



## SCIENTIFIC AND THEORETICAL ANALYSIS OF FINE PENALTY EXECUTION

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**Abstract:** This article develops proposals and recommendations regarding existing problems in the application and enforcement of fines as a form of punishment for individuals who have committed administrative offenses.

**Keywords:** punishment, fine, offender, administrative responsibility, enforcement.

One of the most commonly used types of punishment in administrative liability practice is a fine, which is not very severe but has a significant impact on the offender in terms of its effectiveness and preventive aspects.

According to Kh. Bakhromov, an administrative fine is one of the most frequently and effectively used administrative sanctions in the practice of applying administrative legislation. This "universal" administrative penalty can be applied to almost all administrative offenses listed in the legislation on administrative liability.[1]

An administrative fine is an administrative penalty of a material nature, expressed as a specific amount of money collected from the guilty person for the state budget. The amount of the administrative fine is determined based on the established base calculation amount at the time the administrative offense was committed, or for ongoing administrative offenses, at the time the offense was detected. For reference, the base calculation amount was set at 340,000 soums by the Decree of the President of the Republic of Uzbekistan No. UP-196 "On increasing the amount of wages, pensions and benefits" dated November 11, 2023.[2]

In our opinion, an administrative fine penalty directly affects the material interests of the offender by influencing their consciousness. The distinctive features of this measure are also manifested in the following: the offender's freedom is not restricted, they are not deprived of special rights, and even in cases where administrative fines are imposed by the court, it does not result in a criminal record. Therefore, an administrative fine is considered one of the most effective punitive measures.

The minimum fine imposed on citizens must not be less than one-fiftieth of the base calculation amount, and for officials - not less than one-tenth. The maximum amount of the fine imposed on citizens and employees should not exceed five times the base calculation amount, and for officials - ten times. For some offenses, fines may be imposed up to four hundred and fifty times the base calculation amount.[3]

Following the amendments and additions to our current legislation, the terms and procedure for executing the decision on imposing a fine were determined as follows: The fine must be paid by the offender no later than thirty days from the date the decision to impose a fine was submitted to them. If such a decision is appealed or protested, the fine must be paid no later than fifteen days from the date of notification that the complaint or protest has not been satisfied.[4]

However, the offender must pay the fine imposed for violation of the traffic rules no later than sixty days from the date of issuance of the decision to impose a fine, and in cases where such a decision is appealed or protested, no later than thirty days from the date of notification of the failure to satisfy the complaint or protest. In the absence of self-employment for persons aged sixteen to eighteen, the fine shall be collected from their parents or persons replacing them. The fine imposed for the commission of an administrative offense shall be paid by the offender to the relevant bank institution, with the exception of the fine levied at the place of the offense.

The application of this penalty to individuals in the context of years is reflected as follows:

233,308 people in 2020;

279,390 people in 2021;

316,205 people in 2022;

338.006 people in 2023;

applied to 175,988 individuals in the first half of 2024.[5]

In our view, as a result of the analysis of legislation, the types of decisions on the execution of fines can be divided into 3 types:

- 1) Enforcement of the decision on the imposition of a fine collected on the spot;
- 2) Enforcement of a decision to impose a fine;
- 3) Enforcement of a decision to impose a fine in a simplified manner.

Enforcement of the decision on the imposition of a fine collected on the spot. Article 283 of the Code of Administrative Offenses (cases where a protocol on an administrative offense is not drawn up) If a citizen does not object to the fact of the offense committed by him and the amount of the fine imposed on him on the spot does not exceed one-tenth of the base calculation amount, and in cases of violation of traffic rules, a protocol on an administrative offense is not drawn up only in the cases provided for in parts one, two and three of Article 138 of this Code, as well as in other cases provided for by law.. If the fine is collected at the place of the commission of the administrative offense, the violator is issued a receipt of the established copy, which is a document of strict financial reporting.

In our opinion, it is advisable to enforce the decision on the imposition of a fine levied on the spot, which is present in the legislation, but does not exist in practice at all, that is, to exclude Article 334 of the Code of Administrative Offenses from the legislation. After all, the decision to impose a fine levied on the spot does not exist in practice and does not correspond to the procedure for administrative proceedings using modern information technologies.

Enforcement of a decision to impose a fine. If the offender fails to pay the fine within the period established by Article 332 of the Code of Administrative Offenses, the decision to impose the fine shall be sent for mandatory recovery from the offender's salary, other wages, allowance, or scholarship in accordance with the rules established by legislation on the execution of judicial acts and acts of other bodies.

If the person subject to the fine is not employed or the fine cannot be recovered from the offender's salary, other income, pension, or scholarship for other reasons, its recovery shall be carried out by the state executor based on the decision of the relevant body (official) imposing the fine. The fine shall be recovered from the offender's property, including their share in common property.

In our opinion, there are currently more problems in the activities of prevention inspectors regarding the enforcement of decisions on imposing fines. These are as follows:

1) Prevention inspectors do not understand the procedure for transferring the enforcement of fine decisions to enforcement officers due to insufficient knowledge of using tablets for monitoring collection issues;

2) Due to artificial fine quotas, prevention inspectors fine their acquaintances, and various disciplinary measures are imposed because deadlines are forgotten.

To address these issues, we deem it advisable to make the following suggestions:

First, introduce a system of management control to oversee whether prevention inspectors transfer the mandatory collection of fines to enforcement officers;

Second, establish as a primary goal the issue of ensuring disciplinary responsibility for managers who apply the practice of artificially assigning quotas to prevention inspectors.

Property that cannot be recovered through executive documents in accordance with the legislation of the Republic of Uzbekistan may not be subject to recovery. As part of the judicial and legal reforms being consistently implemented in our republic, our society welcomed the fact that the Law of the Republic of Uzbekistan No. ZRU-612 of March 17, 2020, created an opportunity for the practical application of the principles of humanism and democracy. This law supplemented the Code of Administrative Offenses with a new Article 3321 titled "Simplified Procedure for Enforcing a Decision on Imposing a Fine."

Enforcement of the decision on the imposition of a fine in a simplified manner. For the first time, a simplified procedure for the enforcement of a decision on the imposition of a fine has been introduced, and its implementation has been determined as follows. If the offender voluntarily pays seventy percent of the fine within fifteen days from the date of submission of the decision to impose a fine, he is exempt from paying the remaining (30%) part of the fine. It was determined that the simplified procedure for enforcing a decision to impose such a fine would not be applied in the following cases:

imposition of a fine by the court for the commission of an administrative offense;

appeal or protest against a decision to impose a fine;

when the same offense is committed repeatedly within one year after the application of an administrative penalty.

However, it should be noted that in the case of violation of traffic rules by special automated photo and video recording technical means specified in part three of Article 17-1 of the Code of Administrative Offenses, the recurrence of the offense is not taken into account, except for the case provided for in part three of Article 32-1 of the Code of Administrative Offenses (in the case of violations of traffic rules recorded by special automated photo and video recording technical means, the case is sent for new consideration and the decision is canceled, this case should be considered on general grounds

The reforms being implemented in our country require the creation of additional conveniences for the population in the payment of administrative fines, as well as the application of a simplified procedure for enforcing decisions on the imposition of fines against administrative fines applied on the basis of court decisions.

Taking into account these circumstances, in order to create additional conveniences for the population in paying administrative fines and reduce the burden of fines, further simplify the system of enforcing fines applied, as well as eliminate excessive bureaucratic obstacles

and corruption factors in the relations of state bodies with the population, the Decree of the President of the Republic of Uzbekistan dated March 23, 2023 No. PP-99 "On measures to create additional conveniences for the population in paying administrative fines and eliminating corruption factors in the sphere" was adopted. This decree further simplifies the system of voluntary payment of fines for administrative offenses from May 1, 2023.[7]

According to which:

if the offender voluntarily pays 50 percent of the fine within fifteen days from the date of submission of the decision to impose a fine, and 70 percent within thirty days, he is exempt from paying the remaining part of the fine;

regarding the application of this procedure to fines applied on the basis of court decisions, the Cabinet of Ministers was instructed to submit the relevant draft law to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan in the prescribed manner, based on the requirements provided for in this Resolution.

To fully fulfill these tasks, and by the Law of the Republic of Uzbekistan dated April 18, 2023 No. ZRU-830 "On Amending Article 332-1 of the Code of Administrative Responsibility of the Republic of Uzbekistan in Connection with the Creation of Additional Benefits for the Population in Paying Administrative Penalties," an amendment was made to the Code of the Republic of Uzbekistan on Administrative Responsibility, providing for the introduction of a procedure for voluntary payment of 50 percent of the fine within fifteen days or 70 percent within thirty days by a person

It was determined that this procedure will also be applied to fines applied on the basis of court decisions. This law will serve to reduce the burden of fines when paying administrative fines and further simplify the system of voluntary payment of administrative fines, as well as ensure the timely execution of judicial acts and acts of other bodies.

A simplified procedure for executing a decision to impose a fine shall not be applied in the following cases:

driving vehicles while intoxicated;

drunken driving of small vessels by shipwrights;

evading the examination of drivers of vehicles and other road users to determine whether they are intoxicated;

Allowing drunk drivers or persons who do not have the right to drive vehicles to drive vehicles is committed when violations are committed; when the decision to impose a fine is appealed or protested; when the same violation is repeated within one year after the application of an administrative penalty.

In our republic, this law came into force on May 1, 2023. In our opinion, it would be advisable to include the following gross intentional administrative offenses in cases where a simplified procedure for enforcing a fine order is not applied:

Article 41-1. Sexual harassment;

Article 183. Minor hooliganism;

Article 188. Engaging a minor in antisocial behavior;

Article 188-1. Involvement of a minor in committing an administrative offense;

Article 189. Production, import, distribution, advertising, demonstration of pornographic products;

Article 189-1. Manufacture, import, distribution, advertising, demonstration of a product that promotes harassment, violence or cruelty;

Article 194. Failure to comply with the legal requirements of an employee of the internal affairs bodies;

Article 194-1. failure to comply with the legal requirements of a serviceman (employee) of the National Guard of the Republic of Uzbekistan;

Article 195. Obstruction of the performance of official duties by employees of internal affairs bodies

Article 195-1. Opposition to the performance of official duties by military personnel (employees) of the National Guard of the Republic of Uzbekistan.

According to the Order of the Minister of Internal Affairs of the Republic of Uzbekistan dated July 12, 2023 "On Amendments to the Instruction on the Procedure for Considering Administrative Cases of Violation of Traffic Rules" [10] when considering administrative cases of violation of traffic rules, you must pay the fine not later than sixty (60) days from the date of the decision, and in the case of a complaint or protest against this decision, not later than thirty (30) days from the date of notification of the dismissal of the complaint or protest.

In case of non-payment of the fine after sixty (60) days from the date of issuance of this decision, your vehicle will be detained until the end of the proceedings on the execution of the decision. You can appeal this decision to a higher authority (official or district (city) criminal court) within ten (10) days from the date of receipt of its copy. The complaint is sent through the body (official) that made the decision on the case of an administrative offense or directly to the court where the complaint was filed.

After the fine is collected in accordance with the decision on imposing a fine, a mark is made on its execution and it is returned to the body, official or court that issued this decision.

After the execution of the decision on the imposition of a fine aimed at enforcement, the state executor issues a decision to complete the enforcement proceedings and sends one copy of it to the body (official) or court that issued it.

Article 4.1.1 of the Code of Administrative Offenses of the Russian Federation provides a mechanism for replacing an administrative penalty in the form of an administrative fine with a warning. According to this norm, an administrative offense committed for the first time during the implementation of state control (supervision), municipal control, if the imposition of an administrative penalty in the form of a warning is not provided for in the relevant norm of the legislation on administrative offenses of subjects of the Russian Federation, an administrative penalty in the form of an administrative fine should be replaced with a warning, if relevant circumstances arise.

From the aforementioned state legislation, it can be seen that there is a mechanism for replacing administrative punishment, that is, what punishment should be replaced with what if it is lightened or aggravated. There is no mechanism for replacing these administrative penalties in the administrative legislation of our country.

Therefore, there is a need to include a new norm in the Code of Administrative Responsibility of the Republic of Uzbekistan "Procedure for Changing Administrative Punishments."

In addition, B. Abdullaev put forward the following proposal to further simplify the execution of fines. In particular, for violations recorded by radars, within 48 hours, a decision on the fine will be sent to the authorized body, that is, to the traffic police center. The authorized body must issue a decision on the imposition of a fine no later than 15 days. Only then were proposals made to establish that the driver would not be fined.[11]



In our opinion, the following proposal is considered a circumstance of exemption from fines and should be in the following order. That is, part 3 of Article 332-1 of the Code of Administrative Offenses "Simplified procedure for enforcing a decision on imposing a fine" shall be set out in the following wording:

"For violations recorded by special automated photo and video recording technical means, within 48 hours, a decision on the fine is sent to the authorized body, that is, to the traffic police center. The authorized body must issue a decision on the imposition of a fine no later than 15 days. If a decision is not made within this timeframe, the offender must be released from liability"

### References:

1. Baxramov X. Ma'muriy javobgarlik to'g'risidagi qonunchilikda jarima jazo chorasining tushunchasi va qo'llanilishining o'ziga xos xususiyatlari //Journal of fundamental studies. – 2023. – t. 1. – №. 6. – s. 28-35.
2. O'zbekiston Respublikasi Prezidentining 2023-yil 11-noyabrdagi "Ish haqi, pensiyalar va nafaqalar miqdorini oshirish to'g'risida"gi PF-196-son farmoni. [Elektron manba: <https://lex.uz/docs/-6665682>. Murojaat vaqti: 10.02.2024 y].
3. O'zbekiston Respublikasining Ma'muriy javobgarlik to'g'risidagi kodeksi. [Elektron manba: <https://lex.uz/docs/-97664>. Murojaat vaqti: 10.02.2024 y].
4. O'zbekiston Respublikasi ichki ishlar vazirining 2023-yil 12-iyuldagi "Yo'l harakati qoidalarining buzilishiga doir ma'muriy ishlarni ko'rib chiqish tartibi to'g'risidagi yo'riqnomaga o'zgartirishlar kiritish haqida"gi 361-son buyrug'i. [Elektron manba: <https://lex.uz/docs/-6567881>. Murojaat vaqti: 10.02.2024 y].
5. Jinoyat ishlari bo'yicha sudlarning 2024 yil 1-yarmidagi faoliyat yakunlarining asosiy ko'rsatkichlari [Elektron manba: <https://stat.sud.uz/>. Murojaat vaqti: 10.02.2024 y].
6. O'zbekiston Respublikasi 2020-yil 17-martdagi "O'zbekiston Respublikasining ayrim qonun hujjatlariga o'zgartirish va qo'shimchalar kiritish to'g'risida"gi O'RQ-612-sonli qonuni. [Elektron manba: <https://lex.uz/docs/-4766244>. Murojaat vaqti: 10.02.2024 y].
7. O'zbekiston Respublikasi Prezidentining 2023-yil 23-martdagi "Aholiga ma'muriy jarimalarni to'lashda qo'shimcha qulayliklar yaratish hamda sohada korrupsion omillarni bartaraf etish chora-tadbirlari to'g'risida"gi PQ-99-son qarori. [Elektron manba: <https://lex.uz/docs/-6411366>. Murojaat vaqti: 10.02.2024 y].
8. O'zbekiston Respublikasining 2023 yil 18 apreldagi "Ma'muriy jarimalarni to'lashda aholiga qo'shimcha qulayliklar yaratilishi munosabati bilan O'zbekiston Respublikasi Ma'muriy javobgarlik to'g'risidagi kodeksining 3321-moddasiga o'zgartirish kiritish haqida"gi O'RQ-830-sonli Qonuni [Elektron manba: <https://lex.uz/docs/6435560>. Murojaat vaqti: 10.02.2024 y].
9. O'zbekiston Respublikasining Ma'muriy javobgarlik to'g'risidagi kodeksi. [Elektron manba: <https://lex.uz/docs/-97664>. Murojaat vaqti: 10.02.2024 y].
10. O'zbekiston Respublikasi ichki ishlar vazirining 2023-yil 12-iyuldagi "Yo'l harakati qoidalarining buzilishiga doir ma'muriy ishlarni ko'rib chiqish tartibi to'g'risidagi yo'riqnomaga o'zgartirishlar kiritish haqida"gi buyrug'i. [Elektron manba: <https://lex.uz/docs/-6567881>. Murojaat vaqti: 10.02.2024 y].
11. Ichki ishlar vaziri o'rinbosari Bekmurod Abdullaev radar bo'yicha yangilik noto'g'ri talqin qilinganini ma'lum qildi. [Elektron manba: <https://uzreport.news/society/ichki-ishlar-vaziri->



urinbosari-bekmurod-abdullaev-radar-buyicha-yangilik-notu-ri-tal-in-il.  
vaqti: 10.02.2024

Murojaat

