



# **IMPROVING THE APPLICATION OF ADMINISTRATIVE RESTRICTIVE MEASURES IN THE FORM OF DETENTION OF CITIZENS BY INTERNAL AFFAIRS BODIES**

**Abdullaev Fayzulla Abdukodir ugli**

**Independent researcher of the Department of Human Rights of the  
Academy of the Ministry of Internal Affairs of the Republic of  
Uzbekistan**

**Тел: +998 99 826-99-16**

**g-mail: fayzullaabdullayev12@gmail.com**

**<https://doi.org/10.5281/zenodo.17824667>**

## **ARTICLE INFO**

Received: 27<sup>th</sup> November 2025

Accepted: 28<sup>th</sup> November 2025

Online: 29<sup>th</sup> November 2025

## **KEYWORDS**

*administrative detention,  
administrative bringing  
(delivery), medical examination,  
administrative restrictive  
measures.*

## **ABSTRACT**

*The field of application of administrative restrictive measures in the form of detention of citizens by internal affairs bodies has been scientifically analyzed, with detailed examination of issues such as the duration of detention, the grounds for providing medical assistance to detained persons, and the prevention of situations arising from their health condition.*

Administrative detention is the holding, in accordance with the procedure provided for by law, of persons evading the serving of an administrative arrest penalty or administrative expulsion, as well as persons against whom proceedings are being conducted in cases of administrative offenses, carried out by employees of internal affairs bodies.

Employees of internal affairs bodies, in accordance with Article 284<sup>1</sup> of the Code of Administrative Liability (Bringing the Offender), may bring an offender to internal affairs bodies or citizens' self-government bodies for the purpose of drawing up a protocol if the protocol is required and it is not possible to draw it up on the spot, and in certain cases where there are no witnesses who can provide identity documents and necessary information about them. According to the Law on Internal Affairs Bodies, employees of internal affairs bodies may also bring persons evading the enforcement of prescribed medical and educational compulsory measures, as well as detain and escort them to special institutions. Furthermore, the Cabinet of Ministers' Resolution No. 399 dated July 27, 2022, "On Measures to Introduce Modern Information Technologies into the Activities of the Patrol-Post Service of Internal Affairs Bodies"<sup>2</sup>, establishes specific requirements for bringing a person to internal affairs bodies by patrol-post service employees; although the practice of bringing to internal affairs

<sup>1</sup> Article 284 of the Code of Administrative Liability of the Republic of Uzbekistan (accessed: 01.08.2025), electronic source: <https://lex.uz/docs/97664>

<sup>2</sup> Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 27, 2022, "On Measures to Introduce Modern Information Technologies into the Activities of the Patrol-Post Service of Internal Affairs Bodies" (accessed: 17.10.2025), electronic source: <https://lex.uz/ru/docs/6126561>

bodies for the purpose of clarifying a citizen's identity has been abandoned, the number of citizens brought from streets and public places by patrol-post service employees for committing offenses and arousing suspicion increased by 126.4% in 2020–2024, which highlights the need to improve this area<sup>3</sup>.

In accordance with Article 17 of the Law on Internal Affairs Bodies “Rights of Internal Affairs Bodies”, employees of internal affairs bodies have the right:

- to conduct examinations of persons suspected of committing offenses in order to determine the presence in their body of alcohol, narcotic drugs, psychotropic substances or other substances affecting mental activity;
- to deliver citizens who are in a state of alcoholic, narcotic or toxic intoxication in public places and who have lost the ability to move independently or navigate their surroundings to the rehabilitation and medical assistance points of the Ministry of Health<sup>4</sup>.

According to legislation, administrative detention may be applied only when sufficient grounds exist and only after all other less restrictive measures have been exhausted. A person who has committed an administrative offense may be detained for the following purposes:

- to stop the administrative offense;
- to establish the identity of the offender;
- to draw up a protocol on the administrative offense when such a protocol is required but cannot be drawn up at the scene of the offense;
- to ensure the timely and proper consideration of the case and the execution of decisions issued in cases of administrative offenses.

An offender may be brought to the premises of internal affairs bodies or to citizens’ self-government bodies. In such cases, an employee of the internal affairs bodies shall draw up a **protocol on administrative detention**.

The protocol must indicate:

- the date and place of its drawing up;
- the position, surname, first name and patronymic of the person who drew up the protocol;
- information about the detained person;
- the time, place and grounds for the detention.

The protocol shall be signed by the employee of the internal affairs bodies and by the detained person. If the detained person refuses to sign the protocol, a corresponding note to that effect shall be made in the protocol.

At the request of the detained person, his/her relatives, attorney, or the administration of his/her place of work or study shall be notified of the place of detention.

If a minor is detained, his/her parents or persons acting in their stead shall **obligatorily** be notified of the detention.

<sup>3</sup> Based on data from the Public Security Department of the Ministry of Internal Affairs, Public Order Maintenance Service

<sup>4</sup> Law of the Republic of Uzbekistan dated September 16, 2016 “On Internal Affairs Bodies” (accessed: 01.08.2025), electronic source: <https://lex.uz/docs/3027843#3028055>

The established limit for the duration of administrative detention by employees of internal affairs bodies is up to 3 hours, with a maximum limit of up to 24 hours<sup>5</sup>; during curfew hours, however, persons violating curfew rules are detained until the end of the curfew, while persons moving without identity documents or concealing personal information about themselves may be detained for up to 24 hours by decision of the head of the internal affairs body, and in areas where restrictive measures have been introduced due to the spread of dangerous infectious diseases, persons violating the emergency regime, who do not reside there and must be expelled from this area, are detained until the end of the established medical observation period for them. Nevertheless, since the time of detention of the offender is stipulated to be calculated starting from the time of bringing (brought) the offender (Part 4 of Article 288 of the Code of Administrative Liability)<sup>6</sup>, the failure to formalize documents regarding the period during which the detained person's freedom is actually restricted—i.e., the period from the start of bringing until the start of detention (the bringing process)—leads to violations of citizens' rights. Regarding this issue, practitioners report that they do not formalize documents on the administrative bringing of a person and limit themselves to the administrative detention protocol (47.6%). In this regard, legal scholar J. Parmonov<sup>7</sup> also notes that the Code does not provide an answer to the question of whether bringing the offender is considered a separate enforcement measure or part of administrative detention. As a result, in law enforcement practice, in some cases, bringing the offender is applied as a separate legal enforcement measure and is considered a process until the person is brought to the internal affairs body. In other cases, however, bringing the offender is understood as a constituent part of administrative detention. The aspect of the issue related to personal rights is that if bringing the offender is applied as a separate legal enforcement measure, then the detention period for the person begins after they are brought to the internal affairs body. As a result, part of the time when they were actually detained and their freedom restricted is not included in this period. In this regard, when practitioners were asked, "In detaining a person, do you, in accordance with Article 284 of the Code of Administrative Liability of the Republic of Uzbekistan, include the time of bringing the offender to the internal affairs bodies in the administrative detention time?", 64.9% of them expressed the opinion that "the administrative detention time begins after the person is brought to the internal affairs bodies."

In criminal procedure legislation, a clear norm is established: the period of actual restriction of a person's rights is calculated **from the moment of the actual deprivation of freedom of movement** (Article 226 of the Code of Criminal Procedure of the Republic of Uzbekistan).

This approach eliminates the legal gap that exists in administrative proceedings, where the time of "bringing" (delivery to the police station) is often not formally recorded and is not

---

<sup>5</sup> Article 288 of the Code of Administrative Liability of the Republic of Uzbekistan (accessed: 27.08.2025), electronic source: <https://lex.uz/docs/97664>

<sup>6</sup> Constitutional Law No. 737 of the Republic of Uzbekistan dated December 15, 2021 "On Emergency Situations" (accessed: 03.10.2025), electronic source: <https://lex.uz/uz/docs/5774840>

<sup>7</sup> Parmonov J. Some issues of further improvement of proceedings in cases of administrative liability // Society and Innovation. – 2021. – Vol. 2. – No. 1/S. – Pp. 30-36.



counted toward the detention period, thereby effectively extending the real duration of freedom restriction beyond the legally permitted limits.

Supervision over compliance with legality in the detention of persons in internal affairs bodies is carried out by the bodies of the Prosecutor's Office<sup>8</sup>.

Although the legal mechanism for the application by internal affairs bodies of administrative restrictive measures in the form of bringing and administrative detention is constantly being improved, the following problems arise in law-enforcement practice:

1. In accordance with Part 4 of Article 27 of the Constitution, when a person is detained, the principle exists that his/her rights and the grounds for detention must be explained to him/her in a language he/she understands. Since the rights of a person subjected to liability for an administrative offense listed in Article 294 of the Code of Administrative Liability are complex in content and difficult to explain, at the moment of detention of the offender, his/her rights must be explained briefly and in an understandable manner.

Moreover, when studying the documents of proceedings on administrative offenses of 126 preventive inspectors serving in the Republic, it was found that:

- the forms of explanatory statements written by persons participating in the proceedings differ among almost all practitioners;
- in 90% of cases, the content of these explanatory statements is formulated incorrectly.

For example, in explanatory statements of persons participating in the case, it is possible to encounter clauses stating that they have been warned under Articles 237 and 238 of the Criminal Code. Obtaining an explanatory statement with such content in cases of offenses that legally have no signs of criminal liability whatsoever gives rise to certain misunderstandings and negative consequences.

For these reasons, we propose the following amendments and additions to the legislation:

It is necessary to supplement Article 284 of the Code of Administrative Liability with a new Part 6 worded as follows:

An employee of an internal affairs body or another person authorized to draw up a protocol on an administrative offense shall, at the moment of apprehending or detaining the offender, explain to him/her in simple and understandable language that he/she has:

- the right to remain silent;
- the right to consult with a defense counsel and to have the counsel present during questioning;

the right to be provided with a defense counsel at the expense of the State if he/she does not have sufficient means to hire one..

### **References:**

1. Article 284 of the Code of Administrative Liability of the Republic of Uzbekistan (accessed: 01.08.2025), electronic source: <https://lex.uz/docs/97664>

---

<sup>8</sup> Law of the Republic of Uzbekistan No. 257-II dated August 29, 2001 "On the Prosecutor's Office" (accessed: 22.08.2025), electronic source: <https://www.lex.uz/docs/106197>

2. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 27, 2022, "On Measures to Introduce Modern Information Technologies into the Activities of the Patrol-Post Service of Internal Affairs Bodies" (accessed: 17.10.2025), electronic source: <https://lex.uz/ru/docs/6126561>
3. Based on data from the Public Security Department of the Ministry of Internal Affairs, Public Order Maintenance Service
4. Law of the Republic of Uzbekistan dated September 16, 2016 "On Internal Affairs Bodies" (accessed: 01.08.2025), electronic source: <https://lex.uz/docs/3027843#3028055>
5. Article 288 of the Code of Administrative Liability of the Republic of Uzbekistan (accessed: 27.08.2025), electronic source: <https://lex.uz/docs/97664>
6. Constitutional Law No. 737 of the Republic of Uzbekistan dated December 15, 2021 "On Emergency Situations" (accessed: 03.10.2025), electronic source: <https://lex.uz/uz/docs/5774840>
7. Parmonov J. Some issues of further improvement of proceedings in cases of administrative liability // Society and Innovation. – 2021. – Vol. 2. – No. 1/S. – Pp. 30-36.
8. Law of the Republic of Uzbekistan No. 257-II dated August 29, 2001 "On the Prosecutor's Office" (accessed: 22.08.2025), electronic source: <https://www.lex.uz/docs/106197>

