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ANALYSIS OF THE REGULATORY FRAMEWORK FOR COMBATING THEFT FROM A VEHICLE

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ABSTRACT

The article analyzes the Constitution of the Republic of Uzbekistan, the laws of the Republic of Uzbekistan, the Presidential Decree of the Republic of Uzbekistan, the decisions of the Cabinet of Ministers of the Republic of Uzbekistan and other departmental documents and the opinions of legal scholars as the basis of regulatory documents to combat theft from a vehicle.

KEYWORDS

Vehicle, theft, Constition, law, decree, decision, order.

INTRODUCTION

The Constitution, the Basic Law of countries, the construction of the state and society, is a document with a higher legal force, which in one way or another reflects the rights and obligations of a person. In history, the Constitution of the Uzbek SSR adopted in 1927 established the participation of a hardworking and exploited people in land use, participation in elections, freedom of conscience, assembly, rally, rights and freedoms were not recognized as natural and integral, but recognized as being taken from the state and taken away from class opponents. In the Constitution adopted in 1937, the restriction of the

rights of certain categories of persons was formally eliminated, and the system of socio-economic rights and obligations (such as work, rest, material support, free medical care, a number of obligations, the implementation of laws, strict adherence to labor discipline, honest treatment of public duties) was expanded. Later, in the Constitution adopted in 1978, the legal status of a person was further improved, in addition to the norms that determine the personal and socio-economic and political rights of citizens, the international principles of human rights and freedoms were reflected, and the rights to participate in the management of state and society were also

established. At the same time, the Constitution strengthened the position of the unified Communist Party, without allowing political and ideological diversity. Also, during these periods, more than three hundred laws and legislative acts were adopted on the basis of the Constitution and implemented in the tqf in the name of compliance with human rights and freedoms, to some extent. This was because the constitutions adopted in 1927, 1937, and 1978 were created on the basis of the shuroviy ideology, serving the interests of the unified Communist Party, with no emphasis on the protection of human rights, freedoms, and legitimate interests.

In the early years of independence, more than a hundred regulatory legal acts were adopted to combat crime. In particular, the second section of the Constitution of the Republic of Uzbekistan entitled “basic rights, freedoms and duties of people and citizens” reads: “all citizens living in the Republic of Uzbekistan are equal before the law, regardless of social origin, faith; the rights and freedoms of citizens are inviolable, and no one has the right to deprive or restrict them without a court order; ; the provision of the rights and freedoms of foreign citizens and stateless persons in accordance with the norms of international law; the use of personal, political, economic, social rights of citizens and the inviolability of these rights by law” [4] has established such rules, an important program in the fight against theft committed from a vehicle serves as applicable rules.

In the address of the president of the Republic of Uzbekistan dated December 20, 2022 to the people of the Republic of Uzbekistan, we must instill in our Constitutions and laws as well as in our daily lives the idea of “first – man, then – society and the state”. It is necessary that we strengthen the foundations of our national statehood, capable of overcoming serious tests and unpredictable risks of the present day. In

general, we need to work out without haste, thinking in every possible way the Constitution, the meaning of which is enriched with the spirit of glorification of human value, worthy of future generations, suitable for the New Uzbekistan,” [16] the main emphasis in the norms of the Constitution in the new edition was on ensuring human rights and freedoms.

Legal scholars who have massively contributed to the development of the theory, practice of operational-search activities express various opinions on the grouping of regulatory legal documents that regulate operational-search activities. In Particular, T.R.Saitbaev and B.T.The legal framework of the tqf by akramkhodjaev is divided into two groups, namely, the laws and decisions of the Supreme Assembly of the Republic of Uzbekistan; decrees and decisions of the president of the Republic of Uzbekistan, decisions of the Cabinet of Ministers [16, B.6-11], while other experts say that the regulatory legal framework of the tqf is manifested in the following three levels: “constitutional; legislative acts; Legislative Acts” [15, p.8]; sh.K.The normative-legal basis of operational-search activities in the research work of Giyasov is the following: “national laws; legislative normative-legal acts; departmental regulatory legal Acts” [1, p.31] divided into three groups in content. Having made some changes to this classification, V.Karimov, on the other hand, said that the legal basis of the tqf is: “constitutional; laws; legal Acts” [2, p.15] that it consists of levels such as.

The regulatory framework for the fight against theft from a vehicle is understood as regulatory legal acts that serve to prevent, eliminate, end, expose, search for this type of theft.

We will analyze these regulatory legal acts. In particular, in the Constitution of the Republic of Uzbekistan: “every person has the right to be an owner

(41-m); " the owner owns, uses and disposes of the property owned by him at his own discretion"(66-m); "On the territory of the Republic of Uzbekistan, operational-search, investigative services for the fight against crime have been established, which can provide public organizations and citizens with assistance to law enforcement agencies in the protection of legality and legal order, Rights and freedoms of citizens (146-m)"[5] the definition of the rules in the content is that everyone can become an owner and, law enforcement agencies, public associations, indicate that all citizens are responsible for combating theft from a vehicle, such as property-type crimes.

Article 3 of the Transport Act of the Republic of Uzbekistan provides for such concepts as "transport"as well as "vehicles" [11], and Article 3 of the Road Safety Act of the Republic of Uzbekistan [9] requires first of all to find out the meaning of these concepts by the operational units of the IIOs in combating theft from the vehicle.

Article 169 of the Criminal Code of the Republic of Uzbekistan is devoted to the crime of theft[6], a separate part on the fact of theft from a vehicle is legally qualified based on the material damage caused to the victim, not indicated by an item. The object of theft committed from a vehicle is understood as illegal activity aimed at the appropriation and disposal of other persons, that is, in the salon, in the trunk or spare parts of a vehicle belonging to individuals, legal entities. From the objective side, these crimes are always committed as a result of active actions. The subject of the crime is a sane, physical person (persons) who has reached the age of 14. This crime is carried out on the subjective side only with the right retaliation.

Criminal Procedural Code of the Republic of Uzbekistan(36, 381, 391, 392, 48, 81, 87, 951, 135, 136,

137, 139, 140, 141, 162, 172, 174, 180, 182, 183, 187, 1872, 213, 218, 219, 222, 225, 3201, 3202, 321, 322, 328, 329, 331, 333, 334, 336, 338, 345, 355, 364, 367, 3815, 3819, 382, 587, 588, 589, 590, 591)[7] in the content of the norms, operational units carrying out operational-search activities carry out certain functions on the fact of theft from a vehicle, including the competence of officials to issue a written assignment to operational units, to carry out an examination and other actions before an investigation into the application and complaint; cases when evidence should be collected and proven, investigative actions carried out within the competence of an operational employee (holding, personal search and seizure, inspecting the scene of the incident, conducting an examination)and issues of consideration when conducting operational-search events, the procedure for drawing up procedural documents, the procedure for presenting the results of operational-search activities to authorized entities, the, in cooperation with the prosecutor and the courts, the rules for the disclosure of theft from a vehicle, the conduct of investigative and procedural actions, operational-search activities with a responsible approach to the implementation of search operations are described.

According to the law of the Republic of Uzbekistan "On the Prevention of violations" (Chapters 3, 4, 5, 6) [10] in the early prevention of theft from a vehicle, general, special, individual, wiktimological preventive measures are carried out, employees of the operational units of the internal affairs bodies require the implementation of Operational-Search and preventive measures in cooperation with the National Guard, self-governing bodies, civil society institutions.

Law of the Republic of Uzbekistan "On operational-search activities"(3, 4, 5, 6, 7, 8, 9, 10, 11, 11, 12, 13, 14, 15, 16, 18, 20, 23, 24, 25, 26, 27, 281-Articles) [8] on the basis of which Operational-Search measures are carried out

by the operational units of the internal affairs bodies in the fight against theft from the vehicle.

On the basis of the decree of the president of the Republic of Uzbekistan dated March 26, 2021 “on measures to qualitatively raise the activities of internal affairs bodies in the field of ensuring public safety and combating crime”, “vehicles, civil and service firearms, persons and objects in search, as well as, maintaining an automated information bank on other information that contributes to the effectiveness of crime prevention and Crime Control” [12], which defines the most important and relevant tasks such as “improving the effectiveness of the fight against theft from a vehicle.

According to the decision of the Cabinet of Ministers of the Republic of Uzbekistan “on approval of the regulation on the procedure for assessing the activities of internal affairs bodies in the attached territory for the Prevention of violations and combating crime”, material stimulation of preventive inspectors and operational personnel of internal affairs bodies who actively participate in the fight against theft, the introduction of a system for the crime of theft from a vehicle that has remained undiscovered in the service area, in which the internal affairs bodies retain preventive inspectors and operational personnel from their monthly salary on a quarterly basis [14], necessitates more responsibility for their professional activities from the operational units of the liolari.

In addition, on the basis of the decision of the Cabinet of Ministers of the Republic of Uzbekistan “on the approval of the regulation on the procedure for stimulating citizens and public organizations for the Prevention of offenses and active participation in combating crime” on the basis of the report to the protective bodies about the crime being prepared, planning to intentionally commit theft; when law

enforcement agencies are assisted in stopping and fully exposing the crime of extortion committed intentionally; by identifying evidence that helps to expose it on the fact of theft committed from an undisclosed vehicle, or by providing information about the person (persons) who committed it or where they are, the crime in question is exposed; when the investigation of theft from a vehicle and assistance in identifying and capturing the hiding place of a person hiding from judicial authorities, the decision now established a procedure for one-time material incentives of 3.52 to 7.05 times the amount of Labor remuneration for our citizens [13].

During the study of legal acts adopted in the system from the state bodies carrying out operational-search activities, more than two hundred departmental regulatory legal acts of the IIV relating to operational – search activities in the provision of human rights and freedoms were adopted in 1991-2023, including the implementation of search work; the fight against property-type crimes; the rights and obligations of; in the regulation of legal relations, such as combating organized crime, special departmental documents regulate the activities of the service in important areas of operational units within the Operational-Search Department of the Mia.

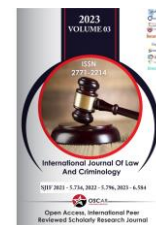
After analyzing the normative acts of the fight against theft from a vehicle, first, the normative acts are studied according to the legal level: Constitution, laws and legislative acts; secondly, the new edition came to conclusions about the content enrichment of the norms of the operational-search legislation on the basis of the absorption and strengthening of the content of the norms of the

First of all, the analysis of normative documents of the fight against theft from a vehicle is carried out according to the legal level of regulatory documents:

Constitution, laws and legislative documents; secondly, on the basis of instilling and strengthening the content of the norms of the Constitution of the Republic of Uzbekistan in the New Edition into the norm of the legislation of operational-search activities, we consider that the norms of operational-search legislation serve to enrich the content and effectively organize practical activities, as a result of which human rights, freedoms and legitimate interests are ensured.

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