

**PROSPECTS FOR IMPROVING THE ACTIVITIES OF THE GUARD SERVICE
FOR THE PREVENTION OF VIOLATIONS ON THE TERRITORY OF PROTECTED
FACILITIES**

Shokirov Farruxbek, post doctorate

University of Public Safety of the Republic of Uzbekistan

Abstract: This thesis analyzes the legal framework regulating the preventive activities of guarding services at guarded facilities in the Republic of Uzbekistan. It examines the provisions of national legislation, including the Law “On Guarding Activity” and the Code of Administrative Liability, with a particular focus on how clearly and consistently the preventive powers, rights and duties of guarding service officers are defined. The research identifies existing gaps and inconsistencies in the regulation of crime prevention and early detection of threats to public security within the territories of guarded facilities. Based on a comparative study of foreign best practices, the thesis develops scientifically grounded recommendations aimed at improving the legal mechanisms of preventive activity of guarding services, aligning them with democratic policing standards and strengthening public participation and oversight.

Keywords: guarding service, guarded facilities, prevention of offences, legal framework, administrative liability, preventive mechanisms, democratic policing, public security.

**ҚЎРИҚЛАНАДИГАН ОБЪЕКТЛАР ҲУДУДИДА ҚЎРИҚЛАШ
ХИЗМАТИНИНГ ҲУҚУҚБУЗАРЛИКЛАРНИНГ ОЛДИНИ ОЛИШ
ФАОЛИЯТИНИНГ ТАКОМИЛЛАШТИРИШ ИСТИҚБОЛЛАРИ**

Shokirov Farruxbek Odiljon o‘g‘li,

mustaqil izlanuvchi

O‘zbekiston Respublikasi Jamoat xavfsizligi universiteti

Аннотация: Ушбу тезисда қўриқлаш хизматининг қўриқланадиган объектлар ҳудудида ҳуқуқбузарликларнинг олдини олиш борасида амалга ошираётган фаолиятининг ҳуқуқий асослари комплекс тарзда таҳлил этилади. Амалдаги миллий қонунчилик, жумладан “Қўриқлаш фаолияти тўғрисида”ги Қонун, Маъмурий жавобгарлик тўғрисидаги кодекс нормалари ҳамда уларда қўриқлаш хизмати субъектларининг профилактикага оид ваколатлари, ҳуқуқ ва мажбуриятлари қай даражада аниқ ва тизимли равишда ҳуқуқий жиҳатдан мустақамлангани ўрганилади. Тадқиқот доирасида қўриқланадиган объектлар ҳудудида содир этиладиган ҳуқуқбузарликларни олдини олиш, уларни барвақт аниқлаш ва

нейтраллаштириш механизмларини ҳуқуқий жиҳатдан такомиллаштириш бўйича илмий асосланган таклиф ва тавсиялар илгари сурилади. Шунингдек, ривожланган давлатлар тажрибасини ҳисобга олган ҳолда, қўриқлаш хизматининг профилактика фаолиятини “демократик полиция” стандартлари, жамоатчилик иштирокини кучайтириш ва ҳуқуқий кафолатлар билан уйғунлаштириш зарурлиги асослаб берилди.

Калит сўзлар: қўриқлаш хизмати, қўриқланадиган объектлар, ҳуқуқбузарликларнинг олдини олиш, ҳуқуқий асослар, маъмурий жавобгарлик, профилактика механизми, демократик полиция, жамоат хавфсизлиги.

**ПЕРСПЕКТИВЫ СОВЕРШЕНСТВОВАНИЯ ДЕЯТЕЛЬНОСТИ СЛУЖБЫ
ОХРАНЫ ПО ПРЕДУПРЕЖДЕНИЮ ПРАВОНАРУШЕНИЙ НА ТЕРРИТОРИИ
ОХРАНЯЕМЫХ ОБЪЕКТОВ**

Шокиров Фаррухбек Одилжон угли,

самостоятельный соискатель

Университет общественной безопасности

Республики Узбекистан

Аннотация: В тезисе проводится комплексный анализ правовых основ деятельности службы охраны по профилактике правонарушений на территориях охраняемых объектов. Исследуются нормы национального законодательства Республики Узбекистан, в том числе Закона «О охранной деятельности», Кодекса об административной ответственности, а также степень нормативного закрепления профилактических полномочий, прав и обязанностей субъектов охранной службы. Особое внимание уделяется выявлению пробелов и коллизий в правовом регулировании предупреждения правонарушений на охраняемых объектах, вопросам раннего выявления и нейтрализации угроз общественной безопасности. На основе сравнительно-правового анализа с опытом развитых государств вырабатываются научно обоснованные предложения по совершенствованию правовых механизмов профилактической деятельности службы охраны, с учётом стандартов демократической полиции и усиления участия институтов гражданского общества.

Ключевые слова : служба охраны, охраняемые объекты, профилактика правонарушений, правовые основы, административная ответственность, механизмы предупреждения, демократическая полиция, общественная безопасность.

In the context of the deep reforms being implemented in today's New Uzbekistan, ensuring public security and preventing offenses has become one of the top priority areas of state policy. The priority goals set forth in Presidential Decree No. PF-158 on the "Uzbekistan – 2030" Strategy, along with the Law "On the Prevention of Offenses" and the Presidential Decree "On Approving the Concept of Public Security of the Republic of Uzbekistan and Measures for Its Implementation," have designated **the early prevention of offenses in every mahalla** as a central direction for all responsible institutions in 2025. This, in turn, requires the establishment of a clear chain of accountability at the mahalla–district–regional levels, the adoption of quarterly targeted action plans for mahallas where crimes have occurred, and the systematic implementation of measures such as conducting scientific and practical studies in areas with a severe criminogenic situation in order to eliminate the underlying causes and contributing factors.

In this regard, the guarding (security) service—serving as the "first line" of security at state, critically important, and other categorized facilities, large markets, transport hubs, and social infrastructure sites—plays a decisive role in early prevention, risk identification, the legal regulation of access and exit, monitoring, and the exchange of information. The relevance of this topic lies in the fact that, by analyzing the legal foundations of preventive activities within the territories of guarded facilities, it becomes possible to clearly define the scope of authority and responsibility of the guarding service; to legally institutionalize mechanisms that are effectively integrated with early prevention at the mahalla level (including targeted planning, accountability, and indicators); to ensure the practical implementation of guarantees of human rights, proportionality, and legality; to standardize interagency cooperation and digital information exchange; and to provide a legal framework for risk-based management aimed at the early identification of threats prior to the commission of crimes. As a result, the preventive mandate of the guarding service is aligned with the logic of nationwide reforms, strengthening the legal and institutional framework aimed at stabilizing the criminogenic situation at the local level, enhancing order and control at facilities, and increasing the population's sense of security.

In this context, a pertinent question arises: **at present, how many types of normative legal acts regulating the activities of the Main Department of the Guarding Service are in force within the National Database of Legislation of New Uzbekistan, and what percentage of them legally regulate tasks related specifically to offenses detected during the maintenance of public order?**

The conducted scientific research and systematic analysis of the existing regulatory framework demonstrate that, at present, the national legislative system contains a total of **45**

normative legal acts directly related to the regulation of the activities of the **Main Department of the Guarding Service (MDGS)**. Based on criteria such as their content, legal force, and scope of application, these acts may be conditionally classified into the following five categories:

The **first category** includes basic laws as well as presidential decrees or resolutions; the **second category** comprises resolutions of the Cabinet of Ministers; the **third category** consists of interagency and departmental regulations, instructions, and standards;

the **fourth category** covers auxiliary procedures related to databases, personnel training, and authorization and licensing;

the **fifth category** includes general codes establishing administrative liability and procedural rules.

In turn, these normative legal acts regulate measures of influence in respect of offenses detected during the maintenance of public order, legal supervision and control, case management, and decision-making powers, primarily through the instruments of the **first, second, and third categories**, which directly define such authorities and responsibilities. For example, the Law “On the National Guard” enshrines, at the level of constitutional and statutory norms, the MDGS’s functions related to participation in ensuring public security, maintaining order and discipline, and conducting administrative proceedings. Likewise, the Law “On Guarding Activity” defines the powers of state bodies and the MDGS, establishes the procedure for approving the list of guarded objects, and determines responsibilities within the framework of the contractual guarding model.

Presidential resolutions, in particular 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,” specifically define the organizational and legal architecture of the MDGS, its structural units, and their preventive mandate. Furthermore, Resolution No. PQ-1 of 3 January 2025, “On Measures to Create a Safe Environment in the Republic’s Mahallas in 2025 and to Further Increase the Effectiveness of the Early Prevention of Offenses,” as well as Resolution No. PQ-253 of 18 August 2025, “On Introducing Amendments and Additions to Certain Decisions of the President of the Republic of Uzbekistan Aimed at Further Enhancing the Effectiveness of the Early Crime Prevention System in Mahallas,” establish a system of early prevention and targeted measures aligned with offense profiles at the mahalla level and introduce direct points of implementation into the programmatic and operational functions of the MDGS.

Documents of the **second category**, represented by resolutions of the Cabinet of Ministers, serve as the “backbone” of the regulatory framework. By their content, these acts incorporate the

classifier of authorized bodies empowered to examine cases of administrative offenses and to carry out related procedural actions, including the drafting of administrative offense reports and the initiation of proceedings. In addition, they establish model regulations and cooperation procedures for departmental and militarized guarding units, as well as notification and communication algorithms.

As for the **fifth category**, the Code of Administrative Responsibility defines the general rules of administrative proceedings, jurisdiction, and procedural guarantees. Amendments introduced in recent years are of particular significance in that they have expanded the authority of National Guard bodies to consider cases under specific articles and to exercise documentation powers.

Against this background, documents of the **third and fourth categories** ensure institutional capacity. Through departmental regulations, mechanisms of territorial and sectoral adaptation, personnel training, digitalized accounting, and authorization and permitting procedures are implemented.

Thus, the systematic analysis of the 45 normative legal acts confirms the existence of an integrated and hierarchically consistent chain for the MDGS—“law → political decision → normative detailing → departmental standard → procedural code”. It also demonstrates that powers related to offenses detected during the maintenance of public order are directly articulated primarily in the norms of the **first, second, and fifth categories**.

Monitoring of the normative legal framework further indicates the existence of a need for greater legal certainty, as the scope of authority in administrative offense proceedings (including the drafting of reports, initiation of cases, and adjudication) is articulated inconsistently across several acts. In particular, the Classifier of Authorized Bodies, formed as an annex to the Regulation approved by Resolution No. 322 of the Cabinet of Ministers of the Republic of Uzbekistan dated 3 May 2018, lists a total of **46 bodies**, among which the National Guard bodies are recorded under code **380** (44th position), and the Main Department of the Guarding Service (MDGS) is listed separately as a special subject under code **381** (45th position). This signifies the recognition of the MDGS as an independent subject within the administrative proceedings chain.

However, the current text of the **Code of Administrative Responsibility** does not record the MDGS as an independent special subject. In particular, neither **Section III** (“Bodies Authorized to Consider Cases of Administrative Offenses”) nor **Chapter XVIII** (“Jurisdiction of Cases”) explicitly refers to the MDGS as a separate entity. From the perspective of the hierarchy of legal norms (*lex superior* and *lex specialis* principles), the absence in the Code of a structure

that is recognized as a subject at the level of a subordinate classifier gives rise to legal uncertainty and practical difficulties. This inconsistency increases the risk that procedural documents drawn up by departmental officers may be challenged as lacking legal force, creates the danger of acting ultra vires, may lead to the inadmissibility of evidence, and raises the likelihood that the results of administrative proceedings will be annulled by courts.

From a practical standpoint, this normative gap is also reflected in the implementation of the order adopted on 28 August 2023 at the initiative of the Commander of the National Guard, aimed at improving the activities of rapid response groups (RRGs) of technical guarding centers. Specifically, when RRGs arrive at the scene of an incident, the absence at the Code level of clearly defined legal grounds and procedures for applying administrative procedural measures reduces the effectiveness of preventive and disciplinary impact and generates “gaps in the coverage of authority” within interagency cooperation.

Based on the foregoing, comparative legal analysis demonstrates that clarity, transparency, and accountability of powers within the administrative proceedings chain are recognized as core requirements of democratic policing. The OSCE’s Democratic Policing handbook identifies the precise legal definition of police powers and the establishment of public and institutional oversight over their exercise as fundamental principles. Likewise, the UN Office on Drugs and Crime (UNODC) handbook on police accountability recommends internal and external review mechanisms, procedural transparency, and the systematic maintenance of registers of officials as essential standards.

In German practice, **§36 of the Act on Administrative Offenses (OWiG)** clearly determines “who” is empowered to make decisions in administrative offense proceedings through federal or Land-level regulations. This norm creates clarity within the “subject–discretion–responsibility” triad, minimizes jurisdictional conflicts at the pre-trial stage, and enhances the stability of decisions.

In Austria, **§50 of the Administrative Penal Act (VStG)**, through the Organstrafverfügung mechanism, grants specially trained supervisory bodies the authority to impose on-the-spot fines for certain offenses. The provision strictly enumerates not only the scope of authority but also procedural requisites (description of the offense, time and place, amount of the fine, and the name of the authority), thereby ensuring legal certainty alongside rapid preventive impact.

In the Russian Federation, **Article 28.3 of the Code of Administrative Offenses (KoAP RF)** provides a detailed, sector-based list of officials authorized to draw up administrative offense

protocols; this list is approved by competent federal executive bodies. This sectoral, multi-level delegation model clarifies points of procedural responsibility and facilitates statistical accounting and internal service control.

Foreign scholarly literature likewise emphasizes that the precise legal typification of powers is a prerequisite for the democratization of policing and results-oriented governance. David Bayley identifies legal clarity and accountability as the core of the “institutional architecture” of democratic policing, while Herman Goldstein’s concept of **problem-oriented policing (POP)** substantiates detailed delineation of powers and procedures as a practical means of enhancing effectiveness.

Based on the foregoing analyses, it is deemed appropriate to restate **Article 242 of the Code of Administrative Responsibility of the Republic of Uzbekistan**, entitled “Bodies (Officials) Authorized to Consider Cases of Administrative Offenses,” in the following new wording:

Article 242. Bodies (Officials) Authorized to Consider Cases of Administrative Offenses

1. Cases of administrative offenses shall be considered, in cases provided for by law, by courts, as well as by state bodies and officials specified in this Code.
2. In cases provided for by this Code, the following bodies and officials shall be authorized to consider administrative cases:
 - a) internal affairs bodies — within the limits established by this Code;
 - b) state supervisory (inspection) bodies — within the scope of their respective competences;
 - c) customs, tax, and other authorized bodies — in relation to the articles specified in this Code;
 - d) bodies of the National Guard of the Republic of Uzbekistan, including the Main Department of the Guarding Service — in the manner and to the extent provided for in Article 248¹ of this Code.
3. Jurisdiction over the consideration of cases of administrative offenses by bodies of the National Guard, including cases attributable to the Main Department of the Guarding Service, shall be determined in accordance with the provisions of Chapter XVIII of this Code.
4. The Main Department of the Guarding Service shall conduct administrative proceedings, in accordance with the procedure established by this Code, in relation to

offenses connected with object regime, security, access and exit procedures, and public order at guarded facilities and adjacent territories.

5. Officials authorized, on behalf of the bodies of the National Guard, to consider administrative cases and/or to draw up administrative offense reports shall include:

a) officials of the National Guard bodies designated in this Code;
b) the Head of the Main Department of the Guarding Service and his or her deputies; heads of territorial divisions of the MDGS; as well as other officials provided for by this Code and other legislative acts.

6. The positional list and identification of authorized officials under this article, as well as the procedure for the performance of their procedural actions, shall be determined by normative legal acts adopted in accordance with this Code, ensuring the supremacy of law and procedural guarantees.

7. The bodies and officials specified in this article shall exercise their powers strictly within the limits established by this Code and other laws, ensure respect for individual rights and freedoms, and shall be accountable in accordance with the law.

The positive outcomes expected as a result of the nominal integration of the **Main Department of the Guarding Service (MDGS)** into the content of Article 242 of the Code of Administrative Responsibility may be scientifically substantiated as follows:

First, the explicit inclusion of the MDGS into the text of Article 242 harmonizes the hierarchy of general–special norms (Article 242 → Article 248¹ → Chapter XVIII) into an internally coherent system. As a result, the principles of *lex certa* (legal certainty) and *lex specialis derogat legi generali* are institutionalized in practice. This ensures clear delineation of competences in accordance with legislative drafting standards and significantly reduces interagency conflicts and transaction costs associated with the transfer or referral of cases.

Second, procedural economy and due process guarantees are strengthened. The drafting of administrative offense reports, fixation of evidence, and initiation of cases by rapid response (operational) groups at the scene of an incident acquire a legitimate statutory basis. Consequently, the average interval from “incident report to case initiation” is reduced, the proportion of defective protocols and court-annulled decisions declines steadily, and the overall stability of administrative justice increases.

Third, the quality of evidentiary circulation is institutionalized in line with chain of custody standards. Through the use of standardized forms, checklists, and positional competence registers, the criteria of relevance, reliability, and admissibility of evidence are reinforced, thereby enhancing precedent stability and epistemic quality at the pre-trial stage.

Fourth, the system of human rights protection is strengthened through the practical enforcement of the principles of proportionality, legality, and accountability. Clearly defined limits of authority prevent excessive and disproportionate coercive measures, while effective complaint and appeal mechanisms ensure transparency and accountability within administrative jurisdiction.

Fifth, interoperability and digital concordance in public administration are ensured. Stable linkage between codes 380/381 in the Cabinet of Ministers Resolution No. 322 classifier and the “E-Administrative Case” system improves the speed and accuracy of data exchange. This maintains register consistency and significantly enhances the reliability of indicators, reporting, and monitoring.

Sixth, human resource capacity develops on the basis of institutional standards. Mandatory certification and short-cycle procedural training modules for the Head of the MDGS, deputies, and heads of territorial units enable precise operationalization of competence profiles, imparting a systemic character to error prevention in law-enforcement practice.

Seventh, economic and administrative efficiency increases. The average duration of proceedings is reduced, the share of reviews and annulments declines, and service costs are optimized. Processes approximating a “single-window” model improve the cost-effectiveness ratio and reduce waste across the value chain of administrative service delivery.

Eighth, the preventive effect is strengthened. At guarded facilities and adjacent territories, the dynamics of minor offenses shift toward a downward trend, risk factors are identified at an early stage, and proportionate, documented measures are applied. This ensures the practical functioning of risk management matrices.

Ninth, social capital and institutional trust indices increase. Unified interpretation of law, enhanced transparency, and accountability strengthen public trust, reinforce legitimacy in state-citizen relations, and increase societal acceptance of public order and security institutions.

Tenth, owing to the modular and scalable nature of the model, the system expands sustainably. Normative construction and digital concordance are rapidly adaptable to other territories and categories of facilities, while evidence-based decision-making across the entire cycle—from prevention to procedure—becomes an institutional norm.

In conclusion, the nominal integration of the Main Department of the Guarding Service into Article 242 of the Code of Administrative Responsibility institutionally stabilizes the chain of general–special norms, ensures legal certainty (*lex certa*) of powers and limitations, enhances procedural efficiency and evidentiary integrity, strengthens human rights guarantees, and fully activates digital concordance with Cabinet of Ministers Resolution No. 322 and the E-Administrative Case system. Collectively, these outcomes contribute to increased public trust and the sustainability of administrative justice.

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