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**АЗЫРКЫ ШАРТТАРДА КЫРГЫЗ РЕСПУБЛИКАСЫНЫН УЛУТТУК
КООПСУЗДУК ОРГАНДАРЫНЫН ИШМЕРДҮҮЛҮГҮН УКУКТУК
ЖӨНГӨ САЛУУНУН ӨЗГӨЧӨЛҮКТӨРҮ**

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**ОСОБЕННОСТИ ПРАВОВОГО РЕГУЛИРОВАНИЯ ДЕЯТЕЛЬНОСТИ
ОРГАНОВ НАЦИОНАЛЬНОЙ БЕЗОПАСНОСТИ КЫРГЫЗСКОЙ
РЕСПУБЛИКИ В СОВРЕМЕННЫХ УСЛОВИЯХ**

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**PECULIARITIES OF LEGAL REGULATION OF THE
ACTIVITIES OF THE NATIONAL SECURITY INSTITUTES OF THE
KYRGYZ REPUBLIC IN MODERN CONDITIONS**

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Макалада бир эле мезгилде болгон улуттук коопсуздук органдарынын ишмердүүлүгү каралат: жөнгө салуу объекти; мамлекеттин иштин түрү, мамлекеттик юридикалык мекеме, Кыргыз Республикасынын Улуттук коопсуздук мамлекеттик комитетинин иш-аракетинин жана анын мамлекеттик органдар жана башка адамдар менен өз ара аракеттенүүсүнүн укуктук негиздери жөнүндө. Кыргыз Республикасынын Улуттук коопсуздук органдарынын түзүлүшүнүн тарыхый жана укуктук аспекти. Улуттук коопсуздук түшүнүгү берилген, «Улуттук коопсуздук жөнүндө» Кыргыз Республикасынын мыйзамы менен жөнгө салынуучу негизги багыттарды аныктайт, Кыргыз Республикасынын Президентинин жарлыгы менен бекитилген Кыргыз Республикасынын Улуттук коопсуздук концепциясы, ошондой эле Кыргыз Республикасынын Өкмөтүнүн токтому менен бекитилген Кыргыз Республикасынын Маалыматтык коопсуздугунун концепциясы.

Негизги сөздөр: улуттук коопсуздук, мыйзамдар, маалыматтык коопсуздук, коопсуздук органдары, тышкы коопсуздук, ички коопсуздук, укуктук жөнгө салуу, мамлекеттик сырлар.

В статье исследуется деятельность органов национальной безопасности, одновременно являющихся: объектом правового регулирования; вид государственной деятельности; государственно-правовое учреждение, о правовых основах деятельности Государственного комитета национальной безопасности Кыргызской Республики и его взаимодействия с государственными органами и иными лицами. Историко-правовые аспекты становления органов национальной безопасности Кыргызской Республики. Дается понятие национальной безопасности, определяются основные направления, регулируемые Законом Кыргызской Республики «О национальной безопасности», Концепция национальной безопасности Кыргызской Республики, утвержденная Указом Президента Кыргызской Республики, также как и Концепция информационной безопасности Кыргызской Республики, утвержденная постановлением Правительства Кыргызской Республики.

Ключевые слова: национальная безопасность, законодательство, информационная безопасность, органы безопасности, внешняя безопасность, внутренняя безопасность, нормативно-правовое регулирование, государственная тайна.

The article examines the activities of national security agencies at the same time representing: an object of legal regulation; type of government activity; state and legal institution, on the

legal basis for the activities of the state committee for national security of the Kyrgyz Republic and its interaction with state bodies and other persons, historical and legal aspects of the formation of the national security bodies of the Kyrgyz Republic. The concept of national security is given, the main directions are determined, regulated by the Law of the Kyrgyz Republic "On National Security, the Concept of National Security of the Kyrgyz Republic, approved by the Decree of the President of the Kyrgyz Republic, as well as the Concept of Information Security of the Kyrgyz Republic, approved by the Resolution of the Government of the Kyrgyz Republic.

Key words: national security, legislation, information security, security agencies, external security, internal security, normative legal regulation, state secret.

Exploring "activity" as a philosophical category, L. Ye. Balashov writes that: "Activity is a form of relationship (interaction) of things when one of the "things" becomes a subject of activity (an organism), and other things in relation to it acquire the status of the object of activity (become objects and, in general, the environment for the organism)" [1].

We must agree with A.L. Sergeev is that it is the activity that gives dynamism to legal relations and determines their social effectiveness, which is inconceivable outside the implementation in the activity itself of what is established by law [2].

D.A. Krylov indicates that activity is understood as a form of the subject's active attitude to reality, aimed at achieving a consciously set goal associated with the creation of socially significant values and the development of social experience [3].

In the Law of the Kyrgyz Republic "On operational-search activity", operational-search activity is understood as "... the type of activity carried out, publicly or secretly, by state bodies authorized by this Law within their competence by conducting operational-search measures in order to protect life, health, human and civil rights and freedoms, property, ensuring the security of society and the state from criminal encroachments" [4].

Taking into account the above, it can be concluded that "activity" is a set of measures implemented by the

executive authorities and their officials in the exercise of their powers established by regulatory legal acts.

It should be noted that "activity" is the driving force by which the SCNS of KR achieves its goal using such legal forms as normative and law enforcement.

Security agencies of any state have come a long and difficult way in their development. Establishment and development of this type of state bodies, their place and role in the mechanism of the state were determined by general laws of development of states, concrete political and socio-economic situation, objective needs of protection of state interests from intelligence and other subversive activities of special services and organizations of other states aimed at inflicting damage to state security. The changes that the security bodies underwent in the course of their development were quite diverse. They have affected not only changes in the names of these bodies operating in a given country, but also what is much more significant:

- principles of their organization and activities;
- organisational structure;
- tasks to be solved;
- functions (areas of activity);
- powers;
- forms of interaction with each other and with other state bodies.

Up to the beginning of the XX century in the history of Kyrgyzstan, as well as in the history of other Central Asian states, the characteristic feature is the absence of special state bodies that carry out activities to obtain the necessary intelligence information, identify, prevent and suppress subversive activities of other states.

In the XX century, the establishment of ensuring the security of the state takes place as an independent type of state activity, which is a kind of forced activity of the state and represents a set of homogeneous and constantly performed actions of state bodies to ensure the security of the existing social and political system from the intelligence and other subversive activities of other states, and then special bodies for ensuring the security of the state are created.

State coercion ultimately boils down to the psychological or physical impact of State organs on social groups, organizations or individuals in order to induce them and, where necessary, to force them to perform certain actions or refrain from doing so. State coercion is aimed at preventing disobedience (or the threat of disobedience) to State commands. This activity is not only legal, but also political, since it primarily protects political interests and is carried out by political means - means of coercion in all spheres of public life.

Since the state, being a special political organization of society, is an instrument of political domination - coercion is inherent in all its activities. The direct exercise

of state coercion is entrusted to specially designed state bodies (or subdivisions of state bodies) - public order protection bodies, armed forces and security bodies. These state bodies occupy a subordinate position in the state mechanism, being only a means of conducting the state policy, and carry out, within the limits of their competence, the functions assigned to them in the event of an encroachment or threat of an encroachment on human and civil rights and freedoms, political and social stability in society, the existing constitutional order, military security of the country, its independence and territorial integrity.

Thus, the activity of direct coercive bodies represents a special type of political activity characterized by the use or possibility to use means of violence within the framework of their functional responsibilities.

These activities play an important role in the exercise of state power. First of all, it must be taken into account that the very existence of such an apparatus of coercion has an appropriate psychological impact on those social groups, organizations and individuals whose activities threaten the interests of the state. External adversaries are mainly influenced by the armed forces. Finally, in certain situations, both external and internal tasks are performed by special state bodies - the security bodies whose main purpose is to ensure external and internal security of the state by means of constant, mostly clandestine, covert influence on opponents of the existing constitutional order of the state.

At present, ensuring state security as a special type of state activity is a complex social and political phenomenon.

From this point of view, ensuring state security, as a special socio-political phenomenon and a specific type of state activity, simultaneously acts as a special state legal institution that can and should be considered:

1. As a system of officially recognized scientific views on ensuring security of the state from external and internal threats in all spheres of life of the state.

In Kyrgyzstan, the conceptual level of the state security system is represented by the Concept of National Security of the Kyrgyz Republic [5], the Military Doctrine [6], the State Anti-Corruption Policy Strategy of the Kyrgyz Republic [7], the Information Security Concept [8].

A number of other documents reflecting the new approaches to state security that have emerged in Kyrgyzstan in the early XXI century.

2. As a system of interconnected, interdependent and interacting state bodies that solve certain tasks in the sphere of ensuring state security.

In Kyrgyzstan, the State National Security Committee is one of these state bodies.

The national security bodies have a rather complex structure, each component of which is strictly specialized, which also requires an appropriate legal regulation.

3. As a special type of political coercive state activity.

As a specific type of state activity, ensuring the security of the state is the activity carried out with the purpose of revealing, preventing and suppressing intelligence and other subversive activities of special services and organizations of foreign states, as well as individuals seeking to harm the security of the state and obtaining intelligence information necessary for the state leadership.

4. As a system of interrelated, interdependent, interacting and internally agreed legal norms enshrined in laws and other regulatory legal acts of the state, as well as in international treaties and agreements aimed at regulating social relations in the sphere of ensuring state security.

National security bodies from all points of view - conceptual, institutional, functional and legal - need and are therefore subject to such regulation. This is primarily due to the fact that public relations in the sphere of ensuring the state's security significantly affect its interests, have a direct impact on its qualitative state and functioning.

Creation and functioning of national security bodies is inseparably connected with the whole process of social development of the country. The organization, structure and competence of these state bodies are not only under direct or indirect influence of various phenomena and processes taking place in society, but are also formed together with the new political system and statehood. This is especially evident nowadays in the Kyrgyz Republic, which is carrying out a course of fundamental reforms in society, in the conditions of acute confrontation between different political forces, conflicts on interethnic grounds and difficulties in relations with neighboring and far-abroad countries. All this leads to a number of factors that have an impact both on organization and structure of national security bodies, as well as the normative legal regulation of their activities.

Security of the Kyrgyz Republic, gradually modified in the XX century, has now acquired a new quality associated with fundamental changes in the geopolitical structure of the modern world and the emergence of many new challenges and problems.

The Concept of National Security of the Kyrgyz Republic notes that our country has mainly overcome the consequences of the systemic political and socio-economic crisis of the end of the XX century - it stood under the pressure of nationalism, separatism and international terrorism, and prevented the destruction and discrediting of the country of the constitutional order, preserved its sovereignty and territorial integrity, restored the opportunities to defend national interests as one of the key subjects of international relations.

Suppression of terrorist acts is carried out by forces and by means of SCNS of KR, as well as by the created

groups of force and means, which can be created by the decision of the head of the counter-terrorist operation. The grouping of forces and means may include subunits, military units and formations of the Armed Forces of the Kyrgyz Republic, subdivisions of executive authorities in charge of security, defense, internal affairs, justice, civil defense, protection of the population and territories from emergencies, and fire safety.

However, it is necessary to admit that nowadays, in the conditions of globalization of existing processes of world development, new international political and economic relations, new threats to the security of the state are also being formed from adequate answers to which the prospects of further vital activity of our country, striving to keep the sovereign state within its current territorial limits, depend.

In these difficult conditions it seems objectively necessary:

- rapid identification of real and potential threats to Kyrgyz interests;
- timely forecasting and proactive impact to prevent, localize and neutralize these threats through the adoption of necessary political, economic, informational (propaganda) and other measures, including legal ones;
- directly counteract these threats by taking appropriate agency-operational, investigative and other measures to address clear and hidden threats that pose a threat to the vital interests of Kyrgyzstan.

When improving the normative legal regulation of the organization and activities of national security bodies, it is methodologically important to take into account the fact that their functioning is carried out not only in the context of globalization, but also under the influence of opposite processes.

In today's world, many states are under the load of immediate threats due to the contradictory impact of information and its means of dissemination. Information security of a state becomes no less relevant than other types of its security (political, socio-economic, etc.).

To ensure state security as the most important component of national security, it is necessary to effectively combine the efforts of, law enforcement agencies, authorities at all levels, political parties and public associations to timely develop more accurate assessments of potential and existing threats, develop proposals for the prevention and neutralization of threats to the security of the Kyrgyz Republic based on forecasting of the political, socio-economic and criminal situation in the country.

The analysis of the main activities of national security bodies allows us to conclude that their main task is to participate in the implementation of external functions of our state - to protect the state from subversive activities of special services and organizations of foreign countries. At the same time, the security of the Russian

state is directly affected by internal negative factors:

- unlawful activity of illegal armed formations, criminal organizations, individuals and public associations that aim to forcibly change the constitutional order of the Kyrgyz Republic;

- forcible seizure or forcible retention of power;

- illegal activity of extremist nationalistic, religious, separatist and terrorist movements, organizations and structures aimed at violating the unity and territorial integrity of the Kyrgyz Republic;

- destabilization of internal political situation in the country;

- organized crime, terrorist, subversive, smuggling and other illegal activity on the scale threatening internal security of the Kyrgyz Republic.

The fight against crime and terrorist activity, as one of its manifestations, is defined as the second, after counteracting foreign intelligence services and organizations, the main activity of these government agencies. And this is not by chance, because crime, striving to introduce into the power structures of the state mechanism, monopolizing and corrupting certain sectors of economy, has a direct impact on the stability of socio-political and spiritual and moral situation in society, on the socio-economic situation.

Thus, the organization and activities of national security bodies is an extremely important object of regulatory legal regulation, since the legal relations arising in the course of this regulation (organizational, managerial, property, law enforcement, etc.) are objectively necessary

and legitimate to protect against encroachments or threats of encroachments on the political and social stability of our society, the existing constitutional order of the state, its security, independence and territorial freedoms of man and citizen.

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