



THEORETICAL AND LEGAL IMPORTANCE OF DETERMINING ADMINISTRATIVE LIABILITY FOR SEVERAL OFFENSES

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ABSTRACT: - The article deals with an administrative offense, administrative responsibility and its signs, grounds for administrative responsibility, administrative punishment and its types, application of the current Code of Administrative Responsibility, some offenses and liability for them, raised issues such as the basis for determining, analyzed existing problems and shortcomings in this area, and put forward proposals based on domestic and foreign experience.

KEYWORDS: Normative legal document, law, administrative offense, administrative responsibility, administrative penalty, various offenses.

INTRODUCTION

In accordance with Article 15 of our Constitution, the supremacy of the Constitution and laws of the Republic of Uzbekistan is unconditionally recognized in the Republic of Uzbekistan, and the state, its

bodies, officials, public associations, and citizens must act in accordance with the Constitution and laws. has been read. This, in turn, leads to the implementation of justice-based laws and the celebration of justice. The most important condition of a democratic

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society is that the laws adopted in the country are fair and reflect the interests of the people. Only if such laws are strictly obeyed, democracy will be established and strengthened in the society. One of the most important signs of a democratic society is the equality of society members before the law, the supremacy of the Constitution and laws. The ultimate goal of the constitution and laws is to ensure human rights and freedoms. Therefore, ensuring the rule of law, strengthening the protection of the rights and interests of the individual, family, society and the state, increasing the legal culture and legal consciousness of the population, educating citizens in the spirit of obedience and respect for the law is a truly democratic, legal state based on a developed market economy. and it is not only the goal of building a free civil society, but also its means, one of the most important conditions.[1]

On Administrative Responsibility of the Republic of Uzbekistan According to Article 10 of the Code of Civil Procedure, an administrative offense is an illegal, culpable (intentional or careless) violation of a person, the rights and freedoms of citizens, property, state and public order, and the natural environment.) defined as the action or inaction.

From this we can learn that only illegal, guilty that is, an action or inaction committed intentionally or carelessly is in the form of an attack on a person, state and public order, property, rights and freedoms of citizens, natural environment, and the administrative legislation in force in the Republic of Uzbekistan only cases where responsibility is assumed are recognized as violations.

Based on the above, we can say that there are three signs of an administrative offense:

1) guilt;

2) illegal action or inaction;

3) the determination of liability. [2]

The legislator, while giving a social description to administrative offenses, did not call them socially dangerous actions, unlike crimes. The qualitative differences between these two types of offenses are noted, and the practice of current legislation is aimed at ensuring the appropriateness of responsibility for the committed crime and ending the excessive expansion of state coercion. A socially dangerous act is an act that causes or may cause certain harm to social relations. The sum of such actions can affect the existence of society in a certain historical situation. For this reason, not all offenses (as well as administrative misbehavior) can be considered a socially dangerous act.[3]

Administrative legal responsibility is related to violations of legal relations, including non-fulfillment of established general rules of administration, for example, violation of traffic rules and public order, actions against nature protection, etc. That is, administrative responsibility is the application of legal measures by the competent state management bodies and the court against the person who committed the offense according to the legislation.

The following sanctions can be imposed for administrative and legal responsibility:

1) fine;

2) confiscation of an item that is considered a tool for committing an administrative offense or is directly such a thing, on the condition of payment;

3) confiscation of an object that is considered a tool for committing an administrative offense or is directly such a thing;

4) deprive a certain person of a special right granted to him (right to drive a vehicle, hunt);

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5) administrative detention;

6) administrative expulsion of foreign citizens and stateless persons from the territory of the Republic of Uzbekistan.[4]

Punishment for an administrative offense is applied within the framework and in the manner established by the Code of Administrative Liability and other regulations. The nature of the offense committed, the identity of the offender, the degree of his guilt, property status, mitigating and aggravating circumstances should be taken into account when applying punishment in legal acts and decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan dated November 30, 2018 "Courts" "On some issues of application of legislation, regulating cases on administrative offenses" is also confirmed in Resolution No. 35.

As far as we know, there are also state bodies that deal with cases of administrative offenses, and they also have the authority to impose penalties for certain offenses.

State bodies considering cases of administrative offenses:

1) may be applied based on the amount of a milder and more severe punishment specified in the sanction of an article providing for administrative liability;

2) may or may not impose an additional penalty provided for by the sanction of the article providing for administrative liability;

When applying the punishment, the authorized state body (official) must take into account the nature of the offense committed in accordance with the general rules, the identity of the offender, his level of guilt, property status, mitigating and aggravating circumstances.

In the same place, if the procedure for applying an administrative penalty for

committing several offenses specified in Article 34 of the Code of Administrative Responsibility is terminated, in accordance with this Article, one person may commit two or more in case of committing an administrative offense, it is confirmed that the administrative penalty is applied separately for each offense.

In this case, if a person commits several administrative violations, and the cases related to these violations are being considered by the official of the same state body at the same time, the summary punishment applied to this person its application within the framework of the sanction, which provides for a heavier administrative punishment, is strengthened.[5] That is, in cases where a person commits several offenses, when cases related to the person's offenses are considered by one person or one competent state body, it is not necessary to establish separate responsibility for each offense against this offender, for the offenses committed the application of one heavier sanction is considered sufficient, and the possibility of achieving the intended purpose of the punishment is confirmed in this norm.

If we pay attention to the next part of this article, a person is administratively responsible by several articles of the Special Part of the Code of Administrative Responsibility, and the cases related to them are assigned to different bodies (officials) if he has committed an act (omission) against him, the punishment will be applied within the scope of the sanction that provides for a heavier administrative punishment. That is, in this case, the issue of punishment is the same as the one above, but the authorized state body handling the case is determined to be different. But in this case, a reasonable question arises: the issue of which body applies the sanction in connection with the

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cases handled by different bodies is unclear and abstract. For example, an official named A. was charged with Article 55 (violation of radiation safety regulations, norms, guidelines and other requirements) and Article 84 (violation of fire safety requirements in forests) of the Code of Administrative Responsibility.) committed the offenses provided for in Cases on administrative offenses provided for in Article 55 of this Code shall be referred to the State sanitary control bodies in accordance with Article 257, cases regarding administrative offenses provided for in Article 84 shall be referred to the State in accordance with Article 249 applies to fire control authorities. In this case, the two offenses of A. are considered to be cases under the jurisdiction or operation of different bodies. If we take a deeper analysis of part 3 of Article 34, we can say that the competent state body for the offense for which a heavier sanction is provided considers the issue of responsibility for these offenses and imposes punishment, that is, in this case, Article 55 in the amount of three to five times the amount of the base calculation for the official, according to Article 84, the fine in the amount of ten to fifteen times the amount of the base calculation is set for the official, and Since Article 84, which is sanctioned, applies to the authority of the State fire control bodies, it is assumed that this body can consider the case of administrative responsibility and set a penalty for both violations of the official named A. But in this case, the State sanitary control body, which is set to deal with offenses with a lighter sanction, is under its jurisdiction or should be charged with the offense, that is, in this case, in what order the case under Article 55 the norms regarding the procedure for applying a heavier sanction for transferred and combined offenses have not been strengthened.

Therefore, in practice, there are problems in imposing punishments for administrative offenses according to this rule, and there is a situation where only two competent state bodies combine the case by sending the case to court, in other cases, competent state bodies (officials) each of them determines responsibility and imposes punishment for offenses within their jurisdiction.

According to the following part of Article 34 of the Code on Administrative Responsibility, a person commits an act (omission) for which administrative responsibility is provided for by the relevant article of the Special Part of this Code, involving a minor in committing an administrative offense (Article 1881 of this Code), case materials shall be submitted to the court for consideration.[6] It follows from this that if the person who committed an administrative offense involved a minor along with him to commit this offense, cases related to this type of offense will be considered only in court. Based on Article 245 of the Code of Administrative Responsibility, which stipulates that the court may hear cases related to any administrative offense, we can say that there is no obstacle to the hearing of such cases by the court.

Also, in cases where several violations are committed, additional punishment can be applied in all cases, except for the cases where punishment is applied for them separately. Analyzing the norms of the code, we can say that taking away, confiscating and depriving of a special right (the right to drive a vehicle) with the condition of paying for them are both the main and additional administrative punishments. however, it is established that the removal, confiscation and deprivation of a special right (the right to drive a vehicle) can only be used by the court. Therefore, in the above situation, only confiscation can be used by competent state authorities as an additional punishment. All additional penalties

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can be applied only when the cases are considered in court.

CONCLUSION

In conclusion, we can say that according to the first part of Article 34 on the application of administrative punishment for several offenses, the rule on the determination of separate responsibility and punishment for each offense has been strengthened, while the second part of the norm punishment by applying a heavier sanction for offenses committed by one person under consideration by one competent state body, and according to the third part, in the case of offenses committed by one person under the jurisdiction of several state bodies, in the same order there is a rule about punishment. At this point, based on our detailed analysis above, we can say that there are problems in the practice of this part, and according to the fourth part, the main punishment assigned by the court for several offenses while the cases are being considered. all the additional punishments, in the case of several offenses by the authorized state body (official), together with the main punishment, only the confiscation of the object that is considered a tool for committing an administrative offense or is directly such an item is additional. the rule that it can be used as a punishment is reflected.

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