sense**, the form of criminal procedure is understood as a system of criminal procedural institutions and the rules governing them; the sequence of stages of criminal proceedings is understood as the terms, methods, and conditions for performing procedural actions carried out in the process of collecting and verifying evidence.

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