

INTERNAL AFFAIRS BODIES AS SUBJECTS OF TORT RELATIONS

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***Annotation:** In this scientific article, the characteristics of internal affairs bodies as subjects of delict relations were studied, their participation in these relations as a state body and legal entity, as well as the issues of delict liability from the point of view of civil law were studied in a holistic (complex) way, and the legal documents regulating these relations were scientifically analyzed and their scientifically based conclusions, proposals and recommendations on improvement were developed.*

***Key words:** internal affairs bodies, subject, tort relation, state, legal entity.*

The opinions of civil scientists that the state should compensate not for any damage caused by the internal affairs bodies, but only for the damage caused as a result of illegal actions (inaction) defined by the law, were studied. The author says that it is impossible to define in advance in the laws the complete list of illegal actions that can be committed by state bodies or officials. Accordingly, it was justified that even if the above-mentioned list of illegal actions is not defined in advance by the law, the state will cover the damage caused, and the necessary condition for this is that there is a causal connection between the damage caused and the illegal action (inaction) and that the damage is a consequence of the exercise of the powers of the authorities.

The civil legal status of state bodies is not specified in the civil legislation of Uzbekistan. In court practice, the application of delict liability to internal affairs bodies with a complex structural structure in the system of state bodies causes some difficulties. For example, various problems in the recovery of property damage that arise in the activity of internal affairs bodies as a legal entity (when internal affairs

bodies do not fulfill contractual obligations, cause damage with vehicles or other excessive sources of risk) there is a high probability that the damage will not be covered. In these situations, the researcher provides a legal justification for the fact that in order to compensate for the damage, the levy can be focused on the funds or property of the internal affairs bodies found in the economic activity.

In the research work, the delict responsibility of internal affairs bodies was analyzed based on its status as a state body (structure) and a legal entity, and its specific aspects were highlighted. also the participation of internal affairs bodies in delict relations in such a manner was studied, and its specific aspects were revealed. As a result, when they participate as a state body (structure), the damage caused to citizens or legal entities will be covered from the state budget in any case, if they participate as a legal entity, the responsibility cannot be assigned to the state, in such a case, the damage will be their property or money. it was justified that it should be covered from the account.

The delict liability of internal affairs bodies as a subject of public law arises due to the damage caused by them in connection with the implementation of power and management activities, while the delict liability as a subject of private law arises due to the damage caused by excessive risk sources that belong to them on the basis of the right of economic management and operational management. came to the conclusion that it will come out.

In addition, the delict liability of the internal affairs bodies as a subject of private law is studied on the grounds established in Article 989 of the Civil Code, in which the damage caused by the employees of the internal affairs bodies, even if they were caused during the service, should not be related to the powers of the authorities (for example, the internal affairs bodies damage caused by an employee to another person during work) and therefore, in such a situation , the internal affairs bodies as a legal entity are justified in delict responsibility.

According to the author, the emergence of delict relations with the participation of internal affairs bodies in the national civil law is related to their establishment as a

legal entity. Of course, internal affairs bodies did not function in their current legal status during the entire period of historical development, but they existed in one form or another at different stages of development. In the past, criminal relations with the participation of internal affairs bodies were not formed as an independent legal institution, but the rules for their regulation can be found in written legal sources. The initial norms expressing the participation of internal affairs bodies as a delinquent party in civil law obligations were narrowly defined in Article 481 of the Civil Code of Uzbekistan adopted on March 23, 1963.

Noting that the rules of the former Union did not respond to the civil legal principles of independent Uzbekistan based on the market economy, in particular, the introduction of the principle that "the state is not responsible for the obligations of a legal entity created by itself" into the civil legislation and its application to social life, the state (internal affairs) bodies in relation to obligations emphasizes the need for recognition as an independent entity. Accordingly, the Civil Code (mm. 15, 990, 991), implemented on March 1, 1997, for the first time indicates that the legal bases of delict liability of state (internal affairs) bodies are defined.

notes that today every country has made certain progress in the field of human rights and freedoms, and at the same time, it has also defined the legal basis for influencing these rights to one degree or another in its legislation. Accordingly, in order to maintain public order and ensure public safety, the internal affairs bodies are empowered to make binding decisions or apply legal measures. Of course, in these processes, unpleasant situations may occur, such as restrictions on the rights and interests of citizens and legal entities, or damage to them in one way or another.

Today, in order to reduce and prevent such negative consequences, all countries have established one or another procedure for complaining about the decisions, actions (inaction) of state bodies and officials, and for compensating the damage caused by such actions. But until now __ In this regard, no country has created a single, universally recognized legal mechanism. Nevertheless, some developed countries have made some progress in this area.

In other countries, for example, in Turkey, compensation for damage caused by the police is based on public and private legislation, that is, the responsibility of the employer for damage caused by his employee, but the tort law of England, unlike that of France and Germany, did not provide legal responsibility for damage caused by the decisions of the state authorities. but it can be observed that this damage is compensated voluntarily (*ex gratia*) and is not based on legal responsibility, but only on moral duty.

According to the legislation of the Republic of Uzbekistan, delict relations with the participation of internal affairs bodies, more precisely, their delict liability is defined on the basis of the Civil Code (mm. 15, 990, 991). However, the author says that this relationship is a mixed legal relationship regulated by the norms of public and private law, because the delict responsibility of the internal affairs bodies is also defined in the administrative, criminal, criminal-procedural legislation of the state. Of course, it is necessary to take into account that the regulation of one type of social relations by different areas of law causes various problems in the practice of law enforcement. Based on this, in the dissertation, the necessity of adopting the law of the Republic of Uzbekistan "On the procedure for payment of damages caused by the illegal actions of the bodies conducting pre-investigation, inquiry, preliminary investigation, prosecution bodies and courts" was justified and its draft was developed.

The norm of the Civil Code that "by the decision of the court, damages may be imposed on officials who are guilty of damages" (FK 15, 991 -mm.) was analyzed, and the opinions of legal scholars were studied in this regard. As a result, it was concluded that the state should always guarantee the correct and legal implementation of the powers given to its bodies and officials and undertake the obligation to compensate for the damage caused as a result. In this matter, the author justifies that the obligation to compensate the damage should always be carried out by the state, and in cases where the guilt of the official in causing the damage is proven by the court, it is necessary to introduce a mechanism that ensures the recovery of the paid damage in the recourse procedure.

In conclusion, as one of the practical suggestions, the right to recover damages of a citizen injured or damaged as a result of the illegal activity of investigative bodies, investigation, preliminary investigation, prosecutor's office and court before his death is transferred to his heirs after his death in Article 991 of the Civil Code . believes that its introduction will ensure the unification of the legislation in this field.

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