



## COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES AND CIVIL SOCIETY INSTITUTIONS: FOREIGN EXPERIENCE

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<https://doi.org/10.5281/zenodo.15494026>

**Abstract:** This article analyzes the important role of civil society in the formation and development of democratic politics and the legal system. Civil society institutions, including the police system, municipal police, militia system, public hearings (consultations, discussions), public investigations, civic observation, surveys, public monitoring (audit), public opinion research, public legislative initiatives, public observation structures, journalistic investigations, and public expertise are defined as forms of public control.

**Keywords:** Civil society institutions, public audit, civic observation, public monitoring, public opinion research.

In any country, the interaction of law enforcement agencies with the population and the cooperation of civil society with social and self-governing bodies, on the one hand, contributes to the effective fulfillment of law enforcement agencies' functions, ensuring law and order, crime prevention, and other functional tasks. On the other hand, it serves to protect citizens' rights and ensure the interests of social structures.

Based on this common goal, corporate cooperation between law enforcement agencies and civil society institutions has been widely developed in many foreign countries. For example, in Sweden, Denmark, Austria, and other countries, a network of clubs called "friends of the police" is quite widespread. Councils for cooperation with the police operate at the municipal level. They function based on tripartite agreements concluded between the police department, local administration, and public structures in residential areas[1].

Internal affairs bodies and police officers in foreign countries, depending on their legal status, are subject to a legal "regime" (system, discipline) common to state or municipal employees. However, in accordance with their professional duties, goals, and responsibilities, police officers occupy a special place among other civil servants.

The system of remuneration and social guarantees for employees of internal affairs bodies is regulated by the laws "On the Police," "On Internal Affairs Bodies," decrees and resolutions of the head of state, as well as regulatory legal acts for certain categories of law enforcement officers. These include provisions ensuring the rule of law and financial aspects of local self-government organizations.

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Internal affairs bodies are called differently in countries around the world. Among these names of internal affairs bodies, the most common are the police and militia.

The police is a state body that ensures peace and security in the state and society, fights against crime and offenses, and protects the rights and freedoms of citizens. The word "police" comes from the Latin "politia" - "civil administration," and from the Greek "polis" - "city." Today, internal affairs bodies operate in the police system of the USA, Germany, Japan, China, Russia, Azerbaijan, Belarus, Kazakhstan, and a number of other countries.

The police is a state body that ensures the safety of citizens, carries out activities to combat and prevent crime and offenses, and strengthens law and order. The word militia comes from the Latin word militia - meaning "military work," "road," "people's troops," "service." Today, internal affairs bodies operate within the police system in countries such as Bulgaria, Yugoslavia, Romania, Poland, and Tajikistan.

Of particular scientific and practical interest in foreign countries is the study of the methodology, specific forms and methods of social partnership and interaction of law enforcement agencies, including the police, with the general public, public structures, and the principles of establishing joint contacts.

In the Republic of Kazakhstan, there is a Law "On Public Councils," according to which public councils are advisory, council, and supervisory bodies created in ministries and central executive bodies. The number of representatives of civil society in a public council is required to be two-thirds of its members[2]. In Kazakhstan, as in the Russian Federation, the activities of the Public Chamber have been established since 2007.

In European countries, special attention is paid to the interaction of law enforcement agencies with the media, their activities in the media space, and their activities in the process of information exchange. In these countries of the European Union, the mass media are literally the fourth estate, effectively influencing state bodies, including law enforcement agencies, in the sphere of ensuring human rights.

According to the experience of foreign countries, not all issues of social partnership between law enforcement agencies and civil society institutions can be considered positive. The criteria for assessing the level, quality, and effectiveness of this cooperation are not clearly defined, and these issues have not yet been fully developed on a scientific basis. For example, in the Russian Federation, there are three approaches to the interaction of internal affairs bodies with the media. The first approach is the publication of printed articles in the media, aimed at raising the authority of the police. The internal affairs bodies themselves lobby for this.

The second approach is that the media, in pursuit of hype, spread false information about the police.

The third approach is to present the activities of the police as they are. At the same time, the dialogue of these bodies with the population is characterized by the fact that it allows strengthening the rule of law in the relevant territory, ensuring the rights and freedoms of citizens, and improving the police's own work style. This has a positive impact on their activities and contributes to the creation of a positive image of police officers.

According to the legislation of the Russian Federation, in the system of social partnership in the country, the form of joint decision-making of partner entities is enshrined. This feature also applies to the institution of cooperation between law enforcement agencies and civil society institutions. In Russian reality, there are also such forms of cooperation between state bodies and civil society institutions as obtaining information from state bodies, participation in public councils formed between them, participation of the parties to the



cooperation agreement in the draft decision of the public council, and vetoing the decision of the state body by the public council[3].

Based on the Concept of Social Partnership, the Ministry of Internal Affairs of the Russian Federation approved the "Program for the Implementation of the Unified Information and Communication System of the Ministry of Internal Affairs" on January 1, 2009.

In the Russian Federation, the Convention on the Interaction of Internal Affairs Bodies (Police) with the Media has been adopted. According to it, cooperation between civil society institutions, the media, and the police is carried out on the basis of the following principles: reliability, accessibility, objectivity, openness, and the possibility of public discussion of information[4].

In the Russian Federation, on July 21, 2014, the Law "On the Fundamentals of Public Control in the Russian Federation," consisting of 27 articles, was adopted. According to the law, the subjects of public control are:

- Public Chamber of the Russian Federation;
- Public Chamber of Subjects of the Russian Federation; Public Chamber of Municipal Organizations;
- public council under federal executive authorities, public council under legislative (representative) and executive bodies of state power of the subjects of the Russian Federation.

Unlike the legislation of the Republic of Uzbekistan, public control in the Russian Federation provides for the observation of the activities of not only state authorities, but also local self-government bodies, state and municipal organizations, and other bodies and organizations exercising separate public powers under federal legislation, as well as the implementation of public analysis and expert review of documents adopted by them (Article 4).

The Law also specifies the mechanisms for implementing public control (Articles 19-25). In Russia, public control is carried out in the following forms:

- public monitoring;
- public inspector;
- public examination; public hearing.

The French municipal police, funded entirely by the local budget, maintain public order and ensure the safety of cities and other settlements, and in this regard, the Ministry of National Security works in close cooperation with the police.

Analysis of the experience of foreign countries shows that they also have a legal basis for organizing cooperation between the state and civil society institutions.

The German policy document on poverty reduction was adopted by the Federal Ministry of Cooperation and Development following consultations with non-governmental German organizations operating in the field of international assistance and at the initiative of these organizations.

Currently, the objects of public control in foreign countries include the activities of state bodies, public organizations, collectives and their associations, research institutions, central scientific organizations, schools, and private law bodies performing public authority functions in Germany.

In Great Britain, we can see five types of interaction between the police, which is part of the law enforcement system, and civil society institutions:



1) the population carries out constant surveillance in the territory where it resides and informs the police about suspicious incidents occurring. Polia, in turn, supports teams of such regional observation groups;

2) citizens participate in the control process, and if necessary, call offenders to order;

3) as a result of propaganda conducted by the police, citizens change their behavior for the better;

4) Citizens may apply to local self-government bodies to request the government to allocate additional funds for the activities of the police and demand the creation of additional police structures;

5) citizens can grant the police the right to act on their own behalf, thereby confirming the results of police activities by the public and encouraging police activities[5].

Similar practice can also be observed in the USA. That is, in the USA, cases of involving the population in law enforcement and preventive work are also widespread. There is a public institution of police assistants, consisting of volunteers. They, in turn, are a branch of the Scout movement. Volunteer assistants carry out their activities under the leadership of the public relations department of the regional police.

Let's consider another aspect of the US experience. In recent years, volunteer citizens seeking assistance with the police have been offered programs by sheriff's offices, such as: a community security observation club; volunteer citizens of community academies; volunteers participating in patrols. One such volunteer group is the Guardian Angels, originally created to assist the police in maintaining order in the New York metro, and today operates in more than 30 cities of the country[6].

In the USA, public oversight of police activities is called "civil oversight" and is carried out in four ways. The Council of Civil Oversight is considered the most independent method, this council is formed only from citizens and does not involve representatives of government agencies (experience of the states of Nevada, Las Vegas). The Council deals with the consideration of applications, conducting independent inspections, and developing recommendations. The council consists of 20 members, who are appointed by the municipality and cannot be officials.

The second type of civil oversight is oversight of activities related to the review of appeals. In this case, applications and complaints are first considered and studied by a state body (the experience of the states of Oregon and Portland), but are taken under direct control by citizens. During the inspection process, an audit committee is formed, consisting of members of the city council, which reviews the case and makes recommendations, after which a decision is made by the head of the state body. The third type of civil oversight is the appellate board (the experience of the states of Los Angeles and California).

This model states that if a citizen is not satisfied with the consideration of a complaint by a state body, they appeal to a specially created appellate council. This council carries out its activities in the composition of a state body and citizens.

The fourth most popular form of public control is the citizen's audit. The auditor monitors the review of complaints against the state body, verifies its legality, and provides necessary recommendations (the experience of the city of Santa Cruz, California). The auditor participates in the complaint review process and evaluates its effectiveness.

Applications received from citizens are accepted by an independent auditor, but he does not conduct an independent audit on them. The inspection is the direct responsibility of the



state body. The auditor can participate in the audit and is limited to providing their opinion. It should be noted that public control in the USA is guaranteed by a number of regulatory legal acts. In particular, the Law "On Freedom of Information in the USA" (The Freedom Information Act) adopted in 1966, as well as laws called "Sunshine laws," define the procedure for obtaining information, holding open meetings with government agencies, and submitting reports. The US Freedom of Information Act applies to government agencies in the security and intelligence systems, although it does not apply to the legislative and judicial branches of government[7].

As can be seen, in developed countries, great importance is attached to establishing cooperation based on the principle of equality with civil society institutions, public associations, various social movements, and law enforcement agencies. Naturally, this cooperation serves the interests of both sides. Police may delegate some of their duties to groups of different communities, consisting of citizens, without allocating additional capital to maintain their public order and strengthen the rule of law. Thus, firstly, the volume of work assigned to him can be renewed, and secondly, it will lead to an increase in trust and respect for them in the eyes of citizens.

In our opinion, it would be advisable to enshrine this task in the legislation of the Republic of Uzbekistan not as a right, but as a duty of state bodies.

In Japan, ensuring public order and security in residential areas is carried out by lower-level police posts and police stations. Understanding that strengthening public cooperation in the country contributes to improving police activities, the Japanese government paid special attention to establishing police posts and checkpoints in residential areas.

In our opinion, although the laws of the Republic of Uzbekistan "On Openness of State Bodies of Power and Administration," "On Social Partnership," "On Internal Affairs Bodies" enshrine the basic principles of cooperation between internal affairs bodies and the public, including the media, we consider it expedient to include in the relevant legislation of our country more democratic principles from among the above-mentioned principles enshrined in the practice and legislation of foreign countries in the implementation of social cooperation, ensuring its effectiveness.

Also, in foreign countries, a number of forms of public control over the activities of law enforcement agencies (police) are developed and widely used in everyday activities. At the same time, it should be noted that in faraway foreign countries, the concept of "civil control" is used instead of "public control"[8]. In particular, abrogative referendums (citizens' veto) (Switzerland), collaboration (USA), civic initiative (France, Germany, Italy), public (people's) legislative initiative (lawmaking) (USA, Germany, Spain, Italy, Latvia, Lithuania, Poland, Romania, Slovenia, Switzerland), public observation commissions and committees (Belarus, Kazakhstan, Kyrgyzstan), public media (USA, EU), public councils (chambers) (Austria, USA, Armenia, Brazil, Greece, Netherlands, Poland, Kazakhstan, France), online petitions (USA, EU), councils on minority affairs (Czech Republic), councils of visitors to penitentiary institutions (Great Britain, France), civil audit (USA) are used in foreign countries[9].

In accordance with the French Constitution, the National Social and Economic Council, established in 1958, continues to operate effectively to this day. The council consists of representatives of various professions and assists the government by submitting proposals and conclusions on all draft laws in the social and economic spheres. In France, special forms of public control directly related to the activities of law enforcement agencies are also used. In



particular, the National Association for Prison Visitors (NAPT), which carries out public oversight, operates on a voluntary basis. Its status is reflected in the French Criminal Procedure Code. He provides assistance to the head of the detention center and prison social workers, providing psychological and material support to prisoners. This organization is a non-governmental organization formed from volunteers.

In France, government bodies, courts, banks, etc.; He notes that in the USA, police activities are also included, while in Great Britain, courts, security, and intelligence activities cannot be objects of public control. In foreign countries, citizens, non-governmental non-profit organizations, public councils, consultative institutions, mass media, committees under state bodies (Great Britain, Belgium, USA, France, Germany, etc.) are considered as subjects of public control. At the same time, public associations, mass media, volunteers, civil oversight councils, civil auditors, and others also operate as subjects of public oversight in the USA.

Since 1995, public control in the form of a social audit, aimed at providing the general public with information about the activities of state power through various social surveys and research, has been widely developed in Sweden[10].

In Denmark, at the initiative of the public council, a different approach was taken towards youth crime prevention in the country. In Denmark, with a population of five million, about seven thousand youth clubs, centers, and circles have been created[11].

In a number of European countries, specific forms of public control operate in the sphere of labor. In particular, in Denmark and Finland, the public labor inspector is elected by employees, and in Great Britain and Sweden, public control inspectors are members of trade unions. In Great Britain, labor inspectors have the right to conduct investigations in the event of harm to the health of employees at work. According to French legislation, labor inspectors are appointed at enterprises with more than 250 employees by agreement between employers and employee representatives[12].

In foreign countries, based on the form of state governance, the legal system, and the state of development of civil society, public hearings (consultations, discussions), public investigations (investigations), civic observation, surveys, public monitoring (audit), public opinion research, public legislative initiative, public observation structures, journalistic investigations, public expertise, hearing reports, and other forms of public control are widely used.

One of the most common forms of public control is the public legislative initiative, which, in turn, provides for the mandatory consideration by parliament of a draft law that has received a certain number of votes (signatures) by citizens (USA, Brazil, Germany, Spain, Italy, Latvia, Lithuania, Poland, Romania, Slovenia, Switzerland). Observation and consultative structures (public chamber, public councils, commissions) are the universally recognized form of public control in the world community (USA, Austria, Great Britain, Brazil, Netherlands, France, Greece, Poland, RF). These structures prepare reports and conduct research on the problems of policy implemented in the country, and provide for the direct participation of subjects of public control in collegial bodies specially created under state bodies[13].

It should be noted that in the 2020 Address of the President of the Republic of Uzbekistan to the Oliy Majlis, a proposal was made to create a Public Chamber of the Republic of Uzbekistan in order to establish close cooperation between the state and society[14]. In



most countries, special importance is attached to the mass media in the implementation of public control over the activities of state power.

In conclusion, it is important to use the positive experience of cooperation between law enforcement agencies and civil society institutions developed in foreign countries

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