

**LEGAL BASIS OF THE NATIONAL GUARD OF THE REPUBLIC OF UZBEKISTAN***Turgunov Ilkhom Turgunovich.***Head of the Department of the National Guard of the Republic of Uzbekistan.****Doctor of legal sciences, associate professor.**

The reforms implemented in our country on the basis of the five priority directions of the development of the Republic of Uzbekistan serve to ensure reliable protection of the rights and freedoms of citizens, the interests of society and the state.

In particular, as a result of the reforms carried out in the Armed Forces and law enforcement agencies, the *establishment of the National Guard of the Republic of Uzbekistan on the personal initiative of the President of the Republic of Uzbekistan on August 4, 2017*,<sup>1</sup> later, the radical renewal of its structure, main tasks, and service directions created the basis for the effective implementation of the priority tasks defined in the reforms.

implemented in the National Security System in the past period have become one of the main issues in the focus of attention of the Head of State, the Houses of Parliament and the Government. The main focus is:

formation of a solid legal framework for service and combat activities;

creation and development of facilities infrastructure, strengthening of the material and technical base of units;

radical improvement and renewal of the activity of structural and territorial units (military units and institutions);

judicious use of force in maintaining public order, ensuring security and preventing crimes;

by strengthening the social and legal protection of the personnel and their family members - aimed at increasing the effectiveness of the National Guard bodies .

First, based on the laws adopted in 2018-2020, the National Guard became an independent subject of the laws of the Republic of Uzbekistan "On Defense Doctrine", "On Combating Terrorism", "On Crime Prevention" and "On Protection of the Population from Natural and Man-made Hazards" .

The criminal-procedural and administrative responsibility codes defined "powers of investigation, guarding, public safety and sanitary control units". Departmental fire safety and vehicle technical control services have been launched.

In order to effectively perform tasks in the field of ensuring public order and safety of citizens by the personnel, the responsibility of the National Guard military serviceman and employee for

"evading the fulfillment of legal requirements" and "resisting the performance of service duties" was determined .

In the past period, on the basis of legal documents prepared by the National Guard, appropriate changes and additions were made to **30 laws and 9 Codes** of the Republic of Uzbekistan, **12 decisions of the President and 8 decisions** of the Cabinet of Ministers - related to the activities of the National Guard.

**3** comprehensive laws, **18** decrees and decisions of the Head of State, **5** decisions and **18** orders of the Government were adopted related to the activities of the National Guard . **5 orders** of the commander of the National Guard have been registered with the Ministry of Justice, and work in this direction is ongoing.

secondly, for the purpose of quality organization of service and combat activities, a number of *special military units, security service and public order forces were transferred* from the Ministry of Internal Affairs and Defense **to the National Guard.**

**Investigation units**, which carry out investigations and investigations before the investigation of crimes in the field of public security, has been launched.

In order to effectively establish the administration, the departments of the National Guard were established *in the Republic of Karakalpakstan, regions and the city of Tashkent* .

This year, the decree of the Head of State was adopted on the qualitative transfer of the activities of the National Guard in the field of public safety to a new level, and the tasks of the National Guard in the field of public order and crime prevention , as well as the rights and obligations of regional administrations, were clearly defined.

**More than 10** joint decisions have been signed between the Ministry of Internal Affairs, Ministry of Internal Affairs, Ministry of Internal Affairs, Ministry of Neighborhood and Family Support and the National Guard .

**Safe City** ", " **Safe Area** " and the principle of " **Prosperous and Safe Neighborhood** " , **3-day patrol service was organized** in Tashkent city and regions in cooperation with internal affairs bodies .

Today, the personnel of the National Guard conducts service in patrol directions (car, foot, motorcycle and horse) **organized** to maintain public order .

Also, citizens are helping to maintain public order in public events taking place on the territory of the republic, where forces and means are attracted to crowded markets, shopping and entertainment venues, avenues and squares, parks and other facilities.

In order to prevent crimes in the regions , in accordance with the <sup>2nd</sup> decision of the Ministry of Internal Affairs, the National Guard and the Ministry of Neighborhood and Family Support dated April 20, 2020 " **On the introduction of a new system of curbing crimes in neighborhoods with a severe criminogenic situation**", military personnel and employees of the National Guard involved.

thirdly, New infrastructures of National Guard units are created and developed for the purpose of capital repair of objects, construction of new buildings and objects, construction of multi-storey houses based on long-term preferential mortgage loans for military personnel is being carried out.

In order to strengthen the material and technical base of the units, **modern** combat and service weapons, armored and automotive equipment, engineering tools were purchased, as well as servicemen and employees were provided with new models of clothing and equipment.

fourthly, the quality of security service provision has been improved and the level of coverage has been expanded. In particular, the number of threatened objects today is **45.5% compared to the end of 2017** and the number of households in reserve increased **by 53.6 percent** .

fifthly , in order to ensure the legal regime in emergency situations and to help eliminate the negative consequences of emergency situations, to ensure public safety and control compliance with quarantine rules during the " **Fight against the Coronavirus Pandemic** " in the past period of 2020, **the natural disaster** that occurred in the Karakol district of the Bukhara region , in the Sardoba district of the Syrdarya region **man-made situation** The forces of the National Guard were involved in the elimination of the consequences.

sixthly , Honor Guard units of the National Guard actively participate in events and official ceremonies held with the participation of the Head of State, as well as official representatives of foreign countries and high-level foreign delegations.

seventhly , *in order to develop international cooperation and introduce foreign best practices in the National Guard systems* , **many** international events are organized.

In particular, **delegations of the National Guard visited** Russia, the USA, China, Kazakhstan, Afghanistan, the Republic of Belarus, Turkey, the Republic of Korea, India, Pakistan, Malaysia, the United Arab Emirates, Great Britain, France, Germany, Italy, while Russia, the USA visited **Uzbekistan** , the delegations of China, Kazakhstan, the Republic of Belarus, and Turkey visited.

In the framework of international cooperation, " **special training exercises** " were held in cooperation with **the Turkish Gendarmerie, the US special operations forces and the Armed People's Militia of the People's Republic of China** .

In the past period, the National Guard bodies have been working in cooperation with state agencies to fulfill important tasks in the field of maintaining public order and ensuring the safety of citizens, based on a number of laws, decrees and decisions.

As a continuation of the reforms in this field, on November 18 , 2020 , the **3rd Law of the Republic of Uzbekistan "On the National Guard of the Republic of Uzbekistan" No. <sup>3</sup> O'RQ-647, which** is considered the only conceptual normative legal document defining the status, main tasks, rights and obligations of the National Guard, was adopted.

Regulation of the activities of the National Guard of the Republic of Uzbekistan by a separate law also corresponds to international standards. Clauses **44-45** of the "List of control questions for assessing compliance with the rule of law" of the Commission of the Council of Europe on the right to democracy (Venice Commission) state the need to define the powers of state bodies by law. Regulation of the National Guard's activities by the Law will also increase the rating of Uzbekistan in the international community.

In the Law "On the National Guard of the Republic of Uzbekistan" , conceptual ideas such as protecting the sovereignty of the Republic of Uzbekistan, ensuring public safety and maintaining public order, and ensuring legal order are embodied by the National Guard bodies.

The law consists of **7** chapters and **54 articles**, in its **3rd article** The legal status of the National Guard was clearly defined, and according to it, it was shown that the National Guard is a special type of the Armed Forces of the Republic of Uzbekistan that has certain tasks in the field of public safety and law enforcement in the field of crime prevention.

Also, in this norm, one of the main tasks of the National Guard is to protect the rights, freedoms and interests of individuals and legal entities protected by law . We can say that this, in turn, means that the norms of the law are popular and humane.

In the law, great attention is paid to ensuring legality in the activities of the National Guard, and the principle of legality is included in a separate **Article 5** . According to it, it is stated that the personnel of the National Guard must strictly comply with the requirements of the Constitution of the Republic of Uzbekistan and other legal documents and fulfill them.

**Chapter 2** of the law is devoted to the organization of the composition and activities of the National Guard and includes articles **12-14** . It covers the system of the National Guard (**Article 12**), the reporting and accountability of the National Guard, and the appointment and dismissal of National Guard officials (**Article 13**) .

of the law specifies **the procedure and conditions for serving in the National Guard** , and its **Articles 15-25** of the National Guard clearly regulate issues such as recruitment, training, retraining

and upgrading of personnel, dismissal, extension of service period, reinstatement procedure, awarding of military and special titles.

It should be noted that until today, the status of the employees of the General Directorate of National Guard Protection and its divisions has not been clarified. This, in turn, would cause various confusions in the application of legislation. **In Article 16** of the Law The status of the National Guard officer is clearly defined.

As we know, a number of issues related to service of military personnel are regulated by the Law " **On General Military Obligation and Military Service**" . However, until today, there was no **legal** document defining the order of service of National Guard personnel. **Article 17** of this law clearly stated the procedure for service by National Guard personnel.

**Chapter 4** of the law is devoted to the rights and obligations of the National Guard, and these rights and obligations are sufficiently expressed for the implementation of the tasks assigned to the National Guard.

In particular, according to **Article 27 of the Law** :

rights were expressed such as requiring citizens to comply with legal documents, to stop illegal actions, and to apply coercive measures in case of non-fulfillment of these requirements .

**Article 28** of the Law :

taking measures to protect the rights, freedoms and legal interests of citizens, the property of individuals and legal entities, the security of the individual, society and the state;

ensuring the safety of citizens in public places, including streets, squares, parks, transport highways, railway stations, airports, as well as during public events;

to put an end to illegal acts, to eliminate threats to the safety of citizens, to document cases of crimes, administrative violations, incidents, to ensure preservation of traces of crimes, administrative violations, incidents;

prevention of crimes, their detection, putting an end to them and exposing them, as well as taking measures to identify and find persons involved in their preparation and commission.

**Chapter 5** of the law includes articles **28-32** , which describes **the procedure, conditions and limits of the use of physical force, use of special forces and means, firearms by military personnel (employees) of the National Guard, and the use of vehicles by organizations and citizens.** . Now, in accordance with this chapter, military servicemen (employees) of the National Guard have the right to carry, store, use physical force, and use special tools and firearms in the course of performing their duties, only in the cases and in the order provided by law.

This chapter not only gives the right to use physical force, special forces and tools, firearms, but also imposes obligations on military personnel, that is, when necessary, the use of these tools, at the same time, the limits of their use, reporting in the established order after use, and other obligations. loads.

of the law is devoted to the issue of **legal and social protection of the personnel of the National Guard** .

37 of this chapter , in addition to military servicemen of the National Guard, employees of the National Guard are also required to acquire housing and improve housing conditions, in accordance with the established procedure, to obtain a housing area and a plot of land, to rent residences (staying on lease). has the right to receive monetary compensation in the manner and amounts specified by law, to obtain apartments using long-term, preferential mortgage loans in the manner specified by law, and to obtain land plots for building houses individually.

In general, this Law provided certain privileges to the employees of the National Guard, as well as to military personnel.

**Chapter 7** of the Law consists of Final Provisions, which covers issues of financing and material and technical support of the National Guard, symbols of the National Guard, liability for violations of the laws on the National Guard, and control over compliance with laws.

**The passage of the law places responsibility primarily on the National Guard team. It increases their responsibility even more** .

**The new law** serves not only to strengthen the legal foundations of the spheres related to the activities of the National Guard, but also to increase the effectiveness of large-scale reforms aimed at maintaining public order and ensuring the safety of citizens in our country, as well as reliable protection of human rights, as well as the interests of society and the state.