

Features of Improving the Law Enforcement Function of the State

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Abstract: The article describes the features of improving the law enforcement function of the state, proposals for improving the law enforcement function of the Republic of Uzbekistan, the opinions of scientists, and practical examples of research results.

Keywords: Law enforcement function, law enforcement agencies, court, prosecutor's office, justice, advocacy, internal affairs bodies.

Introduction

The functional significance of the state and its functions is determined by the activities of Uzbekistan to build a legal state and civil society.

The science of the theory of state and law teaches us that the activities of the state are embodied in its multifaceted functions. The term function is derived from the Latin word "functio", introduced into science as a scientific concept by Leibnis, which means implementation, performance, scope of activity, essence, as well as the content of activity.

By the 20th century, society had undergone a serious transformation, so did the image of the state, resulting in new tasks that were not previously known to history. Thus, the function of the state also changed. Some functions that have long been inherent in the state (for example, law enforcement) have been preserved, while other functions have also been preserved, but the achievements of the scientific and technical revolution have completely changed the methods of their implementation (the creation of a nuclear shield to ensure the defense function of the country is an example of this). The content of part of the functions has also changed (including quitting using World Order). Finally a new (for example, social functions) appeared, which had previously been budding. The difference in the state function is evidenced by the fact that the nature of the modern state has changed.

Representing the legal form of the existence of mass power of Uzbekistan, applying to the fulfillment of the legal task, it is achieved within the framework of legislative, executive and judicial activities of the state to ensure freedom, security and ownership. It is the necessity of these three forms that dictates the division of the legislative, executive and judicial branches of power.

The theory and principle of the organization of power, which provides for the division of the three branches of power - the legislative, executive and judicial bodies-of course, is legally entrenched in the constitutions of most democratic states. An example is Article 11 of the Constitution of the Republic of Uzbekistan. In it: "the system of state power of the Republic of Uzbekistan - the division of power into legislative, executive and judicial power is based on the prizip". It forms a unified system of state power. On this basis, free civil society and legal statehood are being built.

The state operates through the system listed above. The main directions of this activity are referred to in theory as state functions. In the legal literature, different bases for the classification of state functions are distinguished. In terms of areas of activity, there are internal and external functions of the state. It is recognized in the literature that the provision of legitimacy and the protection of law enforcement are considered internal functions of the state. Through the implementation of this function of the state, the protection of social relations is ensured, and this function is referred to in the legal literature as the law enforcement function of the state.

Main part

The law enforcement function of the state is carried out through the state apparatus. In other words, the law enforcement function of the state is absorbed into the state mechanism. For some of the bodies of the state mechanism, the implementation of the law enforcement function of the state is the main condition for their existence (for law enforcement agencies), for others it is considered a secondary, additional function.

The role of law enforcement agencies in the system of state bodies is determined by the fact that they are specially created to fulfill the law enforcement function of the state. This is their main and main task. With this, the activities of law enforcement agencies are distinguished from the function of other state and governing bodies. This does not exclude their connection with state bodies, but requires the independence of law enforcement agencies.

The activity of law enforcement agencies is manifested in its functions. But until now, the concept of law enforcement activities has not been developed in the legal literature. Prof of Russia. K.F. Kutsenko believes that this concept, that is, "law enforcement activity" as a legal term, was formed in the late 50s, early 60s of the 20th century, because it was not given enough attention. So, the concept of law enforcement activity appeared relatively late in relation to other legal terms and concepts and did not end the controversy surrounding this concept.

The law enforcement function is the functions inherent in any state. But the content of this concept is interpreted in different ways. If the concept of law enforcement is considered from the point of view of objective law, then it remains in contrast to the point of view of positive law. Law enforcement in this case, when using existing legal regulations, requires them to be coordinated to positive legal norms.

If the concept of law enforcement is approached on the basis of the idea of positive law, in terms of the imperfection of the norms of law, the implementation of the law enforcement function will negatively affect the state of the legal system and depend on the existing state of society and the state. Democracy: while the function of law enforcement plays a positive role in legal states, it is its opposite in a non-democratic state.

It is known that not all norms of positive law are complied with and fulfilled voluntarily by the power of internal belief. A certain part of the population is subject to the requirements of the right only because the state is behind it.

The state develops legal norms, which it itself protects. Without such protection, the right cannot apply. State protection of the norms of law includes various organizational, organizational and technical, educational and warning measures of state bodies on state compulsion, compliance and implementation by citizens.

Currently, in the legal literature, questions about the law enforcement function, which state bodies apply to law enforcement agencies are not subject to controversy. Scientific concepts and definitions devoted to the concept and content of law enforcement are raising various homogeneous questions instead of answering them. From this point of view, there are practically no special studies dedicated to the function of law enforcement on account of. The concept of law enforcement function can be found in the science of state and law theory, in the literature on the topic of state function, or in special literature dedicated to the function of the state.

The textbook "law enforcement agencies" the authors believe that law enforcement is a structural part of a single state-legal framework. It considers all legal ideas and organizations in a dialectical connection in mutual cooperation, constant character and development. In the opinion of other authors, law enforcement activity is "a state activity, the procedure established by a specially authorized body is understood to carry out law enforcement by applying legal measures of influence on the basis of law, strictly following the rules"

Thus, to important signs of law enforcement activity, the authors include:

first of all, this activity is carried out not in any way, but with the help of legal measures of influence;

secondly, legal action measures are carried out on the basis of laws or using another regulatory document;

thirdly, the implementation of law enforcement activities is valid in the manner established by law, subject to certain rules;

fourth, the implementation of law enforcement activities is entrusted to state bodies with special authority.

Results and Discussions

In fact, the law enforcement activities listed above, that is, they are considered signs of their function, but they do not fully reveal the concept and essence of law enforcement activities, that is, their function. It is not so correct in our opinion to consider that the observance of the rules of legality in law enforcement activities and the procedure established in the implementation of the law enforcement function are among the important signs of law enforcement activity.

Because all types of state activities are in accordance with the laws and a certain procedure is subject to the rules (legal, technological, organizational and should be done. For example, the preparation and adoption of all decisions of executive authorities is carried out on the basis of the requirements and procedures provided for by the legislation.

If legal protection is important in Belgium, then every method has this legal protection, but not the legal impact, including the judicial authorities involved in court proceedings, that is, the bar, the prosecutor's office, the examination of the founder, the presence of the prosecutor's office, according to him, the impact on law enforcement agencies and authorities has been tangible for a long time.

It is also noted that the authorities with special powers of the state are involved in the implementation of law enforcement activities. But if the advocacy is not considered a special "body" of the state, then its participation in the implementation of the law enforcement function is provided. These cases were expressed in most literature when the topic "law enforcement agencies" was covered.

Therefore, in our study, we believe that its implementation should be sought after from the objective needs of the social activities of society, interpreting the law enforcement function as a special social activity, not aiming to look for an error in the textbooks mentioned above, but rather to look for the concept, essence and its main signs from traditional conceptions. Because law enforcement is tasked with opening crimes quickly and to the fullest, providing fair punishment to anyone who commits a crime, and exposing those responsible for not being prosecuted and convicted, and ensuring that the law is properly enforced.

The law enforcement agencies of the state should not help to strengthen legality in the manner prescribed by the laws, prevent crimes, protect the interests of the individual, state and society.

As researchers Research law enforcement activities, i.e. functions, they express their diverse opinions. For example, the Russian scientist I.S.Samotshenko puts law enforcement activities in line with the creativity of law and the conduct of operational-executive activities. Alekseev S.S. law enforcement ranks law enforcement among legal forms such as law enforcement, law

enforcement, and law enforcement, and divides law enforcement activities into types such as legal organization, supervision, and law enforcement. In his opinion, the creativity of law is the development and establishment of legal norms of competent state bodies or directly the people, and the formation of law (creation of law) is considered not to fully cover the process, but to be its final stage. The formation of law is a complex social phenomenon, determined by the interaction of objective conditions and subjective factors that determine and ensure the creation of regulatory legal documents V.M.Gorshenev and I.B.The shakhovs allocate law-making and law-enforcement activities, and law-enforcement. In turn, it divides law enforcement into law enforcement, jurisdictional, and law enforcement activities, and emphasizes separate enforcement, oversight activities from it. Y.M.Kozlov understands law enforcement and jurisdictional activities as homogeneous activities.

As can be seen from the above points and considerations, one or another type of law enforcement activity is not associated with certain functions of activity. Also these opinions express the functions of public associations to the function of the state or not.

Different approaches to concepts and definitions of activities related to law indicate the absence of a single methodological approach to correctly distinguish one or another type of activity. The implementation of the concept and essence of law enforcement activities, that is, the implementation of the concept and essence of the function, should cover all the structures involved in this social activity, that is, the tools and methods used in the targeted implementation of certain needs of society in this particular activity, their form and the results arising from them.

Here we need to distinguish between the concepts of law enforcement and law enforcement. Law enforcement performs law enforcement functions. The activities of law enforcement agencies are of a semi-functional nature, that is, a certain law enforcement agency can perform several functions.

Conclusion

The concept of a law enforcement system is a much broader concept in relation to the concept of a law enforcement system. It includes both legal and state structures. After all, it is a functional system. This is, first of all, a certain part of the system of legal norms, in which the function of law enforcement is directly manifested, is the norms of law enforcement. In some branches, for example, in administrative law, there are more norms of protection, in others (for example, in state, civil, family rights) less, but in some way they exist in all branches of law. These norms are an important component of the law enforcement system.

The law enforcement system consists of two main subsystems: guarding legal norms (regulatory subsystem), as well as law enforcement agencies, organizations. In accordance with the idea of the rule of law, the first place belongs to the normative subsystem. Law enforcement agencies form a small system adapted to law enforcement norms in terms of their goals, tools and methods. In turn, the purpose of the law enforcement system is to protect the rights, freedoms and interests of citizens. Law enforcement system three fundamental basis:

- a) purpose and object of law enforcement;
- b) subject of law enforcement;

Law enforcement facilities are classified in accordance with the main areas of social welfare (socio-economic and other areas). In general, the state, law enforcement agencies, law enforcement organizations, legal entities and individuals are law enforcement entities. Law enforcement activities are determined by the guarding function of the legal system as well as the law enforcement function of the state.

Law enforcement activities not only have a complex and multifaceted goal, tasks and functions, but also have a complex structure. Law enforcement activities cover the functions of combating crimes, correctly determining the tactics of re - education of convicts and prematurely preventing the occurrence of offenses by them, ensuring law enforcement, preventing offenses, operational-

search activities, investigative activities, road safety, combating traffic accidents and violations of traffic rules, a number of similar areas. Each of them is important and in a certain sense has an independent character.

From the above statements, we can conclude that the law enforcement function serves the interests of all citizens and communities through its implementation. It has a high social significance and significantly affects the socio-political formation.

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