



BALANCE OF DISCIPLINARY PENALTIES AND INCENTIVES IN THE INTERNAL AFFAIRS SYSTEM: PRACTICAL PROBLEMS AND PROPOSALS

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Abstract: This article analyzes the practice of applying disciplinary sanctions in the internal affairs system and reveals the problem of lacking clear criteria for assessing misconduct and subjectivity in decision-making. The author emphasizes the existence of legal gaps in the process of imposing and early termination of disciplinary sanctions and substantiates the need to develop a unified approach and legal mechanisms in this area. In particular, practical proposals have been put forward to improve the national system by establishing the legal basis for revoking punishments based on incentives, defining specific criteria for the severity of violations of official discipline, and taking into account international experience. The recommendations given in the article aim to ensure legality, justice, and transparency in the activities of internal affairs bodies.

Keywords: misconduct, criteria, subjectivity, disciplinary sanctions, incentives, early revocation of disciplinary sanctions, international experience, legal vacuum.

Adherence to service discipline and professional ethics rules, as well as compliance with internal regulations in the activities of law enforcement agencies of any state, not only ensures the effectiveness of the service but is also a decisive factor in increasing public trust. From this perspective, maintaining a balance between disciplinary punishments and incentives in the internal affairs system, and observing the principles of legality and justice in these processes, is of urgent scientific and practical importance.

Practice shows that in some cases, the lack of clear and transparent criteria for applying disciplinary sanctions creates a sense of injustice within the team and negatively affects service discipline. At the same time, one of the other problems in the system is the insufficient effectiveness of the procedure for rewarding employees who have demonstrated positive performance in their official duties, and the incomplete utilization of available opportunities.

At this point, we can observe that today, a number of violations of service discipline are being committed by employees of the Internal Affairs Department. Specifically: arriving late for duty, failing to appear without reason, not going to the assigned area as per distribution, and failing to attend meetings; falling asleep due to loss of vigilance during service, leaving the service area unattended, abandoning the place of service without reason; losing the service ID, violating uniform wearing procedures, hygiene and equipment rules; unjustified non-attendance of "Spirituality and Enlightenment Lessons" and physical training classes, as well as unsatisfactory performance in test exams; engaging in gambling and risk-based games; violating regulatory order requirements and combat internal service discipline, grossly violating order and discipline, discrediting the honor of a police officer; consuming alcoholic beverages while on duty and in uniform; treating citizens and convicts rudely and insincerely, causing the spread of controversial videos on social networks; violating ethical rules,

committing immoral acts; treating superiors rudely, failing to complete assigned tasks and instructions on time, and not reporting incidents; violating deadlines for considering appeals from individuals and legal entities; failing to promptly inform superiors about known information and convictions of close relatives; applying for a biometric passport for foreign travel without management permission, and other similar violations of official discipline.

There are no clear criteria for imposing disciplinary sanctions for the aforementioned misconduct based on its severity. In particular, cases of subjective disciplinary action by the chairman of the Disciplinary Council, who signs the conclusion of the official investigation on these cases, or by the head authorized to impose disciplinary sanctions, are very common, including:

- instances where two employees commit the same misconduct but receive different punishments;
- releasing an employee who has committed a serious violation of official discipline from punishment due to favoritism or allowing them to escape with a lenient punishment;
- cases of canceling a disciplinary sanction less than a month after its application due to personal connections;
- making unfair decisions when imposing punishment due to the head's personal connections or family relations;
- an employee's attempt to evade disciplinary action in exchange for financial or other personal benefits;
- preventing the application of a disciplinary sanction through other high-ranking officials or acquaintances when it should be applied;
- failure to officially record an employee's violation due to favoritism and non-application of penalties;
- cases of imposing overly severe punishment due to lack of personal interests or negative attitude towards the person are among the main problems of today.

For example, during 2024, more than 6,000 disciplinary measures were applied, including reprimands, warnings, severe reprimands, fines not exceeding 50 percent of the official salary, reduction in special rank by one degree, dismissal from the position held, detention in the guardhouse, and dismissal from service in internal affairs bodies. For instance, of the total disciplinary sanctions applied during 2023-2024, 31.3% were canceled within 11 months, 26.6% within 9 months, 15.4% within 6 months, 8.4% within 3 months, 3.6% within 2 months, and 2.9% within 1 month. This leads to favoritism and various abuses.

Furthermore, the purpose of early cancellation of disciplinary sanctions as an incentive for an employee is aimed at improving their attitude towards work and work performance. By making such a decision, the employer aims to increase the employee's love and dedication to work. The manager's trust and confidence in the employee for providing opportunities will help improve their attitude towards future work, take into account past mistakes and responsibilities, as well as positively change their approach to subsequent events, and strengthen trust and cooperation between the employee and the organization.

At the same time, such cases of applying disciplinary sanctions due to the presence of cronyism and nepotism between the employee and the manager lead to a weakening of justice and trust in the system. To address such problems, it is important to ensure transparent systems, oversight, and public participation. Every disciplinary process must be carried out on a legal and fair basis.

According to lawyer N.A. Nugmanov, "the lack of clear criteria for punishments in determining disciplinary sanctions, the predominance of subjective approaches, the limitation of types of punishments, and the lack of alternative punitive measures also cause problems in determining punishment."

As Professor S.M. Selimanova notes, "the manager's broad discretionary powers, the low level of legal protection for employees, and the ineffectiveness of the complaint mechanism lead to a violation of equality in the application of disciplinary sanctions".

V.G. Karimov noted in his research that "the outdated punishment system, insufficient preventive measures, weak incentive mechanisms, and imperfect control systems lead to legal inequality in imposing disciplinary actions on employees".

As I. Ismailov pointed out, "due to the complexity of investigation procedures, difficulties in gathering evidence, lack of public oversight, and insufficient transparency, favoritism may arise in determining disciplinary sanctions".

According to the English scholar J. Smith, "employees may be subject to unlawful punishment due to high corruption risks, lack of objective assessment mechanisms, and low legal awareness among staff".

M.T. Akhmedova and Z.U. Musratova believe that "to prevent cases of unlawful disciplinary sanctions, it is necessary to study international experience and incorporate it into legislation, apply modern technologies, improve employee qualifications, enhance legal awareness and culture, and prioritize strengthening preventive measures".

Paragraph 42 of the Disciplinary Regulations for law enforcement agencies in the Kyrgyz Republic states that disciplinary sanctions announced by order can be lifted as an incentive:

- a) after 3 months from the date of imposition for reprimands, rebukes, and severe rebukes;
- b) after 6 months from the date of application for warnings about incomplete fitness for service.

In the analyzed situation, it can be seen that establishing a minimum three-month period for early cancellation of a disciplinary sanction as an incentive is sufficient for an employee to understand and correct the disciplinary situation. This, in turn, helps increase work efficiency, improve discipline, and create a positive atmosphere in the team. Additionally, the cancellation of disciplinary sanctions helps regulate nepotism and favoritism, ensuring equal rights for all employees, improving discipline, and strengthening fair disciplinary relations among staff.

Analysis of foreign countries' practices shows that the duration of disciplinary actions against police officers varies. (For example, early termination of a disciplinary sanction as an incentive is possible after 3 months in Kyrgyzstan and 6 months in Kazakhstan). Therefore, it is advisable to address this issue taking into account the experience of these countries.

In a sociological survey conducted among practitioners, when asked, "What is your opinion on the proposal to establish a minimum 3-month period for early termination of a disciplinary sanction applied to an employee?," 85% of respondents approved this proposal, stating it would help eliminate favoritism in the early termination of disciplinary sanctions.

Based on the above, to introduce a minimum period for early termination of disciplinary sanctions as an incentive into legislation, it is advisable to add a third paragraph to clause 30 of Chapter 5 of the "Code of Professional Culture and Service Discipline for Internal Affairs Bodies Employees":



The incentive measure provided for in this clause shall be applied after the expiration of at least 3 months from the date the disciplinary sanction was actually imposed.

According to research results, it was determined that the lack of legal clarity and unified procedures in the processes of imposing and early termination of disciplinary sanctions in the internal affairs system is causing serious problems in practice. In particular, due to the absence of clear criteria for the severity of disciplinary actions, the final decision often depends on the personal attitude, mood, or subjective views of the responsible person confirming the conclusion of the official investigation. This creates a basis for subjectivism and unfair decisions in the system.

Moreover, there are various approaches in the practice of early termination of disciplinary sanctions, and this process is not clearly defined as a legal mechanism in the Code of Professional Culture and Service Discipline of Internal Affairs Officers. As a result, cases of canceling penalties at different times based on the subjective views of managers are observed, which hinders ensuring the principles of transparency and legality in the system. To address these issues, we emphasized the need to establish clear, unified criteria and legal mechanisms for imposing and terminating disciplinary sanctions through regulatory legal acts and put forward the following proposals:

Introduce specific criteria for imposing disciplinary sanctions: It is necessary to develop a clear, objective, and criteria-based assessment system for imposing disciplinary sanctions in the internal affairs system, based on the severity of violations of service discipline, the nature and frequency of the committed act. This method serves to reduce subjectivity in decision-making.

Create legal mechanisms for early termination of disciplinary sanctions: It is advisable to include specific criteria and procedures in the Code of Professional Culture and Service Discipline, as well as other relevant regulatory documents, for early termination of disciplinary sanctions as a form of incentive. This process should consider reform during service, absence of repeated violations, service results, and instances of incentives.

Increase transparency of the Disciplinary Council's activities: The decision-making approach of Disciplinary Council members should be guaranteed to be based on service discipline and legal norms, rather than personal views. For this purpose, it is recommended to ensure transparency in the council's activities and introduce a system of documenting decision bases in writing with proper justification.

Enhance legal culture and train personnel: It is advisable to organize special professional development courses in legal literacy and service discipline for managers making decisions related to disciplinary sanctions and persons conducting official investigations.

Implement reforms based on international experience: It is necessary to study the possibilities of improving the national system by utilizing best practices in managing disciplinary punishment and its cancellation processes from the experience of foreign countries (such as Germany, France, Turkey).

In conclusion, it should be emphasized that to eliminate such situations, it is necessary to introduce accurate and objective assessment criteria in the activities of internal affairs bodies when imposing disciplinary sanctions, taking into account the severity of violations of service discipline, the frequency of actions, and service results. Simultaneously, it is advisable to regulate the practice of early termination of disciplinary sanctions as an incentive on a legal basis by including relevant norms in the Code of Professional Culture and Service Discipline.



Furthermore, it is possible to increase transparency in the activities of Disciplinary Councils, make it mandatory to formulate decisions in a reasoned and written manner, thereby preventing personal approaches and subjectivism. Improving legal literacy, organizing advanced training courses, and studying the experience of foreign countries for decision-making managers and responsible employees are of great practical importance in improving the national system.

Based on this, the implementation of these proposals and recommendations will serve as an important factor in ensuring legality, justice, and responsibility in managing disciplinary relations within the internal affairs bodies.

