



DISTINCTIVE FEATURES OF ADMINISTRATIVE OFFENSE CASE HANDLING BY PREVENTION INSPECTORS

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ABSTRACT. The article scientifically analyzes the administrative proceedings activities of the prevention inspector and their specific features, including the concept and essence of administrative proceedings, the procedure for conducting administrative proceedings, the legal basis for the prevention inspector's administrative proceedings, the rights and obligations of the prevention inspector in administrative proceedings, and the aspects related to the prevention inspector's cooperation in administrative proceedings. Relevant proposals have been put forward in this regard.

Keywords: inspector of prevention, administrative jurisdictional activity, cooperation, administrative law, administrative violations, administrative violations, determination of measures.

In legal literature, the term jurisdiction is defined as follows. Jurisdiction (from Latin: *jurisdictio* - judicial, *jus* - law, *dico* - to speak) is a set of powers of relevant state bodies established on the basis of laws and other normative legal acts, within which it is understood to resolve disputes and relationships of a legal nature, handle cases related to offenses, and apply legal sanctions to offenders.

It is of great importance in more precisely regulating violations in the field of administrative law. However, it should also be noted that the Code of Administrative Responsibility of the Republic of Uzbekistan pays more attention to the substantive legal aspects of administrative responsibility.

Although the legislation on administrative responsibility aims to protect the rights and freedoms of citizens, property, state and public order, the natural environment, ensure social justice and legality, timely and objective consideration of administrative offense cases for the well-being of individuals and society, as well as to prevent such offenses and educate citizens in the spirit of compliance with the Constitution and laws of the Republic of Uzbekistan (Article 2 of the Code of Administrative Responsibility of the Republic of Uzbekistan).

Therefore, based on these tasks, law enforcement actions for administrative offenses require authorized bodies (officials) to collect information about the facts of administrative offenses and related data, as well as information about the persons who committed them. It also involves analyzing this information, making relevant decisions on issues related to the resolution of these cases, and examining data concerning the functions of exercising legal and educational influence.

Administrative proceedings are manifested as a unique state-legal situation and are characterized by all aspects related to their content. Furthermore, regarding the concept of administrative offenses, according to Article 10 of the current Code of Administrative

Responsibility, "Administrative offenses are actions that are intended to bring to administrative responsibility in accordance with the legislation, which are committed against a person, the rights and freedoms of citizens, property, state and public order, illegal, culpable (intentional or imprudent) actions that violate the natural environment."

Issues addressed in cases of administrative offenses are investigated within the framework of the administrative process. At the same time, "administrative jurisdiction is the activity of executive authorities aimed at resolving disputes between various entities, as well as applying administrative and disciplinary measures of coercion, carried out in an administrative-procedural form, the implementation of law enforcement functions in the order of carrying out administrative-jurisdictional actions by executive authorities (officials) " .

Currently, proceedings related to administrative offenses are being studied within the framework of the administrative process. In legal literature in the field of administrative law, "administrative jurisdiction is recognized as an integral part of executive and order-giving activities." .

At the same time, as an independent procedural activity, it enters the system of administrative law and, having its characteristics, differs from other administrative proceedings. Legal literature lacks a definition of the administrative-jurisdictional activity of a prevention inspector. Based on the above considerations, the following conclusion can be drawn.

The administrative-jurisdictional activity of a prevention inspector is understood as procedural activity related to the implementation of material, legal, and administrative norms and their application in the appropriate manner. This also encompasses the authority of the prevention inspector in resolving issues related to administrative legislation. Specifically, it refers to the powers of the prevention inspector to conduct legal assessments of specific evidence, including the resolution of disputes and the adoption of legal measures. Although this activity is not related to management (service) subordination relationships, in this process, prevention inspectors always act on behalf of the state, and their decisions (conclusions) regarding the application of administrative coercion are binding on all state and public organizations, enterprises, institutions, organizations, officials, and citizens.

It should be emphasized that in all cases, when resolving them, a set of specific actions related to orderly procedural actions is carried out. These actions are either directly stipulated by law or recommended by law enforcement practice. This can include the following actions: documenting the establishment of the committed fact, conducting case discussions and making decisions on the case, reviewing citizens' complaints or prosecutor's protests against relevant decisions, and implementing the execution of the made decision. From a logical standpoint, this sequence and the functional orientation of these circumstances lead to a law application process that has a fully legal nature.

In the administrative-jurisdictional activities of the prevention inspector, administrative legal sanctions are applied only to citizens (individuals and legal entities) if they are found guilty of committing an administrative offense, and this guilt has been established in relation to them through administrative procedural order. In other words, if a person commits any unlawful act (action or inaction) in violation of the requirements of administrative legal norms, they are subject to administrative legal liability. This circumstance raises not only the issue of administrative legal liability but also the application of sanctions with procedural characteristics to persons who have committed offenses, which indicates the direct application of state coercion.



In their administrative jurisdictional activities, the prevention inspector has the authority to impose fines in the amounts specified in the relevant articles to persons who have committed administrative offenses as indicated in paragraph 4 of part 2 of Article 248 of the Code of the Republic of Uzbekistan on Administrative Responsibility. The execution of these fines is entrusted to the Bureau of Compulsory Enforcement under the General Prosecutor's Office of the Republic of Uzbekistan in accordance with the legislation. In the process of carrying out this activity, prevention inspectors identify and record the facts of administrative offenses, analyze these facts, and implement law enforcement measures. The main tasks of the administrative and jurisdictional activities of the prevention inspector are:

Timely, comprehensive, and complete investigation of the circumstances of each case;
Resolution of administrative offense cases in accordance with legal documents;
Identification of causes and conditions for committing administrative offenses during the proceedings of administrative offense cases;
Prevention of offenses;
Education of citizens in the spirit of compliance with the Constitution and laws of the Republic of Uzbekistan;
Strengthening of legislation.

One of the main tasks of the prevention inspector's administrative and jurisdictional activities is to strengthen legislation. The prevention inspector, within the scope of their authority, is responsible for conducting administrative offense proceedings, protecting public order, safeguarding the rights and freedoms of citizens, and defending the interests of the state

References:

1. Мухитдинов Р.А. ва б. Ўзбекистон юридик энциклопедияси Т.: Адолат. 2010 -566 б
2. Одилқориев Х.Т, Исмоилов И, Исмоилов Н.Т ва б. "Маъмурий ҳуқуқ" Дарслик. Т. Ўзбекистон Республикаси ИИВ Академияси. 2010. 331 б
3. Ахмедова С.Т. Ички ишлар органлари тизимидаги маъмурий-ҳуқуқий ислохотлар инсон кадрлари учун //Евразийский журнал права, финансов и прикладных наук. – 2022. – Т. 2. – №. 10 Special Issue. – С. 15-19
4. Ахмедова С.Т., Охунов З.М. Особенности применения административных взысканий за управление автотранспортом в состоянии опьянения //Евразийский журнал технологий и инноваций. – 2024. – Т. 2. – №. Special Issue 6. – С. 48-54.
5. Ахмедова С.Т. К вопросу об освидетельствовании на состояние опьянения водителей транспортных средств //Евразийский журнал технологий и инноваций. – 2024. – Т. 2. – №. Special Issue 6. – С. 55-59.
6. Ахмедова С.Т. Об актуальных проблемах совершенствования административного законодательства Республики Узбекистан. – 2022.
7. Ахмедова С.Т., Янгибаев А. К. Особенности деятельности инспекторов профилактики по законодательству республики узбекистан features of the activities of prevention inspectors under the legislation of the republic of Uzbekistan //Административно-правовое регулирование правоохранительной деятельности: теория и практика. – 2022. – С. 32-37.

8.Маматкулов Т.Б., Ахмедова С.Т. Аспекты взаимодействия инспекторов профилактики с махаллэй в охране общественного порядка и обеспечении безопасности граждан (на примере узбекистана) aspects of interaction of prevention inspectors with //редакционно-издательским советом Краснодарского университета МВД России Редакционная коллегия: КД Рыдченко, кандидат юридических наук, доцент (председатель). – С. 505.

