



TASKS OF PROVIDING STATE SECURITY

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Annotation. This article analyzes the methodological foundations, tasks, structural components and hierarchy of subjects of the national security system based on the principles of a systematic approach. The author, dividing the national security system into conceptual, normative and institutional subsystems, reveals the role of the principle of "checks and balance" in ensuring stability in its activities. The article scientifically substantiates the comparative weight of the three branches of government (legislative, executive and judicial) and specially authorized bodies in ensuring state security, as well as the content and essence of the concept of "national security law", which is being formed as an independent branch of the legal system.

Keywords: State security, systemic approach, hierarchy, checks and balances, universal collective security, executive power, judicial review, national security law, Defense Doctrine, strategic decisions.

The main guarantee of the sovereignty and sustainable development of any state is its perfectly formed security architecture. In the conditions of hybrid threats and geopolitical tensions that are transforming the modern world, security should be viewed not as a task of just one body, but as a holistic, dynamic system consisting of interconnected elements. The stability of political and legal institutions directly depends on the conceptual foundation of this system and the strength of the normative and legal framework. This article systematically analyzes the fundamental principles of ensuring state security, the structural structure of the national security system, the specific powers of the branches of state power in it, and the importance of national security law, which is being formed as an independent legal direction.

In the definitions of security, along with such characteristics as "situation", "conditions", "a set of connections and relationships", it is important to consider it as "a system aimed at protecting people and their property from various threats".

In a general philosophical sense, a system is defined as a set of interconnected and interrelated elements that form a certain unity. It operates on the basis of the following principles: integrity, systematicity, hierarchy, interdependence of the system and the environment, etc. The principle of "checks and balance" plays an important role in organizing the activities of the system. This principle is a factor ensuring the stability of the system. The security system is manifested as the internal structure of security and its organization.

The security assurance system corresponds to the levels of security, that is, each level of security - national, regional and international - has elements that are inherent to them and form an order that helps to achieve a common goal. These systems, in turn, form a single universal collective security system. The central element of this system is the UN, the norms and principles set forth in its Charter are mandatory for organizing a system of regional and national security assurance.

The national security system is a system of political, legal, organizational, economic, social and other measures aimed at eliminating threats to the vital interests of the individual, society and the state. Another interpretation of this concept is the activities of state bodies, public organizations and citizens aimed at protecting vital national interests from dangers and threats.

The national security system is the internal structure and method of organizing relations between security subjects to ensure the interests of the individual, society and the state through the creation of a regulatory and institutional framework. The national security system consists of a set of interrelated and interconnected elements: security subjects and objects; regulatory and legal framework; forces and means of ensuring security. Researchers also emphasize the division into conceptual, normative and institutional subsystems [1].

The main goal of the security system is to create a mechanism for effective protection of security objects/interests. These interests are ensured by authorized state bodies, public organizations, civil institutions and citizens in accordance with the procedure established by relevant legislative acts.

The main tasks of the national security system are:

Creating a system of guarantees for the protection of the vital interests of the Republic of Uzbekistan;

Developing and implementing a unified state policy in the field of ensuring national security;

Identifying external and internal threats to the vital interests of the Republic of Uzbekistan, assessing them and predicting their prospects;

Implementing a system of operational and long-term measures to prevent and eliminate threats to national security;

Organizing, maintaining in readiness and managing forces and means ensuring national security, including in emergency situations.

The presence of an effective security system is one of the characteristics that determine the stability of relations between security entities. Mutual trust, closeness of views, long-term relations, etc. are important conditions for creating an effective security system.

The national security system operates on the basis of the integral and continuous cooperation of its constituent components, the provision of state power and management with complete, reliable and timely information, and the professional skills of those responsible for making decisions in the field of security.

So, one of the important elements of the national security system is the security subjects. It is necessary to summarize the opinions expressed, each subject has its own place in the national security system. They directly and indirectly participate in ensuring national security and developing relevant political decisions within this area. However, the "relative weight" of the authorized state authorities and management bodies is greater than that of other groups of subjects. The fact is that the subjects that make up this group have special powers and qualifications, and most importantly, their activities are directly aimed at ensuring security. These include, first of all, the three branches of government, the legislative, executive and judicial authorities, and specially authorized bodies (the National Security Council, special services, the Ministry of Internal Affairs, Defense, etc.).

In accordance with the Constitution of the Republic of Uzbekistan, the Oliy Majlis develops priority areas for ensuring national security and creates the relevant legislative framework.

The executive branch, as the “central element of the entire system of governance,” organizes and controls the implementation of foreign and domestic policies that are integral parts of national security, creates a system of forces and means, carries out military construction of the country and ensures the strengthening of its defense capabilities, and in this regard ensures the unity of the activities of the constituent bodies of the executive branch.

According to Article 2 of the Law of the Republic of Uzbekistan “On Courts”, the court protects the rights and interests of citizens and legal entities protected by law. The activities of the courts are aimed at ensuring the rule of law and protecting the constitutional order [2].

Proceeding from the principle of “balance and restraint,” the judicial bodies protect the rights of citizens and public organizations violated as a result of the activities of security entities, primarily state bodies, in ensuring security. In this regard, the Constitutional Court of the Republic of Uzbekistan has important powers. The Constitutional Court ensures the compliance of laws and resolutions of the Oliy Majlis, presidential decrees, and decisions of the government and local government bodies with the Constitution of the Republic of Uzbekistan. It also carries out fair trials for crimes related to encroachment on the security of the individual, society, and the state.

Another important element of the national security system is its normative-legal, political-legal, and conceptual basis. The importance of this element is that it determines the legal framework for the activities of the elements of the system, primarily its subjects. It would be appropriate to call this set of documents national security law. It, in turn, is manifested as a separate area of national law. The subject of this legal area is the system of social relations related to ensuring security [3].

Thus, national security law is a set of norms and principles that serve to regulate social relations related to ensuring security. The generally recognized norms and principles of international law, the constitution, international treaties of the state, laws on security and other legislative acts constitute the normative and legal basis of national security.

Law is an important factor in the stability and uniform order of social relations. Legal norms determine the behavior of participants in social relations, systematize and organize these relations. Therefore, today, the legal regulation of social relations remains the most effective means of influencing them.

Security relations occupy a special place in the system of social relations. Because these relations are considered a priority for the individual, society and the state, and determine the content and essence of their activities. Experts say that the stability of relations in the field of security is a decisive condition for the existence of human society.

The national security system of the Republic of Uzbekistan is at the stage of formation. This applies to all its components, in particular, to the creation of a regulatory and legal framework. An analysis of a short historical period shows that the effective functioning of the national security system is directly and inextricably linked to the formation of an effective legal framework. The main legal provisions for ensuring the national security of the Republic of Uzbekistan are established in current legislative documents, in particular, the Constitution, the

Concept of National Security, the Concept of Foreign Political Activity, the Defense Doctrine and other regulatory documents.

The system of legislative documents of the Republic of Uzbekistan on national security is currently being formed as a complex structure and is becoming an interdisciplinary set of legal norms.

The Constitution plays a central role in this regard. The Fundamental Law legally enshrines the fundamental interests of the Republic of Uzbekistan, constitutional principles, the security-related powers of the highest state authorities and management bodies, and the priority directions of foreign and domestic policy.

Conceptual and programmatic documents play an important role in the system of legal frameworks for ensuring national security. Although they are not directly included in the category of normative legal documents, they are approved by laws or presidential decrees and thus acquire legal force. The concept is also a political and legal document in the sense that it reflects the official views of our state on the issue of ensuring national security, and accordingly, this document is a document that embodies a system of holistic, state-wide views on the security problem, the strategy for solving it, including the legislative sphere. The concept, like the Constitution, provides an opportunity to adopt a unified approach to understanding the problem and finding a solution. An important link in the regulatory and legal system is the law. In a number of countries (including the USA, the Russian Federation, Kazakhstan, etc.), a law on national security has been adopted along with the concept. The law is a normative document that legally regulates certain social relations. In this case, social relations in the field of security are taken into account. The law also determines the scope of security entities, the powers of state power and management bodies, the system of forces and means aimed at ensuring national security. The law, unlike the concept, is an indefinite document. The law, together with the Constitution, constitutes the normative basis of conceptual documents on national security.

In short, ensuring state security is a complex dynamic system, the viability of which is determined by the integral cooperation of components and the perfection of legal foundations. As Rustem Kenpeilov correctly substantiated on the basis of the principles of a systematic approach, the stability of the security system depends on the precise functioning of the mechanism of “checks and balances” between its components.

“National security law”, which is being formed as a separate field in modern jurisprudence, is not just a set of prohibitions, but a scenario for the legal protection of individual freedom, the well-being of society and state sovereignty from external and internal threats. The balance between the legislative framework of the Oliy Majlis, the operational-strategic power of the executive branch, and the legal control of the judiciary (in particular, the Constitutional Court) ensures the “comparative weight” of the security system.

At the current stage of the development of the new Uzbek statehood, the harmonious operation of the Constitution, the Defense Doctrine, and strategic concepts, along with increasing the defense potential of our country, fully complies with the principles of the UN, which is the universal center of international security. Further optimization of the state security system requires improving the professional skills of security entities, digitizing reliable information exchange, and constantly improving the system of guaranteed protection of a person and his property through the rule of law.

References:

1. National Security Concept of the Republic of Uzbekistan. – Tashkent. – 1997., - B.13.
2. Law of the Republic of Uzbekistan “On Courts”, 2017.
Article 2.
3. National Security Concept of the Republic of Uzbekistan. – Tashkent. – 1997., - P.13.

