

Specific Features of The Administrative Liability of Officials Who Have Committed Administrative Offenses

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Abstract: This article examines the specific features of the institution of administrative liability of officials who have committed administrative offenses. It analyzes the legal status of an official as a subject of an administrative offense, the characteristics distinguishing officials as special subjects, and the relationship between their official powers, duties, and administrative liability. Particular attention is paid to the qualification of administrative offenses committed by officials through action or omission, the determination of guilt, the distinction between administrative, disciplinary, and criminal liability, the individualization of administrative sanctions, and existing problems in law enforcement practice in this area. Based on the findings of the study, scientific and practical proposals aimed at improving the administrative liability of officials are developed.

Keywords: Administrative offense, administrative liability, official, special subject, official authority, official duty, administrative sanction, guilt, omission, offense prevention.

Introduction: In a democratic state governed by the rule of law, ensuring the legality of the activities of state bodies and officials, as well as ensuring that their powers are exercised within the limits established by law, constitutes one of the essential conditions for maintaining public order and legal stability. In the process of public administration, officials are vested with specific rights and powers through which they perform the functions of state bodies and organizations. At the same time, these powers impose not only certain rights but also corresponding obligations, including the obligation to comply with legal requirements, properly perform official duties, and respect the rights and legitimate interests of other persons.

Therefore, violations of legal requirements committed by officials may differ from offenses committed by ordinary citizens in terms of their subject, circumstances of commission, and legal consequences. In particular, where an offense is related to the exercise of an official's powers, failure to perform official duties, or improper performance of such duties, the issue of administrative liability acquires particular legal significance.

The Code of the Republic of Uzbekistan on Administrative Liability specifically addresses the administrative liability of officials. According to Article 15 of the Code, officials are subject to administrative liability for administrative offenses related to failure to comply with rules established in the areas of public administration, state and public order, the natural environment, and public health, as well as other rules whose implementation falls within their official duties [1]. This provision directly connects the administrative liability of an official with his or her official duties.

It follows from this provision that, in determining the administrative liability of an official, the decisive factor is not merely the position held by the person, but rather the rights, powers, and duties arising from that position. The Code defines an official as a person appointed or elected on a permanent, temporary, or special-authority basis, exercising the functions of a representative of authority, or performing organizational-managerial or administrative-economic functions in state bodies, citizens' self-government bodies, enterprises, institutions, and organizations regardless of their form of ownership, as well as a person authorized to perform actions having legal significance [1].

This definition indicates that an official constitutes a special subject of an administrative offense. Unlike a general subject, a special subject possesses additional legally significant characteristics established by law. In the case of an official, such characteristics are manifested in holding a particular position, performing organizational-managerial or administrative-economic functions, exercising the powers of a representative of authority, or being authorized to perform legally significant actions.

From this perspective, recognizing a person as an official requires more than merely establishing that the person holds a managerial position within an organization. The legal basis of the powers and duties assigned to that person must also be determined. Such legal bases may be established by law, subordinate legislation, job descriptions, orders, decisions, internal organizational documents, or other legal instruments. Therefore, when considering an administrative offense case, it is necessary to determine not only the person's position but also the specific powers and duties assigned to that person at the time the offense was committed.

One of the distinctive features of the administrative liability of officials is that such liability is frequently directly connected with the performance of official duties. If compliance with certain rules or ensuring their implementation falls within the official duties of a particular person, violation of those rules may constitute grounds for administrative liability [1]. Thus, the functional relationship between the offense committed by an official and his or her official powers constitutes an important condition for correctly determining administrative liability.

At this point, one important circumstance should be distinguished. Not every administrative offense committed by an official automatically means that the person should be treated as a special subject in relation to that particular offense. If an official commits an administrative offense unrelated to his or her official duties in the course of private life, the person's status as an official may not be legally relevant to determining the subject of that offense. Conversely, if the offense is related to the exercise of official powers, performance of official duties, or failure to fulfill official obligations, the status of the person as a special subject becomes legally significant.

This approach follows from the principle of individualization of administrative liability. A person should be held liable not simply because he or she is an official, but because that person committed a specific offense and was guilty of that offense. Otherwise, a practice may develop whereby the head of an

organization is automatically held liable for any violation occurring within the organization. Such an approach would contradict the principles of guilt and personal liability.

The distinction between action and omission is also of particular importance in the administrative liability of officials. An administrative offense may be committed not only through active conduct but also through failure to perform a specific legal duty, that is, through omission. Omission may be particularly relevant in cases involving officials because they are often entrusted with duties to organize processes, exercise supervision, make decisions, or ensure compliance with legal requirements.

However, the mere failure of an official to perform a particular action is not sufficient, by itself, to establish administrative liability. First, it must be established that performing the relevant action constituted a specific legal obligation of the official. It must also be determined that the official had a real opportunity to perform that obligation, failed to do so, and that such omission was causally connected with the occurrence of the offense or its consequences.

For example, if the responsibility for supervising compliance with certain legal requirements within an organization is assigned to the head of the organization, failure to exercise such supervision may have legal significance. However, if the relevant supervisory function has been assigned to another responsible employee, holding the head administratively liable merely because he or she occupies a managerial position would not be sufficiently justified. Therefore, the clear allocation of duties and the scope of the official's powers are of particular importance when determining liability for omission.

In this context, it is necessary to examine job descriptions, orders, decisions, internal documents, and other evidence. The legal status of the official alone is not sufficient; the specific official duty connected with the offense must also be established and proven.

The issue of guilt also occupies a central place in the administrative liability of officials. For legal liability to be fair and lawful, the guilt of the person must be established. The fact that an official occupies a senior position or possesses extensive powers cannot automatically constitute grounds for finding that person guilty. Instead, the person's mental attitude toward the offense, the nature of the action or omission, and the causal relationship between the conduct and the resulting consequences must be examined.

Guilt may take the form of intent or negligence. Where

an official intentionally commits an offense, he or she understands the unlawful nature of the action or omission and has a certain attitude toward the relevant consequences. In cases of negligence, the offense may result from the official's failure to exercise the necessary degree of care, failure to approach official duties with sufficient responsibility, or failure to foresee certain consequences.

At the same time, when determining the guilt of an official, the circumstances in which the decision was made should also be taken into account. In the course of official activities, decisions are often made under conditions of limited time, information, and authority. Therefore, it is necessary to distinguish an ordinary professional error from an administrative offense committed intentionally or negligently. This issue is particularly important from the perspective of individualizing administrative liability.

The distinction between administrative and disciplinary liability of officials is also of significant practical importance. A violation of an official duty does not always constitute an administrative offense. In certain circumstances, an employee's conduct may constitute merely a breach of service or labor discipline. Administrative liability, however, may only be imposed where the conduct in question constitutes an administrative offense specifically provided for by law.

The Law of the Republic of Uzbekistan "On the State Civil Service" also establishes liability for unlawful actions or omissions of civil servants and improper performance of official duties in accordance with the legislation [2]. Therefore, it is necessary to establish a clear legal distinction between a breach of official duties and an administrative offense. Otherwise, different authorities may give different legal assessments to identical conduct.

The distinction between administrative and criminal liability of officials is another significant issue. Certain acts committed by officials in connection with the exercise of their official powers may, depending on the circumstances, constitute either an administrative offense or a criminal offense. In such cases, the degree of social danger of the act, the consequences caused, the amount of damage, the form of guilt, the purpose of the offender, and other qualification criteria established by law must be taken into account.

Accordingly, distinguishing an administrative offense from a crime cannot be based solely on the external characteristics of the conduct. All legally relevant elements of the act must be comprehensively examined. On the one hand, this approach prevents officials from being subjected to criminal liability without sufficient legal grounds; on the other hand, it

prevents criminal acts from being unjustifiably classified as administrative offenses.

The collection and assessment of evidence also have specific characteristics in cases involving the administrative liability of officials. While in cases involving ordinary citizens the fact of the offense may be the principal issue, in proceedings against officials it is additionally necessary to establish that the person is a special subject and that the offense is functionally connected with the person's official duties.

Therefore, the materials of an administrative offense case should clearly identify the official's position, powers, official duties, and specific obligations related to the offense. An order appointing the person to the relevant position, job description, internal orders, documents allocating official responsibilities, inspection reports, and other documents may serve as evidence confirming these circumstances.

Another important point is that the mere existence of a violation within an organization should not automatically constitute grounds for establishing the administrative liability of an official. If a violation has occurred within an organization, it must first be determined who was legally responsible for supervising the relevant area, what specific obligation was not fulfilled, and which official's conduct or omission contributed to the commission of the offense.

This approach contributes to the individualization of administrative liability of officials. Individualization of liability is, in turn, a practical manifestation of the principle of justice. A senior official should not be subjected to a more severe sanction solely because of his or her position, nor should an official receive unjustified leniency because of his or her official status. The sanction must be proportionate to the nature of the offense, the degree of guilt, and the consequences caused.

The preventive function of administrative sanctions against officials should also be emphasized. The purpose of an administrative sanction is not limited to punishing the offender. It is also intended to prevent new offenses and ensure legal order. A violation of legal requirements by an official may affect the legal conduct of other employees as well. Therefore, ensuring the liability of officials constitutes an important instrument for strengthening legality in public administration.

The relevance of this issue is also demonstrated by a number of contemporary administrative offenses. For example, Article 193⁴ of the Code of the Republic of Uzbekistan on Administrative Liability establishes administrative liability for officials or employees of state bodies and other organizations who violate legal

requirements concerning conflicts of interest [3]. This provision demonstrates that the administrative liability of officials is legally protected not only in traditional areas of public administration but also in modern areas such as integrity, transparency, prevention of conflicts of interest, and ethical standards in public service.

In particular, establishing administrative liability for failure to report the existence of a conflict of interest or failure to take measures to regulate an existing or potential conflict of interest is aimed at ensuring that officials comply with the requirements of impartiality and integrity in the performance of their official duties [3]. This demonstrates that the modern concept of administrative liability of officials increasingly encompasses not only violations of traditional administrative rules but also obligations relating to integrity, transparency, and prevention of conflicts of interest.

Improving legislation concerning the administrative liability of officials requires, first of all, ensuring a uniform interpretation and application of the concept of "official" in law enforcement practice. In this regard, not only the person's position but also his or her organizational-managerial or administrative-economic functions, powers as a representative of authority, and authority to perform legally significant actions should be taken into account [1].

Second, the functional relationship between an official's administrative liability and his or her official powers should be clarified in law enforcement practice. For this purpose, the specific official duty violated by the official should be clearly identified in the materials of the administrative case.

Third, in administrative offenses committed through omission, it should be established that the official had a specific legal obligation, had a real opportunity to fulfill that obligation, and that the failure to fulfill it was causally connected with the occurrence of the offense or its consequences. Such a requirement would help prevent the unjustified practice of holding organizational heads automatically liable for all shortcomings occurring within their organizations.

Fourth, when conducting administrative proceedings, particular attention should be given to documents confirming the person's status as a special subject. This would help prevent decisions based on an incorrect determination of the subject of the administrative offense.

Fifth, it would be appropriate to analyze statistics on administrative offenses committed by officials by sector and area. Identifying the sectors and types of offenses in which officials are most frequently involved would make it possible to design targeted preventive

measures.

Sixth, digital registration of administrative offenses and digitalization of administrative proceedings could increase transparency in the application of administrative liability to officials. Electronic document management, digital recording of evidence, and the development of a unified information database on administrative offenses could reduce subjective approaches in law enforcement practice.

Seventh, the administrative liability of officials should be implemented in close connection with preventive measures. It is difficult to eliminate offenses solely by strengthening sanctions. Increasing the legal awareness of officials, clearly defining official duties, strengthening internal control mechanisms, systematically assessing corruption risks, and addressing the underlying causes of offenses are equally important.

In this regard, the administrative liability of officials should also be considered in connection with the general principles of public service. A civil servant is liable, in accordance with the legislation, for unlawful actions or omissions and for improper performance of official duties [2]. Therefore, the effectiveness of public service is determined not only by the powers vested in officials but also by their legal responsibility in exercising those powers.

In our view, the conceptual basis for improving legislation on the administrative liability of officials should be the clear establishment of the legal relationship between "position — authority — duty — guilt — offense." In other words, while an individual's status as an official constitutes an initial condition for determining whether special-subject rules may apply, his or her specific powers and legal duties should be used to establish the relevant subject status, while guilt should serve as the personal basis for liability.

Such an approach would both strengthen the accountability of officials and prevent unjustified interference with their rights. This is because the principle of legality requires not only that persons who commit offenses be held liable, but also that persons whose guilt has not been established be protected from unjustified liability.

CONCLUSION

In conclusion, the administrative liability of officials who have committed administrative offenses constitutes one of the specific and complex institutions of administrative law. Its distinctive nature is primarily manifested in the special legal status of the subject of the offense and its connection with the official's powers and legal duties. The administrative liability of

an official should not be determined solely on the basis of the position held. Rather, it should be based on the specific offense, the existence of a legal duty, the person's guilt, and the functional relationship between the offense and the official's powers.

The fact that an administrative offense has occurred as a result of conduct within an organization is not, by itself, sufficient to establish the administrative liability of an official. It must be established that the person had a legal duty to prevent or eliminate the violation, possessed the necessary powers and real opportunity to perform that duty, contributed to the occurrence of the offense through action or omission, and was personally guilty of the violation.

It is also necessary to clearly distinguish administrative liability from disciplinary and criminal liability, individualize administrative sanctions, assess evidence comprehensively and objectively, and strengthen the preventive impact of administrative liability.

Accordingly, the principal directions for improving the administrative liability of officials may include ensuring a uniform interpretation of the concept of an official in law enforcement practice, clearly defining official powers and legal duties, specifying the grounds for liability for omission, strengthening the evidentiary significance of documents establishing special-subject status, digitalizing administrative proceedings, and developing preventive measures.

Implementation of these proposals would contribute to increasing officials' compliance with the law, strengthening legality in public administration, preventing abuse of official powers, and ensuring effective protection of the rights and legitimate interests of citizens.

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