

Administrative Measures and Their Improvement

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Annotation:

The article contains suggestions and comments on the implementation of certain administrative sanctions by law enforcement agencies and the improvement of the legislation on administrative liability.

Keywords: Code of Administrative Offenses (CAO), decrees, decisions, law enforcement agencies, administrative penalties, fines, public works, complaints, protests, administrative offenses.

Decree of the President of the Republic of Uzbekistan dated February 7, 2017 "On the strategy of further development of the Republic of Uzbekistan" [1]. approved the Action Strategy for the five priority areas of development of the Republic of Uzbekistan for 2017-2021. This historically important and programmatic document has identified directions and priorities for further development of all areas. In particular, among the tasks to ensure the rule of law and further reform the judicial system, the President of the Republic of Uzbekistan issued a decree on April 10, 2017 "On measures to radically increase the efficiency of law enforcement agencies Decree No. 5005 "On measures" [2]. "... Over the past period, extensive work has been done to improve the system of law enforcement agencies, in particular, the development and strengthening of the lower level of law enforcement agencies to maintain public order in neighborhoods, ensure public safety, crime prevention and fight crime. In addition to acknowledging that "significant work has been done", the tasks to be performed were also identified.

It is no secret that the establishment of stability, peace and tranquility in society, ensuring unconditional respect for human rights and freedoms is an important condition for further socio-economic development of the country, the achievement of the goals of building a democratic state based on the rule of law.

At the same time, it is necessary to study the extent to which the legislation on administrative liability in our country in recent years can meet modern requirements, as well as to assess the status of application of administrative liability, its regular monitoring.

It should be noted that today the role of law enforcement agencies in the implementation of administrative jurisdiction is important and significant. In particular, the law enforcement agencies effectively address such important tasks as ensuring law and order by identifying and reviewing cases of administrative offenses and bringing the perpetrators to administrative responsibility.

The current Code of Administrative Responsibility of the Republic of Uzbekistan (hereinafter referred to as the Code of Administrative Offenses of the Republic of Uzbekistan) contains 14 types (offenses) of violations, most of which are subject to administrative fines [3]. It was noted that in accordance with Article 248 of the Criminal Code of the Republic of Uzbekistan, the law enforcement agencies have the authority to consider cases of administrative offenses under Article 47 and their relevant parts, as well as the imposition of administrative sanctions.

In addition, in accordance with Article 287 of the CCrP, the law enforcement agencies apply administrative detention to offenders in order to ensure timely and correct consideration of cases on administrative offenses in the event of violations of Article 97 and enforcement of decisions on cases on administrative offenses. [4].

In addition, law enforcement officers, in accordance with their law enforcement duties, identify all the violations committed and draw up the initial documents and send them to the relevant authorities.

According to Article 25 of the current Code of Criminal Procedure of the Republic of Uzbekistan, "A fine is the collection of money from a person guilty of an administrative offense at public expense." The amount of the fine is determined based on the amount of the basic calculation established at the time of the administrative offense, and for the ongoing administrative offense at the time of detection of the offense.

The minimum amount of the fine imposed on citizens should not be less than fifty-one of the basic calculation amount, and on officials - one-tenth.

The maximum amount of fines imposed on citizens and employees should not exceed five times the basic calculation amount, and on officials - ten times.

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For some offenses, a fine of up to two hundred times the base calculation amount may be imposed. However, the decision to impose a fine of this amount is not within the authority of the police.

The terms and procedure for the execution of the decision to impose a fine after the amendments and additions to our current legislation are as follows. The fine shall be paid by the offender no later than thirty days from the date of submission of the decision to impose a fine, and in case of appeal or protest against such decision - no later than fifteen days from the date of notification of dissatisfaction.

Certain administrative offenses, ie traffic fines, must be paid no later than sixty days from the date of the decision to impose a fine, and in cases of appeal or protest against such a decision, no later than thirty days from the date of notification of the complaint or protest. . In the absence of an independent salary of persons between the ages of sixteen and eighteen, the fine shall be levied on their parents or their substitutes.

The fine imposed for the commission of an administrative offense shall be paid by the offender to the relevant banking institution, except for the fine levied at the place where the offense was committed.

In addition, the addition of Article 3321 of the current Code of Criminal Procedure, entitled "Simplified Procedure for Execution of the Decision on Imposition of Fines", shows that the legislature has made it possible to put into practice the principles of humanity and democracy.

In particular, the simplified procedure for enforcement of the decision to impose a fine is as follows. If the offender voluntarily pays seventy percent of the amount of the fine within fifteen days from the date of the decision to impose a fine on him, he shall be exempted from paying the remainder of the fine.

The simplified procedure for execution of the decision to impose a fine shall not apply in the following cases:

- when a court imposes a fine for an administrative offense;
- when the decision to impose a fine is appealed or protested;
- when the same offense is repeated within one year after the imposition of an administrative penalty [5].

It is known that Article 23 of the current CCrP provides for six types of administrative sanctions. At the same time, it is expedient to introduce a new sanction in the SCNS, called "Public Works". Indeed, one of the goals of judicial reform in our country to improve the criminal law is the liberalization of criminal law, including the wider use of non-custodial sentences. Therefore, in accordance with the current Criminal Code of the Republic of Uzbekistan dated March 29, 2017 No. ZRU-421, "Article 451. Compulsory public works as a punishment". Also, in order to organize the execution of punishment in the form of compulsory public work established by the Criminal and Criminal-Executive Code of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan dated May 8, 2018 "On approval of the Regulation Resolution No. 346 was adopted. In our opinion, it is expedient to include these innovations in the criminal and criminal-executive legislation in the legislation on administrative liability, taking into account the following.

Practice shows that administrative offenses are more commonly committed by persons who are not engaged in socially useful work, who are temporarily not working anywhere. Also, the imposition of a fine on a person who has committed an administrative offense will make him more financially disadvantaged (he may be the sole breadwinner in the family.), Which in turn may lead to difficult family circumstances. Such cases create a number of problems in ensuring the execution of fines. Therefore, in such cases, the Court, after examining the serious personal, family or other circumstances of the offender, has the power to impose this type of punishment "Public Works" instead, as it is not possible to impose a fine. It can also be used to involve offenders in urban beautification, seasonal agricultural work, and other similar activities.

In the above cases, it is expedient for the court to impose a sanction of public affairs on the basis of the offender's personal, marital status.

In this regard, it is very important to develop and implement a legal mechanism that does not cause various problems, abuse of office and corruption in the organization and enforcement of court decisions.

Thus, the legislation on administrative responsibility is based on the principles of legality, equality of citizens before the law, democracy, humanity, justice and the inevitability of liability for guilt. Therefore, no one may be prosecuted for an administrative offense other than the grounds and procedure established by law. Proceedings on administrative offenses must be conducted only on the basis of compliance with the law.

List of used literature

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