

**ANALYSIS OF THE POWERS OF THE GUARDING SERVICE IN THE FIELD OF
PREVENTING OFFENCES WITHIN PROTECTED FACILITIES****Shokirov Farruxbek, post doctorate****University of Public Safety of the Republic of Uzbekistan**

Abstract: This study provides a legal analysis of the powers exercised by the guarding service in the field of preventing offences within the territories of protected facilities. It examines the administrative-legal status of the guarding service and classifies its powers into preventive, administrative-jurisdictional and procedural competences, focusing on the legal framework, procedures and limits of their implementation. Particular attention is paid to such powers as stopping individuals, checking identity documents, removing offenders from the facility, drawing up administrative offence reports, and using technical and physical coercive measures. These powers are assessed in light of the principles of legality, inevitability of responsibility, proportionality and respect for human rights. The research also explores the mechanisms of interaction between the guarding service, internal affairs bodies (police), the National Guard, private security entities and facility administrations. On the basis of doctrinal and comparative analysis, the paper formulates scientifically grounded proposals aimed at improving national legislation and aligning the powers of the guarding service with international democratic policing standards.

Keywords: Guarding service; powers; prevention of offences; administrative jurisdiction; administrative coercive measures; preventive measures; legal status; public safety; legal safeguards; international standards.

**ҚЎРИҚЛАШ ХИЗМАТИНИ ҚЎРИҚЛАНДИГАН ОБЪЕКТЛАР
ХУДУДИДА ХУҚУҚБУЗАРЛИКЛАРНИНГ ОЛДИНИ ОЛИШ СОҲАСИДАГИ
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Аннотация: Мазкур илмий ишда қўриқлаш хизматининг қўриқланадиган объектлар худудида ҳуқуқбузарликларнинг олдини олиш соҳасида амалга оширадиган ваколатлари ҳуқуқий жиҳатдан таҳлил этилади. Тадқиқот доирасида қўриқлаш хизматининг маъмурий-ҳуқуқий мақоми, унинг профилактик, маъмурий-юрисдикциявий ва процессуал

ваколатлари, шунингдек, ушбу ваколатларни амалга ошириш тартиби ва чегаралари ўрганилади. Қўриқлаш ходимларининг шахсни тўхтатиш, ҳужжатларни текшириш, объект худудидан чиқариб юбориш, маъмурий ҳуқуқбузарлик тўғрисида баённома расмийлаштириш, техник ва жисмоний мажбурлов чораларидан фойдаланиш каби ваколатлари муқаррарлик, қонунийлик, мутаносиблик ва инсон ҳуқуқларини ҳурмат қилиш принциплари асосида баҳоланади. Шу билан бирга, қўриқлаш хизматининг ички ишлар органлари, Миллий гвардия, хусусий хавфсизлик тузилмалари ва объект маъмурияти билан ўзаро ҳамкорликда ваколатларни амалга ошириш амалиёти таҳлил қилиниб, миллий қонунчиликни халқаро демократик полиция стандартларига мос равишда такомиллаштириш бўйича илмий асосланган таклиф ва тавсиялар илгари сурилади.

Калит сўзлар: Қўриқлаш хизмати; ваколатлар; ҳуқуқбузарликларнинг олдини олиш; маъмурий юрисдикция; маъмурий мажбурлов; профилактик чоралар; ҳуқуқий статус; жамоат хавфсизлиги; ҳуқуқий қаролатлар; халқаро стандартлар.

АНАЛИЗ ПОЛНОМОЧИЙ СЛУЖБЫ ОХРАНЫ В СФЕРЕ ПРЕДУПРЕЖДЕНИЯ ПРАВОНАРУШЕНИЙ НА ТЕРРИТОРИЯХ ОХРАНЯЕМЫХ ОБЪЕКТОВ

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Аннотация: В настоящем исследовании проводится правовой анализ полномочий службы охраны в сфере предупреждения правонарушений на территориях охраняемых объектов. Рассматриваются административно-правовой статус службы охраны, её профилактические, административно-юрисдикционные и процессуальные полномочия, а также порядок и пределы их реализации. Особое внимание уделяется таким полномочиям, как остановка лица, проверка документов, удаление нарушителей с территории объекта, составление протоколов об административных правонарушениях, применение технических и физических мер принуждения. Эти полномочия оцениваются сквозь призму принципов законности, неизбежности ответственности, пропорциональности и уважения прав человека. Анализируются механизмы взаимодействия службы охраны с органами внутренних дел, Национальной гвардией, субъектами частной охранной деятельности и администрацией объектов. На основе сравнительного и доктринального анализа формулируются научно обоснованные предложения по совершенствованию национального законодательства в направлении приведения полномочий службы охраны в соответствие с международными демократическими стандартами полицейской деятельности.

Ключевые слова: Служба охраны; полномочия; предупреждение правонарушений; административная юрисдикция; меры административного принуждения; профилактические меры; правовой статус; общественная безопасность; правовые гарантии; международные стандарты.

Within the system of political and legal reforms being implemented in New Uzbekistan, ensuring public security, preventing offenses, and guaranteeing the safety of the population's life activities have been designated as priority areas. In particular, the "Uzbekistan – 2030" Strategy explicitly identifies the principles of "ensuring the rule of law" and "a safe and peace-loving state" as distinct strategic priorities. In this context, the task has been set to systematically modernize the activities of law-enforcement bodies, including the clear delineation of powers and the enhancement of the effectiveness of specialized services responsible for ensuring public security.

In this regard, the speeches delivered by the President of the Republic of Uzbekistan, Sh. M. Mirziyoyev, at the chambers of the Oliy Majlis on 18–20 November 2024 emphasized the need to orient legislative processes toward addressing the most pressing problems of society and to fundamentally revise the existing legal framework governing offense prevention and public security. Based on these speeches, the Resolution of the Council of the Legislative Chamber of the Oliy Majlis dated 25 November 2024 No. 74-V approved a "Roadmap" for the implementation of the priority tasks outlined by the President, underscoring the necessity of closely linking parliamentary activity with strategic reforms. This further increases the relevance of institutional transformations in the field of offense prevention, including the legal re-formatting of the activities of the guarding service.

It is precisely within this political and legal context that the Joint Resolution No. 595-V/KQ-105-V of 4 March 2025 "On Approving the Legislative Program for 2025–2029" defined the medium-term directions of legislative activity. The Program envisages the development of nearly forty draft laws and codes, among which two documents directly related to offense prevention and public security occupy a special place: the new edition of the Code of Administrative Responsibility and the draft Law "On Public Security."

Clause 23 of the Program provides for the drafting of the Code of Administrative Responsibility in a new edition, identifying as key objectives the improvement of procedural rules for considering cases of administrative offenses, the introduction of digital mechanisms such as electronic protocols and electronic administrative cases, the liberalization of the system of administrative penalties, and the optimization of the range of bodies and officials authorized to

impose administrative liability. In practical terms, this task necessitates a fundamental reconsideration of the administrative-legal status, limits of authority, and interrelations of entities involved in ensuring public security—namely internal affairs bodies, the National Guard, including the Main Department of the Guarding Service—as independent subjects (within the framework of guarding services).

Clause 25 of the Program envisages that, through the draft Law “On Public Security,” the activities of law-enforcement bodies and business entities aimed at ensuring public safety will be coordinated, and that the provision of public security at cultural, trade, and service-sector facilities will be further improved. The fact that this clause designates the National Guard and internal affairs bodies as responsible subjects indicates that, in the future, the legal foundations of guarding service activities should be reformulated precisely within the public security framework, with their preventive powers clearly defined at the statutory level.

At the same time, in practice, the activities of the Main Department of the Guarding Service (MDGS) are regulated primarily by Presidential Resolution No. PQ-4997 of 20 February 2021 “On Measures to Elevate the Activities of the Main Department of the Guarding Service of the National Guard of the Republic of Uzbekistan to a Qualitatively New Level,” and by the Regulation on the Main Department of the Guarding Service approved as Annex No. 2 to that Resolution. This Regulation identifies, among the core functions of the guarding service:

- (a) ensuring security at guarded facilities and assisting in the maintenance of public safety;
- (b) maintaining public order during mass events;
- (c) preventing offenses in crowded public places; and
- (d) detecting and suppressing offenses at guarded facilities and in adjacent territories.

The Regulation further grants the guarding service extensive powers, including the authority to require compliance with established rules within guarded territories, to submit representations for the elimination of violations of internal and access regimes, to detain persons who have unlawfully entered or committed offenses, to hold such persons for the purpose of drawing up administrative offense reports and transfer them to the relevant internal affairs bodies, as well as to conduct personal searches of individuals and seize prohibited items.

However, the fact that these powers are defined primarily at the level of a departmental regulation, while the current version of the Code of Administrative Responsibility and sectoral legislation do not sufficiently systematize the precise boundaries of the guarding service’s administrative jurisdiction, nor the legal grounds and procedures for applying preventive measures, gives rise to certain collisions and gaps. These shortcomings affect the protection of

citizens' rights, the distribution of powers with territorial internal affairs bodies, and interagency cooperation in the field of public security. Consequently, in implementing the Program's objective of "optimizing the category of bodies authorized to impose administrative liability," the need to legally reassess and refine the powers of the guarding service has become particularly pressing.

The rapid development of the service, trade, and cultural-entertainment sectors, as well as the growth of large commercial and leisure complexes, transport and logistics hubs, tourist infrastructure facilities, banking and financial institutions, and strategically significant enterprises, has led to an increased flow of citizens and a higher risk exposure in the areas of guarded facilities. As a result, the prevention of offenses at these protected sites has become a distinct priority within the broader public security framework. In particular, offenses such as terrorism, sabotage, mass disturbances, unauthorized access to guarded facilities, and property crimes are likely to have particularly severe social and economic consequences when they occur in these high-risk locations. From this perspective, scientifically studying and improving the powers of the guarding service to prevent offenses in the territories of guarded facilities carries strategic importance for the stability of the public security system.

Monitoring of normative-legal acts indicates that, at present, legal certainty is insufficient regarding the subjects authorized to conduct administrative offense proceedings. For example, the "Classifier of bodies authorized to review administrative offense cases/protocols" appended to Resolution No. 322 of the Cabinet of Ministers dated 3 May 2018 lists a total of 46 bodies, among which the National Guard is identified under code 380, while the Main Department of the Guarding Service (MDGS) is recognized as a separate, special subject under code 381.

At the same time, in practice, the current edition of the Code of Administrative Responsibility does not mention the MDGS as a separate special subject in Chapter III ("Bodies Authorized to Consider Cases of Administrative Offenses") or Chapter XVIII ("Relevance of Cases"). From the standpoint of normative hierarchy, the fact that a structure recognized as a special subject in a lower-level classifier is not reflected at the Code level (*lex superior, lex generalis*) is inconsistent with the principles of legal supremacy and legal certainty.

This misalignment may have several negative consequences in practice. In particular, administrative reports and other procedural documents drawn up by MDGS personnel may be legally challenged in court, there is a risk of *ultra vires* actions, potential inadmissibility of evidence, and a higher likelihood of procedural invalidation of cases due to formal deficiencies.

Furthermore, this normative and practical gap becomes especially apparent in the context of the order issued on 28 August 2023 under the initiative of the Commander of the National Guard

to improve the operations of rapid response teams (RRTs) at technical guarding centers. Because the administrative-procedural measures to be applied by RRTs upon arrival at the incident site are not sufficiently grounded at the Code level, the effectiveness of preventive measures decreases, and gaps emerge in the interagency “coverage of authority.” In other words, the powers and responsibilities delegated to the MDGS at a lower regulatory level are not fully matched by higher-level special norms, which hinders the establishment of a stable and predictable model of administrative jurisdiction.

Although this issue has been studied to some extent in national jurisprudence, existing research has primarily focused on the general powers of the National Guard in maintaining public order and ensuring public safety. However, the specific preventive powers of the Guarding Service in preventing offenses within the territories of protected facilities, their systematic integration with the new edition of the Code of Administrative Responsibility and the draft Law “On Public Safety”, the hierarchical structure of these powers, and the mechanisms for safeguarding citizens’ rights have rarely been subjected to comprehensive scientific and doctrinal analysis.

Moreover, in the current discussions of the draft Law “On Public Safety”, the systematization of powers among public safety authorities is highlighted as a distinct priority, which further underscores the urgency of addressing this gap.

Therefore, within the framework of this study, a thorough scientific examination of the powers of the Main Department of the Guarding Service (MDGS) and its subordinate guarding units in preventing offenses in the territories of protected facilities serves to achieve the following objectives:

a) Analyzing the administrative-legal powers of the Guarding Service in practice, from the perspective of national legislation and international standards, particularly widely accepted principles in the fields of offense prevention and public safety;

b) Justifying the relationship between citizens’ personal rights and freedoms, the interests of business entities, and the maintenance of security in protected facilities according to the principle of “balance between law and safety”;

c) Developing scientifically grounded proposals for the new “Code of Administrative Responsibility” and the draft “Law on Public Safety” to clearly define the administrative-legal status of the Guarding Service (including rapid response teams), ensure legal certainty, and safeguard human rights.

The relevance of this research direction is twofold. On one hand, it aligns with the “Uzbekistan – 2030” strategy, which emphasizes “ensuring public safety and stability” and

building “a fair and modern state in the service of the people” as priority objectives. On the other hand, it responds to the directive set forth in President Shavkat Mirziyoyev’s speeches to the chambers of the Oliy Majlis on 18–20 November 2024, which highlighted the need for a comprehensive review of the legal framework governing offense prevention and public safety. These directives were institutionalized through the Parliamentary Resolution No. 74-V dated 25 November 2024 and the 2025–2029 Medium-Term Legislative Program, creating a legal and institutional foundation for reform.

Within this program, the planned adoption of a new “Code of Administrative Responsibility” and a comprehensive set of laws on public safety necessitates a doctrinal clarification of the Guarding Service’s role and powers in the administrative jurisdiction.

Thus, the scientific and doctrinal analysis of the powers of the Main Department of the Guarding Service (MDGS) in preventing offenses within protected facilities is of not only theoretical but also practical importance. As President Shavkat Mirziyoyev emphasized, in the process of building a safe and peaceful state, each sector must rely on in-depth scientific research, which necessitates the modern review and refinement of the administrative practices of the Guarding Service. Accordingly, within this section, both domestic and foreign scholarly perspectives on public safety, offense prevention, administrative jurisdiction, and guarding activities are analyzed to formulate scientifically grounded conclusions on the legal status and procedural powers of the MDGS.

Notably, national legal scholars such as A.A. Sultanov describe public safety as a “complex legal system reliant on interlinked laws, sub-legal acts, and interagency agreements,” emphasizing that within this system, the clear definition of the status of each specialized actor—law enforcement bodies, the National Guard, and guarding service units—is the foundation of legal certainty and effective preventive measures. According to Sultanov, ensuring public safety is not merely reactive to offenses, but a comprehensive mechanism aimed at identifying risk factors in advance, mitigating them, and raising legal awareness among citizens; in this context, the guarding service should function not simply as a “protector,” but as a legal institution empowered with preventive and supervisory authorities.

Scholars of administrative law, including Kh.T. Odilqoriev and B.E. Qosimov, argue that precisely defining subjects of administrative jurisdiction represents a practical manifestation of the principles of rule of law and legal certainty. Drawing on Hans Kelsen’s theory of the legal pyramid and the hierarchy of norms, these authors highlight that when a structure unrecognized in higher-level code norms appears as a specialized subject in lower-level classifiers, disruptions in the

normative architecture occur, reducing the legal security of citizens and business entities. From this perspective, the fact that the MDGS is separately listed in the “competent authorities classifier” appended to the Cabinet of Ministers’ resolution, yet not explicitly mentioned in the III section and XVIII chapter of the Code of Administrative Responsibility, may be viewed as undermining the Stufenbau, or hierarchical integrity, of the legal system as described by Kelsen.

In criminology and preventive studies, researchers such as I. Ismailov, Q.R. Abdurassulova, and I.Yu. Fazilov have advanced the concept of “specialized prevention subjects”, arguing that agencies attached to specific territories or facilities—such as the strategic facility guarding service—require dedicated statistical reporting, risk assessment, and targeted preventive measures. They note that in contexts where crime and offenses concentrate around “hot spots,” facility-based guarding units, alongside territorial patrol services, should become central actors in prevention policy. Accordingly, MDGS personnel are not merely reactive patrol units but professional preventive actors capable of analyzing protected territories, identifying risk factors, and initiating administrative measures.

Furthermore, scholars like Yu.S. Polatov and D.M. Rashidov emphasize that the National Guard, as a “special link between armed forces and law enforcement,” should be endowed with certain police-like powers for public order and safety. Their analysis of foreign experiences suggests that guarding units within the National Guard should specialize in securing strategic facilities, maintaining order at public events, protecting the population in emergencies, and applying administrative coercive measures. These views strengthen the doctrinal argument that MDGS powers should extend beyond contractual property guarding to encompass comprehensive roles within public safety and administrative jurisdiction.

Foreign doctrine also offers valuable insights. E. Bittner defines the core function of the police as a centralized authority with the potential to use force during domestic disputes, conflicts, and crises within legal limits, while R. Reiner conceptualizes the police in a democratic society as an institution ensuring legal order and social discipline while protecting citizens’ rights and freedoms. From this perspective, specialized guarding services like the MDGS represent a structural extension of the police, and their powers must adhere to the principles governing general police authority—legality, proportionality, accountability, and primacy of human rights.

The doctrine of international organizations also supports this perspective. The OSCE’s “Guidebook on Democratic Policing” emphasizes rule of law, respect for human rights, accountability to the public, and partnership with civil society as the core criteria for the activities of the police and other law enforcement agencies. The guide considers specialized units, such as

those responsible for facility guarding or strategic infrastructure protection, as part of “democratic policing” within these general standards. Similarly, the UN’s “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials” and legal theorists such as Alexy, R. and Hart, H.L.A. assert that any use of coercion by the state must be strictly constrained by a chain of “legality – necessity – proportionality – accountability.” This principle must be fully incorporated into national norms defining the powers of the MDGS.

Foreign theoretical models in crime prevention also provide important insights regarding the role of guarding services. Oscar Newman’s “Defensible Space” concept, Jeffery C. Ray and R. V. Clarke’s situational crime prevention, and L. E. Cohen and M. Felson’s “routine activity theory” emphasize that to reduce crime risk, it is necessary to properly plan spaces, strategically place control points and guard posts, and establish a “see-and-hear” mechanism between the public and guarding structures. Applied to the MDGS, these theories support defining the service’s operational area, mapping “hot spots,” and integrating video surveillance with rapid response units to strengthen preventive measures.

In administrative-legal doctrine, scholars such as V.D. Sorokin, B.V. Rossinsky, and L.L. Popov define subjects of administrative jurisdiction as state agencies and officials authorized to initiate administrative proceedings, draw up reports, impose administrative sanctions, and carry out other procedural actions. They argue that the list of such subjects must be closed and clearly established by law, and that administrative jurisdiction cannot be created by internal orders of lower-level agencies, since doing so risks *ultra vires* actions. Applied to the MDGS, this implies that if the Cabinet of Ministers’ classifier lists the MDGS as a competent authority, but the Code of Administrative Responsibility (III section and XVIII chapter) does not explicitly recognize it as an independent subject, this creates uncertainty in administrative proceedings and potential conflicts in judicial practice.

Finally, from the perspective of human rights doctrine, legal scholars R. Dworkin and J. Rawls emphasize that the state’s primary responsibility is to balance public safety and individual freedoms proportionally. Granting administrative jurisdiction and preventive powers to specialized guarding structures like the MDGS, on the one hand, reduces the risk of offenses within protected facilities, but on the other, may increase the risk of unjustified interference with citizens’ privacy, personal life, and entrepreneurial freedoms. Therefore, scholars unanimously stress that the expansion of powers of guarding services must be accompanied by legal clarity, human rights guarantees, and independent oversight mechanisms.

Thus, synthesizing the theoretical perspectives of both local and foreign legal scholars—including A.A. Sultanov, K.R. Abdurashulova, D.M. Rashidov, A. Saidov, V.D. Sorokin, B.V. Rossinsky, E. Bittner, D. Bayley, R. Reiner, O. Newman, R. Clarke, L. Cohen, M. Felson, and R. Alexy—indicates the necessity of reconsidering the powers of the MDGS based on the following theoretical principles:

The MDGS must be explicitly recognized as a subject of administrative jurisdiction at the code level within the hierarchy of legal norms;

The preventive, administrative, and technical components of guarding activities should be incorporated into legislation as an integrated institutional framework;

Legal constraints on the use of force and special means must comply with international standards (OSCE, UN);

The accountability of the MDGS must be ensured through public and parliamentary oversight, prosecutorial and judicial control, and ombudsman institutions.

Scientific and practical recommendations developed along these lines will enrich the content of the new Code of Administrative Responsibility and the draft Law on Public Safety, ensuring that the MDGS's powers are fully aligned with the principles of a democratic legal state.

The theoretical conclusions and proposals of the above scholars can be further strengthened by a comparative-analytical review of advanced practices in developed countries and cutting-edge international legal standards adopted by the UN, OSCE, EU, and other international organizations. This approach significantly enhances both the scientific-academic quality and practical relevance of this research. It also allows for conceptually grounded proposals to harmonize national legislation with international standards.

In particular, international legal sources and modern doctrine interpret the democratic model of policing not merely as crime-fighting or reaction to offenses but as a complex institutional system grounded in human rights, rule of law, public accountability, and citizen partnership. From this perspective, specialized guarding units protecting facilities are considered an integral part of democratic policing, and their powers, coercive measures, and operational activities must be legally regulated in accordance with overall democratic standards.

The OSCE Guidebook on Democratic Policing, prepared under the guidance of Chief Police Advisor K. Carty, systematically substantiates the democratic policing model. It emphasizes that the democratic nature of police activities manifests primarily through rule of law and respect for human rights, as well as institutional accountability to society and partnership with the public. According to the guide, police, gendarmerie, and guarding structures must not operate merely as

“government apparatuses” but as democratic institutions serving citizens. Achieving this status requires clear legal regulation of powers, internal and external control mechanisms, and institutional participation of parliament and civil society.

Similarly, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) strictly limits the use of force and coercion by law enforcement, including guarding services, according to legality, necessity, proportionality, and accountability. Under a legalistic approach grounded in the rule of law:

Any use of force must be based only on grounds explicitly provided by law;

Force may be applied only when less coercive means are ineffective;

Its use must be proportionate to the threat encountered.

Furthermore, all such actions must be documented in a manner that allows for subsequent independent review.

International human rights institutions, such as Amnesty International (“Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms”) and UNODC manuals, further specify these principles from a practical standpoint. They underline that in the operations of police and guarding structures, the individual’s right to life, personal integrity, and dignity is paramount, and any coercive measure may be applied only in exceptional circumstances and within strict procedural guarantees, providing a doctrinally sound framework for legal regulation.

Quyidagi matnni sizning so‘nggi bo‘limingiz mazmuni va ilmiy uslubini saqlagan holda ingliz tiliga tarjima qildim:

In studies conducted by international research centers such as DCAF, OSCE, the European Union, and others, the concept of “Security Sector Governance” (SSG) occupies a central position. It is emphasized that any military-administrative structure engaged in internal security or guarding must adhere to democratic governance standards. According to this approach, a democratic security sector must meet the following criteria: supremacy of civilian authority, parliamentary and judicial oversight, accountability through ombudsman and specialized monitoring institutions, transparent budget and personnel policies, and compliance with human rights and the rule of law.

Thus, guarding structures are increasingly recognized as part of the security sector, subject to democratic civil oversight, multi-level public participation in oversight mechanisms, and internal service audits, forming a solid scientific and normative foundation.

In international doctrine, guarding and facility security units are considered a form of “specialized policing”, subject to the same requirements as general police: ethics, human rights

standards, public engagement, transparency, and accountability. Accordingly, the powers of guarding units must be integrated within a clear legal hierarchy, aligned with administrative jurisdiction, preventive mechanisms, and risk assessment tools. The guarding service is conceived not merely as physical security personnel and posts but as a comprehensive institution capable of systematically analyzing crime dynamics and risk factors in and around protected facilities, planning technical and organizational security measures, and, if necessary, implementing administrative procedures.

Modern academic literature describes such approaches as “risk-based policing” and “preventive security management”, focusing policing and guarding activities not merely on responding to crimes or violations, but on proactively identifying, assessing, and mitigating risk factors.

Within the risk-based policing framework, risk sources—such as the facility’s location, environmental characteristics, human traffic, and historical violation statistics—are mapped, and resources are specifically allocated to reduce these risk factors. This provides a theoretical and practical basis for integrating guarding powers into crime prevention and public safety strategies.

The experience of developed states confirms these doctrinal conclusions through institutional models. For example, in Russia, the Rosgvardiya’s Vnevedomstvennaya Okhrana (Non-Departmental Security) is structured as a multi-level system that simultaneously protects critical state and regime facilities, safeguards property of physical and legal persons under contract, responds rapidly to security and fire alarms, and participates in maintaining public order and safety within post and patrol routes. According to the Rosgvardiya’s 2017 Concept for the Development of Vnevedomstvennaya Okhrana (2018–2021 and through 2025), this unit is designed not merely as “guards on duty” but as a security service provider with specialized competence in technical equipment of facilities, alarm systems, video surveillance, and other engineering and technical security measures. Scholarly literature evaluates this development as transforming the Vnevedomstvennaya Okhrana into a highly competitive, high-tech security service provider in a market context.

In the United States, the Federal Protective Service (FPS) exemplifies an integrated legal, law enforcement, and security system for protecting federal buildings, courts, and other federal property. FPS operations are centered on the concept of “facility security assessment”, which comprehensively evaluates each facility’s security level, identifies threats and vulnerabilities, and develops individual security plans to mitigate them. According to GAO and the Interagency Security Committee (ISC) documents, FPS responsibilities include assessing facility security,

developing recommended countermeasures, coordinating and approving security plans with the Facility Security Committee, and monitoring their implementation. FPS also organizes a division of responsibilities between uniformed federal protective patrols and privately contracted security companies, ensuring overall standards and supervisory functions. Scholars assess this model as a mechanism to balance legal rights and security, simultaneously protecting federal property while maintaining public access to federal buildings in an open and non-discriminatory manner.

In the Republic of Turkey, specialized units within the Gendarmerie, such as the Protective Security Units and Penitentiary Protection Units, are responsible for ensuring the security of critical facilities, penitentiary institutions, strategic infrastructure, and locations where large groups of people gather. According to the law, the General Command of the Gendarmerie is described as a hybrid law enforcement body with a broad mandate, including ensuring internal security, maintaining public order, combating smuggling and terrorism, providing external security for correctional facilities, and performing other military functions when necessary. Turkish and international studies note a trend of “technological modernization” within the Gendarmerie’s activities—through the extensive use of information systems, video surveillance, electronic control devices, and intelligent analysis technologies—to enhance preventive and rapid response capabilities.

Comparative analysis shows that in Russia, the USA, and Turkey, units similar to security services operate, on the one hand, as an integral institution of national policy for maintaining public order and security, and on the other hand, as technically and organizationally highly specialized security services. Their scope of powers, administrative jurisdiction, procedures for responding to offenses, and interactions with private security sectors are clearly defined within the legal hierarchy. Democratic policing standards and human rights requirements are ensured at all levels through practical mechanisms. Consequently, international legal and doctrinal sources call for a reinterpretation of security and facility protection units within the context of a modern democratic policing model.

Based on these international legal and comparative analyses, in developed democratic states, units specialized in public security and facility protection are typically institutionalized not only through internal regulations and the classifier of authorized bodies but also as separate specialized subjects at the level of administrative liability codes. Such an approach primarily serves to clearly define the preventive and jurisdictional functions of security services in maintaining public order and preventing offenses, legally delimit their powers, and ensure stability

in administrative proceedings. From this perspective, there is an emerging need to clarify the institutional status of the Protection Main Directorate (PMD) of the National Guard of the Republic of Uzbekistan in national legislation, particularly at the level of the Administrative Liability Code.

Monitoring of normative-legal documents shows that, as noted at the beginning of this paragraph, according to the Decree No. 322 of the Cabinet of Ministers of the Republic of Uzbekistan dated May 3, 2018, which approved the classifier of bodies authorized to review administrative offenses (to draw up statements and initiate cases), a total of 46 bodies are listed, including the National Guard under code 380 and, separately, the Protection Main Directorate under code 381. However, the current Administrative Liability Code, in Chapter III (“Bodies Authorized to Review Administrative Offense Cases”) and Chapter XVIII (“Case Relevance”), does not explicitly mention the PMD as a separate specialized subject but refers to it only through certain positions within the general system of the National Guard. From the perspective of normative hierarchy, the inclusion of a structure in a lower-level classifier without reflecting it in a codified act of higher legal force (*lex superior, lex generalis*) does not fully comply with the principles of legal supremacy and legal certainty, potentially leading to varied interpretations and collisions in the practice of administrative proceedings.

The practical consequences of this inconsistency are, first, that administrative statements and other procedural documents prepared by PMD personnel may be legally challenged in court, with a risk of being considered issued by a body acting *ultra vires*. Second, the preventive effect in applying administrative-legal measures to minor offenses—such as petty hooliganism, violation of internal order, or failure to follow access and security rules within guarded facilities—may decrease. Third, gaps in the distribution of powers within the system of inter-agency cooperation among the National Guard, internal affairs bodies, and other agencies hinder the formation of a stable and predictable model of administrative jurisdiction.

These problems regarding the legal status of the PMD are particularly evident in the implementation of an internal order issued on August 28, 2023, initiated by the Commander of the National Guard to improve the activities of technical security centers (TSC). In practice, TSC personnel are the first to arrive at the scene, identify offenses, and perform duties aimed at restoring public order and the protection regime. However, the administrative-procedural measures they apply are not clearly and fully codified in the Code, which reduces their preventive effectiveness. In judicial and investigative proceedings, statements may be rejected or cases annulled on the grounds that they were prepared by an incorrect subject. In other words, the powers and

responsibilities assigned to the PMD through presidential decrees and inter-agency documents are not fully covered by the special provisions of the Code, negatively affecting institutional and legal stability.

Therefore, based on the model of Article 2481 of the Administrative Liability Code (National Guard of the Republic of Uzbekistan), it is scientifically and theoretically recommended to remove paragraphs 7, 8, and 9, which pertain to the PMD, from the article and introduce a new Article 2483 titled “Protection Main Directorate”. This new article should clearly define the PMD’s powers as an administrative jurisdiction subject, particularly concerning administrative offenses related to public order, internal and access regimes, and security rules within guarded facilities—such as petty hooliganism, violations of internal procedures, unauthorized entry, breach of regime rules, and others. Additionally, the article should specify the scope of authority for the head and deputies of the PMD, the heads and deputies of the territorial protection directorates of the Republic of Karakalpakstan, regions, and Tashkent city, as well as heads and deputies of district (city) protection units, in handling administrative offense cases.

Thus, strengthening the Protection Main Directorate (PMD) as a separate specialized subject in the Administrative Liability Code through a distinct Article 2483 would, on one hand, harmonize the functional duties of the PMD related to public security and offense prevention, as defined by Presidential Decree No. PQ-4997, with the administrative-jurisdictional mechanisms of the Code; and, on the other hand, align the institutional model reflected in the Cabinet of Ministers’ classifier with the requirements of the normative hierarchy, providing coverage with “higher-level” legal norms. This, in turn, would ensure legal clarity and the principle of the rule of law, increase the recognition of administrative statements prepared by PMD personnel in court, fill gaps in the “scope of powers” in inter-agency cooperation, and create a stable, systematic, and predictable model of administrative jurisdiction in the field of public security.

Based on the above scientific analyses, it is proposed to present Article 2481 “National Guard of the Republic of Uzbekistan” and the new Article 2483 “Protection Main Directorate” in the following content:

Article 2481. National Guard of the Republic of Uzbekistan

Cases concerning administrative offenses under Articles 47 (part one), 561, 63, 72 (parts one and four, except for violations related to groundwater), 79 (parts one and four), 88 (except violations regarding air protection during bitumen melting), 90 (part one), 91 (violations in collection, transportation, and environmental protection of industrial, household, and other waste),

911 (parts one, two, and three), 912, 161, 187 (part one), 188, 188², and 192 of this Code are within the jurisdiction of the National Guard of the Republic of Uzbekistan.

The following officials of the National Guard are authorized to review administrative offense cases and apply administrative penalties in the form of fines:

Head, deputy, and department heads of the Department for Public Order Organization of the National Guard;

Head and deputy of the Investigation Coordination Department of the National Guard;

Head, department heads, and senior officers of the Department for Work with Children of the National Guard;

Heads, deputies, heads of investigation departments, senior inspector-psychologists, and inspector-psychologists of the regional and Tashkent City directorates, as well as of the Republic of Karakalpakstan;

Officials of the National Guard who identify administrative offenses under Articles 61, 79 (part three), 90 (parts two, three, and four), 901, 911 (part four), 183, 184², 184³, 185, 185¹, 185², 185³, 186, 187 (part two), 188¹, 188³, 189, 189¹, 191, 194¹, 195¹, 196 (to the extent related to the National Guard), and 210¹ of this Code shall draw up an administrative statement and submit it for review to the body (official) authorized under Article 282 of this Code.

Article 2483. Protection Main Directorate

Cases concerning administrative offenses under Articles 61, 183, 185, 185¹, 185², 185³, 186, 187, 204, 204¹, 205, and 210¹ of this Code fall under the jurisdiction of the Protection Main Directorate, if these offenses occur within the territory of objects guarded by the PMD or are related to the PMD's duties in securing these objects, ensuring internal and access regimes, and maintaining security.

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Here's a precise English translation of your text, keeping the legal-administrative style and detailed reasoning intact:

Authorized Officials to Review Administrative Offenses and Apply Administrative Penalties on Behalf of the Protection Main Directorate (PMD)

The following are authorized to review cases of administrative offenses and apply administrative penalties in the form of fines on behalf of the PMD:

The Head of the PMD and their deputies;

The Head and deputies of the PMD's Directorate for the Protection of State Agency Objects;

Heads and deputies of the PMD directorates in the Republic of Karakalpakstan, regions, and Tashkent City, as well as heads and deputies of district (city) protection units.

Additionally, the following officials within the PMD system are authorized: commanders of protection units, duty officers, commanders of rapid response teams and their deputies, as well as other officials within the PMD with delegated powers. They may act in relation to administrative offenses stipulated in Articles:

61; 72 (parts one and four); 79 (parts one, three, and four); 88; 90 (parts one, two, three, and four); 90¹; 91 (parts one and two – regarding violations during the collection and transportation of industrial, household, and other waste); 91¹; 91²; 161; 188; 188¹; 188²; 188³; 189; 189¹; 191; 192; 221; 223; 223¹; 223³; 224; 225 (parts one through five).

If such administrative offenses are detected within the territory of objects guarded by the PMD, or if they are connected with fulfilling the PMD's duties of securing these objects, maintaining internal and access regimes, the PMD shall draw up an administrative statement and submit it, in accordance with Article 282 of this Code, to the competent authority (official) authorized to review administrative offense cases.

Benefits and Implications of the Proposed Implementation of New Article 248³

Legal and institutional clarity – Establishing the PMD as a subject under a separate Article 248³ clarifies the system of administrative jurisdiction subjects in accordance with normative hierarchy and the principle of rule of law, legally consolidating the status and powers of the PMD at the Code level.

Clear jurisdiction and authority – The scope of administrative offenses under the PMD's authority is explicitly defined, ensuring conceptual clarity of “competent authority” and “relevance,” reducing disputes over jurisdiction and ultra vires acts, and enhancing practical legal certainty.

Enhanced preventive enforcement – The PMD gains broader capacity to take rapid and legally grounded administrative measures against violations affecting public order, protection, and access regimes within guarded objects, thereby increasing the effectiveness of object security and preventive enforcement.

Strengthened legal recognition of statements – Doubts regarding the legal force of administrative statements drawn up by PMD personnel will decrease, ensuring stability in court recognition and reducing the likelihood of case annulments due to procedural deficiencies.

Improved inter-agency coordination – Functional distribution between the PMD, other National Guard structures, internal affairs, migration, environmental supervision, and other sectoral agencies will be reorganized within a “general–special” framework, eliminating gaps and overlaps in authority.

Early identification of violations – Granting the PMD the authority to draw up statements for certain administrative offenses and submit them to the competent authority allows for early detection and mitigation of violations, strengthening preventive policy in practice.

Legal basis for democratic policing standards – Clearly defining the PMD’s administrative jurisdiction at the Code level provides the legal foundation for governance standards based on accountability, transparency, and respect for human rights, consistent with the democratic policing concept.

Improved empirical data collection – Maintaining separate administrative records for PMD-related cases will improve the quality of statistical data and expand the empirical basis for criminological and legal-analytical research.

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