

PECULIARITIES OF LEGAL REGULATION IN THE FIELD OF EMERGENCY PROTECTION OF THE REPUBLIC OF UZBEKISTAN

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Annotation. This article is widely analyzed on the basis of national and foreign legal norms in this article. The specifics of the legal regulation of emergencies were studied on the basis of the views of scientists.

Keywords. Emergencies, civil protection, emergency right, legal regulation

When there is a question about the acceptability of general legal norms for regulating relations in emergency situations, it should be remembered that, as a rule, it is almost impossible to predict and determine the nature and course of an emergency situation.

The way to get out of a crisis situation and overcome the consequences is often individual, and it is impossible to calculate and plan in advance with precision down to all the details.

In modern countries, legislation on emergency legal regulation is a diverse and networked system of regulatory legal documents, the content of which can be reduced to a complex legal institution - emergency law, because the nature of emergency legal norms goes beyond the boundaries of separate areas of law (administrative or constitutional). In such cases, the goal of legal regulation is to eliminate the emergency situation and transition to the normal functioning of society. It should be emphasized that such extraordinary legal regulation increases the imperative principles in the legal impact on social relations and reduces the range of discretionary legal norms.

In the jurisprudence of the Republic of Uzbekistan, legal regulation in emergency situations means the legal regime used to eliminate man-made or natural emergency situations.

However, legal regulation in situations like counter-terrorism, riots, wartime, etc. are not classified as emergency legal regulation.

However, the analysis of scientific literature shows that the term "emergency legal regulation" should be used in a broad sense as a legal regulation in an emergency situation that threatens the political, economic, social, spiritual, informational and other security of society. In this, the author gives a number of arguments in favor of such a broad concept of emergency legal regulation:

first, from the semantic point of view, "emergency legal regulation" covers all types of legal influence in non-standard situations that threaten the security of the state and society.

secondly, there are more legal similarities than differences between special legal regimes in emergency situations (war, economic crisis, fight against terrorism). In all these legal regimes, the conditions, grounds, procedure for introduction, extension and cancellation, objectives, means and methods of legal effect are practically the same.



Some authors¹ define emergency legal regulation as a special type of legal regulation, emergency legal

states that the emergency situation for the emergence of regulation is a threat to the safety of society and natural and human origin.

That is, the causes of emergency legal regulation are both natural and man-made disasters, as well as internal disturbances, national,

social conflicts for religious and other reasons, acts of terrorism, military threats and aggression against the state, economic and military actions, political crises, public diseases among people and animals, environmental disasters, etc.

Of course, in such situations, legal regulation is implemented centrally and through direct management of the territory. Special management bodies, commandant and operational headquarters are introduced, they are provided with the necessary powers and tools to solve the emergency situation, and emergency legislation is in force.

Emergency legal regulation in its modern form was formed in the 19th and 20th centuries under the influence of a number of factors:

First, the scientific and technical revolution required the active intervention of man in natural processes, the creation of technologies and objects that are potentially dangerous for the environment and people. Moreover, the risk of such harm is not always predictable and preventable;

secondly, the process of globalization in the 20 th - 21st centuries led to the fact that natural, man-made and social disasters began to have a transboundary and universal scale.

From the end of the 19th century to the beginning of the 20th century, legislation on emergency situations became an integral attribute of the legal systems of almost all countries of the world, became a very effective means of legal mediation for the security of the state and society and the way out of extreme situations.

In our opinion, the term "emergency legal regulation" should be used in a broad sense as legal regulation in an emergency situation that threatens the political, economic, social, spiritual, informational and other security of society and the state.

We can cite a number of reasons in favor of such a broad understanding of emergency legal regulation:

First, from the point of view of semantics, "emergency legal regulation" covers all types of legal influence in non-standard situations that threaten the security of the state and society.

Second, there are more legal similarities between special legal regimes than differences in emergency situations (war, economic crisis, fight against terrorism). In all these legal regimes, the conditions, grounds, procedure for introduction, extension and cancellation, objectives, means and methods of legal effect are practically the same.

In addition, a narrow view of the problem of emergency legal regulation through the prism of the category of emergency legal regime does not allow to solve such issues as the legal nature of emergency (emergency) legal regulation, the existence of special regulatory structures in the legal system and legislative system related to extreme situations, the existence of "hidden" emergency powers of the state to act in emergency situations.

¹ Шмидт Т.Н. Чрезвычайное правовое регулирование: общетеоретическое исследование // Дис. ... канд. юрид. наук. - Барнаул, 2014, с.28

Therefore, in the course of our research, we promote the understanding of emergency legal regulation in the following sense:

1. As a special legal regime or procedure for the activities of state bodies, local state authorities, citizens and organizations, it is expressed in deviating from the usual mechanism of management and legal regulation, limiting the rights and freedoms of citizens and organizations, and imposing additional obligations.

This form of emergency legal regulation is reflected in the legal doctrine and constitutional legislation of the Republic of Uzbekistan.

In most academic works, emergency legal regulation is considered as a special, restrictive legal regime.

Article 3 of the Constitutional Law of the Republic of Uzbekistan "On the State of Emergency" states that the state of emergency is determined by a special regime of activities of the state, local state authorities, citizens and organizations.

2. As an emergency right - a special complex state legal institution that regulates relations in dangerous and unexpected life situations.

It can be seen that in modern countries, the legislation represents an extraordinary legal arrangement. A diverse and scattered system of legal documents, their content can be reduced to a complex legal institution - emergency law, because the nature of emergency legal norms clearly exceeds the boundaries of separate areas of law (administrative or constitutional).

3. As a special type of legal regulation, the creation of legal means and conditions for the elimination of unexpected emergency situations in the life of society. It is about emergency legal regulation as a special type of legal regulation, which is discussed in the research, first of all, in the second chapter of the work.

Emergency legal regulation as a special type of legal regulation (in addition to normative, individual and ordinary legal regulation, self-regulation) is characterized by the following features:

First, the basis for the emergence of a legal emergency is a regulation - an emergency - a threat to the safety of society and the state of natural and human origin.

The reasons for emergency legal regulation can be the following:

- natural disasters;
- man-made disasters;
- internal disturbances, national social conflicts; religious and other reasons, terrorist acts;
- military threat and aggression against the state;
- economic and political crises;
- separatism and loss of control over state territories;
- public diseases among people and animals, environmental disasters and catastrophes, etc.

Secondly, the purpose of emergency legal regulation is to eliminate the emergency situation, stabilize the existing relations and transition from the critical situation to the normal functioning of the society.

Thirdly, with extraordinary legal regulation, imperative principles in the legal impact on social relations will increase and the range of discretionary legal norms will decrease.

Fourthly, the centralization of legal regulation, the participation of territorial state bodies and local government bodies in legal regulation was narrowed or completely stopped.

Fifth, with emergency legal regulation, the freedom of discretion increases in the adoption of administrative decisions and normative legal documents of the central state bodies, if these bodies go beyond the usual limits of their powers.

The expansion of the discretionary powers of the state is explained by the unexpected nature of the situation that has arisen in the form of quick and individual measures that cannot be foreseen in the regulatory and legal documents of crisis management.

Sixth, ordinary laws are suspended or repealed, and emergency laws come into force.

Seventh, among the law-making and law-enforcement bodies, extraordinary state authorities are emerging, which were not in a stable position before.

Most often, the powers to issue regulatory and individual legal documents to implement emergency legal regulations and eliminate critical situations are given to these emergency authorities.

Eighth, the legal status of citizens and organizations is limited within the framework of emergency legal regulation. For example, the European concept for the protection of rights and fundamental freedoms, adopted in 1950, allows member countries of the Convention to withdraw from guaranteed rights and freedoms in order to eliminate emergency situations that threaten national security.

Limiting the rights and freedoms of citizens in emergency situations can only be eliminated if the situation threatens the security of society and the state. I.N. Ivanov correctly emphasizes the duality of emergency legislation in the following words:

"Emergency legislation, on the one hand, restricts certain rights and freedoms of a person and citizen in the context of the introduction of a state of emergency, and on the other hand, creates necessary and sufficient conditions to eliminate the causes of the introduction of emergency situations, the legal regime is the main guarantee of political security serves, the economic and social rights and freedoms of citizens, the return of society to the legal field regulated by the Constitution and ordinary laws"².

Thus, emergency legal regulation can be understood in three ways:

- as a special type of legal regulation, as opposed to simple, ordinary legal regulation;
- as a special legal regime of the activities of the state, organizations and citizens;
- as a special integrated legal institution that regulates relations in emergency situations.

Therefore, emergency legal regulation, as a type of legal regulation, can have a legal effect on social relations in extreme conditions to ensure security, restore order and order in public life, using special legal tools, in which general legal principles apply.

Аннотация. Ушбу мақолада фавкулудда вазиятлардан ҳимоя қилиш соҳасини ҳуқуқий тартибга солиш масалалари миллий ва хорижий қонунчилик нормалари асосида кенг таҳлил қилинган. Фавкулудда вазиятлардан муҳофаза қилишни ҳуқуқий тартибга солишнинг ўзига хос хусусиятлари олимлар қарашлари асосида ўрганилган.

Калит сўзлар. Фавкулудда вазиятлар, фуқаро муҳофазаси, фавкулудда ҳуқуқ, ҳуқуқий тартибга солиш

² Иванов И.Н. Чрезвычайное законодательство: история и современность: теоретический и историко-правовой аспекты. Автореферат на соискание ученой степени кандидата юридических наук. – СПб., 2002. – С.7.



Аннотация. В данной статье подробно проанализированы вопросы правового регулирования сферы защиты от ЧС на основе норм отечественного и зарубежного законодательства. Особенности правового регулирования защиты от ЧС изучались на основе взглядов ученых.

Ключевые слова. Чрезвычайные ситуации, гражданская оборона, чрезвычайное право, правовое регулирование