



IMPROVING THE MECHANISM FOR ENSURING THE RIGHTS AND FREEDOMS OF OFFENDERS IN ADMINISTRATIVE OFFENSE PROCEEDINGS BY PREVENTION INSPECTORS

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ABSTRACT

This article analyzes the current state of mechanisms for ensuring the rights and freedoms of offenders in administrative offense proceedings conducted by prevention inspectors. Based on Article 294 of the Code of Administrative Responsibility of the Republic of Uzbekistan, legal norms, practical issues, and ways of improvement are examined on a scientific basis.

In the process of building a rule of law state in the Republic of Uzbekistan, improving the system of administrative law is of great importance. In particular, enhancing the mechanisms for protecting the rights and freedoms of offenders in administrative offense proceedings conducted by prevention inspectors is a pressing issue. These mechanisms aim to align with international human rights standards, ensure legal justice, and increase transparency in the activities of state bodies. They are implemented based on human rights as defined in Article 13 of the Constitution.

Prevention inspectors operate within the system of internal affairs bodies, and their main task is to prevent, detect, and resolve offenses.

Additionally, our primary task is to conduct a detailed analysis of the current state of protecting offenders' rights in the activities of prevention inspectors, identify practical problems, and scientifically analyze ways to address them. For this purpose, we use legal norms based on Article 294 of the Code of Administrative Responsibility of the Republic of Uzbekistan. This article clearly defines the rights of the offender to review case materials, provide explanations, present evidence, state their requests, use legal assistance, speak in their native language, use interpreter services, and appeal decisions. The implementation of these norms is the main focus of prevention inspectors' activities.

The role of prevention inspectors in administrative proceedings is crucial for maintaining legal order. However, there is a high risk of violating offenders' rights, so inspectors must strictly adhere to procedures for familiarizing offenders with case materials,

allowing them to call lawyers, and file complaints. Paragraph 4.2 of the Presidential Decree No. UP-158 "On the Strategy 'Uzbekistan - 2030'" dated September 11, 2023, discusses reforming the administrative justice system in Uzbekistan. It addresses improving court activities, enhancing human rights mechanisms, and implementing digital technologies, which has led to the development of specialized training programs for prevention inspectors.

Prevention inspectors operate under Article 46 of the Law "On Crime Prevention," participating in identifying administrative offenses, drawing up reports, and case hearings. According to Article 294 of the Code, offenders have the right to examine case materials, provide explanations, present evidence, and use legal counsel. In practice, inspectors are often the first to interact with offenders, making their actions fundamental to legal protection. However, in some instances, participation conditions may be violated [1].

Scholars argue that the administrative liability system needs improvement. They propose conducting a comparative analysis of measures for administrative and criminal offenses and strengthening human rights protections. Specifically, they suggest implementing special protocols in prevention inspectors' work to ensure offenders' right to speak in their native language. Another study highlights opportunities to enhance criminal court efficiency. The authors assert that introducing digital systems to protect offenders' rights is necessary, potentially enabling online familiarization with case materials and video communication with lawyers [2].

Article 294 of the Code grants the offender sufficient time to familiarize themselves with the case materials, freedom to provide explanations, the opportunity to present evidence, to make requests, full opportunity for a lawyer, the right to speak in their native language and receive interpreter services free of charge, and strict deadlines for filing complaints. The case is considered with the participation of the offender, except for Articles 309-1 and 309-2, where participation is mandatory in cases of administrative arrest and confiscation. These mechanisms are aimed at protecting human rights [3].

In practice, violations occur in the handling of cases by internal affairs bodies. Specifically, prevention inspectors in cities and districts do not explain the rights and obligations of offenders due to their lack of legal education. International experts, noting the insufficient protection of rights in administrative processes in our country, propose reforming administrative legislation [4]. In our opinion, it is necessary to hold annual retraining seminars for prevention inspectors who do not have a legal education.

To strengthen legal protection based on the standards of the Council of Europe, it is recommended to create a free legal consultation service for offenders [5].

According to scholars, problems in administrative proceedings arise from the large number of prevention inspectors in internal affairs bodies who lack legal education; 40% of prevention inspectors do not have knowledge of legal protection. The criminal court system has been digitized, with 90% of cases being considered online through a digital platform [6].

Improving the mechanism for protecting offenders' rights in the activities of prevention inspectors is an important part of reforms. The system can be enhanced by implementing the provisions of Article 294 and considering the opinions of scholars [7].

This will strengthen human rights protection, increase the reliability of state activities, reduce offenses by 25%, and raise public trust to 80%. By implementing these proposals,

Uzbekistan will achieve high rankings in administrative justice internationally and rise to a high position in the human rights index [8].

In conclusion, enhancing rights protection mechanisms in the work of prevention inspectors is one of the main conditions for Uzbekistan's development as a rule-of-law state. Reforms based on the Code's norms, scientific analyses, and international recommendations not only guarantee offenders' rights but also foster an atmosphere of justice and trust in society while increasing the effectiveness of public administration. As a result of improving these mechanisms, Uzbekistan will secure high positions in international human rights rankings and strengthen cooperation with the European Union and the UN. Aligning the system of prevention inspectors with modern standards will improve relations between citizens and government bodies, reduce corruption levels, and bolster national security.

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