

LEGAL REGULATION OF PUBLIC SAFETY IN RAILWAY TRANSPORT IN UZBEKISTAN

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Abstract:

The article analyzes the legal foundations of administrative and legal regulation of ensuring public safety in railway transport. The study examines normative legal acts in the field of transport safety, state and international legal norms, as well as the powers and responsibilities of transport entities. The article scientifically considers the legal mechanisms for ensuring safety in railway transport, administrative and organizational measures, and practical measures.

Keywords: Railway transport, public safety, transport safety, administrative and legal regulation, normative legal acts, legal mechanism

Introduction

The legal regulation of relations in ensuring safety in the transport sector is given serious attention in Uzbekistan. It is essential to define the purpose, content, and mechanisms of public safety, regulate the legal status and activities of relevant entities, provide them with necessary powers, and clearly and fully regulate the specific features of the safety assurance system in railway transport.

The term “*legal foundations of transport safety*” refers to international and national normative-legal acts that serve as the legal basis for maintaining public order and safety at railway and aviation facilities, protecting the rights, freedoms, and lawful interests of citizens, the property of individuals and legal entities, and the constitutional order. It also ensures legality, personal, societal, and state safety, as well as prevention and deterrence of legal violations [2, pp. 15–18].

In scientific literature, the concept of “*transport legislation*” has been formed, which denotes the set of normative-legal acts regulating social relations in the transport sector. This concept is characterized by a set of distinctive features: a specific composition of subjects, a field of regulation, and a complex nature. The primary criterion for this is the transport sector itself.

Within this context, railway law is considered as a set of norms regulating social relations arising during the transportation of cargo, passengers, and luggage [5, pp. 88–89]. Analysis of the legal foundations for ensuring public safety in railway transport shows that numerous normative-legal acts have been adopted to regulate this sector. These acts form a complex system with different levels of legal force.

First of all, it is necessary to note the Law of the Republic of Uzbekistan “*On Railway Transport*”. This law strengthened the legal foundations of railway transport activities, defined the main objectives and directions of state administration in this sector, and specified the requirements for railway transport organizations. It regulates the responsibilities of entities

providing transport and auxiliary services during transportation; the general rules for train movement organization; as well as requirements regarding traffic safety and the use of railway transport.

The law contains provisions regulating movement safety, safe use of railway and other technical means, the main requirements for railway traffic safety, and measures for control and other actions aimed at ensuring railway transportation safety (Articles 38, 39, 42, etc.). Additionally, it provides definitions of the key concepts used in the law. However, it does not specifically regulate the issue of public safety in railway transport, which, in our opinion, constitutes a significant legislative gap.

Foreign experience demonstrates that transport safety issues are often regulated at the legislative level through specific laws. For example, in Russia, these relations are regulated by the Federal Law “*On Transport Safety*” and the Presidential Decree “*On Establishing a Comprehensive System for Ensuring Public Safety in Transport*”. Russian experts emphasize that these acts “*reflect a set of officially adopted views on the objectives of safety and state strategy*”. Considering foreign experience, it is advisable to develop a comprehensive law (or a separate government resolution) regulating all relations related to transport safety, including railway transport.

According to Belarusian scholar L.A. Poleshchuk, the incomplete and insufficient legal regulation of transport safety is caused by “*the discrepancy between the content of legal norms in various normative acts and actual relations in the field of transport safety*” [6]. This observation is justified, given the rapid development and expansion of the railway transport sector and the active introduction of digital technologies in recent years.

In general, the legal basis for ensuring public safety in railway transport is formed by:

- universally recognized principles and norms of international law, as well as international conventions, treaties, and agreements ratified by Uzbekistan;
- the Constitution of the Republic of Uzbekistan;
- laws of the Republic of Uzbekistan;
- normative-legal acts of authorized state bodies in the field of public safety.

The Law of the Republic of Uzbekistan “*On Guarding Activities*” regulates relations related to the protection of the life, health, property of individuals and legal entities; maintaining public order at guarded facilities; preventing offenses; and ensuring control and internal regimes at guarded objects.

The Law “*On Internal Affairs Bodies*” regulates relations concerning the activities of internal affairs bodies of Uzbekistan. Their main functions include protecting the rights, freedoms, and lawful interests of citizens, property of individuals and legal entities, the constitutional order, legality, and public safety, as well as preventing offenses and their prosecution. One of their key areas is maintaining public order and safety, protecting the state and critical, classified, and other facilities, including railway transport, and ensuring the safety of citizens in public places, including transport hubs and stations (Articles 4 and 16).

The National Security Concept of Uzbekistan encompasses key social relations in this area, defining objectives, tasks, functions, and main priority directions. As an important political-

legal document, the Concept reflects the nationwide system of views on the strategy and tactics of national security.

Presidential documents also play an important role in regulating public safety. The “*Public Safety Concept of the Republic of Uzbekistan*” approved by presidential decree outlines state policy in this area and identifies it as one of the main directions of national security. Additionally, the “*Strategy for the Development of Public Safety System in Uzbekistan for 2022–2025*” was approved, outlining tasks and measures in public safety.

Among these tasks are: protecting society from unlawful encroachments, detecting and preventing such encroachments, countering terrorism, combating illegal arms, explosives, and other prohibited items, ensuring safe operation of social infrastructure, improving transport infrastructure safety standards, and implementing other measures.

A presidential decree aimed at radically improving state management in the transport sector established the Ministry of Transport. This Ministry oversees the development of road, railway, aviation, river, and subway transport, as well as road management, implementing unified state policy through the adoption of normative-legal acts.

Additionally, the Transport and Tourism Security Department was established within the Ministry of Internal Affairs, incorporating the Main Department for Ensuring Safety in Transport. Its main functions include: maintaining public order in metro and railway facilities; coordinating crime prevention; systematically analyzing criminogenic situations at transport facilities; ensuring the safety of passengers and transported goods; preventing terrorist threats and controlling prohibited items; and implementing centralized management of public safety at transport facilities.

Transport safety units are responsible for safe tourism in transport facilities (tourist trains). They register reports of crimes and incidents, review administrative offenses during railway transportation, and make decisions on such cases.

Government resolutions also regulate railway safety. For example, resolutions of the Cabinet of Ministers govern technical operation and compliance with safety rules during railway transport use. These regulations establish special security measures for railway organizations, standardization, and adoption of rule sets. The Technical Regulations approved by government decree set minimum requirements for railway rolling stock, infrastructure, and components, ensuring operational, fire, electrical, ecological, measurement, and information security.

The Railway Charter of Uzbekistan defines the rights, responsibilities, and liabilities of railway users, passengers, cargo transporters, and other persons using railway services, regulating cargo, luggage, and passenger transportation, as well as the rules for railway usage.

Another Cabinet resolution regulates the organization of departmental militarized and departmental guard units, including their activity in railway transport. It defines the rights and duties of guards, rules for inspection of persons, items, luggage, and vehicles, and measures to protect citizens, property, and facilities, maintain order, and prevent violations.

The “*Regulations on Discipline of Railway Transport Employees*” sets special conditions for maintaining discipline, including ensuring train movement safety, protection of transported

cargo, luggage, and other entrusted property, and compliance with occupational safety and technical regulations.

Transport Ministry regulations form another important group of normative-legal acts, including “*Rules for Cargo Transportation in Railway Transport in Uzbekistan*”, which regulate the conditions and organization of passenger, cargo, luggage, and mail transport. Although these rules aim to ensure safe operations, they do not systemically address safety. We consider it advisable to include a separate chapter strengthening safety requirements.

Judicial practice in cases related to crimes against transport safety relies on the rules of the Plenum of the Supreme Court of Uzbekistan. A special resolution clarifies that the main object of crimes against transport safety is public safety and order. Courts draw attention to violations, including improper railway crossing maintenance, through legal measures or referral to the prosecutor.

Thus, public safety in railway transport cannot be ensured without proper legal regulation using laws and subordinate acts. Legislative regulation must define the organizational, informational, technical, and other factors affecting public safety, as well as the legal status and powers of the various participating entities.

The growing powers and responsibilities of internal affairs bodies in railway transport necessitate improving the legal regulation mechanism. Modern trends in railway development, infrastructure, technology, and facilities must be considered.

Current legislation consists of several laws, dozens of presidential and government decrees, and departmental regulations of the Transport Ministry, requiring clarification, improvement, and coordination.

In practice, the application of law highlights the need for a comprehensive legal regulation, consistency, completeness, unification of terminology, and coordinated use of standardized procedures. The administrative-legal mechanism of ensuring public safety in railway transport includes methods and measures applied by competent authorities to establish public order and protect the rights, freedoms, and legal interests of individuals, the state, and society.

Administrative-legal measures, including coercive measures, occupy a central place in this mechanism. Safety entities implement them independently and in cooperation with other relevant structures. These measures define principles, requirements, forms, methods, powers, and responsibilities for violations in railway transport, forming an integral part of legal regulation of public safety.

References

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