

# ENSURING LEGALITY WHEN CONDUCTING OFFICIAL INSPECTIONS IN THE ACTIVITIES OF THE NATIONAL GUARD OF THE REPUBLIC OF UZBEKISTAN

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## **Abstract:**

on the basis of studying the national legislation, opinions of scientists the article considers features of service inspection as a way of ensuring legality and discipline in the activities of the National Guard of the Republic of Uzbekistan.

**Keywords:** *civil servants, state bodies, service discipline, violation of discipline, service inspection.*

In recent years, the country has undergone fundamental reforms to further raise our country's development to a new level, as well as the harmonious entry of our state into world politics and economics; revival of national statehood; preservation of centuries-old culture and traditions; building a legal, democratic, secular state and the formation of a civil society.

In accordance with Article 2 of the New Edition of the Constitution of the Republic of Uzbekistan, it is determined that «...The state expresses the will of the people and serves their interests. State bodies and officials are responsible to society and citizens»[1].

It should be noted that the Decree of the President of the Republic of Uzbekistan "On improving the system of republican government bodies" contains an even definition of the state apparatus, so republican government bodies include ministries, state committees, committees, agencies, as well as government structures formed under them and the Cabinet of Ministers of the Republic of Uzbekistan management. In addition, the main tasks and functions of the republican government bodies are: ensuring the practical implementation of the laws of the Republic of Uzbekistan, decrees of the President of the Republic of Uzbekistan and other regulatory legal acts, exercising effective control over their implementation; implementation of foreign and domestic policies, ensuring external and internal security of the state; determining priorities for the strategic development of the country, developing and organizing the implementation of state target programs, implementing measures to carry out economic reforms; ensuring and protecting constitutional human rights and freedoms, the rights of the population to education, medical care, social security, regulation of the labor market, management and coordination of the activities of the national management system in the social sphere; state regulation of the activities of business entities through the creation of an

appropriate legal environment, licensing, certification and standardization; implementation of fiscal functions by collecting taxes, customs payments, distribution of state revenues [2].

In turn, Goal 10 of the Development Strategy of New Uzbekistan for 2022 - 2026 determines the improvement of the legal framework for eliminating corruption factors in the public service, hiring personnel on a competitive basis and assessing the effectiveness of their activities, etc.[3].

As the head of state noted, «...The time has come for government agencies to serve the people, and not for the people to serve government agencies». «...The main reason for the shortcomings is directly related to the processes of selection, training and appointment of personnel. Until a system for recruiting and training independent and new-thinking, responsible, proactive, patriotic and honest personnel who have mastered advanced management methods is created, there will be no qualitative change in public administration». [4]

In accordance with Article 12 of the Law of the Republic of Uzbekistan “On State Civil Service,” the responsibilities of a state civil servant are defined, they are: to comply with the Constitution of the Republic of Uzbekistan, laws and other acts of legislation; conscientiously perform their official duties, comply with the rules of ethical behavior established by the government body, the procedure for working with official information, as well as other rules related to the passage of state civil service; refrain from actions (inactions) that could lead to undermining the authority of a government body or raising doubts about the integrity of its performance of its official duties, including from any form of discrimination, bias or special treatment towards anyone in the performance of their official duties; not to use one’s official position for personal or other illegal purposes, and also not to allow unlawful influence on one’s official activities, the activities of state bodies, their officials and citizens, etc. [5].

But, in any government or management body, situations arise when a manager or other official is forced, and sometimes simply obliged, to make an appropriate (procedural) management decision, which sometimes negatively affects individual employees, employees, and employees. We are talking, in particular, about bringing guilty employees (employees) to disciplinary or financial liability for using their official position for personal and other illegal purposes, committing corruption offenses, as well as applying liability measures in the form of dismissal on the grounds provided for by the legislation on state service and anti-corruption. It should be noted that the subjects subject to an internal audit include not only ordinary employees (employees), but also officials (managers).

As the head of state noted, «...Over the past two years, about 5 thousand officials have been brought to criminal liability for corruption crimes. However, it must be said frankly that this is a struggle not with the cause, but with its consequences» [6].

Thus, one of the effective forms that allows us to identify the causes of violations of official discipline and the rule of law, and on this basis to develop preventive measures both in relation to violators and the entire service team, is official inspections (investigations).

An official inspection can be considered as a measure of disciplinary coercion, since it is carried out upon the fact of an employee’s violation of official discipline, if it is necessary to conduct the most complete and comprehensive study of the circumstances of the commission of a disciplinary offense, as well as in the event of a criminal case or a case of an administrative offense being initiated against an employee, in order to eliminate the reasons and conditions that led to his commission of a crime or administrative offense.

In turn, foreign scientists A.M. Kononov and A.A. Kamaletdinov look at internal audits somewhat more broadly, in particular, the named authors note that internal audits are one of the key elements of working with personnel in internal affairs bodies, a means of ensuring discipline and legality [7].

In addition, an internal audit is carried out at the request of an employee to refute information discrediting his honor and dignity, to confirm the fact of a significant and (or) systematic violation of the terms of the contract in relation to the employee.

An official audit in the broadest sense of the term is a procedural institution that makes it possible, upon completion, to take disciplinary measures established by law (disciplinary sanctions) or, on the contrary, to refute any information that discredits the honor, dignity, or business reputation of an employee (employee).

The study of national legislation, in particular Article 302 of the Labor Code of the Republic of Uzbekistan, contains the concept of an official investigation, which is an inspection carried out in order to establish the fact that an employee has committed a disciplinary offense, to identify the employee's guilt in committing it, the reasons and conditions that contributed to the employee committing a disciplinary offense, to determine the nature and the amount of possible material damage caused to the employer.

In turn, Article 49 of the Law of the Republic of Uzbekistan «On State Civil Service» determines that an internal investigation is carried out by decision of the head of the state body in the manner established by labor legislation. A state civil servant may also be subjected to an internal investigation based on his written statement if it is determined that there are unfounded accusations or conclusions against him.

During the internal investigation, it is necessary to determine the following:

circumstances and conditions that led to the disciplinary offense;

the validity or unfoundedness of the accusation of disciplinary misconduct of a state civil servant;

the nature and extent of damage caused as a result of a disciplinary offense;

the arguments specified in the explanations and written request of the state civil servant [8]. The Code of Professional Culture and Service Discipline of Employees of Internal Affairs Bodies [9] contains in detail the essence and content of the types of violations of official discipline by an employee of internal affairs bodies, provides a classification of violations of official discipline, expressed in the insignificance of the offense committed by the employee and a gross violation of discipline, for which the Code provides for the application of penalties. The disciplinary sanction must be justified and correspond to the gravity of the offense committed and the degree of guilt. When determining a disciplinary sanction, the nature of the offense, the circumstances in which it was committed, its consequences, the previous behavior of the perpetrator, the length of service in the internal affairs bodies, as well as the attitude towards the performance of assigned official duties are taken into account. But with a full presentation of the essence and content of disciplinary violations, there is no concept and content of official inspections as a reference norm for departmental orders.

In turn, chapter three of the Disciplinary Charter of the Armed Forces of the Republic of Uzbekistan [10] contains types of disciplinary sanctions, but does not contain the essence, purpose and procedure for conducting official inspections.

Thus, an internal audit in the broadest sense of the term is a procedural institution that makes it possible, upon completion, to take disciplinary measures established by law (disciplinary sanctions) or, on the contrary, to refute any information that discredits the honor, dignity, or business reputation of an employee (employee). An internal audit is also carried out to refute information concerning the commission of official offenses by an employee, as well as corruption offences. The issuance of relevant administrative documents entailing the application of disciplinary measures is possible only after the completion of an internal audit, during which the actual circumstances of the corruption offense, as well as the guilt of the relevant official, are established. In addition to

establishing the factual circumstances of the relevant offense, the above circumstances must be properly assessed. In turn, Article 49 of the Law of the Republic of Uzbekistan “On the National Guard” [11] determines that for violation of service discipline, a soldier of the National Guard is liable in accordance with the general military regulations of the Armed Forces of the Republic of Uzbekistan, and a member of the National Guard - in the manner established by the Disciplinary Charter.

It should be noted that at present it is not entirely correct to regulate the procedure for conducting an internal audit only by subordinate normative legal acts. This is due to the fact that official relations are becoming more complicated, new grounds for conducting official checks appear, in particular those defined by anti-corruption legislation, including illegal participation in gambling and other risk-based games (bookmakers 1xbet, etc.).

In this regard, there is an objective need to develop a Code of professional culture and service discipline for employees of the National Guard of the Republic of Uzbekistan and regulate the procedure for conducting official inspections of corruption-related disciplinary offenses. This code will help improve the professional culture and service discipline of military personnel (employees) of the National Guard, including cadets and students of educational institutions of the National Guard during official and off-duty activities, regulation of relationships between military personnel (employees), as well as issues of applying incentives to them and disciplinary action.

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