

## **ENSURING THE PROTECTION OF HUMAN RIGHTS IN LAW ENFORCEMENT**

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**Abstract:** the article considers the issues of organizational and legal support in law enforcement of human rights, investigates the problems of legality of ensuring this activity, and also identifies the priority areas of activities to prevent violations of personal inviolability of citizens in the activities of law enforcement agencies: legal regulation of their activities; organizational activities of law enforcement agencies aimed at ensuring this individual right; work with law enforcement personnel and control over the activities of law enforcement agencies.

**Keywords:** law enforcement bodies, ensuring, activity, legality, protection of citizens' rights, personal inviolability, legal regulation, organizational activity, work with personnel, control.

In order to reach further enhancement in the effectiveness of judicial, law enforcement and supervisory bodies in ensuring the rule of law and strengthening the rule of law in society, a programme of comprehensive measures on priority areas of development of the judicial and legal system was approved in 2016 [1]. The provisions of this programme are also directly applicable to law enforcement agencies.

Performing the functions of protecting the rights and freedoms of citizens, legitimate interests of society and the state, law enforcement agencies, as a necessary means in their activities, have to use measures restricting the personal inviolability of citizens [2]. They are aimed at combating offenses in order to ensure conditions for achieving the truth in cases of offenses, preventing the commission of new socially dangerous acts, as well as correcting offenders, are provided for by laws and do not contradict the constitutional provision on personal inviolability. Such measures applied by law enforcement agencies include administrative and criminal procedural detention, arrest, bail, remand in custody as a preventive measure, compulsory placement of a suspect or accused person for forensic medical examination in a psychiatric medical institution for inpatient observation [3]. Their application is conditioned by the need to ensure administrative and criminal procedural activities of law enforcement agencies. Realization of the right of

personal inviolability of citizens in this case depends on the compliance of their employees with the requirements of laws and departmental normative acts concretizing these laws, defining the boundaries of permissible and necessary restriction of this right of citizens who have committed offenses. A person who has committed an offense has not only the obligation to be punished, but also has the right corresponding to this obligation – to demand from law enforcement agencies to ensure legality in the application of law-restrictive measures to him/her [4].

The tasks of the modern level of development of our society and the increasing importance of the rights and freedoms of citizens require further strengthening of the legal basis and improvement of the organizational activities of law enforcement agencies [5]. As evidenced by the practice of these bodies, among the violations of the rule of law committed by law enforcement officers, a significant proportion of them are violations directly affecting the personal inviolability of citizens [6]. These include, first of all, unjustified detention on suspicion of committing a crime, unlawful arrest, unlawful placement in a medical examination center, in special reception centers for persons arrested under administrative procedure, in rehabilitation centers for persons without a fixed place of residence and occupation, in a room for temporary detainees, and unlawful application of administrative measures related to the restriction of personal freedom. At the same time, it should be noted that the solution to the problem of ensuring personal inviolability is not limited to eradicating cases of unlawful arrest and detention. It includes a set of measures aimed at improving law-making and law enforcement, organizational and educational work in law enforcement agencies and is directly related to the solution of general tasks to strengthen the rule of law. The elaboration and implementation of these measures should be preceded by work to clarify the negative reasons that contribute to the violation of personal inviolability of citizens in the performance of their professional duties by law enforcement officers, and to identify frequent violations associated with infringement of this constitutional right of citizens.

The study of the results of interviewing practitioners of law enforcement bodies of the prosecutor's office and courts of Uzbekistan [7] allows us to identify the most significant and frequent reasons that lead to violation of personal inviolability of citizens in the activities of law enforcement agencies. These include the following: imperfect departmental legal regulation of the activities of law enforcement agencies; complexity of procedural requirements for the performance of certain legal actions; overloading of investigators with the investigation of criminal cases of various categories; lack of specialization in certain types of crimes and shortcomings in the interaction of investigators with bodies of inquiry; violation of procedural independence of investigators; assignment of unrelated functions to individual employees; incompleteness in the collection of evidence; incorrect assessment of

established circumstances and collected data; weakening of service discipline; contrast between expediency and legality; deficiencies: in the level of legal training of law enforcement officers; in the selection, placement and education of personnel; in the organization of their professional training; in the organization and implementation of control over the observance of the rule of law in the activities of law enforcement agencies.

The analysis of the noted reasons allows us to identify the following priority areas for preventing violations of personal inviolability of citizens in the activities of law enforcement agencies: legal regulation of the activities of law enforcement agencies affecting the personal inviolability of citizens; organizational activities in law enforcement agencies aimed at ensuring this personal right; work with law enforcement personnel; and control over the activities of law enforcement agencies.

When legally regulating the activities of law enforcement agencies, it is necessary to emphasize the issues of departmental rulemaking. It seems possible to highlight the following as immediate tasks for improving the departmental legal regulation of law enforcement agencies' activities affecting the personal inviolability of citizens

First, to determine the status and expedient limits of legal regulation of this activity. As the study of materials on violations of personal inviolability of citizens shows, these negative phenomena sometimes occur either because of the inconsistency of certain departmental acts with the constitutional right to personal inviolability, or because of their incompleteness, while in quantitative terms there is an abundance of them, often making it difficult to digest their content. In order to completely eliminate the inconsistency of some departmental documents with laws and other normative acts of the higher bodies of state power and administration, to eliminate duplication in departmental acts, to improve the content of normative prescriptions.

Secondly, an important task of improving the legal regulation of law enforcement agencies is to reduce unnecessary departmental rule-making. Today, we often face the problem when law enforcement officers, in particular crime prevention inspectors, do not have time not only to assimilate existing departmental acts, but also to follow new normative acts.

Improvement of organizational activities of law enforcement agencies, aimed at preventing violations of personal inviolability of citizens, includes many different aspects and is the subject of a special study, which can include:

- determining and maintaining an acceptable level of workload, exceeding which, under appropriate conditions, may lead to the possibility of unlawful administrative or criminal liability, unlawful application of preventive measures and other violations of personal integrity;

- elimination of unfavorable conditions in the work of law enforcement officers, in particular, related to understaffing of the personnel apparatus, due to which officers are entrusted with functions that are not inherent to them and for which they have neither the appropriate knowledge nor experience. In the absence of proper control over the activities of such personnel, the likelihood of violations of the rule of law increases significantly;

- taking measures to establish a clearer system for identifying, recording and analyzing violations of the personal inviolability of citizens committed by law enforcement officers. Thus, it seems necessary to pay special attention to: the sources through which information on offenses is received; the reliability of these channels, the expediency of their duplication, the possibility of using additional sources of information; the state of control over the completeness and reliability of incoming information, the procedure for registering, passing through and resolving information; the compliance of this procedure with the requirements of orders and instructions of law enforcement agencies; the role of services and units in the detection of crimes and other rights; and the role of law enforcement agencies and units in the detection of violations of personal integrity.

Improvement of this system will allow: to obtain a correct picture of the state of legality in law enforcement agencies, to conduct appropriate analytical work and take the necessary measures to eliminate the causes that give rise to these offenses. This, in turn, will allow to increase: the authority of law enforcement agencies; ensuring the protection and defense of personal rights of citizens; ensuring the implementation of the basic principles of law on the inevitability of punishment; prevention of these violations in the future.

It should be noted that an important area in the fight against violations of personal inviolability of citizens by law enforcement officers is the improvement of work with personnel. It includes the selection and placement of personnel, their professional training, and educational work. Practice shows that in many cases of violations of legality by law enforcement officers is associated with: low level of their legal culture; inability to use legal norms, apply them to specific situations, with the allocation and analysis of legally significant features of emerging situations; with irresponsible attitude to violation of personal inviolability of citizens; with unconsciousness of one's own mistakes.

Therefore, an important task in the work with personnel, aimed at preventing violations of personal inviolability of citizens by law enforcement officers, is the correct orientation of their legal consciousness. Otherwise, there are attempts to justify unlawful actions with references to expediency, interests of the case, etc.

The need for the formation of professional legal consciousness is also caused by the fact that law enforcement officers, daily communicating with offenders, often

entering into conflict situations, may be subject to the so-called professional deformation. Therefore, it is necessary to develop a set of special measures that contribute to the development of strong socio-psychological immunity against professional deformation of the personality of a law enforcement officer.

In the correct application by law enforcement agencies of coercive measures, timely and complete detection, suppression and prevention of violations of personal inviolability of citizens, control over legality in law-restrictive activities of law enforcement agencies plays an important role. Control over the observance of personal inviolability of citizens in the activities of law enforcement agencies is diverse in terms of subjects, forms and methods of its implementation. The diversity of ways to ensure legality is due to the versatile nature of the activities of law enforcement agencies, the need for rapid and complete detection and elimination of violations of the law, taking effective measures to prevent violations of the law.

The combination of different types of control over legality (state, inter-agency, public control, supervision of the prosecutor's office and control of the judiciary), on the one hand, allows it to be exercised over all aspects of the activities of law enforcement agencies, on the other hand, requires a clear delineation of the competence of control and supervisory bodies in order to prevent duplication in their work. They should complement and not substitute each other, therefore clarification of competence, improvement of the system, organizational structure and forms of activity of control and supervisory bodies are of great practical importance for ensuring and strict observance of personal inviolability of citizens in the activities of law enforcement agencies.

### **References:**

1. See: the decree of the president of the republic of uzbekistan adopted on the 21th of october, 2016 and numbered as up-4850 which is “about the measures for further reforming the judicial and legal system and strengthening guarantees of reliable protection of the rights and freedoms of citizens” //press-bulletine the office of the president of the republic of uzbekistan. Tashkent, 2016, no. 4 (102). Pages 176-179.

2. See: chapter 10 of the constitution of the republic of uzbekistan. Tashkent, “uzbekistan”, 2023; chapter 26 of the code of the criminal procedure of the republic of uzbekistan. Tashkent. “adolat” publishing house, 2022; chapter 3 of the code of the republic of uzbekistan about admirative responsibility.

3. See.: chapters 27-31 of section 4 of the code of criminal procedure of the republic of uzbekistan; articles 29, 291 and 292 of the code of the republic of uzbekistan about administrative responsibility.

4. See: articles 2, 11, 18, 23-24, 27 and etc. Of the code of criminal procedure of the republic uzbekistan; articles 2 and 297 of the code of the republic of uzbekistan about admirative responsibility.

5. See in detail: the decree of the president of the republic of uzbekistan adopted on the 26th of march, 2021 and numbered as up-6196 which is “about the measures to raise to a qualitatively new level the activities of internal affairs bodies in the area of ensuring public security and combating crime” //narodnoye slovo (the word of the nation), the 29th of march, 2021; the resolution of the president uzbekistan adopted on the 13th of december, 2019 numbered as pp-4551 “about the additional measures to ensure the supremacy of the constitution and the law, to strengthen public control in this area, and to enhance legal culture in society” //national database of the legislation, on 14.12.2019, numbered as 07/19/4551/4162.

6. According to the official statistics of the centre for human rights in uzbekistan, the registration is annually carried out on tens of thousands of the employees of law enforcement bodies, and in particular, on the employees of the bodies of internal affairs.

7. See: the survey have covered 89 of the mentioned employees.

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