

The Essence of the Concepts «Public Order» And «Public Safety» And Their Relations

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Аннотация: мақолада «жамоат тартиби» ва «жамоат хавфсизлиги» тушунчаларининг моҳияти ва ўзаро алоқадорлиги, шунингдек жамоат тартибини сақлаш ва хавфсизлигини таъминлаш фаолиятининг мазмунига доир мулоҳазалар ёритилган ҳамда олимларнинг бу борадаги фикрлари таҳлил қилинган ҳолда муаллифлик хулосалари берилган.

Таянч сўзлар: жамоат тартиби, жамоат хавфсизлиги, фуқаролар хавфсизлиги, жамоат тартибини сақлаш, жамоат хавфсизлигини таъминлаш. ички ишлар органларининг жамоат тартибини сақлаш ва хавфсизлигини таъминлаш фаолияти.

Аннотация: в статье изложены мнения, касающиеся сущности и взаимосвязи понятий «общественный порядок» и «общественная безопасность», а также содержания деятельности по охране общественного порядка и обеспечению безопасности, проанализированы положения ученых и сформулированы авторские выводы по данным вопросам.

Ключевые понятия: общественный порядок, общественная безопасность, безопасность граждан, охрана общественного порядка, обеспечение общественной безопасности, деятельность органов внутренних дел по охране общественного порядка и обеспечению безопасности.

Annotation: The article studies the opinions connected with the essence and interrelations of the concepts «public order» and «public safety» and reveals the ideas of scientists on maintenance of public order and safety, gives author's conclusions by the analysis of scientists' ideas.

Key words: public order, public safety, security of the citizens, maintenance of public order, social security, activity of internal affairs bodies on maintenance of public order and public safety.

In Uzbekistan, systematic and consistent reforms are being carried out in all spheres of society to take a worthy place in the world community, to create a worthwhile livelihood for our people, to effectively promotion of human rights and freedoms. The second important direction of these reforms, based on the strategy of action in the five priority areas of the Republic of Uzbekistan in 2017-2021, covers the sphere of rule of law and the further reform of the judicial system, one of the urgent tasks of which is to improve public order and security.

A number of laws adopted in recent years including the Law of the Republic of Uzbekistan “On internal affairs bodies” on September 16, 2016, Decrees and Resolutions

of the President of the Republic of Uzbekistan, Resolutions of the Cabinet of Ministers promoting the improvement of the public order and security of the Republic created the legal framework of these reforms.

Understanding the essence and content of public order and security, as well as the proper organization and improvement of this activity, which is one of the most important aspects of the work of the internal affairs bodies, is largely dependent on the understanding of the essence of the concept of “public order” and “public safety”.

Indeed, the misunderstanding of these concepts creates certain difficulties in organizing the work of maintaining public order, which leads to excessive use of power and means, as well as adversely affecting the effectiveness of reforms. Therefore, it is important to study the essence of the concept of “public order” and “public safety” from scientific point of view, and to develop conclusions based on it.

Scientists have set forth a series of definitions of these concepts that are interconnected and interdependent; Russian scientist P.F. Grishaev gave the first definition of these concepts in 1959. In his opinion, “public order is a system that defines the relationship between each member of society and the rules must be adhered to in the legal and ethical norms”[1]. However, this definition given by the scientist did not fully explain the meaning of the concept of “public order”. However, within the period, scientists have co-ordinated this notion with the development of society.

Russian scientist N. N. Zhilskiy gave definition based on the results of his research, “public order is the form of public administration system, which is manifested in the form and extent of the performance of executive authorities, aimed at ensuring personal security and public safety of citizens, creating favorable conditions for economic, socio-political and administrative-cultural activities”[2]. While the explanation has revealed a number of aspects of this concept, we cannot fully agree with it, because of the important element - the relationships in this field do not involve the occurrence and development of public places.

Later, A.R. Gegamov gave the following definition: “Public order is the necessary and sufficient level of legal protection of the interests of society, which provides for the general peace of the people in the public places, which establishes the order of their relationships in accordance with legal and ethical norms”[3]. Although it is close to the definition given by P.F. Grishaev, the concept of public order is connected with public places. However, in this definition, it should be noted, that some aspects of the concept of “public order”, including the relationship between “public security” and those of legal persons are not covered.

A.A. Kudelich describes the concept of “public order” as a legal category and stresses that it is not different from the concept of “public security” and that these concepts are synonymous [4]. It is not possible to agree with this view of the scientist, which is explained from the criminal law point of view to the concept of “public order”. Because the concepts of “public order” and “public safety” are essentially close together, but in essence they are different concepts. Speaking about the difference between public order and public safety, F. E. Kolontoevsky says that their purpose is to distinguish between protective objects, sources of eradicating aggressions, regulatory functions, composition and maintenance of relationships [5].

When it comes to the concept of “public security” directly, the scientist B.T. Khamkhoev described the “state of solidarity and stability in the process of society’s development as a unified social system, the provision of conditions and facilities for meeting human rights and freedoms, vital needs and fulfillment”[6], I.V. Demin gives definition as: “It is the situation that the different interests of society are protected, and the opportunities for the rapid development of individuals and societies are derived and the actual internal and external threats are minimized”[7]. However, these definitions given by these scholars widely expressed in the content but do not give a clear and adequate explanation of the concept of “public safety”.

The clear and straightforward explanation of the meaning of the concept of “public security” was expressed by A.V. Zhaglin: “Public Security is a system of social relations

associated with the protection of individuals, societies and states from threats derived from illicit attacks on public order, as well as from social, natural and man-made disasters”.[8]

Based on above mentioned analysis, the following can be deduced from the essence of the large-scale reforms in the judicial system: “*Public order* is a public safety, which creates conditions for the normal functioning, work and recreation of individuals and legal entities, a system of social relations that develops in public places on the basis of legal and social-ethical norms aimed at respecting the value and humanity values”.

“*Public safety* is the state of the individual, society and the state protected from the effects of offenses, other non-social behavior, and the consequences of natural, man-made and socially significant emergencies”.

Obviously, “public order” and “public safety” are interconnected concepts that fills one another. In turn, the concept of “public order” and “law-enforcement” is interconnected. Professor O. Khusanov pointed out that public order is a social relationship regulated by legal and other social rules, including law enforcement, and the rule of law is a system of social relations based on existing legal norms.[9]

Indeed, the concept of “public order” is wider than in “public security”, but in practice, the scope and magnitude of public security activities are broader in terms of public order. Each type of concepts of “public order” and “public security”, commonly used in legal literature and in the law, each of them expresses different content.

While the essence of public order is to control people’s compliance with the requirements of law and morality in public and community places, public safety activities cover a range of activities such as road safety, fire safety, security of the protected property and property, passport system, control and licensing system.

Such wide range activities of public security does not allow it to be integrated into a single system.

Therefore, in recent years in the Republic of Uzbekistan and other CIS (Commonwealth of Independent States) countries there is a tendency to apply the phrase

“public order and civil security” instead of “public order and public safety”. The concept of “ensuring citizens’ security” can be seen as a reason for the “public safety” as well as the essence of the object and its impact on the accuracy of the object and the ability to set and implement specific tasks in that area.

On the other hand, the concept of “public security” is important in its content, not only because it is aimed at ensuring the security of citizens, but also the society and the state. This, in turn, reflects that this concept has its own place in legislative and legal literature.

Where public security serves the prevention of factors contributing to public order, there a systematic public order leads to effective public safety.

At the same time, the function of maintaining public order is connected with other activities of the internal affairs bodies. In particular, the public order and security activities are interrelated with the prevention of offenses, prevent publicity through the protection of public order, and ensure the public order and security through prophylaxis.

Another important feature of securing public order and security is that it is a component of the administration of internal affairs bodies, whereby internal affairs bodies are involved in organizational and legal relationships with state bodies and institutions, public bodies and citizens.[10]

In summary, it should be noted that the concept of “public order” and “public safety” constitute the basis of the work of public order and security, and at the same time understanding the essence of the activities of the public order and security, helps to effectively organize this activity, clearly define its development goals and perspectives, and constantly improve in line with the requirements of time.

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