



SPECIFIC ASPECTS OF MAINTAINING PUBLIC ORDER AND ENSURING THE SAFETY OF CITIZENS DURING PUBLIC DISORDERS

Ummatov Mukhammadrasul Tursunovich

Doctor of Philosophy in law sciences (PhD), Associate Professor

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Annotation: The article discusses the concept and specific features of maintaining the safety of citizens and public order during mass riots, demonstrations, illegal gatherings of people, state sovereignty, public order and security, mass crimes affecting the personal safety of citizens, rape, arson, vandalism, theft, robbery and destruction of state and private property, as well as proposals aimed at eliminating inconsistencies in the legislation on maintaining the safety of citizens and public order during mass riots.

Key words: mass unrest, demonstrations, public order and safety, personal safety of citizens, mass crimes

It is no secret that the instability, mass unrest, and tensions observed in the world are undermining the peace of a number of states and negatively affecting the mutual friendship and tranquility of peoples. One of the threats to the integrity of the state and the peace of citizens is mass riots.

Mass riots, based on various theoretical factors, require independent theoretical understanding. Mass riots can occur both during demonstrations and other events. They differ from demonstrations in that a demonstration is a peaceful assembly in which citizens of a democratic state governed by the rule of law have the constitutional right to demonstrate and can protest against the public. Mass riots are primarily characterized by: the illegal nature of the gathering of people, the fact that their number exceeds three people, the holding of pre-planned actions with the distribution of roles. As a rule, the mob threw stones at police officers, broke shop windows, looted stores, overturned cars, and set fire to them. Mass riots are understood as events that, as a mass crime, affect the sovereignty of the state, public order and security, the personal safety of citizens, rape, arson, sabotage, theft, robbery and destruction of state and private property, the production and use of cold (firearms), explosive or flammable substances against civilians and government forces, resistance, disruption of the activities of state, public organizations and institutions, vehicles, and the application of strict measures to eliminate them in this situation. The emergence of mass riots can encompass various causes. It is known from history that mass riots have manifested themselves in every period of society's development. Mass riots, as a social phenomenon, pose a serious threat to society.

They can arise for various reasons - socio-economic (food shortages, tragic inflation, general unemployment, etc.), political (authoritarianism of the authorities, violation of democratic freedoms, dissatisfaction with government policy, etc.), ethnic (violation of the rights of national minorities or, conversely, dominance of representatives of important spheres of social life of non-local ethnic groups, etc.), religious (struggle between representatives of different religions), criminal (struggle for revision of spheres of influence between criminal groups), etc.

When small groups of angry people are combined into a sufficiently large group, the probability of spontaneous behavior manifestation increases sharply.

Historically, the largest mass riots began to occur in the late 19th - early 20th centuries[2].

The term "unrest" describes this phenomenon in two ways: firstly, they are associated with violence or other violations of public order, and secondly, they are public. Mass riots are criminal acts that pose a great social danger, as they are considered one of the acts that occur spontaneously and encroach upon many important objects protected by criminal law.

There are studies by many scholars on mass riots, one of which, based on archival data studied by V. A. Kozlov, one of the researchers on the organization of mass riots in the USSR in 1953-1980, concludes that, according to the practice in effect at the appointed time, such riots were recognized as "mass" with the participation of at least 300 people[3].

Currently, along with population growth, price increases are negatively affecting citizens' mood due to similar negative inconveniences, such as the increase in taxes and other types of services. This is causing objections and dissatisfaction from certain segments of the population. At a time when the development of information technologies is observed, people's worldview and legal culture are increasing. Despite the fact that the majority of the population living in our country is of Uzbek nationality, peace-loving values are inherited from our ancestors, third forces are trying to create various negative thoughts in the minds of our youth by exaggerating unconfirmed information through various websites and social networks. This, like a virus, spreads rapidly, manifesting small manifestations of disorder in public places.

According to the current legislation of the Republic of Uzbekistan, ensuring the personal safety of citizens during rallies and demonstrations is one of the most important aspects of holding rallies and demonstrations.

Indeed, Article 38 of the Constitution of the Republic of Uzbekistan states: "Citizens have the right to carry out their social activities in the form of rallies, meetings, and demonstrations in accordance with the laws of the Republic of Uzbekistan"[4] and the inclusion of this right in the political rights of citizens confirms the above opinion.

However, it should be noted that citizens must participate in rallies, meetings, and demonstrations of their own free will. That is, holding rallies, meetings, and demonstrations against the will of the citizens participating in them is inappropriate and illegal.

However, if participation in rallies, meetings, and demonstrations is conducted against the will of citizens, it is necessary to refrain from participating in such mass events. Because the organization of such events in public places in the administrative territory ends with the application of coercive measures by law enforcement agencies against them.

However, it should be noted that today, although the legislation of the Republic of Uzbekistan establishes administrative and criminal liability for violation of the procedure for organizing and holding meetings, rallies, street processions or demonstrations, in our country there is no "procedure for organizing and holding meetings, rallies, street processions or demonstrations."

That is, such a procedure is not regulated by any current legislation of the Republic of Uzbekistan, and under what circumstances and with what actions a person may violate the procedure for organizing and holding meetings, rallies, street processions or demonstrations, on what grounds administrative or criminal liability measures are applied to him, in fact, remains a problem.

It should be noted that until our country gained independence, the procedure and freedom of holding meetings, rallies, and demonstrations in Uzbekistan were regulated by Decree No. 9306-XI of the Presidium of the Supreme Soviet of the USSR dated July 28, 1988, on the procedure for holding meetings, rallies, street processions, and demonstrations in the USSR.

Although the Ministry of Internal Affairs of the Republic of Uzbekistan has developed a draft law "On Rallies, Meetings, and Demonstrations," this law has not been adopted and has not been implemented in the territory of the Republic of Uzbekistan.

The Minister of Justice of the Republic of Uzbekistan, Ruslanbek Davletov, also expressed his opinion on this matter: "Decisions are made as a public event, but not every rally falls under a public event. Here, from a legal point of view, there is an issue that we must work on" [5].

It should be noted that Clause 3 of the "Rules for Conducting Mass Events," approved by Appendix 1 to Resolution No. 205 of the Cabinet of Ministers of the Republic of Uzbekistan dated July 29, 2014, "On Measures to Further Improve the Procedure for Organizing and Conducting Mass Events," states: "A mass event is a joint participation of citizens organized at the venue of a mass event for the purpose of holding socio-political (conferences, conferences, congresses, etc.), cultural-mass, and entertainment programs (musical, literary, and other festivals, concerts, theaters, sports, advertising events, public festivities, circuses, national performances and games, competitions, etc.), as well as national, religious, and professional holidays, with the participation of 100 or more people" [6].

However, paragraph 2 of these Rules states: "The effect of these Rules does not extend to holding meetings, demonstrations, street processions and demonstrations, as well as weddings, family celebrations, anniversaries, family mourning ceremonies and events dedicated to the memory of the deceased."

That is, the "Rules for Conducting Mass Events," approved by this resolution of the Cabinet of Ministers of the Republic of Uzbekistan, do not apply to the organization of meetings, rallies, street processions, or demonstrations.

According to the analysis of these rules, meetings, rallies, demonstrations are carried out if they are not connected with the following events:

- 1) socio-political (conferences, conferences, congresses, etc.);
- 2) cultural, mass, and entertainment programs (musical, literary, and other festivals, concerts, theatrical, sports, advertising events, folk festivals, circus performances, national shows and games, reviews and competitions, etc.);
- 3) events not organized for the purpose of holding national, religious, or professional holidays are not considered mass events.

Based on the foregoing, it can be said that in order to create a sufficient basis for the full implementation of the provisions of Article 38 of the Constitution of the Republic of Uzbekistan, it is advisable to adopt the Law of the Republic of Uzbekistan "On Rallies, Meetings and Demonstrations."

The necessity of adopting such a law can be justified by the following factors:

first - the absence in the current legislation of such concepts as "gathering," "rally" and "demonstration," normative legal acts defining the procedure for their organization and conduct;

second - the unregulated rights and obligations of citizens, bodies of state power and administration, and their interaction in the sphere of organizing and conducting rallies, meetings, and demonstrations;

thirdly, the absence of a relevant regulatory legal act creates difficulties in the legal assessment of actions related to the organization and conduct of rallies, meetings, and demonstrations by citizens, in particular, in determining the issue of administrative and criminal liability on the basis of Articles 201, 202 of the Code of the Republic of Uzbekistan on Administrative Responsibility and 217 of the Criminal Code.

The adoption of the Law of the Republic of Uzbekistan "On Rallies, Meetings and Demonstrations" in a new edition may give the following positive results:

1) ensures the realization of citizens' constitutional rights aimed at realizing their social activity in the form of rallies, meetings, and demonstrations, as well as increasing their legal literacy in this area;

2) contributes to strengthening measures to eliminate conditions that cause serious damage to the country's security and international image by weakening the internal situation by disorganized mass actions, "human rights defenders" and other destructive external forces that threaten security and public order;

3) legal assessment of actions related to the organization and conduct of rallies, meetings, and demonstrations by citizens, including the issue of bringing perpetrators to criminal and administrative responsibility.

Article 201 of the Code of the Republic of Uzbekistan on Administrative Responsibility (violation of the procedure for organizing, holding meetings, rallies, street processions or demonstrations) establishes administrative liability for violation of the procedure for organizing, holding meetings, rallies, street processions or demonstrations, which entails the imposition of a fine from sixty to eighty times the basic calculated value or administrative arrest for up to fifteen days[7]. The second part of this article also establishes administrative liability for violation of the rules for holding religious gatherings, street processions, and other religious ceremonies.

Article 202 of the Code of the Republic of Uzbekistan on Administrative Responsibility (creation of conditions for holding unauthorized meetings, rallies, street processions and demonstrations) also establishes administrative liability for providing buildings or other property (means of communication, reproductive and other technical equipment, transport) to participants of unauthorized meetings, rallies, street processions and demonstrations or for actions to create other conditions for holding such events.

In addition, even for the same acts, that is, the violation of the procedure for organizing or holding meetings, rallies, street processions or demonstrations by their organizer, committed after the application of administrative penalties for such actions, Article 217 of the Criminal Code of the Republic of Uzbekistan (violation of the procedure for organizing and holding meetings, rallies, street processions or demonstrations) provides for criminal liability.

Currently, the issue of criminal liability for organizing and preparing for mass riots has been established in our country. In particular, according to the new law of the Republic of Uzbekistan, adopted on March 27, 2025, amendments were made to Article 244 of the Criminal Code, establishing liability for education and financing of such activities for the purpose of committing mass riots[8].

According to the new procedure, if a person acquires special knowledge, practical skills, and qualifications for the purpose of committing mass riots or attends training courses on methods of handling weapons, explosives, and poisonous substances, they are punished: a fine from 300 to 600 BRV, correctional labor for up to 3 years, or imprisonment from 5 to 7 years;

At the same time, it has been established that the use of force against a person, massacre, arson, damage or destruction of property, organization of mass riots or financing of this activity by resisting a representative of the authorities, as well as active participation in mass riots, committed with the use or threat of use of weapons or other objects used as weapons, are punishable by imprisonment from 10 to 15 years.

This law also stipulates that a person may be released from criminal liability if they voluntarily report their training to government bodies and assist the investigation, as well as if their actions do not contain other signs of a crime[9].

In addition, a "roadmap" for the implementation in 2023 of the Strategy for the Development of the Public Security System in Uzbekistan for 2022-2025 has been published. According to it, 14 "Regional Methodologies" (Republic of Karakalpakstan, Tashkent city and regions) have been developed and implemented to ensure public safety, eliminate group violations and mass riots.

At the same time, in order to ensure the safety of our citizens, it is necessary to provide the internal affairs bodies and the National Guard with modern special means and carry out the necessary practical awareness-raising work; representatives of the relevant bodies should organize events with citizens to exercise the constitutional rights of citizens, organize mass riots among them, and organize practical measures on what their consequences may lead to.

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