

## **Problems of Registration of an Administrative Offense for Violation of the Border Regime**

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**Abstract:** The article reveals the problems of registration of an administrative offense for violation of the border regime by the servicemen of the Border Troops of the SSS and the composition of this offense, as well as the results of the analysis of the national a proposal has been made to introduce appropriate amendments to the Code of Administrative Offenses of the Republic of Uzbekistan to improve the registration of this offense.

**Keywords:** State border, State border protection, State border regime, border regime, border zone, border strip, administrative offenses in the field of State border protection.

Of the Code of Administrative Responsibility of the Republic of Uzbekistan <sup>1</sup>(hereinafter referred to as the Code of Criminal Procedure), an administrative offense is an illegal, culpable (intentional violation of a person, the rights and freedoms of citizens, property, state and public order, and the natural environment. or behind recklessness) is understood as an act or omission.

The offense is expressed in the violation of established rules of conduct. Administrative offense includes three types of symptoms:

- 1) illegal action or inaction;
- 2) guilt;
- 3) prosecution.

An illegal act or omission prohibited by administrative legislation is considered an administrative offense <sup>2</sup>.

Classification of administrative offenses serves as a legal basis for legal assessment of offenses committed by individuals. According to traditional views, administrative offenses include four essential elements, namely the object, the objective side, the subject and the subjective side of the offense. In this case, the composition of a specific administrative offense is expressed in the form of its symptoms, not as a whole phenomenon in the administrative legislation.

The composition of the offense means the set of necessary signs to consider an antisocial act as an administrative offense established by law.

A person can be held administratively liable only if all the elements of an administrative offense are present in his act <sup>3</sup>.

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<sup>1</sup>Code of Administrative Responsibility of the Republic of Uzbekistan - Bulletin of the Supreme Council of the Republic of Uzbekistan, 1995, No. 3, Article 6.

<sup>2</sup> H.R. Alimov, A.A. Makhmudov, N.T. Ismailov . Administrative law: Textbook. - T., Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2002, 93 p.

<sup>3</sup>Comments on the Code of Administrative Responsibility of the Republic of Uzbekistan. The team of authors. T.

Since administrative offenses in the field of state border protection are offenses against the established order of administration, illegal acts in this area are expressed in harming social relations aimed at ensuring the order of administration.

The management procedure is "the normal management activity of the state apparatus and local self-government bodies, which corresponds to the interests of the individual, society, and the state, is based on laws and regulations, and is aimed at ensuring their stable and effective operation <sup>4</sup>."

Entering the border zone, as well as places with temporary restrictions on the entry and stay of citizens, as well as violation of the rules of living in them, <sup>5</sup>will lead to prosecution under Article 224 of the Civil Code and a fine of one to three times the base calculation amount.

Allowing citizens to enter the border zone, as well as places with temporary restrictions on the entry and stay of citizens, as well as to allow citizens who violate the rules on living in such places to live in such places, will be the reason for imposing a fine on citizens from three to five times the amount of the base calculation, and on officials from five to ten times.

Establishing administrative liability for entering the border zone, as well as places where citizens are temporarily restricted in their entry and stay, and for violating the rules of living there is not only to protect the established order of registration, residence and migration of citizens, but also to protect the interests of the republic in the field of state border protection, treason, aims to cooperate in the fight against crimes such as espionage, smuggling, going abroad and entering the Republic of Uzbekistan against the law <sup>6</sup>.

*The object* of this offense is social relations established by the rules of the border regime.

*From the objective side* of the offense - entry (passing), staying (living), moving and doing work in the border zone and the border region, as well as the temporary restrictions on the entry and stay of citizens, non-observance of the established order, as well as the entry into the border zone, as well as the entry of citizens and temporary restriction on living is represented by the actions or inaction of citizens who violate the rules on entering and living in designated places.

Another view of the objective side of this offense is that it is an administrative offense with a formal content. The commission of these offenses by persons does not cause material damage, but their violation of the procedures and rules established by the border regime causes administrative liability under Article 224 of the Criminal Code.

At the same time, let's dwell on the concept of "border regime" and its essence. *The border regime* includes the procedures and rules for entering (exiting) the border zone, crossing it, being there (living), moving, conducting economic activities and other activities, and it is established by the authority of the Cabinet of Ministers of the Republic of Uzbekistan <sup>7</sup>.

A border zone is a pre-border area or a part of it, adjacent to the border region, where the border regime is implemented.

The order of entry and exit (transition), stay (residence) and movement of persons to the border zone and the border region is <sup>8</sup>regulated by the "Regulation on Border Regime" approved by Government Decision No. 504.

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Justice. 2000. p. 24-25.

<sup>4</sup> Alexin A.P., Karmolitsky A.A., Kozlov Yu.M. Administrativnoe pravo Rossiyskoy Federatsii: Uchebnik. - M., 1998. - S. 4-22.

<sup>5</sup>Code of Administrative Responsibility of the Republic of Uzbekistan - Bulletin of the Supreme Council of the Republic of Uzbekistan, 1995, No. 3, Article 6.

<sup>6</sup> Ikramov Sh.T., Khamedov I.A., Administrative law textbook - T.: Ministry of Internal Affairs of the Republic of Uzbekistan, 2016. - p. 351-352.

<sup>7</sup>Law No. ORQ-868 of September 13, 2023 "On the State Border of the Republic of Uzbekistan" // National database of legal documents ( www.lex.uz ), September 13, 2023.

<sup>8</sup>Resolution No. 504 of the Cabinet of Ministers of the Republic of Uzbekistan of July 5, 2018 "On approval of the regulation on the border regime in the territory of the Republic of Uzbekistan" // National database of legal

the decision of the Cabinet of Ministers of the Republic of Uzbekistan dated December 4, 2021 No. 735 <sup>9</sup>"On additional measures to define the border zone and border region in the territory of the Republic of Uzbekistan".

According to Government Decision No. 504, the border regime includes the following procedures and rules:

entry and exit (transition), stay (residence) and movement of persons into the border zone and border region;

conducting economic and other activities, public and other cultural events in the border region;

Hunting, research, prospecting and other activities in internal waters of the Republic of Uzbekistan, border rivers, lakes and other water bodies.

Citizens who do not live permanently in the border zone and come here for more than five days must have a separate registration card (permit) issued by the internal affairs authorities to stay in the border zone, in addition to a passport and other documents confirming their identity (service certificate, military card, birth certificate). .

Also, in order for persons to enter and exit (cross), stay (live) and move in the border region, a permit must be issued by the Border Guards of the Republic of Kazakhstan.

Individuals and representatives of legal entities to enter the border region (to be in it, to carry out work) information about the persons who are supposed to enter this region (surname, first name, patronymic, date and place of birth, place of work, specialty, position held, place of residence , the series and number of the identity document, the place where the works are carried out, their time and nature) and copies of their passports are attached to the written application in triplicate and submitted to the units of the border troops of the DXX no later than 30 days before the start of the work (activity) can obtain the appropriate permit.

Geodesy, topography, geology, hydrogeology, road construction and other research in the border region, as well as hydraulic engineering, land reclamation and other works related to changing the water regime of border rivers, lakes and other water bodies, animal husbandry, agriculture and other works based on the permission of the border troops of the DXX is done.

According to the Law "On the State Border of the Republic of Uzbekistan", the border regime includes only the procedures and rules for entering (exiting) the border zone, crossing it, being there (living), movement, economic activities and other activities.

In addition, according to Article 52 of this Law, non-compliance by individuals with the procedure for entering (exiting), crossing, being there (living) and moving, economic activities and other activities is a violation of the border regime .

Also, in accordance with Article 33 of this Law, the state border regime includes provisions related to the implementation of economic activities and other activities in the border region, according to Article 46, violation of the rules related to being in the border region, the implementation of economic activities and other activities State border recognized as a violation of the regime .

It is clear from this that the "Regulation on the Border Regime" approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 504 of July 5, 2018 contradicts the current Law "On the State Border of the Republic of Uzbekistan", so it is necessary to exclude from it the norms related to the border region and to be in the State Border Regime. there is a need to approve the "Regulation on the State Border Regime", which incorporates the rules for the implementation of economic activities and other activities, by the Government's decision.

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documents ( [www.lex.uz](http://www.lex.uz) ), July 6, 2018.

<sup>9</sup>This decision of the Cabinet of Ministers of the Republic of Uzbekistan was not published in the mass media.

It should be noted that the specific feature of the administrative offense provided for in Article 224 of the Criminal Code is that it is committed not only in the border zone, but also in places where temporary restrictions on the entry and stay of citizens have been established.

Places with temporary restrictions on the entry and stay of citizens are defined as additional regime restrictions established by the Border Guards of the Republic of Kazakhstan in the border region.

According to Article 43 of the Law "On the State Border of the Republic of Uzbekistan", additional regime restrictions and prohibitions may be introduced by the Border Guards of the Republic of Uzbekistan in the border region in relation to the following:

entry of foreign persons into the border region;

to enter the areas where economic activities and other activities are carried out;

access of watercraft to border rivers, lakes and other bodies of water.

In the future, by the Government's decision, by developing the "Regulation on the State Border Regime" and in order to eliminate the existing conflicts in the legislation in the field of State Border Protection, Article 224 of the Criminal Code of Ukraine shall be stated in the following version

and an additional article on "Violation of the State Border Regime" will be added to this code. we declare:

*224 . Violation of the border regime in the border zone*

*Violation of the rules of entering (exiting), crossing, staying (living), moving, conducting economic activities and other activities in the border zone -*

*shall result in a fine of one to three times the base calculation amount.*

*Allowing citizens who violate the rules on entering the border zone and staying (living) in them to live in such places -*

*causes a fine to citizens from three to five times the amount of the basic calculation, and to officials from five to ten times".*

This offense is expressed directly intentionally or recklessly on *the part of the subject* , and a sane individual over the age of 16 is considered its *subject* .

In conclusion, it can be said that the clarification of the legal description of this administrative offense is necessary for the preparation of personnel for the DSC and for the future regulation of the relations of military personnel in the field of state border protection, in the correct application of legal documents, as well as in the correct organization of their state border protection activities, and in the correct legal assessment of administrative-legal relations. is important. At the same time, we think that the suggestions made regarding the improvement of the legal description of these types of offenses will serve to eliminate the uncertainty and legal gaps arising in practice in this field.

## **LIST OF REFERENCES USED**

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