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Features Of The Application Of Administrative Restrictive Measures By Law Enforcement Agencies In Maintaining Public Order During Public Events

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ABSTRACT

The article Peculiarities of application of administrative restrictive measures by law enforcement agencies to ensure public order and safety during public events The system of principles of protection of public order and safety consists of socio-legal and organizational-legal principles. Practical measures on the passport system in the areas where the public event is held, ie inspections of compliance with the rules of the passport system in the administrative area served, enterprises, organizations, institutions, railways, bus stations, car farms, hotels, camping, sanatoriums , control over the application of the passport-visa system in tourist bases. Taking into account the implementation of measures to restrict and prohibit traffic in public places to ensure public order and safety, the issue of restricting or stopping traffic in public places is carried out on the basis of a decision of the local government on the proposal of law enforcement agencies. The powers and rights of khokims set forth in Article 25 of the Law of the Republic of Uzbekistan "On Local Government" of September 2, 1993 should include the organization and control of compliance with security requirements for the organization and organization of public events, wedding venues.

KEYWORDS

Public event, public order, public places, public riots, public meetings, public demonstrations, administrative restriction measures.

INTRODUCTION

The Republic of Uzbekistan is also carrying out large-scale reforms aimed at strengthening national statehood and sovereignty, ensuring security and law and order. The Action Strategy for the five priority areas of development of the Republic of Uzbekistan for 2017-2021 envisages priorities in the field of security, interethnic harmony and religious tolerance, as well as the implementation of a balanced, mutually beneficial and constructive foreign policy. This will further strengthen the scientific-theoretical basis and organizational-legal mechanisms of cooperation of law enforcement agencies with other law enforcement agencies, public authorities and civil society institutions in the organization and conduct of public events in the country to ensure public order and safety of citizens, prevention of public violations. requires improvement.

RESULTS AND ITS DISCUSSION

Ensuring public order and safety during public events in countries around the world is one of the most pressing issues of the state, public organizations and citizens as a multifaceted and complex issue. Ensuring public order and safety during public events, on the one hand, is related to guaranteeing the right of citizens to freedom of assembly, and on the other hand, holding public events without permission and illegally is considered a threat to state and public security. At the stage of preparation and holding of public events, law enforcement agencies make extensive use of administrative and legal coercive measures. Through coercion - law and order, property, rights and interests of citizens and organizations, ensures the normal functioning of public power. There are different forms of coercion in society, which are divided into mental, material,

organizational, and physical influences, depending on the object of exposure. Coercive measures may be applied to both individual and public subjects of law. Law enforcement agencies use legal coercive measures in preparation for a public event.

Coercive measures are of interest to lawyers, primarily as a means of maintaining law and order and a certain mode of public activity. In our example, legal coercive measures are also considered.

According to legal scholars E.Khojiev and T.Khojiev, legal coercion is manifested as the influence of state bodies on the illegal behavior of people, which is harmful to society. It also applies to a specific subject of law who violates the requirements of the law [1].

Legislation establishes the grounds and characteristics of coercive measures applied by the authorities. When there are legal grounds, what coercive measures and in what order they are applied shall be established in the normative order. The legal regulation of the process of application of coercive measures, the scope of the subjects of coercion and their competence is of great importance. The process of coercive influence is established by law and forms an important guarantee of protection of the rights and interests of citizens and organizations.

Any coercive measure must be understood in the sense of changing the status of a person permitted by law. Competent state bodies and officials shall have the right to apply coercive measures only within the legal framework. The state has the authority to adopt legal acts regulating by which bodies, in what order and in what order enforcement measures are

applied. Only a state with a special apparatus can apply coercion to citizens and organizers. Citizens and non-governmental organizations are given the right to defend themselves on the basis of the legal norms of the state.

According to DN Bakhrakh, BV Rossinsky, YN Starilov, the right of the state to apply coercive measures, for example, the transfer of certain measures of administrative coercion to local organizations (people's militia) and some public organizations (public inspections) possible [2]. Non-governmental organizations and citizens may apply coercive measures in the manner prescribed by law, on the instructions of the state and under the direct control of the state. The main task of coercive activity is to maintain law and order. Legal order is a part of the order established in a society, which arises as a result of the implementation of legal norms, regulates various social relations between people through legal means [3].

Legitimacy is inextricably linked with the legal order and is exercised through it. Norms of administrative law strengthen a wide range of coercive measures in order to ensure law and order in the administrative process.

In the legal literature, the concepts of "administrative coercion" and "coercive measures established by the norms of administrative law" are distinguished. Administrative legislation establishes administrative-legal, disciplinary-legal, social-legal coercive measures [4]. The most common type of administrative coercion used by law enforcement agencies is administrative restraint. In order to ensure public order and safety of citizens during the thousands of public events held in the country every year, law enforcement agencies regularly apply

administrative restrictions during the preparation and conduct of the event.

Administrative restrictive measures are methods and means of coercive action used to prevent the occurrence of illegal acts and socially dangerous consequences.

The measures specified in paragraphs 1,2,3 of the above-mentioned types of administrative restrictive measures are widely used by law enforcement agencies in conducting public events [5].

In the course of the research, we tried to interpret the organizational and legal aspects of the administrative restrictive measures applied by the law enforcement agencies during the public event.

The requirement to stop the illegal action is enforced by law enforcement agencies and other competent authorities in the event of non-compliance with the requirements of the "Rules of public events" approved by the Cabinet of Ministers [6] or violation of the established criminal procedure. have the right to demand the cessation of unlawful acts. In case of non-compliance with these requirements by offenders, administrative liability measures may be taken in accordance with the Code of the Republic of Uzbekistan on Administrative Liability.

In most cases, these actions are characterized by non-compliance with the lawful requirements of an employee of the Internal Affairs Committee of the CCrP (Article 194).

Failure to comply with the lawful requirements of a law enforcement officer to stop the offense, submit documents for verification, go to the police or stay in the police for a specified period without good reason, stop the vehicle,

provide assistance to victims or otherwise violate the lawful requirements of the police officer disobedience, as well as non-compliance with the legal requirements of other persons performing the functions of maintaining public order and ensuring the rights and freedoms of citizens, is the basis for administrative liability. Every year, the law enforcement agencies detect and take action on the above-mentioned violations of Article 194 of the Code of Criminal Procedure. The law enforcement agencies, which are an integral part of the law enforcement agencies, play a special role in maintaining law and order and strengthening the law. Law enforcement officers are representatives of the state power and are under special protection of the state. The lawful request of a police officer must be complied with by all citizens and officials. Employees of the Ministry of Internal Affairs of the Republic of Uzbekistan are ordinary and senior officials of the Ministry of Internal Affairs.

Such persons are persons who are members of a specialized social structure, ordinary servicemen and officers of the Armed Forces of the Republic of Uzbekistan, who are responsible for maintaining public order and ensuring the rights and freedoms of citizens. They have the right to issue binding orders to citizens and relevant officials in the performance of their duties of maintaining public order and to make the necessary demands to maintain law and order.

Failure to comply with the legal requirements of public authorities, law enforcement officers and persons performing public order is a direct object [7]. The objective aspect of the offense is characterized by an act or omission aimed at failing to comply with the requirements of the police officer, the assistants of prevention inspectors. Failure to comply with a police

officer's request does not necessarily result in adverse consequences. Consequences that do not fall within the scope of the offender's composition are represented only by an act or omission aimed at failing to comply with the requirement of signs indicating action or inaction. Failure to comply with a police officer's request does not necessarily result in adverse consequences. Consequences that do not fall within the scope of the offender's composition are subject only to the objective aspect of non-compliance with the requirement of signs indicating action or inaction. To classify the content, it is important to determine whether the person has complied with the legal requirements, i.e. has not complied. It should be noted that the content of the offense provided for in the interpreted article occurs only in non-compliance with the requirement, which has been repeatedly imposed, or in gross disobedience, which is a clear disrespect to law enforcement officers and authorities. The request of a police officer or an assistant to a preventive inspector must be repeated and firm, and the refusal of the violator to do so must be in the form of words, gestures, silence. It does not matter whether the culprit shows disobedience in front of the public or in front of the police officer, the assistants of prevention inspectors. If an officer of the Ministry of Internal Affairs or an assistant to a prophylactic inspector is also legally, that is, based on the law, and given or indicated in the performance of public order, the perpetrator will be prosecuted under Article 194 of the CCrP.

An officer of the internal affairs body or an assistant to a prophylactic inspector shall also testify that the serviceman is dressed in the prescribed manner, has a breastplate or presents a relevant certificate that he is performing his duty in maintaining public order.

If the offense was warned or prevented by a law enforcement officer, assistants of prevention inspectors or a serviceman in any manner of violation of public order or immorality, it would be expedient to qualify the offender's action under Article 194 of the CCrP. Often, failure to comply with a lawful request of a law enforcement officer will result in another violation of public order that provides for administrative or criminal liability under the law. If the act in practice gives rise to a single element of the offense, the act committed by the offender shall be qualified by the article which provides for the most serious liability.

In view of the above, failure to comply with the request of law enforcement officers or other competent authorities to stop illegal actions during a public event or in connection with an event may result in social danger or public disorder, Article 194, Part 2 of the Code of Administrative Offenses it would be appropriate to include the words “committed” followed by “or during a public event”.

Administrative retention. According to the Code of Administrative Offenses of the Republic of Uzbekistan [8], after the application of other measures of restraint, it is necessary to stop the administrative offense, identify the offender, if it is impossible to draw up a report at the scene of the offense. administrative detention of a person in order to ensure timely and correct consideration and execution of decisions on cases on administrative offenses.

According to the legal scholar H. Alimov, administrative detention means the freedom of movement and movement of a person who has committed an administrative offense, usually for a short period of time [9].

Upon expiration of other measures of influence against the offender, administrative detention shall be applied in order to prevent or stop the administrative offense. The Constitution of the Republic of Uzbekistan pays great attention to the guarantees of the inviolability of the individual in society, declaring and strengthening the basic rights and freedoms of the citizen (Article 25) [10].

In our country, no one is subjected to arbitrary detention, except as expressly provided by law. Respect for the individual, protection of the rights and legal obligations of citizens is the duty of all state bodies, public organizations and officials. Administrative detention is carried out only in the presence of an offense. Detention is not allowed unless there is an offense. However, our current laws allow for the administrative detention of mentally ill children and young children whose presence in public places poses a threat to others and to themselves.

Procedures for law enforcement agencies to work with and detain minors shall be regulated by law and by-laws. In our opinion, on the basis of the newly adopted law and by-laws, we propose to add a new chapter to the Code of Administrative Liability on measures to ensure the conduct of proceedings on administrative offenses by minors.

There are also legal problems with the administrative detention of unidentified citizens identified during the public event and their placement in the rehabilitation centers of internal affairs agencies for 30 days. The placement of persons without identification information in rehabilitation centers of the internal affairs bodies is currently carried out for up to 30 days with the sanction of the prosecutor. These actions of law enforcement agencies are not legally defined in the Code of

Administrative Responsibility, Criminal and Criminal Procedure Codes of the Republic of Uzbekistan. This has led to protests from international human rights organizations. In our opinion, to develop a proposal to include in the Code of Administrative Responsibility of the Republic of Uzbekistan and the Law "On Internal Affairs" the procedure, terms and procedure for administrative detention and placement of unidentified detainees in rehabilitation centers? will be required. Although inspections of basements and attics and their closure in order to prevent terrorist acts in the premises of enterprises, organizations and citizens located in the areas where public events are held, are not carried out by law enforcement agencies, they are carried out on a regular basis. In some cases, from a security point of view, citizens are not allowed to open the windows of their houses or go to their balconies. It is necessary to regulate the actions of law enforcement agencies in order to prevent the violation of the rights and freedoms and interests of individuals and legal entities.

During the public event, the administrative detainees are detained in special places, rooms or interrogation groups, most of which are organized at the venue. After the initial relevant inquiries with the offenders, they are taken to the police bases or to the police. is carried out. Article 284 of the Code of Administrative Responsibility of the Republic of Uzbekistan stipulates that offenders shall be taken to the building of the citizens' self-government body, the base of the internal affairs bodies and the internal affairs bodies. However, it is not stipulated that offenders who violate public order during public events be detained in separate places organized by the police. The procedure and grounds for the detention of persons by law enforcement agencies (Article 18) of the Law of the Republic

of Uzbekistan "On Internal Affairs Bodies" should also include the right to detain persons attempting to illegally enter or enter public facilities. It is also expedient to include the phrase "in areas where public events are held" in the right to carry out fencing (fencing) measures on the territory, plot, residential areas and other facilities established by this law (Article 19).

In order to legally regulate problematic situations, it is necessary to add an amendment to Article 284 of the Code of Administrative Responsibility, which reads: "Suspension of the organizers and participants of the event, as well as the suspension of the public event without complying with the requirements for public safety."

We propose to be divided into the following types of administrative restrictive measures, according to their purpose, nature and object of influence:

- a) Offender - measures applied to an individual.
 - a. a request to stop the illegal action;
 - b. administrative detention of a person who has committed an administrative offense; the use of weapons and other special means of physical impact on the offender.
- b) Offender - measures applied to a legal entity.

Suspension or closure of the enterprise;

- a. Refusal to issue a license, suspension or revocation of the license.
- b. Measures of a technical nature.
 - a. suspension of the use of vehicles whose technical condition does not meet the established requirements;

Suspension of technical aspects used in public events in situations that threaten the safety of citizens.

The Law of the Republic of Uzbekistan "On Fire Safety" of September 30, 2009 should include a separate article on the powers of organizers of public events and heads of facilities (places) of public events in the field of fire safety.

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