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Research Article

LAW ENFORCEMENT REFORM IN UZBEKISTAN: ORIENTATION TO THE PROTECTION OF HUMAN INTERESTS

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ABSTRACT

this article is devoted to the constitutional, legal and legislative framework for reforming law enforcement in the Republic of Uzbekistan, which is aimed at protecting human rights and freedoms. The main directions of reforms in the field of ensuring national security and combating crime, their legal framework and mechanisms are also analysed.

KEYWORDS

Constitution of the Republic of Uzbekistan, reform, constitutional and legal foundations, legislation, law enforcement, human rights and freedoms, ensuring national security.

INTRODUCTION

In Uzbekistan, the promotion, protection and observance of human rights are one of the priorities of State policy[1]. In the implementation of this state policy, an important role belongs to law enforcement agencies, whose activities are primarily aimed at protecting human rights and freedoms.

The Constitution of the Republic of Uzbekistan, adopted on April 30, 2023 at a referendum in a new edition, has created a solid political and legal basis for reforming law enforcement, focused on reliable

protection of human rights and freedom, as well as respect for the honor and dignity of the individual.

The updated Constitution defines that the new strategic goal of state-building is to build a rule-of-law state, the introduction of the principles of the rule of law and justice, and it also enshrines the constitutional foundations providing for absolutely new mechanisms for the protection of human rights and freedoms.

A new model of the organization of human interaction with state bodies is envisaged, based, among other things, on the priority of the interests of the individual. In particular, it is established that all contradictions and ambiguities in legislation arising in the relationship of a person with state bodies are interpreted in favor of a person. The State has assumed obligations to create conditions for compensation of damage to victims caused as a result of the offense.

It should be noted that the constitutional and procedural rights of detainees and persons under investigation are seriously strengthened in the Constitution. In particular, the “Miranda Rules” are enshrined at the constitutional level, which are widely used in foreign countries, according to which, upon detention, a person must be explained in a language that he understands his rights and grounds for detention.

The principle of proportionality has been introduced in the application of legal measures, according to which such measures should be based on the principle of proportionality and be sufficient to achieve the goals provided for by laws.

The Decree of the President of the Republic of Uzbekistan "On priority measures for the implementation of the Constitution of the Republic of Uzbekistan in a new edition" [2] dated on May 8, 2023 significantly strengthened the status of a defender in criminal proceedings. Thus, he is granted such rights and powers as submitting a petition directly to the court for preliminary confirmation of testimony (deposition), organizing forensic examinations in the case and attracting specialists with the necessary knowledge on a contractual basis, using special technical means when interviewing persons with information about a criminal case, with their consent, etc.

One of the most important areas of law enforcement reform is that special attention is paid at the constitutional level to raising the activities of law enforcement agencies to ensure public safety to a qualitatively new level. It should be noted the importance of adopting the Concept of Public Safety of the Republic of Uzbekistan, approved by the Decree of the President of the Republic of Uzbekistan dated on November 29, 2021, which is an important document regulating state policy in the field of public safety, which is one of the main directions of ensuring national security.

The main directions of reforms in the sphere of ensuring national security and combating crime can be distinguished as follows:

The first is the strengthening of the grassroots level that ensures public safety.

So, by the relevant Decree of the President of the Republic of Uzbekistan dated on March 26, 2021, on the basis of the strongholds of the internal affairs bodies, the activities of makhalla law enforcement points were organized and fully established, which are the main grassroots links that ensure public safety, crime prevention and the fight against crime in the field, on the basis of which coordinated activities of the internal affairs bodies, the National Guard and other state bodies.

In addition, the Decree of the President of the Republic of Uzbekistan “On measures to approve and implement the Concept of Public Safety of the Republic of Uzbekistan” [3] dated on November 29, 2021 provides for the procedure for creating inter-district units of the patrol service based on the crime situation and population density in the regions. At present, at least one inter-district patrol service unit has been

created in each region at the expense of the local budget.

It is forbidden to involve prevention inspectors in activities not related to the tasks and activities assigned to them, as well as groundless interference in their activities, and their functional tasks have been significantly optimized.

The second is the improvement and strengthening of the institutional foundations for the protection of public order.

The Department of Public Safety has been established within the structure of the Ministry of the Internal affairs, the main tasks of which are to coordinate the activities of the public safety units of the internal affairs bodies, provide them with practical and methodological assistance, take measures to organize activities to protect public order, effectively manage the forces and means of the internal affairs bodies in ensuring the safety of the population in public places, etc.

One of the most important steps in this area was the creation of the National Guard of the Republic of Uzbekistan, whose activities are directly aimed at ensuring public safety, suppression of riots that pose a threat to public safety, protection of public order in the assigned territory, including during mass events, in parks, on squares and markets in the cities of Tashkent, Nukus and regional centers, as well as the protection of state facilities, property of individuals and legal entities.

Also in 2020, the Law of the Republic of Uzbekistan “On the National Guard of the Republic of Uzbekistan”[4] was adopted, which regulates the activities of the National Guard of the Republic of Uzbekistan, the main tasks of which are to protect the

rights, freedom and legally protected interests of individuals and legal entities, to protect public order, including when holding mass events, rallies, meetings, demonstrations and in places of mass stay of citizens, etc. According to this Law, the National Guard of the Republic of Uzbekistan is a special branch of the Armed Forces of the Republic of Uzbekistan, endowed with separate law enforcement functions in the field of public safety and crime prevention.

A unified centralized system for managing the forces and means of law enforcement agencies has been created to ensure public security. The work of auto, horse-drawn and foot patrols as part of military personnel and employees of departments of internal affairs bodies and the National Guard is also organized.

The third is the creation of a reliable system for the protection of public order during mass events, as well as at transport and tourism facilities.

In particular, by the Decree of the President of the Republic of Uzbekistan “On measures to approve and implement the Concept of public safety of the Republic of Uzbekistan” dated on November 29, 2021, the organization of public order protection during mass events, as well as in parks, squares and markets in the Republic of Karakalpakstan, regional centers and the city of Tashkent transferred directly to the authority of the National Guard.

In addition, over the past period, significant work has been done in the country to ensure public safety at transport and tourism facilities. The created system for ensuring safe tourism combines measures to protect public order, early crime prevention and combating crime at tourism facilities, as well as railway and air transport infrastructure, which is actively used by tourists to travel around the republic.

So, in accordance with the Decree of the President of the Republic of Uzbekistan "On additional measures to introduce an effective system for ensuring public safety at transport and tourism facilities" [5] dated on March 6, 2019, the scope of the Concept for ensuring safe tourism has been significantly expanded, as well as in the Ministry of Internal Affairs of the Republic of Uzbekistan the Department for ensuring security at transport and tourism facilities was established.

The fourth is the introduction of a new system of work with previously convicted persons.

Thus, by the Decree of the President of the Republic of Uzbekistan "On the Development Strategy of the new Uzbekistan for 2022-2026"[6] dated on January 28, 2022 and the decree of the President of the Republic of Uzbekistan dated on June 29, 2022, a system of providing a "package of primary social and material assistance" was introduced in order to provide practical assistance in finding a worthy place in the society. Within the framework of this system, the practice of providing one-time financial assistance to citizens who have served their sentences and submitted their specific project in such areas as entrepreneurship, architecture, handicrafts, as well as those who are ready to start independent activities has been introduced.

The institute of probation has also been introduced, as a result of which the activities of probation inspectors are organized in daily and continuous interaction with territorial inspectors for prevention, additional tasks are assigned to probation inspectors to provide practical and methodological assistance to inspectors for prevention in the study and social adaptation of persons on preventive registered and under administrative supervision.

The fifth is the active introduction of modern information and communication technologies in ensuring public safety.

In order to radically increase the efficiency of law enforcement agencies, special attention is paid to the digitalization of the system for combating crime and ensuring public safety.

In particular, consistent work is being carried out to create and develop modern and intelligent systems for managing urban and territorial infrastructure and ensuring security, such as Safe City, Smart City, etc.

The Smart Mahalla information system has been developed, which allows remotely sending applications to prevention inspectors and monitoring the process of their consideration, conducting a mutual operational dialogue with the population, and evaluating the activities of prevention inspectors. A unified electronic online register of persons whose freedom of movement is restricted has been maintained.

The Unified Information System "Electronic Criminal Law Statistics" has also been created, which allows registering applications, messages and other information about crimes in electronic form and maintaining a unified electronic record of the results of their consideration.

In addition, modern information technologies are being widely introduced into the activities of the patrol service to maintain public order, and the practice of bringing citizens to the internal affairs department to check their identity has also been canceled.

Particular attention is paid to the timely detection, prevention and suppression of threats to public security on the Internet.

A practice has been introduced to use a fingerprint recognition system when registering with the public security service persons who are on preventive records, who are under administrative and probationary supervision.

The concept of "Smooth and safe road" is being implemented, with the widespread introduction of digital technologies in the field of road safety. Measures are being taken to introduce into the activities of the escort units of the internal affairs bodies a system for monitoring escorted persons using electronic bracelets, as well as devices with GPS technology to check the location of persons registered on probation at the place of residence, work and study.

The sixth is the widespread introduction of innovative approaches in ensuring public safety.

In this direction, 14 "territorial methods" (the Republic of Karakalpakstan, the city of Tashkent and the regions) have been developed and put into practice to ensure public safety, eliminate group offenses and mass riots.

The "city inspector" and "rural inspector" models have been developed and implemented, providing for full-fledged mechanisms for the implementation of activities by inspectors on prevention in the administrative territory.

The procedure for identifying the true factors of crimes and offenses on the basis of a "scientific diagnosis" and their registration by the "conclusion of a scientific diagnosis" through the information system "E-public security" has been introduced.

It should be noted the importance of attracting the forces and means of local government bodies in ensuring public security, since the coordinated mobilization of the forces and means of state

authorities and local governments helps to ensure the effective implementation of mechanisms for ensuring public safety in the country. With this in mind, the Decree of the President of the Republic of Uzbekistan "On additional measures to improve the efficiency of ensuring public security"[7] dated on December 24, 2018 established that the heads of local khokimiyats daily personally familiarize themselves with the daily crime situation in the relevant territory and take effective measures to attract and organization of interaction of bodies and institutions directly involved in the prevention of offenses, in order to respond in a timely manner to illegal facts and suppress their negative consequences.

Also, at the meetings of the district (city) Kengashes of people's deputies every month after the end of the reporting period, based on an analysis of the results of ensuring public safety, the facts of grave and especially grave crimes committed in the relevant territory are critically discussed, bodies and institutions directly involved in the prevention of offenses, measures are taken to development of targeted proposals to improve the efficiency of ensuring public safety.

Seventh, the strengthening of control over the circulation of weapons as an important factor influencing the state of public security.

In recent years, a clear procedure has been established in the republic for periodic checks of gun owners for medical restrictions, a revision of the criteria for owning firearms and hunting weapons. The role and responsibility of hunting societies of the republic in ensuring public safety has been increased.

In particular, in 2019, the Law of the Republic of Uzbekistan "On Weapons"[8] was adopted, which is the main legislative act regulating relations related to the circulation of weapons and ammunition for it, and

aimed at protecting the life and health of citizens, property and ensuring public safety. The law clearly defines the restrictions on the circulation of civilian and service weapons and ammunition for them, entities entitled to acquire weapons and ammunition for them, as well as the procedure for acquiring and registering civilian and service weapons and ammunition for them.

CONCLUSION

In conclusion, it should be noted that the reforms in the field of ensuring public security in the Republic of Uzbekistan are bearing fruit, as the country is actively developing and improving the legislative framework and law enforcement practice in the field of ensuring public security, the main goal of which is the comprehensive and reliable protection of the rights, freedom and legal the interests of the individual.

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