

## FORMS OF THE ADMINISTRATIVE OFFENSE FOR NON-COMPLIANCE WITH THE LAWFUL DEMANDS OF INTERNAL AFFAIRS OFFICERS

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### Abstract:

The article analyzes offenses related to the failure to comply with the legal demands of law enforcement officers, their types, and the administrative liability associated with them. The article examines the forms of offenses such as failure to present documents, failure to identify individuals, failure to stop vehicles, and failure to provide assistance to victims. Furthermore, the importance of research on the key characteristics of such offenses and their various forms in the legislation is emphasized.

**Keywords:** Law enforcement agencies, legal demands, offenses, administrative liability, document inspection, identification of individuals, vehicle stop, assistance to victims, criminal procedural law, administrative offenses.

### Introduction

Although administrative liability for failing to comply with the legal demands of internal affairs officers is stipulated in Article 194 (Failure to Comply with the Legal Demands of Internal Affairs Officers) of the Administrative Liability Code of the Republic of Uzbekistan, the disposition, which expresses the signs of the offense, does not fully address the specific circumstances under which such failure is considered an offense. It is established that the signs of this offense are determined by other laws or regulatory acts related to different legal fields. Additionally, the lack of a specific normative legal document that defines from which point the failure to comply with the legal demands of internal affairs officers is considered an offense is one of the critical issues that need to be examined during the course of our research.

According to the Administrative Liability Code of the Republic of Uzbekistan, the failure to comply with the legal demands of internal affairs officers or other individuals performing the duties of maintaining public order and ensuring citizens' rights and freedoms can be categorized into the following five types:

**1. Failure to comply with the legal demand to stop an offense.** This demand is made in order to halt an ongoing offense. As legal scholar H. Akhmedov emphasized, the person committing the offense's compliance with this demand and cessation of the offense does not exempt them from liability for the offense they have committed. Continuing to commit the offense, despite the legal demand, will be assessed as a separate offense. The failure to stop the offense, regardless of the



legal demand, can be considered by the court as an aggravating factor in administrative liability<sup>1</sup>. Additionally, according to A.K. Yangibayev's opinion, failure to comply with the legal demand to stop an offense arises only in cases of repeated non-compliance with a strict demand or in situations of gross disobedience, which demonstrates clear disrespect towards individuals or authorities responsible for maintaining public order<sup>2</sup>.

In addition to the opinions of the above-mentioned scholars, we can further state that for an individual's actions to be classified as failure to comply with a legal demand to stop an offense under Article 194 of the Administrative Liability Code, it is necessary for the person issuing the demand to be identified as an internal affairs officer or another person engaged in maintaining public order. This identification must be visually (through the officer's uniform, service identification, baton, badge, or other distinguishing marks) or audibly (through hearing) recognized by the offender.

## **2. Failure to comply with the legal demand for presenting documents for inspection.**

Currently, some documents are being created electronically, and to register or authenticate them, not a physical medium, but rather an electronic digital signature is sufficient. This is evidence supporting our argument. Legally, a document is understood as a written act that is drawn up in the form prescribed by law and has legal significance, such as confirming facts like a person's birth, education, marriage, or work experience. M.V. Zelenev, when defining a document, suggested that it should be analyzed in terms of the following types: "a written act that can be accepted as written evidence, any material object intended for information transmission, and certified information containing data"<sup>3</sup>.

Based on the above definitions and concepts, the documents that an internal affairs officer may request from an individual for inspection can be divided into the following four types:

1. Identity documents (birth certificate, passport, ID card, driver's license, permanent or temporary residence certificate, etc.);
2. Documents authorizing certain types of activities (hunting license, weapon permit, etc.);
3. Documents granting permission or a license for certain actions (permission for changing vehicle window tint, permits for organizing public events, etc.);
4. Other types of documents to be inspected during the process of criminal or administrative procedural actions (cadastre documents, wills, reports, etc.).

According to S. Kisovski and L. Siverzhevski, the identification of individuals by internal affairs officers is carried out through the inspection of their identity documents. The process of inspecting identity documents was studied through the activities of police officers serving in the Warsaw metropolitan area. These scholars emphasize that the document inspection process is traditionally conducted by comparing the individual's external appearance with the photograph on the

<sup>1</sup> Эркинович А. Х. Маъмурий назоратга олинган шахслар билан амалга оширадиган профилактик чора-тадбирларни аҳамияти // *siyosatshunoslik, huquq va xalqaro munosabatlar jurnali*. – 2023. – Т. 2. – №. 2. – с. 121-124.

<sup>2</sup> Янгибаев А. Маъмурий ҳуқуқбузарликлар тўғрисидаги ишларни электрон шаклда юритиш тушунчаси ва ҳуқуқий асослари // *Евразийский журнал права, финансов и прикладных наук*. – 2022. – Т. 2. – №. 10 Special Issue. – С. 123-127.

<sup>3</sup> Зеленев Михаил Владимирович -, Стальнова Валерия Алексеевна Документ: от термина к понятию // *Ленинградский юридический журнал*. 2014. №1 (35).



document, relying on the personal intuitive abilities of the officer conducting the inspection<sup>4</sup>.

In our current legislation, we can observe that an internal affairs officer, within the scope of their authority, may require all state bodies, other organizations, officials, and citizens to present these documents for inspection. This, in turn, gives rise to the concept that citizens must always carry identification documents with them. In our opinion, it would be more effective to move away from this practice by incorporating modern technologies into the activities of internal affairs bodies.

**3. Failure to comply with the legal demand to visit internal affairs bodies or to be present at the internal affairs bodies within the specified period without a valid excuse.** A legal demand to visit internal affairs bodies or to be present at the internal affairs bodies within the specified period can be issued verbally or in writing (summons). S.F. Nazirov emphasizes the importance of the legal basis for the demand for a person to visit the internal affairs bodies, noting that it is essential to explain the person's rights and obligations in this context<sup>5</sup>.

In our national legislation, the grounds for requiring a person to visit internal affairs bodies or be present at the internal affairs bodies within the specified period differ according to administrative and criminal procedural law:

According to Article 284 of the Administrative Liability Code of the Republic of Uzbekistan, a person must visit internal affairs bodies for the following reasons under administrative procedure:

a) To draw up a report of administrative offense, if drawing up the report is necessary, and it is impossible to prepare it at the scene; b) If the rules related to the use of vehicles, traffic order and safety, transport of goods, fire safety regulations, sanitation and hygiene, and epidemic control are violated, and the person does not have identification documents or witnesses who can provide necessary information about them; c) In case of violations related to the protection and use of plant and animal life, to draw up a report, provided that the identity of the person committing the violation cannot be established at the scene; d) In case of offenses related to the invasion of legally protected properties, other property of legal entities, the person should be identified and a report about the violation should be drawn up<sup>6</sup>.

Additionally, Article 16 of the Law of the Republic of Uzbekistan "On Internal Affairs Bodies" dated September 16, 2016, stipulates that minors who have committed unlawful acts and engaged in antisocial behavior, as well as those who are left without supervision and care, may be taken to the centers for social and legal assistance for minors, specialized educational and correctional institutions for minors in need of special conditions for living, upbringing, and education, or to the service building of the local internal affairs body. This provision applies not only to minors who commit offenses but also to those who engage in antisocial actions (such as the use of narcotics, substances not classified as analogs of narcotics, or psychotropic substances that affect a person's intellect or will) as determined by the internal affairs bodies' requirements.

Moreover, if a police officer on duty in the designated area has sufficient grounds to believe that there are signs of an offense in a person's actions or the items and objects they possess, the officer

<sup>4</sup> Cisowski S., Świerczewski Ł. Professional Training of Police Officers with Respect to Identity Identification and Document Verification as Exemplified by Initiatives Undertaken by the Warsaw Police Headquarters in 2016–2021 //Sławomir Cisowski, Łukasz Świerczewski. – C. 145.

<sup>5</sup> Назиров С. Ф. Ижтимоий хавфли қилмиш содир этган шахсни ушлашни ташкил этиш ва бошқариш //Science and innovation. – 2022. – Т. 1. – №. D3. – С. 224-232.

<sup>6</sup> Article 261 of the Criminal Procedure Code of the Republic of Uzbekistan.



may inspect the person's documents and check their belongings. If the person fails to present their documents or provides false information about themselves, this may serve as a reason to take them to the internal affairs bodies. However, the absence of the relevant documents does not, by itself, provide sufficient grounds to take the person to the internal affairs bodies.

As highlighted above, in such cases, the person's documents can be verified using the Unified Electronic Database of Citizens based on the oral information provided by the person. This can be done on-site through a tablet. Only in cases where identification via the tablet is not possible should it be necessary to require the person to go to the internal affairs bodies for further identification.

**4. Failure to comply with the legal demand to stop a vehicle.** When a person's vehicle is stopped by an internal affairs officer, it is usually because the vehicle has been observed in relation to social relations involving road movement. In many cases, the vehicle is stopped based on the demand of the road patrol service inspector(s) of the internal affairs bodies.

In this regard, P. Quinton emphasizes that stopping a person's vehicle, due to its partial restriction on their right to use property, must be based on a clear and specific reason<sup>7</sup>.

**5. Failure to comply with legal requirements for assisting victims.** According to criminal procedural law, a person is recognized as a victim if there is sufficient evidence and grounds to consider that they have suffered moral, physical, or material harm as a result of an individual's socially dangerous act or crime, or due to the actions of a person with a mental disorder.

In our opinion, the requirement for internal affairs officers to assist victims in the norm is relatively narrow, primarily requiring assistance to those who have suffered material or physical harm as a result of a crime or administrative offense. However, when a person causes harm to themselves, they are not recognized as a victim from a legislative standpoint. Therefore, failure to comply with the internal affairs officer's request to assist a person in situations such as suicide attempts or epileptic seizures should be addressed as an issue to be resolved in the legislation.

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<sup>7</sup> Quinton P. The formation of suspicions: police stop and search practices in England and Wales //Stop and Search. – Routledge, 2014. – С. 5-16.



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