



THE CONCEPT AND ESSENCE OF ADMINISTRATIVE PENALTIES

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Abstract. This article analyzes the concept, essence, distinctive features, and social significance of administrative penalties. Additionally, the purpose and objectives of administrative penalties are elaborated in detail.

Keywords: punishment, administrative penalty, concept of administrative penalty, administrative penalty measures, distinctive features of administrative penalty, functions of administrative penalty.

Administrative penalties are one of the crucial means of combating offenses in the sphere of public administration. They play a vital role in maintaining public order, protecting the rights and freedoms of citizens, and preventing offenses.

An administrative penalty is a state coercive measure applied by authorized state bodies to individuals who have committed administrative offenses. It is imposed in accordance with the procedure established by law and serves as the primary form of administrative liability.

Administrative penalties are an important institution of a law-governed state, serving to ensure the rule of law in society, prevent offenses, and protect citizens' rights.

To this day, the concept of administrative punishment has been interpreted differently by scholars. For example, legal scholar M.M. Mirzaev defines administrative punishment as "a state coercive measure applied to a person who has committed an administrative offense in the manner prescribed by law and aimed at educating the offender and preventing new offenses"[1]. A.Kh. Khudoyberdiyev defines administrative punishment as follows: "Administrative punishment is a coercive measure applied on behalf of the state to a person who has committed an administrative offense and carried out in the manner prescribed by law, through which the offender is temporarily deprived of certain rights or their rights are restricted"[2].

According to I. A. Khamedov, "administrative punishment is a state coercive measure applied for committing an administrative offense, aimed at educating the offender and preventing new offenses by restricting his personal, property, and other rights"[3].

According to B.B. Saipov, "administrative punishment is a state coercive measure applied to a person who has committed an administrative offense, aimed at his upbringing and the prevention of new offenses, as well as for the purpose of protecting the interests of society"[4].

E.T. Khodzhiyev defines administrative punishment as "a coercive measure applied by authorized state bodies to a person who has committed an administrative offense in the manner prescribed by law and expressed in the deprivation or restriction of the offender of certain rights and interests"[5].

N.G. Salisheva, on the other hand, notes that "administrative punishment is a state coercive measure applied in order to educate the offender and prevent new offenses, through which the offender is temporarily deprived or restricted of certain rights and freedoms"[6].

In our opinion, analyzing and summarizing the views of the above-mentioned scholars, it is possible to identify the following main features of administrative punishment: 1) the fact that it is a coercive measure of the state; 2) application only for committing an administrative offense; 3) application in the manner prescribed by law; 4) expressed in the restriction or deprivation of certain rights and interests of the offender; 5) orientation towards educational and preventive goals.

From the above definitions, it can be understood that administrative punishment, like other types of punishment, has its own goals and objectives. The main purpose of administrative penalties is the re-education of the offender, the prevention of new offenses, ensuring legality, and strengthening law and order.

From the analysis, it can be seen that the main tasks of administrative punishment are: 1) punitive function; 2) educational function; 3) preventive function.

The social significance of administrative punishment is multifaceted and manifests itself in various spheres of public life. The institution of administrative punishment plays an important role in maintaining public order, protecting the rights and interests of citizens, and preventing offenses.

L.B. Khvan, analyzing the social significance of administrative punishment, asserts that "administrative punishment is a system of comprehensive measures aimed at ensuring legality in all spheres of public life, preventing offenses, and raising the legal awareness of citizens"[7].

According to Professor I.A. Khamedov, "the social significance of administrative punishment is manifested in three main areas: firstly, ensuring the rule of law in society; secondly, raising the legal culture of citizens; thirdly, preventing offenses"[8].

M.M. Mirzaev explains the social significance of administrative punishment as follows: "The institution of administrative punishment is an important means of ensuring legality and order in society, it performs not only punitive, but also educational and preventive functions"[9].

Analyzing the social significance of administrative punishment, B.B. Saipov notes that "the system of administrative punishment is an important factor in the stability and development of society, because through it the behavior of members of society is regulated, offenses are prevented, and social justice is ensured"[10].

Based on the foregoing, the following general conclusions can be drawn regarding the social significance of administrative punishment: 1) administrative punishment is one of the main means of maintaining public order; 2) it performs not only punitive, but also educational and preventive functions; 3) the system of administrative penalties serves to ensure the rule of law in society; 4) it contributes to raising the legal awareness and culture of citizens; 5) administrative penalties serve to increase the effectiveness of public administration.

In general, the social significance of this institution can be seen in the following important areas:

I. Significance in ensuring legal order (prevention of offenses, protection of public order and ensuring the rule of law);



II. Educational significance (changing the offender's behavior, forming in him a sense of obedience to the law, teaching him to respect the interests of society, developing legal consciousness in society and forming a negative attitude towards offenses);

III. Preventive significance (prevention of potential offenses, identification of persons prone to committing offenses, elimination of the causes and conditions leading to offenses, prevention of repeated offenses, control over the offender's behavior and their adaptation to society).

In our opinion, based on the analysis of the views and ideas presented in the theory of law, it is possible to give the following definition of the concept of administrative punishment:

Administrative punishment is a state coercive measure applied by authorized state bodies to a person who has committed an administrative offense in the manner prescribed by law, expressed in the restriction or deprivation of their rights, aimed at educating the offender and preventing new offenses, as well as for the purpose of protecting the interests of society.

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