

ISSUES OF SOCIAL PROTECTION OF NATIONAL GUARD SERVICEMEN IN
THE CONCEPT OF PUBLIC SECURITY

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Abstract: *This concept opened up a new era of social protection of employees of internal affairs and National Guard servicemen in Uzbekistan. Paragraph 10 of the decree sets out the task of preparation of government decision projects on specific and complete measures of social protection of National Guard servicemen and internal affairs personnel.*

Keywords: *Public Security, lawyer scientists, social protection.*

The concept of Public Security in Uzbekistan was approved by the decree of the president of the Republic of Uzbekistan dated November 29, 2021, № PF-27 "on approval of the concept of public security of the Republic of Uzbekistan and its implementation measures".¹

Article 86 of the "strategy for the development of the public security system of the Republic of Uzbekistan in 2022-2025", approved by the decree, also provides for the improvement of the system of insurance of servicemen.²

As a result of these printing tasks, practical work on the preparation of decision projects in the Ministry of National Guard and internal affairs continues.

To further develop the legal provision of the social protection system, the existing legislative inventory is being carried out. After all, as the lawyer scientists reasonably noted, "the basis of any reform is legislation, then the reform will give the expected result."³

After the National Guard Of The Republic of Uzbekistan was established in 2017, the establishment of the system served as a legal basis mainly in the decrees of the President, decrees of the Cabinet of Ministers, and orders of the commander-in-chief of the National Guard adopted based on secular.

The law "on the National Guard of the Republic of Uzbekistan" was adopted (November 18, 2020), during the period until it enters into force (May 22, 2021), measures on social protection of servicemen were mainly regulated by legislative acts.

In connection with the entry into force of the law "on the National Guard of the Republic of Uzbekistan" from May 22, 2021, relevant projects have been developed to implement the norms of the law. On this basis, the National Guard norms were introduced into the budget code, the tax code, the laws "on employment of the population", "on the state pension provision of citizens".

According to the data, up to now, 6 codes (code of administrative responsibility, code of Criminal Procedure, tax code, air code, election code, customs code), about 25 laws, 71 decrees of

¹ National database of legislation of the Republic of Uzbekistan // www.lex.uz

² National database of legislation of the Republic of Uzbekistan. www.lex.uz you know what.

³ Hakimav R. The effect of reforms: modern army, strong defense, potential soldiers. // parliament.gov.uz

the president of the Republic of Uzbekistan, 30 decrees, about 100 decisions of the Cabinet of Ministers have been defined by the laws on National Guard.

Lawyer scientist M.⁴Makhsadov noted, departmental normative-legal acts of the orders of the National Guard commander are also of particular importance in the legal provision of the activities of the National Guard. To date, many documents of the National Guard commander on the legal provision of the activities of the National Guard have been adopted.

Now, by the requirement of the concept of public safety, it is required to combine all social protection measures established by the above legislation into a single government decision.

Of course, the task is a bit daunting. because, on the one hand, if there are social protection measures established by law, on the other hand, the types of the social and legal protection of servicemen are mainly defined in the presidential decrees.

This issue is also controversial among scientists and researchers.

For example, Professor O'. Mukhamedov noted that "Social Security and social protection activities are regulated by about 300 normative-legal acts (of which about 30 are law, about 120 are presidential and government documents, about 190 are departmental normative-legal documents)," and that according to his opinion "to systematize legislation in the field of social protection, it is necessary to adopt the Social Protection Code".⁵

A group of scientists (O'. Davletov, V.M.Koryakin,⁶ V.V.Solovev⁷) in the future, the social protection code on social protection issues, some offer to adopt a military code and allocate in it a separate chapter to the social protection of the serviceman and his family.

Other specialists (for example, Sh. Jalalov⁸) believe that it is necessary to develop departmental normative acts of social protection of the civil servant.

Proceeding from the above, we note that we are not ready to accept a normative legal act in the form of a code of social protection. But the increasing number of departmental documents on this issue is also not positively assessed.⁹ For example, the State Register of departmental normative-legal acts says that currently there are 3 thousand 973 documents, an average of 600 departmental documents are accepted per year. We have not heard that the Constitutional Court saw in any normative court in the military sphere and did not give an official comment, but reacted to the head of a military organization or office.

Therefore, due to the concept of Public Safety, the determination of this task at the level of government decree will be the optimal solution of the issue at the same time. Concerning foreign experience, there is also no single conciliation in this matter. For example, o from a Russian scientist.

⁴ Makhsadov M. Uzbekistan The Republic of the guardi Milli, supporting the law. - T.: TT News, 2019 year, 2nd. - B.55.

⁵ Mukhamedov O'.X. Actual issues of systematization and further improvement of the current legislation. - T: HTI Bulletin, 2018 Issue 2. - P. 48.

⁶ Koryakin V.M. Legal bases of military-social work in the Armed Forces of the Russian Federation: dissertation of the Candidate of Legal Sciences. Moscow. 1998 – 258 p .

⁷ Soloviev V.V. The legal status of the family of a serviceman in the Russian Federation: abstract of the dissertation of the Candidate of Legal Sciences. Moscow. 2007– - p.21

⁸ Sh.R.Jalalov. Features of the hearing of searches and telephone conversations in criminal cases related to corruption. - T: HTI Bulletin, 2018 Issue 2. - Page 53.

⁹ Official website of the agency of information and Mass Communications under the administration of the president of the Republic of Uzbekistan.

M.Rogachevsky¹⁰ says that it is necessary to develop a government program to reform the system of compensation and benefits for social legal protection.

To this end, when we study the experience of the Russian Federation, Kazakhstan, Kyrgyzstan, Azerbaijan, the Republic of Belarus, and Ukraine from the CIS countries, it becomes clear that the social protection of servicemen and personnel in them is regulated by special laws.

For example, in the law "on the National Guard of the Republic of Kazakhstan "(Section 7)¹¹, although the social guarantees of the National Guard servicemen and their families are established, they are additionally regulated by the law "on the status of military servicemen and servicemen", "on the pension provision of the Republic of Kazakhstan".

Or, for example, if there is a law "on the National Guard of Ukraine", the rights of "veterans" and former servicemen are separately defined by the law "on the status of Veterans of military service and internal affairs, as well as their social protection". It is especially noteworthy that in Ukraine the law "on the social and legal protection of servicemen and their family members" and the laws "on pension provision of persons discharged from military service" are regulated at the level of the law on military services and social protection of their families.

In the Russian Federation, too, in the law¹² regulating the activities of National Guard structures, a separate chapter 5 is devoted to the guarantees of legal and social protection of Rosgvardian servicemen. But, along with this, the legal status of servicemen, their rights and privileges, issues of insurance are regulated by individual laws.

In our opinion, it is not possible to solve all social issues with one law. Therefore, in the legislation of foreign countries, often in European countries, the corresponding relations are regulated based on Presidential, government decisions or internal departmental normative acts. For Example, D.Bondyaev¹³ noted that although the activities of the National Guard of the US State were carried out by the complex of US law ("Section 10. To the "armed forces"; Section 50. The main normative-legal base of this army's activity is established by statutes and directives.

In our opinion, at the moment the most optimal form of implementation of the task established by the Presidential Decree № PF-27 of November 29, 2021, it will be correct to develop separate draft resolutions for employees of internal affairs bodies and servicemen of the National Guard. The legal status of a serviceman with an employee is not the same, and this is the case all over the world.

Now, according to the content of the assignment, it is necessary to have at least an application or plan in the draft of the document for the unification of the concrete and complete rules of social protection in a single normative act. Because, in practice, the forms and types of social protection of servicemen are very diverse and diverse, it is a very difficult matter to combine and regulate all of them by a single government decision.

In particular, compulsory insurance, compensation for damage caused, housing, pension, money, food, clothing, medical care are separate issues, independent regulations have been developed on them. Particular attention should be paid to the provision of social benefits and assistance to family members of servicemen, especially those who are discharged from military service.

¹⁰ Rogachevsky O.M. Social and legal protection of servicemen of border agencies and border troops of the Federal Security Service and their family members: abstract of the dissertation of the Candidate of Legal Sciences. Moscow. 2005 year

¹¹ Law of the Republic of Kazakhstan "On the National Guard of the Republic of Kazakhstan" dated January 10, 2015 No. 274-V. <https://online.zakon.kz>

¹² Federal Law of the Russian Federation "On the Troops of the National Guard of the Russian Federation" dated July 3, 2016.

¹³ Bondyaev D. Legal regulation of the activities of the US National Guard in domestic operations. Bulletin of the Moscow University of the Ministry of Internal Affairs of Russia. 2009, No. 3 – B.128.

In a word, it is desirable to develop a single program covering all organizational, legal, material, and financial bases, the exact and complete rules of social protection, as well as the periods of their implementation, taking into account in the projects of government decisions. In our opinion, this is the most optimal solution.

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