



 Research Article

ORGANIZATIONAL AND LEGAL ISSUES OF PERSONAL INVOLABILITY IN THE SYSTEM OF PROVIDING RIGHTS AND FREEDOM OF CITIZENS IN CRIMINAL PROCEEDINGS

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ABSTRACT

The article analyses the organizational and legal issues of personal integrity in the system of ensuring the rights and freedoms of citizens at the theoretical and practical level

KEYWORDS

Rights and freedoms of citizens, theory, practice, organizational and legal issues, personal integrity, provision

INTRODUCTION

The history of mankind is the history of man's connection with society and the state, the establishment and evolution of the notions of freedom and equality. "The state is the reality of tangible freedom", Hegel argued, and its objective "is the

happiness of citizens... If citizens feel uncomfortable, if their subjective desire is not satisfied, if they do not find that the state as such is the means of this satisfaction, then the power of the state is uncertain" [1].

Taking historical lessons into consideration, provisions on the dedication to human rights, democratic values, and social justice are incorporated in the norms of the Constitution of the Republic of Uzbekistan and the tasks of constructing a humane democratic constitutional state are set [2]. These norms, which are primarily concerned with safeguarding citizens' rights and freedoms, are successfully enforced throughout all branches of state power. Among these, the country's legal system and law enforcement organizations are tasked with increasing the assurances of trustworthy protection of the rights and freedoms of citizens.

Personal security is understood to have various components, one of which is personal integrity. According to the wording of Article 27 of the Constitution of the Republic of Uzbekistan and the draft “Concepts of the National Security of the Republic of Uzbekistan” individual security can be described as the state of protection of one's important interests. With reason, such fundamental interests should include personal integrity.

Personal integrity, in our perspective, can be described in both broad and restricted terms. In a broad sense, personal integrity includes physical, spiritual and volitional integrity; in the narrow sense, the volitional inviolability of a person's individual freedom. It is best to limit ourselves to understanding personal integrity in the restricted meaning in the context of this article.

With this approach, protecting citizens' right to personal inviolability should be carried out on the basis of a set of regulatory, legal, and organizational methods for the protection and protection of a person's individual freedom.

In the legal literature, the subject of ensuring individual rights and freedoms is frequently related with legal

assurances, which are not always viewed plainly. There are some who believe that legal guarantees:

represent a system for ensuring subjective rights, which includes norms of a right-establishing and law-restoring nature that directly ensure the legal status of an individual [3];

include measures to improve legislation, measures to detect violations of the law, measures of protection, measures of responsibility, measures to prevent violations of the law [4];

encompass legal principles and norms, as well as other legal phenomena, such as legislatively set ways (means, measures) aimed to directly secure the application and protection of subjective rights and freedoms and, as a result, the individual's enjoyment of the benefits underlying them. [5].

At the same time, a unified system of legal means connected to legal guarantees of an individual's rights and freedoms can be divided into two categories:

legal means to ensure the lawful exercise of rights and freedoms;

legal means protecting (protecting) rights and freedoms.

Most of the individual's rights and freedoms can be based on the aforementioned description of legal means. However, it does not work fully in relation to the right to personal integrity because the legal means that ensure the lawful exercise of the right to personal inviolability, for the most part, relate to prohibitive norms, that is, they are of a protective nature and, thus, should be attributed to the second group of guarantees.



It appears to make sense to discuss securing the right to personal integrity, which includes measures for its protection and protection, as well as means of assuring it. At the same time, it should be underlined that considering assurances as measures for the protection and protection of individual rights is scarcely correct. Because rights are varied occurrences, they cannot be reduced to measures of protection and protection. Guarantees are methods, while protection and protection are the acts of competent state entities and public organizations that employ the aforementioned means (guarantees). At the same time, opposing assurances and steps for the protection and protection of individual rights is incorrect. The organizational activity of state entities and public organizations for the protection and protection of individual rights can be represented by organizational guarantees, i.e. the means by which rights are exercised.

The right to personal integrity is protected through a series of measures aimed at preventing infractions and addressing the causes of them. The legislator establishes that the method of exercising the right to personal integrity must adhere strictly to legal standards.

Adoption of relevant legal standards aimed at preventing unlawful limits on the individual freedom of citizens who obtain the status of guarantees ensures the legal nature of the protection of the right to personal inviolability. At the same time, the legal form cannot convey and combine the myriad social variables that influence the implementation of people' rights and the effectiveness of this process. The law cannot give each law enforcement officer with a high level of consciousness or competence if their duties are tied to the restriction of personal integrity. Although the law creates sanctions for violations of this right, non-legal

measures are also required for its comprehensive protection.

In contrast to its protection, the protection of the right to personal integrity is a set of measures carried out by state bodies with the goal of identifying and suppressing illegal encroachments on citizens' individual freedom, restoring the right to personal integrity, and holding those responsible for its violation accountable. It should be highlighted that if the right to personal integrity can be protected by both legal and organizational measures, then the protection measures are entirely legal in character, governed by laws and departmental regulations.

The system of guarantees is the final component of the process for protecting the right to personal integrity. Individual rights are commonly considered as basic conditions (economic, political, social, and spiritual underpinnings for society's functioning) and specific (legal) procedures that are codified in law and directly enable the possibility of lawful exercise of individual rights. General and legal assurances are distinguished in accordance with this.

Any system, including the legal guarantee system, requires a classification of its essential elements. If we evaluate the viewpoints accessible in the literature on the problem of the forms of legal guarantees, we can offer different ways of establishing a system of legal guarantees for people, depending on the criterion behind the classification.

In terms of generality, there are: a) guarantees enshrined in the Constitution, current legislation, and actions of state administration; and b) general guarantees relating to all rights and to each right separately, as well as special guarantees that secure the application of a specific right.



By functions: a) guarantees of realization and guarantees of protection (protection) of rights and freedoms; b) stimulation, law enforcement, and preventive-enforcement; and c) the methods by which rights can be exercised and their protection is ensured.

By sphere: state-legal, administrative-legal, civil-legal, criminal-legal, criminal-procedural, etc.

Each of the specified criteria for identifying legal guarantees of individual rights has an objective basis, allowing us to approach guarantees from various perspectives and see their various qualities.

In order to defend citizens' rights and freedoms, as well as the legitimate interests of society and the state, law enforcement authorities are required to utilize measures that limit citizens' personal integrity as a necessary means of operation. They are intended at combating offenses and ensuring the conditions for obtaining the truth in cases of offenses, preventing the commission of new socially dangerous activities, and rectifying offenders as provided by law, and do not contradict the constitutional provision for personal integrity. These measures applied by law enforcement agencies include administrative and criminal procedure detention, arrest, bringing into custody, detention as a measure of restraint [6], forced placement of a suspect or accused for a forensic medical examination in a psychiatric medical institution for inpatient observation.

The findings of interviews with law enforcement practitioners [7] enabled the identification of the primary reasons of these infractions. These are some examples:

1) ambiguity, inconsistency of legislation and departmental regulations; 2) imperfection of departmental legal regulation of the activities of law

enforcement agencies; the complexity of the procedural requirements for the performance of certain legal actions; 3) overload of investigators with the investigation of criminal cases of various categories; 4) lack of expertise; deficiencies in investigators' interactions with bodies of investigation; 5) breach of investigators' procedural independence; 6) delegation of functions atypical for individual employees; 7) one-sidedness and incompleteness in evidence collecting; 8) inaccurate appraisal of the established circumstances and acquired data; 9) insufficient degree of legal training of law enforcement officials; deficiencies in personnel selection, placement, and education; deficiencies in the organization of their professional training; 10) Discipline deterioration; 11) conflict between expediency and legality; 12) deficiencies in the organization and implementation of control over compliance with the law in the actions of law enforcement agencies.

An examination of these reasons enables us to identify four major areas of activity to prevent violations of citizens' personal integrity in the activities of law enforcement agencies: a) legal regulation of law enforcement agencies' activities affecting citizens' personal integrity; b) organizational activities in law enforcement agencies aimed at ensuring this right of the individual; c) collaboration with law enforcement personnel; and d) control over law enforcement personnel.

The resolution of these issues is largely dependent on people who are relied upon to perform the responsibilities assigned to law enforcement agencies, on their degree of qualification, law-abiding, excellent manners, and a variety of other criteria that characterize a law enforcement officer's look. As a result, the key direction in the fight against violations



of citizens' personal integrity by law enforcement officers is:

improvement of work with personnel (selection and placement of personnel, their professional training, educational work);

control over legality in the correct application of coercive measures by law enforcement agencies, timely and complete detection, suppression and prevention of violations of the personal integrity of citizens.

Because of the diverse nature of law enforcement agencies' actions, the requirement for prompt and full detection and removal of violators of the law, and the implementation of efficient measures to avoid violations, there are so many ways to ensure the rule of law [8].

To summarize the problem, the combination of various types of control over the rule of law (state, interdepartmental, public control, supervision of the prosecutor's office, and control of the judiciary), on the one hand, allows it to be carried out for all aspects of law enforcement agencies' activities, on the other hand, it necessitates a clear delineation of the competence of control and supervisory bodies to avoid duplication in their work. They should complement rather than replace one another; thus, clarifying competence, improving the system, organizational structure, and forms of activity of control and supervision bodies are of great practical importance for ensuring and strictly observing citizens' personal integrity in the activities of law enforcement agencies.

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