



MUTUAL COOPERATION OF CIVIL SOCIETY INSTITUTIONS AND INTERNAL AFFAIRS BODIES: FOREIGN EXPERIENCE

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ABSTRACT

In this article, the author tried to compare the national and foreign experiences of cooperation between civil society and internal affairs bodies, studied the theories of foreign and national legal scholars who conducted scientific research in this regard, and expressed his opinions.

KEYWORDS

Internal affairs bodies, institution, civil society, society

In any country, the communication of law enforcement agencies with the population, cooperation of civil society with social and self-governing bodies, on the one hand, helps law enforcement agencies to effectively perform their tasks, ensure legal order, prevent crimes and other functional tasks, on the other hand, the protection of citizens' rights serves to ensure the interests of society's structures.

Based on this common goal, corporate cooperation between law enforcement agencies and civil society institutions has been widely developed in many foreign countries. For example, in Sweden, Denmark, Austria and other countries, the branch of clubs called "friends of the police" is quite common. Councils of cooperation with the police operate at the municipal level. They operate on the basis of tripartite agreements, that is, agreements concluded between the police department, local administration and community structures in residential areas.^[1]

It is of great scientific and practical interest to research the methodology, specific forms and methods, and the principles of mutual cooperation of law enforcement agencies, including the police, with the general public and society structures in foreign countries.

According to the legislation of the Russian Federation, the form of joint decision-making of partner entities is strengthened in the system of social cooperation in the country. The same feature applies to the institution of cooperation between law enforcement agencies and civil society institutions. Also, in the reality of Russia, in cooperation with state bodies and institutions of civil society, there are forms of the public receiving information from state bodies, participating in public councils established between them, participating in the draft decision of the public council of the parties to the cooperation agreement, reacting to the decision of the state body by the public council and vetoing it^[2].

In the United Kingdom, we can see five types of cooperation between the police and civil society institutions, which are part of the law enforcement system:

the population conducts constant surveillance in the area where they live and informs the police about suspicious situations. The police, in turn, supports such regional surveillance group teams;

2) citizens take part in the control process, if necessary, they call the violators to order;

3) as a result of police promotions, citizens change their behavior in a positive direction;

4) citizens can ask the government to allocate additional funds for police activities to regional self-government bodies and demand the creation of additional police structures;

5) citizens can give the police the right to act on their behalf, thereby the results of the police's work are approved by the public and the police's work is encouraged.[\[3\]](#)

It is also possible to witness the existence of a practice similar to the above in the USA. That is, in the USA, cases of involving the population for law enforcement and preventive work are widely developed. There is a community institute of police assistants, which is made up of volunteers. They, in turn, are a branch of the scout movement. The volunteer assistants work under the direction of the public affairs department of the regional police.

It can be seen that in developed countries, great importance is attached to establishing cooperation with civil society institutions, public associations, various social movements and law enforcement bodies on the basis of the principle of equality. It is natural that this cooperation is in the interest of both parties. In the event that the police do not allocate additional investment in order to maintain the public order assigned to them and to strengthen the legitimacy, they can delegate some of the tasks assigned to them to various community groups consisting of citizens. With this, firstly, the volume of work assigned to him can be updated, and secondly, the trust and respect for him will increase in the eyes of the citizens.

In the legislation of the Republic of Uzbekistan, it would be expedient if this task was strengthened as a duty of state bodies, not a right.

The maintenance of public order and safety in Japanese residential areas is carried out by police stations and points. The Japanese government, well aware that strengthening cooperation with the public in the country serves to improve police activity, paid special attention to the establishment of police posts and stations in residential areas.

France's municipal police, which are fully funded by local budgets, maintain public order and security in cities and other settlements, and work in continuous cooperation with the National Police.

Let's focus on another aspect of the USA experience. In recent years, citizen volunteers who have been approached to assist the police by sheriff's departments include: community organizations' neighborhood safety watch club; volunteer citizens of public academies; programs such as volunteering on patrol are offered. One such volunteer group is the "Guardian Angels" group, which was originally created to help the police in maintaining order in the New York subway, and today it operates in more than 30 cities of the country[\[4\]](#).

Special attention is paid to relations (cooperation) of law enforcement bodies with the mass media, activities in the media field, activities in the process of information exchange in European countries. In the countries of this European Union, the mass media is literally the power of the fourth estate, effectively influencing state bodies, including law enforcement agencies, to ensure human rights.

The Convention on mutual cooperation of internal affairs bodies (police) with mass media was adopted in the Russian Federation. According to it, police cooperation with civil society institutions, mass media is carried out on the basis of the following principles:

reliability, popularity, impartiality, openness, possibility of public discussion of information.[\[5\]](#)

The analysis of the experience of foreign countries shows that they also have legal bases for the establishment of cooperation between state and civil society institutions.

Germany's political document on poverty reduction was adopted by the Federal Ministry of Cooperation and Development at the end of consultations with German non-governmental organizations operating in the field of international aid and at the initiative of these organizations.

On January 1, 2009, the Ministry of Internal Affairs of the Russian Federation, based on the Concept of Social Cooperation, approved the "Program for the Introduction of the Unified Information and Communication System of the Ministry of Internal Affairs".

Although the main principles of cooperation of internal affairs bodies with the public, including mass media, are strengthened in the laws of the Republic of Uzbekistan "On openness of state authorities and management bodies", "On social partnership", "On internal affairs bodies", implementation of social cooperation, in order to ensure its effectiveness, I believe that it would be appropriate to take the more democratic content of the above principles strengthened in the practice and legislation of foreign countries and include them in the relevant legislation of our country.

According to the experience of foreign countries, not all issues of social cooperation between law enforcement agencies and civil society institutions are positive. The criteria for evaluating the level, quality and effectiveness of this cooperation are not clearly defined, these issues have not yet been fully developed on a scientific basis. For example, in the Russian Federation, there are three different approaches to the cooperation of internal affairs bodies with mass media.

The first approach is to publish commissioned articles aimed at raising the profile of the police in the media. In this case, the Internal Affairs Departments themselves are lobbying.

The second approach is that the media follow the hype and spread false information about the police.

A third approach is to show police activity as it is. In this case, communication of these bodies with the population is characterized by the strengthening of legality in the relevant area, ensuring the rights and freedoms of citizens, and improving the police's own activities. This will have a positive effect on their work and help create a positive image of police officers.

Also, in foreign countries, a number of forms of public control over the activities of law enforcement agencies (police) have been developed and are widely used in daily activities. At the moment, it should also be noted that the concept of "civil control" is used instead of the concept of "public control" in distant foreign countries.[\[6\]](#) In particular, in foreign countries, abrogative referendum (citizen's veto) (Switzerland), collaboration (USA), citizen initiative (France, Germany, Italy), public (people) legislative (law-making) initiative (USA, Germany, Spain, Italy, Latvia, Lithuania, Poland, Romania, Slovenia, Switzerland), public monitoring commissions and committees (Belarus, Kazakhstan, Kyrgyz), public mass media (USA, EU), public councils (chambers) (Austria, USA, Armenia, Brazil, Greece, Netherlands, Poland, Kazakhstan, France), online petitions (USA, EU), minority affairs councils (Czech Republic),

prison visiting councils (UK, France), citizen audit (USA) different forms of public control are used.[\[7\]](#)

In the United States, public oversight of police activities is called "civilian oversight" and is done in four ways. The Council of Citizen Control is considered the most independent method, this council is formed only from citizens, and representatives of state agencies are not involved (experience of Nevada, Las Vegas states). The Board will review the application, conduct an independent investigation and make recommendations. The council consists of 20 members, who are appointed by the municipality and cannot be officials.

The second type of civil control is the control over the activity of considering the appeal. In this case, applications and complaints are first considered and investigated by a state body (the experience of Oregon and Portland states), but are directly controlled by citizens. During the inspection, a revision committee is formed, consisting of members of the City Council, who will study the case, make recommendations, and then a decision will be made by the head of the state body. The third type of civil control is the board of appeals (experience of Los Angeles and California states).

In this model, if a citizen is not satisfied with the handling of a complaint by a state body, he appeals to a specially created appeal board. This council performs its activities in the composition of the state body and citizens.

The fourth most popular form of public control is the citizen auditor. The auditor supervises the processing of complaints against the public body, checks its legality and makes the necessary recommendations (the experience of the city of Santa-Cruz in California). The auditor participates in the complaint review process and evaluates its effectiveness.

Applications received from citizens are received by the independent auditor, but he does not conduct an independent review of them. The inspection will be carried out directly by the state body. The auditor may participate in the audit and is limited to giving his opinion. It should be noted that public control in the USA is guaranteed by a number of regulatory legal documents. In particular, the Law on Freedom of Information in the USA (The Freedom Information Act) adopted in 1966, as well as the laws known as "Sunshine laws", set the procedure for obtaining information, holding open meetings with state bodies, and submitting reports. Although the Freedom of Information Act does not apply to the legislative and judicial branches, it does apply to government agencies in the security and intelligence systems[\[8\]](#).

In accordance with the French Constitution, the National Social and Economic Council, established in 1958, is still operating effectively. The council consists of representatives of various professions and assists the government by giving suggestions and conclusions to all legal bills in the social and economic sphere. In France, special forms of public control directly related to the activities of law enforcement agencies are also used. In particular, the National Association of Prison Visitors (NAPT) operates on a community-based basis. Its status is reflected in the French Code of Criminal Procedure. He helps the head of the detention center and the social workers of the prison, provides mental and material support to the prisoners. This organization is a non-governmental organization formed by volunteers.

In French prisons, public control is carried out by the control commission, which has full control over the state of the petitioner's institution and the conditions there. The commission will consist of representatives of all social organizations, administration and non-governmental non-profit organizations.

In Great Britain, public control of prisons and penitentiaries is carried out by the board of visitors.

In Switzerland, the Law "On the Commission for the Prevention of Torture" was adopted to investigate the situation of prisoners. This commission regularly investigates the situation in all prisons and publishes an official report on the human rights situation there.[\[9\]](#)

In Sweden, since 1995, public control in the form of social audit, aimed at providing information about the activities of state power to the general public by conducting various social surveys and researches, began to develop widely[\[10\]](#).

In Denmark, a community council initiative has taken a different approach to youth crime prevention in the country. In Denmark, which has a population of five million, there are about seven thousand youth clubs, centers and circles[\[11\]](#).

In a number of European countries, specific forms of public control in the field of labor apply. For example, in Denmark and Finland, public labor inspectors are elected by employees, in Great Britain and Sweden, public inspection inspectors are part of trade unions. In the legislation of Great Britain, labor inspectors are given the right to conduct investigations in case of damage to the health of employees in production. According to French law, labor inspectors are appointed by agreement between employers and employee representatives in enterprises with more than 250 employees[\[12\]](#).

In the Russian Federation, on July 21, 2014, the Law "On the Basics of Public Control in the Russian Federation" consisting of 27 articles was adopted. According to the law, the following are considered subjects of public control:

- Public Chamber of the Russian Federation;
- Public Chamber of subjects of the Russian Federation; public chamber of municipal organizations;
- the public council under the federal bodies of executive power, the public council under the legislative (representative) and executive bodies of state power of the subjects of the Russian Federation.

In contrast to the legislation of the Republic of Uzbekistan, in the Russian Federation, public control is not only state authorities, but also local self-government bodies, state and municipal organizations, and other bodies and organizations that exercise special public powers under federal legislation, and public analysis of documents adopted by them and also provides for the implementation of expertise (Article 4).

The law also specifies the mechanisms of public control (Articles 19-25). It is indicated that public control in Russia is carried out in the following forms:

- public monitoring;
- public inspection; public inspector;
- public expertise; public hearing.

The Republic of Kazakhstan has a Law "On Public Councils", according to which public councils are consultative councils and monitoring bodies established in ministries and central executive bodies. It is required that the number of civil society representatives in the public council should be two-thirds of its members[\[13\]](#). In Kazakhstan, as in the Russian Federation, since 2007, the activity of the People's Chamber has been established.

At the moment, in addition to the object of public control in foreign countries, in Germany, the activities of state bodies, public organizations, communities and their

associations, research institutions, central scientific organizations, schools, private legal entities performing the functions of public authority;

In France, public administration bodies, courts, banks, etc.; He notes that in the US, police activities are included, and in the UK, courts, security and intelligence activities cannot be subject to public scrutiny. Citizens, non-governmental non-profit organizations, public councils, consultative institutes, mass media, and committees of state bodies (Great Britain, Belgium, USA, France, etc.) are envisaged as subjects of public control in foreign countries. At the same time, public associations, mass media, volunteers, civil oversight councils, civil auditors, and others also operate as subjects of public control in the US.

Based on the form of state administration, legal system and development of civil society in foreign countries, public hearing (consultation, discussion), public inspection (investigation), civil surveillance, survey, public monitoring (audit), social opinion research, public legislative initiative, public monitoring structures, journalistic investigation, public expertise, hearing reports and other forms are widely used.

One of the most common forms of public control is a public legislative initiative, which in turn provides for mandatory consideration by the parliament of a project that has collected a certain number of votes (signatures) from citizens (USA, Brazil, Germany, Spain, Italy, Latvia, Lithuania, Poland, Romania, Slovenia, Switzerland). The general form of public control in the world community is monitoring and advisory structures (public chamber, public councils, commissions) (USA, Austria, Great Britain, Brazil, Netherlands, France, Greece, Poland, Russian Federation). These structures prepare reports and conduct research on policy issues implemented in the country, and provide for the direct participation of public control subjects in collegial bodies specially created under state bodies^[14].

At this point, it is necessary to note that in the Address of the President of the Republic of Uzbekistan to the Oliy Majlis in 2020, a proposal was made to establish the Public Chamber of the Republic of Uzbekistan in order to establish close cooperation between the state and society^[15]. In most countries, special importance is attached to the mass media in the implementation of public control over the activities of the state authorities.

In conclusion, it is important to use the positive experience of cooperation between law enforcement agencies and civil society institutions developed in foreign countries.

References:

- 1)Kazakov S.O. Main forms of social partnership in Russia and Germany: comparative legal analysis. Abstract. Ph.D. legal Sci. – M., 2015. – P.22-23
- 2)Kazakov S.O. Main forms of social partnership in Russia and Germany: comparative legal analysis. Abstract. Ph.D. legal Sci. – M., 2015. – P.22-23
- 3)Morgan rod Newfurn Tim Future of Poliking – Oxford. 1997
- 4)Mayorov V.I. Organization of public order activities in the USA. 2003.-p.41
- 5)Zelentsev A.B. Control over the activities of the executive branch in foreign countries: Textbook. – M.: RUDN, 2002. – P.8.
- 6)Ogneva E.A. Public control in the system of protection of human and civil rights and freedoms in the Russian Federation: constitutional and legal research: Thesis. Ph.D. legal Sci. – M.: RANKHiGS, 2015. – P.14

- 7)Ogneva E.A. Public control in the system of protection of human and civil rights and freedoms in the Russian Federation: constitutional and legal research: Thesis. Ph.D. legal Sci. – M.: RANKHiGS, 2015. – P.138.
- 8)Saidova L.A. Some aspects of the implementation of public control and foreign experience // Development and improvement of the mechanism of effective public control over the activities of state bodies in the provision of human rights in our country: a collection of materials of the republican scientific-practical conference. - Tashkent: MG HTI of the Republic of Uzbekistan, 2018. - P.17-22.
- 9)Khakimov G.T., Akhmedova M.T. The role of public control in the state administration of the Republic of Uzbekistan // Development and improvement of the mechanism of effective public control over the activities of state bodies in the provision of human rights in our country: a collection of materials of the republican scientific and practical conference. - Tashkent: MG HTI of the Republic of Uzbekistan, 2018. - P.245.
- 10)Khursandov A.S. Mechanisms of implementation of public control: a comparative analysis // Development and improvement of an effective mechanism of public control over the activities of state bodies in the provision of human rights in our country: a collection of materials of the republican scientific-practical conference. - Tashkent: UzR MG HTI, 2018. - P.239-240.
- 11)Yuldashev I. Public control in labor relations // Development and improvement of the mechanism of effective public control over the activities of state bodies in the provision of human rights in our country: a collection of materials of the republican scientific-practical conference. - Tashkent: MG HTI of the Republic of Uzbekistan, 2018. - P.204.
- 12)Mamasiddikov M.M. Improvement of public control mechanisms and their legal bases in the provision of human rights in our country // Development and improvement of effective public control mechanisms over the activities of state bodies in the provision of human rights in our country: a collection of materials of the republican scientific-practical conference. - Tashkent: MG HTI of the Republic of Uzbekistan, 2018. - P.29.
- 13)Ogneva E.A. Public control in the system of protection of human and civil rights and freedoms in the Russian Federation: constitutional and legal research: Thesis. Ph.D. legal Sci. – M.: RANKHiGS, 2015
- 14)Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis (January 25, 2020) //. www.uza.uz - National Information Agency of Uzbekistan