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Systematic Analysis of the use of Innovative Approaches in Operational and Investigative Activities: The Republic of Azerbaijan Case

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Abstract: The new conditions of law enforcement and technological and digital evolution have significantly impacted the emergence of new approaches to investigation. This article aims to systematically investigate the application of innovative approaches to investigative activities, taking into account the experience of the Republic of Azerbaijan. The present study is a systematic review. The search for sources was conducted in the Scopus, Web of Science, HeinOnline, and LexisNexis databases, covering the period from 2007 to 2024. This made it possible to summarise the existing traditions of applying innovations in other countries and compare them with the Azerbaijani practice using the systematisation method. The study results indicate that due to the deep integration of digital technologies into operational and investigative activities, a problem has arisen for the legal framework for preserving the fundamental rights and freedoms of citizens. Achieving justice in this matter is an important option, and for its implementation, there is a need to use European standards. Adherence to this vector allows for preserving the democratic nature of operational and investigative procedures. The article also establishes that the main innovative methods of organising operational and investigative

activities in the Republic of Azerbaijan are using information technologies to detect unlawful acts and combat crime efficiently. The conclusions also emphasise that international cooperation in the field of law also allows for effective detective operations through collaboration with neighbouring countries and other EU countries.

Keywords: innovations, operational and investigative activities, legislation, practice, international experience, law, regulatory framework, law enforcement agencies.

Introduction

In today's conditions of rapid social, legal and economic transformations, total digitalisation of everyday life, crime investigation requires certain structural changes related to both the legal justification and practical implementation of such activities. Operational and investigative activities, as an element of the investigation, face new challenges in such dynamic circumstances that require an appropriate response. The articles of modern scholars prove the effectiveness of using innovative methods in the organisation of operational and investigative actions (Akhmedova & Oybek, 2023). The current research also proves that Azerbaijan, which seeks to modernise its law and order and security system, is introducing the latest approaches to security and law enforcement based on the development of law and international cooperation (Mikayılov, 2023). Traditional methods of detecting and solving crimes are less effective in combating modern offences, which requires the introduction of new solutions, including legal ones, in the field of modernising the operational search processes (Shevchuk, 2021). The use of modern innovative methods can significantly improve the efficiency of the law enforcement system, which can significantly reduce the cost of physical effort or time (Khyzhniak et al., 2021). Hence, the paper will address a number of important issues related to both the theoretical justification of the problem and the practical implementation of the new powers regulated by law.

Research Problem

As can be seen from the previous small overview, there are several important scientific gaps that should be paid attention to. In particular, most authors emphasized the importance of traditional methods of investigative and operational activity, and innovative methods were separated as additional. Without mixing the meaning of traditional methods, innovative methods should also be considered as basic and important. For example, in today's world, the volume of information is growing at a tremendous pace, which requires additional efforts on the part of law enforcement agencies to select, research and use the data obtained. Modern analytical platforms are considered to be quite effective tools for increasing the level of crime prevention and developing new forms of counteraction. An important aspect of the present is the problem of using artificial intelligence, which has not been sufficiently described in terms of its application in operational and investigative activities. An equally relevant issue is the consideration of the ethics of innovative technologies and the legal justification for their use in law enforcement. Therefore, given the importance of this problem, this work will try to solve the issue of the importance of using innovative solutions in the system of investigative and operational activity.

Research Focus

From this point of view, there is a problem of maintaining a balance between the possibilities of effective integration of modern technologies into operational and investigative actions and the performance of functions of protecting the rights and freedoms of citizens. The boundaries between such functions are unclear and require further consideration. It is also proposed to characterise important and effective approaches that can be used to improve the quality of operational and investigative actions (Trofimovs & Ivančiks, 2017). As a result, the study is expected to develop the scientific and theoretical foundations of the proposed area of knowledge. In addition, the study will

contribute to the development of the scientific and theoretical framework in this area, which can play a major role in the training of future specialists in the field of law and operational search activities.

Research Aim and Research Questions

The purpose of the article is to systematically analyse the use of innovative approaches to operational and investigative activities with due regard to the experience of the Republic of Azerbaijan. The realisation of this goal involves the fulfilment of certain tasks: summarising the state of scientific development of the issue, defining the legal provisions for ensuring operational and investigative activities in Azerbaijan, and describing the main innovative approaches to the implementation of operational and investigative actions based on legal analysis and research of modern scientific works.

Literature Review

The problem of using innovative approaches and technologies in the process of operational and investigative activities has been repeatedly highlighted in research. Attention to this topic is extremely important in terms of attempts to integrate modern methods and technologies into the legal process, legislative norms, court practice, etc. The theoretical understanding has also made it possible to identify certain controversial issues that will also require further discussion.

Veitch and Andreas Alsos (2022) traced the evolution of the use and possible application of artificial intelligence in legal, investigative and judicial actions. A similar topic was also addressed by Quezada-Tavárez et al. (2021), whose study demonstrates the possible prospects and difficulties encountered in the use of artificial intelligence in judicial practice. These studies point to the importance of integrating modern digital solutions into investigative and evidence-gathering activities, but also emphasise that there are still many obstacles to full integration.

Johnson and Williams (2007) is already a classic work, in which the authors elaborated on the mechanisms of working with DNA in the course of operational and investigative activities. The peculiarities of the modern investigative process were also addressed by Duxbury (2022), whose article traces both the use of digital innovations and their combination with classical investigative methods. Kohut (2018) studied some digitalisation tools in the investigative process. Researchers have also emphasised the prospects of using big data technologies in conducting operational activities, pointing out the difficulties that accompany this process and are currently extremely complex (Pramanik et al., 2017). The combination of knowledge about digitalisation has also made it possible to make certain generalisations about the prospects for legal regulation of the latest ways of organising operational and investigative measures.

An important issue that has also been discussed in the scientific literature is the inclusion of new amendments to national legislative systems, so that new methods of police investigators' work are legally taken into account and do not contradict the rights and freedoms of citizens. Price (2020) addressed the complex issues of the functioning of modern democratic state power in the face of serious digital challenges and information overload. Ahmedov et al. (2021) traced the problems with the implementation of operational and investigative actions in individual countries on the axis of comparative analysis. Balajanov (2018) drew parallels between the functioning of investigations in the UK and Azerbaijan, identifying elements that would generally require further improvement. Aliyeva (2023) also referred to the experience of Azerbaijan, describing the most optimal models to follow in the field of legal practice. Rodyhin (2021) suggested using international legal acts as sources of law to formulate national legislation in the relevant areas. An important study is Smernytskyi et al. (2021), in which the authors tried to summarise the experience of post-Soviet countries in ensuring and regulating operational and investigative activities. Yehorov et al. (2021) also made a similar attempt for European practice, which ultimately allowed them to move to certain broader generalisations in the field of legal support for operational and investigative activities and the introduction of innovative approaches to it. Thus, the researchers noted a wide field for the use of modern innovative and digital solutions in

operational and investigative activities. At the same time, this issue has not been exhausted, as the prospects for further use of digitalisation in detective activities have not yet been properly assessed, given the constant development and emergence of new technologies. In addition, there has been no work that would systematise these innovative technologies based on the analysis of Azerbaijani legal provisions.

Materials and Methods

Research Design

The article uses a qualitative approach to study innovative approaches to operational and investigative activities in Azerbaijan, particularly a systematic analysis of scientific literature and laws regulating this area.

Instruments and Procedures

The study of the use of innovative approaches in detective and investigative activities was carried out in several stages, each of which played an essential role in forming the study's general conclusions. First, the author collected and analysed some regulatory documents that refer to the organisation and conduct of operational and investigative activities and systematised the scientific literature found.

The search for relevant sources was conducted in the Scopus, Web of Science, HeinOnline, and LexisNexis databases. Publications in English and Azerbaijani from 2007 to 2024 were considered. The search for the primary scientific literature was carried out using keywords. The main keywords were innovations, operational and investigative activities, legislation, practice, international experience, law, regulation, and law enforcement agencies. Based on the selected literature, specific exclusion criteria for scientific papers were applied based on the following positions:

1. Scientific work reveals the essence of operational and investigative activities and the integration of modern innovative techniques into them.
2. The research deals with various aspects of detective work.
3. The research deals with some legislative elements in the regulation of operational and investigative activities, particularly the inclusion of these features in the legislation.
4. The scientific papers describe legislative definitions or practices of applying innovative approaches.
5. The research is significant in scientific novelty, modern, and relevant to changes to legislative acts.

Based on these criteria, 36 relevant publications were selected. This sample's chronological range was from 2007 to 2024, which made it possible to demonstrate the evolution of scholars' views on various issues related to the conduct of operational and investigative activities.

Data Analysis

The study was based on a qualitative approach. This means that the data analysis included a content analysis of scientific literature, based on which scientists' main conclusions were formulated regarding integrating modern innovative practices into operational and investigative activities. The comparison method was used to study different experiences applying innovations in operational and investigative activities. The process of systematisation was used to formulate the generalisations for the article, which became the basis for the conclusions.

Results

Two primary paths are indicated for the investigation of criminal law cases: investigative/other procedural activity and operative-investigative measures. The combination of non-procedural actions carried out outside of the criminal court process is known as an operational-investigatory activity. Protection of public safety and human rights is the goal of operative-investigative action, which is linked to justifiable constitutional objectives (Yarovyi, 2020). There was an initial attempt, like in most European nations, to combine investigative activities with operative-investigative measures under the Azerbaijani Criminal Procedure Code (Mikayilov, 2023). The Criminal Procedure Code called for the aforementioned actions to be taken in the form of covert investigations.

In 1999, the Law of the Republic of Azerbaijan on Operational and Investigative Activities was adopted (Law of the Republic of Azerbaijan, 1999). This Law establishes the system of legal assurances that will be in effect during the operative search measures and sets the legal basis for such activity. The law expresses that the main objectives of the OIA are to prevent crimes, detect and solve them, search for the perpetrators, etc. (See Figure 1).

Figure 1

The Crucial Goals of Investigative and Operational Activity



Source: Law of the Republic of Azerbaijan (1999).

According to Azerbaijani law, the implementation of operational and investigative activities includes compliance with important human principles: humanism, confidentiality of data, legality, respect for rights and freedoms, and consistency of overt and covert methods of organising these activities. Article 4 of this law prohibits violation of human rights and freedoms, which are defined in an important document - the Constitution of the Republic of Azerbaijan, and also prohibits neglecting the legitimate interests of individual legal entities (Law of the Republic of Azerbaijan about Operative Search Activity, 1999). At the same time, temporary restriction of human rights and freedoms in the course of operational and investigative activities is determined only in accordance with the provisions of this Law in situations of prevention and detection of crimes, search for people hiding from the court (Law of the Republic of Azerbaijan about Operative Search Activity, 1999). The law also stipulates that acting on behalf of political groups, governmental entities, latent involvement in the work of legislative or judicial authorities, public unions, and religious organisations registered in accordance with the law in order to influence their operations is prohibited for those in charge of operational search activities.

Under Article 7, in the course of performing their duties, detective officers must enjoy the rights to conduct detective operations, whether overtly or covertly, as provided for in Article 10 of this Law. Employees also have the full right to organise cooperation with people who wish to contribute to their effective work, to form and maintain the information system of the operation. It is also important to note that under Article 7, employees have the full right to use residential rooms and cars or other property on the basis of written approval or an oral agreement (Law of the Republic of Azerbaijan, 1999). Furthermore, personnel engaged in operational tasks have the option to create a fictional unit or organization in order to maintain confidentiality. In Azerbaijan, operational-investigative activities are grounded in a blend of overt and covert protocols. It is, nevertheless, strictly categorized. Only those individuals designated by law, as well as in situations specified by law, are granted the ability to search through data, documents, and sources, including intelligence information on this activity, in accordance with the procedures set forth (Law of the Republic of Azerbaijan, 1999). The prosecutor's classification of data specified for the purpose of using them as evidence is an exception to this norm, provided that the classification of such documents and materials does not violate the vital interests of the sphere of economy, defence, foreign relations and state security.

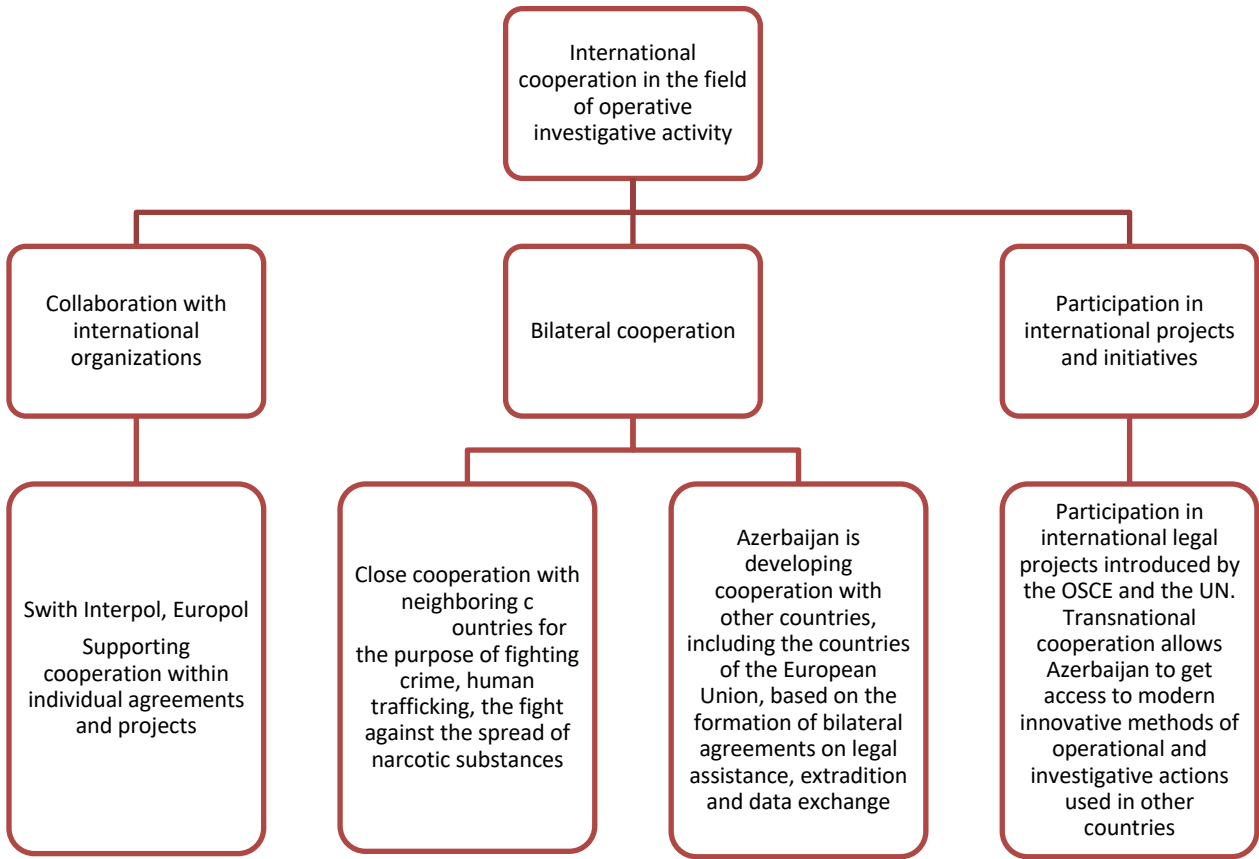
The current practice of organising operational and investigative activities in Azerbaijan clearly shows that this activity is important for combating crimes directly related to organised crime and drugs (Mehdiyev, 2021). Obviously, in these crimes, information is provided by third parties. As for other complex crimes, especially those involving the investigation of crimes of drug acquisition, possession and illicit use, the primary investigative work, i.e., a personal search, is usually carried out on the basis of the operational information received.

The effectiveness of criminal police officers in some situations is determined by the quality of their informants (Johnstone, 2017). However, it should be noted that such activities are subject to strict legal restrictions and are defined at the legislative level in Azerbaijan and other countries. For example, the FBI has a special service instruction that regulates the specifics of contacts with informants, suggesting that it is mandatory to follow such a condition as the extent to which the informant's work may contradict the guarantees of citizens' rights enshrined in the Constitution of Azerbaijan (Shahbazov & Muradov, 2019). It also regulates how reliable the specific testimony of a particular informant is in terms of its information and whether the FBI structures are able to influence it. At the same time, investigative work can be carried out in accordance with the statutory informant privilege, which is available in a number of states. Federal court decisions are also an important source of law that affects investigative activities (Roberts & Schmid, 2022). When it comes to establishing cooperation with informants, this practice exists in Azerbaijan. In particular, the Azerbaijani law allows working with persons who are willing to assist in the organisation and implementation of operational and investigative activities, and to maintain their complete confidentiality. As stated in Article 7, it is possible to form entire fictitious units or organisations in the form of legal entities and use them to provide anonymity to persons who wish to cooperate effectively with the investigation (Law of the Republic of Azerbaijan, 1999). At the same time, since the idea of secrecy is at the heart of operational and investigative activities, the data that define these activities also constitute a state secret in Azerbaijan. Therefore, any information disclosed during the investigation is subject to criminal liability. For this reason, the main subject of the offence is the person to whom the data determining the investigative activity was transferred or entrusted. Also, regardless of the time that has passed since the opening of the case, it is unacceptable for employees to disclose secrets or characterise the source of the information received, except in special cases established by law.

Nevertheless, an important innovative method of organising operational and investigative activities in Azerbaijan is the use of information technology to enhance the fight against crime. For this reason, it is important to create and use unified databases containing extensive information on criminals and witnesses. This way, the information can be quickly found and searched. Another important method

is information analysis based on digital technologies (big data). This includes social media research and monitoring, analysis of financial transactions or other information resources. Current digital information systems allow law enforcement officers to work with large amounts of data to quickly and efficiently process information about investigations, evidence, potential criminals, etc (Tsehan, 2021). Analytical tools in operational and investigative activities help to quickly trace financial transactions, monitor social media, etc. The use of artificial intelligence makes it possible to process large amounts of information and identify certain keywords necessary for operational and investigative activities (Kozlovsky & Mazur, 2017; Stoykova, 2023). It can also be an effective tool for dealing with electronic correspondence, transfers, etc. The digitalisation of law enforcement also contributes to countering cyber threats, as digital environments have become a separate field in which criminals operate. International cooperation is also an important innovative approach to the implementation of investigative activities in Azerbaijan. This area covers a variety of measures aimed primarily at combating international crime, exchanging information and providing mutual support and assistance between countries. In particular, it is worth noting that Azerbaijan cooperates sufficiently with international organisations, including Interpol. This affects the exchange of information on international criminals. The National Central Bureau of Interpol in Azerbaijan is used to exchange information and coordinate certain joint activities. On the other hand, although Azerbaijan is not a member of Europol, the country actively supports cooperation with this organisation within the framework of agreements and projects. Given the international context, bilateral cooperation between the countries is also an important area (Shpykuljak & Mazur, 2014; Stashchak, 2019). It is said that Azerbaijan is implementing close cooperation between neighbouring countries, such as Georgia and Turkey, in organising certain search activities. Azerbaijan is also actively involved in modern international initiatives aimed at organising law enforcement (see Figure 2).

Figure 2
Forms of International Cooperation of Azerbaijan in the Field of Operational and Investigative Work



Source: Author’s development.

Despite some international aspects, Azerbaijani legislation establishes that the organisation of operational and investigative activities without taking into account the objectives and conditions set out in the laws entails criminal, administrative or disciplinary liability. At the same time, any implementation of operational and investigative activities in Azerbaijan is based on the principles of respect for human rights and freedoms, in case of violation of which the subjects who carried out the operational and investigative activities must restore the violated rights or compensate for psychological harm or material damage.

Discussion

The results obtained have determined that under Azerbaijani law, the implementation of operational-investigative activities includes compliance with important principles, including data confidentiality, legality, respect for rights and freedoms, and consistency of overt and covert methods of organising these activities. The study also found that operational-investigative activities, which are carried out by organisations and are only partially related to criminal procedure, help courts, prosecution teams, and investigative bodies resolve a variety of crimes and other illegal acts, which is consistent with the work of Johnstone (2017). This activity additionally assists in identifying and exposing those who commit crimes. The results of the study also indicate that the implementation of operational and investigative activities requires reliable legislative support, which is implemented in the current legislation of Azerbaijan. At the same time, taking into account other works that describe the experience in other countries, these researchers often point to its exclusively or mainly covert nature of operational and investigative activities, removing, respectively, from this process certain parts of public actions, which are primarily performed by employees of operational units to solve crimes (Mikayılov, 2023; Nonis et al., 2019). However, other scholars consider the open activities of law enforcement officers to be an important part of detective operations (Samandari & Samandari, 2024). In this case, it is especially important to formalise the relevant actions at the regulatory level, which may even allow for the inclusion of operational and combat activities. The specific national character of operative-investigative activity, as well as its strategic importance and preventive nature, are discussed in the literature (Aqubardia, 2020). Fighting crime requires more than just the prosecutor (at his desk) organising repressive measures; it also requires operational bodies carrying out proactive, on-the-ground operational-investigative actions. Acquired information during operational-investigative activity is only legally recorded; the document itself is secret (Aqubardia, 2020; Khyzhniak et al., 2021). Therefore, while if the standard outlined in the procedural law is not followed, it is prohibited to use operational investigative data as evidence in criminal proceedings. Consequently, there needs to be a process filter that will legally verify that this data complies with the legal requirements. Because operational and investigative data are always very probable, there needs to be a procedural filter that will legally verify that the data complies with the legal requirements.

In addition to the law on operative-investigative work, state normative acts issued on specific problems by state bodies carrying out OIA with approval from the Azerbaijani General Prosecutor also serve as the legal basis for such action. The trustworthiness of the operative-investigative process is diminished by the fact that the aforementioned activities are not available to the public and are categorised as state secrets (Aqubardia, 2020).

The results of the study also correspond to other opinions of modern scholars. In particular, Akhmedova and Oybek Ugli (2023) also identified modern technologies for organising operational and search operations. However, the researchers also emphasised the importance of using artificial intelligence in these activities. Nonis et al. (2019) and Bobro (2024) also point to the significant role of digital technologies. Samandari and Samandari (2024) identified various aspects of the use of biometric technologies to ensure the security of information systems. This study also describes the benefits and

risks associated with biometric data. Shahbazov and Muradov (2019) identified the problem of excessive use of pre-trial detention in Azerbaijan. The authors also describe the role of this practice on human rights and offer some recommendations for reform. Some innovative frameworks for improving investigative activities in the context of globalisation are analysed in detail in Shevchuk (2021), with the author also emphasising the importance of innovative technologies. According to current research, digital information systems facilitate the efficient collection and analysis of information (Chabot et al., 2015; Douglas, 2023; Lutsiak et al., 2020). Digital technologies include databases that store important data for analysis, which improves the conduct of investigative work. Thus, the novelty of this work lies in a comprehensive approach to analysing the implementation of modern principles and approaches to the implementation of investigative activities based on the analysis of Azerbaijani legislation. However, the main limitation may be that the author refers only to the English-language literature, or works that have an English-language abstract. This is an important limitation, as available works in other languages were not taken into account. In addition, sources for a limited period were analyzed (the main emphasis is on modern works). However, these limitations only open the way for further research into this complex problem.

Conclusions and Implications

Hence, the process of identification, investigation, and resolution of criminal activities are all greatly aided by operational and investigative action. Furthermore, there is a considerable risk of illegal human rights restrictions and the possibility of arbitrary behavior from authorized parties because these actions are primarily carried out covertly and conspiratorially. Therefore, it is necessary to align regulations pertaining to operative-investigative activity with European Standards. This will ensure that the legality of the named activity is protected, that there are strong legal guarantees, and that the legislation contains clear provisions. At the same time, it should be emphasised that the implementation of operational and investigative activities in Azerbaijan is based on an approach that is based on the fundamental rights and freedoms of the individual. Adherence to this approach makes it possible to preserve the democratic nature of operational and investigative procedures without violating the law, ethics and privacy. In the event of a violation, the entities that carried out the investigative and detective activity must restore the violated rights or compensate for psychological harm or material damage.

The study also found that the main innovative methods of organising operational and investigative activities in Azerbaijan are the use of information technology to enhance the fight against crime. For this reason, it is important to create and use unified databases containing extensive information about criminals and witnesses. Artificial intelligence technologies also play a significant role in the effective organisation of investigative actions. International cooperation in the field of law also allows for effective operational and investigative actions based on cooperation with neighbouring countries and other EU countries.

Suggestions for Future Research

Further research into the organisation of operational and investigative activities will inevitably be associated with the use of developing technologies that have already become an integral part of public life. Finding a balance between the need to conduct investigative and detective activities alongside the balance in the use of powerful digital tools may lead to an imbalance in the protection of citizens' rights and freedoms. The search for a legislative solution and regulation of this issue is a complex process that will require in-depth study and development of a further legislative framework. This will also diversify the research literature, which will expand knowledge and understanding of the theoretical and legal aspects of operational and investigative activities.

An important challenge for law enforcement is dealing with digital environments, which requires a rather detailed approach and implementation. Conducting inspections, surveillance and surveillance in digital form intersects with a number of moral and ethical issues that will need to be addressed in view of the integration of digital technologies into society. By addressing these issues, human rights and privacy protection mechanisms will be improved.

A separate element that requires further analysis is the establishment of cooperation between different law enforcement agencies. Such cooperation will require the establishment of certain principles, which will be further improved through the development of guidelines and possibly even international acts. This practice will mean changes in the structure of law enforcement agencies, which in practice can lead to quite significant changes that will also determine the functioning of law enforcement agencies in general. Digitalisation and its impact on operational and investigative activities will lead to a significant acceleration of certain processes, but work with a large number of databases will require the emergence of specialists of a new level and range of knowledge. The formation of such criminalists and operatives is tantamount to changes in the educational system as a whole, as constant consideration of the dynamic environment in which society lives also implies familiarity with the basics of updated operational and investigative activities.

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Conflict of Interest

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