

Analysis of the Functions and Powers of Internal Affairs Bodies in the Organization of Licensing Activities

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ABSTRACT:

This article provides information about the role of licensing in the implementation of licensing by internal affairs bodies and consists of suggestions and recommendations for its improvement based on the opinions of scientists and the results of the study of practice.

KEYWORDS: license, administrative law, licensing authorities, license applicants, form, method, style, procedure, licensing activity.

Functions of organization and implementation of the activities of issuing documents with the property of issuing permits in the areas of transportation of civilian and service weapons, their ammunition, explosive materials intended for industry, pyrotechnic items are entrusted to Department of Organization of Control and Licensing Activities within the Main Department of Patrol and Public Order of the Ministry of Internal Affairs. The Law of the Republic of Uzbekistan "On Internal Affairs Bodies" regulates the powers of internal affairs bodies to exercise control in the field of licensing. In particular, it is regulated "... control over the circulation of explosives intended for industry, as well as pyrotechnic articles, narcotic drugs, psychotropic substances and precursors; issuance of licensing and permitting documents, as well as control over compliance with the requirements and conditions of licensing and permitting" in Article 4 of this law, "take measures to ensure acceptance and storage as well as sale or destruction of explosives for industrial use, pyrotechnic articles, narcotic drugs, psychotropic substances, their precursors, aluminum powder and structures found and voluntarily handed over by relevant specialized organizations" in Article 16 of this law, "... verification of identity documents of citizens in the performance of their duties, if there are grounds to believe that they contain weapons, ammunition, explosives, radioactive or poisonous substances, explosive devices, pyrotechnic articles, narcotic drugs, psychotropic substances, their precursors or other prohibited or restricted items, carry out personal search of citizens, inspection of their belongings, hand luggage, luggage, in the absence of legal grounds for the carriage and storage of such items, means and substances, confiscate these items" in Article 17 of this law, "...unimpededly enter with the indication of the service certificate and the special permission issued in accordance with the established procedure for performance of the tasks assigned to internal affairs bodies on control of observance of the legislation in the field of administrative building, production, warehouse and auxiliary buildings of the objects operating in the sphere in which civilian and service weapons, their ammunition, industrial explosives, pyrotechnics, narcotics, psychotropic substances and their precursors, aluminum powder and structures are circulated; if violation of license and permit requirements and conditions causes the danger of loss or looting of civilian and service weapons, their ammunition, industrial explosives, pyrotechnic articles, drugs, psychotropic substances and their precursors, aluminum powder and structures, carry out their removal, demand immediate transfer and placement for storage of explosives, pyrotechnics, narcotic drugs, psychotropic substances, their precursors, aluminum powder and structures intended for industry to the relevant specialized organizations, civilian and service weapons and ammunition to law enforcement agencies, carry out in accordance with the established procedure the seizure, transportation and storage of firearms, ammunition, explosives, pyrotechnics, narcotics, psychotropic substances and their precursors, aluminum powder and structures in organizations and citizens without licenses and permits, take measures to eliminate them."¹

The control and licensing system is implemented in enterprises, organizations and institutions that store items and substances restricted by law, regardless of the form of ownership and departmental subordination (Objects relevant to Ministry of Internal Affairs, Ministry of Defense, Ministry of Emergency Situations, the State Security Service, the National Guard, and the State Customs Committee are exceptions). Police officers have the right to inspect objects specified in the relevant license or permit to carry out activities in the field of circulation of pyrotechnic articles, explosives for industry, narcotic drugs, psychotropic substances and their precursors, to demand citizens and legal

¹ Collection of Legislative Acts of the Republic of Uzbekistan, 2016, No. 38, Article 438; 2017, No. 24, Article 487, No. 37, Article 978, National Database of Legal Documents, 24.05.2019, 03/19/542/3177, 2019, No.2, Article 47, dated 05.09.2019, dated 03/19/563/3685, dated 11.09.2019, dated 03/19/566/3734; 30.10.2019, 03/19/575/3972; 25.12.2019, 03/19/597/4193

entities to provide oral and written information for the seizure and destruction of pyrotechnic articles, industrial explosives, narcotic drugs, psychotropic substances and their precursors, prohibited for circulation in the territory of the Republic of Uzbekistan.

In case of detection of gross violations that may lead to theft or illegal use of harmful pyrotechnic articles, industrial explosives, narcotic drugs, psychotropic substances and their precursors, the law enforcement agencies also have the right to seal the relevant places, temporarily restrict the use of them by employees or prohibit them from engaging in commercial activities until the identified deficiencies are remedied. In case of violation of the law, citizens have the right to issue written instructions to officials, which must be complied with a clear deadline.

Powers to issue licenses and permits in the system of internal affairs are entrusted to Main Department of Patrol and Post Service and Public Order of the Ministry of Internal Affairs of the Republic of Uzbekistan. The system of these services includes Department of Organization of Control and Licensing Activities within the Main Department of Patrol and Public Order of the Ministry of Internal Affairs of the Republic of Uzbekistan; The Ministry of Internal Affairs of the Republic of Karakalpakstan, the Main Department of Internal Affairs of the city of Tashkent and the regional departments of Internal Affairs include units of the Patrol and Post Service and Public Order Departments for the organization of control and licensing activities.

The position of inspector for control and licensing activities has been introduced in district (city) Departments of Internal Affairs. Where such positions are not introduced, this task is assigned to one of the prevention (senior) inspectors of the district (city) Department of Internal Affairs of the Department of Crime Prevention. However, these officers must complete a training course and pass a test in the Ministry of Internal Affairs of the Republic of Karakalpakstan, the Main Department of Internal Affairs of the city of Tashkent and the Patrol-Post Service and Public Order Departments of the regional police departments.

The objects of control and licensing controlled by law-enforcement bodies established by regulatory legal acts can be divided into the following three groups:

- A. Belongings and items: pyrotechnic articles; printing equipment (fonts and matrices, printing inks); seals and stamps;
- B. Substances: explosive substances and explosive means; toxic substances, fast-acting poisons; radioactive means of ionizing radiation; methanol et al .;
- C. Facilities: warehouses, tool and means base, weapons repair, pyrotechnic and stamping-engraving workshops, organizations for the analysis and sale of fast-acting tools, laboratories, shops selling pyrotechnics and warehouses for storage of radioactive substances and their burial places.

The main purpose of control and licensing activities by law enforcement agencies is purchase, sale, storage, accounting, transportation and use of items, substances and equipment (things) for which a license is required, as well as prevention of violation of established production procedures and prevention of their loss, theft, criminal and other purposes .

Therefore, the services of law enforcement agencies engaged in control and licensing activities should perform the following main tasks:

- study and assessment of the condition of control and licensing facilities;
- consideration of applications for storage, transportation, purchase, use and production of products, substances and equipment for which a license is required;
- issuance of permits for the operation of control and licensing facilities;
- planning inspection of facilities and keeping records of the work done in this regard;
- formalization of the results of inspections of facilities in conjunction with the administration, prevention inspectors and other related services;
- identification of problems with pyrotechnic devices or accounting of individuals, identification of unaccounted for weapons and taking measures to account for them;
- control over the facilities of control and licensing, taking legal measures to address the identified violations.

At the same time, the system of licensing of pyrotechnic articles used by the divisions under Ministry of Internal Affairs, the Ministry of Defense, the Ministry of Emergency Situations, the State Customs Committee, the State Security Service, the Border Committee of the Republic of Uzbekistan does not control the internal licensing system does not enter into the control-licensing system of internal affairs.

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Implementation of control and licensing activities of law enforcement agencies is a complex process, the effectiveness of which depends on many factors, in particular: proper organization of the activities of the subjects engaged in this activity, clear definition of their tasks; planning of these activities; effective use of scientific and technical innovations, widespread introduction of best practices in maintaining public order and combating crime; to work in close cooperation with other divisions of law-enforcement bodies and the general public.

Applications of legal entities for the issuance, renewal or extension of licenses and permits shall be received by the internal affairs bodies at the place of their registration.

Legal entities applying for a license, ie heads of enterprises, organizations and institutions, are provided with the necessary list of documents provided for in the regulations. The submitted documents are recorded in the register of applications and appeals, issuance of licenses and permits. The same journal shall record the results of the examination of the application, the applicant being given a written notice of the license or permit or the refusal to issue them. Applications and documents without all the necessary documents will not be registered by law enforcement officers and will be one of the grounds for refusing to issue a license or permit. The current normative legal acts of the Republic of Uzbekistan contain grounds for excluding the issuance of licenses to legal entities to carry out activities for the creation, production, transportation, storage, sale, use, destruction and disposal of pyrotechnic articles. For example, a license is not issued to legal entities that do not meet the requirements of the law.

The Department of Public Safety in Transport of the Ministry of Internal Affairs of the Republic of Uzbekistan issues permits for the carriage of explosives and licenses for the carriage of pyrotechnics by public order units (subdivisions).

At the same time, legal entities with special responsibilities specified in the charter are issued licenses for storage of pyrotechnics, permits for transportation through the state joint-stock railway company "Uzbekistan Railways", as well as permits for storage and transportation of their employees.

The traffic safety service provides entrepreneurs with permits for the production of blanks of driving licenses, state registration (number) signs for vehicles and other special products, as well as the organization of traffic, maintenance of technical means.

Licenses and permits issued by law enforcement agencies are documents confirming the right of a citizen, legal entity to engage in the type of activity specified in the permit, as well as the right to purchase, store and carry weapons.

The validity periods of these licenses and permits vary. For example, their validity of licenses for the right to create, manufacture, transport, store, sell, use, destroy and dispose of pyrotechnic articles is granted for an indefinite period.

Control over compliance with the rules of the control and licensing system of law enforcement agencies is carried out mainly in the field of creation, production, transportation, storage, sale, use, destruction and disposal of pyrotechnic articles. Such control allows law enforcement agencies to detect violations of the rules of handling pyrotechnic articles, to identify violations, to take legal action on these violations, as well as to apply administrative and criminal sanctions provided by law.

Departmental normative legal acts of the Ministry of Internal Affairs of the Republic of Uzbekistan define the activities of law enforcement agencies to control the creation, production, transportation, storage, sale, use, destruction and disposal of pyrotechnic articles.

The law enforcement agencies control the handling of pyrotechnic articles in the following areas:

- activities of legal entities trading in pyrotechnic articles;
- purchase and sale of pyrotechnic articles;
- safe storage and transportation of pyrotechnic articles.

In the control of the creation, production, transportation, storage, sale, use, destruction and disposal of goods, police officers have the right to inspect pyrotechnic articles in places of production, sale, storage and destruction, to remove and destroy pyrotechnic articles prohibited for circulation in the territory of the Republic of Uzbekistan, to demand oral and written information from citizens and legal entities for control activities. Also, in case of detection of harmful, gross violations that could lead to theft or illegal use of pyrotechnic articles, law enforcement agencies have the right to seal the places where pyrotechnics are traded, exhibited, temporarily restrict their use by employees or prohibit them from engaging in commercial activities until the identified shortcomings are eliminated.

In case of violation of the law, citizens have the right to issue written instructions to officials, which must be complied with and with a clear deadline.

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In the event that the storage of pyrotechnic articles is not ensured, law enforcement officers shall take the pyrotechnic articles and hand them over to the relevant territorial department of internal affairs for storage.

A written warning is issued on the facts of violation of the rules of handling pyrotechnic articles, and in case of an administrative offense, a report on the administrative offense is drawn up.

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