

SOME ISSUES OF LEGAL PROVISION OF PUBLIC SAFETY

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Abstract. This article analyzes the international normative legal documents and the national legislation of the Republic of Uzbekistan on ensuring public safety. Due to the fact that threats and aggressions to public security are increasing and their social danger is increasing, international documents on ensuring public security are being developed in the fields of combating terrorism and extremism, corruption, organized crime, illegal circulation of narcotics and psychotropic substances, human trafficking, as well as railway, air and automobile. classified into normative legal acts on ensuring safety in the fields of transport and traffic safety. In recent years, the reforms implemented in Uzbekistan to ensure public safety have been discussed, and some legal gaps in public safety, in particular, the need for legal protection of public safety during rallies, gatherings and demonstrations, have been justified. The importance of effective implementation of measures on public order and security is based on the activities of the Ministry of Internal Affairs and National Guard units, which are the main entities responsible for ensuring public safety during these events. It is also proposed to study social relations in the field of theoretical and legal provision of public safety based on their content, regulatory legal documents, and directions of activity of entities providing public safety.

Key words: public safety, public safety, public order, maintenance of public order, rally, meeting, demonstration.

INTRODUCTION

It is known that in all periods of human development, ensuring the security of the individual, state and society has been one of the priority directions of the state's policy. However, each country has implemented this policy differently according to its structure, form and legal system.

Faithful to the teachings of Sohibqir Amir Temur: "Society consists of castes and categories, the state should be managed jointly with them, each of them according to their position and profession, and the state should be a force that preserves and ensures peace between them, and reduces social inequality." Since the beginning of the 20th century, maintaining peace and tranquility in Uzbekistan, protecting human rights and freedoms from all kinds of threats and aggressions has been the main task of the state, first of all, of law enforcement agencies.

In particular, the dangers and threats that have arisen in the world, first of all, international terrorism, religious extremism, illegal migration, human trafficking, and the increasing spread of ideas alien to our people among young people, are brought to the attention of the competent state bodies in this field in order to prevent them and put an end to them in a timely manner. is setting new tasks.

LITERATURE ANALYSIS AND METHODOLOGY

In the legal regulation of relations in the field of public order and security in a democratic society, the Constitution, laws, normative legal documents aimed at the legal provision of this field by state authorities are of particular importance.

The experience of the world shows that the state of threat to public safety is the lack of fair resolution of problems in the regulation of social, political, national, and religious relations in society, in holding mass events, in the use of railway, air, and road transport, in the organization of traffic, in construction, production, and other areas. occurs as a result of non-observance of safety requirements and rules in the course of work or their violation, as well as in the use of fire-hazardous materials, structures and devices, in violation of the requirements for dealing with weapons, ammunition, explosive materials and other dangerous objects and substances.

Legislation is the basis of theoretical and legal provision of public safety, and normative legal documents regulating social relations in this field can be classified based on a number of criteria. First of all, we can divide them into international and national legal documents.

The diversity and complexity of the content of social relations in the field of public security is clearly demonstrated by the analysis of international legal documents on their regulation.

It should be noted that the international normative legal documents related to human rights oblige each participating state to protect people, including women and children, from any kind of social, ideological, spiritual, criminogenic, man-made, natural and other threats and aggressions in their territories. imposes obligations to implement comprehensive measures. In particular, the Universal Declaration of Human Rights [34], the International Covenant on Civil and Political Rights [22], the Convention on the Political Rights of Women [13]; UN Convention on the Elimination of All Forms of Discrimination against Women [12]; Convention on the Rights of the Child [14] et al.

Today, threats and attacks on public safety on a global scale are intensifying and expanding, their social danger is increasing, and the urgency of combating them, as well as their prevention, is increasing. b) in the field of fight against corruption; c) in the fight against organized crime; g) in the field of combating illegal circulation of narcotics and psychotropic substances; d) in the field of combating human trafficking; e) railway, air and road transport and road safety; e) we can classify them into normative legal acts on ensuring security in cyber security and other areas.

International documents in the field of combating terrorism and extremism: European Convention on the Suppression of Terrorism [19]; Declaration on measures to eliminate international terrorism [17]; International Convention on Combating Terrorism with Bombs [21]; International Convention for the Suppression of the Financing of Terrorism [32]; Treaty of the Commonwealth of Independent States on cooperation of the participating states in the fight against terrorism [43]; Shanghai Convention on Combating Terrorism, Separatism and Extremism [84]; International Convention for the Suppression of Acts of Nuclear Terrorism [20]; European Union Convention on the Prevention of Terrorism [15]; Agreement on cooperation in the field of closing and identifying the entry routes of persons involved in terrorist, separatist and extremist activities into the territory of the member states of the Shanghai Cooperation Organization [46]; Treaty of the participating states of the Commonwealth of Independent States on combating money laundering and terrorist financing [42]; Shanghai Cooperation Organization Anti-Terrorism Convention [44].

International documents in the field of combating corruption: European Union Convention on Civil Liability for Corruption [1]; European Union Convention on Criminal Liability for Corruption [16]; United Nations Convention against Corruption [35].

International documents in the field of combating organized crime: Convention on Combating Illegal Possession of Aircraft [6]; European Union Convention on Money Laundering, Tracing, Seizure and Confiscation [8]; UN Convention against Transnational Organized Crime [33]; Additional Protocol to the UN Convention against Transnational Organized Crime on the Prevention and Suppression of Trafficking in Persons, Especially Women and Children [28].

International documents in the field of combating the illegal circulation of narcotic and psychotropic substances: the Single Convention on Narcotic Drugs [30]; Convention on

Psychotropic Substances [10]; Declaration on the fight against the illegal circulation of drugs and drug abuse [18]; United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [36].

International documents on combating human trafficking: Slavery Convention [31]; UN Convention against Trafficking in Persons and the Exploitation of Prostitution by Third Parties [3]; Optional Protocol to the Convention on the Rights of the Child on child trafficking, child prostitution and child pornography [27]; Convention of the International Labor Organization on the worst forms of child labor [40].

Regulatory legal acts in the field of railway, air and road transport and road safety: Convention on International Civil Aviation [7]; Convention on Crimes and Certain Other Offenses Committed on Board Aircraft [9]; Convention on Road Traffic [38]; Convention for the Suppression of Unlawful Activities Against the Safety of Civil Aviation [4]; Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Ships [5]; Convention on Road Signs and Signals [11].

The legal regulation of relations in the field of public order and security, based on the requirements of the norms of the Constitution of the Republic of Uzbekistan, are strengthened in the administrative responsibility and criminal codes, separate laws and other legal documents. Such provisions are reflected in the laws, codes, decisions of the chambers of the Oliy Majlis of the Republic of Uzbekistan, decrees and decisions of the President, decisions of the Cabinet of Ministers, orders and decisions of ministries, state committees and agencies, as well as decisions of local state authorities.

In particular, during the years of independence, a number of laws aimed at ensuring public order and security in our country, including: Code of the Republic of Uzbekistan on Administrative Responsibility [82], Criminal Code [81], "On State Sanitary Control" [58], "On Nature Protection" gi [70], "On Protection of Atmospheric Air" [54], "On Narcotic Substances and Psychotropic Substances" [68], "On Civil Protection" [76], "On Radiation Safety" [69], "On the fight against terrorism" [71], "On the transit of special cargo and military formations" [64], "On highways" [53], "On fire safety" [59], "On road safety "gi [61], "On Crime Prevention" [79], "On Sanitary and Epidemiological Peace of the Population" [57], "On Labor Protection" [65, 66], "Protection and Use of Flora on" [73, 74], "On the protection and use of the animal world" [77, 78], "On combating extremism" [80], "On internal affairs bodies" [60], "National "On Guard" [67], "On State of Emergency" [75], "On Guard Activities" [63], "On Protection of Population and Territories from Natural and Man-made Emergency Situations" [55, 56], "On cyber security" [62], laws have been adopted and are being enforced. The concept of public safety adopted in 2021 defined the policy of the Republic of Uzbekistan in the field of public safety.

DISCUSSION

As part of the large-scale reforms implemented in our country, special attention is being paid to ensuring a peaceful and peaceful life of the population and forming a culture of law-abidingness and public safety in our society.

In particular, completely new mechanisms and procedures for organizing work in the direction of public safety on the basis of the principle of "serving the interests of the people" were introduced, and mutual purposeful cooperation of state bodies with public structures was established.

Within the framework of the Strategy of Actions on the five priority directions of development of our country in 2017-2021, during the past period, about 300 laws and more than 4 thousand decisions of the President of the Republic of Uzbekistan aimed at radical reform of all spheres of state and social life were adopted.

Also, systematic work was carried out to ensure human rights, strengthen the accountability and openness of state bodies, and increase the role of civil society institutions, mass media, and political activity of the population and public associations [48].

In particular, Uzbekistan took 46th place in the rating of safe countries for travel in 2020,

8th place among Asian countries after Singapore, Japan, Qatar, South Korea, Bahrain, Oman, UAE [2].

In addition, in accordance with the Strategy of Actions, a comprehensive system of public safety was formed in our country. As part of it, the National Guard was established in August 2017 as an independent type of the country's armed forces. The law "On the National Guard of the Republic of Uzbekistan" was adopted, and from July 1, 2018, their activities in cooperation with internal affairs bodies to ensure public order and security were gradually launched [23, B. 14].

In addition, during the past period, significant efforts are being made to popularize the positive experience of the "Safe capital" concept, which is being implemented in Tashkent based on the close cooperation of internal affairs bodies with civil society institutions, in order to maintain public order, prevent offenses and fight against crime in our republic [50].

By bringing public safety to a qualitatively new level, the system of training highly qualified specialists in the field of preventing any threats to the peace and tranquility of our country and fighting crime is being improved based on advanced international standards. In particular, based on the requirements of the times, in order to increase the personnel capacity of law enforcement agencies and the Armed Forces, the Military Technical Institute of the National Guard was reorganized into the University of Public Security of the Republic of Uzbekistan [49].

It is worth noting that a system of working with each neighborhood ("mahallabay"), family ("oilabay") and individual ("fuqarobay") was created based on the principle of "Prosperous and safe neighborhood" to maintain public order in the neighborhood and early prevention of crime. Each district, city, and neighborhood is divided into categories ("green", "yellow", "red") depending on the criminogenic situation, and the necessary forces and means are being mobilized to eliminate crime centers [25, B. 71-72].

To ensure public safety, to form a comprehensive system of crime prevention and fight against crime, especially to establish the effective activity of law enforcement agencies from the lowest level to the republic level and to strengthen law and order and legality in our country by introducing modern working methods, and to ensure the peace and tranquility of the population. completely new mechanisms of organizing their activities, especially neighborhood law enforcement centers on the basis of base points are being gradually established[24].

In order to effectively ensure public safety, the concept of public safety of the Republic of Uzbekistan, which is an integral part of national security and includes promising directions of state policy in the field of public safety, was approved. The Decree "On approval of the concept of public safety in the Republic of Uzbekistan and measures for its implementation" adopted on November 29, 2021 stipulated that reforms in this direction will be continued on the basis of the principle of "serving the interests of the people". The concept of public security of the Republic of Uzbekistan determined the state policy in the field of public security, which is one of the main directions of national security [26, B. 3].

In this concept, for the first time, the main concepts related to public safety, in particular, the concepts of "public safety" and "ensuring public safety" were legally defined as follows:

public security is a state of protection of the society from illegal aggressions, social and ethnic conflicts, emergency situations and other threats, which serves the sustainable development of the society and ensures the realization of human rights, freedoms and legal interests;

ensuring public safety is a comprehensive system that includes political, socio-economic, legal and other complex organizational measures established by the state to protect society from threats and continuously improved [51].

In addition, the Cabinet of Ministers of the Republic of Uzbekistan, the Ministry of Internal Affairs, the National Guard, the Ministry of Emergency Situations, the State Security Service, the General Prosecutor's Office, the Ministry of Neighborhood and Family Support, the Ministry of Information Technologies and Communications Development, the Ministry of Health, local government bodies to ensure public safety subjects, as well as other state bodies

and organizations, self-governing bodies of citizens, non-governmental non-profit organizations and citizens were defined as subjects participating in ensuring public safety [51].

It is worth noting that, in accordance with the Development Strategy, the Ministry of Neighborhood and Family Support in the system of public security entities, from 23.12.2022, on the basis of the Ministry of Poverty Reduction and Employment, "Family and Women's Committee" and "Neighborhood and Entrepreneurship Agency", as well as Information Technologies and Communications and the Ministry of Development was reorganized as the Ministry of Digital Technologies [52].

In accordance with the concept of public security of the Republic of Uzbekistan, now the organization of public order maintenance in the Republic of Karakalpakstan, regional centers and Tashkent city is carried out directly by the National Guard units, as well as cases of administrative offenses committed in the field of public order maintenance. it was determined that the authority to review should be given [23, B. 14].

In addition, the Ministry of Internal Affairs decided to coordinate the activities of all forces and means involved in ensuring public safety in public places, including roads, transport and tourism infrastructure facilities, and provide organizational and methodological support [51].

The "Strategy of Development" adopted by the Decree of the President of the Republic of Uzbekistan No. PF-60 of January 28, 2022 served as a logical continuation of the "Strategy of Actions". In it, it is important to ensure public safety, to create an effective system for timely identification and elimination of the conditions that led to the commission of offenses, as well as to form a new image of law enforcement agencies and direct their activities to the effective protection of people's interests, human dignity, rights and freedoms. was defined as one of the goals [48].

Also, in order to bring public safety to a qualitatively new level, in the Development Strategy, goal 16 "Ensure public safety, create an effective system of timely identification and elimination of conditions that caused crimes" and goal 17 "New law enforcement agencies shaping their image and directing their activities to the effective protection of people's interests, human dignity, rights and freedoms.

In accordance with the concept of public security of the Republic of Uzbekistan, the National Guard of the Republic of Uzbekistan is responsible for the effective implementation of the tasks assigned to maintain public order and ensure the safety of citizens, as well as to take timely measures against violations detected during service in the designated area and objects, to draw up reports on certain administrative violations established by law and they were empowered to consider cases of administrative violations, and to send them those related to the jurisdiction of the court [45, 72].

Based on the above, it should be noted that the decrees and decisions of the President of the Republic of Uzbekistan regarding the legal provision of public safety in the years of independence, especially in accordance with the Actions and Development strategies, directly serve to improve the system of public safety in society and bring it to a completely new level in quality.

However, in the course of ongoing research, it is known that there are a number of gaps in the legal provision of public safety, despite the huge reforms being implemented in the public safety system.

In particular, today there is no regulatory legal document that regulates the mechanism of ensuring public safety in the holding of rallies, meetings and demonstrations guaranteed by the Constitution of the Republic of Uzbekistan, and in particular, defines the duties, rights, obligations and powers of law enforcement bodies during these events.

That is, the right to hold meetings, gatherings and demonstrations is provided for in Article 38 of the Constitution of the Republic of Uzbekistan, and in Article 201 of the Code of Administrative Responsibility of the Republic of Uzbekistan and Article 217 of the Criminal Code, liability is established for violating the procedure for organizing and conducting meetings, rallies, street marches or demonstrations. however, the organization and conduct of these events,

the activities of the event subjects are not regulated by regulations.

Here, according to paragraph 2 of the "Rules for conducting public events" approved by the Cabinet of Ministers' Decision "On measures to further improve the procedure for organizing and holding public events", it is determined that these Rules do not apply to meetings, rallies, street marches and demonstrations. [47].

This, in turn, has a negative impact on the effective organization of public security activities by law enforcement agencies during rallies, gatherings and demonstrations.

In particular, the draft Law of the Republic of Uzbekistan "On Holding Meetings, Meetings and Demonstrations" was published for the first time on September 12, 2019 (ID 3875) and with changes and additions for the second time on August 18, 2020 (ID 21021) Although it was put up for public discussion on the "regulation.gov.uz" site, it remains unaccepted.

According to the Ministry of Justice of the Republic of Uzbekistan, administrative and criminal liability for violating the procedure for organizing and conducting meetings, rallies, street marches or demonstrations is established by the Ministry of Justice of the Republic of Uzbekistan today, but the procedure itself is not recorded, that is, the organization and holding of rallies, meetings, demonstrations and street marches. expressed their objections that the procedure is not systematically regulated, and the decision of the Cabinet of Ministers on July 29, 2014 on the organization and holding of public events does not apply to the organization of meetings, rallies, street marches or demonstrations.

This legal gap still exists without allowing the full implementation of the provisions specified in Article 38 of the Constitution of the Republic of Uzbekistan, although draft laws on "Rally, meetings and demonstrations" have been developed by the Ministry of Internal Affairs based on the state program, they have been rejected from legal expertise and have not been adopted to date. remains, but it is emphasized that the adoption of this law is of urgent importance [41, 83].

The non-existence of a normative legal document regulating the holding of rallies, gatherings and demonstrations in Uzbekistan shows low indicators in various reports and world ratings on human rights.

In particular, in 2021, in the Freedom House organization's "Ranking of world countries on the level of political and civil rights", Uzbekistan took 189th place out of 209 countries, and "human rights are not independent" in the country [29].

According to the World Justice Project research on the rule of law index, Uzbekistan ranked 127th out of 139 countries in 2021 and 131st out of 140 countries in 2022 [39].

Also, the Office for Democratic Institutions and Human Rights under the Organization for Security and Cooperation in Europe, in its Statement of Preliminary Findings and Conclusions of the Referendum Observation Mission of April 30, 2023, noted that the exercise of the fundamental rights of public assembly, association and freedom of expression remains excessively limited by law. done [37].

Igor Kuznetsov, Executive Director of the Russian Society of Political Scientists, Professor of the Faculty of Political Science of Moscow State University named after M.V. Lomonosov, commented on the draft law "On Rally, Assembly and Demonstrations" included in the general discussion. stated [83].

In conclusion, it should be said that the adoption of a normative legal document regulating the mechanism of organizing rallies, gatherings and demonstrations and ensuring public safety during their holding is of urgent importance today.

In paragraph 13 of the "Strategy for the development of the public safety system in the Republic of Uzbekistan in 2022-2025" approved by the decree of the President of the Republic of Uzbekistan dated November 29, 2021 "On approval of the concept of public safety of the Republic of Uzbekistan and measures for its implementation" No. PF-27 It is planned to develop and adopt a draft law regulating the rules of holding public events.

In accordance with Article 38 of the Constitution of the Republic of Uzbekistan, in particular its norms on the protection of human rights, freedoms and legal interests, as well as

providing citizens with the right to carry out their social activities in the form of rallies, meetings and demonstrations in accordance with the laws of the Republic of Uzbekistan, as well as public events taking into account the fact that the provision of order and security has a number of specific aspects, we believe that it is appropriate to develop and adopt a draft of a separate regulatory legal document.

Adoption of this document is, of course, another important step aimed at ensuring public safety legally, and serves as a program for ensuring the rights and interests of citizens, as well as regulating the activities of law enforcement agencies during these events.

RESULTS

Today, in connection with the processes of globalization, the increase and strengthening of factors that threaten public order and security in the society require a new approach to the improvement of the activities of the official organizations operating in this field, in particular, the internal affairs bodies and the National Guard units.

Therefore, as a result of the conducted research and analysis, a number of opinions are put forward.

First, based on the reforms aimed at ensuring public safety, it requires a systematic and comprehensive study of the theoretical and legal provision of public safety:

doctrines related to the organization of activities to ensure public safety and their current status;

legal documents regulating the organization of public safety activities and the practice of their application;

problems in the organizational-tactical provision of public security activities;

internal and external factors affecting the organization of public safety activities;

the system of entities for the organization of public security activities and their legal status and powers;

objects of public security activities and their characteristics;

problems in providing information to the organization of activities to ensure public safety;

problems in the system of personnel and material and technical provision of public safety activities;

problems in the field of coordinating the organization of public safety activities;

problems in the field of digitalization of public safety activities;

problems in managing forces and means during public events, as well as in special circumstances.

secondly, to effectively ensure openness and transparency, public control in the provision of public security, as well as to clearly define the responsibilities of the state, in particular, law enforcement agencies and civil society institutions in this area, to adopt a regulatory legal document that provides for new modern mechanisms of citizen participation based on national values high need;

thirdly, in order to further improve the legal provision of public safety and eliminate the existing legal gaps, it is emphasized that there is a need to adopt a normative legal document that regulates the holding of rallies, meetings and demonstrations, as well as defines the duties and obligations of law enforcement bodies during these events.

CONCLUSION

In conclusion, it should be said that relations in the field of ensuring public order and security are regulated by generally accepted rules of living in society, moral norms, customs and other values or criteria. They impose on citizens the task of fulfilling their moral and universal obligations in the field of public order and security, and serve as important tools in the prevention of antisocial actions.

The morality of a society with a high legal culture requires its members to fully, clearly and unwaveringly comply with the Constitution and legal documents, respect the rights, freedoms, honor and dignity of others, the rules of life generally recognized in society, intolerance towards any anti-social acts, one's humanity and civility. educates in the spirit of

fulfilling his obligations conscientiously, feeling his responsibility to the society.

From time immemorial in our country, the requirements for compliance with the rules of public order and safety, as well as measures of public influence against those who violate them, have been defined in the norms of ethics. Discussion of the socially dangerous acts of the offenders, their causes and conditions with the participation of the general public in neighborhoods, institutions and organizations, and labor groups has given its positive results. The state of ensuring public order and security in the country, its effective organization depends to a large extent on the observance of moral norms and rules of living in society, and the effectiveness of moral education of citizens.

When the society develops in all aspects, the lives of its members become prosperous, legal knowledge, consciousness and culture increase, the compliance of all individuals with the requirements of public order and security, and their intolerance towards any anti-social events will change in a positive direction. The need to ensure public order and safety, as well as the legal documents regulating social relations in this area, is related to the interests of the people, the state and society. After all, they reflect the will of the people, actively support the development and improvement of social relations, protect the rights, freedoms and legal interests of individuals and legal entities.

Therefore, in order to further improve the system of public safety from a legal point of view, the legal order of citizens to hold events such as rallies, gatherings and demonstrations, which are considered a type of social activity, and to define the actions of law enforcement agencies aimed at ensuring public safety during these events, serves to eliminate some existing gaps in the legislation. we think that.

As a result, the national system created on the basis of the reforms implemented in the system of law enforcement agencies serves to ensure public order and security more effectively.

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