



BODIES OF INTERNAL AFFAIRS AS A SUBJECT OF DELICIOUS RELATIONS

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ANNOTATION

This article provides information on the involvement of law enforcement agencies in tort (obligation) relations arising from harm and its historical development trends. At the same time, the specific aspects of the participation of law enforcement agencies in this relationship as a state body and a legal entity, as well as the reasons for this relationship were discussed.

KEYWORDS: *law enforcement, delict, delict, delict liability, damage, damages.*

In the legislation of many countries of the world, the institution of civil law "Liabilities arising from harm" is defined as universal rules for the protection of the violated rights and legitimate interests of individuals. These obligations arise from harm caused by an illegal act (omission) and are also referred to in scientific practice as a "tort relationship."

Civil law of the Republic of Uzbekistan is based on the Romano-Germanic legal system. No law can be found in any nation more accurate and perfect than Roman private law. This has been recognized by the whole world and for more than twenty centuries many civilized nations of the world have been using Roman law to suit their own conditions, many legal categories in the national laws of most countries are formed from the novels of ancient Roman law. Academician H. Rakhmonkulov and Professor I. Zokirov point out that "the institution of tort obligation goes back to the sources of ancient Roman law" and that this institution is "the oldest type of obligation (delicts unerlaubte Handlungen, torts)". "The *delectum*, which was an important branch of private law in the classical period of Rome, imposed on the perpetrator an obligation to pay a certain amount of money for the benefit of the victim of the illegal act." Russian scholars AV Klimovich say that "the oldest of obligations is a tort obligation, which preceded contractual obligations by its historical origin," while Pukhan Ivo and Polenak-Akimovskaya

Miryana argue that the employer's responsibility dates back to Roman law. where the master assumed responsibility for the servant's guilt. "

Although *Delikt* is an institution of civil law, torts involving law enforcement agencies, which are a separate type, are not subject to civil law in all countries. For example, in the United States and Germany it is regulated by public law, in Turkey by labor law, and in Ukraine by special law.

It should be noted that extensive scientific research has been conducted in the field of tort relations in the science of civilization. However, as a special type of tort, "Police as a subject of tort" was not a separate and complex object of research. Delicate relations with the participation of law enforcement agencies are an important object of scientific research for the theory and practice of civil law on the basis of the national legislation of our country.

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Adoption of the "Concept for the improvement of civil legislation of the Republic of Uzbekistan", approved by Decree No. F-5464, marked a new stage in the development of the institution of tort in our national legislation. The concept identifies the tasks of developing important branches of the tort institute, such as improving the law of obligations, defining a complete list of grounds for obligations and modernizing the rules governing the change of



persons liable, improving the institution of civil liability, ensuring fair compensation. Indeed, since the main task of the tort institute is to fully compensate the damage caused to the victim, the norms of the law regulating this area cannot be considered sufficient and even at the level of today's demand. In the words of the President of the Republic of Uzbekistan Shavkat Mirziyoyev, "... the analysis shows that the current version of the Civil Code does not adequately meet the requirements of the rapidly developing economic relations and international standards in the field of civil law."

Article 44 of the Constitution of the Republic of Uzbekistan stipulates that "Everyone has the right to judicial protection of his rights and freedoms, to appeal to the courts against illegal actions of state bodies, officials and public associations." After all, while each state delegates authority to its own bodies, it must always ensure that these powers are exercised correctly and clearly in the prescribed manner. But no state can fully guarantee that its bodies and officials will operate without absolute error. Therefore, each state must assume the obligation to compensate the damage caused to individuals and legal entities as a result of illegal decisions of their authorities and the illegal actions (inaction) of officials with such authority. Unfortunately, in recent years, there has been an increase in cases of illegal decisions of government agencies, including law enforcement agencies, and illegal actions (inaction) of their officials. For example, in the first 9 months of 2019, the administrative courts considered 12,159 disputes arising from public relations, of which 9957 or 81.9% were disputes related to the decisions and actions (inaction) of government agencies and officials. . Of these disputes, 5173 or 42.5% were related to the actions (inaction) of state bodies and their officials, 4784 or 39.4% were related to the decisions of state bodies and their officials.

In addition, statistics show that there are problems with the timely and full recovery of damages from victims by government agencies and officials. For example, in the 12 months of 2019, 1 trillion was spent by 537 officials. 665 billion Material damage amounted to 1 trillion soums. 621 mln. During the first six months of 2020, 459 officials paid 172 billion soums or 97.3%. 260 mln. 114 billion soums of material damage was caused. 267 mln. soums or 66% were collected. That is, in 2020, 44% of the damage caused by government agencies and officials will not be reimbursed to the victims for various reasons. This shows that there is a need to clearly define in the law the procedure and financial sources of compensation for damages caused by government agencies and officials.

The Civil Code of the Republic of Uzbekistan (Articles 15, 990, 991) stipulates that compensation for damage caused by law enforcement agencies and officials may be provided from the state budget or their extra-budgetary funds, as well as by officials responsible for the damage. Such a procedure in court practice creates various misunderstandings as to which subject should be responsible for damages caused by law enforcement agencies and their officials. This means, firstly, the need to determine the legal status and tort liability of law enforcement agencies as a state body and a legal entity, secondly, to determine the financial sources of compensation for damage caused by law enforcement agencies, and thirdly, to determine the burden of compensation on police officers and officials. requires.

According to the general rule of civil law, the damage caused by law enforcement agencies in the exercise of their powers must be reimbursed by the state, and the damage caused by activities not related to the authorities must be compensated by the law enforcement agencies themselves. However, the current Civil Code

Article 15, 990 stipulates that the damage caused by the activities of the internal affairs bodies in the exercise of their powers, ie as a result of making illegal decisions, shall be reimbursed from the extra-budgetary funds of the internal affairs bodies. In other words, the legislation should define the activities of law enforcement agencies as administrative and legal entities, and the obligation to compensate for the resulting damage should be determined accordingly.

In addition, Article 989 of the Civil Code stipulates that "a legal entity or a citizen shall compensate the damage caused by his employee in the performance of his duties (service, position)." According to this norm, law enforcement agencies with the status of a legal entity must also compensate the damage caused by their employee in the performance of official duties. However, there is no uniform approach to this issue in law enforcement practice. This makes it necessary at the current stage of the process of harmonization of public and private delicts to apply the laws of a market economy to tort relations with the participation of law enforcement agencies.

At a time when market relations are rapidly improving, it is important to determine the legal status of law enforcement agencies in order to legally regulate their participation in tort relations. This is because the Civil Code and other relevant legislation do not contain clear norms defining the legal status of law enforcement agencies as a legal entity and a state body, and, accordingly, the responsibility of the tort. This situation confirms the existence of urgent problems, such as the development of norms that



clearly define the legal status and tort responsibility of law enforcement agencies as a legal entity and a state body.

It should be noted that there is a problem in civil law that there is no detailed legal regulation of tort relations with the participation of law enforcement agencies. More precisely, the list of illegal actions that can be committed by law enforcement agencies (for example, illegal search, detention, registration, etc.) is incomplete; A number of issues remain unresolved, such as whether inquiries, pre-trial investigations and other structures have been neglected, and it is not clear in which cases the damage will be covered by the state and in which cases by law enforcement agencies or their staff. In addition, it cannot be said that the basis of tort liability of the law enforcement agencies, the determination of the amount of damage caused to the victim, the financial sources of compensation for damages and the civil procedure for compensation are perfectly defined.

In the theory of civil law, the study and analysis of tort relations with the participation of law enforcement agencies (illegal actions (inaction) of law enforcement agencies and officials, issuance of documents inconsistent with the law, damage caused by illegal application of administrative and criminal procedure); there is a problem of improving regulatory mechanisms. Indeed, the fact that the identification of the subject responsible for the damage caused by law enforcement agencies, which is a special type of tort, has not been thoroughly analyzed and developed in the field of national civil law to date proves the relevance of this topic. At the same time, the fact that the tort liability of the police differs from the general tort liability, in particular, the origin of the damage is related to the activities of the police, the damages are paid by a third party (state) that does not cause damage. reaches This suggests that the study of tort relations with law enforcement agencies, the identification of specific features of these relationships, the relevance of scientific theoretical analysis of the basis of liability (damage, wrongdoing, causal link and guilt) in this type of tort.

It should be noted that the norms of national law governing tort relations involving law enforcement agencies are still far from perfect and need to be improved. Today, the level or condition of compensation for damage caused to individuals and legal entities by government agencies, especially law enforcement agencies, is also unsatisfactory. As a result of the existence of such adverse events, in practice, there is a problem of cases of full compensation to the victims or non-compensation of the damage. The main reasons for this are that the problems related to the science of civil law and law

enforcement practice remain unresolved. These problems highlight the need for scientific research in national civil law.

Based on the above, it should be noted that the rules of the institute of delicacy were originally established in ancient Roman law. However, its sphere of influence was mainly limited to countries under Roman law. However, we are far from believing that it has not affected our national legal system either. In our country, this institution has gone through a long historical development and gradually developed on the basis of Avesto rules, Muslim law before the Russian invasion, dualism, Soviet law and finally the legislation of independent Uzbekistan.

An analysis of historical written sources (Hammurabi, Table XII Law) revealed that the institution of delict was formed and developed mainly in the field of "delictum publicum" (offenses against the state interest) and "delicta privata" (offenses against private interests). Accordingly, the delicts with the participation of law enforcement agencies are developing and improving in the field of "delictum publicum".

In short, the law enforcement agencies are involved in the tort relationship as the delinquent and the victim. However, their participation as a delinquent is a separate type of tort, and they are subjects in this relationship in the status of "state body" and "legal entity". However, the damage inflicted by a state body is a "delictum publicum", a special type of delicacy. Accordingly, the tort responsibility of the police as a state body:

first, the adoption of a document by law enforcement agencies and their officials that does not comply with the law;

secondly, illegal actions (inaction) of law enforcement officers during their service;

thirdly, for the damage caused to citizens and legal entities as a result of illegal application of administrative and criminal norms.

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