



MAIN ASPECTS OF THE APPLICATION OF CERTAIN COERCIVE MEASURES BY INTERNAL AFFAIRS BODIES

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Abstract. The article provides insights on the application of certain administrative coercive measures by internal affairs bodies. It also concludes that coercive measures are an important tool for increasing the effectiveness of the state's law enforcement activities, and classifies and characterizes the applied coercive measures.

Keywords: coercive measures, state coercion, disciplinary coercion, administrative coercion, internal affairs bodies, detention of individuals, cordoning off of areas, residential premises, structures and other objects, utilization of vehicles belonging to organizations and citizens.

In the process of globalization, controlling all spheres of society is one of the important functions of the state. Moreover, the rule of law is considered an essential and inseparable feature of a state governed by law[6]. As the leader of our country emphasized: "If the law is the main pillar on which the state relies, then it is true to say that the internal affairs sector is the most effective system that demonstrates its power in practice"[5].

Indeed, the main tasks of internal affairs bodies include protecting the rights, freedoms, and legitimate interests of citizens, safeguarding the property of individuals and legal entities, defending the constitutional order, ensuring the rule of law, guaranteeing the security of individuals, society, and the state, as well as preventing and prophylactically addressing offenses.

It should be noted that administrative and legal control is one of the most effective methods of ensuring legal order in public administration, where administrative coercive measures play a crucial role. Therefore, in carrying out their assigned tasks, internal affairs bodies apply certain administrative measures in their activities.

According to the "Regulations on the Ministry of Internal Affairs of the Republic of Uzbekistan," approved by the Resolution of the President of the Republic of Uzbekistan No. PP-2883 dated April 12, 2017: firstly, it is a republican state administration body that provides general management and coordination of the internal affairs bodies system; secondly, the Ministry of Internal Affairs is directly subordinate to the President of the Republic of Uzbekistan, and on certain issues stipulated by law, to the Cabinet of Ministers of the Republic of Uzbekistan; thirdly, the Minister of Internal Affairs of the Republic of Uzbekistan, by virtue of his status, is a member of the Cabinet of Ministers of the Republic of Uzbekistan.

The main tasks and functions of the Ministry of Internal Affairs are clearly defined in its Charter[1]. The content of the main tasks and functions of the internal affairs bodies determines the directions of their activities in combating crime, ensuring public safety and crime prevention, as well as administrative activity.

Based on legal sources[7], based on the directions of this activity of internal affairs bodies, the procedure, grounds, and purpose of applying enforcement measures carried out by them, the following features can be indicated:

1) the application of administrative coercive measures in the activities of internal affairs bodies is determined based on the main functional tasks of the relevant sectoral services. These mainly include crime prevention, patrol-post, road patrol, migration and citizenship registration services;

2) legislative acts and departmental regulatory documents (regulations, instructions) constitute the legal basis for the application of coercive measures by internal affairs bodies;

3) there is a special procedure for the use of measures of influence, such as the use of physical force (hand-to-hand combat, sambo), special means (handcuffs, rubber sticks), and, if necessary, the use of weapons, which are considered special measures of administrative coercion;

4) employees of internal affairs bodies authorized to apply measures of administrative coercion are granted special legal protection by legislative acts in the exercise of their powers. For example, failure to comply with the lawful demands of internal affairs officers entails bringing a person to administrative responsibility.

Chapter 4 of the Law of the Republic of Uzbekistan "On Internal Affairs Bodies" defines the application of certain coercive measures by internal affairs bodies. These are: 1) detention of persons (Article 18), 2) encirclement (blocking) of plots, residential premises, structures and other objects in the territory (Article 19); 3) use of vehicles of organizations and citizens[2].

The grounds for the detention of persons by internal affairs bodies are: a) persons suspected of committing a crime, in the manner prescribed by the Criminal Procedure Code of the Republic of Uzbekistan; b) persons in respect of whom a preventive measure in the form of detention has been applied; c) wanted persons; d) persons in respect of whom a request for their extradition has been received; e) persons evading the serving of administrative arrest, administrative expulsion, as well as persons against whom proceedings are being conducted on administrative offenses, in the manner prescribed by the Code of Administrative Offenses of the Republic of Uzbekistan; f) persons evading the serving of a criminal punishment, as well as the execution of compulsory medical and other measures imposed on them by a court; g) persons without a fixed place of residence, with their subsequent placement in rehabilitation centers on the basis of a court ruling; h) persons who have violated the state of emergency or the emergency regime; i) persons evading the performance of general military duty; j) persons who have illegally entered or attempted to enter protected facilities;

Also, persons suspected of committing a crime are detained until their identity and the circumstances of the offense are established, as well as until they are transferred to the relevant state bodies or officials.

A detained person is granted the right to a telephone conversation or to notify his lawyer or close relative of his detention and location, to have a defense attorney (lawyer) from the moment of detention, as well as other rights in accordance with the law. Detained persons, their belongings and documents, as well as their vehicles, may be inspected in the manner prescribed by law.

When detaining a person by internal affairs bodies, firstly, the minor shall immediately report each case of detention to his close relatives or other legal representatives; secondly,

the internal affairs bodies shall report the detention of a serviceman to the command of the military unit where he is serving; thirdly, the internal affairs bodies shall report the detention of a foreign citizen to the Ministry of Foreign Affairs of the Republic of Uzbekistan.

The Law of the Republic of Uzbekistan "On Detention During Criminal Proceedings" defines the concept of detention of persons who have committed crimes. According to it, a detainee is a person suspected of committing a crime and detained on the grounds provided for in Article 221 of the Criminal Procedure Code of the Republic of Uzbekistan[3].

A person suspected of committing a crime may be detained on the following grounds: a) if the person is detained at the scene of the crime or immediately after its commission; b) if witnesses to the crime, including victims, directly identify him as the person who committed the crime; c) if clear signs of the crime are found on him or on his clothing, with him or in his house; d) if there is information that serves as a basis for suspecting the person of committing a crime, and he intends to flee or has no permanent place of residence or his identity has not been established.

The first steps in this direction were the transfer to the courts of the authority to issue sanctions for the application of a preventive measure in the form of detention or for the extension of the term of detention, and in subsequent years these reforms have intensified.

The period of detention of persons suspected of committing a crime has been reduced from 72 to 48 hours, the maximum period for applying preventive measures in the form of detention and house arrest, as well as preliminary investigation - from 1 year to 7 months.

Detainees and prisoners are presumed innocent until their guilt in committing a crime is proven in the manner prescribed by law and established by a court verdict that has entered into legal force.

Detainees and prisoners, taking into account the restrictions provided for by law, have the rights, freedoms, and fulfill obligations established for citizens of the Republic of Uzbekistan.

Foreign citizens, stateless persons detained and imprisoned on the territory of the Republic of Uzbekistan enjoy rights, freedoms and bear obligations on an equal basis with citizens of the Republic of Uzbekistan, except for cases established by the law and international treaties of the Republic of Uzbekistan.

Discrimination against detainees and prisoners based on sex, race, nationality, language, religion, beliefs, social origin, and social status is not permitted.

The use of torture and other cruel, inhuman or degrading treatment or punishment in relation to detainees and prisoners is not permitted.

Explanation of the rights and grounds for detention of a person during detention ("Miranda's Rule") is a generally recognized norm in international law and is important in ensuring the prevention of violations of the law in the process of inquiry, investigation, and court proceedings.

In this sense, Article 27 of our new Constitution stipulates that "During the detention of a person, his rights and the grounds for his detention must be explained to him in a language he understands."

Internal affairs bodies are obliged to take urgent measures to notify the population in the event of accidents, disasters, fires, natural disasters, and other emergencies, to rescue people, to provide them with first aid, to enclose (barricade) the necessary sections of the territory, as well as to perform tasks for the protection of abandoned property[2].

Internal affairs bodies, by oral or written decision of the head of the district, city department (division) of internal affairs and other higher-ranking officials, have the right to carry out the enclosure (blocking) of sections in the territory in the following cases: 1) during the liquidation of the consequences of accidents, natural and man-made disasters and other emergencies, during the implementation of quarantine measures during epidemics and epizootics; 2) in carrying out measures to suppress mass riots and other actions that disrupt traffic, communication facilities and the work of organizations; 3) in the search for persons who have escaped from custody and persons evading criminal punishment; 4) in the pursuit of persons suspected of committing a crime; 5) during the conduct of an anti-terrorist operation, verification of information on the discovery of explosives or explosive devices or poisonous or radioactive substances; 6) holding mass events, including holidays, public festivities, rallies, and street processions.

Movement of vehicles and pedestrians may be restricted or prohibited during the enclosure (blockade) of sections of the territory in the cases provided for by the first part of this article, if this is necessary to ensure the safety of citizens and public order, conduct investigative actions, operational-search measures, protect the scene of a crime, administrative offense, scene of an incident, as well as protect threatened property objects.

Blockade may also be carried out with respect to residential premises, buildings, and other objects belonging to individuals and legal entities, if this is necessary to prevent a threat to the life and health of citizens and their protection cannot be carried out in any other way.

When carrying out the actions specified in this article, internal affairs bodies take measures to inform the population about the upcoming encirclement (blockade), ensure the normal life of the population, and explain to citizens the most convenient directions of movement in the current situation.

When eliminating the consequences of accidents, natural and man-made disasters, and other emergencies, and during quarantine measures during epidemics and epizootics, internal affairs bodies may blockade (block) sections, residential buildings, structures, and other objects in the territory.

According to Article 20 of the Law "On Internal Affairs Bodies" (Use of vehicles of organizations and citizens), internal affairs bodies may use vehicles of organizations or citizens for travel to the scene of a natural disaster, transporting citizens in need of emergency medical care to medical institutions, pursuing persons who have committed crimes and bringing them to internal affairs bodies, traveling to the scene of an incident or to the place of gathering personnel of internal affairs bodies on a combat alert, with the issuance of a document confirming the fact of use of the vehicle and identifying the employee of the internal affairs body who used it, with the exception of vehicles belonging to diplomatic, consular and other representative offices of foreign states, international organizations, and specially designated vehicles.

In the event of expenses or damage caused as a result of the forced use of vehicles by organizations and citizens, as well as in the event of property damage to the owner of the vehicle, compensation for these expenses or losses is carried out by the internal affairs bodies in the manner prescribed by law [1].

In order to effectively ensure the implementation of this law, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated April 24, 2017 No. 235 approved the "Regulation on the Procedure for Compensation by Internal Affairs Bodies for Expenses or

Damage Caused as a Result of Compulsory Use of Vehicles by Organizations and Citizens, as well as Property Damage Caused to the Owner of a Vehicle" [4].

This Regulation, in accordance with the Law of the Republic of Uzbekistan "On Internal Affairs Bodies," determines the procedure for compensation by internal affairs bodies for expenses incurred or damage caused as a result of the compulsory use of vehicles by organizations and citizens in connection with the performance of official duties, as well as property damage caused to the owner of the vehicle.

Expenses incurred by internal affairs bodies as a result of the compulsory use of vehicles by organizations and citizens or damage caused, as well as expenses related to determining the amount and compensation for property damage, are carried out at the expense of the State Budget.

Expenses or damage caused by internal affairs bodies as a result of the forced use of vehicles by organizations and citizens as a result of illegal actions of an employee, as well as property damage, are compensated from the extra-budgetary fund of the Ministry of Internal Affairs of the Republic of Uzbekistan with subsequent recovery from the guilty person.

Employees of internal affairs bodies may use vehicles of organizations or citizens in a mandatory manner in connection with the performance of official duties in the following cases:

- upon arrival at the scene of a natural disaster or emergency;
- transportation of citizens in need of emergency medical care to medical institutions;
- prosecution and bringing to the internal affairs bodies of persons who have committed crimes;
- to the scene of the incident or to the gathering point of personnel of internal affairs bodies on a combat alert.

In these cases, drivers of vehicles are obliged to comply with the requirement of an employee of the internal affairs body for mandatory use of vehicles and have the right to demand from the employee an identification document.

The use of vehicles of the following organizations or citizens is not allowed:

- vehicles belonging to diplomatic, consular and other representative offices of foreign states;
- vehicles belonging to international organizations;
- vehicles of special purpose and equipped with loudspeakers (sirens), as well as vehicles carrying heads of government, ambulance, firefighting, convoy, and collection services.

When using vehicles by internal affairs bodies, the owner of the vehicle must be issued an identification document confirming the fact of use of the employee's vehicle.

The sample of the identification document and the procedure for its issuance are determined by the Ministry of Internal Affairs of the Republic of Uzbekistan.

An employee of the internal affairs body who used the vehicle must report the situation to the head of the internal affairs body at the place of service with a report attaching all supporting documents (certificates from law enforcement agencies and other authorized state organizations).

In conclusion, it should be noted that some measures of administrative coercion applied by internal affairs bodies are defined in various regulatory legal acts, which are directly related to their role in the life of the state and society. Therefore, it is possible to fully realize

the interests of the individual, society, and the state by improving activities based on the results of the reforms being carried out in the sphere.

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