



MEANS AND FORMS OF ENSURING COMPLIANCE WITH THE LAW IN THE ACTIVITIES OF PRELIMINARY INVESTIGATION BODIES

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Annotation:

This article analyzes the normative documents on ensuring the rule of law in the bodies of preliminary investigation. If we look at the history of developed countries today, it has achieved good results because it ensured the legitimacy of the initial investigation.

Keywords: Investigation, law, law, theory, category, activity, principle.

The rule of law is of particular importance in the work of the investigative units of the internal affairs bodies. One of the most important tasks is strict and full observance and protection of human rights and freedoms. The study of the essence of the rule of law in legal theory raises many controversial questions. There are significant differences even in the definition of the category. In the scientific literature, several dozen concepts of legality are proposed, which is caused by a number of objective (complexity, abstractness of the phenomenon) and subjective reasons. At the same time, what is legal largely depends on the effectiveness of the protection of human rights and freedoms in the work of the investigative departments of the internal affairs bodies.

In modern legal science, there are several approaches to understanding law as a social phenomenon. The law was considered as a requirement of the law, and as a principle of legal activity, which is expressed in its respective legal provisions, and as a method of public administration of society, and as a way of social life.

At the same time, as Sh.Z. Urazaev rightly noted, almost all researchers emphasized the main thing that determines its essence - strict, strict observance, execution of participants in the law in relations with the public. It is this quality that is inherent in the rule of law for any historical period in the development of society, regardless of time and place.

In our opinion, such an understanding of the essence of law should hardly be taken literally and the law should be considered as a general requirement aimed at the development of society, which can be achieved by law-abiding members of society. This law in this context refers to the process as the formation of the rule of law and the





implementation of the idea of social justice. Currently, in the theory of law, as U. Tadzhikhanov emphasizes, an integrated approach prevails in understanding the phenomenon under consideration. Legality has traditionally been interpreted in three aspects:

- a) as a principle of state and legal life, securing it as a fundamental general legal principle of the life of society;
- b) as a method of public administration of society, involving the implementation of the relevant functions by legal means and in legal forms;
- c) as a means of ensuring the legal regime of society with the real supremacy of law in it, the establishment of legal relations between the state power and the individual. At the same time, the regime of legality also means the extension of its requirements to all spheres of public life.

This point of view is also shared by A.Kh. Saidov, A.A. Azizkhodzhaev and Kh.B. Babaev.

But in the final analysis, theoretical nuances are not so important in disclosing the concept of the rule of law. This is important, since in H.T. Adylkariyev that legitimacy is a special, political and legal characteristics of society, which means, as requiring precise and strict observance, productivity, use and application of laws and other normative legal acts of the state, society, official individuals, citizens, and the socio-political process to meet these interests.

The opinion of one of the leading legal scholars S.S. Alekseeva. In his opinion, the term "legality", for all its importance, has nothing to say. The term itself describes only one of the inalienable and unconditional properties of any law, its general validity, categorical, of course, strict strict compliance, the application of existing legal norms, including revolutionary and even the most reactionary. In his opinion, it is more correct to talk about the rule of law, the meaning of which, along with the strict implementation of the current legislation, which means the implementation of a kind of super task - the beginning of humanistic law, primarily the basic and inalienable human rights, as well as a number of other related institutions, in including the general democratic legal principles of democracy, private law, an independent court.

Summing up the analysis of various positions on the essence of legality, it can be argued that the main condition for its existence in society is the compliance of positive law - expressed in written norms contained in regulatory documents, with natural law - a set of principles, rights and values dictated by human nature itself.



Interesting is the opinion expressed by ZM Islamov, who believes that concepts such as "normatively regulated justice", "legal ideal" are largely subjective.

To eliminate possible doubts about the legality of the provisions of the law in a democratic state governed by the rule of law. But in order to go to court in such situations, there must be specific objects that act as contested provisions of the law, violating the principles of law and the relevant provisions of the law, which has the highest legal force - the Constitution. In this regard, the provisions of the Constitution of the Republic of Uzbekistan, in which human rights and freedoms are recognized as the highest value, are of interest.

The work of the investigative units of the internal affairs bodies, as well as other executive bodies, regulations and must comply with the requirements of the current legislation. In making any legal or procedural decision, investigators must strictly follow the principle of legality. In addition, this principle applies not only to investigators, but also to all participants in the process who are involved in the procedural orbit.

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At the same time carrying out its activities, investigators of the internal affairs bodies should focus on the value of law - namely, on human rights and freedoms. This problem is primarily associated with concepts such as legal culture, legal awareness, legal worldview, legal education.

Consequently, the issue goes beyond the scope of the activities of only the executive authorities, but concerns the entire society. Figuratively speaking, the value of law should permeate the entire structure of society, the activities of each of its members. In this case, the situation will be excluded when the procedural decision formally corresponds to the current legislation, but in contrast to natural law as the highest value. Thus, this is an important means of ensuring the rule of law in the activities of the investigative departments of internal affairs, not only strict observance of the rule of law, but also full support and protection of the rights of persons participating in the criminal process, which can be considered as a guarantee of the rule of law in society.

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