



## EXECUTION OF PUNISHMENT FOR COMPULSORY INVOLVEMENT IN PAID PUBLIC WORK

Kushbakov Shokhrukh Hasan ugli

Senior Lecturer of the Department of Administrative Law at the Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, Captain

<https://doi.org/10.5281/zenodo.14762161>

**Abstract:** This article provides a theoretical analysis of reforms being implemented in our country to ensure the enforcement of the punishment of compulsory involvement in paid public works. It examines foreign experiences and presents proposals and recommendations developed by the author.

**Keywords:** paid public work, compulsory involvement, punishment, administrative penalty, internal affairs.

In the legislation on administrative liability, the penalty of compulsory involvement in paid public works, which is new to the system of administrative punishments, is a unique type of punishment that differs from others in that it involves mandatory labor.

According to the legislation of the Russian Federation, this penalty is called "compulsory labor," and its difference from "the penalty of compulsory involvement in paid public works" lies in the fact that the individual who committed the administrative offense performs unpaid socially beneficial work during their free time outside of their main work, service, or study.[1]

The locations, sites, and types of paid public works that individuals sentenced to compulsory public service are allowed to perform, as well as the bodies supervising the execution of this punishment, are determined by probation units of the internal affairs bodies, similar to compulsory public service, which is considered a criminal punishment.[2]

In our opinion, this type of punishment differs from the punishment of deprivation of certain rights in criminal law in that it involves compulsory labor, but is similar in that the offender receives payment for their work.

Duration:

In our country, the courts impose this punishment for a period of eight to two hundred and forty hours.[3]

It is advisable to analyze the duration of this penalty in the legislation of other countries:

- 1) According to the legislation of the Russian Federation, compulsory labor is imposed for a period of twenty to two hundred hours;
- 2) According to Ukrainian law, this punishment is imposed by the court (judge) for a period of twenty to sixty hours and for no more than four hours per day [5];
- 3) According to the legislation of the Republic of Moldova, unpaid labor for the benefit of society is assigned for a period of 10 to 60 hours and for 2 to 4 hours per day [6];
- 4) According to the legislation of the Kyrgyz Republic, it is imposed by the court for a period of 8 to 40 hours, and for children aged sixteen to eighteen, for a period of 4 to 20 hours [7].

As a result of our research, the reason for the low implementation of community service sentences in these countries is that offenders are engaged in forced unpaid labor.

In our opinion, the purpose of serving this sentence in our country and its longer duration is considered humane, because fifty percent of the wages of persons involved in community service is directed towards paying alimony obligations.

At the same time, this penalty is not applied to the following persons:

- persons who have reached retirement age;
- persons under the age of eighteen;
- pregnant women;
- women with children under the age of three;
- persons with disabilities of the first and second groups;
- permanently employed individuals and military personnel [8].

In this case, the term of administrative arrest should not exceed fifteen days, and the amount of the fine should not exceed twenty times the base calculation amount. The time of evasion from serving the sentence is not added to the length of the sentence served.

The application of this penalty to individuals over the years is reflected as follows:

- 117 persons in 2023;
- 136 individuals in the first half of 2024.

The penalty of compulsory involvement in paid public works was applied by region as follows: In 2023: Andijan region - 10;

- Bukhara region - 2;
- Jizzakh region - 4;
- Republic of Karakalpakstan - 27;
- Navoi region - 1;
- Namangan region - 30;
- Samarkand region - 6;
- Syrdarya region - 1;
- Surkhandarya region - 2;
- Tashkent region - 15;
- Tashkent city - 7;
- Fergana region - 1;
- Khorezm region - 11 individuals were sentenced. In 2024: Andijan region - 33;
- Bukhara region - 2;
- Jizzakh region - 6;
- Republic of Karakalpakstan - 28;
- Namangan region - 29;
- Samarkand region - 2;
- Tashkent region - 23;
- Tashkent city - 3;

Khorezm region - 10 individuals were sentenced.[9] This punishment differs from other penalties in that it is a new form of punishment in administrative law and lacks an enforcement mechanism. Therefore, it would be advisable to conduct a scientific analysis of the Code of Offenses of the Kyrgyz Republic, which contains this penalty in its administrative legislation, and to consider incorporating the relevant articles into the Code of Administrative Responsibility of the Republic of Uzbekistan.

- Samarkand region - 2;
- Tashkent region - 23;

Tashkent city - 3;

This sentence was imposed on 10 individuals in the Khorezm region.[9]

This punishment differs from other punishments in that this punishment is a new punishment in administrative law and there is no enforcement mechanism.

Therefore, it would be advisable to scientifically analyze the Code of Offences of the Kyrgyz Republic, which exists in the administrative legislation of this penalty, and to reflect the following articles in the Code of Administrative Responsibility of the Republic of Uzbekistan:

Paid public works are performed by individuals on the basis of paid services in their free time from work or study.

Persons subjected to punishment in the form of involvement in paid public works:

1) comply with the established procedure and conditions for the execution of punishment in the form of involvement in paid public works;

2) working at facilities designated for them;

3) timely arrival at the place where paid public works are being performed;

4) a conscientious attitude towards work;

5) fulfill the legitimate requirements of the administration of enterprises, organizations, and institutions;

6) to come to the probation body once a week for registration and participation in a preventive interview.

If the offender is recognized as a disabled person of Group I or Group II, in case of pregnancy, the probation authorities send a submission to the court to exempt them from performing public works.

The administration of the enterprise, organization and institution established for the performance of paid public works is obligated to:

1) ensuring safe working conditions in accordance with labor legislation;

2) control over the performance of work assigned to them by individuals;

3) maintaining a timekeeping table, drawing up acts of completed work and sending them to the probation body no later than the last day of the current week;

4) informing and informing probation authorities about the behavior of individuals or their evasion of paid public works.

Violation of the procedure and conditions for the performance of paid public works is:

1) failure to appear in a timely manner in the probation body within ten days from the date of entry into force of the court decision;

2) untimely arrival at the place where paid public works are performed;

3) violation of labor discipline;

4) Unfair treatment of labor;

5) non-arrival to the probation body for registration once without good reason;

6) disregarding the legitimate requirements of the administration of enterprises, organizations, and institutions;

7) repeated violation of the procedure and conditions for the performance of paid public works.

Valid reasons for the offender's failure to appear in the probation body within the prescribed period are recognized as his illness and other documented circumstances, which deprive him of the opportunity to appear in the probation body on time.

The probation body files a motion with the court against offenders who refuse to perform paid public works.

### References:

- 1.Kodeks Rossiyskoy Federatsii ob administrativnix pravonarusheniyax [Yelektron manba: [https://www.консультант.ру /document/cons doc LAW\\_34661/ 9cf294af23d28d29114e 0388f056dd9916959846/](https://www.консультант.ру /document/cons doc LAW_34661/ 9cf294af23d28d29114e 0388f056dd9916959846/). Murojaat vaqti: 10.02.2024 y].
- 2.Umaraliyeva D.N. Probatsiya xizmati faoliyatining rivojlanish tendensiyalari //Gospodarka i Innowacje. – 2024. – T. 46. – S. 522-531.
- 3.O‘zbekiston Respublikasining Ma‘muriy javobgarlik to‘g‘risidagi kodeksi. [Elektron manba: <https://lex.uz/docs/-97664>. Murojaat vaqti: 10.02.2024 y].
- 4.Kodeks Rossiyskoy Federatsii ob administrativnix pravonarusheniyax [Yelektron manba: [https://www.консультант.ру /document/cons doc LAW\\_34661/ 9cf294af23d28d29114e 0388f056dd9916959846/](https://www.консультант.ру /document/cons doc LAW_34661/ 9cf294af23d28d29114e 0388f056dd9916959846/). Murojaat vaqti: 10.02.2024 y].
- 5.Kodeks Ukraini Ob administrativnix pravonarusheniyax [Elektron manba: <https://pravoved.in.ua/section-kodeks/34-kuoap.html> Murojaat vaqti: 10.02.2024 y].
- 6.Kodeks Respubliki Moldova ot 24 oktyabrya 2008 goda No 218-XVI«O pravonarusheniyax» (s izmeneniyami i dopolneniyami po sostoyaniyu na 02.02.2023 g.)// [Elektron manba: [https://continent-online.com / Document / ? doc\\_id= 30395669#pos=5;-140](https://continent-online.com / Document / ? doc_id= 30395669#pos=5;-140). Murojaat vaqti: 10.08.2024].
- 7.Kodeks Kirgizskoy Respubliki o pravonarusheniyax [Elektron manba: <https://cbd.minjust.gov.kg/112306/edition/13963/ru> Murojaat vaqti: 10.02.2024 y].
- 8.Qushboqov Sh., Samadov M. Huquqbuzarliklar profilaktikasini amalga oshiruvchi ichki ishlar organlari tomonidan ma‘muriy huquqbuzarliklar to‘g‘risidagi ishlarni yuritishda mavjud muammolar va ularning yechimi //Solution of social problems in management and economy. – 2023. – T. 2. – №. 13. – S. 95-98.
- 9.Jinoyat ishlari bo‘yicha sudlarning 2024 yil 1-yarmidagi faoliyat yakunlarining asosiy ko‘rsatkichlari [Elektron manba: <https://stat.sud.uz/>. Murojaat vaqti: 10.02.2024 y].

