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INTERNAL AFFAIRS BODIES OF THE KYRGYZ REPUBLIC IN THE SYSTEM OF STATE AUTHORITIES

Abstract: This article examines the role and place of the internal affairs bodies of the Kyrgyz Republic in the system of state authorities. The author defines the internal affairs bodies as the main tool for the implementation of law enforcement activities of the state. This work is devoted to the disclosure of the tasks of the internal affairs bodies of the Kyrgyz Republic.

Key words: Constitution, human rights and freedoms, internal affairs bodies, police, law enforcement agencies, law enforcement activities of the state.

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Introduction

National Development Strategy of the Kyrgyz Republic for 2018-2040 approved by the Decree of the President of the Kyrgyz Republic "On the National Development Strategy of the Kyrgyz Republic for 2018-2040" dated October 31, 2018, UP No. 221 (hereinafter – National Strategy-2040), proclaims that by 2040, Kyrgyzstan should become a country with a safe environment for human life, ensuring the state of physical security of society and its stable socio-economic development, resistant to external and internal negative impacts of political, economic, social, military, man-made, information, environmental and other nature, based on the principles of early warning of emerging risks and threats to people, society and the state.

The National Strategy-2040 focuses on the fact that the sense of security and confidence of the citizens of the Kyrgyz Republic in the future will be

guaranteed by large-scale measures to ensure public safety. The crime rate will be reduced, and citizens' trust in law enforcement agencies will become a key criterion for their success. The state priority in the activities of law enforcement agencies will be the prevention and prevention of offenses. A deep technical modernization of security facilities will contribute to the implementation of the principle of the inevitability of punishment [1].

In the process of developing the Kyrgyz Republic as a legal, democratic state, the role of law enforcement agencies, primarily internal affairs agencies, whose activities are aimed at combating crime, protecting the rights and freedoms of citizens, and ensuring the rule of law, is increasing.

The security of citizens is the basic and most important element of the formation, preservation and development of our state. Ensuring a high level of protection of the rights of personal data subjects to

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privacy, personal and family secrets, as well as compliance with the requirements of legislation in the field of personal data is one of the priorities of the state. One of the mandatory features of a State governed by the rule of law is that it recognizes a person and a citizen as the highest value, and the state assumes the obligation to recognize, observe and protect their rights and freedoms. This feature is enshrined in Article 16 of the Constitution of the Kyrgyz Republic.

At the same time, in order to be the guarantor of the rights and freedoms of its citizens, the state must exercise its own protection. The activity of the state, carried out with the aim of ensuring law and order, protecting the rights and freedoms of citizens, in the theory of state and law, is usually called a law enforcement function.

In accordance with Article 3 of the Law "On Internal Affairs Bodies of the Kyrgyz Republic", the internal affairs bodies in their activities proceed from respect for the rights of citizens and are the guarantor of the protection of every person, regardless of their citizenship, social, property and other status, race and nationality, gender, age, education and language, attitude to religion, political and other beliefs, type and nature of occupation [2].

The internal affairs bodies are the main instrument for implementing the state's law enforcement activities. The special place of the internal affairs bodies of the Kyrgyz Republic in the law enforcement system and the mechanism of law enforcement is due to the presence of exceptional areas of activity, the variety of functions, the extensive scope of powers of their employees, the organized territorial structure and a certain image for the population, which characterizes the degree of their trust and public support.

The activities of the internal affairs bodies should have a clear legal basis. The internal affairs bodies, as one of the subjects of law enforcement activity, within the framework of their legal status and competence, solve tasks that are not inherent in other bodies. The Basic Law of the Kyrgyz Republic does not contain special provisions defining the place of the internal affairs bodies in the mechanism of the State, in particular, in the system of law enforcement agencies. Nevertheless, there are constitutional grounds for their organization and activity. One of them is the principle of legality enshrined in the Constitution in ensuring the rights and freedoms of citizens, protecting public order, and fighting crime (paragraph 3 of Article 88 of the Constitution of the Kyrgyz Republic) [3]. Therefore, the internal affairs bodies, being part of the system of the Ministry of Internal Affairs of the Kyrgyz Republic, one of the executive authorities, are also part of the executive power, which ultimately determines their place in the State apparatus of the Kyrgyz Republic. The Constitution of the Kyrgyz Republic regulates the

main issues of organization and activity of internal affairs bodies (art. 3, 5, 16, 88, 20, 22, 24, 41); - the principles of their organization and activity as an integral component of the mechanism of the state, which is the object of constitutional regulation.

Internal affairs bodies in their activities should proceed from the fact that: - "a person, his rights and freedoms are the highest value" (Part 1 of Article 16 of the Constitution of the Kyrgyz Republic); - all state authorities and officials may not exceed the limits of the powers defined by the Constitution and laws (Part 3 of Article 5); - all are equal before the law and the court (Part 3 of Article 16); everyone has the right to freedom and personal inviolability (Part 1 of Article 24).

The internal affairs bodies of the Kyrgyz Republic are managed by the Minister of Internal Affairs, who is appointed and dismissed in accordance with the legislation of the Kyrgyz Republic. The Minister of Internal Affairs of the Kyrgyz Republic reports to the Prime Minister of the Kyrgyz Republic and is personally responsible for his activities to the Government of the Kyrgyz Republic.

Within its competence, the Ministry of interior of the Kyrgyz Republic is developing proposals to strengthen the rule of law, preparing draft legislative acts related to the activity of bodies of internal Delhi submits them to the President, Parliament, Government of the Kyrgyz Republic. The main tasks of the internal affairs bodies are: - ensuring public order, security of the individual and society; - fight against crime; - implementation of proceedings on cases of violations and execution of punishments within the competence; - ensuring road safety within the competence and implementing control and licensing measures in this area [2].

The internal affairs bodies carry out the tasks assigned to them in cooperation with State bodies, public associations, labor collectives, as well as public formations created to assist the internal affairs bodies in their activities.

In accordance with Article 1 of the Law "On Internal Affairs Bodies of the Kyrgyz Republic", internal affairs bodies are state armed law enforcement agencies that perform executive and administrative functions to ensure public order, the security of the individual and society, and the fight against crime.

Article 2 of the Law states that the tasks of the internal affairs bodies are:

- ensuring public order, security of the individual and society;
- fight against crime;
- execution of criminal penalties and administrative penalties within the scope of competence;
- implementation of control and licensing measures in the field of road safety; registration and examination work, established by law [3]. Employees

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of the internal affairs bodies should be guided in their activities by the principles of legality, the priority of universal values, social justice, and other general democratic and humanistic principles [10].

The internal affairs bodies are endowed with the state-power powers necessary for the performance of the duties assigned to them [9]. In particular, Part 4 of Article 5 of the Law of the Kyrgyz Republic "On Service in Law Enforcement Agencies of the Kyrgyz Republic" of 25.07.2019 states that the employee is a representative of the state authority and is under the protection of the state. No one except the bodies and officials directly authorized by the law has the right to interfere in their official activities [4].

The legal requirements of an employee of the internal affairs bodies are mandatory for citizens and officials to fulfill. Service in the internal affairs bodies is a special type of public service, however, it is not equated with military service [8]. In this regard, the service in the internal affairs bodies can be qualified as a law enforcement service that unites special state bodies whose tasks are to maintain order, fight crime and other offenses, protect human and civil rights and freedoms, and ensure public safety. The content of public service in the internal affairs bodies is the performance by employees on behalf of and on behalf of the state of specific official duties to ensure the personal safety of citizens, protect public order, fight crime, assist citizens and organizations in the exercise of their legitimate interests [5].

In the modern conditions of the Kyrgyz state, the protection of public order and ensuring public safety is the main responsibility that is assigned to the internal affairs bodies. It is this activity of the internal affairs bodies that contributes to ensuring the internal security of the country [7]. Therefore, this activity of the employees of the internal affairs bodies should be very effective. It includes various measures aimed at maintaining public order, protecting the rights and interests of society, and the entire state as a whole.

As part of the implementation of measures to reform the internal affairs bodies of the Kyrgyz Republic (Resolution of the Government of the Kyrgyz Republic No. 220" On Measures to reform the internal Affairs bodies "of April 30, 2013, Decree of the President of the Kyrgyz Republic No. 161" On Measures to reform the law Enforcement system of the Kyrgyz Republic " of July 18, 2016) and the implementation of measures to enact new codes, a number of results were achieved that generally had a positive impact on the state of the Internal Affairs Department [6].

The Ministry of Internal Affairs of the Kyrgyz Republic has established six independent services: the Public Security Service, the Criminal Police Service, the Service for Countering Extremism and Illegal Migration, the Service for Combating Drug Trafficking, the Investigative Service, and the Internal Investigation Service. The creation of independent

services is aimed at strengthening the structure of the Ministry of Internal Affairs of the Kyrgyz Republic.

Since January 1, 2019, the units for the investigation of minor crimes of the Investigative service of the Ministry of Internal Affairs of the Republic have been withdrawn from the investigative services into independent units for the investigation of cases of misconduct. In the optimization and decentralization in the apparatus of the Ministry of interior police of the internal Affairs of the Republic was reduced 262 posts and to strengthen the cases of misconduct were allocated 99 posts for investigative service selected 95 posts. The Ministry of internal Affairs of the Kyrgyz Republic in the framework of interdepartmental cooperation "Tndq" (service project to provide electronic interaction between state bodies, local authorities, state institutions, enterprises, organizations), created and effectively implemented in practice computerized information systems that gave the police the ability in real time to receive and impart true information about stolen vehicles; availability of criminal records, etc. This, in turn, made it possible to minimize corruption risks in the provision of services to state bodies and citizens.

Since 2018, the Ministry of Internal Affairs of the Kyrgyz Republic has switched to providing public services on the principle of a "single window". Thus, in Bishkek and Osh and 6 regions of the Republic (Chuy, Talas, Batken, Ysyk-Kol, Naryn, Jalal-Abad), Centers have been opened on the principle of a "single window" in order to create convenience for citizens in the provision of public services. They help organize the provision of services in one place, beginning from the time of application and until the results of rendering of services in line licensing system. Such Centers on the principle of a "single window" since September 2019 began to operate in 2 cities and 9 districts of the republic (Tokmok, Kara-Kul, Zhayyl, Ala-Bukin, Alai, Kara-Kuldzhinsky, Kadamzhaysky, Leilek, Kochkor, Ysyk-Kul, Kara-Buurinsky districts), in November 2019 were opened in 2 cities and 4 districts (Balykchy, Kyzyl-Kiya, Ak-Talinsky, Toktogul and Nookat districts). The main directions and mechanisms of interaction between the internal affairs bodies and civil society are defined (Resolution of the Government of the Kyrgyz Republic No. 547 of July 30, 2015 "On Approval of the Regulation on Mechanisms of Interaction between the Internal Affairs Bodies of the Kyrgyz Republic and Civil Society Institutions").

The interior Ministry of successfully carrying out the activities of the Public Council of the Ministry of interior, which meets on a monthly plan and field meeting in ATS units, hears reports of practical ATS units, draws attention to the problematic aspects and generates an instruction to address the existing shortcomings in the activities of OVD. The public Council of the Ministry of interior is focused at promoting activities of OVD by media coverage of

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problems that arise in practical units and by making recommendations.

Since January 1, 2019, the Unified Register of Violations (ENR) has been functioning in all territorial divisions of the Department of Internal Affairs. The introduction of the new system has a positive effect on the process of monitoring the situation in the field of accounting of offences, monitoring of offenders for the correctness of the protocols, evaluation of the performance of the ATS units in cases of violations, as well as improve the efficiency of the mechanism of punitive damages.

In Bishkek since 2018, in Osh and in the Issyk-Kul region since 2019, Tourist police units have been established to ensure the safety of tourists. The creation of the Tourist Police is aimed at improving the image of the police officers in front of tourists and foreign citizens, by helping to ensure their safety and providing them with effective assistance in difficult situations. As an additional requirement for the employees of these departments, it is their knowledge of 2-3 foreign languages.

The offices of interrogation of suspects in all police departments, police departments (ROVD) are equipped with portable video cameras, so that the process of interrogation of suspects and accused persons is as transparent as possible, the use of violent and other illegal actions on the part of police officers is not allowed, measures are being taken to equip the offices of individual investigative actions with Venetian glasses. All territorial units ATS laid fiber-optic cable, the police Department of the country is connected by dedicated lines to the Internet, the opportunity to provide in the future on-line access to the enforcement officers for investigative and reference information system "Tntc".

Since March 4, 2019, hardware and software systems have been installed in Bishkek and on highways located in the Chui region (42 points in Bishkek, 38 of them at intersections, 4 under bridges and 5 stationary). In the Chui region, a total of 48 hardware complexes ("Bishkek-Osh", "Bishkek-Naryn", "Bishkek-Chaldovar", "Bishkek-Manas Airport", "Bishkek-Kordai") are installed, as well as 15 stationary posts. Thus, to date, the first stage of the

"Safe City" project has been implemented, preparations are underway for the launch of the second stage, within which it is planned to install 306 hardware complexes (266 stationary, 40 mobile). The situation on the roads with the launch of the "Safe City" has started to change dramatically, the number of traffic violations is decreasing, and the driving culture of drivers is changing. The launch of the project exposed many problems in the road infrastructure and in the traffic management system. There is a need for a comprehensive analysis of the road transport system in order to optimize it.

From October 31, 2019 in Bishkek, on December 7, 2020 in Osh, the Police Patrol Service Department and the Digitalized Command Center of the Bishkek Police Department began operating on a pilot basis. The purpose of the Digitalized Command Center and the UPSM is to provide timely operational response, organize visits to crime scenes, ensure the protection of public and transport accidents, and coordinate measures to prevent crimes and offenses.

On July 25, 2019, the Law of the Kyrgyz Republic "On Service in Law Enforcement Agencies of the Kyrgyz Republic" came into force. This Law defines a unified legal and organizational framework for the order and conditions of service in law enforcement agencies and provides for increased guarantees of social security for law enforcement officers and their family members. In the framework of the Law unified system of salaries, clothing allowances, pensions and social support to employees of all law enforcement agencies, envisages the attainment of transparency and openness of the reception of citizens for service in law enforcement bodies, as well as to ensure the professional selection of employees with equal access of citizens to serve in law enforcement.

Thus, the internal affairs bodies of the Kyrgyz Republic, as a state authority, are an integral, relatively separate and independent part of the state mechanism, which participates in the implementation of the functions of the state, acts on behalf of the State and on its behalf, has state authority, has a structure and competence established by the state, and applies its inherent organizational and legal forms of activity.

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