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INTERNATIONAL STANDARDS IN THE ENFORCEMENT OF
ADMINISTRATIVE PENALTIES: FOREIGN EXPERIENCE FOR UZBEKISTAN

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Abstract. This article analyzes legal gaps concerning the statute of limitations for administrative liability, the execution of penalties, and the application of sanctions to minors and foreign nationals, based on foreign experience and international standards. The study substantiates the need to differentiate liability terms according to offense severity, create an independent mechanism for serving administrative arrest, and introduce a proportionality criterion in deportation cases. Drawing on Council of Europe recommendations and ECtHR precedents (the Engel and Jussila cases), it proposes improving national procedural guarantees and establishing comprehensive judicial control over the decisions of administrative bodies. Ultimately, conceptual solutions are developed to align Uzbekistan's administrative-delict system with human rights standards.

Keywords: liability terms, juvenile responsibility, administrative arrest, deportation, proportionality principle, international standards, European Court, judicial control.

Regarding the limitation periods for imposing administrative liability, the legislation of Uzbekistan primarily adopts a uniform approach. Pursuant to Article 36 of the Code of Administrative Liability, an administrative penalty may be imposed no later than one year from the date the offense was committed (or, in the case of continuing offenses, from the date of discovery). For traffic offenses detected via specialized automated photographic and video recording equipment, this limitation period is prescribed as one month.

Conversely, foreign jurisdictions demonstrate a differentiated approach, wherein limitation periods vary depending on the subject and the specific sphere of the offense. Specifically, Article 7.6 of the Code of Belarus* stipulates a two-month limitation period for natural persons. For entrepreneurs, legal entities, and public officials, the limitation period is set at three years from the date of the offense's commission, and six months from the date of its discovery. In Kazakhstan (Article 62), alongside a general two-month limitation period, special statutory periods of one, three, and five years are established for offenses in the realms of taxation, environmental protection, anti-corruption, and antitrust. In Kyrgyzstan (Article 48), the corresponding period is six months for natural persons, and one year for public officials and legal entities. The legislation of Georgia (Article 38) codifies a general three-month limitation period, alongside four- and six-month periods for cases subject to judicial jurisdiction. In Latvian practice, the statute of limitations for

* **Note:** For the purposes of this article, references to the "Code" denote the national Codes of Administrative Offenses (Liability).

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initiating administrative proceedings is prescribed as one year (in exceptional cases, two years), while the limitation period for enforcement is established at five years.

The existence of a uniform one-year limitation period engenders certain disproportionalities within law enforcement practice. For offenses characterized by a straightforward factual matrix and rapid detectability, this period is unjustifiably protracted. Consequently, the individual is subjected to a state of prolonged legal uncertainty. This circumstance fails to comply with the "reasonable time" requirement enshrined in Principle 4 of Recommendation No. R (91) 1 of the Committee of Ministers of the Council of Europe on administrative sanctions⁴.

Conversely, for the category of complex economic and environmental offenses, the prescribed one-year period proves insufficient. In cases necessitating expert examinations to ascertain the quantum of damage and the requisite causal nexus, rendering a final determination within a single year is frequently unfeasible. As a result, culpable individuals may evade liability due to the expiration of the limitation period. In analyzing enforcement practices within the Russian Federation, V.N. Tsyndrya identifies the low execution rate of fines as a pressing issue⁵.

Acknowledging this doctrinal perspective, the following conclusion may be drawn for the national legal system: the requisite approach is not a blanket extension of limitation periods, but rather the refinement of enforcement mechanisms and the tailoring of such periods to the specific category of the offense. Imposing an extended limitation period in the absence of an efficacious enforcement framework merely precipitates an artificial proliferation of penalties that remain purely nominal and are unenforced in practice.

Regarding the statutory period required for an individual to be legally deemed as not having been subjected to an administrative penalty, the Latvian experience holds significant doctrinal value. Article 37 of the Code of Administrative Liability of the Republic of Uzbekistan establishes a one-year period commencing from the date the execution of the penalty is completed. The legislation of Kazakhstan (Article 61) is similarly predicated upon a general one-year rule. However, for offenses perpetrated by large commercial entities within the sphere of environmental protection, this period is prescribed as three years.

Conversely, Article 24 of the Latvian Code codifies a critical provision that rectifies a prevailing statutory lacuna in our domestic legal practice. Pursuant to this norm, in instances where a penalty remains entirely unexecuted, the individual continues to be classified as having been subjected to an administrative penalty for an additional year following the expiration of the statute of limitations for enforcement. The absence of a corresponding safeguard within the legislation of Uzbekistan engenders a palpable legal

⁴ Recommendation No. R (91) 1 of the Committee of Ministers to member states on administrative sanctions (adopted on 13 February 1991). Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016804fc94c (accessed: 23.07.2026).

⁵ Цындра В.Н. Характеристика основных направлений совершенствования реализации государственной политики Российской Федерации в области назначения и исполнения административных наказаний // Ученые записки Крымского федерального университета имени В.И. Вернадского. Юридические науки. – 2021. – Т. 7 (73). – № 4. – С. 280–290.



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incongruity. Specifically, a transgressor who evades the execution of an administrative penalty may find themselves in a preferential legal position compared to a citizen who has duly complied with the sanction. This discrepancy arises because, for the evader, the "date of completion of the penalty execution" fundamentally fails to materialize as a juridical fact.

At present, specific statutory lacunae persist in the practice of imposing administrative penalties on minors. Under the applicable Code of Administrative Liability, the minority of an offender is codified exclusively as a mitigating circumstance. However, no specialized procedural framework for imposing penalties on this demographic is envisaged.

In contrast, Article 43 of the Code of Kyrgyzstan codifies a distinct mechanism for levying fines upon individuals between 16 and 18 years of age. Pursuant to this provision, any fine imposed on a minor must not exceed 50 percent of the maximum quantum prescribed by the applicable sanction, nor may it exceed 50 times the Base Calculation Amount. In the event the minor lacks an independent source of income, the pecuniary penalty is levied against their parents or legal guardians. Furthermore, Article 44 of the said Code introduces specialized corrective educational measures for minors (e.g., the explication of statutory requirements, the obligation to make restitution for damages, and restrictions on leisure time).

Similarly, Latvian legislation (Article 14) stipulates that the fine imposed upon minors shall be limited to one-half of the penalty prescribed for adult offenders. In Kazakhstan (Articles 65–70), the framework of corrective educational measures and the procedural mechanisms for their execution are comprehensively delineated.

Given that these provisions do not necessitate complex institutional reforms, their direct implementation into the domestic legislative framework is deemed highly expedient.

Regarding the imposition and execution of administrative arrest, B.B. Adilov has conducted a comparative analysis of domestic and foreign practices. The scholar observes that in the Republic of Moldova, the execution of this sanction is governed by a standalone statutory instrument—the Enforcement Code. In the Russian Federation, specialized legislation within this domain guarantees the right to defer the serving of an administrative arrest under specific circumstances. Conversely, in the practice of the Republic of Belarus, specialized internal regulations have been promulgated for detention facilities housing individuals subjected to administrative arrest. Predicated upon these analyses, Adilov posits the doctrinal conclusion that administrative arrest must occupy the ultimate position as the most severe sanction within the hierarchy of coercive measures applicable to natural persons⁶.

⁶ Adilov, B.B. "Analysis of the experience of certain CIS member states regarding the imposition and organization of the execution of administrative arrest." Bulletin of the Law Enforcement Academy of the Republic of Uzbekistan, 2023, No. 3 (55), pp. 96–100.



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Furthermore, drawing upon the jurisprudence of Ukraine and Kazakhstan, he elucidates the significance of the provisions governing the cumulation of penalties and the imposition of definitive, aggregate sanctions⁷.

This proposition concerning the optimization of the hierarchy of sanctions warrants doctrinal endorsement. Nevertheless, the root of the systemic issues in this domain is inextricably linked to a distinct statutory lacuna. The legislation of Uzbekistan currently lacks a standalone statutory act governing the execution of administrative arrest. The Code of Administrative Liability is confined solely to the prescription of the sanction itself. Modifying the placement of this sanction within the hierarchy of coercive measures cannot rectify this legislative deficiency. Therefore, the fundamental resolution necessitates the codification of the procedural framework for executing administrative arrest at the level of a standalone primary law.

Doctrinal research concerning sanctions that involve compulsory labor exhibits divergent approaches. Specifically, S.A. Storozhev has examined the practice of imposing and executing measures alternative to compulsory (public) works in select foreign jurisdictions⁸. A. Koryak acknowledges the extensive integration of public works within the penal statutes of numerous states. According to his doctrinal conclusions, compulsory works constitute a comparatively less prevalent coercive legal measure⁹. Furthermore, S.A. Kutukov and S.N. Smirnov have conducted a comparative analysis of the statutory frameworks governing the procedures and conditions for executing the penalties of compulsory works and the restriction of liberty within the legislation of CIS member states¹⁰.

The primary deficiency of these studies lies in their failure to comprehensively elucidate the distinction between criminal and administrative compulsory labor sanctions. Article 28¹ of the Code of Administrative Liability of the Republic of Uzbekistan codifies the sanction of compulsory engagement in remunerated public works. This measure differs fundamentally from the unremunerated public works prevalent in foreign practice. Consequently, the direct transplantation of the foreign practices advocated by these scholars into the domestic legislative framework is inadvisable. Rather, such integration necessitates due consideration of the idiosyncratic features of the enforcement mechanism and the underlying economic nature of the penalty.

Various approaches can be observed in doctrinal research concerning the institution of the administrative expulsion (deportation) of foreign nationals. For instance, based on a review of practices within the CIS space, V.S. Mitin has advanced proposals for the

⁷ Adilov, B.B. "Analysis of positive practices in the imposition and organization of the execution of administrative arrest in the Republics of Ukraine and Kazakhstan." Proceedings of the Republican Scientific-Practical Conference "Social Sciences in the Modern World: Theoretical and Practical Research", 2023, No. 11 (38), pp. 21–23.

⁸ Storozhev, S.A. "Legislative regulation of the imposition and application of measures analogous to compulsory works in certain foreign countries." Criminal-Executive Law, 2019, Vol. 14 (1–4), No. 4, pp. 374–378.

⁹ Koryak, A. "Foreign experience in the legal regulation of penalties in the form of obligatory, correctional, and compulsory works." International Journal of Humanities and Natural Sciences, 2020, No. 2-2 (41), pp. 120–124.

¹⁰ Kutukov, S.A., Smirnov, S.N. "Comparative analysis of the legal regulation of the procedure and conditions for executing the penalty of compulsory works (restriction of liberty) under the legislation of CIS countries." Criminal-Executive Law, 2014, No. 2, pp. 82–86.



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refinement of Russian legislation¹¹. Conversely, I.A. Chichik and A.A. Bobryshev have substantiated the expediency of employing the concept of "removal" in lieu of the term "expulsion" within the legal framework of the European Union¹². Furthermore, I.V. Petrov has analyzed the issues surrounding the legal liability of natural persons for migration-related offenses¹³.

In this regard, the novel provisions introduced into the Russian Code in 2026 hold significant importance for law enforcement practice. Parts 3.6 and 3.8 of Article 4.1 of the said Code codify the grounds for substituting the penalty of expulsion with alternative measures. Pursuant to these provisions, the competent authority or public official shall take into consideration the duration of the foreign national's residence in the country, their marital status, and their compliance with tax obligations. Additionally, the individual's income, place of residence, occupation, and law-abiding conduct are subject to assessment. If the measure of expulsion excessively restricts the right to respect for private life and is deemed disproportionate to the objectives of the penalty, an administrative fine or compulsory works may be imposed in its stead. The penalty of expulsion prescribed in Clause 8, Part 1 of Article 23 of the Code of Administrative Liability of the Republic of Uzbekistan does not envisage such a criterion of proportionality. Consequently, implementing this foreign practice into the domestic legislative framework constitutes one of the most optimal and imperative solutions for the refinement of administrative jurisdiction.

The analysis of the administrative penalty system from the perspective of international legal standards is also of distinct significance. Recommendation No. R (91) 1 of the Committee of Ministers of the Council of Europe, adopted on 13 February 1991, codifies eight fundamental principles for the application of administrative sanctions. First, sanctions and the grounds for their application must be prescribed by law. Second, provisions that aggravate liability shall not have retroactive effect, whereas mitigating provisions shall apply retroactively to the benefit of the individual. Third, prosecuting an individual twice under provisions protecting the same social relations is prohibited (*non bis in idem*). Fourth, when two competent authorities protecting distinct interests conduct proceedings, each must take into account any previously imposed sanction. Fifth, administrative proceedings must be conducted within a reasonable time and invariably culminate in the adoption of a final decision. Sixth, the individual is guaranteed the right to be informed of the charge, to be afforded adequate time to prepare a defense, and to be acquainted with the evidence. Seventh, the burden of proof rests upon the administrative

¹¹ Mitin, V.S. "Certain issues of the legal regulation of executing the administrative expulsion of foreign citizens and stateless persons (the experience of CIS member states)." *Law and Legislation*, 2025, No. 3, pp. 92–98.

¹² Chichik, I.A., Bobryshev, A.A. "Foreign experience in the application and improvement of the institution of administrative expulsion." *Law and State: Theory and Practice*, 2024, No. 11 (239), pp. 311–314.

¹³ Petrov, I.V. "Administrative liability of natural persons for migration offenses (legal analysis)." *Military Law*, 2021, No. 1 (65), pp. 89–95.



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authority. Finally, pursuant to the eighth principle, decisions imposing a sanction must be subject to judicial review for legality by an independent and impartial court¹⁴.

Correspondingly, significant precedents have been established in this domain within the jurisprudence of the European Court of Human Rights. Specifically, in the case of *Engel and Others v. the Netherlands*, the criteria concerning the classification of offenses under domestic legislation, their legal nature, and the degree of severity of the potential penalty were formulated¹⁵. In the judgment concerning the case of *Jussila v. Finland*, it was acknowledged that administrative sanctions differ from the ambit of criminal charges. Accordingly, it was substantiated that administrative-procedural guarantees are not invariably applied with the same strictness as in criminal proceedings¹⁶.

It must be noted that in the course of analyzing the conformity of domestic legislation with these international standards, certain statutory lacunae have been identified. The first issue pertains to the third principle of Recommendation No. R (91) 1. This principle envisages the obligation to take into account a previously imposed sanction when two competent authorities protecting distinct interests initiate proceedings. Part 3 of Article 34 of the Code of Administrative Liability of the Republic of Uzbekistan establishes the rule of imposing a penalty exclusively within the framework of the more severe sanction in instances where cases are examined by different authorities. However, the procedural mechanism for taking into account a previously imposed penalty is not codified. The second deficiency relates to the minimum requirements of judicial review set forth in the eighth principle. Order No. 30 of the President of the Republic of Uzbekistan, dated 7 May 2026, designates the expansion of judicial review in the adjudication of administrative cases as a priority objective. This approach serves to eliminate the existing statutory lacuna. Nonetheless, it is imperative to distinguish the institution of judicial review from the concentration (monopolization) of the authority to adopt administrative decisions exclusively within the judicial system. Judicial review denotes the verification of the legality of a competent authority's decision. Judicial monopoly, conversely, implies the direct adoption of the decision.

On the whole, based on the findings of the conducted research, it may be concluded that the current administrative-delict system of Uzbekistan is characterized by excessive formalism. In particular, the principle of proportionality is not fully ensured in the imposition of administrative penalties. Furthermore, the mechanisms for individualizing liability and objectively assessing the offender's character and financial status remain insufficiently developed.

In order to rectify the existing lacunae in the sphere of administrative jurisdiction and to counterbalance the judicial monopoly regarding the mitigation of penalties, the

¹⁴ Recommendation No. R (91) 1 of the Committee of Ministers to member states on administrative sanctions (adopted on 13 February 1991). Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016804fc94c (accessed: 23.07.2026).

¹⁵ ECtHR (Plenary). *Engel and Others v. the Netherlands*, applications nos. 5100/71, 5101/71, 5102/71, 5354/72, 5370/72, judgment of 8 June 1976. Available at: <https://hudoc.echr.coe.int/eng?i=001-57479> (accessed: 23.07.2026).

¹⁶ ECtHR (Grand Chamber). *Jussila v. Finland*, application no. 73053/01, judgment of 23 November 2006. Available at: <https://hudoc.echr.coe.int/eng?i=001-78135> (accessed: 23.07.2026).



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introduction of a series of institutional mechanisms into domestic legislation is deemed highly expedient. First, to enhance the preventive effect of administrative fines, it is necessary to endow them with a confiscatory nature. Second, the implementation of a model for the cumulation of penalties for multiple offenses within a specified threshold (maximum ceiling) is required. Third, penalty points and the duration of administrative coercive measures must be strictly differentiated in proportion to the degree of social danger posed by the act.

These institutional reforms must be underpinned by a robust procedural foundation. Therefore, the direct implementation of international human rights standards into domestic legislation—particularly the procedural guarantees prescribed in Recommendation No. R (91) 1 of the Committee of Ministers of the Council of Europe regarding the execution of administrative penalties—constitutes a priority objective.

