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TYPES OF LEGAL SECURITY IN THE REPUBLIC OF UZBEKISTAN

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Abstract

This article is devoted to legal security and its various types in the Republic of Uzbekistan. It examines the vital interests of legal subjects that are the subject of legal security, and provides a detailed analysis of different types of legal security, including constitutional-legal security, criminal-legal security, legal security in criminal proceedings, penitentiary security, civil-legal security, administrative-legal security, and environmental-legal security. Scientific conclusions and recommendations are formulated for further improvement of legal security across various branches of legislation in the Republic of Uzbekistan.

Keywords Security, state security, national security, legal security.

INTRODUCTION

The multi-dimensional nature of ensuring legal security of legal entities requires a thorough analysis of its various aspects. Such an approach opens up new perspectives in the study of legal security, leading to a deeper and more comprehensive understanding of the specific tasks achieved and the sphere of legal security provision. It also helps to identify its social significance in the processes of state and societal life and in the structure of legal regulation within the entire system of social relationships.

In theory and practice, the types of security as a socio-legal category are differentiated depending on the subject, object, sphere of security, sources of threats, and other criteria. However, it should be noted that there is no unified approach to the types of security in scientific literature.

Legal security encompasses vital interests of legal entities, the satisfaction of which is crucial for the effective functioning of these entities or to safeguard them from significant risks. These interests are defined in literature as a set of officially expressed needs, the fulfillment of which

reliably ensures the stable condition and progressive development opportunities of individuals, society, and the state. They include economic, informational, medical, food-related, and other interests [1].

Legal interests also hold a significant place within this framework.

According to A. Saidov and L.F. Kashinskaya, the consideration of this issue should be based on the position that law and the interests of individuals' activities are closely interrelated. The term "interest" is used practically in all branches of the current national law and in many norms of international law [2].

As for legal interest, this category has received a different interpretation in the literature, such as "the conscious necessity for an individual to use legal means to satisfy existing needs, that is, legally significant actions." Thus, in the most general sense, it can be said that legal interest is an interest in law as a means of establishing legal guarantees for the realization and protection of interests, while lawful interest is a reflected interest in objective

law or arising from its overall meaning.

DISCUSSION

Analysis of the legislation of Uzbekistan, decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Government, departmental legal acts allows us to state the presence of legal security as a component of the following types of social security: state (including constitutional, international); public; economic (including food and energy); environmental; defense; informational; fire; transport safety (air, road, rail); radiation safety; industrial safety; labor safety; safety of hydraulic structures and some others.

Legal security can also be classified depending on the content of the legal branches that regulate and protect the relevant spheres of public relations and, consequently, ensure security in them. On this basis, legal security can be divided into constitutional, civil, criminal, environmental, etc. This classification allows each industry to identify those norms that ensure legal security, systematize and develop them in the interests of more effective counteraction to emerging threats.

Therefore, ensuring the legal security of vital interests of subjects is associated with a number of branches of law: constitutional, criminal, civil, procedural, environmental, labor and administrative law, which we will consider in more detail.

Constitutional-legal security is the state of legal protection of the fundamentals of the constitutional system, their guaranteed nature, and provision by legal means. The fundamentals of the constitutional system include: republican form of government, state sovereignty, territorial integrity and inviolability, principle of separation of powers, unity of the system of state power, supremacy of the Constitution and laws, delineation of powers and responsibilities between the bodies of state power of the Republic of Uzbekistan and its subjects, freedom of economic activity, ideological diversity, supremacy of the fundamentals of the constitutional system.

The highest guarantees of constitutional security are laid down in the very text of the Basic Law of

Uzbekistan, for example, in part 1 of Article 15 of the new Constitution it says: "The unconditional supremacy of the Constitution and laws of the Republic of Uzbekistan is recognized in the Republic of Uzbekistan. The Constitution of the Republic of Uzbekistan has the highest legal force, direct effect and forms the basis of a single legal space throughout the country" [3].

The constitutional security of the State is ensured, first of all, by an effective legislative framework.

As noted by I. Babakulov, the Concept of National Security is a unified document that represents the political and legal basis for the implementation of state security policy [4].

However, the Concept of National Security of the Republic of Uzbekistan notes the underdevelopment of the legal framework, the need to improve legislation, and the creation of an effective mechanism for monitoring its compliance.

Criminal law security. The most legally dangerous conditions arise in the field of criminal justice administration. Here, legal security is associated with criminal prosecution, which means serious deprivation for a person found guilty of committing a crime. A special part of the Criminal Code of the Republic of Uzbekistan is built mainly according to the types of human security, society and the state [5]. It clearly highlights the chapter on crimes that infringe on human physical security (murder, harm to health), sexual, political, material security (crimes against property), etc.

Ensuring the security of the individual from criminal encroachments is one of the main responsibilities of the rule of law.

When considering cases of premeditated murder, the courts are obliged to strictly comply with the requirements of the law on a thorough, comprehensive, complete and objective investigation of the circumstances of the case [6].

Along with technical and organizational threats, there are directly legal negative factors of a fundamental nature.

Thus, the Criminal Code of the Republic of Uzbekistan does not protect such security as reproductive. It does not contain the idea of safety

from controlling influence on the human psyche.

From the perspective of criminal law doctrine, the subject of a crime is an object of the material world upon which an impact is made when a crime is committed. Today, for example, cryptocurrencies, which are a type of digital asset, have become part of modern life. However, alongside positive developments, the advancements in modern information and communication technologies are increasingly being exploited by criminals for criminal purposes [7].

Legal security in criminal proceedings should be understood as the state of protection of the subject in connection with his entry into the sphere of criminal procedural legal relations that arise and develop during criminal proceedings. The subjects of these relations can be both those who conduct the proceedings and make authoritative decisions (court, investigator, prosecutor, body of inquiry, person conducting the inquiry) [8], as well as citizens, associations to which their activities extend.

Article 270 of the current Code of Criminal Procedure introduces security measures; if there is sufficient evidence that a victim, witness or other persons involved in a case, or members of their families or close relatives, are threatened with death, the use of violence, destruction of or damage to property or other unlawful acts, the person conducting the initial inquiry, investigator, procurator or court must take measures to protect the life, health, honour, dignity and property of those persons, as well as to identify the perpetrators and bring them to justice [9].

Today we can say that our legislation has created prerequisites for the formation of a full-fledged institution of state protection of participants in criminal proceedings. These norms will help to better - fulfill the constitutional obligation of a state based on the rule of law to recognize, respect and protect human and civil rights and freedoms

Under penitentiary security in the literature, it has been proposed to understand the little-studied component of legal security in the field of penal enforcement relations, the subjects of which are all the same person, society and the state [10].

The relevance of the problem of penitentiary security in the conditions of modern Uzbekistan manifests itself as the action of an objectively increasing number of subjects annually involved in the orbit of criminal law and penal enforcement relations. Such subjects should include not only those sentenced to urgent or life imprisonment, detention in a disciplinary military unit, but also those under investigation and convicted persons in pre-trial detention facilities, temporary detention facilities, persons against whom compulsory medical or educational measures have been applied, associated with being in closed and semi-closed institutions.

The ongoing process of reforming the penal enforcement system is designed to promote the improvement of the whole society and ultimately fits into the general framework of the legal reform being carried out in the Republic of Uzbekistan.

Civil law security. Civil law norms are used to ensure the property security of legal entities and individuals, and to establish financial liability for harm.

For example, according to Article 999 of the Civil Code of the Republic of Uzbekistan, legal entities and individuals whose activities are associated with increased danger to others (transport organizations, industrial enterprises, construction sites, vehicle owners, etc.) are obliged to compensate for the harm caused by the source of increased danger unless they prove that the harm arose due to force majeure or the intent of the victim.

The obligation to compensate for harm shall be imposed on a legal entity or citizen who owns a source of increased danger by right of ownership, right of economic management or right of operational management or on any other legal basis (contract of property hire, power of attorney for the right to drive a vehicle, by virtue of the order of the relevant authority on the transfer of the source of increased danger, etc.) [11].

As V.N. Bogatyrev correctly notes, normal civil turnover implies not only the recognition of certain civil rights for subjects, but also ensuring their reliable legal protection [12]. Administrative and

legal security. The administrative and legal aspect of ensuring national security consists in creating new and improving the current administrative legislation regulating security relations. Administrative and legal norms are widely used to establish administrative and legal prohibitions and measures of administrative responsibility.

In recent years, large-scale administrative reforms have been implemented aimed at creating an effective management system, which is an important condition for building a New Uzbekistan.

The current laws and departmental regulatory legal acts of the executive authorities, adopted in accordance with the new Constitution and laws, have created a number of administrative and legal institutions of national security to date.

For example, the Law of the Republic of Uzbekistan "On Industrial safety of hazardous production facilities" dated 09/28/2006 [13], the Law of the Republic of Uzbekistan "On Labor Protection" dated 09/22/2016 [14], the Law of the Republic of Uzbekistan "On Road Safety" dated 04/10/2013. No. ZRU-348 and others have formed the administrative and Legal Institute for Road Safety. A similar approach allows us to talk about the administrative and legal institutions of radiation safety, fire safety, environmental safety, and other administrative and legal institutions of national security of the Republic of Uzbekistan [15].

At the same time, today it is obviously necessary to systematize and unify administrative legislation in the field of security, and, accordingly, to optimize the activities of public authorities, local governments, management bodies of commercial and non-profit organizations, as well as officials authorized to use administrative and legal means of ensuring security.

Environmental legal security is a state of protection provided by legal means for a person, society, the state and the environment from negative natural and man-made impacts. The prevention of man-made accidents and catastrophes in order to reduce their negative impact on the population and the environment is now considered by most States of the world community as an essential component of their national security. The objects of

environmental safety are: a person, his associations, society and the state as a whole, the environment and its components - individual natural objects, ecosystems, specially protected areas.

The ongoing changes in the environmental situation have necessitated an intensification of legislative activities and led to the development of legislation on environmental safety. The foundations of environmental safety are enshrined in the following documents: the Constitution of the Republic of Uzbekistan, the Law "On Property in the Republic of Uzbekistan" (October 31, 1990), the Law "On State Sanitary Supervision" (July 3, 1992), the Law "On Nature Protection" (December 9, 1992), the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated November 17, 1994, No. 556 "On State Support for the International Ecology and Health Fund "Ecosan", the Law "On Water and Water Use" (May 6, 1993), the Law "On the Protection and Use of Plant Life" (December 26, 1997), the Law "On Especially Protected Natural Areas" (May 7, 1993), the Law "On Atmospheric Air Protection" (December 27, 1996), the Law "On Waste" (April 5, 2002), and others.

Accidents of man-made origin occupy a special place among the factors threatening environmental safety.

For example, the breakthrough of the Sardoba dam caused great damage not only to Uzbekistan, but also to neighboring Kazakhstan. After water broke through the dam at the Sardobinsky reservoir on May 1, 2020, lands in three districts of the country were flooded, 5,000 buildings were damaged, and 14 settlements were flooded in the south of Kazakhstan in the areas bordering Uzbekistan, more than 30,000 people were evacuated.

In this regard, the disclosure of the concept of "technogenic safety" and its subsequent consolidation in law is of particular importance.

Labor legislation regulates the rights and obligations of the employer and the employee. Hence, legal security in labor law is the protection of the rights and legitimate interests of an employee and an employer in the course of their

work. When forming structures of a market economy characterized by a variety of business forms and types of ownership, the importance of legal protection, first of all, of employee rights, increases. Unfortunately, the current Labor Code of the Republic of Uzbekistan, proclaiming the social and labor rights of employees, in particular to the protection of life, health, and safe working conditions, does not establish an effective legal mechanism for restoring violated rights.

In a market economy in the private sector, many people work as freelancers and in such cases, mostly the employee and the employer agree with each other and do not formalize employment contracts.

CONCLUSION

In the event of a dispute between them, the parties lack such legal rights and obligations, making the resolution of the dispute through judicial means a complex process. Such a violation of rights poses a serious threat to labor safety.

In conclusion of this paragraph, it should be noted that the analysis of sectoral differentiation of legal security and the creation of a general theoretical definition of "legal security" will allow for the standardization of content and clarification of the scope of the use of this category in various branches of national law while maintaining the specificity of the subject and method of legal regulation.

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