

CONCEPT AND FEATURES OF ADMINISTRATIVE RESPONSIBILITY OF MINORS

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ABSTRACT

The article deals with the problematic aspects of the administrative responsibility and features of the administrative and legal status of minors. On the basis of the research a general definition of the concept of administrative responsibility suitable in the opinion of the author is given and also substantiates the need to make some changes to certain parts of the administrative legislation governing the administrative responsibility of minors.

KEYWORDS: *Minor, Administrative Responsibility, Administrative Offense, The Interdepartmental Commissions On Affairs Of Minors.*

1. INTRODUCTION

Modern technology has fundamentally changed not only the approach to the development of countries, but also greatly influenced the education and upbringing of the younger generation, thus changing the approach to their spiritual development. This aspect has significantly affected the criminogenic state, where one of the important indicators is the rate of crimes committed by minors. The issue of bringing minors to responsibility for committed offenses is relevant and significant at present, since the system of prevention, accounting and education of minors remains a priority in the Republic of Uzbekistan and requires its regular improvement.

It is important to remember that juvenile delinquency creates prerequisites for the growth of general crime and represents a reserve for adult crime. Noting the importance of the issue of the younger generation, President Shavkat Mirziyoyev, in his report at the One of our most important and urgent tasks is to educate independently thinking young people who have modern knowledge and professions in the spirit of national and universal human values.

We must not forget that each of us is responsible for the education and upbringing of children in order to protect them from various threats and dangers, such as drug addiction, religious extremism, missionaryism, and the pernicious influence of "mass culture. [1]. In our country ensuring legal rights and interests of children and youth is a priority of state policy and is always in the focus of attention: in the last two years alone a number of laws, dozens of presidential decrees, resolutions and government decisions related to this sphere have been adopted. The "Marduglon" State Award and the "Kelajak buyodkori" medal have been established. The Concept of development of state youth policy in Uzbekistan till 2025 and "Road map" on its implementation were adopted. A great deal of work has been done on this basis. In particular, the Agency for Youth Affairs and interdepartmental councils on youth affairs chaired by the Prime Minister have begun to operate. In the Legislative Chamber of Oliy Majlis the Commission on Youth Affairs is established, and Youth Parliaments are formed under the chambers of Oliy Majlis. The Youth Day has been established, and forums and festivals have been held, which in a short period of time have firmly taken their place in the life of our society.

According to the State Committee of the Republic of Uzbekistan on Statistics, as of October 1, 2021 the number of the population of the country in the age from zero to 18 years makes more than eleven million people, which is equal to almost one third of the total number of the permanent population of the country. But whatever the number and percentage of children in Uzbekistan, they are all 100 percent of the future of our state. All this once again confirms the relevance of the role of the younger generation, the need to protect the rights and legitimate interests of children and create favorable conditions for their normal life and development. After the adoption of the Constitution of the Republic of Uzbekistan, the Republic of Uzbekistan continued to strengthen the legal and regulatory framework for ensuring the rights and freedoms of children by acceding to the "Convention on the Rights of the Child" in 1992.

The conditions and obligations in the field of observance of the rights and freedoms of the child, specified in the Convention on the Rights of the Child, are fully implemented in the administrative and criminal legislation of the Republic of Uzbekistan. The subject of this paper, as a measure of administrative responsibility applied to minors, is a form of state response to administrative offences committed by persons under the age of majority, expressed in the application to them of specific administrative penalties provided by the sanctions of the violated norms by the bodies (officials) authorized to consider cases of administrative offences. In this case, law enforcement practice shows that administrative penalties applied to minors who have committed offences have an educational impact only when they meet the requirements of the current legislation, meet the principles of reasonableness, fairness and do not violate the rights and legitimate interests of minors.

It should be noted that minors as subjects of responsibility have special features due to their age. Administrative offences committed by a minor are conditioned by the peculiarities of his/her personality, age, value orientations, attitudes and goals. In the process of moral formation of the personality in adolescence there is an accumulation of experience, both positive and negative. This is evidenced by the fact that a significant proportion of offenses are committed by minors in complicity with adults. This has an adverse effect on the state of law and order in general and necessitates the use of general and special prevention measures.

Noting the peculiarities of the national legislation in the field of administrative responsibility of minors, the following distinctive features can be highlighted:

- a) judicial bodies (judges), as well as district (city) interdepartmental commissions on minors' affairs, being the authorized bodies to consider cases of administrative offenses of minors have the primary goal to ensure the protection of the rights, freedoms and legitimate interests of minors, their social and pedagogical rehabilitation;
- b) administrative liability in respect of minors is mainly of an educational nature, since juvenile offenders are usually subject to enforcement measures that are not administrative penalties;
- c) the aim of administrative liability in respect of juvenile offenders is to apply a lesser degree of deprivation or restriction of rights and freedoms in comparison to adult offenders
- d) a penalty of administrative detention may not be imposed on minors;
- e) in addition to minors, parents may also be prosecuted for administrative offences.

Another important feature of the responsibility of minors, established by the Code on Administrative Responsibility (CoAO) of the Republic of Uzbekistan, is that committing an administrative offence by a minor is recognized as a mitigating circumstance, and the involvement of such a person in committing an administrative offence is an aggravating circumstance. It should be noted that measures of state coercion in respect of minors to a greater extent than administrative responsibility of adult offenders have moral and educational purposes, so re-education and

correction of offenders is also possible without the application of measures of administrative responsibility. Speaking about administrative responsibility, we consider it advisable to understand what it generally represents, since among all the types of legal responsibility established by the state, administrative responsibility is the most common type. In contrast to the definition of administrative punishment, administrative responsibility is a broader concept, which includes administrative punishment as a central element. It should be noted that the current legislation does not provide a general definition of administrative responsibility, despite the fact that article 10 (The concept of an administrative offence) of the CoAO of the Republic of Uzbekistan states that administrative responsibility is provided for committing an administrative offence.

Due to the lack of legislative definition of the concept of administrative responsibility there are disputes and discussions on this subject, regarding its essence and content. Scientific literature offers a number of definitions of the concept of administrative responsibility. At that, administrative responsibility is considered as a form of legal responsibility in the form of responsibility of citizens, officials and legal persons for committing an administrative offense [2].

National scientists-administrative scientists such as I. A. Hamedov, L. B. Khvan and I. M. Tsai based on the norms of the CoAO of the Republic of Uzbekistan, note that administrative responsibility is a type of legal responsibility, which is borne by the person who committed the offense, which is determined by the authorized body or an official, and the offense must be proved in the manner prescribed by law [3]. In the works of foreign legal scholar L. L. Popov, administrative responsibility is considered as an activity associated with the application of administrative penalties, as a specific form of negative response, as a type of legal relations [4].

According to D. N. Bakhrakh, a foreign expert in the field of public and administrative law, "administrative responsibility is expressed in the responsibility of citizens and officials to a public administration body, and in cases provided for by the legislator - to the court (judges), public organizations for guilty violation of public administrative and legal norms, implemented in the application to offenders of established sanctions" [5].

As noted by foreign scientist A. B. Agapov "administrative responsibility - is a measure of public influence applied to a person guilty of committing an administrative offense, limiting property (non-property) rights of the offender or establishing his additional duties" [6]. Based on the above, we can conclude that some scholars consider administrative responsibility primarily as a measure of state coercion based on the condemnation of an offender, others - as a social relation between the state, represented by its authorized bodies, and the offender, and others - as application to persons who have committed offenses coercive measures in the established procedural order.

Summarizing the views of national and foreign scholars, we believe to define the concept of "administrative responsibility" as a final as a type of legal responsibility, which is expressed in the application by state organs, officials and representatives of the authorities the established measures of coercive nature, provided by sanctions of legal norms of administrative legislation, which protect certain types of social relations in respect of the subject, who is subject to administrative responsibility for committing administrative offences. In addition to the CoAO of the Republic of Uzbekistan, the main normative acts regulating the administrative responsibility of minors also include the Law of the Republic of Uzbekistan of September 29, 2010 "On prevention of neglect and juvenile delinquency" and the Regulation on Interdepartmental Commissions on Juvenile Affairs, approved by Presidential Decree No. PP-2833 of March 14, 2017 and a number of other normative acts.

In order to increase the significance and systematization of the normative consolidation of administrative responsibility of minors, as well as its further improvement, we consider it advisable to include a separate chapter "Administrative responsibility of minors" in the CoAO of

the Republic of Uzbekistan, which would disclose and include:

1. The concept and objectives of administrative responsibility of minors;
2. Functions of the state bodies and competent subjects of administrative jurisdiction in the field of bringing minors to responsibility
3. Circumstances mitigating and aggravating the administrative responsibility of minors;
4. The procedure for exemption of minors from administrative liability;
5. The possibility of imposing educational measures, such as an explanation of the law, imposing the obligation to make amends for the damage caused or restricting leisure time and establishing special requirements for the minor's behavior;
6. The conditions of life and upbringing, as well as the psychological and developmental characteristics of the minor's age when imposing an administrative penalty.

Having analyzed the legislative policy of the Republic of Kazakhstan in the field of establishing administrative responsibility in general, and in the part of administrative responsibility of minors, it was found that a distinctive feature of this area is the regulation of a separate chapter (Chapter 9) in the Code on Administrative Offences, dedicated exclusively to the regulation of administrative responsibility of minors. This chapter includes eight articles, which together fix issues of application of administrative penalties to the considered category of persons, as well as reflect the conditions of exemption from administrative responsibility.

At the same time, it should be emphasized that the legislator of the Republic of Kazakhstan goes along the path of humanization of legal provisions, affecting mitigation of not only penalties, but also general legal consequences, namely: a minor is considered to be subjected to administrative punishment for six months, which is half reduced, established by the general rule. Administrative liability of minors under the Code of Administrative Offences is also regulated by a separate chapter (Chapter 9) and includes six articles. It also includes a more humane treatment of responsibility than that afforded to adults.

Thus, under article 9.2. of the present Code, when imposing an administrative penalty on a person who has committed an administrative offence at the age of fourteen to eighteen years, in addition to mitigating and aggravating circumstances provided for by the relevant articles, the following circumstances are taken into account

1. The conditions of his life and upbringing;
2. His level of intellectual, volitional and mental development and other features of his personality
3. The influence of his/her parents, persons in loco parentis, close relatives, family members and other senior persons on his/her behavior;
4. The characteristic of his place of study and (or) work (if available).

Another peculiarity of the administrative legislation of Belarus in relation to minors is the application for the purposes of education measures of educational influence, such as:

Explanation of the law;

- 1) Imposing the obligation to apologize to the victim;
- 2) Imposing the obligation to make amends for the damage caused
- 3) Restriction of leisure time.

Developing the issue of the administrative liability of minors, we note that Article 14 (Liability of

minors for administrative offences) of the CoAO specifies the norms for the violation of which a minor is held administratively liable on a general basis. The article also provides that, taking into account the nature of the offence committed and the personality of the offender, cases against these persons (except for those who committed offences under articles 194 and 194 of this Code) may be referred to district (city) interdepartmental commissions for juvenile affairs.

Thus, according to the requirements of the norms of the CoAO of the Republic of Uzbekistan, as well as the Regulation on Interdepartmental Commissions on Juvenile Affairs, approved by the Presidential Decree № PP-2833 dated March 14, 2017, district (city) interdepartmental commissions on juvenile affairs are empowered with powers of administrative-jurisdictional proceedings.

However, in our opinion, the list of norms in the CoAO providing for the responsibility of minors needs to be revised in order to accurately indicate the jurisdiction of consideration of those or other offenses, regardless of the nature of the offense and the personality of the offender. This approach would prevent cases of red tape in determining the body (official) authorized to consider cases of administrative offences against minors. Thus, the conducted studies have shown that administrative responsibility of minors is characterized by a number of features that make it necessary to take into account them in law enforcement practice.

Thus, taking into account these proposals when amending the legislation of Uzbekistan in the future, would solve a number of theoretical and practical problems of bringing to administrative responsibility of minors, increase the level of protection of the rights of minors and create prerequisites for the prevention of offenses in general.

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