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### **CERTAIN ISSUES OF IMPROVING SPECIAL ADMINISTRATIVE COERCIVE MEASURES IN THE FORM OF THE USE OF SPECIAL MEANS BY INTERNAL AFFAIRS BODIES**

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#### **Abstract:**

This article analyzes the part of the application of special administrative coercive measures by internal affairs bodies in the form of the use of special means related to the deployment of electroshock devices. It also provides proposals and considerations for improving legal norms aimed at restricting the use of these devices under specific conditions and in certain situations.

**Keywords:** Special means, active defense means, means for ensuring special operations, electroshock devices, situations in which use is prohibited.

Некоторые вопросы совершенствования специальных административных мер принуждения в виде применения специальных средств органами внутренних дел

#### **Аннотация**

В данной статье проанализирована часть применения органами внутренних дел специальных административных мер принуждения в виде использования специальных средств, связанная с применением электрошоковых устройств, а также приведены предложения и соображения по совершенствованию правовых норм, направленных на ограничение использования указанных средств в определённых условиях и ситуациях.

**Ключевые понятия:** Специальные средства, средства активной обороны, средства обеспечения специальных операций,

## E- Global Congress

Hosted online from Dubai, U. A. E., E - Conference.

Date: 30<sup>th</sup> December 2025

Website: <https://eglobalcongress.com/index.php/egc>

ISSN (E): 2836-3612

электрошоковые устройства, ситуации, при которых применение недопустимо.

Ички ишлар органлари томонидан махсус воситаларни қўллаш тарзидаги махсус маъмурий чеклаш чораларини такомиллаштиришнинг айрим масалалари

### Аннотация

Ушбу мақолада Ички ишлар органлари томонидан махсус воситаларни қўллаш тарзидаги махсус маъмурий чеклаш чораларини қўллашнинг электрошок қурилмаларидан фойдаланишга оид қисми таҳлил қилинган бўлиб, мазкур воситалардан маълум шароит ва вазиятларда фойдаланишни чеклашга қаратилган ҳуқуқий нормаларни такомиллаштиришга доир таклиф ва мулоҳазалар берилган.

Таянч тушунчалар. Махсус воситалар, фаол мудофаа воситалари, махсус операцияларни таъминлаш воситалари, электрошок қурилмалари, қўллаш мумкин бўлмаган вазиятлар.

The use of special means is the utilization of permitted types of special means by employees of internal affairs bodies to eliminate offenses and crimes in cases where the application of administrative restrictive measures up to the use of physical force does not yield results. Legal scholar A.M. Silnikov, based on the purpose of using these means, divided special means into two categories: active defense and means for ensuring special operations<sup>1</sup>, while A.M. Aripov distinguished types of special means according to the situation of their application, such as water-dispersing, armored vehicles, active means, distracting, destructive, and other types<sup>2</sup>. Employees of internal affairs bodies may use special means only on the following grounds: – to repel an attack on the employee himself or others; – to stop offenses and resistance to the employee, as well as to identify persons committing or having committed crimes and administrative offenses; – when detecting a criminal in the act of committing a crime or immediately after committing it, as well as attempting to hide; – in the process of detaining a person who may offer armed resistance; – when escorting, guarding, and

<sup>1</sup> Сильников А.М. Виды специальных средств, состоящих на вооружении ОВД, и их классификация //Вестник Санкт-Петербургского университета МВД России. – 2011. – №. 3. – С. 68.

<sup>2</sup> Арипов А.М. Особенности использования специальных средств сотрудниками специальных подразделений //Проблемы экономики и юридической практики. – 2014. – №. 2. – С. 303.

## E- Global Congress

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ISSN (E): 2836-3612

protecting detained persons, those in custody or administrative detention, as well as to prevent them from causing harm to themselves or others; – to free buildings, premises, and vehicles seized by force, as well as persons held by force; – to stop mass disorders and other illegal actions that threaten the life and health of citizens and public safety; – to stop vehicles that do not comply with the employee's lawful demand to stop; – to protect guarded objects and to block the movement of groups of citizens committing illegal actions. Although the law prohibits the use of special means, including gas and damaging weapons, at mass events conducted peacefully, without interfering with anyone, but illegally, as well as striking the head, neck, clavicle, abdomen, genitals, and heart area with a rubber baton, and using water-striking machines when the air temperature is below zero degrees, there are no instructions regarding the use of electric shock devices. Politician scholar D. Rejali, who conducted research on this topic, noted that application to certain parts of the body is painful<sup>3</sup>, T. Smith<sup>4</sup>, J. Hewitt noted that the effect of electric shock depends on the target's resistance, skin type, moisture, salinity in the body, clothing, the internal circuit of the electric shock weapon, the shape of the charge wave, and the battery condition<sup>5</sup>, according to data from the U.S. Police Research Organization, using electric shock for more than 15 seconds can lead to the risk of death, and there are many cases of burns from electric shock and injuries from falling unconscious<sup>6</sup>. In Canadian legislation, technical requirements and restrictions on the use of electric shock weapons have been introduced, according to which they can be used to stop a real aggression of an offender against another person, to detain a person, to prevent self-harm and committing a crime, and it is stipulated to call a doctor after using electric shock<sup>7</sup>. Based on the above, it is expedient to introduce into legislation the following strict requirements for the use of electric shock means, namely, to supplement Article 23 (Use of special means) Part 6 of Chapter 5 of the Law of the Republic of

<sup>3</sup> Rejali D. Technological invention and diffusion of torture equipment //International Sociological Association Conference, Montreal, August. <http://www.reed.edu/rejali/articles/electric.html>. – 1998.

<sup>4</sup> Smith T. Q&A with TASER International co-founder Tom Smith. 2007;

<sup>5</sup> Hewitt J. How Technologies Have Impacted Police Departments: A 21st Century Comprehensive Analysis. //Southern Illinois University at Edwardsville. 2021.

<sup>6</sup> Electric control weapon guidelines //Police Executive Research Forum. – 2011. – P. 14).

<sup>7</sup> Reg. O. 391/23: Use of force and weapons (мурожаат вақти: 07.02.2025) электрон манба: <https://www.ontario.ca/laws/regulation/r23391>

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Uzbekistan "On Internal Affairs Bodies" dated September 16, 2016, with the third paragraph as follows: Electric shock devices may not be used in the following cases: in rainy, humid, and frozen environmental weather conditions; in areas where fuel substances are stored and in flammable environments; near electrical networks and high-voltage equipment; in dense crowds and in public transport; against persons with heart or nervous system diseases; against persons standing at height or near a cliff; in moving vehicles or against drivers; in areas where gaseous or flammable or explosive chemical substances are stored; continuous application to the offender for more than 5 seconds; repeated application without a 5-minute break after use. Regarding the material and technical aspects of equipping with electric shock means, in 2022-2024, despite the number of electric shocks at the disposal of the Public Security Service of the Public Security Department increasing by 118.5 percent, it is sufficient to equip only 47.35 percent of the personnel of the Public Security Service<sup>8</sup>. Therefore, applying the experience of countries such as the Czech Republic<sup>9</sup>, Finland<sup>10</sup>, New Zealand<sup>11</sup>, Malaysia<sup>12</sup>, it is expedient to fully equip all employees of internal affairs bodies directly engaged in maintaining public order with electric shock devices.

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<sup>8</sup> Based on the data of the Public Order Maintenance Service of the Public Security Department of the Ministry of Internal Affairs

<sup>9</sup> Gawron T. Přehledně: Jaké změny přináší novela zákona o zbraních [What changes are coming with the Firearms Act Amendment. //zbrojnice.com. – 2020. <https://zbrojnice.com/2020/12/22/prehledne-jake-zmeny-prinasi-novela-zakona-o-zbranich/>

<sup>10</sup> Etälamautin yleisty poliisin voimankäytössä //YLE. – 2016. [http://yle.fi/uutiset/etalamautin\\_yleisty\\_poliisin\\_voimankaytossa/6236432](http://yle.fi/uutiset/etalamautin_yleisty_poliisin_voimankaytossa/6236432)

<sup>11</sup> Commissioner announces routine carriage of Taser by first response staff // New Zealand Police. –2015. <https://www.police.govt.nz/news/release/commissioner-announces-routine-carriage-taser-first-response-staff>

<sup>12</sup> Taser X26 stun guns in use soon //New Straits Times. – 2009.

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