



THE IMPORTANCE OF TEACHING CIVIL LAW TO INTERNAL AFFAIRS OFFICERS

Kilichev Khayrulla Mamatovich

Acting Head of the Department of Civil Law Sciences at the Academy of
the Ministry of Internal Affairs, Doctor of Philosophy in Law, Associate
Professor

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Abstract: This scientific article analyzes the importance of teaching civil law to cadets and students studying in educational institutions within the Ministry of Internal Affairs system. It is indicated that one of the main tasks of this discipline is to strengthen the legal knowledge of cadets and students, improve their professional qualifications, and develop skills in the correct application of legal norms in practice. The article also analyzes the theoretical views of national and foreign scholars on teaching civil law, and discusses modern teaching methods and their effectiveness.

Keywords: civil law, internal affairs bodies, cadets, students, legal knowledge, legal culture, teaching methods.

Introduction: Current socio-economic processes, while positively impacting the lives of every citizen, are also causing changes in economic crimes. These crimes are becoming increasingly complex. Criminal organizations are increasingly using civil law mechanisms to conceal their criminal activities. Law enforcement agencies often face the challenge of distinguishing between civil, administrative, and criminal offenses. The key to successfully addressing this issue is the skillful and correct application of civil legislation norms in the practical activities of internal affairs bodies.

In accordance with the Decree of the President of the Republic of Uzbekistan dated January 2, 2023 No. PP-10 "On Additional Measures to Transform Internal Affairs Bodies into a People-Oriented Professional Structure and Orient them to Work in Closer Cooperation with the Population," one of the main tasks of the Department of Spiritual and Educational Work and Personnel Support of the Ministry of Internal Affairs is to organize the process of training, retraining, and continuous professional development of personnel for internal affairs bodies [1].

Therefore, one of the important tasks is the continuous improvement of their legal knowledge and qualifications. Their in-depth knowledge of civil law plays a crucial role in effectively resolving problems that may arise in their official duties. Cadets and students studying in educational institutions of the Ministry of Internal Affairs system are individuals who will play an important role in ensuring the rule of law in society as future law enforcement officers.

Teaching civil law to cadets and students is of great importance not only for strengthening their theoretical knowledge but also for developing skills in properly regulating legal relations in practice. If cadets and students have excellent knowledge of civil law, they will be able to effectively handle civil law disputes, raise legal awareness among the population, and prevent offenses in society in their future service. Therefore, it is necessary to organize the teaching of civil law to cadets and students studying in educational institutions of

the Ministry of Internal Affairs system based on systematic, methodological, and innovative approaches.

Materials and methods:

In the process of theoretical and practical analysis of the significance of teaching civil law to employees of internal affairs bodies, methods of comparative analysis, theoretical modeling, induction, and generalization were used. The norms of national legislation were comparatively studied with the legislation of international and foreign countries, and the commonalities and differences between them were identified. At the same time, the effectiveness of legal mechanisms used in some foreign countries was assessed, and proposals for their implementation into national legislation were developed.

Analysis of the research results.

In recent years, there has been a steady increase in the number of economic crimes. At the same time, a number of serious problems arise in their detection and investigation. It is necessary to agree with M.N. Kuzbagarov's opinion that "the application of civil law knowledge is necessary even at the stage of initiating a criminal case, including when verifying information about a crime"[2]. When conducting a preliminary investigation of crimes in the economic sphere (including in the spheres of entrepreneurship, banking, credit, and insurance), operatives and investigators must have a clear understanding of civil law relations. In particular, they must have knowledge of the objects and subjects of these legal relations, the concept of contract and civil law delikt, the conditions of validity of the transaction and the signs of its falsification. They should also be aware of the procedure for state registration of legal entities and individual entrepreneurs. The materials of the preliminary investigation may contain evidence of the presence of signs of a crime. For example, the illegal nature of the transaction, its forgery, facts of falsification of accounting or other reporting documents, registration of a firm under the name of fictitious persons, causing damage, and other circumstances characteristic of the objective side of the economic crime. Identifying and verifying such information allows for making a reasoned decision on initiating or refusing to initiate criminal proceedings [3, 52 p.].

The implementation of the norms of civil legislation in the activities of law enforcement agencies, in particular, internal affairs bodies, is manifested in two main directions:

1. The first direction - the functioning of internal affairs bodies as economic entities. That is, they possess property, manage it, and participate in various obligations as an equal subject with other participants in civil legal relations. The activities of internal affairs bodies in this area have been thoroughly studied from a legal point of view, the practice of applying legislation has been formed, problematic issues have been discussed, and judicial practice and theoretical foundations have been developed.

2. The second direction is the direct application of the norms of civil law and civil legislation by internal affairs bodies in ensuring social security, maintaining law and order, and ensuring legality. Such legal norms can be effectively applied in the processes of prevention, detection, suppression, and investigation of crimes and offenses.

Unfortunately, the second direction has not yet been sufficiently studied, but interest in it is growing. In particular, the growth of economic crimes requires an increase in knowledge and skills in this area, as new approaches and legal mechanisms are needed to combat such crimes.

As is known, one of the main tasks assigned to internal affairs bodies is the protection of the life, health, rights, and freedoms of citizens, the fight against crime, the protection of public order and property, as well as ensuring public safety [4]. Also, internal affairs bodies carry out their activities on the basis of observance of the rights, freedoms, and legitimate interests of citizens and respect for these rights, freedoms, and legitimate interests [5, pp. 18-19].

Currently, there is an increase in the number of economic crimes and offenses. The structure, criminological, and forensic characteristics of economic crimes indicate that in many cases, such illegal actions are given a civil-legal form, which serves to give them a legal character.

Civil law norms can be used both as a means of committing economic and related crimes and as a method of avoiding measures applied by the state against crimes. In such cases, the guilty parties use civil law relations to avoid state intervention [6].

In this regard, it should be noted that the norms of civil legislation and, in some cases, doctrinal provisions are a necessary and mandatory condition for ensuring legality and law and order by internal affairs bodies.

In the second part of the study, special attention is paid to the norms of civil legislation, since they can and must be applied by internal affairs bodies when verifying reports of crimes and offenses, investigating crimes, and conducting administrative offenses.

Among the various institutions and categories of civil law, some have very high, even fundamental, significance in the activities of internal affairs bodies. Within the framework of this study, the goal is not to cover all institutions of civil law that can be applied in the activities of internal affairs bodies, but to focus on the most important ones.

One of the most important institutions of civil law is the institution of property rights and other property rights, which is currently of great importance in combating economic, economic, and even official crimes.

The theoretical provisions of civil law analyze property rights in two senses - objective and subjective.

In an objective sense, property law is a set of legal norms regulating legal relations concerning property belonging to a specific person. That is, it defines the right to own, use, and dispose of property. Such a system of legal norms relates to various branches and is complex, which is reflected both in civil legislation and in other relevant areas of law. In civil legislation, norms regulating property rights are general, while provisions in other areas of law are special, as they determine the specifics of the emergence, exercise, and, in some cases, the rights of ownership, use, and disposal of property.

In a subjective sense, the right of ownership is a legal condition that allows a person, a participant in civil legal relations, to possess, use, and dispose of property.

In civil legislation, property rights, the powers of the owner, the grounds and procedure for the emergence and exercise of property rights are reflected in various aspects of the activities of internal affairs bodies. The simplest and most typical case is the mechanisms for protecting property from criminal offenses, which include the prevention and fight against illegal encroachments on the right of ownership itself. Internal affairs bodies, in matters of criminal law protection of property, rely on the provisions of civil legislation. Because civil legislation defines the objects of property rights as the subject of crimes against property [7].



It should be noted that in the scientific foundations of criminal law, it is accepted as an axiom that the subject of crimes against property is not the same as the object of property rights.

When interpreting this rule, it is important that the object of property rights is a broad concept, and criminal-legal protection is carried out separately for certain types of objects of property rights. For example, property, the results of intellectual activity, and other property rights are separate subjects of criminal defense.

Therefore, in the legal regulation of crimes against property, the concept of "property," defined mainly in the Civil Code, is of primary importance, since it is the subject of criminal encroachment. In conclusion, the provisions of civil legislation are the necessary legal basis for understanding property (as a subject of crime), identifying the owner (as a victim), and giving a legal assessment of crimes [8].

However, in the activities of internal affairs bodies, not only the concept of property and objects of property rights is relevant. Against the backdrop of the growth of economic crime and the commission of crimes in new forms and methods, other aspects of property rights are also gaining increasing importance.

In particular, special attention should be paid to the powers of the owner. Civil legislation clearly defines the rights and obligations of the owner, their scope and content. At first glance, these provisions of the Civil Code may seem insignificant for the activities of internal affairs bodies. But this is a misconception. Because every aspect of property rights is of great importance for internal affairs officers in ensuring law and order, verifying reports of economic, official, and economic events.

The right of ownership means the ownership of an item by a person. The right of ownership determines the possibility of using and disposing of property. The right of ownership to real estate must have a legal basis, that is, state registration in the prescribed manner. Therefore, when verifying information related to the ownership of real estate, internal affairs bodies should send a request to the authorized state registration body and formulate conclusions based on official responses [9]. For example, in the process of verifying the legal basis for illegal construction or other economic activity, it is necessary to clearly understand who the titular owner is and on what basis his right to the property arose.

Also, due to the increase in cases of unauthorized seizure of land plots, in many cases forest lands, and even water bodies, the practical application of ownership rights is becoming increasingly relevant. Regarding such cases, citizens, public organizations, state authorities, and local government bodies submit appeals to the internal affairs bodies. During such inspections, the internal affairs bodies must study the existence of ownership rights, send relevant inquiries, and analyze the submitted documents. Through in-depth analysis of the general data, the following conclusions can be drawn:

The person has the right of title ownership of the property and has not violated the law. The person has committed an administrative offense, which requires the adoption of administrative and legal measures. A person has committed a crime, and this circumstance requires the application of criminal-legal measures.

From the point of view of application in the activities of internal affairs bodies, one of the most interesting and meaningful rights within the framework of property rights is the right to use. According to the theory of civil law, the right of use is the owner's ability to use the property, enjoy its useful properties, and involve it in economic circulation. It should be

especially noted that the right of use is often the main goal of acquiring property rights. That is, people buy an item to use it and satisfy their material, spiritual, or other needs. As a general rule, the owner (or other legal owner) can freely and at their discretion use their property. However, there are exceptions to any rule, which are especially relevant for the practice of internal affairs bodies today. This exception is that the use of property may be carried out only if it does not contradict the law and does not violate the rights and interests of other persons. Consequently, the owner, possessing their property, cannot engage in activities that contradict the law or harm the rights of other persons. The simplest and most common example of this is the requirement to maintain a peace regime in apartment buildings at a specified time. Even if he is the owner of the house, he can vote only at the appointed time, otherwise this is considered an offense. However, there are even more complex cases, and below are examples that clearly demonstrate the importance of civil law in the activities of internal affairs bodies.

One of the important indicators of economic growth and stability is the development and expansion of the construction industry. The current situation shows that the construction industry is showing a certain positive dynamics, and the number of construction projects is growing day by day. Of course, this situation will not go unnoticed by criminal elements, since some individuals try to enter legal business this way. In many cases, the construction process is associated with violations of land use regulations.

The right of use is the owner's ability to legally use the property, which in our example means the use of the land plot.

Is it sufficient for one person to own land, to carry out construction or other activities on it? Let's analyze the complaint situation: At first glance, it seems that the person is the owner of the land plot and uses it independently and at their own discretion. However, there are special rules of civil law and land law regulation for land ownership and use, as well as for some other types of property.

In accordance with the norms of the Land Code of the Republic of Uzbekistan, land use must be carried out in accordance with its intended purpose and the procedure for permitted use.

Target designation - this is determined on the basis of the land plot's belonging to a certain land category. Permissible use is determined on the basis of urban planning regulations and land use rules. Thus, when internal affairs bodies investigate complaints about illegal construction or illegal use of land plots, they must study civil legislation, as well as relevant land law and urban planning legislation. Because possession of property rights does not always give the owner the right to carry out all types of activities.

In some cases, such illegal activity is considered an administrative offense, and in this case, the internal affairs bodies submit materials to the relevant state administration bodies. In other cases, the issue of applying criminal law measures may be considered if this activity caused damage, violated the rights and interests of other persons, or caused financial losses.

The practice of law enforcement agencies shows that the most common crimes in this area are offenses related to illegal construction, violation of building regulations, standards, and other requirements. As a result of such violations, the possibility of commissioning the constructed object may be lost, which leads to violation of the financial interests of citizens, buyers, and even investors and creditors who have invested in the construction of private housing. A careful study of civil law norms helps to identify economic violations. In the

construction sector, this will prevent future violations of the rights of real estate buyers, including shared construction participants and other interested parties. Another example confirming the necessity of applying civil law norms regarding the owner's right to use property is that in some cases, legislation may even introduce certain restrictions or prohibitions, establishing special requirements and rules for the use of property. Let's consider the situation with the procurement of forest raw materials by the owner of the land plot. As a result of land law reforms, land plots, including the trees and shrubs growing on them, have also become objects of private property rights. Does this give the owner the right to cut down trees and shrubs in the area? The answer is yes! But this is only within the framework of the general rule.

What does this mean? According to the provisions of civil legislation, a person who has acquired the right of ownership to land owns everything on the land plot, including trees and shrubs. That is, they become the property of a person as part of the land plot.

When investigating such issues, the internal affairs bodies should be guided by Article 164 of the Civil Code of the Russian Federation.

Analysis of these norms shows that:

The use of natural resources (in our case - forests) must be carried out in accordance with the requirements of the legislation. This use should not harm the environment. Therefore, in such cases, the internal affairs bodies should refer to the norms of forest legislation. Because forest legislation establishes requirements for restricting economic activity in relation to forests that perform environmental protection functions.

In particular, there are the following prohibitions: Cutting down forest forests in water protection zones is prohibited. In forests that perform protective functions, complete (complete) felling is not carried out. In addition, environmental protection measures will be strengthened in some regions. Noteworthy aspect: The restrictions and requirements established by forest legislation apply to all forms of ownership. If, in the course of its practical activities, the internal affairs body does not take into account the norms of civil and forest legislation (as in the example above), then, as a result of a misunderstanding of a person's right to use property, it may draw an incorrect conclusion about the legality of logging activities. However, if the norms of the Civil Code and other sectoral legislation (norms defining the specifics of the right to use property) are analyzed and taken into account, then the conclusion formed as a result of enforcement actions will be completely different. Thus, the provisions of civil legislation on the right to use property are of fundamental importance in ensuring law and order and legality by internal affairs bodies. This legal situation is especially relevant in cases of abuse of property disposal powers.

These legal norms in civil legislation are especially necessary in the investigation of fraud crimes. In such cases, a person who does not have the right of disposal has taken actions to change the property, sell it, or otherwise change its legal status. A clear example is the cases when unfair realtors rent or sell the same housing to several persons.

Official crimes, which have been increasing recently, are also committed precisely with the violation of disposal powers. Therefore, determining and analyzing the right to dispose of property is of great importance in verifying reports of crimes, as well as in investigating cases of abuse of official powers. This is especially important when inspecting the processes of allocation of land plots, real estate objects, privatization and sale of state and municipal

property by officials of state and local government bodies. The most common violations are: Illegal sale of land plots that are public property (when they do not belong to state or municipal ownership). Illegal privatization of objects that are not part of state and public property when making a decision on privatization. When investigating such cases, the internal affairs bodies conduct their work by determining how the powers to dispose of property are defined in civil legislation.

Analysis of the three main rights of the owner - ownership, use, and disposal - shows that the norms of civil legislation should be widely applied in order to ensure legality and law and order in the activities of internal affairs bodies. The correct application of the norms of civil and other sectoral legislation ensures the full and objective fulfillment by internal affairs bodies of the tasks assigned to them. There is an opportunity to use and apply the norms of civil legislation in a wide range of areas of crime. Internal affairs bodies, investigative and operational officers can use the norms of civil legislation in various spheres. These include provisions of common property law (as discussed above), general provisions on contracts and obligations, norms on entrepreneurial activity, and many other areas.

Civil legislation plays a particularly important role in combating fraud (fraud). In recent years, fraud crimes have become widespread and a real problem. These crimes are often committed by organized groups and are associated with the creation of legal entities, the conclusion of fictitious or apparent transactions. Often, fraud occurs in the process of carrying out entrepreneurial activity, which makes it even more important to know the norms of civil legislation.

Summary:

According to the researchers, in the process of proving fraud, the operational investigation and inquiry bodies should study, know, and apply the following issues in the investigation:

- information on the organizational and legal form of a legal entity, the procedure for its creation, activities and management;

- constituent documents of a legal entity and what they should be depending on their organizational and legal form, as well as signs of forgery of documents;

- methods of ensuring the fulfillment of obligations, in particular, the characteristics of letters of guarantee and other documents.

Based on these aspects, it can be said that internal affairs bodies should be guided by the norms of civil legislation in the process of conducting inspections and investigations based on received reports of crimes.

From the point of view of fairness, it should be noted that in the process of ensuring legality and law and order in the activities of internal affairs bodies, it is very difficult, due to objective reasons, to cover all possibilities and aspects of applying the norms of civil legislation. This is primarily due to the presence of a large amount of legal information. In this study, an attempt was made to determine the possibilities of applying and implementing the norms of civil legislation in the practice of internal affairs bodies.

The analysis revealed that:

- civil legislation can be applied in the activities of internal affairs bodies;

- internal affairs bodies, on the one hand, interact with other participants on equal terms as economic entities, and on the other hand, act as state bodies endowed with authority;



internal affairs bodies are both interested in and obligated to apply civil legislation norms in practice;

applying civil legislation norms is one of the conditions for fulfilling the tasks assigned to internal affairs bodies;

applying civil legislation provisions allows for a comprehensive, in-depth, and complete investigation of incidents and conducting thorough and objective criminal investigations.

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