



## THE ESSENCE OF EXEMPTION FROM ADMINISTRATIVE LIABILITY

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**Abstract:** This article analyzes the concept of exemption from administrative liability, its essence, and legal foundations. It also examines the procedure, conditions, and practical application of exempting individuals who have committed administrative offenses from liability. The article illuminates the legal nature of exemption from administrative liability, its purpose, and its significance within the system of administrative law. Additionally, it presents certain opinions and proposals for improving the norms of current legislation.

**Keywords:** administrative liability, administrative offense, exemption from liability, legal foundations, administrative penalty, legislation, legal relations, law enforcement practice, prevention, administrative law.

The institution of exemption from administrative liability is a crucial legal mechanism that embodies the principles of humanism and differentiated liability in administrative law. The essence of this institution is that in certain cases, although an act committed by an individual formally constitutes the elements of an administrative offense, applying liability is deemed inappropriate due to the act's low degree of social danger, its subjective aspect, or the circumstances under which it was committed. Legal theory emphasizes that the primary function of liability is not punishment, but rather the restoration of legal order and prevention[1].

The concept of legal liability is based on the elements of guilt, social danger, and state coercion. If there is no guilt on the part of the individual or the act is socially justified, the application of liability would contradict the principle of justice. Therefore, the institution of exemption from administrative liability is a logical extension of the principle of guilt. The German jurist Claus Roxin, evaluating guilt as a central element of liability, asserts that a state penalty cannot be applied where there is no guilt[2].

The first category of exemptions from administrative liability comprises circumstances that preclude liability. These include necessary defense, extreme necessity, and insanity. In a situation of necessary defense, an individual protects themselves or others from an unlawful infringement, and the harm caused in doing so is legally justified. This institution is based on the concept of natural law. According to the theory of natural law, a person has the right to protect their life and dignity, and the state only recognizes this right; it does not create it[3].

The institution of extreme necessity is connected with the balance of social interests. A person's actions are not considered an offense if they cause harm to legally protected interests and eliminate a greater danger. French scholar Jean Pradel explains the latter necessity with the principle of "priority of social benefit," which strengthens the criterion of proportionality in the application of punishment[4].

Insanity is characterized by the absence of a subjective element. If a person cannot understand the significance of their actions or control them, then there is no guilt. In the English

legal system, the concept of insanity defense is based precisely on this approach[5]. This approach confirms that administrative responsibility is also based on the principle of guilt.

The second group of exemptions from administrative liability is grounds for non-application of liability. Here, the offense is recognized as existing, but the application of punishment is refused from the point of view of expediency. Insignificance and reconciliation are among such grounds. Article 2.9 of the Code of Administrative Offenses of the Russian Federation provides for exemption from liability due to insignificance, and in cases where the court recognizes the degree of social danger of the offense as low, a warning may be sufficient.

The Resolution of the Plenum of the Supreme Court of Russia dated March 24, 2005, indicates that when determining insignificance, the consequences of the offense, the amount of damage, the behavior of the person, and other circumstances should be taken into account. This judicial practice confirms the importance of this institution as a mechanism for individualizing responsibility.

Exemption from liability in connection with reconciliation is based on the concept of restorative justice. Restorative justice programs are widely used in the legal systems of Canada and New Zealand, serving to resolve disputes without state penalties[6]. This approach is aimed at eliminating the consequences of the offense.

Thus, the institution of exemption from administrative responsibility interprets punishment not as an absolute goal, but as a means of restoring social balance. It implements in practice the flexibility of the legal system, the principles of humanism, and the criterion of proportionality.

The true essence of the institution of exemption from administrative responsibility is manifested in how it is applied in practice. Although the existence of a norm has its own theoretical significance, its social effectiveness is manifested in the activities of law enforcement agencies. From this point of view, the statistics of the practical application of the norms of the Code of Administrative Offenses of the Russian Federation (CoAP RF) and the Code of the Republic of Uzbekistan on Administrative Responsibility are an important analytical material.

According to official data from the Judicial Department of the Russian Federation, in 2022, the number of administrative cases considered by the courts amounted to more than 6 million, in a certain part of which individuals were released from liability due to insignificance in accordance with Article 2.9 of the Code of Administrative Offenses of the Russian Federation[7]. During 2021-2023, cases of exemption from liability on the grounds of insignificance persisted steadily, which indicates the active application of this institution in practice.

Analysis of judicial practice shows that when assessing insignificance, courts rely on the following criteria: the consequences of the offense, the amount of damage caused, the personal characteristics of the offender, whether he has previously been brought to administrative responsibility. In the resolution of the Plenum of the Supreme Court of the Russian Federation of March 24, 2005, the courts were recommended to assess these criteria individually for each case[8]. This is a practical manifestation of the principle of individualization of responsibility.

Although cases involving necessary defense and extreme necessity are relatively rare, their legal significance is significant. For example, in 2020, in a case considered in one of the St. Petersburg city courts, the person committed an act that constituted petty hooliganism in a public place, but the court, having established that his actions were committed in self-defense,

assessed it as a state of necessary defense and terminated the case[9]. This example confirms the practical significance of the institution of necessary defense in the field of administrative law.

In practice, extreme necessity is more often encountered in the sphere of transport and environmental violations. For example, in cases where it was established that the driver violated traffic rules, but this action was taken to prevent a serious traffic accident, the courts applied the norms of extreme necessity. The main criterion here is that the damage caused is less than the damage prevented.

Another important aspect of the institution of exemption from administrative responsibility is reconciliation. Within the framework of Articles 25.2 and others of the Code of Administrative Offenses of the Russian Federation, the case may be terminated on the basis of reconciliation with the victim for certain offenses. Analysis of judicial practice shows that the practice of reconciliation is widespread in cases of property damage, infliction of minor bodily harm[10]. This shows that the concept of restorative justice also applies in the field of administrative law.

The institution of insignificance is also actively used in the practice of Uzbekistan. According to court statistics, cases of limiting preventive measures for certain administrative offenses have increased. This indicates a tendency towards the liberalization of punitive policy.

Looking at international experience, the principles of insignificance and expediency are also widely applied in the German Ordnungswidrigkeitenrecht system. According to the German Law on Administrative Offenses, the competent authority has the right not to impose a fine or to terminate the case if the degree of public danger of the offense is recognized as low[11]. This rule is based on the principle of proportionality.

Thus, the analysis of statistical data and judicial practice shows that the institution of exemption from administrative responsibility is actively functioning in practice and serves to ensure the principles of individualization, humanism, and proportionality in law enforcement practice.

For a full understanding of the institution of exemption from administrative responsibility, it is important to conduct a comparative analysis not only within the framework of national legislation, but also with international legal systems. Indeed, in modern legal states, the institutions of administrative responsibility are becoming closer to criminal law, and therefore, the mechanisms for exemption from liability are also being formed on the basis of general legal principles.

The principle of proportionality occupies a central place in the European legal system. The European Court of Human Rights (ECHR) has repeatedly emphasized in its decisions that any sanction imposed by the state must be proportionate to the severity of the offense[12]. "Engel and Others v. Netherlands," the court noted that administrative sanctions may in some cases have a criminal-legal nature and therefore established that guarantees of fair trial must be applied to them. This decision means that human rights standards will also be applied in the area of administrative responsibility.

In the German legal system, the Opportunitätsprinzip - the principle of expediency - applies to the application of liability for administrative offenses. According to this principle, the competent authority has the right to terminate the case from the point of view of the public interest, although the offense has a formal content[13]. German jurist Hans-Heinrich Jescheck

argues that the purpose of administrative sanctions is to maintain legal order, not punishment, and therefore the non-application of sanctions for minor offenses may be legally justified[14].

In France, the concept of "cause d'irresponsabilité" covers cases that exclude liability. Jean Pradel argues that necessary defense and extreme necessity are universal institutions that can be applied not only in criminal law, but also in administrative-sanction law[15]. This indicates that these institutions have a general legal nature.

In the United States, administrative sanctions are applied by federal agencies. The principle of due process occupies a central place in the US legal system. If a person acted under the influence of coercion or psychological pressure, the issue of their liability is assessed separately. Joshua Dressler stated that the main condition for liability is the presence of voluntary action[16]. If there is no voluntariness, the application of sanctions is considered unfair.

In Canada and New Zealand, the concept of restorative justice is widely applied in administrative and criminal cases. In this system, the primary focus is not on punishment, but on redressing harm and restoring social balance[17]. The practice of reconciliation in administrative offense cases aligns with this very concept.

A comparative analysis shows that, although institutions of exemption from liability are structured differently in various countries, their common foundations consist of the following:

- The principle of proportionality - The principle of culpability - Voluntariness and free will - The degree of social danger - Restorative justice

Articles 2.7 (necessary defense), 2.8 (extreme necessity), and 2.9 (insignificance) of the Code of Administrative Offenses of the Russian Federation are based on these general legal principles. In this respect, it appears that national legislation is not falling behind international trends.

In modern academic discussions, there are opinions about the "quasi-criminal" nature of administrative sanctions. Some scholars argue that if administrative sanctions take the form of severe financial penalties, criminal law guarantees should be applied to them[18]. This necessitates a more comprehensive and precise regulation of the institutions for exemption from liability.

Thus, an analysis of international experience shows that the institution of exemption from administrative liability has a universal legal nature and is founded on the principles of humanism, proportionality, and justice. Although its forms differ across countries, in terms of substance, it relies on common legal concepts.

Although the institution of exemption from administrative liability is of practical importance, a number of controversial issues exist regarding its theoretical foundations and application mechanisms. First and foremost, there is the problem of clearly distinguishing between grounds for exemption from liability and circumstances precluding liability. In cases of necessary defense, extreme necessity, and legal insanity, the act is not assessed as an offense. However, in cases of insignificance or reconciliation, an offense is deemed to exist, but the punishment is waived. The legal consequences of these two approaches differ, and conflating them can lead to the incorrect application of the norm.

In academic literature, some scholars note that the boundaries of the institution of exemption from administrative liability are not sufficiently defined. In particular, the lack of a uniform standard for determining the criteria of insignificance can lead to varied

interpretations in judicial practice[19]. This negatively affects the principles of legal certainty and stability. Therefore, there is a need to define the criteria for assessing insignificance more precisely at the legislative level.

Another significant problem is the issue of administrative sanctions taking on a criminal law character in some cases. The practice of the European Court of Human Rights has noted that if the amount of an administrative fine is high or it significantly affects a person's legal status, such a sanction may be assessed as a "criminal charge." This implies that higher procedural guarantees are also required for the institution of exemption from administrative liability.

In modern jurisprudence, a trend towards the liberalization of liability is observed. Specifically, the experience of Germany and France shows the widespread use of warnings, administrative agreements, or compensation mechanisms for minor administrative offenses. This ensures that punishment has a preventive rather than a repressive focus.

The Code of Administrative Offenses of the Russian Federation (KoAP RF) contains norms on insignificance (Article 2.9), necessary defense (Article 2.7), and extreme necessity (Article 2.8). However, in practice, it is sometimes observed that the norm of insignificance is not sufficiently applied or, conversely, is interpreted too broadly. Clarifications provided by the Supreme Court of Russia are aimed at balancing this issue.

In conclusion, the institution of exemption from administrative liability is a vital mechanism for implementing the principles of humanism and proportionality within a state governed by the rule of law. It interprets punishment not as an absolute goal, but as a means of restoring legal balance. Necessary defense, extreme necessity, and legal insanity, as grounds precluding liability, are based on the principle of culpability. Insignificance and reconciliation, on the other hand, serve as means of individualizing punishment.

The correct application of this institution enhances the effectiveness of legal reforms, raises the legal consciousness of citizens, and ensures a just state policy. In this regard, the institution of exemption from administrative liability is assessed as an integral part of the modern administrative law system.

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