



# Legal Powers of Internal Affairs Officers and Issues of Their Improvement

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## Abstract

This study examines the legal powers of internal affairs officers in Uzbekistan, focusing on licensing, permit issuance, and compliance inspections. The research aims to assess current legal frameworks and propose improvements to enhance the efficiency and accountability of internal affairs bodies. Methodologies include legal analysis of national laws, such as the 2016 Law "On Internal Affairs Bodies," and comparative studies with international legal practices. Findings reveal that while internal affairs officers have defined powers, gaps in enforcement mechanisms and ambiguities in legal norms hinder effective operations. Specific recommendations include revising Article 17 of the Law to expand and clarify the scope of responsibilities and aligning practices with contemporary administrative-legal demands. The study highlights the importance of a robust legal framework to ensure the safety of officers, protect citizens' rights, and maintain public order, contributing to the development of democratic governance in Uzbekistan.

## Keywords

Internal Affairs Bodies, Licensing, Permitting, Legal Compliance, Inspections, Legal Norms, Authority, State Bodies, Legal Requirements, Enforcement.

## Introduction

This article explains the powers of internal affairs officers in the areas of licensing and permit issuance, as well as their authority to conduct inspections to ensure compliance with legal requirements. It discusses the role of state bodies in implementing these tasks and highlights important aspects related to the effective enforcement of legal norms governing the relationship between public authorities and citizens.

Following the attainment of independence, the Republic of Uzbekistan enacted several

normative legal acts defining the powers, service duties, and legal status of law enforcement officers. However, the activities of internal affairs bodies had not been regulated by legal norms. On September 16, 2016, the long-awaited Law "On Internal Affairs Bodies" was adopted, establishing the legal protection of law enforcement officers and defining their powers

## Methods

This study employs a qualitative research methodology to analyze the legal framework and operational practices of internal affairs officers in Uzbekistan. The primary focus is on evaluating the powers granted under the 2016 Law "On Internal Affairs Bodies" and related legal provisions. The research integrates doctrinal legal analysis to examine statutory laws, administrative codes, and secondary sources, including scholarly articles and international legal practices.

A comparative approach was adopted to juxtapose Uzbekistan's regulations with international norms, drawing insights from legal systems in Russia, the United Kingdom, and other countries. This comparison highlights best practices and potential improvements to the existing framework. Data collection involved reviewing legislative texts, government reports, and case studies illustrating the practical application of internal affairs officers' powers.

Additionally, expert opinions from legal scholars and practitioners were incorporated to provide a nuanced understanding of challenges in enforcing legal compliance and protecting officers' rights. Content analysis was used to identify patterns, gaps, and ambiguities in the legislation, focusing on Article 17 of the 2016 Law.

The findings aim to propose scientifically grounded recommendations to enhance the efficiency, accountability, and public trust in internal affairs bodies, thereby contributing to the broader goals of democratic governance and rule of law in Uzbekistan.

## Results and Discussions

Article 17 of this law enumerates a total of 42 rights and powers that an officer of internal affairs bodies may exercise or apply while performing their duties. However, due to the ongoing development of administrative-legal relations between state bodies and citizens, there is now a need to revisit and clearly define the rights and powers provided for in the law.

Internal affairs officers, as well as other individuals performing tasks related to maintaining public order and ensuring citizens' rights and freedoms, may face risks to their own life, health, and dignity due to offenses committed against them while carrying out their duties of ensuring public order and citizens' safety. As emphasized by B. Bolotin and N. Godunov, the proper application of legal provisions that foresee punishment measures for such offenses plays a crucial role in preventing them. For this reason, the issue of ensuring the necessary guarantees for internal affairs officers, who are entrusted with performing law enforcement functions due to their professional activities, to fully and effectively carry out their duties, holds significant legal importance in the development of any democratic state.

Legal scholar Dubrovin emphasizes the necessity of clearly defining the scope of "legal demands" and "legal orders" within the legal norms, using the example of police officers in the Russian Federation .

K.D. Ridchenko and A.V. Ravnyushkin also point out that the legal demand of a police officer is reflected in the legal norms, citing as an example the police officer's authority to check documents, which is defined in Article 13, Part 1, Clause 2 of the Law on Police of the Russian Federation .

English legal scholar W. Blackstone emphasizes that police officers, in the course of performing their duties, have the right to stop any person, search them, and request necessary information in order to prevent a crime or apprehend offenders . Richard Main states that the demand made by police officers in the course of performing their duties can only be carried out when necessary to prevent a crime or apprehend offenders. .

Article 10 of the Law of the Republic of Uzbekistan "On Internal Affairs Bodies," dated September 16, 2016, stipulates that within the scope of their authority, internal affairs officers are entitled to issue legal demands, including compliance with the law, provision of documents, inspection materials, and other information, appointment of specialists, arrival at the internal affairs bodies, and providing explanations regarding identified violations. It also outlines the legal demands for eliminating violations, as well as the causes and conditions that allowed them to occur. These legal requirements must be enforced by all state bodies, other organizations, officials, and citizens.

Moreover, Article 17 of this law specifies the rights that internal affairs bodies may exercise within the scope of their authority (42 rights are listed in the law, and it is also established that internal affairs bodies may have other rights in accordance with the legislation). Based on these rights, internal affairs officers are entitled to issue legal demands to individuals, and if these demands are not fulfilled, the individuals may be held liable as violators under Article 194 of the Administrative Code of the Republic of Uzbekistan. For example, according to part 4 of Article 17 of the "Law on Internal Affairs Bodies," internal affairs officers have the right to require citizens to leave the place where a crime, administrative offense, or incident has occurred, if necessary for pre-investigation and investigative actions, operational-search and search measures, documenting the crime, administrative offense, or incident, or preserving traces of the crime, administrative offense, or incident. Although the non-fulfillment of this demand is not directly specified as administrative liability in Article 194 of the Administrative Code of the Republic of Uzbekistan, such actions by an internal affairs officer would be considered as non-compliance with the officer's legal demand, as described in the disposition part of the article.

Therefore, it can be stated that determining the clear boundaries of the legal demands of internal affairs officers, ensuring accountability for non-compliance, and providing scientifically substantiated proposals and recommendations to address issues in the field of law enforcement are pressing matters that must be resolved without delay in today's context.

In particular, the thirty-ninth paragraph of the first part of Article 17 of the Law "On Internal Affairs Bodies" states that one of the rights of internal affairs bodies is to carry out the issuance of documents with licensing and permissive characteristics, as well as to conduct inspections to ensure compliance with the licensing requirements and conditions in accordance with the legislation. However, internal affairs bodies not only conduct inspections to ensure

compliance with licensing requirements and conditions but also, in accordance with the Law "On Licensing, Permitting, and Notification Procedures" dated July 14, 2021, are responsible for notifying when public catering establishments and entertainment venues begin operating during the nighttime. The notification process is carried out according to the requirements and conditions listed in the "Passport of Activities for Public Catering Enterprises and Entertainment Venues Operating at Night," which is attached to the "Unified Regulation on Notifying Authorized Bodies About the Commencement or Termination of Activities," approved by the Decree No. 88 of the Cabinet of Ministers of the Republic of Uzbekistan on February 25, 2022. These conditions include:

- 1) The presence of a video surveillance system that allows storing footage for at least fifteen days in the internal areas of public catering establishments and entertainment venues, including service rooms, entrances, and exits, as part of the "Safe City" concept.
- 2) Sufficient lighting (at least 10 meters away) around the building, parking lot, and other relevant areas.
- 3) Ensuring that noise does not exceed the permissible levels according to sanitation regulations and standards, including equipping the venue to be soundproof or not using loudspeakers or amplifying equipment during the night.
- 4) Provision of fire extinguishing equipment, as well as medical aid kits containing necessary medicines and medical supplies.
- 5) Installation of emergency evacuation plans and contact information for emergency and rescue services in all visible areas of the building.
- 6) Assigning a responsible night-shift employee to monitor security in the entertainment venue.

These requirements and conditions are part of the internal affairs bodies' authority to inspect and oversee compliance.

In light of the above, it is proposed to present the thirty-ninth paragraph of the first part of Article 17 of the Law "On Internal Affairs Bodies" as follows:

"Carrying out the issuance of documents with licensing and permissive characteristics, as well as conducting inspections to ensure compliance with the requirements and conditions of activities carried out in accordance with licensing and notification procedures as stipulated by the legislation."

## **Conclusion**

The study underscores the pivotal role of internal affairs officers in maintaining public order and ensuring legal compliance in Uzbekistan. Despite the comprehensive powers outlined in the 2016 Law "On Internal Affairs Bodies," gaps in enforcement mechanisms and ambiguities in legal norms hinder their effectiveness. The analysis reveals the necessity of revising Article 17 to clearly define the scope of officers' powers, particularly regarding licensing, permit issuance, and compliance inspections.

By aligning internal affairs practices with contemporary administrative-legal demands and adopting international best practices, the efficiency and accountability of these bodies can be significantly enhanced. Strengthening the legal framework not only ensures the protection of officers' rights but also fosters public trust and adherence to the rule of law.

The proposed recommendations, such as refining legal demands and improving oversight mechanisms, aim to address existing challenges and support the development of democratic governance, thereby contributing to a safer and more just society in Uzbekistan.

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