



ENSURING PUBLIC ORDER AND CITIZENS' SAFETY DURING MEETINGS, RALLIES, DEMONSTRATIONS

Ummatov Mukhammadrasul Tursunovich

doctor of philosophy on sciences in law (PhD)

Responsible employee of the Ministry of Internal Affairs

<https://doi.org/10.5281/zenodo.13729953>

Annotation: The article analyzes in detail the concept of meetings, rallies, demonstrations and the features of ensuring the safety and public order of citizens during their conduct, as well as the legal basis for ensuring the safety and public order of citizens during meetings, rallies, demonstrations. As a result of the analysis, proposals were developed to eliminate inconsistencies in the legislation on ensuring the safety of citizens and public order when understanding and holding meetings, rallies, demonstrations.

Key words: Mass event, rally, assembly, demonstration, street march, picketing, flash mob.

During the period of democratic transformations taking place in the complex society that is emerging today, meetings, rallies, demonstrations, marches, demonstrations, and protests of a mass nature are becoming very popular.

This, in turn, means that law enforcement agencies should, first and foremost, increase their high responsibility to present and future generations in building a humane democratic state, an open and just society, where human life, freedom, honor and dignity are considered the highest value. In the words of our distinguished President,... "ensuring a peaceful and orderly life for the population, combating crime and delinquency, and maintaining public order are the most important tasks today."

Today, the threat includes problems such as international terrorism, religious extremism, ethnic and interethnic conflicts, as well as the incitement of the general public to commit offenses and crimes through the organization of intrigues and pogroms, and the rise to power with the help of the crowd.

According to the current legislation of the Republic of Uzbekistan, ensuring the personal safety of citizens during meetings and demonstrations is one of the main aspects of holding meetings and demonstrations.

This is confirmed by the fact that Article 38 of the Constitution of the Republic of Uzbekistan states: "Citizens have 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"[2] and that this right is included in the political rights of citizens.

However, it should be noted that citizens must voluntarily participate in meetings, meetings, and demonstrations. In other words, holding rallies, meetings, and demonstrations against the will of the citizens participating in them is inappropriate and illegal.

However, if participation in rallies, meetings, and demonstrations is held against the will of citizens, it is necessary to refuse to participate in such public events. Because the organization of such events in public places in the administrative territory ends with the application of coercive measures by law enforcement agencies against them.

Since Article 201 of the Code of Administrative Responsibility of the Republic of Uzbekistan (violation of the procedure for organizing, holding meetings, rallies, street marches or demonstrations) establishes administrative liability for violating the procedure for organizing, holding meetings, rallies, street marches or demonstrations, and these acts result in a fine of from sixty to eighty times the base calculation amount or administrative arrest for up to fifteen days.[3] Also, part two of this article establishes administrative liability for violation of the rules for holding religious gatherings, street walks and other religious ceremonies.

Article 202 of the Code of Administrative Responsibility of the Republic of Uzbekistan (creating conditions for conducting unauthorized meetings, rallies, street marches and demonstrations) also establishes administrative liability for the provision of buildings or other property (communication means, reproductive and other technical equipment, transportation) to participants of unauthorized meetings, rallies, street marches and demonstrations or the creation of other conditions for conducting such events.

In addition, even for the same acts, i.e., violation of the order of organizing or holding meetings, rallies, street marches or demonstrations by their organizer committed after the application of an administrative penalty for such actions, Article 217 of the Criminal Code of the Republic of Uzbekistan (violation of the order of organizing, holding meetings, rallies, street marches or demonstrations) also provides for criminal liability.[4]

However, it should be noted that although the legislation of the Republic of Uzbekistan currently establishes administrative and criminal liability for violating the procedure for organizing and holding meetings, rallies, street marches or demonstrations, there is no "order for organizing and holding meetings, rallies, street marches or demonstrations" in our country.

That is, such a procedure is not regulated by any current legislation of the Republic of Uzbekistan, and in what circumstances and by what actions a person may violate the order of organizing and holding meetings, rallies, street marches or demonstrations, on what grounds administrative or criminal liability measures are applied to him, is actually a problem.

It should be recalled that before our country gained independence, the procedure and freedom of holding meetings, rallies, and demonstrations in Uzbekistan were regulated by Decree No. 9306-XI of the Presidium of the Supreme Soviet of the USSR dated July 28, 1988, on the procedure for holding meetings, rallies, street marches, and demonstrations in the USSR.

In August 2020, the Ministry of Internal Affairs of the Republic of Uzbekistan developed a draft law "On Meetings, Meetings and Demonstrations" based on a thorough study of the experience of international countries such as the Russian Federation, the United States, Germany, France, Estonia, Azerbaijan, Turkmenistan, Tajikistan, Kyrgyzstan, and Kazakhstan in this area.

In this regard, the former Minister of Justice of the Republic of Uzbekistan Ruslanbek Davletov expressed his opinion: "Resolutions are defined as a public event, but not all meetings fall into a public event. There is an issue here that we need to work on from a legal standpoint."[7]

It should be noted that paragraph 3 of the "Rules for Conducting Mass Events," approved by Appendix No. 1 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 29, 2014 No. 205 "On Measures to Further Improve the Procedure for

Organizing and Conducting Mass Events," states: "A mass event is a joint participation of citizens in socio-political (conferences, conferences, congresses, etc.), cultural and mass entertainment programs (musical, literary and other festivals, concerts).

However, Paragraph 2 of these Rules states: "The application of these Rules does not apply to the holding of meetings, demonstrations, street marches and demonstrations, as well as weddings, family, anniversary, family funeral ceremonies and events dedicated to the memory of the deceased."

In other words, the "Rules for Conducting Public Events," approved by this decision of the Cabinet of Ministers of the Republic of Uzbekistan, do not apply to the organization of meetings, rallies, street marches or demonstrations.

According to the analysis of these rules, meetings, rallies, demonstrations are not related to the following events, namely:

- 1) socio-political (conferences, congresses, etc.);
- 2) cultural-mass and entertainment programs (musical, literary and other festivals, concert, theater, sports, advertising events, folk festivals, circus, national performances and games, competitions, etc.);
- 3) events are not considered mass events if they are not organized for the purpose of holding national, religious, professional holidays.

Based on the above, it can be said that in order to create a sufficient basis for the full implementation of the provisions specified in Article 38 of the Constitution of the Republic of Uzbekistan, it is advisable to adopt the Law of the Republic of Uzbekistan "On Meetings, Meetings and Demonstrations."

The need to adopt such a law can be justified by the following factors:

firstly, the current legislation does not contain such concepts as "assembly," "mitting" and "demonstration," norms regulating the procedure for their organization and conduct;

secondly, the unregulated rights and obligations of citizens, state authorities and management bodies, and their interaction in the field of organizing and holding meetings, meetings, and demonstrations;

thirdly, the lack of a relevant regulatory legal act creates difficulties in the legal assessment of actions related to the organization and conduct of meetings, gatherings, and demonstrations by citizens, in particular, in determining the issue of administrative and criminal liability based on Articles 201, 202 of the Code of Administrative Responsibility and 217 of the Criminal Code of the Republic of Uzbekistan.

The adoption of the new edition of the Law of the Republic of Uzbekistan "On Meetings, Meetings and Demonstrations" can yield the following positive results:

firstly, it ensures the realization of the constitutional rights of citizens aimed at carrying out their social activity in the form of rallies, meetings and demonstrations, as well as raising their legal literacy in this area;

secondly, it contributes to strengthening measures to eliminate conditions that seriously damage the country's security and international image by weakening the internal situation by disorderly mass actions, "rights defenders" and other destructive external forces that pose a threat to security and public order;

thirdly, the issue of legal assessment of actions related to the organization and conduct of meetings, gatherings and demonstrations by citizens, including the involvement of guilty persons in criminal and administrative liability, will be clarified;

fourthly, when organizing rallies, meetings and demonstrations, it is necessary to obtain permission to carry out these actions, provide for the time and place of its holding, the procedure for conducting preliminary propaganda, determine the status of the organizers and participants, as well as their rights and obligations;

fifth, it provides for the establishment of powers and responsibilities of local executive authorities, internal affairs bodies, the National Guard in organizing and holding meetings, meetings and demonstrations, ensuring public order and security..

References:

1. Ўзбекистон Республикаси Президенти Шавкат Мирзиёевнинг халқ депутатлари Хоразм вилояти Кенгашининг навбатдан ташқари сессиясидаги нутқи // “Халқ сўзи”. – 2017. – 15 окт.
2. Ўзбекистон Республикасининг Конституцияси [Электрон манба]. Кириш йўли: <https://lex.uz/docs/6445145> (Мурожаат қилинган сана: 20.07.2024).
3. Ўзбекистон Республикаси Маъмурий жавобгарлик тўғрисидаги кодекси [Электрон манба]. Кириш йўли: <https://www.lex.uz/acts/97664> (Мурожаат қилинган сана: 21.07.2024).
4. Ўзбекистон Республикаси Жиноят кодекси [Электрон манба]. Кириш йўли: <https://lex.uz/docs/111453> (Мурожаат қилинган сана: 21.07.2024)
5. Указ Президиума Верховного Совета СССР "О порядке организации и проведения собраний, митингов, уличных шествий и демонстраций в СССР" (1988 г.) [Электронный ресурс]. Режим доступа: <http://www.legislationline.org/ru/documents/id/14394> (дата обращения: 09.07.2021).
6. ИИВ «Митинг, йиғилиш ва намойишлар тўғрисида»ги қонун лойиҳасининг Беларусдаги воқеаларга алоқаси йўқ [Электрон манба] / /Кириш йўли: <https://kun.uz/kr/59225843> (мурожаат қилинган сана: 24.07.2024).
7. Ўзбекистонда митинглар ўтказиш СССР қонунлари билан тартибга солинмайди [Электрон манба] // Кириш йўли: <https://www.gazeta.uz/uz/2021/02/15/davletov/#!> (мурожаат қилинган сана: 24.07.2024).
8. Ўзбекистон Республикаси Вазирлар Маҳкамасининг 2014 йил 29 июлдаги «Оммавий тадбирларни ташкил этиш ва ўтказиш тартибини янада такомиллаштириш чоратадбирлари тўғрисида»ги 205-сон қарори [Электрон манба]. Кириш йўли: <https://lex.uz/docs/2438871> (Мурожаат қилинган сана: 24.07.2024).