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PRINCIPLES OF ADMINISTRATIVE OFFENSE PROCEEDINGS IN THE ACTIVITIES OF INTERNAL AFFAIRS BODIES

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АННОТАЦИЯ. Мақолада ички ишлар органларининг маъмурий ҳуқуқбузарликлар тўғрисидаги ишларни юритиш фаолияти тамойилларининг ҳуқуқий табиати ва мазмун-моҳияти ёритилган. Муаллиф амалдаги Маъмурий жавобгарлик тўғрисидаги кодекснинг 3-моддасида мустаҳкамланган тамойиллар тизимини таҳлил қилар экан, унинг назарий жиҳатдан етарли даражада тўлиқ эмаслигини, шунингдек, қонунчиликда маъмурий ҳуқуқбузарликларга оид иш юритишга оид махсус процессуал тамойилларнинг алоҳида кўрсатилмаганлигини асослайди. Тадқиқотда Россия, Қозоғистон, Германия қонунчилиги, жумладан, Инсон ҳуқуқлари бўйича Европа конвенциясининг 6-моддаси ҳамда Фуқаролик ва сиёсий ҳуқуқлар тўғрисидаги халқаро пактнинг 14-моддасида белгиланган стандартлар билан қиёсий таҳлил қилинади. Шундан келиб чиқиб, муаллиф маъмурий жавобгарлик принципларини мазмун-моҳиятига кўра моддий-ҳуқуқий ва маъмурий иш юритиш принципларини эса процессуал мазмунли принципларга таснифлаган ҳолда қонунийлик, фуқароларнинг қонун олдида тенглиги, инсонпарварлик, адолатлилик, айбсизлик презумпцияси, мутаносиблик, шахс дахлсизлиги, малакали юридик ёрдам олиш ҳуқуқи ва ҳуқуқбузарликлар профилактикаси устуворлиги каби принципларни алоҳида нормаларда мустаҳкамлаш бўйича таклифларни илгари суради.

АННОТАЦИЯ. В статье освещаются правовая природа и сущность принципов деятельности органов внутренних дел по производству по делам об административных правонарушениях. Анализируя систему принципов, закрепленных в статье 3 действующего Кодекса об административной ответственности, автор обосновывает ее недостаточную теоретическую полноту, а также отсутствие в законодательстве специальных процессуальных принципов производства по административным правонарушениям. В исследовании проводится сравнительный анализ законодательства России, Казахстана, Германии, в том числе со стандартами, установленными в статье 6 Европейской конвенции по правам человека и статье 14 Международного пакта о гражданских и политических правах. Исходя из этого, автор выдвигает предложения по закреплению в отдельных нормах таких принципов, как законность, равенство граждан перед законом, гуманизм, справедливость, презумпция невиновности, соразмерность, неприкосновенность личности, право на получение квалифицированной юридической помощи и приоритет профилактики правонарушений, классифицируя принципы административной ответственности по содержанию на материально-правовые и принципы административного судопроизводства по процессуальному содержанию.

ABSTRACT. The article highlights the legal nature and essence of the principles governing the activities of internal affairs bodies in administrative offense proceedings. Analyzing the system of principles enshrined in Article 3 of the current Code of Administrative Responsibility, the author justifies its insufficient theoretical completeness, as well as the lack of specific procedural principles for administrative offense proceedings in the legislation. The study provides a

comparative analysis of the legislation of Russia, Kazakhstan, and Germany, including the standards established in Article 6 of the European Convention on Human Rights and Article 14 of the International Covenant on Civil and Political Rights. Based on this, the author proposes to classify the principles of administrative responsibility into substantive-legal and administrative proceedings, and the principles of procedural content into principles of legality, equality of citizens before the law, humanity, justice, presumption of innocence, proportionality, personal inviolability, the right to receive qualified legal assistance and the priority of crime prevention.

Калит сўзлар: ички ишлар органлари, маъмурий ҳуқуқбузарлик, иш юритиш, моддий-ҳуқуқий, процессуал, принциплар, қонунийлик, айбсизлик презумпцияси, мутаносиблик, инсон ҳуқуқлари, ҳуқуқбузарлик профилактикаси.

Ключевые слова: органы внутренних дел, административное правонарушение, делопроизводство, материально-правовые, процессуальные, принципы, законность, презумпция невиновности, соразмерность, права человека, профилактика правонарушений.

Key words: internal affairs bodies, administrative offense, case management, substantive legal, procedural, principles, legality, presumption of innocence, proportionality, human rights, crime prevention.

Introduction

Pursuant to the Constitution of the Republic of Uzbekistan, the human being, their life, liberty, honor, dignity, and other inherent rights constitute the supreme value. This constitutional and legal framework necessitates the primacy of the rule of law and the protection of human rights across all domains of public administration, particularly within the activities of competent authorities engaged in combating administrative offenses, most notably the internal affairs bodies.

Presently, internal affairs bodies possess the jurisdiction to adjudicate the majority of administrative offense cases. Consequently, the legal foundations of the administrative-jurisdictional activities performed by these bodies—specifically the principles governing such functions—attain profound theoretical and practical significance.

The principles of proceedings in administrative offense cases represent a system of guiding tenets that embody the fundamental ideological and legal cornerstone of this activity. These principles do not merely serve as a conceptual framework for the application of legislative norms; they also define the legal status of participants in administrative-jurisdictional relations and ensure an equitable balance between the adjudicating authority (official) and the individual subject to the proceedings.

At the same time, Article 3 of the current Code of Administrative Responsibility establishes legality, equality of citizens before the law, democracy, humanism, justice, and the inevitability of liability for guilt as the fundamental principles of legislation[1] however, their substantive essence is not elaborated upon in separate articles.

Furthermore, special procedural principles such as the presumption of innocence, proportionality, personal inviolability, and the right to qualified legal assistance regarding the conduct of administrative offense proceedings are not systematically delineated in the legislation. In contrast, Articles 3–9 of the Criminal Code fully explicate the relevant principles through dedicated individual articles.

[1] Ўзбекистон Республикасининг Маъмурий жавобгарлик тўғрисидаги кодекси, 3-модда. URL: https://lex.uz/docs/97664

This article examines the theoretical and legal nature of the principles of administrative-jurisdictional activity of internal affairs bodies, their current status in existing legislation, and the prospects for their improvement from the perspective of foreign experience; moreover, the proposals put forward by the researcher are systematically substantiated.

Theoretical and Legal Characterization of the Principles of Proceedings in Administrative Offense Cases.

In legal theory, the category of "principle" is interpreted in various ways. According to K.M. Kondzhakulyan and A.I. Kuzumov, the principles of proceedings in administrative offense cases are requirements enshrined in the legislation on administrative offenses, determined by objective and subjective factors, which constitute the fundamental cornerstone of the proceedings and serve to facilitate the understanding of the essence of other legal norms.[2]

In foreign experience, specifically, the English legal scholar D.J. Galligan, in his renowned work, characterizes the fundamental principles of administrative procedure through the concepts of "fair procedure" and "due process." He asserts that any administrative proceeding must rely on principles such as legality, independence, equality, the right to be heard, and the reasoned nature of the decision.[3]

In contemporary jurisprudence, these principles are categorized into two primary groups: substantive legal principles and procedural principles. The first group includes principles that define the grounds and substance of administrative liability (legality, equality, humanism, justice, liability for guilt, and its inevitability). The second group comprises procedural guarantees directly implemented during the proceedings (the presumption of innocence, the determination of truth, proportionality, personal inviolability, the public nature of the proceedings, and others).

It is worth noting that the principles belonging to these two groups are inextricably linked and possess a complementary nature. While substantive legal principles define the essence of the relationship between the offense and the sanction, procedural principles provide the framework for ensuring that this relationship is executed in a fair and lawful manner. In other words, substantive principles address the question of "what constitutes liability?", whereas procedural principles answer the question of "through what procedure is liability realized?".

The distinctive feature of the administrative-jurisdictional activity of internal affairs engines lies in the fact that these bodies simultaneously perform several functions: detecting offenses, collecting evidence, initiating proceedings, applying administrative measures, and, in many instances, adjudicating the case on its merits. Consequently, the system of principles holds particular significance for such activities, as they provide the legal guarantee of objectivity and impartiality within the context of this "unity of functions."

Principles of Proceedings in Administrative Offense Cases: International Experience.

The Code of Administrative Offenses of the Russian Federation (RF CAO) serves as a prominent example of a structured system of principles. Articles 1.4–1.6 of the Code establish the principles of equality before the law, the presumption of innocence, and the non-discrimination of personal dignity during the process of administrative prosecution. Furthermore, Articles 24.2–24.3

[2] Kondzhakulyan K.M., Kuzumov A.I. Basic principles of proceedings in cases of administrative offenses // Education and Law. 2022. No. 7. URL: https://cyberleninka.ru/article/n/osnovnye-printsipy-proizvodstva-po-delam-ob-administrativnyh-pravonarusheniyah

[3] Galligan D.J. Due Process and Fair Procedures: A Study of Administrative Procedures. Oxford: Oxford University Press, 1997. P. 51.

of the Code define the language in which administrative offense proceedings are conducted and the public nature of such hearings.[4]

The new Code of Administrative Offenses of the Republic of Kazakhstan, adopted in 2014, establishes a system of principles in an even more consistent manner. Articles 8–24 of the Code are dedicated to each individual principle, including legality, respect for individual rights, equality of citizens before the law, the presumption of innocence, personal inviolability, ensuring the rights of participants in the proceedings, the inviolability of private life, family secrets, and the privacy of correspondence, the language of administrative offense proceedings, transparency, the comprehensiveness, completeness, and objectivity of the proceedings, and the free evaluation of evidence.[5]

The uniqueness of the Kazakhstan experience lies in the fact that it is most closely aligned with the legal traditions of Uzbekistan, and its legal solutions are compatible with our language, legal concepts, and administrative system. In this sense, the aforementioned Code can serve as a vital comparative-legal source for the proposed reforms.

The Act on Regulatory Offenses of the Federal Republic of Germany (Ordnungswidrigkeitengesetz, OWiG, 1968) possesses its own distinct approach. According to Paragraphs 46–47 of the Act, the principles of criminal procedural law—namely the presumption of innocence, the right against self-incrimination (*nemo tenetur se ipsum accusare*), the right to be heard, and the right to defense—are directly applicable to proceedings in regulatory offense cases.[6]

Another characteristic feature of the German model is the principle of expediency (*Opportunitätsprinzip*). According to this principle, the imposition of an administrative sanction is not mandatory. Instead, the adjudicating authority, based on criteria of expediency and depending on the significance of the offense under consideration, has the right to terminate the proceedings or limit the intervention to a warning without imposing a penalty. This approach differs from the principle of legality (compulsory prosecution) characteristic of criminal law (*Legalitätsprinzip*); it recognizes the specific nature of administrative-tort law and harmonizes with the principles of humanism and proportionality.

This issue has also been extensively examined at the level of international law. In Rule 14 of the International Covenant on Civil and Political Rights, the right of every individual to a fair and public hearing by a court or other competent authority, the presumption of innocence, and a minimum set of specific procedural guarantees are established.[7]

Rule 14 of the International Covenant on Civil and Political Rights stipulates the right of every person to an equitable and transparent consideration of their case by a judicial or other authorized body, the presumption of innocence, and a minimum threshold of procedural safeguards.

Rule 6 of the European Convention on Human Rights has established a standard in the practice of the European Court of Human Rights known as the right to a fair trial. It should be particularly emphasized that this standard applies not only to criminal cases but also to administrative-tort cases. As the Court stated in its rulings (Engel and Others v. the Netherlands,

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[4] Кодекс Российской Федерации об административных правонарушениях, ст. 1.4–1.6, 24.2., 24.3. URL: https://www.consultant.ru/document/cons_doc_LAW_34661/

[5] Кодекс Республики Казахстан об административных правонарушениях, ст. 9–22. URL: https://adilet.zan.kz/rus/docs/K1400000235

[6] Gesetz über Ordnungswidrigkeiten (OWiG), § 46–47. URL: https://www.gesetze-im-internet.de/owig_1968/

[7] Фуқаролик ва сиёсий ҳуқуқлар тўғрисидаги халқаро пакт, 14-модда. URL: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

1976; Öztürk v. Germany, 1984), administrative liability measures must be provided with all the guarantees set forth in Rule 6 of the Convention if they possess a criminal-legal character by their nature or consequences, including administrative detention or substantial fines.[8]

The results of the comparative analysis indicate that in developed legal systems, the principles of administrative-jurisdictional activity are established at two levels—substantive and procedural—through distinct rules. This approach ensures that the principles possess normative force, specific practical substance, and the capacity for direct application.

The Current State of the Principles of Administrative-Jurisdictional Activity of Internal Affairs Bodies in the Legislation of Uzbekistan.

At present, the administrative-jurisdictional activity of internal affairs bodies is regulated by several key normative-legal acts. Primary among these is the Constitution and its provisions concerning human rights; second is the Code of Administrative Responsibility; third is the Law "On Internal Affairs Bodies"; and fourth is the Law "On Administrative Procedures" along with relevant resolutions.

In Rule 5 of the Law "On Internal Affairs Bodies," the fundamental principles of the activities of internal affairs bodies are established as legality, unity, observance of the rights, freedoms, and legal interests of citizens, as well as respect for these rights, freedoms, and legal interests, alongside openness and transparency.[9]

These principles are general in character and do not directly elucidate the specific features of administrative-jurisdictional activity. Furthermore, according to Rule 248 of the Code of Administrative Responsibility, internal affairs officers are authorized to draw up protocols on administrative offenses, review cases, and impose administrative sanctions; however, the specific principles that must be adhered to during this activity are not clearly defined within specialized norms.

Under Rule 248 of the Code of Administrative Responsibility, internal affairs officers possess the competence to initiate administrative offense protocols, adjudicate cases, and apply administrative penalties,[10] but the specific principles that must be adhered to during this activity are not clearly defined within specialized norms. In fact, in situations where an official, endowed with broad powers, makes decisions affecting the rights of a citizen, the legal consolidation of principles such as equality, independence, and the right to be heard takes on particular importance.

The existing system of principles presented in Rule 3 of the Code of Administrative Responsibility possesses two significant shortcomings. Firstly, the essence and content of each principle therein are not elaborated upon in separate rules. From the perspective of legislative technique, merely stating the name of a principle is insufficient to clarify its legal substance. By way of comparison, each of the seven principles in Rules 3–9 of the Criminal Code is fully elucidated through individual rules. The failure to apply such an approach within the Code of Administrative Responsibility contradicts the unified structural logic of legislation.

Secondly, in the current system of principles, specific procedural principles—such as the presumption of innocence, the determination of truth, proportionality, personal inviolability, the

[8]Инсон ҳуқуқлари бўйича Европа конвенцияси, 6-модда. URL: https://www.echr.coe.int/documents/d/echr/convention_eng

[9]Ўзбекистон Республикасининг “Ички ишлар органлари тўғрисида»ги Қонуни, 4-модда. URL: https://lex.uz/docs/3026240

[10]Ўзбекистон Республикасининг Маъмурий жавобгарлик тўғрисидаги кодекси, 245-модда. URL: https://lex.uz/docs/97664

right to qualified legal assistance, the public nature of proceedings, and others—are not explicitly distinguished. As M.Z. Radjapova emphasizes, the unique characteristics of administrative proceedings necessitate specialized procedural norms and require their consolidation as a distinct category within the general system of principles.[11]

Thirdly, the substance of the principle of "democratism" established in the legislation is considered controversial within modern scientific doctrine. This concept is subject to broad interpretation and, in essence, encompasses several independent principles that should be studied separately, including the principles of public participation, openness and transparency, and cooperation. Therefore, it is appropriate to either enrich this concept with specific legal content or to interpret it by breaking it down into these independent principles.

Fourthly, the substantive aspects of administrative liability and the procedural aspects of administrative offense proceedings are conflated within a single system of principles. Consequently, within the text of the Code, substantive principles (legality, equality, humanism, fairness, liability for guilt) and procedural principles (presumption of innocence, determination of truth, language of proceedings, public nature of hearings) are not clearly distinguished from one another. This leads to ambiguities in law enforcement practice and significantly diminishes the normative-legal force of these principles.

Furthermore, a significant theoretical issue warrants particular emphasis. While the principle of the presumption of innocence is enshrined in Rule 26 of the Constitution, the specific application of this principle to administrative offense cases is not clearly elucidated within the Code. In practice, this creates obstacles in ensuring the right to defense for an individual accused of an offense. In particular, a protocol drawn up by an internal affairs officer is almost invariably treated as the sole and sufficient evidence for resolving a case; this is inconsistent with the aforementioned international standards, including the fair trial requirements established by Rule 6 of the ECHR.

As noted by E. Khojiev and Sh. Shayzakov, ensuring a proper balance between the powers of an official and the rights of the individual in administrative offense proceedings constitutes one of the primary objectives of legislative reforms.[12]

Proposals for Improving the Principles of Administrative-Jurisdictional Activity of Internal Affairs Bodies

Based on the results of the theoretical and comparative-legal analysis conducted above, the researcher puts forward the following proposals for improving the system of principles of the administrative-jurisdictional activity of internal affairs bodies.

The first direction is substantive-legal principles. While retaining Rule 3 of the Code of Administrative Responsibility as a general norm, it is advisable to supplement the Code with Rules 3^1–3^7 with the following content.

Rule 3^1. The Principle of Legality. The existence of an administrative offense, its punishability, and other legal consequences shall be determined exclusively by the Code of Administrative Responsibility.

No individual may be held administratively liable contrary to the law. The imposition of administrative liability shall be carried out by a competent authority (official) in the manner prescribed by law.

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[11]Раджапова М.З. Маъмурий судлар томонидан оммавий-ҳуқуқий низоларга оид ишларни кўрилиши. — Тошкент: Бош прокуратура Академияси, 2018. 28-бет.

[12]Хожиев Э., Шайзаков Ш. Ўзбекистонда маъмурий суд ишларини юритишнинг ўзига хос хусусиятлари. — Тошкент: Бош прокуратура Академияси, 2020. 47-бет.

Finding an individual guilty of committing an administrative offense shall be conducted on the basis of a legally adopted decision.

Administrative sanctions or other measures of legal influence shall be applied only in cases and in the manner provided for by law.

The aforementioned content of this rule ensures consistent harmonization with Rule 4 of the Criminal Code while maintaining the uniformity of the legal system.

Rule 3[2]. The Principle of Equality of Citizens Before the Law. Persons who have committed administrative offenses are equal before the law, regardless of gender, race, nationality, language, religion, beliefs, social origin, property status, official position, or other circumstances. All persons shall possess equal rights and obligations when being held administratively liable.

The expression of this norm in the stated wording fully complies with the requirements of Rule 19 of the Constitution and international standards.

Rule 3[3]. The Principle of Democratism. Public associations, citizens' self-governance bodies, and other social institutions may be involved in the processes of preventing offenses, educating offenders, and their resocialization in cases provided for by law.

Administrative proceedings shall be conducted on the basis of the principles of openness and transparency, except in instances restricted by law.

Rule 3[4]. The Principle of Humanism. Administrative sanctions and other measures of legal influence shall not pursue the aim of degrading human honor and dignity or inflicting physical suffering.

In the application of administrative sanctions, the human dignity of the individual, as well as their personal, family, and social circumstances, must be taken into account.

In cases where the objective can be achieved through more lenient measures of influence, the imposition of more severe sanctions shall not be permitted.

Rule 3[5]. The Principle of Justice. Administrative sanctions or other measures of legal influence must correspond to the nature, gravity, and degree of culpability of the committed offense, as well as the personal characteristics of the offender.

In the determination of a sanction, its proportionality to the offense must be ensured.

No individual may be held liable twice for the same administrative offense.

Administrative decisions must be fair, substantiated, and impartial.

Rule 3[6]. The Principle of Liability for Guilt. An individual shall be held liable only for such administrative offenses in respect of which their guilt has been proven.

An individual shall be presumed innocent until their guilt is proven in the manner prescribed by law.

Administrative liability shall arise only in the presence of acts (omissions) committed by the individual either intentionally or through negligence.

Rule 3[7] .The Principle of Inevitability of Liability. Every person identified as having committed an administrative offense shall be subject to liability in the manner prescribed by law.

Unjustified exemption from liability for an offense shall not be permitted.

The timely detection of administrative offenses and the adoption of appropriate measures in response to them constitute essential conditions for ensuring public order and the rule of law.

The second direction is procedural principles. New rules should be introduced into Part 4 of the Code of Administrative Responsibility, titled **"Proceedings in Cases of Administrative Offenses."** In particular, it is advisable to rename the existing Rule 272 as "Principles of Proceedings in Cases of Administrative Offenses" and systematically set forth the following principles within it: the determination of truth, the presumption of innocence, the inviolability of

the person, proportionality, respect for human honor and dignity, the inviolability of private life and protection of secrets, the provision of qualified legal assistance, the equality of citizens, the language of proceedings, the public nature of hearings, and the priority of offense prevention.

In the subsequent rules (Rule 273 – Determination of Truth, Rule 274 – Presumption of Innocence, and Rules 274^1–274^9 – the remaining principles), the legal substance of each principle should be individually elucidated. Specifically, the principle of **the determination of truth** establishes the obligation of the proceeding body (official) to conduct a comprehensive, full, and impartial inquiry to establish whether an offense was committed, identify the culpable party, and ascertain all related circumstances.

Rule 273. The Principle of the Determination of Truth. The body (official) authorized to conduct proceedings in a case of an administrative offense, as well as the court, shall be obliged to establish whether an administrative offense has been committed, identify the person culpable for its commission, and ascertain all circumstances relevant thereto.

For the purpose of establishing the circumstances of the case, only information found, verified, and evaluated in the manner provided for by this Code may be utilized. Information obtained in violation of the law shall have no legal force and may not be used as the basis for a decision to impose an administrative sanction.

All circumstances subject to proof in the case must be examined meticulously, comprehensively, fully, and impartially. In resolving any issue arising within the proceedings, circumstances that both incriminate and exculpate the person being held administratively liable, as well as those that both mitigate and aggravate their liability, must be identified and taken into account with an equal degree of diligence.

The body (official) conducting the proceedings is authorized to collect necessary evidence on its own initiative, summon witnesses, appoint expert examinations, and perform other procedural actions aimed at the comprehensive determination of the circumstances of the case. The fact that the burden of proving guilt rests upon this body (official) does not preclude the right of the individual being held administratively liable, or other participants in the proceedings, to present evidence and participate in the determination of the case's circumstances.

Each piece of evidence collected in an administrative offense case shall be comprehensively evaluated in terms of its content, relevance to the case, its source, and the legality of the method by which it was obtained. No piece of evidence shall have a predetermined legal force.

The conclusions taken as the basis for a decision on the case must be grounded in a cumulative analysis of the evidence gathered in the case and must be reflected in the written reasoned part of the decision.

The expression of this rule's content is consistent with the *Untersuchungsgrundsatz* (investigatory principle) found in German law, and it solidifies the obligation of the internal affairs officer to collect and evaluate exculpatory evidence with the same degree of diligence as incriminating evidence during the proceedings.

Rule 274. The Principle of the Presumption of Innocence

A person accused of committing an administrative offense shall be presumed innocent until their guilt is proven in the manner provided for by this Code and the decision to impose an administrative sanction has entered into legal force.

All doubts regarding guilt, if the possibilities for resolving them have been exhausted, must be resolved in favor of the person being held administratively liable. Furthermore, doubts arising during the application of the law shall also be resolved in favor of the person being held administratively liable.

The person being held administratively liable is not obliged to prove their innocence and may exercise the right to remain silent at any time. The burden of proving guilt shall rest upon the body (official) authorized to conduct proceedings in the case of the administrative offense.

A person may not be found guilty of an administrative offense or subjected to administrative sanction if their confession of guilt is the sole evidence against them.

Маъмурий жазо тайинлаш тўғрисидаги қарор тахминларга асосланиши мумкин эмас.

The principle of the presumption of innocence (Rule 274) is considered the most theoretically significant proposal of the article. As noted by the German scholar Chr. Gröpl, the presumption of innocence is a specific manifestation of the principle of the rule of law (*Rechtsstaatsprinzip*), and it should be applied not only in criminal proceedings but in all public-law procedures.[13]

Turkish legal scholar G. Çayan also substantiates the necessity of fully applying the presumption of innocence to administrative jurisdiction cases, based on an analysis of the European Court of Human Rights jurisprudence and European legal doctrine. He emphasizes that, despite the differences between the Continental and Anglo-Saxon legal systems, this presumption functions universally for any type of public-law liability as a minimum standard accepted in international law.[14]

Rule 274 establishes the following provisions: the accused is presumed innocent until their guilt is proven in accordance with the procedure prescribed by law and the decision enters into legal force; all doubts regarding guilt are resolved in favor of the accused; the right to remain silent is guaranteed; the burden of proof is placed upon the proceeding authority; and a confession of guilt shall not be the sole basis for a decision. These norms are consistently aligned with Rule 1.5 of the Administrative Code of the Russian Federation and Rules 10–11 of the Administrative Code of the Republic of Kazakhstan.

Rule 274[1] The Principle of Proportionality. In the imposition of an administrative penalty, its type and magnitude must be determined by taking into account the nature and level of social danger of the committed administrative offense, its consequences, the personality of the offender, the form and degree of guilt, as well as mitigating and aggravating circumstances**.**

The imposed administrative penalty must be proportionate to the committed offense. The application of excessive and unsubstantiated punitive measures that are disproportionate to the severity of the offense and its consequences is not permitted.

If this Code provides for several types or amounts of penalties for an administrative offense, the authority (official) imposing the penalty must first consider the possibility of achieving the objectives of the punishment through the most lenient type or amount. A more severe penalty shall only be applied in cases where the objectives set forth in this Code cannot be achieved through a more lenient penalty.

In cases where an administrative offense is committed for the first time, its consequences are minor, and the offender has voluntarily compensated for the damage caused, a warning or another most lenient type of penalty is generally applied.

In the imposition of a fine, it is mandatory to take into account the financial status of a natural person, their family circumstances, and any dependents, while for a legal entity, its financial and

[13]Gröpl Ch. The Presumption of Innocence in the legal framework of Germany. University of Melbourne, 2021. P. 208. / chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.uni-saarland.de/fileadmin/upload/lehrstuhl/groepl/Groepl_PDF-Zsfg/Groepl_PresumptionofInnocence.pdf

[14]Çayan G. The Presumption of Innocence in Administrative Jurisdiction // Law and Justice Review. 2021. №21. P. 22.

economic condition as well as the amount of profit obtained as a result of the offense must be considered.

No one may be subjected to administrative penalty twice for the same administrative offense. The principle of proportionality (Rule 274[1]) is a translation of the doctrine known in German law as "Verhältnismäßigkeitsgrundsatz," and its introduction into the legal system of Uzbekistan is considered a significant step. As emphasized by Yu.N. Starilov, this principle dictates that the scope and severity of administrative measures must be consistent with the intended objective; furthermore, it imposes an obligation to refrain from applying more severe means when the objective can be achieved through the most lenient means.[15]

Rule 274[2]. The Principle of Inviolability of the Person. In the course of proceedings regarding administrative offenses, no one shall be unlawfully deprived of liberty, detained, placed under administrative arrest, or have their personal freedom restricted in any other manner.

The application of torture, violence, or cruel, inhuman, or degrading treatment against a person being held administratively liable, a victim, a witness, or any other participants in the case, as well as the exertion of physical or psychological pressure upon them, is prohibited. Officials shall be held liable under the legislation for such actions.

Attempting to obtain explanations or other information from participants in the case through coercion, intimidation, deception, restriction of their rights, or other unlawful methods is prohibited. Information obtained through such methods shall not be admissible as evidence and may not serve as the basis for a decision on the imposition of an administrative penalty.

The administrative detention of a person, personal searches, the seizure of items, and the application of other administrative-procedural compulsory measures shall be carried out only on the grounds and in the manner prescribed by this Code. Administrative penalties involving the deprivation of liberty shall be imposed exclusively by the court.

Appeals regarding the use of unauthorized methods must undergo mandatory verification, including the conduct of forensic medical examinations or other expert assessments in the manner prescribed by legislation.

The principle of the inviolability of the person (Rule 274[2]) represents the direct implementation into national legislation of international obligations concerning the prohibition of torture and inhuman treatment (UN "Convention against Torture," 1984). It must consolidate not only the application of physical detention, searches, and other compulsory measures on a legal basis but also the prohibition of unlawful methods in obtaining explanations from case participants and the inadmissibility of information obtained through such methods as evidence. This establishes a strict legal safeguard against problematic circumstances within the activities of internal affairs bodies**.**

The principles of respect for the honor and dignity of the person (Rule 274[3]), the inviolability of private life and the protection of secrets (Rule 274[4]), ensuring the right to qualified legal assistance (Rule 274[5]), the consideration of cases on the basis of the equality of citizens (Rule 274[6]), the language of proceedings (Rule 274[7]), the public hearing of cases (Rule 274[8]), and the priority of offense prevention (Rule 274[9]) should also be introduced as separate rules. Each of these aligns with the general principles set forth in Article 5 of the Law "On Administrative Procedures"—such as legality, proportionality, reliability, the transparency of administrative procedures, and equal

[15]Старилов Ю.Н. Курс общего административного права. Т. II. — М.: Норма, 2002. С. 312.

rights—and enables their practical application while taking into account the specific characteristics of administrative-jurisdictional relations.[16]

Rule 274³. The Principle of Respect for the Honor and Dignity of the Person. In the course of proceedings regarding administrative offenses, state bodies and officials are carbon-bound to treat all participants in the proceedings — the person being held administratively liable, the victim, witnesses, and other individuals — with respect.

During the proceedings, it is prohibited to commit acts that disparage the honor and dignity of a participant, to insult them, to use dismissive or derogatory language, or to perform any other actions that damage their reputation.

It is impermissible to demand that the person being held administratively liable or other participants in the case perform actions that degrade their dignity.

Information obtained during the proceedings that could damage an individual's reputation may only be disclosed for the purposes and in the manner prescribed by legislation. The unsubstantiated public disclosure of such information is prohibited.

The commission of acts by an official during the proceedings of an administrative offense that disparage the honor and dignity of a participant shall entail liability as established by legislation. The individual has the right to compensation for damages caused to their honor and dignity.

Rule 274⁴. The Principle of Inviolability of Private Life and Protection of Secrets. In the course of proceedings regarding administrative offenses, the inviolability of every individual's private life is guaranteed. Unsubstantiated interference into a person's private life, the sanctity of their home, or the privacy of their correspondence, telephone conversations, and other forms of communication is not permitted. Such interference may only be carried out in cases and in the manner prescribed by law.

Information concerning private life obtained in connection with the case, including personal and family secrets, medical confidentiality, attorney-client privilege, bank secrecy, notarial secrecy, and other secrets protected by law, shall be collected and utilized only to the extent necessary for the consideration of the case and on the grounds established by law.

The use for other purposes or the disclosure to third parties of information protected by law that becomes known during administrative proceedings by the proceeding authority (official) or other participants in the case is prohibited.

When necessary, the proceeding authority (official) shall issue a written warning to the participants in the case regarding the non-disclosure of information contained in the case materials. Violation of the requirements of such a warning shall entail liability as established by legislation.

Information concerning an individual's private life may not be disclosed in an open hearing without their written consent. In cases where it is necessary to preserve the inviolability of private life, family secrets, or other secrets protected by law, the proceeding authority (official) shall issue a reasoned decision to consider the case in a closed session.

Damages caused as a result of the disclosure of information pertaining to private life and secrets protected by law shall be compensated in the manner prescribed by legislation.

Rule 274⁵. The Principle of Ensuring the Right to Qualified Legal Assistance. The person being held administratively liable, the victim, and other participants in the case have the right to utilize the assistance of an attorney or other legal representative as provided for by legislation at all stages of the proceedings. Coercion to waive this right is prohibited.

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[16]Маъмурий тартиб-таомиллар тўғрисидаги Ўзбекистон Республикасининг Қонуни, 5-модда. URL: https://lex.uz/ru/docs/3492199

From the moment proceedings regarding an administrative offense commence, the proceeding authority (official) is carbon-bound to explain to the individual their procedural rights and obligations, including the right to receive qualified legal assistance. The fact of this explanation shall be formally recorded in the relevant procedural document and confirmed by the individual's signature.

While participating in a case regarding an administrative offense, an attorney or other legal representative has the right to review case materials, take extracts, present evidence, submit motions, file appeals, participate in procedural actions, and meet with their client confidentially without restrictions on the number or duration of meetings. These rights may not be restricted.

In cases provided for by this Code and other legislation, the provision of free legal assistance at the state's expense shall be ensured for persons with limited financial means, minors, and persons unable to independently exercise their right to defense.

Unjustified interference with the participation of an attorney or other legal representative in an administrative offense case is prohibited. Officials who commit such acts shall be held liable as established by legislation.

Explanations and other information obtained under conditions where the right to receive qualified legal assistance was not ensured — unless the individual, knowing of the existence of this right, waived it in writing and of their own free will — shall not be admissible as evidence.

Rule 274⁶. The Principle of Considering Cases on the Basis of the Equality of Citizens. Cases regarding administrative offenses shall be considered on the basis of the equality of all citizens before the law and the authority (official) presiding over the case, regardless of gender, race, nationality, language, religion, personal convictions, social origin, or social status.

Rule 274⁷. The Principle of the Language of Proceedings. Proceedings regarding administrative offenses shall be conducted in the Uzbek language, the Karakalpak language, or the language spoken by the majority of the population in a particular locality. Participants in the proceedings who do not have a command of the language in which the proceedings are conducted shall be guaranteed the right to fully review the case materials and participate in the consideration of the case on its merits through an interpreter, as well as the right to speak in their native language.

Rule 274⁸. The Principle of Public Hearing of the Case. Cases regarding administrative offenses shall be heard in public.

In order to enhance the educational and deterrent role of proceedings regarding administrative offenses, such cases may be considered within the offender's workplace, educational collective, or place of residence.

Rule 274⁹. The Principle of the Priority of Offense Prevention. In the fight against administrative offenses, primary focus shall be placed on their prevention, as well as on identifying and eliminating the causes and conditions that facilitate their commission.

The authority (official) considering the administrative offense case, upon identifying the causes and conditions that gave rise to the offense, shall issue a representation to the relevant state bodies, enterprises, institutions, organizations, or officials regarding their elimination. The representation must be considered within one month from the date of receipt, and the issuing authority (official) must be notified in writing of the measures taken.

In cases provided for by this Code, measures of preventive influence shall be applied to the offender prior to or in conjunction with the imposition of administrative penalties. In the event of minor administrative offenses, provided that the conditions established in this Code are met, the proceeding authority (official) may release the individual from administrative liability and limit the action to a warning or the conduct of explanatory work.

In cases of administrative offenses committed by minors, measures of preventive and educational influence shall take precedence over penalties.

State bodies, citizens' self-governing bodies, non-governmental non-profit organizations, and other institutions of civil society shall jointly implement measures aimed at legal advocacy among the population, enhancing legal awareness, and fostering an environment of intolerance toward administrative offenses.

The third direction involves institutional guarantees. The statutory consolidation of principles is not sufficient in itself; institutional mechanisms that guarantee their practical implementation are also necessary.

In this sense, it is of great importance to systematically improve the proficiency of internal affairs bodies in applying these principles within their operational activities. Furthermore, it is essential to establish a distinct subject of prosecutorial and judicial oversight over the activities of internal affairs bodies in this regard, and to conduct regular monitoring of statistics and the analysis of issues related to administrative-jurisdictional practice.

Furthermore, this serves as a practical manifestation of the measures established for the implementation of the priority objective defined in the “Uzbekistan – 2030” Strategy, namely: “to ensure the supremacy of the Constitution and laws, and to transform the reliable protection of human rights and freedoms into the main criterion of judicial-legal reforms.”[17]

The fourth direction is the priority of offense prevention. Rule 7 of the Code of Administrative Responsibility contains a norm of a general nature regarding the prevention of offenses,[18] but, in a narrow sense, it possesses a general-declaratory character and is viewed in practice as a supplementary tool applied after the imposition of a penalty. Conversely, in modern administrative law doctrine, prevention is understood as a priority type of activity to which the very regime of punishment is subordinate. Therefore, the introduction of the principle of prevention as a distinct procedural principle is considered necessary not only from a theoretical but also from a practical perspective.

The fourth direction is the priority of offense prevention. Rule 7 of the Code of Administrative Responsibility of the Republic of Uzbekistan contains a norm of a general nature regarding the prevention of offenses. This norm is general-declaratory in character and is treated in law enforcement practice as a supplementary instrument utilized following the imposition of a penalty. However, in modern administrative law doctrine, prevention is defined as a priority activity, and even the system of punishment itself is subordinated precisely to this objective. Consequently, the introduction of the principle of the priority of offense prevention as a separate procedural principle is essential from both a theoretical and practical standpoint.

In particular, today, Rule 24[1] was introduced into the current Code of Administrative Responsibility (CoAR) by the Law of the Republic of Uzbekistan No. ZRU-1116 dated February 4, 2026, "On Amendments and Additions to the Code of Administrative Responsibility of the Republic of Uzbekistan." This rule states: “Rule 24[1]. Administrative Warning. An administrative warning consists of an official reprimand issued by the body (official) authorized to apply

[17]Ўзбекистон Республикаси Президентининг 2026 йил 16 февралдаги ПФ-21-сонли «Мамлакат тараққиётининг 2030 йилгача мўлжалланган устувор йўналишлари доирасида ислоҳотларни изчил давом эттириш ва янги босқичга олиб чиқишнинг қўшимча чора-тадбирлари тўғрисида»ги Фармони. / URL: https://lex.uz/ru/docs/8050769

[18]Ўзбекистон Республикасининг Маъмурий жавобгарлик тўғрисидаги кодекси, 7-модда. URL: https://lex.uz/docs/97664

administrative penalties, cautioning the person who committed the administrative offense against further unlawful conduct...”

It is evident from the content of this norm that it possesses a “preventive” character, specifically setting the tasks of “preventing future offenses and educating citizens in the spirit of compliance with the Constitution and laws of the Republic of Uzbekistan.” At the same time, this ensures the practical implementation of the "Tasks of the legislation on administrative liability" as defined in Rule 2 of the CoAR.

Conclusion

In conclusion, it can be stated that the principles of the administrative-jurisdictional activity of internal affairs bodies constitute a fundamental system representing the legal foundation of this activity. Their comprehensive development, from both theoretical and practical perspectives, is of decisive importance for the protection of human rights, the construction of a rule-of-law state, and the success of administrative reforms.

The system of principles presented in Rule 3 of the current Code of Administrative Responsibility is set forth in a declaratory manner that is disproportionate to the uniform structural logic of the legislative act. The lack of detailed clarification through separate rules creates significant deficiencies in both the fields of substantive and procedural law. The failure to isolate specific procedural principles—primarily the presumption of innocence, the establishment of truth, proportionality, the inviolability of the person, and the right to qualified legal assistance—**results in a lack of alignment with international standards.**

A comparative analysis of the legislation of Russia, Kazakhstan, and Germany, as well as the norms of the International Covenant on Civil and Political Rights and the European Convention on Human Rights, demonstrates that in advanced legal systems, the principles of administrative-jurisdictional activity are consolidated at two levels — substantive-legal and procedural — through separate rules. This approach enhances the normative force of the legislative act and ensures the effective application of principles in law enforcement practice.

Introducing and consolidating substantive-legal principles through Rules 31–37, and procedural principles through Rules 272–274 and 274^{1}–274^{9} of the Code of Administrative Responsibility of the Republic of Uzbekistan, is a measure that is both timely and practically necessary today. Such a reform would fundamentally strengthen the legality, objectivity, and humanity of the administrative-jurisdictional activities carried out by internal affairs officers, while also elevating the legal protection of citizens to the level of constitutional-legal standards.

Therefore, the researcher recommends the proposals for strengthening the system of the aforementioned principles and clarifying them through separate rules as one of the vital directions of the legal reforms currently being implemented.

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