

NATIONAL REGULATORY REGULATION OF ENSURING HUMAN RIGHTS, FREEDOMS AND LEGITIMATE INTERESTS IN OPERATIONAL-SEARCH ACTIVITIES

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ABSTRACT

The article studied the national regulatory framework for ensuring human rights, freedoms and legitimate interests in operational-search activities, and, according to its legal level, emphasized the division into constitutional, legislative and legislative acts. The norms of the Constitution, laws and legislative acts on human rights and freedoms in the field of operational-search activities are analyzed and proposed to make amendments and additions to the legislation in the field of operational-search activities.

KEYWORDS: *Constitution, Law, Decree, Decision, Instruction, Manual, Regulation, Joint Decision.*

INTRODUCTION

The Constitution, the Basic Law of countries, the construction of the state and society, is a document with a higher legal force, which in one way or another reflects the rights and obligations of a person. In history, the Constitution of the Uzbek SSR adopted in 1927 established the participation of a hardworking and exploited people in land use, participation in elections, freedom of conscience, assembly, rally, rights and freedoms were not recognized as natural and integral, but recognized as being taken from the state and taken away from class opponents. In the Constitution adopted in 1937, the restriction of the rights of certain categories of persons was formally eliminated, and the system of socio-economic rights and obligations (such as work, rest, material support, free medical care, a number of obligations, the implementation of laws, strict adherence to labor discipline, honest treatment of public duties) was expanded. Later, in the Constitution adopted in 1978, the legal status of a person was further improved, in addition to the norms that determine the personal and socio-economic and political rights of citizens, the international principles of human rights and freedoms were reflected, and the rights to participate in the management of state and society were also established. At the same time, the Constitution strengthened the position of the unified Communist Party, without allowing political and ideological diversity. Also, during these periods, more than three hundred laws and legislative acts were adopted on the basis of the Constitution and implemented to a certain extent in the name of compliance with human rights and freedoms in operational-search activities. This was due to the fact that the constitutions adopted in 1927, 1937 and 1978 were created on the basis of the shurovy ideology, with no emphasis on the protection of human rights, freedoms and legitimate interests, the first issue was focused on the interests of the unified Communist Party. In the early years of independence, more than a hundred regulatory legal acts were adopted on the provision of human rights, freedoms and legal negatives in operational-search activities. In particular, the

second section of the Constitution of the Republic of Uzbekistan entitled "fundamental rights, freedoms and duties of people and citizens" reads: "all citizens living in the Republic of Uzbekistan are equal before the law, regardless of social origin, faith; the rights and freedoms of citizens are inviolable, from which no one has the right to deprive or restrict them without a court decision; legal protection of citizens inside and outside the country; the provision of rights and freedoms of foreign citizens and stateless persons in accordance with the norms of international law; the use of personal, political, economic, social rights of citizens and the inviolability of these rights are protected by laws" [1] is a sign that the provision of human rights and freedoms in operational-search activities is at the level of state policy. However, problems were observed in the practical application of the rules provided for by some norm of the Constitution. For example, we believe that operational-search measures or investigative actions related to the restriction of a person's constitutional rights and freedoms are carried out on the basis of the sanction of the prosecutor, in fact, these actions should be allowed by the court under the law, and only the court should be competent to limit the right of citizens to immunity.

In the address of the president of the Republic of Uzbekistan dated December 20, 2022 to the people of the Republic of Uzbekistan, we must instill in our Constitutions and laws as well as in our daily lives the idea of "first – man, then – society and the state". It is necessary that we strengthen the foundations of our national statehood, capable of overcoming serious tests and unpredictable risks of the present day. In general, the opinion in the content of " We must work out without haste, thinking in every possible way the Constitution, which is enriched with the spirit of glorifying human value, worthy of future generations, suitable for the New Uzbekistan, " indicated that the main emphasis in the norms of the new edition of the Constitution is on ensuring human rights and freedoms. Indeed, in ensuring human rights, freedoms and legitimate interests in operational-search activities, the Constitution of the Republic of Uzbekistan adopted by Universal vote in the referendum of the Republic of Uzbekistan held in our republic on April 30, 2023 is the most important legal resource. In our main remark in the new edition: "man, his life, freedom, honor and dignity are considered high values, the state is responsible for the well-being of Man, the sustainable development of society, human rights and freedoms are recognized according to generally accepted norms of international law, human rights and freedoms belong to everyone from birth, the inviolability of rights and freedoms; a person has the right to live, honor and dignity, freedom, personal immunity, the absence of a person without a court decision, the need to explain all his rights when catching him; that a person suspected of committing a crime has the right to silence, is found not guilty until proven guilty in court; that a person is not obliged to testify against a close relative; respect for; each person has the right to keep correspondence, telephone conversations, mail, electronic and other messages secret, the restriction of this right is carried out only on the basis of the court's decision, according to the grounds provided for by law; everyone has a housing immunity, which can be entered into the house without consent by anyone or the house is not broken, ; on the restoration of violated rights, the right of a person to contact international bodies that protect his rights and freedoms; the obligation of citizens to comply with constitutions and laws, respect the rights, freedoms, honor and dignity of other people; the obligation to ensure the rights, freedoms and legitimate interests of the child is established by such important rules as.

In the analysis of the norms of the Constitutions of the Uzbek SSR and the constitutions adopted in the old and new editions of the Republic of Uzbekistan, first, the priority of the interests of

power and ideological goals in the content of the Constitutions of the Uzbek SSR without paying attention to the issue of ensuring human rights and freedoms[35]; secondly, in the,

Articles 13, 14, articles 24, 26, 31, 40 of the second section are established in Chapter 10 and the New Edition contains the preamble to the norms on human rights in the Constitution of the Republic of Uzbekistan, Articles 13, 14, second section 19, 20, 21, 25, 26, 28, 31, 42, 44, 50-articles 54, 55, 56 of Chapter 10, Chapter 11 of Article 60, Chapter 14 of Articles 77, 78, in the new edition of our Constitution, the increase in the norms regarding the provision of human rights and freedoms almost tripled in operational-search activities of human rights, it shows that the provision of their freedoms and legitimate interests is one of the top priorities.

In the years 1991 – 2022 of independence, current laws on the provision of human rights and freedoms in operational-search activities were adopted, conditionally dividing these laws into three stages.

Stage 1: law of the Republic of Uzbekistan "on the preservation of state secrets" in 1991-2011; "on administrative responsibility", "crime", "criminal – procedural", "Criminal-executive" codes; "on guarantees of legal activity and social protection of lawyers"; "on drugs and Psychotropic Substances"; "on Telecommunications"; "on combating terrorism"; "on the prosecutor's office"; "on banking secret"; The laws "on informatization", "on detention in the course of criminal proceedings" provide a legal basis for ensuring human rights and freedoms. First of all, when the essence of these laws is analyzed, the fact that some citizens with information related to state secrets turn to the body that ensures the preservation of state secrets to resolve the issue of the need to declassify such information; the declassification of information that threatens the security of a citizen is not considered a state secret; Suspension or deprivation of a permit issued to a citizen of the Republic of Uzbekistan for use in work with confidential information does not relieve a citizen of the obligation not to disclose state secrets known to him; a citizen of the Republic of Uzbekistan who works or has worked with information constituting a state secret or military secret before the expiration of the; special examination of citizens with the consent of citizens in formalizing permission to use in work with information that constitutes a state secret or military secret; keeping a state secret is considered a duty of the citizen of the Republic of Uzbekistan[3]; secondly, legislation on administrative responsibility acts as protection of the rights and freedoms of citizens in the way of; thirdly, the falsification of the results of operational-search activities for the purpose of criminal prosecution of a person whose involvement in the commission of a crime is previously evident, or in order to harm the reputation of honor, dignity, workmanship, will cause liability[5]; fourth, the decision by the operational staff to refuse to initiate a criminal case in the pre-investigation examination at the request of criminal procedural legislation, received more than 260 total provided for by criminal law in accordance with the norms of criminal-procedural legislation on crimes to be obtained and identified operational personnel in accordance with the norms of; sixth, it is forbidden to require a lawyer and his assistant and intern to provide any explanation or testimony about the circumstances in which the subject of the legal secret is considered, to provide material for use in operational-search activities[8]; seventh, to regulate social relations regarding the circulation of Drugs, Psychotropic Substances and precursors to maintain the health of citizens, to deliver them under control from drugs, Psychotropic Substances and precursors and to carry out controlled rapid-search measures to ensure non-violation of individual rights[9]; eighth, to establish advantages in the issue of keeping in line while using; Ninth, to maintain civilian peace and national harmony by combating terrorism, to prohibit entry of foreign citizens and stateless persons into the Republic of

Uzbekistan involved in terrorist activities, that citizens have the right to assist state bodies in the fight against terrorism, not to include a citizen's vehicles in certain precincts and facilities of the place in the zone conducting anti-terrorist; thirdly, the prosecutor general of the Republic of Uzbekistan and its subordinate prosecutors will protect the rights and freedoms and legitimate interests of citizens, control over the implementation of laws aimed at ensuring their rights and freedoms, consider applications and complaints, documents of Public Administration bodies and governors seriously discriminate against the constitutional rights and freedoms of citizens, the prosecutor general, requiring citizens to provide oral or written explanations on violations of the law[12]; first of all, information on pension funds in citizens ' personal accumulative pension accounts is allowed on the basis of the sanction of the prosecutor to obtain this information, forming a bank secret[13]; twelfth, information aimed at encouraging or otherwise engaging citizens, including minors, to commit non-violent acts that threaten their lives and (or) the lives and (or) the health of other persons, and (or) the health of the Internet world Information Network, which undermines the honor and dignity of citizens or the reputation of workmanship. [14]; thirdly, it became known that foreign citizens, stateless persons who were detained and imprisoned in the territory of the Republic of Uzbekistan on an equal footing with citizens of the Republic of Uzbekistan enjoy rights, freedoms and fulfill their obligations, provide medical care to victims in places of detention and detention, and apply firearms to ensure the safety of citizens[15].

2-step: In 2012-2017, the laws of the Republic of Uzbekistan "on operational-search activities", "on the profile of violations", "customs code", "on state policy on youth"; "on internal affairs bodies"; "on combating corruption"; "on the procedure for serving administrative detention"; "on appeals of individuals and legal persons" are legal grounds for ensuring human rights and freedoms. When the essence of these laws is analyzed, first, the implementation of operational-search measures in accordance with the legal grounds and conditions for the implementation of operational-search Tabernacles on the basis of general and special principles provided for by legislation in solving the tasks of operational-search activities [16]; secondly, the local state authorities will see measures aimed at ensuring the protection of; ensuring control over compliance by citizens with the rules for maintaining a civil and service weapon and its ammunition in the field of prevention of violations of the internal affairs bodies; participation in the disclosure and investigation of crimes, the search for persons and missing persons who evade court appearances, the development and implementation of complex programs aimed at raising the legal consciousness and legal culture of citizens in the field of prevention of violations of the anti-corruption agency, the development of programs on the Prevention of violations in the field of, the Prevention of violations in the field of maintaining the health of citizens, the interagency commissions for the Prevention of violations and the fight against crime ensure the protection of the rights and freedoms of citizens, state bodies participating in the Prevention of violations and carrying out the Prevention of violations, provide the necessary assistance to other entities[17]; thirdly, the human honor and dignity; fourth, the Constitution of the Republic of Uzbekistan and the guarantee of the rights and freedoms of every young citizen in accordance with this law[19]; fifth, the priority of citizens ' rights, freedoms and legitimate interests in the fight against corruption; participation of citizens in the fight against corruption[20]; sixth, citizens of the Republic of Uzbekistan, foreign citizens and stateless persons who have been placed in administrative detention will use rights and freedoms taking into account the restrictions established by law, foreign citizens will be notified to the Ministry of foreign affairs within 24 hours from the time of administrative detention[21]; the fact that individuals and legal entities are

guaranteed the right to apply individually or collectively, does not violate the rights, freedoms and legitimate interests of other individuals and legal entities in the implementation of the right to apply, individuals and legal entities of foreign countries, stateless persons have the right to apply to state bodies, organizations and their officials of the Republic of Uzbekistan in accordance with this law" [22]

3-step: In 2018 – 2022" on the State Security Service"; "on combating extremism"; "on the state customs service"; "on the protection of victims, witnesses and other participants in the criminal process"; "on administrative control over certain categories of persons exempt from penal institutions"; "on information on the person"; "on Combating Trafficking in persons"; "on state registration by genome"; "on normative legal acts"; "on freedom of conscience and religious organizations"; The laws "on the state of emergency "and" on Cyber Security " provide a legal basis for ensuring human rights and freedoms. First of all, when the essence of these laws is analyzed, the state security service cooperates with citizens in the manner prescribed by law in the performance of the tasks assigned to it; employees of the state security service require citizens to leave places where urgent-search, search and other activities, pre-investigation checks and investigative actions are carried out, involve citizens in assistance with their consent, reward citizens who have assisted the state security service; take all necessary measures to protect the constitutional rights and freedoms of citizens; deliver citizens in need of urgent medical; secondly, the participation of citizens in activities to combat extremism, the responsibility of citizens of the Republic of Uzbekistan, foreign citizens and stateless persons when carrying out extremist activities[24]; thirdly, one of the main tasks of customs authorities is to elevate the legal culture of citizens in the customs sphere, cooperate with citizens in the performance of the duties assigned to the customs authorities, ; fourth, the use of security and social protection measures in the presence of the threat of aggression on the Life, Health and property of other participants of the victim, witness and criminal proceedings, which promotes the prevention and disclosure of crimes[26]; fifth, in the implementation of administrative control, the internal affairs bodies request and receive information from citizens; cooperation with citizens; ; sixth, the cross-border transmission of information on the person when it is necessary to protect the rights and freedoms of citizens; processing of information on the person of his citizens using information technology[28]; fourth, the development of programs aimed at supporting citizens to state bodies carrying out activities to combat trafficking, solving socio-economic problems that cause the Prevention of victims of trafficking in Citizens, their defenselessness and danger, granting the right to temporary stay in the Republic of Uzbekistan to a foreign citizen or stateless person who is recognized as victims of trafficking, regardless of; eighth, citizens of the Republic of Uzbekistan, foreign citizens and stateless persons, including minors, legal representatives of a person who is recognized by the court as incapable of circulation or Limited of treatment, have the right to state registration by genome, voluntary state registration by genome is carried out on a paid basis according to the written application of individuals[30]; Ninth, the preparation of the draft normative legal act is the participation of citizens in the Working Group on the basis of consent, the use of proposals and recommendations of citizens in the preparation of draft normative legal acts" [31]; thirdly, in ensuring freedom of conscience, discrimination of constitutional rights and freedoms of citizens, encroachment on the health and morals of citizens, non-permissibility of violation of citizens ' harmony, failure to forcibly instill religious views regardless of the attitude of citizens to religion, ensuring the observance of freedom of conscience and religious organizations legislation by citizens, Prohibition of the absorption, distribution of religious ideas, Foreign citizens and stateless persons on an equal footing with citizens of the

Republic of Uzbekistan enjoy freedom of conscience, freedom of belief in religion [32]; first of all, the state of emergency should be introduced in special cases in the presence of situations that directly threaten the Life, Health and safety of citizens of the Republic of Uzbekistan and cannot be eliminated without; on the twelfth, it became known that the competent state body in the field of cybersecurity will ask and receive information, other necessary documents from citizens, the use in investigative actions on cybersecurity phenomena[34] has been established.

By analyzing the content of more than thirty current laws studied within the framework of the research work, firstly, compliance with the principle of compliance with and respect for the constitutional rights and freedoms and legitimate interests of Man and citizens; secondly, assistance to competent state bodies in appeals, prevention and disclosure of various crimes, participation in the preparation of the bill; thirdly, the state; fourth, it was concluded that citizens should be recruited in davdat bodies as social rights; fifth, cooperation with law enforcement public bodies and civil society institutions was needed.

There are some shortcomings in the correct implementation of these laws in practice. For example, the information that makes up the bank's secret is so far obtained on the basis of the sanction (permission) of the prosecutor, this situation leads to a violation of the inviolability of personal (funds, about the fund) data of citizens. These actions are considered an act contrary to the requirement of Article 19 of the Constitution. Also, the law "on operational-search activities" is considered important in ensuring human rights, freedoms and legitimate interests, ensuring the implementation of operational-search activities in close connection with the norms contained in it and some of the norms of other current laws highlighted above. For example, the law "on operational-search activities" describes the tasks and basic principles of operational-search activities, the basics and conditions for conducting operational-search activities, and on the basis of the requirements established in these norms, operational-search activities are required to be carried out. For example, the consideration of Appeals of individuals, legal entities by law for up to a month ensures human rights, freedoms and legal interests, when operational-search activities are carried out during this period, an operational employee performs an Operational-Search event subject to the grounds and conditions specified in the law. On the contrary, when an event is held without legal grounds and, according to the outcome of the event, the documents drawn up are deemed so-called, the employees guilty of the resulting violation of human rights and freedoms are criminalized.

In the legal regulation of the provision of human rights, freedoms and legitimate interests in operational-search activities, legislative acts are of particular importance. Examples of such documents are decrees and decisions of the president of the Republic of Uzbekistan, decisions of the Cabinet of ministers, decisions of ministries and their equivalent state bodies, regulations, manuals and instructions approved by order, decisions of local state authorities.

When the legislative acts adopted on the example of a single internal affairs body were studied, as well as more than two hundred departmental regulatory legal acts of the Ministry of internal affairs related to operational – search activities in the provision of human rights and freedoms were adopted in 1991-2022, the Ministry of Internal Affairs has regulated the service activities in the directions of.

Based on the analysis of the legal regulation of the provision of human rights, freedoms and legitimate interests in operational-search activities, the following are:

explaining the division of national regulatory legal acts into three groups (Constitution, laws and legislative acts) in the system of bodies carrying out operational-search activities, in the provision of human rights, freedoms and legitimate interests in the conduct of propaganda and propaganda among the population;

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amendments and additions to legislative norms on operational-search activities, taking into account the fact that more than twenty norms establish rules regarding the provision of human rights and freedoms. Therefore, according to Articles 29, 34, 170, 382 of the Criminal Procedure Code of the Republic of Uzbekistan, Article 28 of the law "on the prosecutor's office", Article 19 of the law "on operational-search activities" related to the conditions for conducting operational-search activities, Article 19 of the law "on the secret of the bank", preliminary investigation, Article 9 related to submission to inquiry bodies and bodies carrying out operational-search activities is proposed to amend and addendum the procedure for sanctioning the conduct of operational-search activities related to the restriction of the constitutional rights and freedoms of human and citizen from the prosecutor to the authority of the court.

In conclusion, it should be noted that knowledge of the nature of national regulatory legal acts regarding the provision of human rights, freedoms and legitimate interests in operational-search activities serves as a legal resource in the correct and effective implementation of operational-search activities.

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